

# **Internal Affairs Bureau**

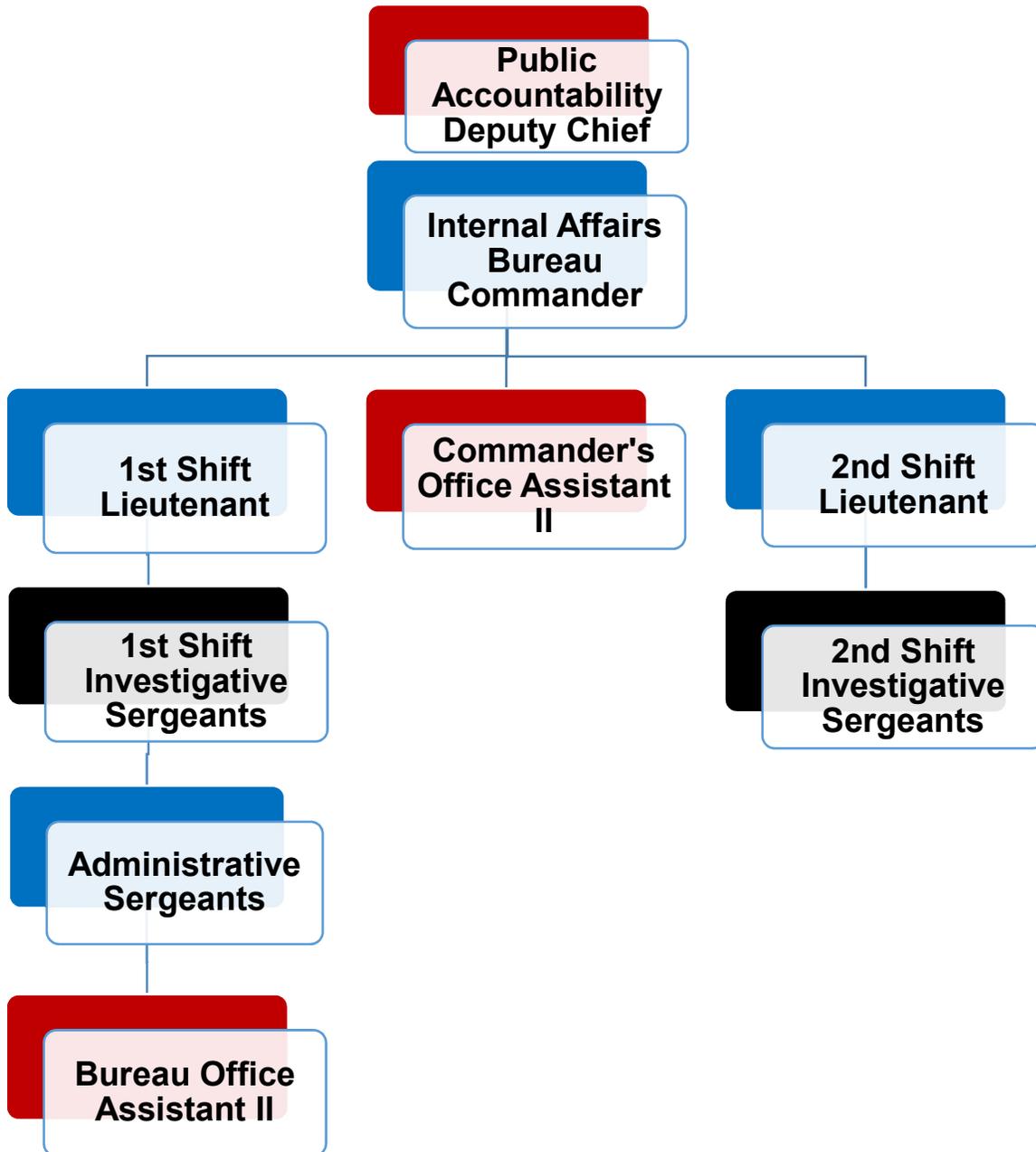
## **2020 Bureau Report**

**Prepared by:  
Cmdr. Mark J. Gardner #5012  
Internal Affairs Bureau Commander**

## **Bureau's Mission Statement:**

Internal Affairs Bureau personnel will uphold the integrity of the Columbus Division of Police by conducting unbiased, thorough investigations of alleged employee misconduct while seeking the truth, safeguarding rights and ensuring all persons involved are treated with dignity and respect.

