

MONTGOMERY COUNTY DEPARTMENT OF POLICE



**INTERNAL AFFAIRS DIVISION
ANNUAL REPORT
2017**

DIRECTOR'S MESSAGE

The Montgomery County Police Department (MCPD) is providing its *Internal Affairs Division Annual Report for 2017* as part of its ongoing commitment to building trust through community engagement, communication, transparency, and accountability. MCPD is committed to providing the highest level of professional service and public safety to all county residents. MCPD's *Internal Affairs Division* (IAD) has published this annual report in an effort to be as transparent as possible. My hope is that this report will help you understand the seriousness with which we approach complaints made by the public and the procedures and processes that are followed in every case.



Public perceptions of the department are largely based on individual experiences and can certainly impact the legitimacy of police actions. The public expects and deserves a culture of transparency, accountability, fairness, trust, and respect, and every member of the police department must be held accountable for their actions. Community trust must be built on the foundation of a strong police culture that values integrity and holds individuals accountable for their behavior and actions.

Every positive or negative interaction between a member of the department and member of the community has the potential to either strengthen or damage the community's confidence and trust. The department is committed to working in partnership with the community to identify and resolve issues that impact public safety, enhance community relations, and build and maintain trust and confidence through transparency, accountability, and strong leadership at all levels of the department.

Creating a culture of integrity within the police department is crucial to building and sustaining community trust, effective policing, and safe communities. To that end, it is imperative that police executives acknowledge misconduct, and appropriately deal with misconduct when it occurs to earn the respect and confidence of the community. Notwithstanding the significant positive progress that the department has made based on its culture and long standing commitment to community policing, hiring and recruiting practices, training, continuing education, and leadership, there are always opportunities for further improvement.

The information contained in this report is part of the department's commitment to ensure that every member of the police department understands that he or she represents the entire agency, that personal conduct is his or her own responsibility, and that he or she will be held accountable for all conduct, whether positive or negative.

Captain Willie Parker-Loan
Director, Internal Affairs Division

THE INTERNAL AFFAIRS PROCESS

The Montgomery County Police Department (MCPD) recognizes the importance of establishing and implementing complaint and discipline procedures in order to monitor the conduct of the Department and promptly address issues that are identified that may negatively impact trust and confidence in the department by employees and the public. A critical part of maintaining this level of trust and confidence is through an effective and sound disciplinary process.

The Montgomery County Police Department's Internal Affairs Division (IAD) ensures that all complaints are thoroughly reviewed regardless of source and investigated to ensure that corrective action is taken for improper conduct, as well as ensuring that employees are protected from unwarranted criticism for properly engaging in their duties. The Director of IAD reports directly to the Chief of Police and IAD investigators have full authority to conduct an investigation without interference from any member of the department.

The Department accepts complaints via e-mail, in person, by telephone, or in written form in order to ensure that the community is comfortable in voicing their concerns. Anonymous complaints are also accepted. The *Departmental Complaint Form* (MCP 580) continues to be made available in six different languages at all District police stations and the Executive Office Building (EOB) located in downtown Rockville. In addition, the complaint form can also be downloaded and printed out from the department's webpage at <https://www.montgomerycountymd.gov/pol/chief/iad/index.html>. All complaints are to be received courteously by any Departmental employee.

Each complaint is personally reviewed by the IAD Director and Deputy Director in order to differentiate between allegations of serious and minor misconduct. The minor allegations (*intakes*) are customarily sent to the Division or District executive staff of the involved officer/employee. If an intake investigation results in a sustained violation, corrective action is normally taken through non-disciplinary counseling. Traffic offenses, lack of courtesy, and poor performance are some typical examples of minor offenses. IAD investigators handle the more serious allegations or multiple minor offenses, which can result in progressive discipline ranging from oral admonishment up to and including dismissal from the Department (*formals*). Excessive uses of force, discrimination, theft, etc., are examples of serious allegations. All formal investigations involving sworn personnel must be conducted in compliance with the Law Enforcement Officers' Bill of Rights (LEOBR). IAD also conducts formal investigations of civilian employees who are not covered by the LEOBR.

Each sustained formal allegation is reviewed by the Internal Investigative Review Panel (IIRP), which consists of the Assistant Chiefs, the IAD Director, and the Commander/Director of the District or Division of the involved employee. The IIRP ultimately determines which allegations will remain sustained and makes disciplinary recommendations which are then forwarded to the Chief of Police for action. The ultimate authority for disciplinary action involving sworn and civilian personnel of the Department rests with the Chief of Police. The Chief may concur or increase or decrease the IIRP's disciplinary recommendation(s). Employees may accept the recommended discipline or appeal the decision of the Chief of Police.

