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GENERAL ORDER 26

DISCIPLINARY PROCEDURES AND INTERNAL AFFAIRS

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PURPOSE: The purpose of this chapter of the Division's General Orders is to provide a disciplinary system that includes the options of training, rewarding, EMPLOYEE AWARDS/counseling and punitive actions to help guide the actions of our employees. This chapter is guided in large part by our core value of "Professionalism" that states; "We are committed to the highest level of professional standards through development of highly trained and motivated employees."

26.1 DISCIPLINARY PROCEDURES

Due to the existence of a Collective Bargaining Agreement between the City and the Fraternal Order of Police William J. Taylor Lodge #32, the Fraternal Order of Police/Ohio Labor Council, and American Federation of State, County, And Municipal Employees, Local No. 3088, there will be overlapping sections and sections that are redundant. Notations will be made throughout in attempts to avoid confusion. Policies and procedures, rules and regulations, and other guidelines are applicable to all employees of the Division of Police, unless specifically noted otherwise. Employees who observed conduct which is a violation of any law, division rule or regulation, shall report the incident to a supervisor immediately or as otherwise practical.

26.1.1 CODE OF CONDUCT AND APPEARANCE GUIDELINES (LE1)

Employees shall familiarize themselves with agency directives and procedures, rules and regulations, City policies and procedures, and will comply with these directives, procedures, rules, regulations, and policies to the best of their ability. All employees of the agency will be given access to all references to the code of conduct and appearance. These directives and procedures will be periodically updated in manuals and the on-line manuals on CopNet. Ignorance of directives and procedures shall not excuse their infraction. Failure to comply with agency directives or procedures may result in disciplinary action.

RULES AND REGULATIONS

The conduct of all employees of the Division of Police shall be free from impropriety, such that their behavior, both on and off duty, at no time will bring discredit to the Division of Police or to the City of Mansfield. The Division of Police Rules and Regulations provide an in depth guide to conduct of members. (See **Division of Police Rules and Regulations Manual**)

APPEARANCE AND DRESS CODE

Personnel of the Mansfield Division of Police will adhere to the dress and appearance standards as prescribed in the Uniform and Appearance Dress Code Manual.

All divisional personnel, including Reserve Officers, assigned to wear the uniform of the Mansfield Division of Police will adhere to these standards whenever in uniform, while on-duty, or off-duty; including attending court appearances and authorized secondary employment details. **(See Division of Police Uniform and Appearance Dress Code Manual)**

Failure to comply will subject personnel to the progressive discipline process.

26.1.2 EMPLOYEE AWARDS/COMMENDATION POLICY

The division has procedures and criteria for recognizing employees, including letters of commendation and awards, as outlined below:

The Awards and Commendations Program is established by the Mansfield Division of Police for the purpose of publicly recognizing and rewarding extraordinary, exceptional, meritorious, or conspicuously outstanding acts of heroism and other acts which are above and beyond that normally expected and which distinguish the individual among those performing similar acts.

- **The Awards Committee;** is composed of the Command Staff. In the absence of one of the committee members, a Command Officer may be appointed to temporarily assume the missing member's duties. The Chief of Police will make appointments to the awards committee.

- **Any member of the Mansfield Division** of Police or any private citizen, may submit an employee for recognition using the Award Nomination Form, through the Chain of Command to the office of the Chief of Police, as soon as possible following the act on which it is based, normally 15 working days. All nominations must be sufficiently detailed as to allow proper evaluation and decision. The Awards Committee shall review any and all submitted nominations before making a final recommendation to the Chief to approve or disapprove the award. Eligibility for awards and commendations shall include all employees of the Mansfield Division of Police, including reserve officers and chaplains. Members of other law enforcement agencies may be recommended and awarded a Mansfield Division of Police Award/Commendation for acts of heroism, bravery, valor, or other meritorious acts. Individuals not a member of the Mansfield Division of Police or other Law Enforcement agency may be eligible for the **Division's Commendation Award or Meritorious Public Service Award.**

- **The Mansfield Chief of Police or his designee, shall award all medals, certificates,** and letters to the honoree entitled to such award. Letters and/or certificates citing meritorious acts shall be placed in and become a permanent part of his/her personnel file. Only one award is authorized per individual for any one incident regardless of the number, if any, of injuries sustained. Awarded citation ribbons shall be worn as prescribed in the Uniform Manual. Stars indicating subsequent awards may be added to the citation bar as prescribed in the Uniform Manual.