## Organizational Structure/Chart:



## **2021 Projects/Goals:**

2020 laid the foundation for the strategic goals and projects for the Internal Affairs Bureau for 2021. In 2020 the City began preparations for relocating the Internal Affairs Bureau to a new building. Construction on the new building is scheduled to be completed around May of 2022. To that end, the Internal Affairs Bureau has identified a goal for 2021:

1. Provide support and input with Construction Management, the Support Operations Bureau, the Department of Technology, and the contracted vendors to ensure a seamless transition to the new building.

In 2020 the Internal Affairs Bureau was charged by the Chief of Police to create a proposal to transition the investigation of all level 4 and above use of force incidents to the Internal Affairs Bureau. The proposal was developed and forwarded to the Chief of Police for implementation. As of this writing the proposal has been put on hold pending contract negotiations and the creation of the new Civilian Review Board and the Office of Inspector General. To that end, the Internal Affairs Bureau has identified a goal for 2021:

2. Upon approval by the Chief of Police implement the approved plan of proposal for the Internal Affairs Bureau to investigate use of force incidents, level four and above.

## **2020 Highlights and Accomplishments**

2020 was a trying year for the entire Division of Police. The Internal Affairs Bureau was no exception. In May of 2020 a change of command occurred in the position of Bureau Commander. Upon that change, the Bureau Commander was charged with creating a proposal for the Chief of Police to transition the investigation of all level 4 and above use of force incidents to the Internal Affairs Bureau. The expected timeline for proposal and implementation given by the Chief of Police was very aggressive. The Chief of Police directed that the proposal was expected to be submitted to him by the end of July, initial implementation was to begin in early September, and full implementation was to be completed no later than January 1, 2021. The proposal was forwarded to the Chief of Police as directed. In the summer of 2020 elected government officials put forth a ballot initiative to create a Civilian Review Board and an Office of Inspector General. These new entities were approved by voters and are now being discussed during contract negotiations with the Fraternal Order of Police. The duties and responsibilities of these new entities and how they will impact the Internal Affairs Bureaus are unknown at this time. As of this writing, there has been no movement on this proposal or any direction to move forward.

As a result of the summer riots, the Internal Affairs Bureau became a conduit for outside entities conducting investigations (both administrative and criminal) and served as a liaison. To that end, the Internal Affairs Bureau became the defunct repository for all use of force investigations (both completed and uncompleted) and duplicated those investigations for outside investigators. The Internal Affairs Bureau also became the "go to" bureau for these outside entities for assistance in interviews and gathering evidence. The early months of 2021 have proven that the Internal Affairs Bureau will continue to assume this role long into the future.

Another result of the summer riots brought an increase in the number of allegations of misconduct. Over a four-year period complaints and the number of allegations was trending downward. The total number of complaints received and the total number of allegations rose to a level that has not been seen in recent history.

During the change of command of the Internal Affairs Bureau in May of 2020 an immediate goal was to cease the practice of tasking a former sergeant of the Internal Affairs Bureau to compile Internal Affairs data for the Employee Action Review System (EARS). Ensuring this task was completed in-house was an immediate priority for the incoming commander and was listed as a strategic goal of the outgoing commander. Upon the change in command, the former Internal Affairs Bureau Sergeant was relieved of this responsibility and it was assigned to the current IAB lieutenants.

The Internal Affairs Bureau adapted well to new restrictions caused by COVID19. Most in-person interviews were replaced with telephone interviews. The downside of

the telephone interviews was that obvious false complaints were limited in their ability to be pursued for criminal charges whereas phone interviews do not always meet the City Attorney's minimum threshold for filing such charges. The upside to conducting telephone interviews was it enable Internal Affairs Sergeants to handle the higher workload because it reduced travel time to different locations to conduct interviews.

In 2020 the Internal Affairs Bureau adapted to handling a higher caseload with reduced personnel. The Bureau is short one investigative sergeant's position that has not been filed for over a year and one administrative sergeant's position has been vacant due to a temporary vacancy (that sergeant is currently assigned to the FOP for contract negotiations).