The Fraternal Order of Police (FOP) *Collective Bargaining Agreement* (CBA) permits officers to appeal discipline issued by the Chief of Police via a hearing board process. Civilian disciplinary actions are appealed through procedures established through collective bargaining and the Office of Human Resources. In 2009, the Maryland Court of Special Appeals ruled in favor of the County as to the use of summary punishment under Section 3-111 of the *Public Safety Article*.

Summary punishment may be imposed for minor violations of law enforcement agency rules and regulations if the facts that constitute the violation are not in dispute; the law enforcement officer waives a hearing; and the law enforcement officer accepts the punishment imposed by the highest ranking law enforcement officer, or individual acting in that capacity, of the unit to which the law enforcement officer is assigned. Summary punishment imposed under Section 3-111 may not exceed suspension of three days without pay or a fine of \$150.

The majority of summary punishment offers made to resolve disciplinary cases involving sworn personnel are accepted by employees. The full implementation of summary punishment has allowed officers the ability to accept disciplinary offers provided the officer does not dispute the facts of the case at the time of the offer. This has helped to significantly reduce the total time between the initiation of a case and case completion.

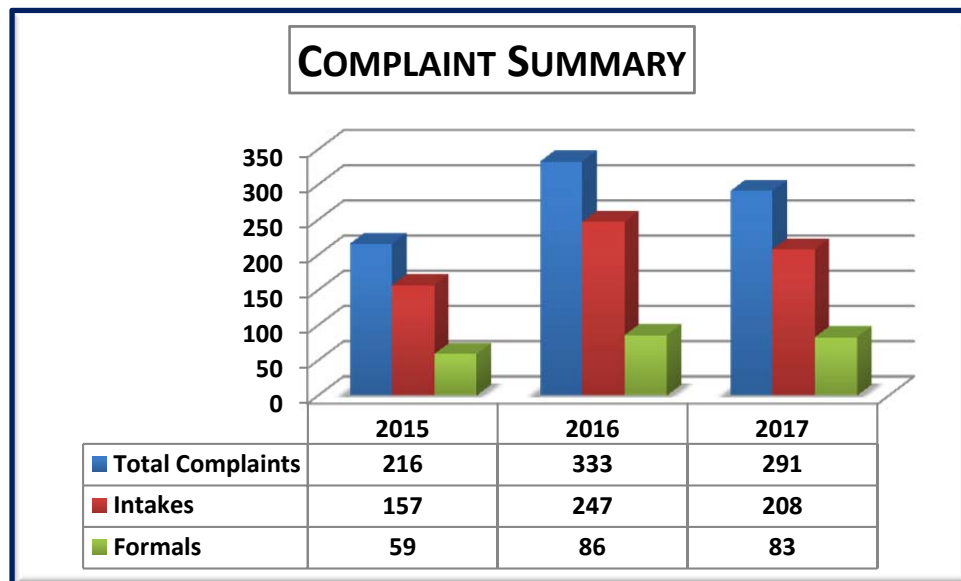
The department’s IAD plays a critical role by helping to prevent misconduct, properly addressing misconduct when it occurs, helping to build and maintain the highest possible levels of community trust and confidence, and maintaining an ethical work environment based on integrity and honesty. Throughout 2017, the IAD Director provided weekly updates on existing cases to the Chief and Assistant Chiefs, and also provided a briefing on new complaints. In the past, this report was prepared and presented internally to summarize allegations of misconduct made against employees, and used to identify patterns, or any other issues requiring corrective action.

COMPLAINT SUMMARY

In 2017, there were 291 cases opened by the Internal Affairs Division, with a total of 511 allegations recorded. The following statistics reflect a three-year comparison, as well as an analysis of the complaints received involving both sworn and civilian personnel. Intake investigations made up 71 percent of all IAD cases, while formal investigations accounted for 29 percent of cases.

Complaint Types

The charts below provide a comparison of *complaints* reported to the IAD from 2015 – 2017.



