

CLEVELAND POLICE DEPARTMENT

GENERAL ORDER

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NUMBER 8-D

SUBJECT COMPLAINTS

NEW _____ AMEND X RESCIND _____

ISSUED January 1, 1995 REVISED March 27, 2007 EFFECTIVE/POSTED March 27, 2007

PURPOSE

The purpose of this General Order is to establish procedures to ensure the proper processing of complaints against the Cleveland Police Department or its employees.

DISCUSSION

Police officers are entrusted by the public to serve, with great authority, to enforce the rules of society and maintain order within the community. In the fulfillment of this function, police employees are susceptible to complaints of abuse of position. The main goal of a complaint investigation is to maintain the integrity of the Police Department and to ensure there is a reciprocal protection of rights afforded to both the employees and the citizens in pursuing this goal.

POLICY

The integrity of the Cleveland Department depends on the personal integrity and discipline of all employees individually and collectively. To a degree, the public image of the department is determined by the professional response of the department to allegations of misconduct by employees or the department as well as responding to all complaints impacting on the department's response to community needs.

The policy of the Cleveland Police Department is to record and investigate fully each verbal or written complaint or allegation of misconduct against members of the department.

Citizens may sometimes feel confused or threatened by certain law enforcement practices. When citizens inquire about these practices, it is frequently the case that an explanation or clarification of the procedure resolves the issue. However, citizens also bring legitimate allegations of misconduct by employees. The Cleveland Police Department will evaluate citizen inquiries to ensure that complaints of misconduct are properly classified as complaints and investigated.

A. CLASSIFICATION OF COMPLAINTS

1. Administrative: Complaints initiated internally against members of the Department.
2. Personnel: Complaints made by the public against members of the Department.

B. PROCEDURES

1. Complaints - General
 - a. It is recognized that departmental personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances which are likely to generate tension, excitement, and emotion. In such situations, words, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of allegations of misconduct and the underlying circumstances of an incident so that complaints can be resolved.

- b. Citizens will be encouraged to bring forward legitimate complaints regarding conduct by departmental employees. These complaints will be received courteously, handled efficiently, and all personnel will assist and cooperate in the processing of citizen complaints consistent with established procedures. If the citizen needs an explanation or clarification of a procedure of the Cleveland Police Department, this will be explained to them, which may resolve the original "complaint".
 - c. A copy of "**How to Submit a Compliment, Comment or Complaint to the Cleveland Police Department**" (CPD Form 123) will be posted in the public area of the Police Department, provided to media representatives upon request, and may be given to any citizen requesting information on how to make a complaint against the Department or an employee of the Department. <52.1.5>
2. Responsibility for Handling Complaints
- a. Complaints regarding police operations will be handled through the chain of command, unless specifically assigned by the Chief of Police. Complaints involving how police service is provided, failure to provide service, misconduct, improper attitudes or behavior will be investigated and handled by the appropriate Shift Supervisor or Division Commander, with information reported to the Chief of Police through the chain of command, concerning the nature of the complaints, the facts developed, and the action taken or recommended. <52.2.1a>
 - b. Complaints alleging criminal activity and/or brutality or incidents involving personnel of more than one division or supervisory personnel will be handled as an internal affairs matter and responsibility for investigation will be assigned by the Chief of Police to the Operations Commander who will assign an Internal affairs Investigator-General Order 8-H. <52.2.1b>
 - c. Any matter which a Shift Supervisor or Division Commander believes should be referred directly to the Chief of Police for investigation will be referred through the Assistant Chief for further review.
3. Receipt of Complaints <52.2.2, 52.2.3>
- a. Complaints, regardless of the nature, can be lodged in person, by mail, or by phone at any time. A written record will be made of all formal complaints against the Cleveland Police Department or its employees "**Complaint Received Form**" (CPD Form 124). As part of the follow-up investigative activity, persons making complaints by mail or phone will normally be interviewed and shall be requested to prepare a written, signed complaint "**Citizen Complaint Form**" (CPD Form 125). Refusal to prepare a written complaint will have no bearing on the completion of the investigation. Anonymous complaints will be accepted and will be investigated to the extent possible. Any officer with the rank of Sergeant or above shall courteously and promptly accept and document citizen's complaints of misconduct. Non-sworn personnel and officers below the rank of sergeant **will notify an officer of the rank of Sergeant or above that a complaint has been received and shall courteously and promptly refer citizens with complaints to that supervisor.**
 - b. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. An employee of the department, who interferes with, discourages, or delays the making of complaints shall be subject to disciplinary action.
 - c. A citizen with a complaint will be referred to a Shift Supervisor, who will ascertain pertinent information concerning the complaint and record it on a "**Complaint Received Form**" (CPD Form 124). The Shift Supervisor shall forward the complaint to the appropriate Division Commander who will make a preliminary