# Facilities/Equipment Review/Needs

In September of 2020 the Internal Affairs Bureau underwent a comprehensive staff inspection by the Staff Inspections Section of the Professional Standards Bureau. The following is the Staff Inspections Report that was generated.

Staff Inspections Report

**Inspections Completed by:** Lt. Marc Helder

**Date of Inspection:** 09/03/2020

**Division Component:** Internal Affairs Bureau Admin., First, and Second Shift

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**Executive Summary:**

The following is the four-year accreditation cycle inspection of the Internal Affairs Bureau. The inspection included a pre-inspection interview with Internal Affairs Bureau Commander Mark Gardner. The inspection addressed the facilities, vehicles and personnel of the Internal Affairs Bureau, as well as any supplemental issues or deficits encountered.

Based on the totality of the inspection, SIS finds that IAB is operating in an overall efficient manner and is able to effectively complete its mission. SIS found that IAB personnel reflect positively on the Division and are in compliance with all applicable CALEA standards. The deficiencies noted from the previous inspection cycles have been properly addressed or resolved and the Bureau has made many significant improvement to the facility.

**Safety or Security Issues Requiring Immediate Attention:** No issues were uncovered during the inspection.

**Inspection:**

- **Personnel:** All of the inspected IAB personnel were found to be in substantial compliance with the SOP, Division Directives, and CALEA accreditation standards. The minor deficiencies noted on the individual inspection forms attached were immediately reconciled or addressed. The inspected personnel were proficient in their assignments and able to accurately describe their duties and responsibilities when asked.

View the Inspection Forms by following these links:  
(you can arrow back to the report after reviewing the form)

[Sgt. Ersham](#)  
[Sgt. Gatton](#)  
[Sgt. Johnson](#)

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## Staff Inspections Report



- **Vehicles:** There are currently eight vehicles in the IAB fleet. The inspected vehicle was found to be in excellent operating condition with no discrepancies noted. A visual inspection of the remaining vehicles on the lot showed normal wear consistent with normal usage.



View the Inspection Forms by following these links:

(You can arrow back to the report after reviewing the form)

[BTR28782](#)

- **Facilities and Equipment:** The overall condition of the facility was acceptable. Several deficiencies noted in the previous inspection had been reconciled to include the inoperable video system, settlement crack throughout the building, and outdated and unused equipment. The remaining issues noted in the facility/equipment section of the report have been addressed with the building owner prior to the inspection.
- The front entrance had been remodeled and provided a professional appearance
- A new security door was installed between the interview rooms and access to the second floor
- Internal ~~WIFI~~ was installed and is operational
- The parking gate were removed and new signage was installed in the private parking area

View the Inspection Forms by following these links:

(You can arrow back to the report after reviewing the form)

[Facilities and Equipment](#)

[PHOTOS](#)

- **SOP:** There are currently alterations being made to the existing SOP to reflect the current IAB operations and cooperation with outside entities. As of the date of this inspection, those changes have not been finalized. The Accreditation Section pre-inspection review did not indicate any conflicts with the current CALEA standards under the most current SOP.
- **Accreditation Review:** The Accreditation Section requested the additional inspection on assigned personnel's riot helmet to include the compliance with the requirement to mark the helmet with IBM/badge numbers. This was completed in the individual inspection forms.  
  
In addition, the recent deviation in the complaint process ordered by the Mayor's Office, raised questions as to the compliance with current CALEA standards in regards to internal investigations. Sgt. Gatton provided a complete summary of the current deviations from existing policies and this information was relayed to the Accreditation Section for further review.
- **Commander/ Manager Requested Inspection Items:** Commander Gardner did not request any additional inspections in addition to the inspections conducted. Commander Garner's concerns



## Staff Inspections Report



regarding the planned, new facility and lack of efficient computer equipment are noted in the facility/equipment form included in the inspection packet.

