

Columbus Police Division Directive	EFFECTIVE Aug. 01, 1987	NUMBER 9.07
	REVISED Dec. 30, 2023	TOTAL PAGES 8
Complaints		



Cross Reference: 8.08, 9.08

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

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 Withdrawn

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Note: The complaint package must include the signature of the complainant indicating a desire to have the complaint withdrawn, or the withdrawal must have been recorded and such recording shall be available in the **Department of the Inspector General (DIG)** or Internal Affairs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

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 **received by** the Division or its personnel shall be forwarded and investigated within the time constraints and parameters outlined in **this directive and** 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. 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.

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. The DIG will normally conduct investigations of citizen complaints against sworn personnel.

H. IAB investigators shall **be responsible for the following:**

1. Citizen complaint investigations **of civilian personnel**
2. Internal investigations involving either administrative or criminal allegations when requested by a deputy chief or **higher**
3. Administrative investigations with other agencies, if appropriate
4. **Assistance with** Equal Employment Opportunity (EEO) **and workplace violence** complaints **investigated by the Department of Public Safety**

Note: If the complaint involves civilian personnel, refer to the procedures outlined in the “Equal Employment Opportunity **and** Discrimination/ Harassment” directive.

5. Citizen complaint investigations involving allegations of a criminal offense

Note: The actual criminal investigation may be assigned to a specialized unit.

6. **False complaint investigations at the direction of an assistant chief or higher**

7. Investigations at the direction of the Chief of Police

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

J. 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.

K. 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, **documented**, and handled appropriately by the chain of command. Policy violations having a nexus to the original complaint shall be investigated by IAB.

L. 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.

M. The commander shall make the final determination on Level 1 complaints, and **the assistant** chief shall make the final determination on Level 2 complaints and the filing of false complaint charges.

III. Procedures

A. Citizen Complaints Against Sworn Personnel

1. Division Personnel

a. Refer the complainant directly to the DIG. Citizens may file a complaint with the DIG using any of the following methods:

(1) Intake Hotline (24 hours a day, 7 days a week): (614) 645-9600

(2) In person

(a) DIG Office (Monday through Friday, 9 a.m. to 5 p.m.)

50 W. Town Street, Suite 100

Columbus, Ohio 43215

(b) Citizen Police Review Board Monthly Meetings

Michael B. Coleman Government Center

111 North Front Street, 2nd Floor Hearing Room

Columbus, Ohio 43215

b. Advise the complainant that additional information about the DIG is available on the agency's website at www.columbus.gov/Government/Inspector-General.

c. Provide the complainant a copy of the DIG Citizen Complaint form available through the "Online Forms" link on the Division's intranet.

d. Send an email to IABDeskSgt@columbuspolice.org with the date of contact, name of the complainant (if provided), and that the DIG Citizen Complaint form was provided to the complainant.

e. Notify an on-duty IAB supervisor and/or the IAB Commander if the citizen complaint involves possible serious or criminal misconduct.

B. Citizen Complaints Against Civilian Personnel

1. Division Personnel

a. Transfer or refer phone calls to **the IAB** Phone Line, answered by the IAB Administrative Sergeant **Monday through Friday**, between 9 a.m. and 5 p.m.

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) **Scan and email** a copy of the document(s) to IAB **via IABDeskSgt@columbuspolice.org** 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 to the IAB Administrative Sergeant ***Monday through Friday***, between **9 a.m.** and **5 p.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. 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.

C. 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 ***and*** Discrimination/Harassment” directive.

d. If the complaint involves a workplace violence violation:

(1) Notify a Division supervisor.

(2) Complete the City of Columbus Incident/Occurrence of Workplace Violence form and email it to humanresources@columbuspolice.org by the end of the tour of duty.

2. Chain of Command Supervisor

- a. Forward internal complaints filed by civilian personnel against sworn personnel to IAB.***
- b. Forward internal complaints alleging criminal or serious misconduct through the chain of command to the involved **assistant** chief. Contact IAB if the complaint requires immediate attention.***
- c. 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.

D. 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. Recommend a criminal investigation be conducted when it appears a false complaint was filed against sworn personnel.

g. Forward the investigative package through the chain of command to the commander or **assistant chief as applicable**. 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

- 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. **Assistant Chief**

a. **Follow the procedures in Section III,D,2.**

b. **Review any chain of command recommendation to conduct a criminal investigation of a false complaint filed against sworn personnel, and forward the investigative package to IAB if a criminal investigation should be conducted.**

4. Immediate Supervisor

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

5. Human Resources

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.

E. False Complaints Filed Against **or False Statements Made to** Division Personnel

Note: Refer to Ohio Revised Code 2921.15 as appropriate.

1. Investigating IAB Supervisor

a. Determine whether there is probable cause that the complainant knowingly **filed a false complaint of misconduct or** made a false statement to Division personnel. The investigator shall include the basis for the probable cause in the complaint investigation.

b. **Attempt to** 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. **Forward the completed investigation to the requesting assistant chief for a final determination on whether to file charges.** If approved, complete the appropriate paperwork to file **charges** on the complainant and notify the involved **personnel**.

e. Appear in court with all related evidence as necessary.

2. **Assistant** Chief

a. Review the investigation and determine if probable cause exists.

b. If probable cause exists, determine whether the involved **personnel** wish to pursue criminal charges.

Note: **A** 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 **personnel**, and the involved **personnel's** supervisor of the decision.
3. Involved **Personnel**
- 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 **for Level 1 complaints or the Chief of Police for Level 2 complaints** 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 **subdivision** deputy chief's office **for Level 1 complaints or the Chief of Police's office for Level 2 complaints**.
- b. Advise the citizen that the appeal must be filed with the **appropriate** 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 **subdivision** deputy chief **for Level 1 complaints or the Chief of Police for Level 2 complaints**.
- c. If there is no new information, complete a letter addressed to the appropriate party on Division letterhead and forward it **for signature** to the **subdivision** deputy chief **for Level 1 complaints or the Chief of Police for Level 2 complaints**.

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.
- c. **Document remedial actions taken on the routing sheet or in the typed response to the investigation.**