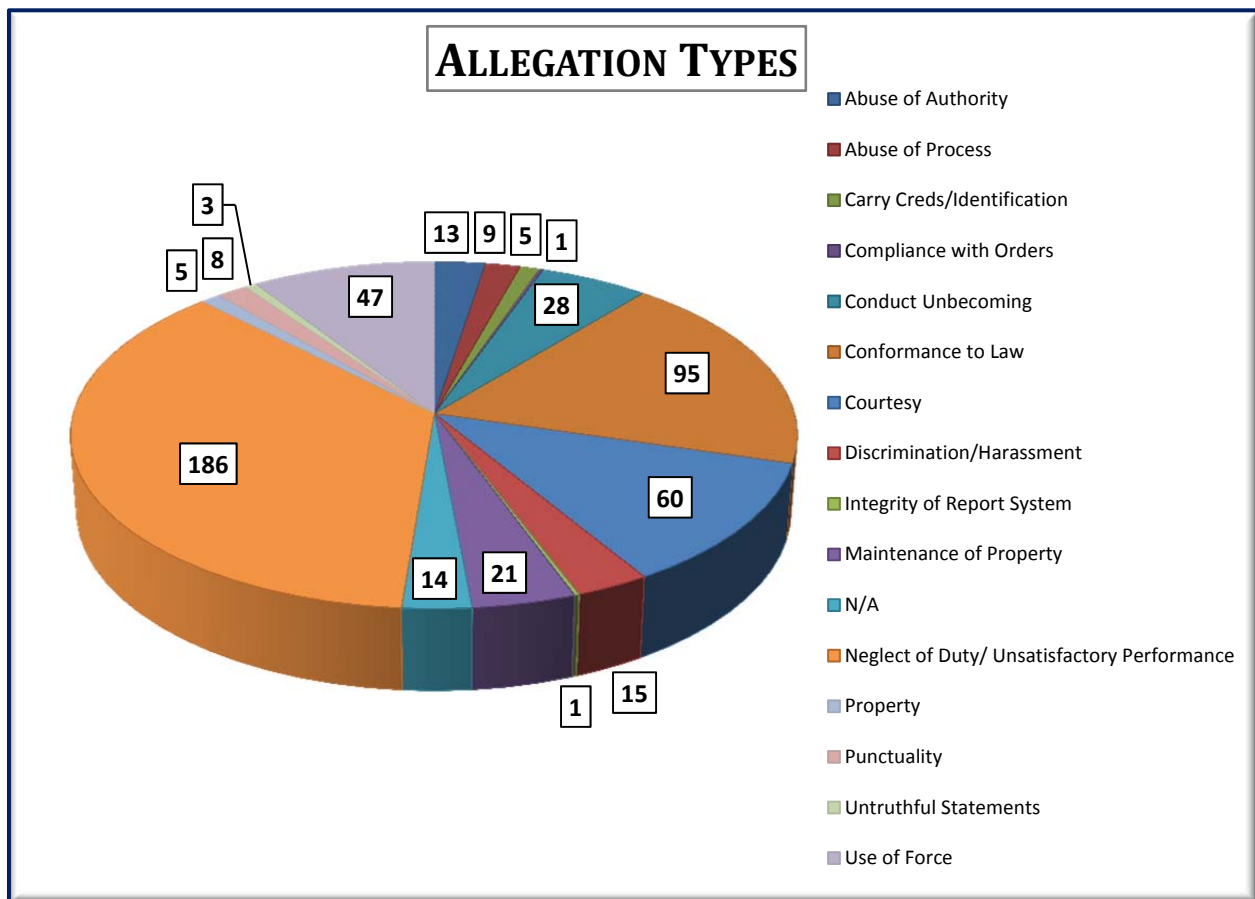
The data reflects a 12.6 percent decrease in the number of complaints received in 2017 compared to 2016, but a 34.7 percent increase since 2015. Both intake and formal investigations declined from 2016 to 2017 by 15.8 percent and 3.5 percent respectively, but remained higher than 2015 totals (32.5 percent and 40.7 percent respectively).

There were 55 complaints (intake investigations) that were declined by IAD in 2017. This occurs when the complaint does not contain enough information for IAD to determine the employees' identity, or it is determined that the subject of the complaint is from another jurisdiction, the complaint did not include sufficient information to identify a potential rule violation, or body camera video footage clearly establishes that the individual complied with department policy.

Allegation Types

In 2017, *Neglect of Duty/Unsatisfactory Performance* was the most common allegation received, which was responsible for 36.4 percent of the allegations made against department employees, followed by *Conformance to Law* (18.6 percent), and *Courtesy* (11.7 percent). Overall, these three complaint types were responsible for more than two-thirds of the allegations received in 2017. This trend is consistent with data from previous years. Examples of these allegations may include employees not following department policies and procedures, traffic violations (e.g., speeding), and unprofessional demeanor/rudeness in interacting with the public.

The following chart summarizes the *types of allegations* received by IAD in 2017.

