



CITY OF AKRON, OHIO
POLICE DIVISION
KENNETH R BALL II, CHIEF OF POLICE

NUMBER P-2019-007	EFFECTIVE DATE November 13, 2019	RESCINDS P-2010-007 Issued 08-09-10
SUBJECT Citizen Complaint Procedure		ISSUING AUTHORITY Chief Kenneth R. Ball II

I. POLICY

Establishment of procedures for investigating complaints and allegations of employee misconduct is a crucial part of demonstrating and protecting a law enforcement agency's integrity. It is the policy of the Akron Police Department to accept and review all citizen complaints regarding police service, policy, procedure, or personnel. The purpose of this procedure is to inform employees and the public of the process for accepting and investigating allegations of employee misconduct.

II. DEFINITIONS

- A. **Administrative Investigation:** An investigation conducted in response to a citizen complaint or other allegations with the goal of determining whether an employee violated agency policy.
- B. **Complaint –** For the purposes of this procedure, a complaint is a claim by a person(s) to the police department about a police employee's actions or lack of actions. It is not a formal legal document filed with a court or other authority.
- C. **Complainant –** Any person who makes a complaint regarding police service, policy, procedure, and/or personnel. A complainant can be the principal in the alleged complaint, a witness to an alleged complaint, the parent or guardian of a minor, or a person filing on behalf of a mentally incompetent person.
- D. **Complaint Form –** A pre-printed form used by citizens to lodge a complaint. Complaint forms can be obtained at police headquarters, on-line via the department web page at Akroncops.org/AkronOhio.gov, and through the Independent Police Auditor. Complaint forms are available in a number of languages.
- E. **Third party complaint –** A complaint by an individual or group of individuals who are neither participants in the actions described in the complaint nor a witness to the actions being alleged.

III. PROCEDURE

- A. **Acceptance and Filing of Complaints:** Complaints may be filed in person, via telephone, via mail, through the independent police auditor, or may be filed anonymously. All complaints will be forwarded to the Patrol Operations Bureau for review.
 - 1. **Receiving complaints in person at the Police Department**
 - a. During normal business hours, complaints, including those arising from secondary employment, will be referred to the Patrol Operations Bureau.

- b. After hours, walk-in complaints shall be directed to the Information Desk.
2. Receiving complaints via telephone
 - a. If a complaint is received through the radio room, a supervisor will be dispatched to the complainant's home to provide them with a complaint form, or one will be mailed to them from the Patrol Operations Bureau if the complainant desires.
3. Receiving complaints via mail
 - a. A complaint received via mail shall be forwarded to the Patrol Operations Bureau for review.
4. Employees shall provide a complaint form and assistance to individuals who want to make a complaint against any employee of this agency. This may include, but is not limited to:
 - a. Calling a supervisor to the scene
 - b. Explaining the department's complaint procedures
 - c. Providing referrals to individuals and/or locations where such complaints can be made in person or where complaint forms can be obtained.
 - d. Explaining alternate means for lodging complaints, such as by phone, mail, and through the Independent Police Auditor.
 - e. Providing instructions on how to complete the form and submit it for investigation.
5. If the complaint involves an allegation of unreasonable force and the complainant is the alleged victim, a photograph will be taken of the complainant and any alleged injuries unless the complainant refuses. In such instances, the refusal will be noted on the complaint form.
6. The complainant should be asked to verify by signature if the complaint is a complete and an accurate account. A refusal to sign the complaint form does not constitute a withdrawal, and the complaint will be forwarded and addressed. A refusal to sign should be documented on the complaint form.
7. The complainant will be advised that the complaint will be addressed, and that they will be notified of the results of the investigation.
8. All third party complaints will be accepted. However, unless there is corroborating evidence, third party complaints will not be investigated unless a parent or guardian is lodging a complaint on behalf of the minor child, or a person files on behalf of a mentally incompetent person.
9. Anonymous complaints will be accepted and forwarded to the Patrol Operations Bureau. They will be reviewed and a determination will be made whether the complaint should be investigated.

B. Investigation of complaints

1. Complaint documents will be entered into BlueTeam and evaluated for appropriate assignment either to the employee's commander or the Office of Professional Standards and Accountability (OPSA).
2. Commanders receiving notice of a complaint shall assign a supervisor to investigate the allegation(s).
3. Supervisors conducting a complaint investigation shall interview the complainant and all witnesses.
4. Investigating supervisors will ensure that all relevant evidence and information (i.e. body worn camera video, written responses, photographs, interviews) is gathered and uploaded to BlueTeam.
5. If employee(s) are required to provide a statement in the course of a complaint investigation, they will be provided with a Fraternal Order of Police representative and allowed to view all body worn camera video (BWC) prior to providing their statement or as per the current collective bargaining agreement with the Fraternal Order of Police.
6. Investigating supervisors shall reach an objective conclusion based on the evidence and information gathered. Complaint investigations will be cleared using the following determinations:
 - a. Unsubstantiated – cannot determine whether the incident occurred or not.
 - b. Exonerated – the incident did occur, but the officer's action(s) were legal and proper.
 - c. Unfounded – the incident did not occur.
 - d. Substantiated – the incident did occur as stated by the complaining party.
 - e. Withdrawn – when the complainant wishes to withdraw the complaint before an investigation has been completed, provided that the investigating supervisor has not uncovered any violations of law or the rules and regulations.
 - f. Adjudicated in court – when the only allegation is that the complainant did not commit the offense they were charged with.
7. Any violations of rules or regulations should be noted in the conclusion along with degree of the violation and potential discipline. The investigating supervisor shall not make recommendations for discipline or take any disciplinary actions.
8. Complaint investigations shall be completed within 30 Days unless an extension has been approved by a Sub-Division Commander.
9. Patrol Operations personnel will notify the complainant of the results of the investigation. Investigating supervisors shall notify the involved employee of the results of the investigation.

- Investigations will be approved by a commander and forwarded to the involved employee's Sub-Division commander and OPSA via BlueTeam for review. Investigations resulting in a conclusion of a rule violation(s) will then be forwarded to the Chief of Police.

By Order Of,



Kenneth R. Ball II
Chief of Police

Date NOVEMBER 13, 2019