determination as to who is responsible for follow-through on the complaint. The Commander will, if circumstances dictate, conduct a preliminary investigation, including interview of the complainant and any witnesses readily available. For incidents involving serious misconduct, the Assistant Chief will be contacted immediately, and if necessary will contact the Chief of Police. Regardless of responsibility for complaint follow-up, a copy of the "**Complaint Received Form**" (CPD Form 124) will be provided to the Assistant Chief by 0900 hours the following working day. The Chief of Police, or his designee, will send a written acknowledgement of receipt of the complaint to each complainant "**Confirmation of Complaint**" (CPD Form 126). <52.2.4a>

- d. When it appears to the investigating officer that the complainant is under the influence of intoxicants or drugs or evidences any other trait of condition bearing on his/her credibility, the investigating officer will note these conditions and any other pertinent remarks on the report. Comments will also be made as to the physical condition of the complainant, specifically noting any visible marks or injuries relative to the alleged complaint.
- e. A member receiving a citizen complaint through the U.S. Mail shall place the correspondence and envelope in a sealed envelope and forward it to the Chief of Police, who will determine investigative responsibility.
- f. At the time employees are notified that they have become the subject of a complaint, the investigating officer will issue the employee a written statement of allegations and the employee's rights and responsibilities relative to the complaint investigation
- g. Complaints will not normally be accepted more than 30 days after the alleged incident, except:
 - (1) When the act complained of is a criminal violation, the department will investigate regardless of any time limitations
 - (2) When the complainant can show good cause for not making the complaint earlier.

4. Communication with Complainants:

- a. The officer who is assigned to conduct the internal investigation will be responsible for providing written verification (see example form #126) to the complainant that the complaint has been received and has been assigned for processing. The verification letter shall be prepared by the investigating officer and signed by the Chief of Police. This process of notification will not, of course, apply to anonymous complaints.
- b. At the conclusion of the investigation it will be the responsibility of the Chief of Police or his designee to issue a letter to the complainant and/or to meet personally with him or her to state the findings of the investigation and corrective or disciplinary action (if any) taken as a result of the investigation.

5. Disposition of Complaints Regarding Police Operations <52.2.4b, 52.2.4c>

Normally, the Assistant Chief will develop information concerning the complaint and take or recommend appropriate action to the Chief of Police, who will:

- a. Notify the complainant in writing or by telephone as appropriate concerning the disposition of the complaint. If such notification to the complainant will be delayed more than 15 calendar days (for example, due to pending court case), the Assistant Chief will send an interim reply advising of the delay in resolution of the matter.

6. Disposition of Serious Complaints - Internal Affairs Procedures <52.1.4>

Refer to General Order 8-H – Internal Investigations

7. Review

At the conclusion of the investigation by the assigned officer, the Chief of Police will review all complaints made against members of the department to determine whether a proper investigation was conducted and each process of the procedure was followed.

8. Annual Analysis <52.1.6>

The Assistant Chief and/or the Chief of Police shall conduct an annual analysis of all complaints against the department or its employees to serve as a management tool to identify trends in filed complaints, and steps that may be taken to minimize the cause of such complaints in the future. The results of all complaints will be made public as a part of the department's Annual Report or upon request.

END OF POLICY