



DAVIDSON POLICE DEPARTMENT

2022 Annual Citizen Complaint, Internal Affairs Investigation, and Commendation Analysis and Summary



The Department is often evaluated and judged by the conduct of individual members. The public has the right to impartial, professional law enforcement services. Therefore, any alleged misconduct by Davidson Police Department personnel must be thoroughly investigated and properly adjudicated to assure the delivery of professional police service and enforcement efforts. Additionally, employees must be protected against false allegations; this can be accomplished through the investigative process.

Staff members are also recognized for outstanding and exemplary performance of their duties. These commendations from citizens and supervisor are another reflection upon the Department's capabilities and skills in delivering professional law enforcement services.

Investigations Defined: Upon completion of an investigation of a citizen complaint and/or internal affairs allegation, the findings of the investigation are stated and action may take place based on the findings. The classifications of findings are as follows:

- A. **Exonerated** - The alleged conduct occurred, but it was lawful, proper and the officer's actions were within accepted division practices and procedures. When an anonymous complaint is made against an employee and where no corroborative evidence can be found after an investigation, the complaint shall be classified as "unfounded".
- B. **Unfounded** - The complaint was false or otherwise not based on fact.
- C. **Not Sustained** - The investigation produced insufficient evidence to prove or disprove the allegation.
- D. **Sustained** - The allegation, in part or in whole, was supported by proper and sufficient evidence.
- E. **Misconduct Not Based on Original Complaint** - The discovery of sustained acts of misconduct not alleged in the original complaint.

Citizen Complaints: The Davidson Police Department received two (2) citizen complaints for the calendar year of 2022. The citizen complaints included the following issues:

1. **CC2022-01:** On September 15, 2022, a resident complained about an interaction she had with a Davidson police officer on September 09, 2022. According to the resident, she was walking in the roadway with her dog when she voiced "Slow down" to a patrol vehicle that she felt was driving

“rather fast” past her. The officer stopped, exited his vehicle, and was gruff and intimidating as he explained he was not speeding and complained that she was walking in the street. The recollection of the event by the officer was not the same, and indicated he stopped to educate the resident about the dangers of walking in the street. The officer failed to activate his Body Worn Camera (BWC) during the interaction, a policy violation, so there was no recorded evidence of the encounter. The complaint of rudeness resulted in findings of **NOT SUSTAINED**. The officer was coached/counseled for the Department policy violation.

2. **CC2021-02:** On October 21, 2022, a citizen reported driving in the parking lot of a Harris Teeter located in the Town of Cornelius. A white male yelled, “Slow Down!” They “exchanged words” before he parked his vehicle and entered the Harris Teeter. Once inside, he saw the individual and approached him in the produce section to apologize. The individual then told him that he was speeding and that he is an “undercover police officer in Davidson” and he was going to “run my tag.” The citizen filed a complaint for what he described as an “abuse of power.” The investigation, which included security video recordings from Harris Teeter, determined the individual referenced in the complaint is not a Davidson Police Department officer or a known member of another law enforcement agency. The complaint was **UNFOUNDED**.

The Cornelius Police Department was notified of the impersonation of a law enforcement officer and were provided still shots taken from the surveillance video. They could not identify the individual and were unaware of similar events occurring in the Cornelius jurisdiction.

Internal Affairs Investigations: The Davidson Police Department conducted one internal affairs investigation for the calendar year of 2022. The internal affairs investigation included the following issues:

1. **IA2022-01:** An allegation of policy violations by a Sworn Officer. Pertinent Policies – Policy 500-226 In-car and Body Worn Cameras by failing to comply with policy requirements, and Policy 100-09 Response to Resistance and/or Aggression by failing to accurately document and comply with policy requirements. **Findings: SUSTAINED**

This investigation identified that the officer violated the following two additional policies – the Town of Davidson Unsatisfactory Performance and Discipline Policy, Sections

- (1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties.
- (8) Failure to complete work within time frames established in work plan or work standards.
- (9) Failure to meet work standards over a period of time.

And; Davidson Police Department Policy 300-525 Code of Conduct, Rules and Regulations, Section 9 - Competence - Department personnel will perform their assigned duties in a competent manner. Incompetence may be demonstrated by, but not limited to, the following:

- b. A lack of knowledge of policy, procedures, special orders, legal advisory orders, and standard police practices.
- c. An unwillingness to perform assigned tasks.
- d. The failure to conform to work standards established for the officer's rank or position.
- g. Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

All violations were **SUSTAINED** and the officer was demoted from sergeant to officer.

The Davidson Police Department receives commendations and expressions of thanks from the public and peers for the difficult tasks performed as public servants. Police Chief Penny Dunn **received 86 commendations and praise** for officers, non-sworn staff members, and the work done by Department staff. As the Chief of Police, I find this data to be critical in demonstrating how well we perform our jobs as public servants.

The purpose of analysis and providing this report to all staff members and the public demonstrates the Department's commitment to transparency and accountability. Our efforts in accountability include the ability to recognize our capability of moving forward, being adaptable, and learning from our unintentional errors.