Awards:

- **Medal of Valor:** May be awarded to any active member of the Division of Police or Police Reserve, who distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life. The deed performed must have been by voluntary act and of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual for gallantry and intrepidity above his or her

comrades, and must have involved the risk of life. Incontestable proof of the performance of the service will be exacted and each recommendation for the award of the Medal of Valor will be considered on the standard of extraordinary merit; and it must be the type of deed which, if not done, would not subject him or her to any justified criticism.

- **Medal of Honor:** May be awarded to any active member of the Division of Police or Police Reserve who distinguishes himself or herself by extraordinary heroism not justifying the award of the Medal of Valor.

- **Combat Cross:** May be awarded to any active member of the Division of Police or Police Reserve who in the line of duty, engaged an armed adversary at imminent personal danger to themselves and or others in an act not justifying the award of the Medal of Valor or above.

- **Police Life Saving Medal:** To recognize and honor members of the police department who perform a life-saving act in the line of duty or off-duty, where their direct actions result in the preservation of human life. To qualify for this award individuals must:

- be a sworn law enforcement officer or civilian employee of the department at the time of the incident.
- have taken **clearly defined, direct, and immediate action** to preserve human life. This includes, but is not limited to:
 - Administering CPR or first aid that directly results in the revival or stabilization of the victim.
 - Use of an Automated External Defibrillator (AED) leading to a successful resuscitation.
 - Removal of a person from a life-threatening situation (e.g., fire, drowning, hazardous environment).
 - Application of a tourniquet or other emergency medical intervention resulting in survival.

The victim must have survived the incident directly due to the nominee's actions. Full recovery is not required. The actions must exceed the normal expectations of the officer's duties and demonstrate **exceptional courage, decisiveness, or skill.**

- **Legion of Merit:** May be awarded to any active member of the Division of Police or Police Reserve who distinguishes himself or herself by performing his or her duties in a manner that is above that normally expected or required, and sufficient to distinguish the individual among those performing comparable duties.

- **Wound Medal:** May be awarded to any active member of the Division of Police or Police Reserve who, while on duty or in the act of performing in a law enforcement capacity while off duty, has been killed or wounded.

- **Special Commendation Award:** May be awarded to any member or employee of the Division of Police or Police Reserve for an act or achievement above that which is normally required or expected, or who distinguishes himself or herself by the performance of an act that contributes to a device or method which is adopted by the Division to increase efficiency in administrative or tactical procedure.

- Individuals may also qualify for this award by:
 - Displaying initiative in the fostering of an innovative valuable and successful program in the area of community affairs;
 - Performance of an act of intelligent and valuable police services demonstrating special faithfulness or perseverance;
 - Effecting a felony arrest which involves **personal initiative**, without prior knowledge from an outside source, under circumstances which clearly distinguish the officer's decisions and actions as being above and beyond that which would normally be expected, thereby warranting special recognition.

Any qualified individual after receiving their fifth Special Commendation Award in a three (3) year period may be considered for the Legion of Merit.

- **Military Service Award:** Recognizes Members of the Division of Police who have served in the Military and further distinguish those who served in combat. Members, who while in the Military served in a "Theater of Combat" such as Korea, Vietnam, or Operation Iraqi Freedom, will wear the ribbon with a Bronze Star in the center.

- **Officer and Supervisor of the Year Awards:** Recognizes supervisors and officers for sustained excellence throughout the review period. These awards are distinct and can be worn at the same time as indicated by the Uniform Manual. Multiple awards shall be indicated with a Bronze Star.

Detective of the Year Award: Recognizes a detective for sustained excellence throughout the review period. These awards are distinct and can be worn at the same time as indicated by the Uniform Manual. Multiple awards shall be indicated with a Bronze Star.

- **Commendation Award (Civilian):** Awarded to a citizen who performs some act involving personal danger above and beyond that normally required or expected of a citizen.

- **Meritorious Public Service Award:** Awarded to any member of the general public for an act which materially contributes to a police accomplishment in the field of Traffic Safety, Crime Prevention, or Police-Community relations.

- **Letter of Recognition:** Awarded to any active member, reserve, employee, or citizen who has displayed outstanding assistance toward the Division's daily mission, goals, or objectives.

