

FROM CHIEF JAMES P. ABBOTT...

Internal Affairs and Disciplinary Process Annual Public Report 2018

A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the *2018 Annual Report* will support the conclusion that the West Orange Police Department maintains that level of vigilance.

This introduction will not restate all the facts, figures and analysis articulated in this report, other than to remind the reader that police officers in the West Orange Police Department engaged in more than 46,323 police/citizen calls for service during the calendar year 2018. Any single complaint reported to the Internal Affairs Unit that was generated within that vast number of contacts was, without exception, taken, classified and addressed in accordance with the Departments' Written Directive System and the New Jersey Attorney General Guidelines Internal Affairs Policy and Procedures.

In addition to adhering to the best practices, the Internal Affairs Unit conducts further system checks and balances through the Early Warning System and a quarterly auditing process to identify patterns, practices or trends of inappropriate behavior or conduct of our officers. If patterns, practices or trends are identified, those members are entered into the Early Warning System. The Early Warning System is an important management tool designed to detect and address improper police conduct before that conduct escalates. The Early Warning System therefore, serves to not only increase public safety and public confidence in law enforcement, but also assists officers through early intervention. A total of five agency members were entered into the Early Warning System for a variety of minor rule infractions. All five agency members were subjected to intensive supervision and remedial training and re-training during that period of time.

The West Orange Police Department accepts, reviews and responds to complaints received from the public, including anonymous complaints, complaints from third party witnesses and complaints from parties not directly involved in the incident. Complaints can be made in person, by telephone, fax, email or through regular mail. Complaint forms are available in both English as well as Spanish and can be picked up at the West Orange Police Department or online at westorange.org. Similarly, West Orange Police has access to translation services for over 200 foreign languages 24 hours per day. This Department continues its commitment to ensuring that members of the public have ease of access to the complaint system. Further, citizens who are not satisfied with the outcome of our investigation are referred to the Essex County Prosecutor's Office for a follow up review of our procedures and investigations. This follow up review has continued to provide citizens significantly more opportunity to provide feedback, compliments or complaints about the West Orange Police Department and its personnel.

During 2018, 58 total complaints were reported and classified, as compared to 69 in 2017. This represents a 17% decrease in the numbers of reportable complaints received in 2018, then those received in the year 2017.

Internal Affairs Summary Report

| <u>Type of Complaint</u> 2017 | <u>Anonymous</u> <u>Complaints</u> | <u>Citizen</u> <u>Complaints</u> | <u>Agency</u> <u>Complaints</u> | <u>Total</u> <u>Complaints</u> |
|---|---------------------------------------|-------------------------------------|------------------------------------|-----------------------------------|
| Excessive Force | | | | |
| Improper Arrest | | | | |
| Improper Search | | 2 | | 2 |
| Improper Entry | | | | |
| Other Criminal Violations | | | | |
| Differential Treatment | | 3 | | 3 |
| Demeanor | | 14 | | 14 |
| Domestic Violence | | | | |
| Other Rule Violations | | 30 | 20 | 50 |
| Total | 0 | 49 | 20 | 69 |
| <u>Type of Complaint</u> 2018 | <u>Anonymous</u> <u>Complaints</u> | <u>Citizen</u> <u>Complaints</u> | <u>Agency</u> <u>Complaints</u> | <u>Total Complaints</u> |
| Excessive Force | | 1 | | 1 |
| Improper Arrest | | 3 | | 3 |
| Improper Search | | 1 | | 1 |
| Improper Entry | | | | 0 |
| Other Criminal Violations | | | | 0 |
| Differential Treatment | | 3 | | 3 |
| Demeanor | | 15 | | 15 |
| Domestic Violence | | | | 0 |
| Other Rule Violations | 2 | 19 | 14 | 35 |
| Total | 2 | 42 | 14 | 58 |

