



REPORT TO HUMAN RELATIONS COMMISSION

FROM: R.T. Finney, Chief of Police

DATE: April 4, 2011

SUBJECT: Summary of Police Department Citizen Complaints, 2010

INTRODUCTION:

The internal affairs function of the Champaign Police Department is overseen by the Office of Professional Standards and serves directly under the Chief of Police. The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees.

The purpose of this report is to give an overview of the internal affairs process used by the Champaign Police Department and provide comment on citizen input in both positive and negative data collected for 2010. The thorough and fair investigation of all citizen complaints, regardless of the source, remains a top priority for the Champaign Police Department.

BACKGROUND:

The Office of Professional Standards oversees the complaint investigative process of the Champaign Police Department. The Deputy Chief and department staff assigned to this function are responsible for the facilitation, investigation and record keeping of all citizen input concerning the commendation or misconduct of the employees of the Police Department. All recommendations of commendation or disciplinary action are reviewed by District Commanders, Divisional Commanders and the Chief of Police. Final consideration of disciplinary action is determined through the office of the Chief of Police. The process also grants the citizen and City employees the option to have their complaint or grievance reviewed by the City Manager's Office.

Investigations and interviews regarding criminal and administrative allegations of an employee have certain legal requirements that must be adhered to before a recommendation of finding is made. Criminal allegations have 5th Amendment rights that the officer is afforded, and certain administrative protections are afforded the officer in cases that are not criminal offenses. These protections are found in administrative labor laws to protect the employee from undocumented or false allegations.

Definitions: A **commendation** is defined as conduct that reflects the City of Champaign values of Personal Integrity, Responsibility, Respect, Teamwork or Results. This conduct is usually identified by a citizen report or other sources within the organization.

Misconduct is defined as any conduct which adversely reflects upon the officer or police department, or which is contrary to our values or to the proper performance of official duties, including the misuse of official authority; or any violation of departmental rules, policies or directives. This includes violations of federal, state or local statutes. This conduct can be identified by citizen complaint or through internal sources within the organization.

Misconduct complaints have several possible dispositions. A complaint that is filed could involve more than one allegation, and each allegation would be addressed by a disposition. Complaint/allegation dispositions are classified and described as follows:

1. **Unfounded**- Allegation is false or not factual.
2. **Exonerated**- Allegation or conduct is true, but the action in question was consistent with law and/or department policy.
3. **Not Sustained**- Insufficient evidence to prove or disprove the allegation.
4. **Sustained**- Allegation is true and the action in question was inconsistent with law and/or department policy.
5. **Misconduct Noted**- There were no sustained findings pertaining to the original complaint, however other violations of law and/or department policy were discovered during the investigation.

DISCUSSION:

The Champaign Police Department received 61,630 calls for service in 2010 and received 33 citizen complaints. This suggests that the department received one complaint for every 1868 citizen contacts. Officers also received 37 positive citizen compliments. The following chart shows complaint data for the last five years.

	2006	2007	2008	2009	2010
Number of Complaints	27	22	23	17	33
Number of Allegations	61	40	43	29	48
Sustained	8	11	9	1	5
Not Sustained	13	8	7	14	15
Exonerated	15	8	8	4	7
Unfounded	25	13	16	10	21
Appealed to City Manager	0	1	3	0	2

- There were 16 more complaints and an increase of 19 misconduct allegations in 2010 compared to 2009.
- Of the 33 complaints, 5 or 15% had at least one allegation sustained. Over the last 5 years, 27.8% of complaints have had at least one allegation sustained; the national average is about 10% sustained complaints.

Complaint Origin: We determine what type of situation brings about complaints. The last five years are reflected in the following table.