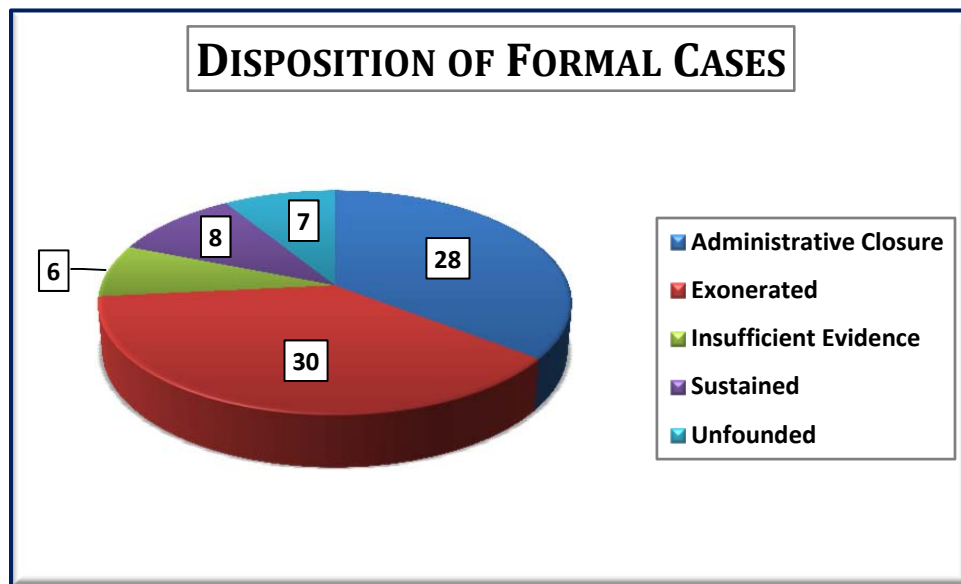


Note: There may be more than one allegation made against an employee. Those allegations designated as 'N/A' were those that were unable to be classified due to insufficient or missing information.

Disposition of Formal Investigations

In 2017, there were 203 allegations that resulted in 83 formal investigations. On average, IAD investigators were able to bring approximately 38.9 percent of the formal investigations to a close within approximately 66 days. Formal investigations generally tend to take longer than intakes because of the complex nature of the investigations and the laws and procedures governing the employees' rights, including the right to appeal. In many complaints, there are often multiple allegations against one employee, and/or there may be multiple employees named as subjects in one case. In 2017, there were 89 employees with multiple allegations per case.

The chart below provides a summary of the *dispositions* of the formal IAD investigations opened in 2017.



Note: Approximately two-thirds of the formal investigations are still open (active).

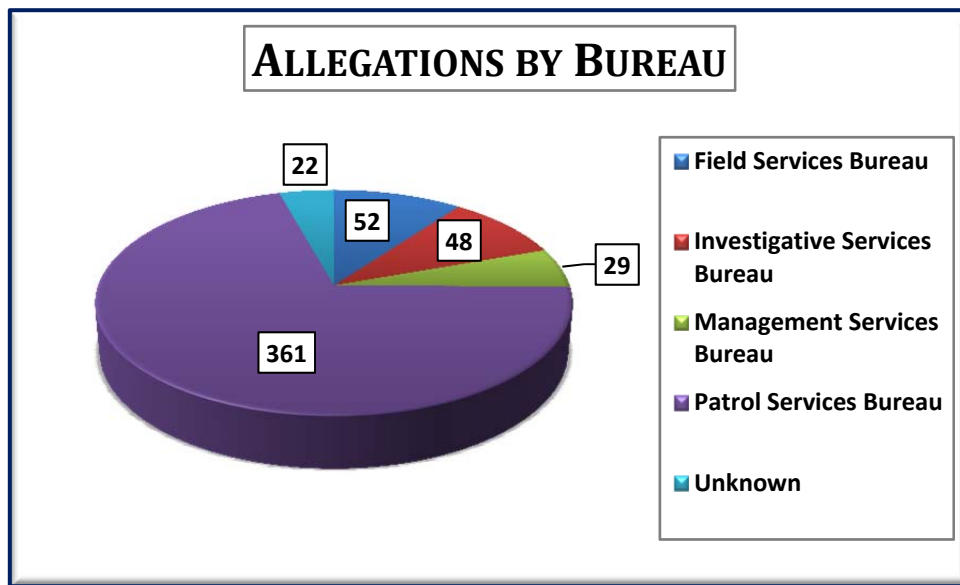
The following is a list of the definitions of each of the dispositions shown above.