Agency Disposition by Category

| <u>2017</u> | <u>Sustained</u> | <u>Exonerated</u> | <u>Not</u> <u>Sustained</u> | <u>Unfounded</u> | <u>Administratively</u> <u>Closed</u> | <u>Total</u> |
|---------------------------|------------------|-------------------|--------------------------------|------------------|--|--------------|
| Excessive Force | | | | | | |
| Improper Arrest | | | | | | |
| Improper Entry | | | | | | |
| Improper Search | | 2 | | | | |
| Other Criminal Violations | | | | | | |
| Differential Treatment | | 3 | | | | |

| | | | | | | |
|---------------------------|-------------------------|--------------------------|-----------------------------|-------------------------|---------------------------------------|---------------------|
| Demeanor | 1 | 12 | | | | |
| Domestic Violence | | | | | | |
| Other Rule Violations | 21 | 20 | 1 | 1 | 5 | 48 |
| Total | 22 | 37 | 1 | 1 | 5 | 66 |
| <u>2018</u> | <u>Sustained</u> | <u>Exonerated</u> | <u>Not sustained</u> | <u>Unfounded</u> | <u>Administratively Closed</u> | <u>Total</u> |
| Excessive Force | | 1 | | | | 1 |
| Improper Arrest | | 3 | | | | 3 |
| Improper Entry | | 1 | | | | 1 |
| Improper Search | | 0 | | | | 0 |
| Other Criminal Violations | | 0 | | | | 0 |
| Differential Treatment | | 3 | | | | 3 |
| Demeanor | 3 | 11 | 1 | | | 15 |
| Domestic Violence | | 0 | 0 | | | 0 |
| Other Rule Violations | 15 | 11 | 1 | 1 | 5 | 33 |
| Total | 18 | 30 | 2 | 1 | 5 | 58 |

All complaints are categorized based on the alleged conduct. Each allegation, upon review by the Chief of Police, is determined to have one of the following five dispositions:

Sustained: The investigation disclosed sufficient evidence to prove the allegation, and the actions of the officer violated provisions of rule(s) and regulation(s) or agency procedure(s).

Exonerated: The alleged incident did occur, but the actions of the officer were justified, legal, and proper.

Not Sustained: Not Sustained. The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

Unfounded: The alleged incident did not occur.

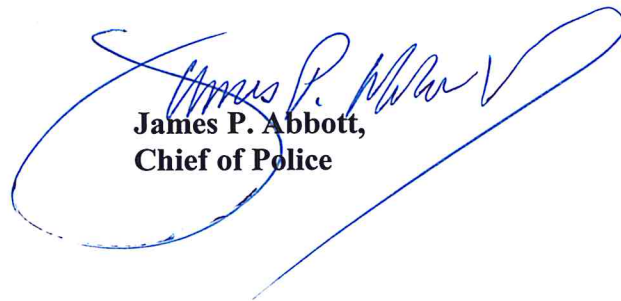
Administratively Closed: Examples include situations when a complainant voluntarily requests that a complaint be withdrawn or does not cooperate in the investigation and their cooperation is necessary. (Note: Investigations may still proceed without complainant cooperation.)

Note: The West Orange Police Department employs a system of progressive discipline. Discipline plays an important role in the overall performance and credibility of any police agency. Condemnations of unacceptable and inappropriate behaviors not only provide for a specific deterrence to the affected employee in the hopes of preventing future acts of misconduct but also serves as a general deterrent to the force at large. Moreover, and of arguably the utmost importance is that it protects the integrity of the organization, a necessary ingredient to earning the public's trust.

It is not uncommon for cases involving similar allegations or circumstances to result in dissimilar penalties; as an officer's past history is taken under consideration and repetitive transgressions will typically result in augmented discipline up to and including termination. Furthermore, the most egregious violations may spawn termination notwithstanding an otherwise unremarkable disciplinary record.

SYNOPSIS OF MAJOR DISCIPLINE IN 2018

- Member while on-duty failed to assist a victim during the course of a domestic violence investigation. The member admitted to the violation, sustaining the complaint. The member agreed to a **suspension for a period of 90 days.**
- Member while on-duty failed to report a motor vehicle crash involving a department vehicle and a private citizen. The member admitted to the violation, sustaining the complaint. The member agreed to a **suspension for a period of 30 days.**



**James P. Abbott,
Chief of Police**