



Durham Police Department

Memo

To: Chief Kurz

From: Captain David Holmstock 

CC: Deputy Chief Kelley

Date: 1/7/2020

Re: 2019 Internal Affairs Review and Statistical Summary (52.1.5)

The Durham Police Department conducted no Internal Affairs investigations from January to December 2019. This is the fourth year in a row we have had no investigations rise to the level needed for an internal investigation by the department. All complaints filed against officers are brought to the attention of the Chief of Police. The Chief then makes the determination as to the level of investigation necessary based on the severity of the complaint filed.

We did have three informational complaints filed against Durham officers in 2019. Two of the complaints were determined to be "Minor" in nature and one was determined to be "Serious" in nature.

#1: March 11, 2019 – The complainant called to report that an officer hung the phone up on him and that the officer had a bad attitude while speaking with him. I conducted the investigation, identified as "Minor" in nature. The complainant was contacted and did not wish to identify himself. After hearing the complaint, I spoke with the officer who told me the complainant yelled and cussed at him on the phone and would not stop interrupting him while he tried to explain the situation to him on the phone. The officer admitted he hung up on the caller out of frustration. The officer understood that it would have been more appropriate to give the complainant a warning that he was going to end the phone call if he did not conduct himself on the phone in a civil manner. After our conversation, I determined the officer understood his actions and no further action was taken. (Exonerated)

#2: August 28, 2019 – The complainant called to report that an officer from the Durham Police Department drew their pistol and pointed it at an arrestee during an unspecified time period the previous week. Although it was clear the complainant knew more than they wished to reveal, to include the name of the victim, they refused to provide any specific information and admitted they did not witness the incident themselves. I was able to gather enough facts to conduct an investigation determined to be “Serious” in nature. Further investigation revealed the true identity of the victim. The identified victim denied the incident happened and commended the officers’ actions regarding their treatment on the night in question. The complainant was contacted and notified that the incident was unfounded because it never happened. (Unfounded)