As noted in the Staff Inspections Report, the City of Columbus has decided to move the Internal Affairs Bureau to a new facility located at 1155 East Broad St. This new facility is tentatively scheduled to be occupied around May of 2022. Since the City of Columbus is leasing the current facility located at 750 East Long St. and will not be at this location beyond 2022, there are no current or future changes needed to this facility. Throughout the remainder of 2021 and into 2022 personnel from the Internal Affairs Bureau will continue to assist and provide insight to Construction Management and the Support Operations Bureau with the construction and design of the new facility.

## **SOP Review**

The Internal Affairs Bureau SOP was reviewed and revised in accordance with the Supervisor's Manual. All material in the manual is current and up to date as of this writing.

## **Bureau Recommendations:**

As directed by the Chief of Police, the following issues are to be addressed from a bureau perspective:

- a. Staffing Issues/Priorities (current and potential due to the elimination of the June class)\*
- b. Service Reductions (if staffing is reduced what services will be reduced/stopped)\*

### **Staffing Issues/Priorities:**

Prior to March of 2020, the Internal Affairs Bureau was at full strength in personnel. In March of 2020 a vacancy occurred due to retirement of an administrative sergeant and an investigative sergeant took the vacant administrative sergeant's position. Thus, leaving an investigative assignment vacant. Since that time, the bureau has been short one investigative sergeant's position.

In October of 2020 an administrative sergeant transferred out of the Internal Affairs Bureau and that vacancy was filled with a sergeant who is currently on the FOP contract negotiation team. A request to fill this vacancy was denied which has caused an increase in overtime to staff the vacant position. Thus, leaving the bureau temporarily short one administrative sergeant's position. As of this writing, there is not an estimated date for when the sergeant assigned to the FOP contract negotiation team will return to his regular assignment.

To that end, the Internal Affairs Bureau is down one permanent investigative sergeant's position and one temporary administrative sergeant's position. Although the bureau saw a significant workload increase in 2020 that is trending to continue throughout 2021, the bureau has managed to keep pace with the workload with appropriate overtime. Should the June class be cancelled and personnel cuts be forced upon the bureau, it is recommended that the existing vacancies not be filled. However, if the June class is not cancelled, filling these vacancies should be a priority for the Division.

### **Service Reductions:**

The work/investigations being completed by the Internal Affairs Bureau is necessary work to maintain the integrity of the Division of Police. There is no flexibility in reducing services within the bureau without compromising the integrity of the entire Division of Police. The community expects accusations of misconduct to be investigated by an independent body (i.e. Internal Affairs Bureau) and it would be detrimental to the entire organization to cede this function. However, should a need arise in which reductions in service become unavoidable, the Division could revert to the Internal Affairs model prior

to 2002 when all citizen complaints of minor misconduct were investigated by the chain of command and only allegations of critical misconduct were investigated by the Internal Affairs Bureaus. It should be mentioned that should such a scenario occur, it would only shift responsibility of work from the Internal Affairs Bureau to other supervisors within the Division, it would not absolve the Division's responsibility to investigate the allegations.

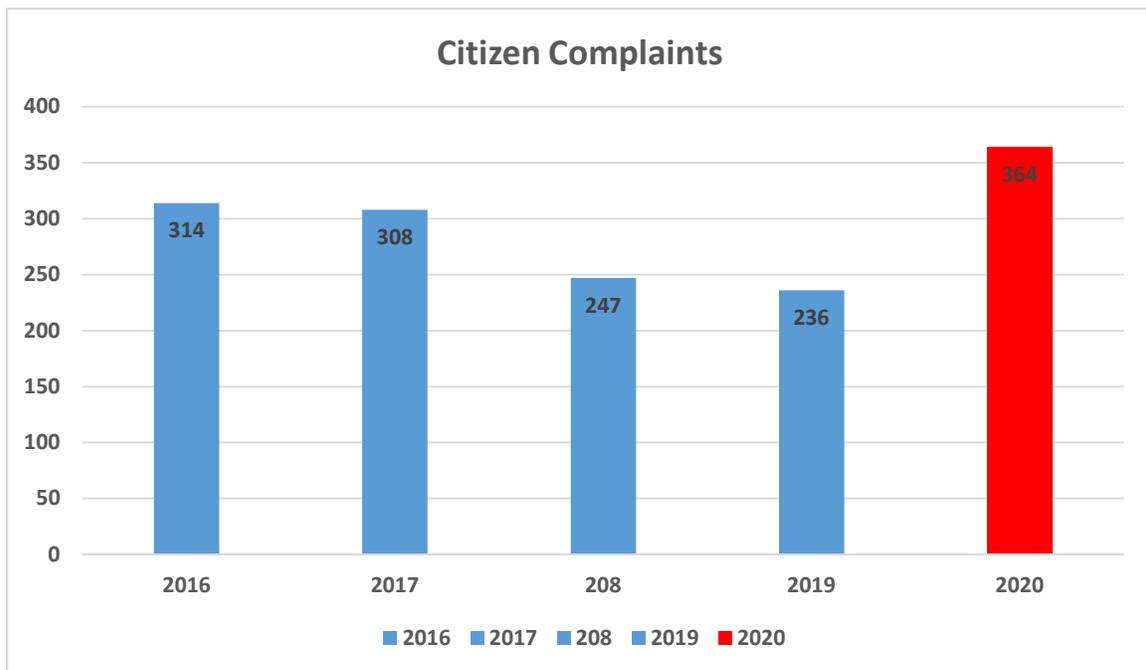
## Continuing impact from COVID-19:

Personnel within the Internal Affairs Bureau have adapted very well to the continuing impact from COVID-19. "COVID Days" were instituted in April, then cancelled in late May when the riots began. "COVID Days" were reinstated in mid-November and continued through the end of the year. Because of COVID-19, the Internal Affairs Bureau requirement to conduct in-person interviews was halted. This was done to reduce investigator's exposure to the virus and reduce spread of the disease. This had a positive and negative effect on the bureau. The positive effect is it helped investigators manage their increased caseloads because they were permitted to conduct most interviews over the telephone rather than in person, thereby saving time from traveling to and from interviews. The negative effect was telephone interviews are not optimal whereas body language and non-verbal clues of deception cannot be detected over the phone.

Even with the COVID-19 restrictions in place, Internal Affairs Bureau Personnel still accomplished their mission without compromising the quality of their investigations.

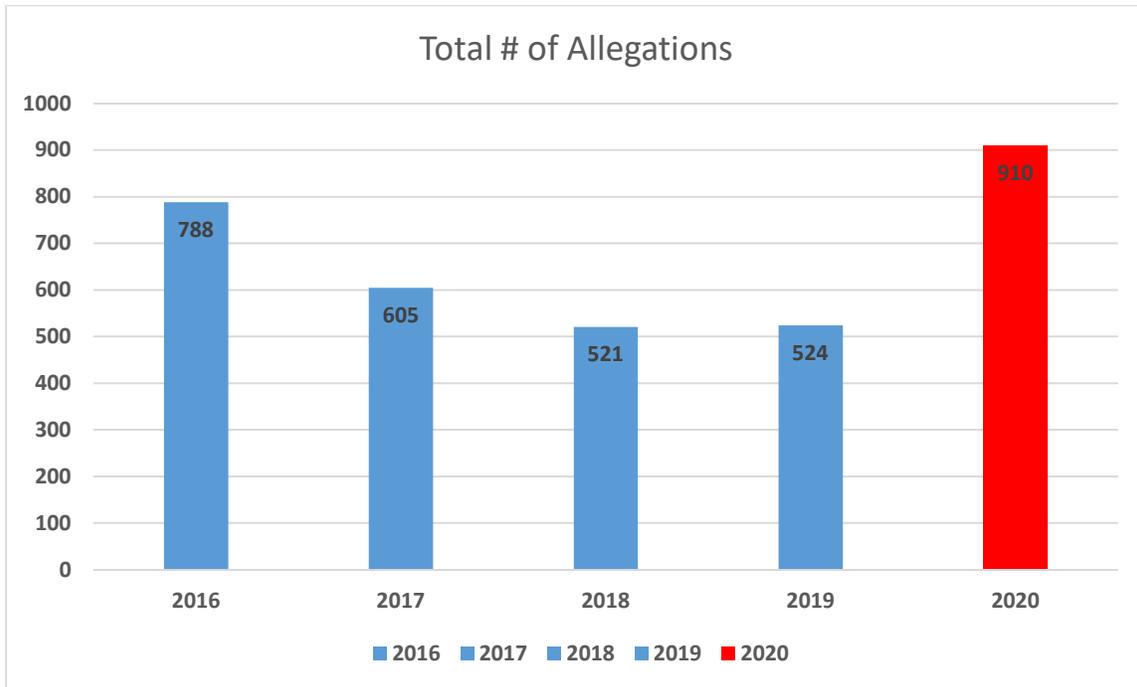
Below is a breakdown of the workload of the bureau and graphical depictions of the increase/decrease in workload compared to the previous five year period.

