

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 9.07
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Complaints		



I. Definitions

A. Citizen Complaint

A complaint made by an individual or individuals against a Division employee, and any anonymous complaint.

B. Complaint

An allegation of misconduct that, if true, may be a violation of law, Division Rule of Conduct, or Division policy.

C. Internal Complaint

A complaint filed by one Division employee against another Division employee.

Note: A civilian Division employee filing a complaint against a sworn employee must comply with the procedures for internal complaints, but the complaint shall be classified as a Citizen Complaint and investigated per the current applicable collective bargaining agreement.

D. Investigative Findings

1. Cancelled for cause

- a. The alleged misconduct could not have possibly occurred. **For example, *the*** Division employee was not working at the time of the alleged incident.
- b. The complainant ***exhibits signs or symptoms of a mental illness, or has a pattern of making frivolous, repetitive, or baseless allegations*** and fails to provide any credible or plausible evidence of misconduct warranting further investigation.
- c. The subject of the complaint is not a Division employee.

2. Exonerated

The evidence indicates the alleged conduct occurred, but the actions taken by the employee(s) were lawful and no misconduct was substantiated.

3. Not Sustained

The alleged conduct could not be supported or refuted by a preponderance of the evidence.

4. Policy/Procedure

The alleged conduct occurred, but involved either the proper and non-discretionary use of an approved Division policy or procedure, or was the result of the employee following an explicit and lawful order from a supervisor.

5. Sustained

The alleged conduct is supported by a preponderance of the evidence and is in violation of the Rules of Conduct.

6. Unable to Resolve

- a. The investigation could not be properly investigated due to the complainant's or a critical witness' lack of cooperation in providing necessary or specific information.
- b. The investigation could not be completed because the involved employee was unavailable for a necessary interview.

Note: This finding will only be used when there is not enough information to complete the investigation. If the investigation is able to be completed, another finding listed in this section will be used based on the facts and evidence available.

7. Unfounded

The alleged conduct is refuted by a preponderance of the evidence.

8. Withdrawn

The complainant retracted the allegation(s) through either a verbal or written statement.

Note: The complaint package must include the signature of the complainant indicating a desire to have the complaint withdrawn, or the withdrawal must have been recorded and such recording shall be available in the Internal Affairs Bureau (**IAB**).

E. Preponderance of the Evidence

The greater weight of the convincing evidence **which** outweighs or overbalances in **one's** mind the **opposing** evidence. Simply put, more likely than not.

II. Policy Statements

- A. Citizen complaints concerning the Division or its personnel shall be forwarded to the **IAB** and investigated within the time constraints and parameters outlined in the appropriate collective bargaining agreement.
- B. Internal complaints made more than 60 days after the alleged incident will not be investigated unless approved by the accused employee's deputy chief.
- C. Counter or retaliatory allegations raised by Division personnel under investigation shall be scrutinized for timeliness and credibility, and may result in discipline if warranted.
- D. The standard of proof for determining the investigative finding of an allegation shall be a preponderance of the evidence.
- E. Every effort should be made to ensure prompt and courteous action when responding to allegations of misconduct made against any employee of the Division of Police.

