

2.04-9

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
HANDLING CITIZEN COMPLAINTS**



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REV. 2/13

POLICY STATEMENT

It is essential that public confidence be maintained in the ability of the department to investigate and properly adjudicate complaints against its members. As the rights of the employee as well as those of the public must be preserved, any investigation or hearing arising from a complaint must be conducted in a fair manner with truth as the primary objective.

Therefore, the department accepts complaints against its members and fully investigates all such complaints to the appropriate disposition. All complaints of police misconduct are handled uniformly; a standardized method of reporting, receipting, and investigating such complaints is hereby formulated.

I. RECEIPT OF COMPLAINTS

- A. No complaint of **police misconduct**, regardless of origin, is to be ignored by any police employee, but is to be documented in the format established and required by this policy.
- B. A complaint regarding an employee will not be investigated by a subordinate officer, civilian employee, or officer of equal rank to the person against whom the complaint is lodged. Exceptions are complaints investigated by a member of the Professional Standards Bureau or special investigation panels so designated and authorized by the Chief of Police.
- C. Any employee, receiving a complaint of misconduct involving any member of the Department, will immediately notify their supervisor or another on-duty supervisor when their supervisor is not available.
 - 1. Only a supervisor will interview and record the particulars of a complaint by a citizen against an employee.
 - 2. If the complaint is against the employee's direct supervisor, the complainant will be referred to another on-duty supervisor, preferably of higher rank.

II. COMPLAINT DOCUMENTATION

- A. Supervisors are to record the complainant's information via an entry into BlueTeam Internal Complaint Receipt.
- B. After review by the Division Commander, the investigation will be forwarded to the Professional Standards Bureau Commander.
- C. If the complaint will require a complete investigation, then, supervisors are to obtain a written statement, inform the complainant that an investigation will be conducted and that they will be apprised of the outcome by mail.
- D. In those cases when the complaint is received by telephone and no personal contact can be made by recording supervisor, there must be documentation in the Investigative report as to why the complainant could not be re-contacted.
- E. The Professional Standards Bureau will serve as the central repository for citizen complaint investigations and will provide appropriate copies upon contact or request of the complainant.
- F. This procedure does not apply in cases where the Professional Standards Bureau is called out and responds to the scene.



III. COMPLAINT REPORTING PROCESS

- A. Supervisors should always attempt to determine ALL of the issues when a complaint is registered.
- B. Complaints are always to be entered via BlueTeam, regardless of the method of receipt (anonymously, through phone contact, through personal contact etc.).
- C. Establish the nature of the complaint and evaluate the veracity and seriousness of the allegation(s). It is the responsibility of the supervisor receiving a complaint of serious misconduct to either initiate the investigation or place the complainant in DIRECT CONTACT with a supervisor from the appropriate division or bureau.
- D. Complaints that are beyond the investigative purview of the recording supervisor, due to their complexity, serious or sensitive nature will require notification of the Professional Standards Bureau.
- E. The supervisor receiving the complaint is responsible for the investigation if it affects personnel under their command. (Refer to General Order 1.10-5 Professional Standards Bureau)
- F. If the investigation centers on personnel outside their command, the supervisor has two options:
 1. Synopsize the complaint in an Administrative Investigation and forward through the Division Commander to the Professional Standards Bureau for review, categorizing, and numbering. The complaint will be evaluated and then either retained or redirected to the proper Division for investigation.
 2. In the interest of expediency, personally contact the appropriate supervisor and refer the complainant. The supervisor contacted is required to enter the Citizen Complaint into BlueTeam as well as the investigative reports.
- G. Issues that require only documentation in BlueTeam and no additional reports are as follows:
 1. Those that are resolved immediately to the satisfaction of the complainant; **or**, on the basis of statements and a preliminary investigation, are **UNFOUNDED, NOT RELEVANT** to the agency or its members, or are a **LAWFUL and PROPER** execution of police authority. The supervisor will inform the complainant of the disposition of the complaint.
 2. A brief explanation of the complaint and reason(s) for disposition will be entered into BlueTeam a brief narrative or any necessary attached files and then directed to the Division/Bureau Commander who will forward it to the Professional Standards Bureau.
 3. This memorandum procedure is not to be used for any allegation of misconduct that does not meet the above criteria.
 4. When a citizen complaint is addressed, the Division/Bureau Commander will determine if further investigation is necessary.
- H. Other allegations of a more serious nature will require that a complete Disciplinary Investigation be completed by the supervisor. Refer to M.O.P. 1.02-5, Discipline.

IV. PROFESSIONAL STANDARDS BUREAU RESPONSIBILITY

- A. Upon receipt of a Citizen Complaint entry, the Professional Standards Bureau will review its content and determine if it will be retained for investigation, forwarded to the affected Division for action, or filed.
- B. Regardless of the routing for investigation of a complaint, the Professional Standards Bureau will remain as the central repository for all completed investigations.



V. COMPLAINTS RESULTING FROM OVERTIME ASSIGNMENTS

A. UNSUPERVISED OVERTIME

Some overtime assignments, such as traffic enforcement, do not always have a supervisor assigned to them. If a complaint is received against an officer working an overtime assignment for which there was no direct supervision, it will be the responsibility of the supervisor assigned to that geographic area during the time of the alleged occurrence. If no supervisor was assigned to the area at that time, the appropriate Division commander will decide which of his/her personnel will be assigned to the investigation.

For example: Officer Smith, assigned to the Court Detail, works a traffic enforcement detail on an overtime basis. No sergeant was assigned to the detail. A citizen complains that the officer violated policy at Shroyer and Lexow. The East Patrol Operations Division Supervisor working on the date and time the violation allegedly occurred is responsible for any investigation.

B. SUPERVISED OVERTIME

When an overtime assignment is supervised, the responsibility for investigating a complaint lies with the supervisor who worked the assignment, even if the complaint is not made until after the assignment has ended.

VI. CITIZENS APPEAL BOARD

The Citizen's Appeal Board hears appeals of decisions made by the Dayton Police Department after the investigation of a citizen's complaint. The initial complaint can be filed at any Police office and must be made in writing on the official Citizens Appeal Board Form within thirty (30) calendar days of the date that they receive their letter from the Dayton Police Department.

The forms and a brochure explaining the Citizens Appeal Board will be mailed with the citizen letter informing a complainant of the findings in the investigation of their initial complaint. Any unit receiving an appeal form should forward it to the Internal Affairs Bureau. The Professional Standards Bureau will keep a copy of the appeal form, attach a copy of the original investigation and forward the package to Human Resources.