

ATHENS-CLARKE COUNTY POLICE DEPARTMENT

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Cleveland Spruill, Sr.
Chief of Police

MEMORANDUM

Date: July 22, 2020

To: Mr. Blain Williams, Athens-Clarke County Manager

From: Cleveland L. Spruill, Sr., Chief of Police 

Subject: 2019 Athens-Clarke County Police Department Grievance and Complaint Analysis

The purpose of this memorandum is to advise you of the findings from the annual analysis of grievances and complaints against the Athens-Clarke County Police Department. Pursuant to Police Written Directive A4/4/1¹ and in compliance with CALEA Standard 22.4.3, the Office of Professional Standards conducted the analysis. The analysis also contains a summary of complaints lodged against Department employees. The reporting period is from January 1, 2019 through December 31, 2019.

Grievances

A grievance is a claim initiated by an employee alleging that his employment or productivity has been adversely affected by unfair treatment, unsafe or unhealthy working conditions, erroneous or capricious application of Departmental policies or procedures, or illegal discrimination. It is the practice of the Department to encourage employees to bring concerns to their immediate supervisors and to handle informal grievances at the lowest appropriate level. However, employees may raise any unresolved grievances through the proper chain of command, up to and including the Chief of Police.

Employees may also file formal grievances if they are not satisfied with a decision reached by the Chief of Police when the employee alleges a) inequitable application of disciplinary procedure involving a suspension or demotion; b) unfair treatment adversely affecting

¹It should be noted that as of June 1, 2020 Written Directive A4/4/1 was rescinded and replaced by Police Directive 2.35 (Personnel Practices). This was a recent update to the Department's grievance policies.

employment status or productivity; c) erroneous or inconsistent application of ACC rules and regulations; and/or d) existence of unsafe or unhealthy working conditions. Employees are expected to follow the standard grievance procedures set forth in ACC Ordinance 1-9-9 and the ACC Employee Appeals Procedure.

During the reporting period there were no grievances filed with the Office of Professional Standards, and no Bureau Chief reported the filing of grievances within his respective chain of command. The ACC Human Resources (HR) Department reported that there were a) zero grievances; b) one appeal hearing; and c) zero Personnel Hearing Officer (PHO) hearings filed by Department employees during the reporting period. It was reported that the lone appeal hearing was filed in 2019 concerning promotional processes that took place in 2018. The following chart shows a five-year comparison:

Year	2015	2016	2017	2018	2019
Grievances	0	0	3	4	0

Complaints

A complaint is any allegation of employee misconduct or departmental misconduct. The Department’s policy and practice is to investigate all allegations of misconduct regardless of the source. This includes anonymous sources. The Department provides information for submitting complaints on the departmental website, as well as public posts at the various precincts. Complaints may be submitted in person, online, telephonically, in writing, by email, or through the departmental phone app. Any employee is authorized to receive a complaint and is required to submit the complaint to an appropriate supervisor.

The Office of Professional Standards analyzed the number and types of complaints lodged against employees, the findings of the allegations, and actions taken as a result of complaint investigations during the reporting period. The Department received and investigated a total of 61 complaints against sworn employees and 3 complaints against non-sworn employees. Of the 64 total complaints, 57 were received from external sources (i.e., citizens), and 7 were received from internal sources (i.e., Department employees). The following chart shows a breakdown of the types of complaints and findings:

2019 Complaints

Type of Complaint	Number of Complaints	Unfounded	Exonerated	Not Sustained	Sustained
Service Complaints	36	14	10	4	8
Policy Infractions	19	3	5	3	8
Criminal Violations	4	2	0	0	2
Excessive Force	3	0	3	0	0
Bias-Based Policing	2	1	1	0	0
Totals	64	20	19	7	18

In 2019, the Department reported approximately 98,216 citizen contacts. Therefore, only about 0.07% of the Department's interactions with the public resulted in a complaint of misconduct. Only about 28% of complaints were sustained, and all but two of the sustained complaints were for minor allegations. The sustained criminal violations were appropriately handled, and the involved employees are no longer employed with the Department.

When a complaint alleging misconduct by an employee is sustained, the Department's practice is to take corrective action to mitigate the risk that the misconduct will be repeated. Corrective action may be positive such as training, coaching, and counseling, or it may result in disciplinary action such as reprimands, suspensions, demotions, or terminations. In addition to corrective action focused directly toward the specific employee who engaged in misconduct, the Department also reviews and updates its policies and practices as a means of corrective action, when appropriate. In 2019, the Department implemented negative disciplinary action in 8 cases of sustained misconduct or other performance failures. The following chart shows a breakdown of the disciplinary action and includes a four year comparison:

2019 Disciplinary Actions

Action Taken	2016	2017	2018	2019
Reprimand	3	5	7	1
Suspension	3	4	1	1
Demotion	0	0	0	0
Resignation in lieu of termination	0	2	1	2
Termination	2	2	9	3
Total	8	13	18	7

Conclusions

Based on review of the available information concerning grievances and complaints there did not appear to be any distinguishable patterns or trends. The absence of grievances suggests that employees' concerns are being appropriately and satisfactorily handled within the lower levels of the chain of command. There are no recommendations for changes to the grievance policies at this time. Concerning complaints received, the low level of complaints and the low number of complaints as compared to the total citizen contacts suggests that citizens are generally satisfied with the performance of the Department and its employees. There are no recommendations for changes to the complaints and discipline policies at this time. However, the Department's current complaint and discipline policies are currently under standard review to ensure they remain consistent with best practices and applicable law.

CS/hd