- **American Flag Ribbon:** Every officer in the Division will be issued an American Flag Ribbon to be worn on both their Class B & C uniforms.

Recognition Ribbons:

Divisional recognition ribbons are given to those officers who have obtained certification or served in certain identified areas of police work which required the completion of advanced instruction and/or proficiency skills as well as recognizing years of service. These awards are distinct and can be worn at the same time as indicated by the Uniform Manual. Those areas recognized include:

- University Achievement:
 - Bachelor Degree

- Master's Degree
- Doctorate Degree
- Firearms Instructor (OPOTA Certified)
- Former SWAT Officer
- Former K-9 Officer
- Former Special
- Years of Service Pin

26.1.3 SEXUAL HARASSMENT POLICY (LE1)

The Equal Employment Opportunity Commission (EEOC) Guidelines indicate that employers will be considered absolutely responsible for the acts of supervisors which constitute sexual harassment. This is regardless of whether or not the specific acts complained of were authorized or forbidden by the Department. According to the Guidelines, "unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" will be considered harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The City of Mansfield and the Division of Police has never condoned conduct which would violate the Guidelines and employees are hereby reminded of our opposition to such conduct. **Under no circumstances will sexual harassment by our supervisors be tolerated.** Any such conduct will result in prompt disciplinary action up to and including discharge. Section 2.03 of the City's Policy and Procedure Manual (CPPM) prohibits the creation of "an offensive working environment". Since sexually related comments and innuendo can be viewed as creating such an environment, they are included within these guidelines and will not be tolerated.

The Guidelines also make the City responsible for harassment by non-supervisory co-workers. Therefore, such conduct by employees must not be allowed to take place. (Section 2.03 B 5 of the City's Policy and Procedure Manual)

Employees should be aware that sexual harassment in the workplace is a violation of federal and state laws. The City of Mansfield has never condoned such behavior.

Definitions:

Employee - All City of Mansfield personnel; including supervisory and non-supervisory, full-time, part-time, and volunteers.

Sexual Harassment - The deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for or rebuked by the other employee. The behavior can be verbal, nonverbal or physical in nature. Examples of sexual harassment could include, but are not limited to, the following:

- Sexual comments of a provocative or suggestive nature;
- Jokes or innuendoes intended for and directed to another employee;
- Creating an intimidating, hostile or offensive working environment;
- Attempts that are made to impose preferential or adverse treatment or make threats concerning an individual's conditions of employment for the purpose of obtaining sexual contact of any nature.

It is the policy of the City of Mansfield to provide a business-like work environment free from all forms of employee discrimination including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal or physical.

- Posters, post cards, and/or other explicit materials will not be allowed in offices, lockers, or on bulletin boards.

An employee who believes he or she has been sexually harassed is encouraged to report the incident to the Human Resources Director or or, if the complaint involves the Human Resources Division, any other department or division head in the city. Interviews and/or hearings into the alleged misconduct will be conducted and a full report will be made to the Service-Safety Director for appropriate action.

- Allegations of unwelcome sexual harassment shall be reported by the employee **as soon as possible** after the date the alleged discrimination occurred.

- Until the complaint is found to be valid, **the identities of the involved shall be kept confidential.**

Individuals who engage in sexual harassment will be subject to serious disciplinary measures.

(Policy & Procedures Manual of the City of Mansfield)

26.1.4 DISCIPLINARY SYSTEM (LE1)

A. Training may be used in conjunction with or in lieu of discipline when it can be shown that an act of omission or an error resulted from the agency's lack of training or the individual employee's failure to assimilate certain information. Remedial training is not discipline. Remedial trainings will be maintained in the employee's training records.

- Training can be used to strengthen the employee's knowledge, skills, and/or abilities.
- Training can be in the form of in-service or outside training.

- The division may demand a certain level of performance be demonstrated following completion of training and prior to making a final decision considering the ultimate outcome of disciplinary proceedings.

B. Counseling may be used in conjunction with, or in lieu of, other forms of discipline when the act is unintentional, the act is minor in nature, and the result or potential result is of little or no consequences. The counseling may be on a formal or an informal basis.

Supervisors should create documentation of any counseling sessions including any evidence that the counseling session(s) has led to improvement in the circumstances from which the counseling arose.