- *Administrative Closure:* An administrative conclusion used to terminate an internal investigation which cannot proceed to a normal conclusion (e.g., because of an uncooperative complainant).
- *Exonerated:* The incident did occur, but the actions of the involved employee(s) were justified, lawful, and proper.
- *Insufficient Evidence:* The investigation failed to disclose sufficient evidence to prove or disprove the allegation.
- *Sustained:* The investigation disclosed sufficient evidence to prove an allegation of misconduct.
- *Unfounded:* The investigation of the complaint reveals that the acts complained of did not occur.

The chart on the following page provides a breakdown of the bureaus within the department that employees were assigned to at the time the allegations were made. Each bureau falls under the management of an Assistant Chief of Police.

Allegations by Bureau

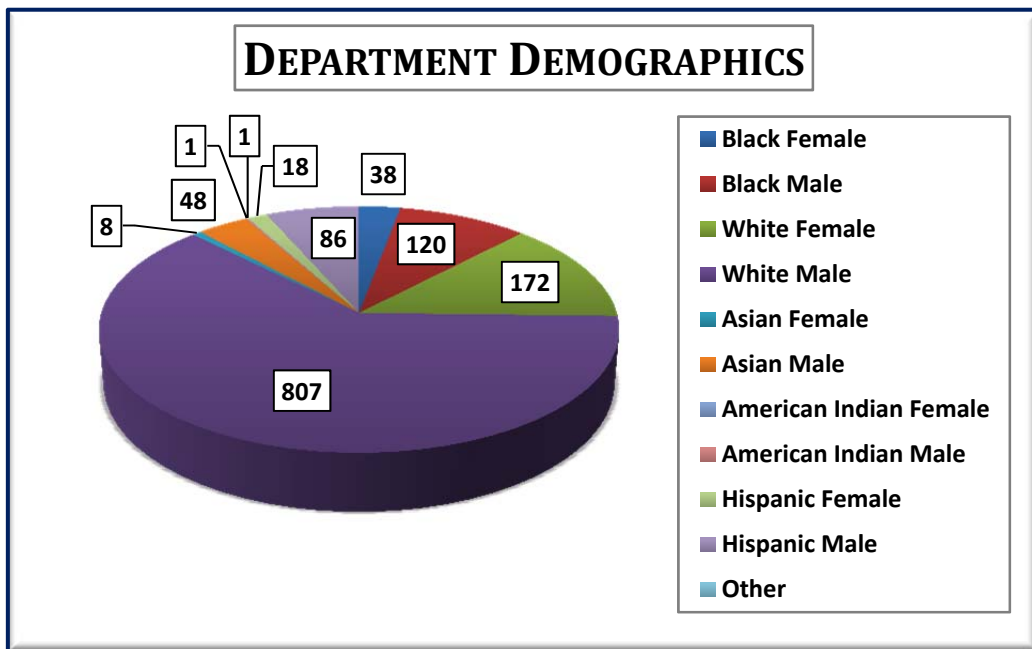
The following chart summarizes the *allegation types* received by IAD in 2017 *by bureau*.



The data indicates that 74 percent of the allegations made in 2017 involved employees in the *Patrol Services Bureau* (PSB), which is the largest bureau in the department comprised primarily of sworn officers assigned to the department’s six police districts.

DEMOGRAPHICS

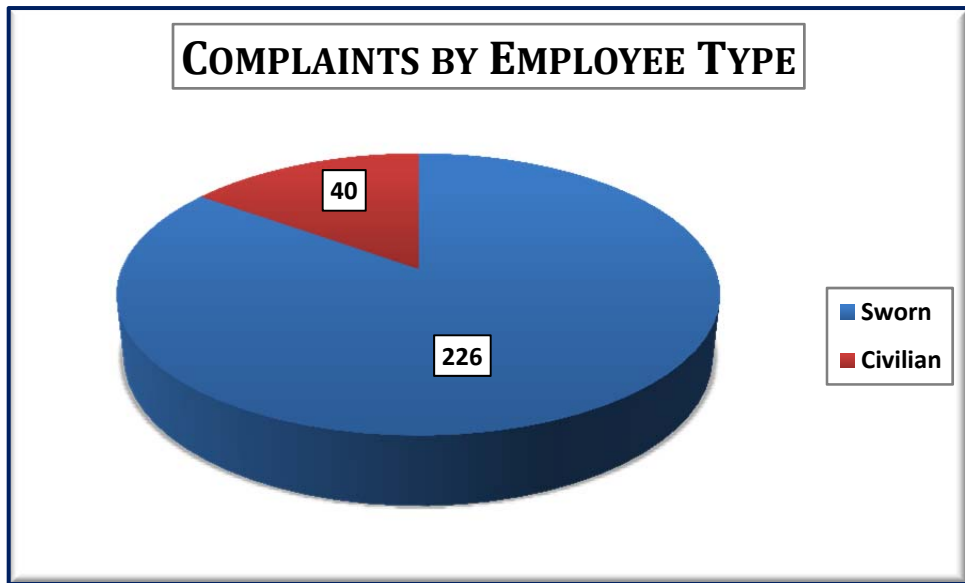
The following chart represents the *department’s demographics* as of January 2018.



