



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



<b>EFFECTIVE DATE:</b> FEBRUARY 21, 2020	<b>CHAPTER:</b> 1 - Administrative	<b>PAGE:</b> 1 of 5	<b>NUMBER:</b> 1.07.04
<b>SUBJECT:</b> PUBLIC COMPLAINTS OF MISCONDUCT			
<b>CHIEF:</b> <i>Calvin D. Williams, Chief</i>			

**PURPOSE:** To establish guidelines for receiving, investigating and responding to public complaints of misconduct involving members of the Cleveland Division of Police.

**POLICY:** Members of the Cleveland Division of Police have a continuing obligation to serve the community in a responsible, professional and accountable manner. An integral aspect of this obligation is to ensure that Division policies and procedures are complied with in a reasonable and effective manner. To meet this obligation, the Division will provide a readily accessible process through which all members of the public, as well as members of the Division have confidence that complaints against a member will be promptly and objectively investigated and resolved. Such investigations not only provide for corrective action when appropriate, but also protect against unwarranted criticism when policies and actions are administered correctly and in compliance with proper procedures. Furthermore, a timely and thorough investigation serves to protect members of the public from police misconduct and members from complaints that are retaliatory, manipulative or result from the misunderstanding of police protocol.

**PROCEDURES:**

- I. General Guidelines
  - A. All complaints, regardless of the perceived severity, shall be accepted, investigated, and documented by either the Division or the Office of Professional Standards (OPS).
  - B. Complaints shall be accepted in a professional and courteous manner without question or challenge, providing members of the public a full and fair opportunity to file complaints alleging member misconduct.
  - C. All Division members shall have available for distribution upon request by members of the public, an OPS Complaint Form and available translations which shall be carried in all Division vehicles (See also Communication with Limited English Proficiency or Deaf).
  - D. When requested by an individual, members shall provide their name and badge number and shall provide this information in writing if requested.
  - E. Form-1 responses to OPS complaints are subject to Public Records Requests.
  - F. Members shall not discourage, interfere with, hinder, or obstruct any individual from making a complaint.
  - G. No member shall retaliate against individuals who file a complaint or participate in the complaint process. (See 1.07.07 Retaliation Prohibited)
- II. Accepting Public Complaints of Misconduct

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- A. All members shall accept complaints from any source including, but not limited to the following:
  - 1. The subject of a police incident
  - 2. A witness
  - 3. A third party (such as a parent or spouse of the subject)
  - 4. Outside agencies
  - 5. A person who wishes to remain anonymous
- B. Complaints shall be accepted through any of the following:
  - 1. In-person with a member on-scene
  - 2. Electronic or written communication;
    - a. Telephone
    - b. Email
    - c. Mail
    - d. Fax
  - 3. City websites (CDP, OPS, City of Cleveland)
  - 4. CDP Headquarters, any district, bureau, or unit
  - 5. City Hall (Mayor's Office and Department of Public Safety)
  - 6. Office of Professional Standards (OPS)
- C. A complaint received by telephone requires the receiving member to complete the form on behalf of the individual by writing a short synopsis of the complaint in the descriptive section of the OPS complaint form. The member shall then forward the complaint to their immediate supervisor who shall forward the complaint to the OPS by the end of their tour of duty.
- D. When a complaint is received in the form of an email message, letter, or facsimile transmission (Fax), a supervisor shall attach the document to a complaint form. The supervisor shall then forward the complaint to the OPS by the end of their tour of duty.
- E. Completing the OPS Complaint Form is not mandatory and complaints may be accepted with or without a signature.

### III. Public Complaints of Misconduct Received In-Person

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- A. Any member of the Division, who becomes aware, or is informed that an individual wishes to make a complaint against a member, shall, without question or challenge, offer the individual a complaint form.
  - B. Receiving and Filing Complaints of Misconduct Made In-Person
    - 1. When a complaint is received in-person by a member on scene, and the member is NOT the subject of the complaint, the member shall:
      - a. Provide the individual an OPS Complaint Form;
      - b. Advise the individual that they may complete the form on scene or take it home. If taking the form home to complete, advise the individual that they may return it to any location described in section II. B, 1-6;
      - c. Receive an incident number from the Communication Control Section (CCS), advise CCS that a complaint form is being issued, and write the incident number in the top right corner of the complaint form;
      - d. If completed on scene or when the form is returned, provide the pink copy of the completed complaint form to the individual as a receipt of the complaint;
      - e. Log in their dispositions that a complaint form was issued.
  - C. Forwarding Public Complaints of Misconduct Made In-Person
    - 1. Members shall forward all completed complaint forms to their immediate supervisor.
    - 2. Supervisors shall email ([CLEPoliceComplaints@city.cleveland.oh.us](mailto:CLEPoliceComplaints@city.cleveland.oh.us)) the complaint form and forward the original form to the OPS before completion of their tour of duty.
    - 3. The district or unit receiving the complaint shall retain the yellow copy.
- IV. Public Complaints of Misconduct Received In-Person (Member Subject of Complaint)
- A. Member Responsibilities
    - 1. When an individual indicates to a member that he or she would like to make a complaint about that member, that member shall:
      - a. Immediately notify his or her supervisor who will respond to the scene to assist the individual in filing a complaint;
      - b. Explain to the individual that a supervisor will be responding. Members may not extend detention solely to await the arrival of a supervisor;
      - c. Remain at the location until the supervisor arrives unless the supervisor has communicated that he or she is unable to respond to the scene;

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- d. If the individual does not want to wait for the supervisor to arrive or the supervisor is unable to respond, the member shall explain the option to file a complaint with OPS and follow procedures outlined above in III.A and III.B.
- e. If a supervisor is the subject of the complaint, the supervisor shall request a non-involved supervisor or the next supervisor in the chain of command to respond to the scene;

B. Supervisor Responsibilities

- 1. Supervisors shall respond to the scene in which an individual indicates to a member that he or she would like to make a complaint about that member. Upon arrival, in addition to procedures outlined in III. A, B, and C, supervisors shall:
  - a. If the individual has left the scene before the supervisor's arrival, make attempts to contact the individual by the end of their tour of duty;
  - b. If there is a belief that an internal complaint of misconduct should be generated, report internal complaints of misconduct information to the Internal Affairs Unit, in accordance with 1.07.05 Internal Complaints of Misconduct, and shall notify the individual of this action.

V. Responding to a Complaint Investigation from the Office of Professional Standards

- A. By order of the Chief, members who witnessed or participated in an incident that is the subject of an OPS complaint shall fully cooperate with the OPS investigation, including by responding to written questions submitted by OPS or appearing for in-person interviews, when requested by OPS. The scheduling of in-person interviews will be facilitated through the member's commander in a timely manner and shall be in accordance with provisions outlined in the OPS Manual.
- B. When receiving a written OPS Complaint Investigation Form, supervisors shall:
  - 1. Forward the OPS Complaint Investigation Form to the named member(s) within 4 days of receipt from OPS.
  - 2. Notify OPS within those 4 days when and if the Complaint Investigation Form is served to the member.
  - 3. Forward the served/un-served form to their commander for emailing to OPS ([CLEPoliceComplaints@city.cleveland.oh.us](mailto:CLEPoliceComplaints@city.cleveland.oh.us))
  - 4. Return the original Complaint Investigation Form to OPS via the commander's office.
  - 5. Ensure that the form is completed and forwarded in a timely manner and in accordance with the provisions set forth on the form.
- C. A member receiving a directive to respond to an OPS Complaint Investigation shall:

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1. Forward their response, through the chain of command through the commander's office, to OPS within 6 days from the date of receipt.
  2. Provide a full and complete Form-1 response to the complaint. The response may also include:
    - a. Unedited audio and video recordings that relate directly or indirectly to the incident initiating the complaint.
    - b. Complete witness information that relates, directly or indirectly, to the incident initiating the complaint.
    - c. Any other evidentiary items or supporting documentation.
  3. Limit their written responses to the facts of the question posed by the investigator, including only the information that is relevant to the investigation. Members shall be professional in their responses and shall not respond with speculation or conjecture.
  4. Ensure that supporting documentation, any evidence and witness information is provided at the time of submission to the OPS.
- D. Requests for Oral Interviews
1. When a member requests an oral interview in lieu of providing a written response, the member shall:
    - a. Complete a Form-1 response requesting an oral interview.
    - b. Submit his/her request through the chain of command.
  2. Supervisors shall submit the response through the chain of command to the Commander's office where it shall be directly emailed to the attention of the Administrator of the Office of Professional Standards (OPS) at ([CLEPoliceComplaints@city.cleveland.oh.us](mailto:CLEPoliceComplaints@city.cleveland.oh.us)).

**THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.**