C. The agency has procedures and criteria for taking punitive actions in the interest of discipline. (Refer also to General Order 52, concerning complaints, internal affairs, and investigations).

Employees who violate any laws or statutes of the United States, the State of Ohio, or the Ordinances of the City of Mansfield, or who violate any provision of the written directives of the City of Mansfield, the Mansfield Division of Police, or who disobey any lawful order, or is incompetent to perform their duties, are subject to appropriate disciplinary action.

Discipline for Cause and Progressive Discipline:

When Positive Discipline and Counseling fails to correct behaviors, progressive punitive action shall be administered for repeated infractions of a minor nature, or when more serious administrative violations and/or any criminal violations may have occurred. The City Policy and Procedure Manual (CPPM), Section 8, outlines the general framework for both bargaining unit and non-bargaining unit employees. Additional references to FOP or AFSCME contracts must be checked for specific procedures.

Progressive discipline will take the form of the following:

- Informal Conference (Oral Counseling)
- Written Reprimand
- Suspension
- Reduction in Rank or Position
- Termination

(Policy & Procedures Manual of the City of Mansfield; City of Mansfield Personnel Ordinances, FOP/OLC Agreement(s), AFSCME Agreement).

26.1.5 SUPERVISORY ROLE AND AUTHORITY IN DISCIPLINE

The primarily responsibility for monitoring and controlling the actions of employees rests with their immediate supervisor, who shall normally be the initiators of the disciplinary process and who should use their knowledge of supervision, their knowledge of the particular employee, their knowledge of the particular infraction and the circumstances surrounding the infraction to recommend corrective actions.

Any supervisor has the authority to issue corrective discipline from an informal conference up to a written reprimand, when properly documented and approved by the Chief of Police. The employee will be offered the form to sign. A copy will be given to the employee and the original returned to the Chief's Office for filing in Human Resources.

Only the Service-Safety Director, upon recommendation of discipline by the Chief of Police, may discipline an employee for cause resulting in suspensions, reductions in pay or position, or termination.

When the Chief of Police determines that an employee may be disciplined for cause, he will schedule or caused to be scheduled based on current labor agreements, a pre-disciplinary conference to be held as soon as possible.

Upon completion of the pre-disciplinary conference or, after the notice if the pre-disciplinary conference is waived, the Chief of Police will complete the recommendation of discipline and if required forward it to the Service-Safety Director. Thereafter, the appropriate supervisor(s) shall implement the disciplinary action as directed.

26.1.6 DISCIPLINARY APPEAL PROCEDURES

A. Appeal procedures are established in the City Personnel Policy and Procedures Manual (SECTION 8.05) **for non-bargaining unit members** of the agency and in the contract(s) and agreement(s) with **bargaining unit members**. (Note that appeals are governed by the same provisions as grievances.) (See also G. O. 25.1).

- Classified Non-Bargaining Unit Employees - Classified non-bargaining unit employees may appeal suspensions of more than three working days, reductions in pay, classification, layoffs, job abolishment, or terminations either through the internal grievance procedure contained in this manual or to the Civil Service Commission. Suspensions of three working days or less and all lesser personnel actions may only be appealed through the internal grievance procedure.

- Unclassified Employees - Unclassified employees may appeal all personnel actions through the internal grievance procedure contained in CPPM manual.

- Bargaining Unit Employees - Bargaining unit employees shall utilize the grievance procedure contained in the applicable collective bargaining agreement to appeal personnel actions.

B. Time limitations for filing and resolution of appeals are clearly identified in section 11.05 of the City Personnel Practices and Procedures, Article 7 of FOP/OLC Agreement(s), and Article 8 of the AFSCME Agreement.

C. **A grievant may verbally present his/her grievance** to his/her immediate supervisor as the first step of the grievance process. A form may also be provided for grievances or, if no such form exists, the employee may submit a written statement of the allegation(s) and facts surrounding a grievance.

- For non-bargaining unit members, a written statement of the grievance and the facts upon which it is based, a written allegation of the specific wrongful act and harm done, and a written statement of the remedy or adjustment sought should be the minimum information included in a grievance. (See General Order 22.4.1).

– The organization and content of grievances for bargaining unit members will be included in the contract(s) or agreement(s). (□Article 8 of FOP/OLC Agreement(s) – Article 9 of the AFSCME Agreement) (See General Order 22.4.1).