The data shows that approximately 63.7 percent of the department's personnel are *male* and 36.3 percent are *female*, and 71 percent of these personnel are *Caucasian*.

Complaints by Employee Type

The chart below provides a breakdown of complaints by *employee type* in 2017.



Note: In some instances, there may be more than one employee that is the subject of a complaint.

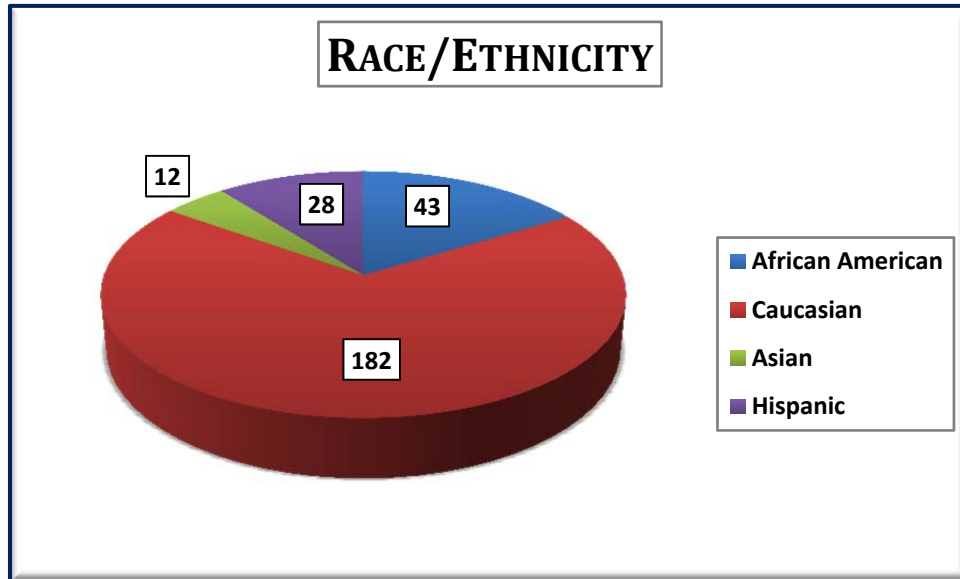
The data shows that 85 percent of the employees who were the subject of complaints were *sworn* personnel and 15 percent were *civilian* members of the department.

The following series of charts provide a summary of the *demographics* of the known, unique subjects¹ (*i.e., the individual the complaint was made against*) of the IAD cases received in 2017. This includes the *race/ethnicity, gender, and age* of the subjects, as well as the *years of service* with the department at the time the allegation was made, and only in those cases where this information was available.

Race/Ethnicity

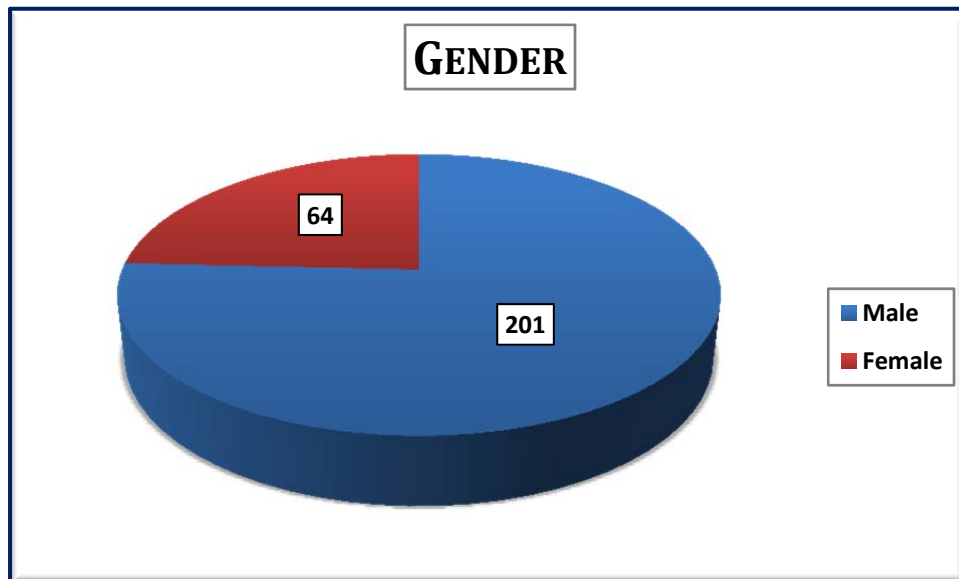
In 2017, 68.7 percent of the employees investigated by IAD were *Caucasian*, 16.2 percent were *African American*, 4.5 percent were *Asian*, and 10.6 percent were *Hispanic* as depicted in the chart on the next page.

