

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 who are not sworn employees of the Division of Police and any anonymous complaint.

B. Complaint

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

C. Internal Complaint

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

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

D. Investigative Findings

1. Exonerated

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

2. Not Sustained

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

3. Sustained

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

4. Unable to Resolve

- a. This finding will only be used when there is not enough information to complete the investigation **of a complaint filed against a civilian employee**. If the investigation is able to be completed, another finding listed in this section will be used based on the facts and evidence available.

- (1) 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.

(2) The investigation could not be completed because the involved **civilian** employee was unavailable or unwilling to submit to a necessary interview.

5. Unfounded

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

6. Withdrawn

a. 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Note: The complaint package must include the signature of the complainant indicating a desire to have the complaint withdrawn, or the withdrawal must have been recorded and such recording shall be available in the Internal Affairs Bureau (IAB).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 IAB and investigated within the time constraints and parameters outlined in the appropriate collective bargaining agreement.

1. A complaint filed by a civilian Division employee alleging a violation of policy prohibiting discrimination in the workplace by sworn personnel shall be exempt from the 90-day requirement as outlined in the appropriate collective bargaining agreement.

B. Internal complaints made against personnel more than 90 days after the alleged incident will not be investigated unless approved by the accused employee's deputy chief.

C. The Chief of Police may approve an alternate investigation and review process.

D. Counter or retaliatory allegations raised by Division personnel under investigation shall be scrutinized for timeliness and credibility and may result in discipline if warranted.

E. The standard of proof for determining the investigative finding of an allegation shall be a preponderance of the evidence.

F. 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.

G. 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, if appropriate.
4. Sexual harassment and discrimination complaints.

Note: If the complaint involves civilian personnel, refer to the procedures outlined in the "Equal Employment Opportunity, Discrimination/ Harassment, and American with Disabilities Act" directive.

5. Equal Employment Opportunity (EEO) complaint investigations.

Note: If the complaint involves civilian personnel, refer to the procedures outlined in the "Equal Employment Opportunity, Discrimination/ Harassment, and American with Disabilities Act" directive.

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.

H. Corrective action shall be taken for all substantiated complaints in accordance with the applicable collective bargaining agreement and the "Discipline/Corrective Action" directive.

I. A focus employee's bureau commander/manager or higher who wishes to return an IAB investigation to IAB for further investigation shall consult with the IAB commander and discuss the additional information requested.

1. The chain of command shall not conduct a concurrent and/or any further investigation of any IAB investigation.
2. Any subsequent investigation must still comply with the timelines outlined in the appropriate collective bargaining agreement.

J. Minor policy violations (that historically result in counseling or the first step in formal discipline) that do not have a nexus to the original complaint shall be addressed and handled appropriately by the chain of command. Policy violations having a nexus to the original complaint shall be investigated by IAB.

K. 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.

L. The commander shall make the final determination on Level 1 complaints, and a deputy chief shall make the final determination on Level 2 and 3 complaints and the filing of false complaint charges.

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 6 a.m. and 10 p.m.
- (2) The Headquarters Operations Sergeant between 10 p.m. and 6 a.m. 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 6 a.m. and 10 p.m. or the Headquarters Operations Sergeant between 10 p.m. and 6 a.m.
 - 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. Headquarters Operations 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.
 - (1) 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 him or her 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 IAB Lieutenant and/or the IAB Commander regarding complaints involving serious or criminal misconduct requiring immediate attention.
3. IAB Supervisors
- a. Follow the procedures for Citizen Complaints in the IAB SOP manual.
 - 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, Discrimination/Harassment, and Americans with Disabilities Act” 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

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

C. Completed Investigations

1. Chain of Command

- a. Review the completed investigative package and relevant video if included.
- 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 commander or deputy chief. Include the specific Rule(s) of Conduct, City of Columbus Central Work Rule(s), or Division Directive(s) violated and recommendations for corrective action for each sustained allegation. If a documented constructive counseling or written reprimand is recommended, prepare a draft copy of the Disciplinary Action, form A-17, and send it with the investigative package for future issuance if approved by the chain of command.

2. Commander or Deputy Chief

a. Review the investigative package and make a finding for each allegation, including appropriate positive corrective/disciplinary action, unless otherwise directed by the Chief of Police.

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 as follows:

(1) If no discipline is being issued, forward to IAB for documentation, filing, and notification to the involved Division personnel.

(2) If discipline is being issued, forward through the chain of command for review and follow-through.

c. If appealed, provide a written response to appellants of the investigative findings.

3. Immediate Supervisor

a. Upon determination by the commander or deputy chief regarding the allegation(s), issue discipline and forward the investigative package to the Human Resources Bureau.

4. Human Resources Bureau

a. Remove original disciplinary documentation from the investigative package, enter it into the Discipline Tracking System, and maintain the disciplinary documentation in accordance with the appropriate collective bargaining agreement.

b. Forward the remainder of the investigative package to IAB for filing.

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. False Complaints Filed Against Civilian Division Personnel

1. Investigating IAB Supervisor

- a. Determine whether there is probable cause that the complainant knowingly made a false statement to Division personnel. 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 civilian employee.
- e. Appear in court with all related evidence as necessary.

2. Deputy Chief

- a. Review the investigation and determine if probable cause exists.
- b. If probable cause exists, determine whether the involved civilian employee(s) wishes to pursue criminal charges.

Note: The civilian employee may not be the victim, but rather it may be the employee to whom the person made the false statement depending on the nature of the false statement.

- c. Consult with the Legal Advisor and determine if the charge should be filed.
 - d. Notify the investigating IAB supervisor, the involved civilian employee, and the involved employee's supervisor of the decision.
3. Involved Civilian Employee
- 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.
- F. Appealing an Investigative Finding
1. Division Personnel Appeals
- 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. Refer the citizen to the appropriate deputy chief's office.
 - b. 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).
3. Investigating Supervisor
- a. Contact the appealing party to determine what, if any, new information is available.
 - b. If new information is available that could change the outcome of the investigation, write a letter of information to the deputy chief.
 - c. If there is no new information, complete a letter addressed to the appropriate party on Division letterhead and forward it to the deputy chief for signature.
- G. Minor Policy Violation Without a Nexus to the Original Complaint
1. Chain of Command
- a. Review the investigation and associated evidence.
 - b. Appropriately address minor policy violations when discovered.