



Durham Police Department

Memo

To: Chief Kelley
From: Captain Dalton
CC: Deputy Chief Holmstock
Date: January 3, 2024
Re: 2023 Internal Affairs Review and Statistical Summary (52.1.5)

In 2023 the Durham Police Department conducted two Internal Affairs investigations. 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.

In 2023, the Chief of Police reviewed the two complaints and deemed them both "Minor Complaints."

Investigation #1: On March 21, 2023, I was notified by Chief Kelley of a citizen complaint. The complaint involved a Durham officer not following department policies during a motor vehicle stop on Dover Road, near the Circle K convenience store. The complaining party was not involved in the traffic stop and was a witness only.

The internal review, which included video footage of the traffic stop, showed the manner in which the officer operated their cruiser and the subsequent traffic stop of the alleged violator. It was deemed the officer's actions were lawful, justified, and within both policy and New Hampshire statutes relative to operation of an emergency vehicle. The officer had probable cause to act on a motor vehicle violation occurring in their presence and operated their department assigned cruiser in a safe and reasonable manner, while effectuating a traffic stop on the suspected violator. During this investigation, Chief Kelley was updated on the investigation. This report was completed within the 30-day time frame.

Findings: The investigation (IA-2023-01), classified as minor, revealed that the officer was not in violation of department policy and New Hampshire statutes relative to operation of an emergency vehicle. Chief Kelley exonerated all allegations.

Investigation #2: On April 11, 2023, I was notified that an individual was at the Durham Police Station to file a citizen complaint regarding inaccurate reporting or false information being provided. The complainant made allegations against three Durham officers. The allegations pertained to an animal abatement notice being served and the way the complainant was treated regarding a landlord/tenant dispute.

The investigation into this complaint concluded the following facts: On 03/21/2023, a Durham officer took a report of an aggressive dog at a residence on Cedar Point Road. During the officer's investigation into this report, he learned there had been two occurrences of this dog being aggressive. The officer documented his contacts which included interviews with the witnesses and the owner of the suspected dog. The information the officer obtained seemed to corroborate all stories given. The officer issued a dog Abatement Notice – Warning, to the dog owner (complainant) for these incidents.

On 04/10/2023, a Durham officer received a report from the complainant's landlord, who also resides on Cedar Point Road. The landlord reports Criminal Threatening from the complainant. A Durham officer responded to the landlords' residence to further investigate. The officer learns it is not Criminal Threatening but is a landlord/tenant issue and is civil in nature.

A Durham officer then followed up with the complainant on the telephone regarding this incident.

Soon after the original phone call, the complainant calls the Durham Police Station again and speaks with another Durham officer. The officer references information he hears from the reporting officer and offers advice on seeking legal relief on these civil matters through the courts and petitions.

Both Officers document their conversations with the parties involved during this investigation.

The complainant states that officers have "failed to capture my report accurately," and have, "provided me with false information."

It was learned during the internal investigation, that the complainant had not seen, nor requested, copies of the police report(s) to check for accuracy.

The incident that the complainant was involved in did occur, but there is no evidence to show there is any inaccurate reporting or false information provided to anyone.

Chief Kelley was updated by reporting to him in person. This report was completed within the 30-day time frame.

Findings: The investigation (IA-2023-02), classified as minor, consisted of two distinct allegations regarding the officer's behavior. Chief Kelley exonerated all allegations.

Investigation #1 resulted in the following conclusion:

Unfounded 0

Exonerated 1

Sustained 0

Policy Failure 0

Investigation #2 resulted in the following conclusion:

Unfounded 0

Exonerated 1

Sustained 0

Policy Failure 0

The lack of any further complaints clearly demonstrates there is no pattern of misconduct by any one officer or group of officers. There is no indication of bias in either of the two investigations.

Given the extraordinary number of contacts with citizens, for a variety of law enforcement purposes, and the increase in calls our officers continue to respond to, it is remarkable that there were just two complaints in 2023. This fact allows me to conclude that our officers are conducting themselves professionally, 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 September 1, 2023.