¹ Note: Occasionally, complaints are made against MCPD officers, but the complainant does not have a name and can only provide partial descriptions.



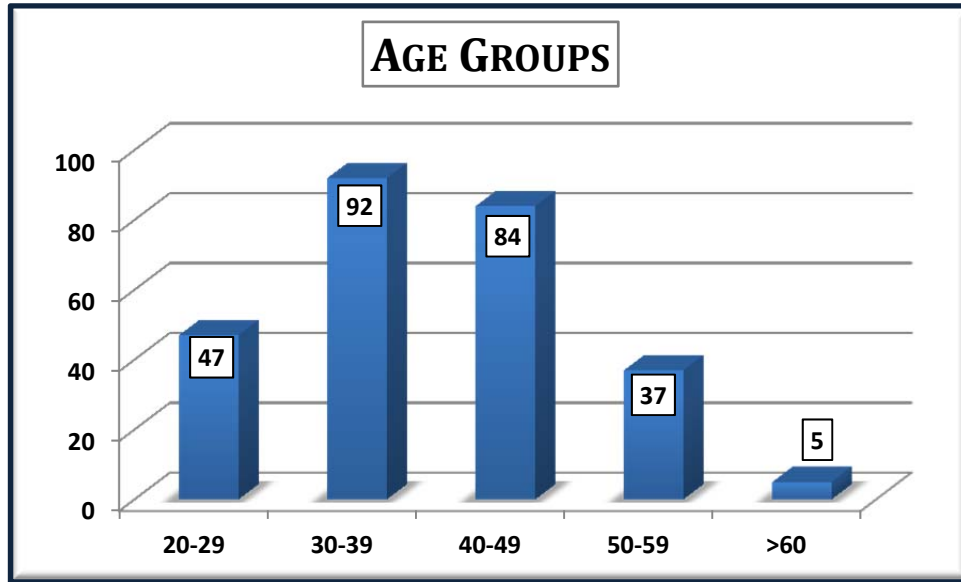
Gender

In 2017, 76 percent of the employees investigated by IAD were *male*, and 24 percent were *female* as shown in the chart below.



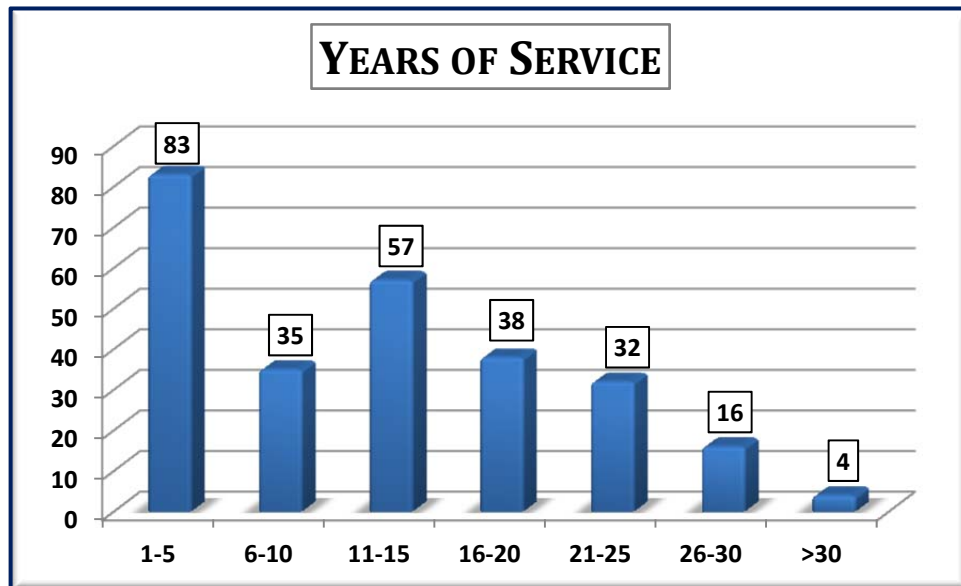
Age

In 2017, 52.5 percent of the employees investigated by IAD were between the ages of *20 and 39*; 45.7 percent were in the *40-59 age group*; and the remaining 1.8 percent were in the *age 60 and older age group*, as represented in the chart on the following page.



Years of Service

The chart below summarizes the *years of service* on the department of the employees investigated by IAD in 2017.



In 2017, 31.3 percent of the employees that were the subject of a complaint served on the department from 1-5 years, 34.7 percent served on the department from 6 to 15 years, and employees serving on the department for *more than 16 years* comprised the remaining 34 percent of employees.

SUMMARY

This report is the first to be released to the public and provides context and analysis to the data that was made available to the public in 2017 on the *dataMontgomery* web site, and is part of the department's continued commitment to creating and maintaining a culture of transparency and accountability <https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2>.

Openness speaks to the integrity of the police department and builds on the trust and collaboration with our community. This report is also an integral component of the department's responsibilities as a *Commission on Accreditation for Law Enforcement Agencies* (CALEA)-accredited law enforcement agency. MCPD has been a CALEA-accredited law enforcement agency since 1993. The CALEA Law Enforcement Accreditation Program is the primary method for an agency to voluntarily demonstrate their commitment to excellence in law enforcement by systematically conducting an ongoing internal review and assessment of the agencies' operations, policies and procedures, and make adjustments wherever necessary, to meet a body of internationally accepted standards.

The data outlined in this report shows the following outcomes for 2017:

- ❖ IAD received 511 allegations and opened 291 cases.
- ❖ Intake investigations made up 71 percent of all cases, and formal investigations comprised the remaining 29 percent.
- ❖ IAD received 12.6 percent fewer complaints compared to 2016.
- ❖ Formal and intake investigations decreased 15.8 percent and 3.5 percent respectively from 2016.
- ❖ There were 55 complaints (intake investigations) declined by IAD due to insufficient information or other reasons.
- ❖ 85 percent of the personnel who were the subject of complaints were sworn officers and 15 percent were civilian personnel.
- ❖ *Neglect of Duty/Unsatisfactory Performance* was the most common allegation responsible for 36.4 percent of the allegations made against department employees, followed by *Conformance to Law* (18.6 percent), and *Courtesy* (11.7 percent). Overall, these three complaint types were responsible for more than two-thirds of the allegations received.
- ❖ There were 89 employees with multiple allegations per case.
- ❖ There were 203 allegations that resulted in 83 formal investigations – approximately 39 percent of which were closed within an average of 66 days.
- ❖ 74 percent of the allegations involved employees in the Patrol Services Bureau (PSB).
- ❖ 68.7 percent of the subjects of IAD cases were *Caucasian*, 16.2 percent were *African American*, 4.5 percent were *Asian*, and 10.6 percent were *Hispanic*.
- ❖ 76 percent of the subjects of IAD cases were *male*, and 24 percent were *female*.
- ❖ 52.5 percent of the subjects of IAD cases were between the ages of *20 and 39*; 45.7 percent were in the *40-59 age group*; and the remaining 1.8 percent were in the *60 and older age group*.

- ❖ 31.3 percent of the employees that were the subject of a complaint served on the department from 1-5 years, 34.7 percent served on the department from 6 to 15 years, and employees serving on the department *more than 16 years* comprised the remaining 34 percent of employees.

In 2017, IAD continued to provide training for entry-level and supervisory classes. Training continues to focus on complaint avoidance through professional service delivery, rather than technical handling of complaints. IAD provided training as part of the in-service supervisory training and covered topics such as how to handle intake complaints and how the formal investigative process works. Training was also provided to the police officer candidates and during the citizen academies.

The department's *Body Worn Camera* (BWC) program was fully implemented in 2016, and now includes approximately 1,000 officers who are equipped with the technology that helps document interactions between the police and individuals involved in the majority of calls for service. The department's use of force policy requires supervisors to review all body camera footage captured for all incidents where officers use any type of force. Body cameras have also proved helpful in resolving complaints in a more timely fashion and capturing valuable evidence for investigative purposes. The use of this technology has added an additional layer of transparency and accountability to the department's efforts to continually build trust and improve its standing with the communities it serves throughout the county.

In today's environment of heightened public expectations and focus on police department operations, it is important to emphasize that regardless of the department's view on how well it executes its mission, the ultimate measure of success and the ability to maintain public trust, is how well the community views the department's efforts to be transparent and held accountable.



MONTGOMERY COUNTY
DEPARTMENT OF POLICE

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