- F. IAB investigators shall conduct:
1. Citizen complaint investigations, except those which are forwarded to other bureaus for investigation at the direction of the IAB Commander.
 2. Internal investigations, involving either administrative or criminal allegations, when requested by a deputy chief or designee.
 3. Administrative investigations with other agencies.
 4. Sexual harassment and discrimination complaints.
 5. Equal Employment Opportunity (EEO) complaint investigations.
 6. Citizen complaint investigations involving allegations of a criminal offense. The actual criminal investigation may be assigned to a specialized unit.
 7. Investigations at the direction of the Chief of Police.
- G. Corrective action shall be taken for all substantiated complaints in accordance with the applicable collective bargaining agreement and the "Discipline/**Corrective Action**" directive.
- H. A focus employee's commander or higher may return an IAB investigation to IAB for further investigation after detailing the additional information requested.
1. The chain of command shall not conduct a concurrent and/or any further investigation of any IAB investigation.
 2. The returning supervisor shall immediately notify the IAB Commander or Lieutenant via phone call or email that an IAB investigation is being returned for further investigation.
 3. Any subsequent investigation must still comply with the timelines outlined in the appropriate collective bargaining agreement.
- I. Minor policy violations (that historically result in counseling or the first step in formal discipline) uncovered during the course of an investigation that do not have a nexus to the original complaint shall be listed on a separate cover letter and included at the end of the complaint investigation.***
- J. The guilt or innocence of a person charged with an offense by an officer is a matter for a court of law and will not be the basis of a complaint against a Division employee.

III. Procedures

A. Citizen Complaints

1. Division Personnel

a. Transfer or refer phone calls to:

- (1) The Citizen Complaint Phone Line, answered by the IAB Administrative Sergeant between 6am and 10pm.
- (2) The Patrol Administration Sergeant between 10pm and 6am, or when no IAB Duty Sergeant is available.

- b. Print your name, badge number, assignment, and the date received on a separate piece of paper and send it with any written correspondence, including anonymous complaints, **to IAB**.
 - (1) Fax a copy of the document(s) to IAB and/or notify the IAB Administrative Sergeant by phone.
 - (2) Forward the original document(s) and associated materials to IAB.
 - c. Forward email complaints to IAB via IABDeskSgt@columbuspolice.org.
 - d. **Refer** in-person complainants either to the IAB Administrative Sergeant between 6am and 10pm or the Patrol Administration Sergeant between 10pm and 6am.
 - e. Refer any person insisting on immediately filing a complaint to a Division sergeant or lieutenant who will complete or allow the citizen to complete a Citizen Complaint, form **A-8**. Do not require complainants to call, write, or appear in person if they choose not to.
2. Patrol Administration Sergeant
- a. All in-person contacts and calls, except those involving compliments, will be recorded on an IAB Citizen Contact Form, A-2. Forward the form to IAB via both email (IABDeskSgt@columbuspolice.org) and **inter-office** mail.
 - b. Make a determination as to whether the complainant has a “complaint” as defined by Division policy.
 - If the complaint does not allege an obvious violation of law or Division rules or policies and the complainant is agreeable, refer the matter for follow-up by the appropriate Division supervisor.
 - c. Advise the complainant that someone from IAB will contact them about the citizen complaint process. If the complainant appears in person, provide a copy of the Citizen Complaint **System** pamphlet, form U-10.168.
 - d. Determine if an immediate response to the scene of the incident or the complainant’s location is necessary to start the investigation and/or collect evidence or witness information.
 - (1) If so, notify the appropriate supervisor.
 - (2) When warranted, notify the **IAB** Commander and any on duty IAB Lieutenant concerning any unusual circumstances.
 - e. Contact an on-duty IAB Lieutenant and/or the IAB Commander regarding complaints involving serious or criminal misconduct requiring immediate attention.
3. IAB Supervisors
- a. Follow procedures for Citizen Complaints in the IAB SOP.
 - b. When the investigation is complete **and after** considering the definitions, make a recommendation to the chain of command as to the disposition of each allegation from the investigative findings in Section I,D.

- c. Explain the facts that justify all recommendations for each allegation.
- d. For complaints involving AFSCME or **CWA** personnel, attach a **City** Summary of Investigation form for each allegation.

B. Internal Complaints

1. Complainant

- a. Forward a detailed letter of the alleged misconduct through your chain of command. If necessary, request permission to contact the next in command when the complaint is **against** a supervisor in your chain of command.
- b. If the complaint is of a contractual nature, use the grievance process outlined in the appropriate collective bargaining agreement.
- c. If the complaint involves an EEO violation, refer to the “Equal Employment Opportunity, Nondiscrimination, and ADA” directive.