Complaint Origin	2006	2007	2008	2009	2010
Calls for Service	13	14	13	11	15
Investigative Contact	4	1	3	3	4
Non-Police Situation	3	1	1	0	2
On-View Offense	4	2	1	1	6
Other Self-Initiated Activity	1	0	0	0	2
Traffic Stop	1	4	4	1	4
Parking or Tow	1	0	1	1	0
Total	27	22	23	17	33

Complaint Allegation Trends: Most of the complaint allegations received in 2010 were categorized as “Force,” “Discourteous Conduct,” or “Wrong Action by Employee.” This trend has been consistent over the years this data has been collected. Some examples of discourtesy allegations cited in 2010 complaints were: making rude or inappropriate comments, or speaking in an angry or intimidating tone. Wrong action allegations included improper arrest, search or cuffing procedures, or unjustly stopping and detaining. Force allegations include unreasonable amount of force used making an arrest.

Category	2006	2007	2008	2009	2010
Wrong Action	15	8	10	8	21
Discourtesy	16	13	14	7	6
Force	11	14	15	13	8
Discrimination	0	0	0	0	4
Harassment	3	2	0	0	1
Poor Judgment	2	2	0	0	1
No Action	11	1	4	1	4
Policy Issue	3	0	0	0	3
Slow Response Time	0	0	0	0	0

Many complaints arise from a difference in perceptions or a misunderstanding of police procedure, training and authority. We believe that the use of in-car video cameras has reduced the number of discourtesy complaints and complaints related to traffic stops. The circumstances under which most of the force allegations have generally been made are cases of resisting arrest where the complainant alleges he or she was not resisting. These cases are investigated in light of both what the officer did and what the complainant did to contribute to the situation. In 2010

the Police Department averaged less than one complaint for every four officers. Attention is paid to those employees receiving multiple complaints, especially in repeat categories. This year, three officers had two complaints, one officer had three complaints, and one officer had four complaints.

Disciplinary Action: In 2010 there were 8 letters of reprimand, 15 verbal counselings, 3 one-day suspensions, and 1 termination. The 27 disciplinary actions were received by 22 different employees. Five of the disciplinary actions were in response to citizen complaints.

Category	2006	2007	2008	2009	2010
Written Reprimand	21	24	10	12	8
1-3 Day Suspension	1	2	2	0	3
5-10 Day Suspension	1	0	0	0	0
Major Suspension (11-30 days)	0	1	0	0	0
Resignation	0	0	1	1	0
Recommendation for Discharge	0	0	0	0	1
Counseling	13	8	18	7	15

Complaint Process Comments: Substantive changes were made to the complaint process in 1999, 2007 and 2010. First line supervisors are involved in investigating some of the complaints lodged against their officers; but the more serious allegations investigated by the Professional Standards Unit. In addition, the Police Department management team reviews on-going complaint investigations as well as trends and training needs brought to light by complaints.

Conclusion: The Police Department has no control over the number of complaints that it receives. We cannot be certain why the number of complaints almost doubled in 2010 from the 2009 level, reversing a trend of declining number of complaints since 2005, when there were 37 complaints. Some of the current increase is likely due to the Police Department's and other partners such as HRC wider publication about the complaint process, the increased number of places a complaint packet can be found, and the acceptance of mailed in complaints. The Police Department provided training on taking a complaint at the outside locations to ensure a complainant's basic questions could get answered. The downside for police and the public to accepting and investigating mailed-in complaints is that there is less opportunity for face-to-face dialogue about police procedures or discussing the events surrounding a police/citizen contact.

The role of police in the criminal justice system frequently brings police into contact with citizens in negative circumstances. The Champaign Police Department continues to work with our community to providing an open and effective process to prevent and detect misconduct in our contacts with citizens, and to assure accountability by police. In this regard, the Department works with City Council, CCAPP and members of the Human Relations Commission examine changes in the areas of making a complaint, filing a complaint, offering mediation, reporting outcomes, and educating the public.