### Internal Affairs Bureau Workload:



Since 2016 the Internal Affairs Bureaus had seen a consistent decline in citizen complaints. That trend ended in 2020. From 2016 to 2017 there was a 2% decrease in

citizen complaints (308 from 314). From 2017 to 2018 there was a 20% decrease in citizen complaints (247 from 308). From 2018 to 2019 there was a 4.5% decrease in citizen complaints (236 from 247). From 2019 to 2020 there was a 35% *increase* in citizen complaints (from 236 to 364). It's worth noting that approximately 50 cases in 2020 were investigated by the law firm of Baker Hostetler, however IAB personnel were still tasked with assisting the law firm with those cases and being present for all sworn interviews.



A single complaint can have multiple allegations of misconduct. This is why there are more allegations of misconduct than there are total number of complaints. From 2016 through 2019 the Division of Police was on a downward trajectory in the number of allegations of misconduct against Division Personnel. From 2016 to 2019 the number of allegations decreased by 34%. From 2019 to 2020 the total number of allegations from *rose* by 58%.

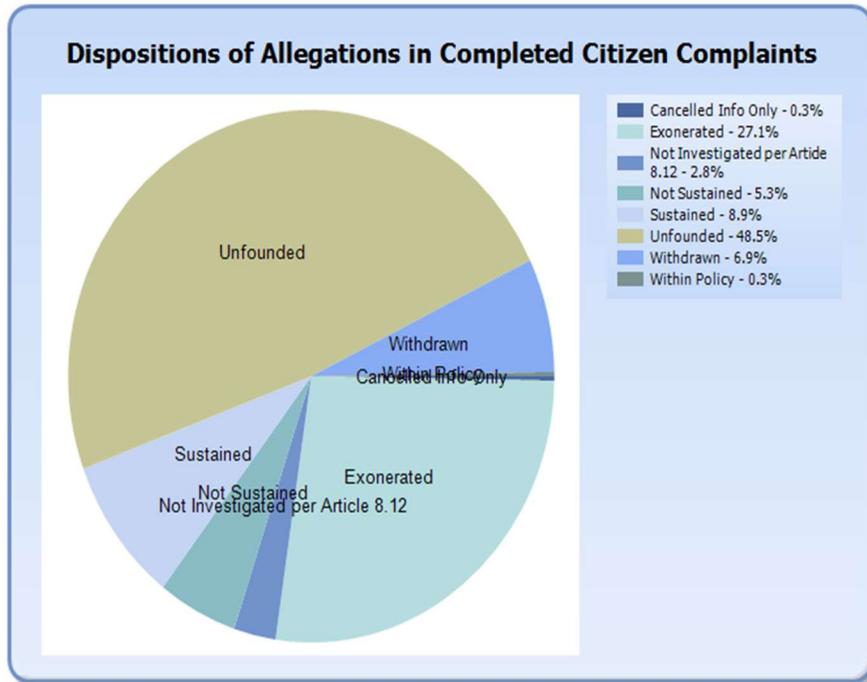
### Nature of Allegations in All Citizen Complaints

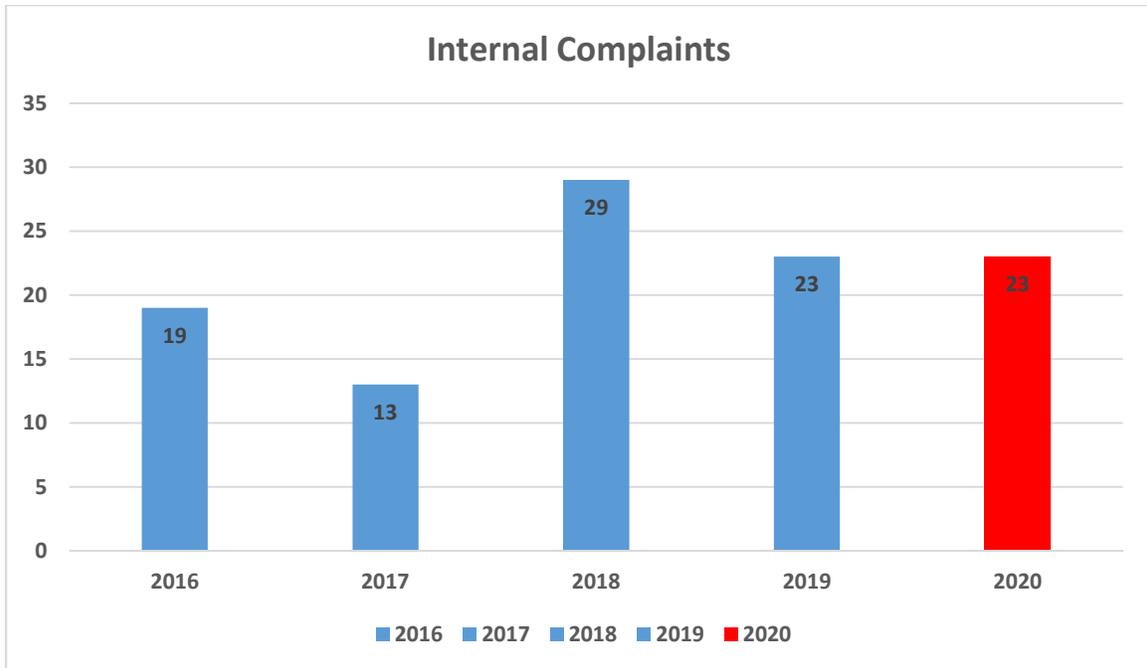
Nature of Allegations	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Actions Taken / Not Taken	20	49	57	54	180
Arrest	2	0	2	0	4
BWC Usage	2	0	0	0	2
Criminal Charge	0	1	1	4	6
Discretion	6	5	1	0	12

<b>Discriminatory Actions</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>9</b>
<b>Display/Use of Firearms</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>
<b>EEO - Hostile Work Environment</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>Fail To Provide Name and/or Badge Number</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>5</b>	<b>17</b>
<b>Force</b>	<b>26</b>	<b>82</b>	<b>63</b>	<b>15</b>	<b>186</b>
<b>Handling of Prisoner</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>4</b>
<b>Handling of Property</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>9</b>
<b>Investigative Actions - Accident</b>	<b>5</b>	<b>9</b>	<b>7</b>	<b>2</b>	<b>23</b>
<b>Investigative Actions - Criminal</b>	<b>8</b>	<b>27</b>	<b>38</b>	<b>22</b>	<b>95</b>
<b>Missing or Damage Property</b>	<b>4</b>	<b>13</b>	<b>5</b>	<b>4</b>	<b>26</b>
<b>Operation of Vehicle</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>0</b>	<b>11</b>
<b>Other</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>10</b>	<b>11</b>
<b>Racial Profiling</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>4</b>
<b>Response Time</b>	<b>0</b>	<b>7</b>	<b>3</b>	<b>0</b>	<b>10</b>
<b>Rude or Discourteous Language or Actions</b>	<b>16</b>	<b>29</b>	<b>45</b>	<b>42</b>	<b>132</b>
<b>Rude or Discourteous Profanity</b>	<b>2</b>	<b>4</b>	<b>10</b>	<b>5</b>	<b>21</b>
<b>Search/Seizure</b>	<b>24</b>	<b>10</b>	<b>37</b>	<b>18</b>	<b>89</b>
<b>Threats or Harassment</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>12</b>	<b>19</b>
<b>Unbecoming Conduct</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>3</b>
<b>Uniform</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Unknown</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Untruthfulness</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>3</b>
<b>Use of Authority or Position</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>6</b>
<b>Use of Mace</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Violation of City Work Rules</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Violation of Police Rules, Orders, Etc.</b>	<b>4</b>	<b>0</b>	<b>8</b>	<b>8</b>	<b>20</b>
<b>Total</b>	<b>142</b>	<b>254</b>	<b>302</b>	<b>212</b>	<b>910</b>

### Dispositions of Allegations in Completed Citizen Complaints

Disposition	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Year to Date
Cancelled Info Only	0	0	0	2	2
Exonerated	45	60	77	22	204
Not Investigated per Article 8.12	2	2	16	1	21
Not Sustained	5	9	20	6	40
Sustained	15	12	32	8	67
Unfounded	62	117	115	71	365
Withdrawn	12	16	9	15	52
<b>Total</b>	<b>141</b>	<b>216</b>	<b>269</b>	<b>125</b>	<b>751</b>

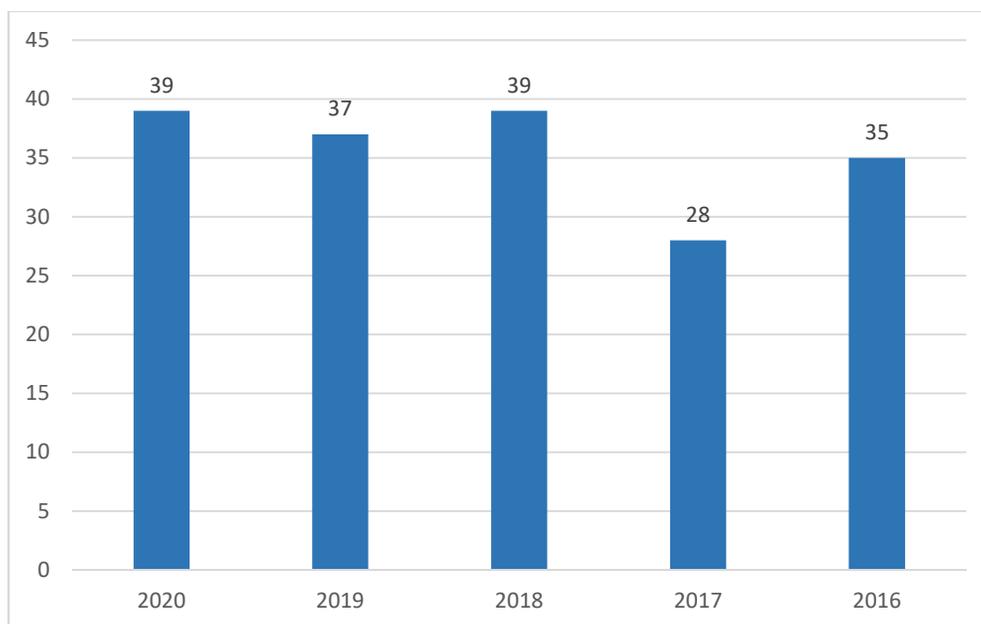




There was no change in the number of internal complaints (investigated by the Internal Affairs Bureau) between 2019 and 2020.

# Addendum

## 2020: Level 2 and Criminal Investigations Assigned and Investigated



## 2020: Contractual Compliancy for Completed Citizen Complaints

Article 8 of the collective bargaining agreement (CBA) between the City of Columbus and Fraternal Order of Police Capital City Lodge No. 9 provides the contractual timelines for completion of citizen complaints. In particular, Article 8.14 states, "The investigation of Citizen Complaints shall be concluded within ninety (90) days after the date the complaint was received by the City." In addition, Article 8.14 states, "If the applicable time limit is not met, or the investigation otherwise exceeds one-hundred eighty (180) days, no member will be disciplined arising out of the investigation of such citizen complaint."

### 2018

- Number of Citizen Complaints Completed 279
- Number Completed in 90 Days 278
- Percentage Completed in 90 Days 99.6%

### 2019

- Number of Citizen Complaints Completed 269
- Number Completed in 90 Days 269
- Percentage Completed in 90 Days 100%

### 2020

- Number of Citizen Complaints Completed 321
- Number Completed in 90 Days 321
- Percentage Completed in 90 Days 100%