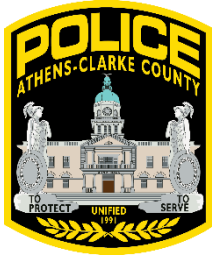


# ATHENS-CLARKE COUNTY POLICE DEPARTMENT



CLEVELAND L. SPRUILL, SR.  
*Chief of Police*

JEFF CLARK  
*Deputy Chief of Police*

MICHAEL HUNSINGER  
*Deputy Chief of Police*

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

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

Date: April 12, 2019

Re: Calendar Year 2018 Athens-Clarke County Police Annual Grievance Analysis

The purpose of this memorandum is to advise you of the results the annual analysis of Athens-Clarke County Police Department employee grievances. This analysis covers grievances reported between January 1 and December 31, 2018 and is conducted in accordance with the requirements of Police Written Directive A4/4 and CALEA Standard 22.4.3

It is the practice of the Athens-Clarke County Police Department to handle grievances at the lowest appropriate level. Employees are encouraged to bring concerns to the attention of their immediate supervisors and in many instances, the supervisor is able to address the concern informally at their level. In instances where the immediate supervisor is unable to resolve the concern, the employee may express their concern at each subsequent level up the chain of command until it reaches the Chief of Police.

Employees may file a formal grievance in accordance with the Athens-Clarke County Personnel System if he or she is not in agreement with the decision reached by the Chief of Police However grievances above the Chief of Police level are limited to instances where the employee alleges one of the following:

1. Inequitable applications of disciplinary procedure involving a suspension or demotion;
2. Employment status or productivity has been adversely affected by unfair treatment
3. Erroneous or inconsistent application of Athens-Clarke County rules and regulations; and/or
4. Unsafe or unhealthy working conditions exist.



## Grievance Analysis

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Employees who are subject to (1) loss of employment status; (2) loss of income through disciplinary suspension or demotion; or (3) who claim illegal discrimination or harassment in violation of federal law, state law, or ACC ordinance shall have the right to due process through the managerial chain of command up to and including an administrative review in the form of an appeal hearing before the appointed Athens-Clarke County Personnel Hearing Officer (PHO). The employee shall be assured freedom from retaliation for using the appeal procedure.

The PHO has final authority within Athens-Clarke County government to hear grievance cases brought by employees who exercise their right to appeal adverse actions which are described in the previous paragraph. The PHO shall determine if management's decision is supported by the evidence, lies within the lawful discretion of management, and is consistent with Athens-Clarke County past practice and recognized general management procedure, based on facts, circumstances, and the employee's previous record. The PHO is authorized to make recommendations to the Manager as to amendments, additions to, and changes in the Athens-Clarke County employment policy and procedures.

### **Data Sources:**

During calendar year 2018, no Bureau Commander reported the filing of grievances within the department.

The Athens-Clarke County Department of Human Resources reported that there were four grievances filed with their office during calendar year 2018 involving the police department. This included one grievance alleging hostile work environment, one grievance alleging inequitable application of discipline and two grievances alleging erroneous or inconsistent application of rules and regulations. Of the four grievances filed, one was resolved through the PHO process, one resulted in an EEOC claim, but was determined to be unfounded, and the two others were resolved with the assistance of ACC Human Resources. The four grievances received during calendar year 2018 represent a 33% increase over the three grievances received during the previous year.

### **Previous / Current Year Comparison of Grievances:**

| Year       | 2015 | 2016 | 2017 | 2018 |
|------------|------|------|------|------|
| Grievances | 0    | 0    | 3    | 4    |

The police department had at least one employee file a grievance with ACC Human Resources regarding the results of the MAG pay study.

**Summary of Complaints**

The police department received a total of 53 complaints against sworn members of the department and 1 complaint against a Communications Officer. Complaints may be received externally or internally. Complaints and inquires may be submitted in-person, telephonically, in writing, anonymously, or via the police department’s website or phone app. The type of complaint and the dispositions are reflected in the charts below.

**Sworn Personnel Investigations 2018**

| Type of Complaint   | Number of Complaints | Unfounded | Sustained | Not Sustained | Exonerated |
|---------------------|----------------------|-----------|-----------|---------------|------------|
| Service Complaints  | 35                   | 9         | 3         | 5             | 18         |
| Policy Violations   | 7                    | 1         | 3         | 1             | 2          |
| Criminal Violations | 5                    | 3         | 1         | 0             | 1          |
| Use of Force        | 4                    | 1         | 1*        | 0             | 2          |
| Bias-Based          | 2                    | 2         | 0         | 0             | 0          |
| Totals              | 53                   | 16        | 8         | 6             | 23         |

\* This incident was later determined to be lawful by an independent prosecutor.

**Communications Personnel Investigations 2018**

| Type of Complaint  | Number of Complaints | Unfounded | Sustained | Not Sustained | Exonerated |
|--------------------|----------------------|-----------|-----------|---------------|------------|
| Service Complaints | 1                    | 0         | 1         | 0             | 0          |
| Totals             | 1                    | 0         | 1         | 0             | 0          |

**Summary of Disciplinary Actions**

There were 18 instances of negative disciplinary action within the police department during calendar year 2018. Counseling and coaching sessions with employees are not considered disciplinary actions. Termination of probationary employees increased during calendar year 2018. This increase was due mostly to failure of the employee to achieve performance-based measures. The following chart compares disciplinary actions since 2016.

|                               | 2016 | 2017 | 2018 |
|-------------------------------|------|------|------|
| Reprimand                     | 3    | 5    | 7    |
| Suspension                    | 3    | 4    | 1    |
| Demotion                      | 0    | 0    | 0    |
| Resign In Lieu of Termination | 0    | 2    | 1    |
| Termination                   | 2    | 2    | 9    |
| Total                         | 8    | 13   | 18   |

**Analysis and Practices:**

In reviewing the information obtained or maintained by the police department, no patterns or trends were detected.

**Conclusions:**

The four grievances filed during calendar year 2019 represent a slight increase over the three grievances filed during calendar year 2018. Although there was a minor increase, year-to-year, the relatively low number of grievances suggest that employee concerns are being handled satisfactorily at the lower levels through the informal process. This review found that the current ACCPD and County grievance policies are adequate and no policy changes are recommended at this time.