The current complaint process is as follows:

Procedural Process

- Formal complaints shall be filed within 30 days of the reported incident unless unusual circumstances prevent such filing. In such case, the complainant shall notify the Police Department of the intent to file within 30 days of the incident and request an extension up to 60 days.
- Complaint forms may be mailed in and are available on-line or for pick up at the City Building Information Desk and Community Services Office, at several churches, at the Boys and Girls Club, at Land of Lincoln Legal Services, and at The Whip Barbershop.
- Complainants are required to:
 1. Affirm that their allegations are true.
 2. Make themselves available to be interviewed by the investigating supervisor.
 3. Provide the investigating supervisor with any witnesses, evidence, or supporting documentation related to the complaint.
- The complainant must cooperate with this process or the matter will be investigated as an internal inquiry and not a formal complaint. In such case the complainant forfeits written notification of the disposition.
- When the complaint is received, Professional Standards mails the complainant a letter explaining the process and summarizing the complaint allegations. The complainant can modify the allegations by contacting Professional Standards.
- When the complaint has been concluded, the complainant receives the findings in writing, and can appeal to the City Manager.

Citizen Complaint Fact Sheet

- A complainant is given the Fact Sheet when he/she makes a complaint, and also receives one in the mail from Professional Standards.

Citizen Complaint Intake Procedure

- A digital video recording system at the police department documents the complaint intake process, when done in person.

Champaign Police Website

- A Citizen Complaint/Commendation Form is on the City of Champaign website to allow online reporting. The site also has the Citizen Complaint Fact Sheet, and the annual Complaint summary report.

Champaign Police Department Citizen Feedback Brochure

- A Citizen Feedback Brochure has been created to allow another means for a citizen to communicate to the police department, both compliments and complaints. This is available in several locations, including Council Chambers.

Conducting complaint investigations that are timely, objective and impartial remains a high priority for the Champaign Police Department. Educating and sensitizing our employees to understand the needs of the community continues to be of critical importance.

Prepared by:

Holly Nearing
Deputy Chief

Champaign Police Department 2010 Citizen Complaint Summary

COMP #	DATE FILED, FINISHED	COMPLAINT TYPE	INCIDENT LOCATION	COMPLAINANT DEMOGRAPHIC	UNIQUE COMPL.	UNIQUE OFFICER, TENURE	APPEAL	ALLEGATION(S)/COMMENTS	COMPLAINT DISPOSITION	DISCIPLINE IMPOSED
10-01	1/11/10, 2/17/10	Courtesy; Bias	100 W Washington, Ch	African-American female	Yes	Yes; 2yr, 1yr	No	Officers were rude; failed to make an arrest due to race of complainant.	Not sustained; Unfounded	NA
10-02	1/17/10, 2/23/10	Force	600 E University, Ch	African-American male	Yes	Yes, 11yr	No	Officer used unreasonable amount of force detaining and arresting complainant.	Not sustained.	NA
10-03	3/5/10, 4/27/10	Courtesy; Force; Force	300 E. Green, Ch	African-American male	Yes	No, same as 10-21, 3yr	No	Officer made rude comment; used an unreasonable amount of force; banged his head.	Not sustained; Unfounded; Not sustained	NA
10-04	3/18/10, 4/27/10	Violated procedures; False report	800 N Prospect, Ch	African-American female	No, same as 10-20	Yes, 2yr	No	Officer failed to identify himself; falsified a prior report.	Unfounded; Unfounded	NA
10-05	3/30/10, 5/5/10	Wrong action; Violated procedures; Force	500 W Bradley, Ch	African-American female	Yes	No, same as 7, 11, 32, 8yr	No	Officer should not have arrested; should not have impounded vehicle; unreasonable amount of force used in arrest.	Exonerated; Exonerated; Not sustained	NA
10-06	4/22/10, 5/13/10	Wrong conduct	Champaign County	White female	Yes	Yes, 8yr	No	Officer should have known stored property was not properly possessed.	Unfounded	NA
10-07	5/26/10, 6/3/10	Force	500 E Columbia, Ch	African-American male	No, same as 10-32	No, same as 5, 11, 32, 8yr	No	Officer used unreasonable amount of force arresting complainant.	Unfounded	NA
10-08	6/23/10, 8/24/10	Courtesy; Violated procedures	700 Bethume Ct	White female	Yes	Yes, 9yr	No	Officer used profanity; gave an improper order.	Not sustained; Not sustained	NA
10-09	6/30/10, 7/8/10	Courtesy	82 E University, Ch	African-American female	Yes	Yes, 11yr	No	Employee was discourteous on the phone.	Sustained	Yes
10-10	7/14/10, 8/24/10	Bias	6th/University, Ch	African-American male (2)	Yes	multiple	No	Complainants were detained and charged based on their race.	Exonerated	NA
10-11	7/14/10, 8/1/10	Violated procedures	400 E Church, Ch	African-American female	Yes	No, same as 5, 7, 32, 8yr	No	Officer should not have given her an NTA.	Unfounded	NA
10-12	7/15/10, 9/7/10	Courtesy; Violated procedures; Force	100 E Healey, Ch	White male; African-American female	Yes, Yes	No, same as 10-17, 10-20 1yr; Yes, 25 yr	Yes	Officer used profanity; did not identify himself; officers used an unreasonable amount of force detaining them.	Not sustained; Unfounded; Not sustained	NA
10-13	7/19/10, 7/28/10	Violated procedures	100 N Walnut, Ch	White male	Yes	No, same as 10-24, 6yr	No	Officer stopped him for no legitimate reason.	Unfounded	NA
10-14	7/26/10, 8/1/10	Courtesy; Violated procedures	700 S 5th, Ch	White female	Yes	Yes, 8yr; yes, 17yr	No	Officers were discourteous and did not handle incident appropriately.	Sustained; not sustained	Yes
10-15	7/26/10, 7/29/10	Bias	900 W Bradley, Ch	African-American male	Yes	Yes, 2yr	No	Officer stopped him based on his race.	Not sustained	NA
10-16	7/23/10, 9/10/10	Courtesy	1200 Joanne Ln	African-American female	Yes	Yes, 8yr	No	Officer was rude and overbearing.	Unfounded	NA
10-17	8/3/10, 9/7/10	Bias	500 W Union, Ch	White female	Yes	No, same as 10-12, 10-20, 1yr; No, same as 10-25, 14yr	Yes	Officers were unprofessional and biased.	Not sustained	NA
10-18	8/19/10, 9/8/10	Force	2500 W Springfield	African-American male	Yes	Yes, 13 yr	No	Officer used unreasonable amount of force arresting complainant.	Unfounded	NA
10-19	8/22/10, 9/20/10	Force	700 N Hickory	African-American male	Yes	Yes, 4yr Yes, 13yr; Yes, 7yr; No, same as 10-12, 10-17, 1yr	No	Officer used unreasonable amount of force detaining complainant.	Unfounded	NA
10-20	8/9/10, 9/23/10	No action, wrong action	200 S Locust	African-American female	No, same as 10-04		No	Officers failed to take action, then took wrong action.	Unfounded; Unfounded	NA
10-21	9/28/10, 10/5/10	Harassment	1200 Hedge	African-American male	Yes	No, same as 10-3, 3 yr	No	Officer wrote traffic ticket as harassment.	Unfounded	NA
10-22	10/11/10, 10/18/10	Courtesy; force	2000 N Neil	White female	Yes	Yes, 6yr	No	Officer cursed at her and put handcuffs on too tight.	Unfounded; Unfounded	NA

COMP #	DATE FILED, FINISHED	COMPLAINT TYPE	INCIDENT LOCATION	COMPLAINANT DEMOGRAPHIC	UNIQUE COMPL.	UNIQUE OFFICER, TENURE	APPEAL	ALLEGATION(S)/COMMENTS	COMPLAINT DISPOSITION	DISCIPLINE IMPOSED
10-23	10/13/10, 11-27-10	No action	700 S 6th, Ch	White female	Yes	No, same as 10-28, 9yr	No	Officer failed to investigate or report a crime.	Sustained	Yes
10-24	10/14/10, 12/7/10	Violated procedures	200 E Clark, Ch	White female	Yes	No, same as 10-14, 6yr	No	Officer failed to investigate or report a crime.	Not sustained	NA
10-25	10/14/10, 10/20/10	Wrong action	1400 N Champaign	African-American female	Yes	No, same as 10-17, 14yr	No	Officer did not have right to talk to her.	Exonerated	NA
10-26	10/28/10, 12/7/10	Force; violated procedures	1400 W Kirby	African-American male	Yes	Yes, 3yr	Yes	Officer used an unreasonable amount of force; denied medical attention.	Unfounded; unfounded	NA
10-27	11/2/10, 2-21-11	Violated procedures	Central HS	African-American male	Yes	Yes, 16yr	No	Officer improperly interviewed subject.	Exonerated	NA
10-28	11/22/10, 12/6/10	Wrong action	300 W Washington	White male	Yes	Yes, 1yr; No, same as 10-23, 9yr	No	Officers improperly entered residence.	Sustained	Yes
10-29	11/26/10, 12/1/10	Wrong action	1800 W John	African-American male	Yes	No, same as 10-32, 18 yr	No	Officer improperly had his hand on his weapon.	Exonerated	NA
10-30	12/8/10, 12/17/10	Courtesy; no action	00 Main St	White female	Yes	Yes, 11yr	No	Officer was discourteous, and failed to report a crime.	Unfounded; unfounded	NA
10-31	12/14/10	Poor judgement	Police dept	White male	Yes	Yes, 8yr	No	Officer made inappropriate comment.	Sustained	Yes
10-32	12/21/10, 3-1-11	Courtesy; wrong action	2000 N Neil	African-American male; African-American female	No, same as 10-7; Yes	No, same as 10-29, 18yr; No, same as 5, 7, 11, 8yr	No	Officers made inappropriate comments and detained subjects improperly.	Not sustained; exonerated	NA
10-33	12/23/10, 1/17/11	Wrong action	Police dept	African-American female	Yes	Yes, 5yr	No	Officer did not have cause to arrest her.	Unfounded	NA

Champaign Police Department 2010 Citizen Compliment Summary

Awards Between: 1/1/2010 AND 1/1/2011

Type	Activity	ApproxDate	From	Summary
LETTER OF APPRECIATION	Public contact	9/14/2010	CITIZEN	Officers were thanked for walkthroughs and assistance at the Daily Soup Kitchen.
LETTER OF APPRECIATION	SPECIAL DETAIL	8/24/2010	CITIZEN	Multiple officers were thanked for attendance at funeral.
LETTER OF APPRECIATION	Public contact	8/30/2010	CITIZEN	Officers were thanked for attending Neighborhood Watch block party.
LETTER OF APPRECIATION	Public contact	9/21/2010	CITIZEN	Officer was thanked for advice and intervention with parent and teenager.
LETTER OF APPRECIATION	CALL FOR SERVICE	2/25/2010	CITIZEN	RP appreciated officer's help in a threatening email case.
LETTER OF APPRECIATION	ACCIDENT INVESTIGATION	6/14/2010	CITIZEN	Citizen appreciated work officers did investigating a hit and run accident that damaged his fence.
LETTER OF APPRECIATION	Public contact	2/21/2010	CITIZEN	Night manager at local hotel sent a thank you letter for all the officers who do walk throughs.
LETTER OF APPRECIATION	PUBLIC SPEAKING	11/20/2010	CITIZEN	Officer was thanked for participating in school literacy day.
LETTER OF APPRECIATION	CALL FOR SERVICE	6/17/2010	CITIZEN	Officer was recognized by a citizen for locating the citizen's brother who was suffering from demetia.
Phone/Email Appreciation	CALL FOR SERVICE	5/13/2010	CITIZEN	Employee was thanked for her assistance on a lost property report.
Phone/Email Appreciation	CALL FOR SERVICE	5/3/2010	CITIZEN	Citizen wrote to thank officer for assistance with his elderly father.
Phone/Email Appreciation	CRIME IN PROGRESS	6/8/2010	CITIZEN	Citizen called thanking the police dept for assisting the neighborhood with a problem house.
Phone/Email Appreciation	SPECIAL DETAIL	7/6/2010	CITIZEN	Officers providing traffic control for nationwide bike tour were commended for having the best traffic control on the tour.
Phone/Email Appreciation	CALL FOR SERVICE	3/29/2010	CITIZEN	RP commended officer for helping her with her neighbors on a loud music call.
Phone/Email Appreciation	CRIMINAL INVESTIGATION	3/2/2010	CITIZEN	RP called to thank officers and detectives for solving his burglary.
Phone/Email Appreciation	CALL FOR SERVICE	2/24/2010	CITIZEN	Officer assisted student in finding a lost cell phone in the snow using GPS tracking.
Phone/Email Appreciation	CRIME IN PROGRESS	2/20/2010	CITIZEN	Officers were commended for assisting caller's son into Covenant's 5th floor.
Phone/Email Appreciation	PUBLIC SPEAKING	4/21/2010	CITIZEN	RP appreciated officer helping out with Bike Rodeo.
Phone/Email Appreciation	CRIMINAL INVESTIGATION	8/11/2010	CITIZEN	Officers were thanked for apprehending a threatening subject.
Phone/Email Appreciation	CALL FOR SERVICE	11/7/2010	CITIZEN	Officers were thanked for their quick response to a 911 call at a residence, and helping the resident.
Phone/Email Appreciation	TRAFFIC ENFORCEMENT	10/31/2010	CITIZEN	Officer was thanked for her courtesy and information provided on a traffic stop.
Phone/Email Appreciation	CRIME IN PROGRESS	8/3/2010	CITIZEN	Officers were commended by business owner for locating and arresting burglar quickly, and getting property back.
Phone/Email Appreciation	SPECIAL DETAIL	9/20/2010	CITIZEN	Officers and staff were thanked for a successful special event.
Phone/Email Appreciation	CRIME PREVENTION PROGRAM	8/5/2010	CITIZEN	Officer was thanked for presenting a crime prevention program.
Phone/Email Appreciation	Public contact	8/25/2010	CITIZEN	Officer was commended for foot patrol and engagement with the neighborhood.
THANK YOU LETTER	CALL FOR SERVICE	1/31/2010	CITIZEN	Citizen wrote to commend the police dept in general for good service.
THANK YOU LETTER	CALL FOR SERVICE	12/15/2010	CITIZEN	Officer was thanked for his assistance with a mentally ill subject.

Type	Activity	ApproxDate	From	Summary
THANK YOU LETTER	CRIMINAL INVESTIGATION	6/4/2010	CITIZEN	Detective was commended by Lo.Jack for locating a stolen computer.
THANK YOU LETTER	CALL FOR SERVICE	7/21/2010	CITIZEN	Officer was thanked for his work on a car burglary.
THANK YOU LETTER	Public contact	12/22/2010	CITIZEN	CPD officers and employees were thanked for toys, food and money donations to a local family.
THANK YOU LETTER	CALL FOR SERVICE	7/6/2010	CITIZEN	Three officers were thanked by a citizen for helping his combative brother during an insulin reaction, and responding appropriately.
THANK YOU LETTER	CRIME PREVENTION PROGRAM	5/26/2010	CITIZEN	Detective was thanked by SALT/Triad for a presentation on scams and frauds.
THANK YOU LETTER	CRIME PREVENTION PROGRAM	5/26/2010	CITIZEN	Employee was recognized for public presentation of Crime Stoppers program to SALT/Triad.
THANK YOU LETTER	ACCIDENT INVESTIGATION	1/26/2010	CITIZEN	Citizen wrote to commend officer for his handling of car accident.
THANK YOU LETTER	CALL FOR SERVICE	5/17/2010	CITIZEN	Officer was thanked for assisting a lost motorist.