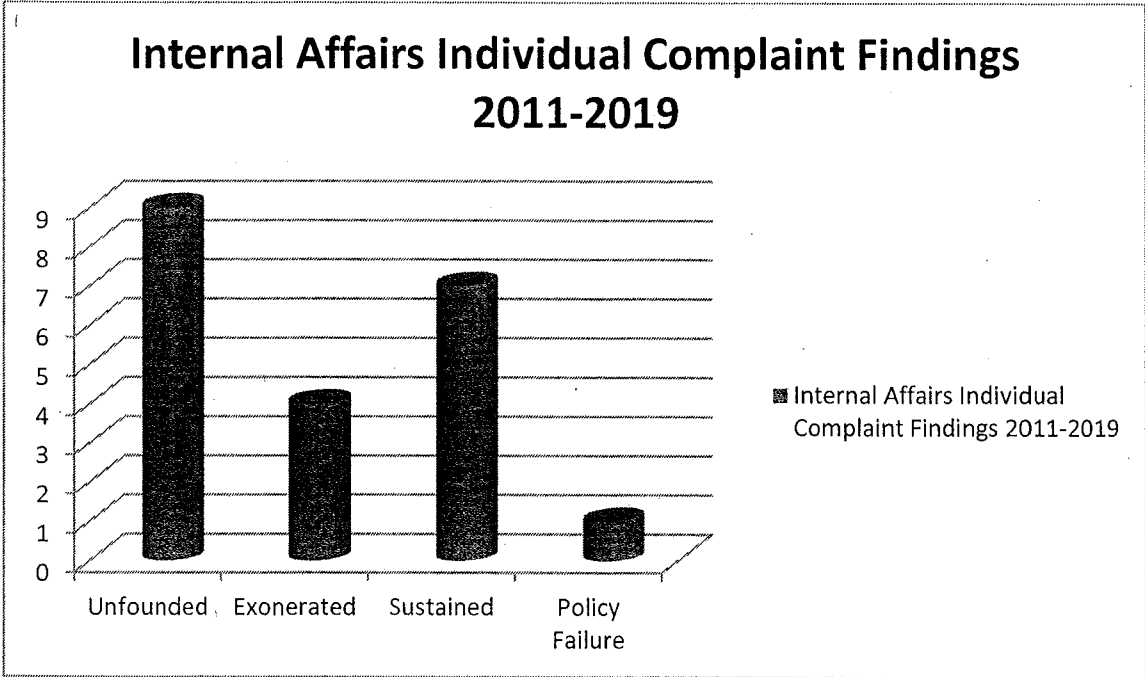
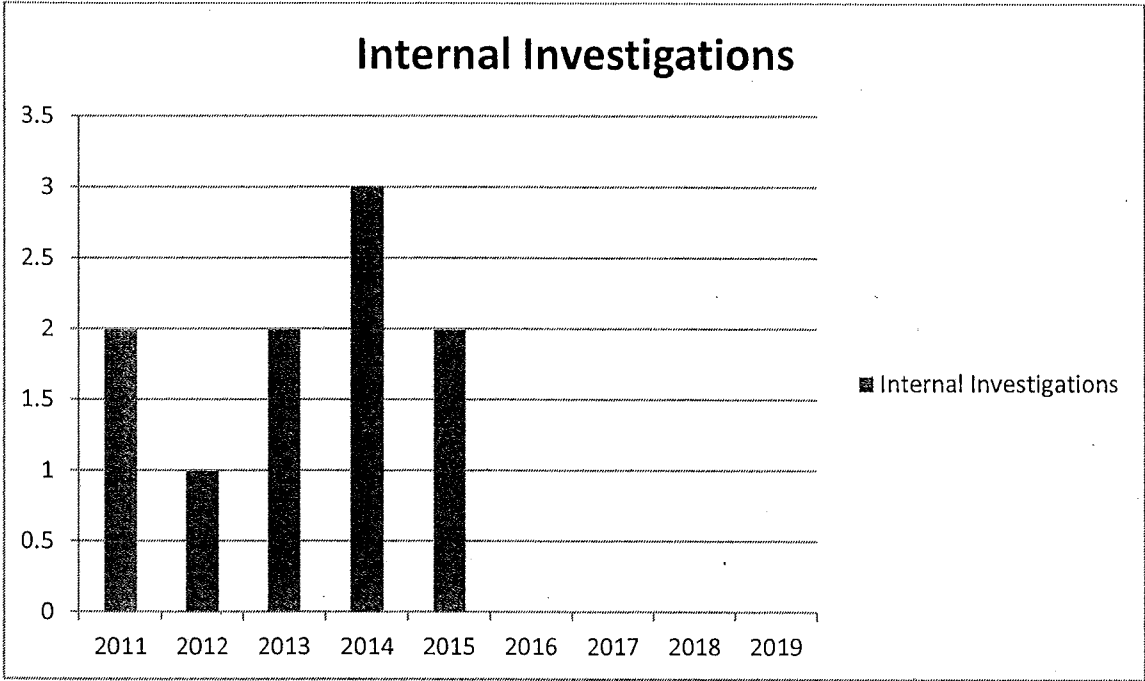
#3: October 21, 2019 – The complainant called to report that an officer from the Durham Police Department approached a citizen that was working outside and without provocation the officer started to criticize the citizen for his actions near or in a fire lane. The officer started alleging that the citizen was violating the law and accusing him of being a hypocrite. This complaint was determined to be “Minor” in nature. I conducted the investigation and spoke with the officer who immediately admitted that the complainant accurately described what they saw and heard. The officer was ordered to immediately return to the location and speak with the citizen in question. I later spoke with the citizen and he told me the officer appeared to be sincere in his apology and that he really didn’t view the initial incident as concerning. I later contacted the complainant and advised them of the outcome. No further action was taken against the officer. (Sustained)

Internal Investigations Findings:

Unfounded:	0
Exonerated:	0
Sustained:	0
Policy Failure:	0

Complaint/Informational Complaint Findings:

Unfounded:	1
Exonerated:	1
Sustained:	1
Policy Failure:	0



The fact that only three complaints were filed against officers in 2019 clearly demonstrates there is no pattern of misconduct by any one officer or group of officers. There is no indication of bias in our dealings with any citizens residing in or visiting the Town of Durham.

Every year our officers have an extraordinary number of contacts with citizens for a variety of law enforcement purposes. I believe that our department culture, as much as sound hiring practices, a solid training program, and outstanding supervision at all levels plays into the extremely low number of complaints that have been filed over the nine years. I have once again concluded that our officers continue to conduct themselves professionally, and with the spirit and intent of our mission and values in mind.


Our policy remains effective, fair and comprehensive. The internal affairs policy was last updated February 12, 2018.

Reviewed By:

Deputy Chief Kelley 

Date 11/11/2020

Comments:

Chief Kurz 

Date 1/13/2020

Comments: