

15.100 CITIZEN COMPLAINTS AND REPORTS OF FAVORABLE POLICE CONDUCT

References:

Manual of Rules and Regulations and Disciplinary Process
Procedure 12.545, Use of Force

Definitions:

Citizen complaint - an allegation from any source of any action or inaction by Department personnel the individual considers being contrary to law, proper procedure, good order; or in some manner prejudicial to the individual, the Police Department or to the community. In situations involving only the individual alleging innocence to a charge placed by a police officer, advise the complainant to seek judicial redress through established court procedures.

Original documents – photographs, DVR recordings, and any documents that are handwritten or contain an original signature.

Policy:

The Internal Investigations Section (IIS) is to be notified for incidents involving criminal allegations against or suspected criminal conduct by sworn Department members. IIS should be notified in addition to the Duty Officer, the affected district or section commander, and the Night Chief, when applicable. IIS will request appropriate resources, as needed, from those sections or units that are subject experts in specific areas.

Law and Department procedure require district personnel to take immediate action in domestic violence cases based on probable cause. In instances involving the arrest of a Department member for a domestic violence offense, IIS must be promptly notified to respond and coordinate the investigation.

This policy does not change or otherwise affect Procedure 12.550, Discharge of Firearms by Police Personnel.

During an investigation, all relevant police activity including each use of force, not just the type of force complained about, will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident.

The Department will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury; the Department will continue its investigation as necessary to determine whether the original allegation can be resolved. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence whether an officer did or did not use a type of force, nor will it justify discontinuing an investigation.

Department members will not file charges against a complainant for a violation of Ohio Revised Code (ORC) §2921.13, Falsification. In the event a charge of Falsification, ORC §2921.13, is a consideration, the charge **must** be filed by a IIS supervisor, only after undergoing **prosecutorial review**.

A Department employee seeing or having knowledge of a police action involving misconduct will immediately initiate a citizen complaint on behalf of the alleging party.

If a citizen objects to an officer's conduct, that officer will inform the citizen of their right to make a complaint. The officer will provide the citizen a Form 648CCI, Citizen Complaint Information brochure and a Form 648, Citizen Complaint. Officers will not discourage any person from making a complaint.

The complainant's willingness to participate in, and the outcome of, a Citizen Complaint Resolution Process (CCRP) meeting will have no bearing on the investigation or the adjudication of that complaint.

If the complainant declines to attend the CCRP meeting, the investigating supervisor is required to notify the complainant of the facts of the investigation and the disposition. The report submitted should include information indicating the complainant was notified or that a sincere effort was made but was unsuccessful.

Preferably police supervisors will accept citizen complaints. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible. It is the accepting supervisor's responsibility to review the complaint. The district/section/unit commander will order additional investigation when appropriate and make the final determination of how the complaint is routed.

Upon receipt, each complaint will be assigned a unique tracking number and will be resolved in writing. All citizen complaints received by the Department will be maintained in a secure location. This includes the original Form 648, other information provided by the complainant, and all investigative documentation.

The complainant will be kept informed, every 30 days, regarding the status of the investigation. If the investigating supervisor is unable to contact the complainant every 30 days, an explanation of steps taken to maintain contact is necessary on the Form 648. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.

Any officer who used force or chemical spray during the incident, or whose conduct led to the injury of a prisoner, or who authorized the conduct that led to these reportable incidents is prohibited from investigating the incident.

Any officer or supervisor involved in a situation resulting in an official complaint will not be present during any interview with the complainants or witnesses.

Any supervisor identified as a party to an official complaint will not act as the complaint investigator.

Any citizen wishing to report police conduct which is favorable in nature should be encouraged to share the details of their positive experience. The citizen should be offered a Form 648FPC, Citizen Report of Favorable Police Conduct, to complete and return by U.S. Mail (no postage required) or drop off at any Cincinnati Police Department facility at their convenience.

Information:

Allegations of the following nature will be handled through CCRP:

- Discourtesy/unprofessional attitude.
- Lack of proper service.
- Improper procedure, e.g., offense investigation, use of discretion, official law enforcement practices, and Police Department procedures.

The following types of allegations will be handled by the IIS and/or the judicial system, not CCRP:

- Criminal conduct.
- Sexual misconduct.
- Serious misconduct, e.g., severe nature or pattern of procedural violations, lack of service, etc.
- Excessive use of force as defined in Procedure 12.545, Use of Force.
- Unnecessary pointing of firearms at persons.
- Improper searches and seizures.
- Discrimination.

If a citizen responds to the Hamilton County Clerk of Courts Office demanding a warrant for a police officer, the Chief Deputy of the Municipal Court, Traffic/Criminal Division will be notified. Upon notification, the Chief Deputy will contact the Police Department.

Procedure:

A. Form 648, Citizen Complaint

1. A Form 648 shall be completed when a citizen brings to a Department employee's attention an action, situation, or condition as described in the *Information* section of this procedure.
 - a. The Form 648 is available in a pre-printed, tri-fold format for a citizen to complete and return at their convenience. This version of the Form 648 is printed with the proper mailing address and no postage due.
 - 1) When providing a citizen with the Form 648 to complete and return by mail, also provide the citizen with a pre-printed Form 648CCI, Citizen Complaint Information brochure.
 - 2) Inventory of the pre-printed Form 648 and Form 648CCI are available from Police Supply.

- b. In addition to the pre-printed, tri-fold format, Form 648 and Form 648CCI are available electronically on the H: drive in the CPDFORMS folder of Department computers.
 - 1) If utilizing the electronic Form 648, ensure page two of the form is retained and completed by Department personnel in accordance with Section E. of this procedure. This portion of the form is for Department use only.

B. Accepting a Citizen Complaint Lodged in Person

1. Give the complainant a Form 648 to complete. Provide a Form 648CCI and instructions on completing the form and have the complainant sign the front side of the form in their own handwriting.
 - a. The reverse side (page two) of the electronic Form 648, in the CPDFORMS folder, is for Department use only.
2. If more space is needed, use an additional blank Form 648.
3. Upon request, help the complainant complete the Form 648.
 - a. If the complainant is given help to complete the form, include a brief statement as to why help was given in the "Details" section.
 - b. Request the Form 648 be signed by the following: complainant, representative of the complainant, or any person assisting the complainant.
 - 1) Witness the signature.
 - c. Police Department personnel helping a complainant prepare the form, must sign in both the "Receiving" and the "Assisting Person" blocks.
4. The accepting employee will review the completed form for content and legibility.
 - a. If a word is not legible, ask the complainant what the word is. Print the proper word directly above the complainant's handwritten word.
 - b. Third party complaints will be handled in the same manner as any other complaint.
5. The receiving employee will ensure all pertinent dates and times are included in the form.
 - a. Attach legible copies of all arrest slips pertaining to the incident.
6. If a complainant refuses to write the complaint in his own handwriting, process the complaint as a telephone complaint. Refer to Section D. of this procedure.
7. If a complainant is deaf or hearing impaired, mark the complaint as "TRS" (Telecommunication Relay Service).

8. If a complainant has limited English proficiency, mark the complaint as “LEP.”
 9. The receiving employee will place their name and badge number in the space provided on the Form 648. Provide the complainant with a copy of page one (1) only, which will serve as the complainant's receipt.
 - a. Complainants do not receive a copy of the completed page two.
 - b. The receiving employee's written observations should not be on the copy given to the complainant.
 10. After accepting a Form 648 that has been personally filled out and/or signed, the information must be entered onto a Form 648 in the Employee Tracking Solution (ETS) system.
 - a. When transferring the information from the original Form 648 into ETS, record the information exactly as it was written, including misspellings, profanity, punctuation, etc.
 - b. Scan the handwritten original document into the computer and attach to the appropriate ETS folder.
 - c. Route the original Form 648 to the district/section/unit commander with any other original documents, photographs, recorded interviews or statements, copies of applicable DVR recordings and BWC video links.
- C. Accepting a Citizen Complaint by Mail, Email, or Fax
1. Submit citizen complaints received through the mail or via fax to a supervisor. The supervisor will:
 - a. Enter the Form 648 into ETS.
 - b. Scan the letter or fax into the computer system and attach to the appropriate ETS case folder.
 - c. Place the original letter or fax in a sealed envelope and process as in Section G.
 - d. Complaints received in the form of email messages will be printed out, scanned into the computer and attached to the appropriate ETS case folder, and then processed as in Section G.
- D. Accepting a Citizen Complaint by Telephone or Telecommunication Relay Service (TRS).
1. Refer telephone complaints to a supervisor. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible.
 - a. Make an effort to persuade the complainant to appear in person at a police facility to file the complaint.
 - b. Enter pertinent information on a Form 648. Obtain all the facts necessary to complete the form.

- c. Get the complainant's name, address, and telephone number. Advise the citizen this information is essential to investigate the complaint.
 - 1) Advise a complainant who insists on remaining anonymous this may hamper a proper investigation and disposition of the complaint.
 - d. Print the words "Telephone Complaint" in the box for the complainant's signature. If the call is received through TRS, mark the complaint as "TRS."
 - e. If the caller has limited English proficiency, mark the complaint as "LEP."
 - f. Follow the procedure in Section G. for processing the complaint.
2. TRS complaints received by the Emergency Communications Center (ECC) will be handled according to their standard operating procedure.
 - a. The affected district/section/unit supervisor, upon notification from ECC, will follow the procedure in Section D.1. and Section G.
- E. Completing "For Department Use Only" Section of the Form 648
1. Outline the allegations, identify principals and witnesses and provide information developed as a result of any preliminary investigation.
 - a. Include addresses and phone numbers of all principals and witnesses.
 2. Enter a description of the complainant's apparent physical condition and demeanor.
 - a. State your reason for believing a complainant was under the influence of an intoxicant and/or drug (do not express opinions regarding their mental competency or veracity).
 3. Describe any other traits or conditions displayed by the complainant, which may have a bearing on the allegation and/or investigation of the complaint.
 4. Specifically note any visible marks or injuries about the complainant.
 - a. Take photographs when the complaint involves any injury, claimed injury, or damaged clothing, etc., whether visible or not.
 - 1) Clearly label the photographs with the complainant's name, date, time taken, and photographer's name and badge number. Attach photographs to the Form 648 for review by the district/section/unit commander.
 5. Do not include written observations on the copy given to the complainant.
 6. The receiving employee will ensure all information on the form is as complete as possible.

- F. If while investigating a use of force an individual alleges excessive force, then the investigating supervisor will complete a Form 648 in ETS. The supervisor will investigate the complaint thoroughly while all participants are present.
1. Complete a Form 17 summarizing the investigation. Attach the Forms 17 and 648 to the Investigation Report case folder for the use of force in ETS. Workflow the Form 17, Form 18F, Supervisor's Use of Force Investigation Report, Form 648 and any attachments through the chain of command for review.
 - a. When submitting the documents, "Add Notification" for the following units:
 - 1) Internal Investigations Section.
 - 2) Patrol Administration.
 - 3) Inspections Section.
 2. If more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force, contact the IIS Commander and the officer's district/section/unit commander.
 3. The affected bureau commander shall workflow the above forms to IIS for investigative review and final approval by the Police Chief.
- G. Processing the Completed Citizen Complaint Form
1. Workflow the Form 648 to the affected district/section/unit commander by 0800 hours on the next day. Forward all original documents, photographs, recorded interviews, copies of applicable DVR recordings and BWC video links, for review.
 - a. Complaints eligible for CCRP:
 - 1) Affected district/section/units retain original Form 648 complaint and all pertinent documentation.
 - 2) When submitting the complaint for assignment, "Add Notification" to IIS of the Form 648 for tracking purposes.
 - b. Complaints not eligible for CCRP:
 - 1) Workflow the Form 648 with all pertinent documentation to IIS.
- H. Assignment, Logging, and Investigation of Citizen Complaints
1. The supervisor assigned the complaint will resolve complaints eligible under CCRP. Any problems or needs identified will be relayed in writing in the form of a recommendation to the Police Chief.
 2. Non-CCRP complaints will be forwarded to IIS and resolved per IIS Standard Operating Procedure (SOP).

3. For complaints marked as “TRS,” the investigating supervisor will need to utilize the TRS by dialing 711 to contact the complainant.
4. For complaints marked as “LEP,” refer to procedure 18.103, if necessary.

I. Citizen’s Complaint Resolution Process

1. The investigating supervisor will thoroughly investigate all allegations. All pertinent information sources will be examined, including but not limited to: the complainant, witnesses, involved officers and witness officers, worksheets, MDC information, BWC videos, offense reports, relevant law, policy and procedure, etc. Investigators will not ask officers or other witnesses leading questions that improperly suggest legal justification for the officer’s conduct when such questions are contrary to appropriate law enforcement techniques.
 - a. Forward information to the district/section/unit commander for referral to IIS if the investigation reveals the complaint is not suitable for a resolution meeting.
2. The investigating supervisor will take appropriate action based on the investigation of the complaint.
 - a. The investigating supervisor will make a determination whether or not the member’s conduct was consistent with Department policy, procedure, and practice. The supervisor will document the finding in the Form 648B, Resolution Disposition, in ETS.
 - b. Verbal counseling or counseling via the Evaluation Supplement Log (ESL) if the member’s conduct does not meet Department standards as determined by the investigation. Add the ESL to the original ETS case folder.
 - c. Hold a complaint resolution meeting with the complainant and the Department member.
 - d. For a complaint resolution meeting with a deaf, hearing impaired or limited English proficient complainant, Connected Language Services (CLS) can be utilized for a qualified interpreter, if necessary. Refer to procedure 18.103, Communication with People Who are Deaf or Hearing Impaired and Use of Foreign Language Interpreters.
3. Resolution Meeting: A resolution meeting will be conducted according to the following guidelines:

- a. Only the complainant, the involved Department member, and the investigating supervisor/facilitator will attend the resolution meeting. No one else will be present. This allows for the best interaction between the two participants. In cases where there are multiple complainants and multiple officers, meetings will be held for each if necessary. In most cases, a primary complainant will be identified and the case resolved with one meeting.
- b. The resolution meeting will not be recorded. The resolution meeting will be a sincere effort by all parties to discuss and resolve the problem.
- c. Resolution meetings will be conducted by the next highest ranking officer than the officer involved in the complaint.
- d. All parties involved in the resolution meeting will sign a Form 648A, Acknowledgment of Participation in Resolution Meeting. The document will not refer to any discussion, action, agreement, or other aspect of the resolution meeting. The Form 648A is to be scanned into the computer and attached to the appropriate ETS case folder. The original Form 648A will then be routed through channels with any other original documents.
- e. The investigating supervisor will advise the complainant of the disposition of the complaint.
- f. The supervisor will concisely summarize the resolution meeting on a Form 648B, Resolution Disposition.
- g. Failure by a complainant to attend the first scheduled resolution meeting will be excused. If a complainant fails to attend a second scheduled resolution meeting, the complaint/problem will be deemed to have been resolved by the supervisor's inquiry and the file will indicate same.
 - 1) If the complainant does not attend either of the CCRP meetings, the investigating supervisor will notify the complainant of the facts of the investigation and advise them of the disposition of the complaint either in person, by mail, or by email.
 - 2) The reviewing supervisor of the investigating supervisor will attempt to contact the complainant to verify:
 - a) The investigating supervisor gave them the opportunity to attend a CCRP meeting; AND
 - b) The investigating supervisor notified them of the facts of the investigation and the complaint disposition.
 - 1] The reviewing supervisor will document this information in the disposition narrative of the report.

- 3) If the reviewing supervisor is unable to make contact with the complainant, the disposition narrative should include information indicating a sincere effort was made but was unsuccessful, e.g., complainant could not be located, refused to discuss/listen.
4. Record Keeping
 - a. The investigating supervisor will complete a report of the investigation and its findings using the appropriate forms.
 - b. The investigating supervisor will workflow all CCRP complaint investigation reports via the chain of command to their respective bureau commander for review and approval. All original documents are to be routed by hand through the chain of command.
 - c. The affected bureau commander will make a final determination of the appropriate complaint closure classification according to Section 9.07 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.
 - d. The affected bureau commander will workflow a copy of the CCRP complaint investigation reports to the IIS Commander for an administrative review and finalizing. IIS will note the date closed in the "Resolution Disposition" tab in the Citizen Complaint form in ETS.
 - e. CCRP eligible complaints will be evaluated by district/section/unit commanders for underlying problems. Any problems or needs will be relayed in writing in the form of a recommendation to the Police Chief.
 - f. IIS will notify:
 - 1) Information Technology Management and Systems of all complaints closed "Unfounded" or "Exonerated" for appropriate adjustment within ETS.
 - 2) Police Training Section of all closed CCRP complaints. Police Training Section will determine suitability of utilizing facts from the incident as a training tool for future use.
- J. Form 648FPC, Citizen Report of Favorable Police Conduct
 1. An adequate inventory of the Form 648FPC shall be maintained by each district/section/unit.
 - a. The Form 648FPC is pre-printed in a tri-fold format with the proper mailing address affixed and no postage due.
 - b. Sufficient quantities of the Form 648FPC shall be kept on-hand in all uniform police vehicles, and readily available at each police facility open to the public.
 2. Citizens who convey details of a positive interaction or experience with Department personnel should be provided with a Form 648FPC, and encouraged to complete and return the form.

- a. Completed Form 648FPCs received by U.S. Mail will be forwarded by the City Hall Mail Room to Personnel Management for review and entry into ETS.
 - b. Completed Form 648FPCs received in person from a citizen shall be placed into an interdepartmental mail envelope and forwarded to Personnel Management for review and entry into ETS.
3. Form 648FPCs, once reviewed and processed by Personnel Management, shall be sent through the affected command, to the district/section/unit commander of the officer receiving the report of favorable conduct.
4. The district/section/unit commander will instruct the immediate supervisor to make an entry in ETS recognizing the affected officer for their work. The document must then be scanned into the computer and attached to the appropriate ETS folder.
 - a. Complete an ESL entry and add the ESL to the original ETS case folder.
 - b. Provide the affected officer with a copy (original, if available) of the Form 648FPC.