2. Chain of Command Supervisor

- a. Forward internal complaints alleging criminal or serious misconduct through the chain of command to the involved deputy chief. Contact IAB if the complaint requires immediate attention.
- b. Investigate internal complaints alleging minor misconduct following the guidelines established in the “Administrative Investigation” section of the Supervisor’s Manual. When appropriate, take positive corrective/disciplinary action and forward the completed investigation through the chain of command.

3. IAB Supervisors

Follow the IAB SOP manual regarding internal complaints forwarded for investigation.

C. Completed Investigations

1. Chain of Command

- a. Review the completed investigative package.
- b. Provide any additional pertinent or mitigating information.
- c. Recommend the removal of an employee’s name if necessary and appropriate.
- d. Recommend the addition of any appropriate new allegations of misconduct, **which are** not based on the original complaint, and the appropriate finding.
- e. Recommend a finding for each allegation consistent with the evidence and the appropriate discipline or corrective action when there is evidence of misconduct.

Note: Clearly inappropriate recommendations regarding findings and discipline may subject the supervisor to discipline.

- f. Forward the investigative package through the chain of command to the deputy chief. Include the specific Rule(s) of Conduct or Division Directive(s) violated and recommendations for corrective action for each sustained allegation.

2. Deputy Chief

- a. Review the investigative package and make a finding for each allegation, including appropriate positive corrective/disciplinary action.

Note: For complaints involving AFSCME or **CWA** personnel, provide the **City** Summary of Investigation form(s) to the appropriate union by the timeline listed in the appropriate collective bargaining agreement.

- b. Send the completed investigative package to IAB for documentation, filing, and notification to the involved Division personnel.
- c. If appealed, provide a written response to appellants of the investigative findings.

D. False Complaints Filed Against Sworn Division Personnel

1. Investigating Supervisor

- a. Determine whether there is probable cause that the complainant knowingly made a false complaint of misconduct. The investigator shall include the basis for the probable cause in the complaint investigation.
- b. Conduct an in-person recorded interview with the complainant alleging the false complaint and attach the recording and transcript to the investigative package.
- c. Provide known exculpatory or mitigating information relative to the complainant's culpability and/or mental competence.
- d. If approved by a deputy chief, complete the appropriate paperwork to file a summons on the complainant for filing a false complaint, and notify the involved officer.
- e. Appear in court with all related evidence as necessary.

2. Deputy Chief

- a. Review the investigation and determine if probable cause exists to file a criminal charge.
- b. If probable cause exists, determine whether the involved officer(s) wishes to pursue criminal charges.
- c. Consult with the Legal Advisor and determine if the charge should be filed.
- d. Notify the investigating supervisor and the involved officer of the decision.

3. Involved Officer

- a. If criminal charges are filed by the Division, appear in court as necessary.
- b. If charges will not be filed by the Division and you intend to proceed independently through the Prosecutor's Office, notify your chain of command and the Legal Advisor's Office of your decision and keep them updated on all court actions regarding the case.

E. Appealing an Investigative Finding

1. Division Personnel

- a. Forward an appeal letter through the chain of command to the subdivision deputy chief within 14 calendar days after receiving notification of a complaint disposition.
- b. Include in the letter the basis for the appeal and any relevant information not covered in the investigation.

2. Citizen Appeals

- a. Division personnel shall refer the citizen to the appropriate deputy chief's office.
- b. Division personnel shall advise the citizen that the appeal must be filed with the deputy chief's office within 14 calendar days after receiving notification of the investigative finding(s).

F. Minor Policy Violation

1. Chain of Command

- a. Review the investigation and associated evidence.**
- b. Recommend a finding of “within policy” or “not within policy” for the involved employee’s conduct.**
- c. Recommend appropriate discipline or corrective action when there is evidence the minor policy violation occurred.**