D. In responding to a formal grievance, procedures include acknowledging receipt of the grievance by noting time, date, and person receiving the grievance; analyzing the facts or allegations; affirming or denying, in writing, the allegations in the grievance; and identifying the remedy or adjustments, if any, to be made.

– The appeal procedure(s) will be outlined as part of the grievance procedure in the City Personnel Practices and Procedures Manual and in the applicable contract(s) or agreement(s) with bargaining unit members.

– Specific time limitations for filing grievances and for responding to the employee's grievance are specified in the City Personnel Policy and Procedures Manual and in the applicable contract(s) or agreement(s) with bargaining unit members.

(Policy & Procedures Manual of the City of Mansfield; City of Mansfield Personnel Ordinances, FOP/OLC Agreement(s), AFSCME Agreement).

26.1.7 INVESTIGATION OF CASES OF DISMISSAL

In the event of a dismissal, by the Service-Safety Director, the following information will be provided to the employee:

A. Official notice of the Disciplinary Order citing the reason for dismissal.

B. In addition, the employee shall be provided with written notification of the effective date of dismissal.

C. Finally, the employee shall receive a written statement of the status of any benefits due following dismissal, and a statement as to the content of the employee's employment record relating to the dismissal.

NOTE: This procedure does not apply to entry-level probationary employees.

26.1.8 RECORDS OF DISCIPLINARY ACTIONS

All disciplinary actions shall be in writing. A recommendation for disposition of the case will accompany the Investigative summary.

- Employees will be given a copy of any disciplinary action. A notice of disposition will be forwarded to the affected employee containing one of the following conclusions of fact:
 - Unfounded- The investigation indicates that the act(s) alleged did not occur or failed to involve Division personnel.
 - Proper Conduct- allegation is true; the action of the agency or employee was consistent with agency policy or procedure.
 - Not Sustained- Investigation fails to uncover sufficient evidence to clearly prove or disprove the allegations made in the complaint.

-Improper Conduct (Sustained)- The allegation is true; the action of the agency or employee was inconsistent with agency policy or procedure.

-Not Involved- Investigation established that the individual receiving, or subject to the complaint, was not involved in the alleged incident.

-Policy Failure- The allegation is true; the action of the Division or employee was not inconsistent with Division policy or procedure.

- The original record will be filed in the Human Resource Department in the employee's personnel file.
- The Chief of Police may maintain a duplicate copy of those records maintained in the employee's personnel file.
- Records shall be maintained and purged based on retention schedules approved by the Ohio Records Commission and on file with the City of Mansfield and Division of Police.
- If the investigation was the result of a complaint, the Chief of Police shall notify the complainant as to the results of the investigation.
- The complaint, investigation, and disposition shall be forwarded to the Police Review and Community-Police Relations Commission.

26.2 INTERNAL AFFAIRS

26.2.1 TYPES OF COMPLAINTS INVESTIGATED (LE1)

All complaints filed against the employees of the Division of Police, to include anonymous complaints, shall be investigated whenever possible. This will include concerns relayed by telephone, documented in letters or a public form available at various locations in the community.

When a citizen contacts a supervisor to question a procedure, policy or method, the contact will be documented as an "Inquiry" when no complaint exists. (Ex. Citizen contacts a supervisor concerned because he/she was removed from their vehicle using felony car stop procedures. Following an explanation that their vehicle and/or description matched a robbery vehicle, the citizen understands the necessity. This incident, where personnel followed policy and no complaint is signed will result in an Inquiry). Complaints made against Division employees will be reviewed by a supervisor and assigned for investigation.

26.2.2 RECORDS OF COMPLAINTS (LE1)

The agency will maintain a record of all complaints against the agency or its employees. Records pertaining to current or ongoing internal affairs investigations will be maintained in a secure area.

26.2.3 CEO AUTHORITY AND RESPONSIBILITY

The Chief of Police will be directly responsible for the internal affairs function, but may direct another employee to conduct all or part of actual investigation. The findings shall be reported directly to the Chief of Police.

26.2.4 COMPLAINT/COMMENDATION REGISTERING PROCEDURES (LE1)

All agency personnel will, upon request, make information available to the public on procedures to be followed in registering complaints against the agency or its employees. Persons who make inquiries about complaints should be provided a copy of the complaint procedure and the investigative process.

26.2.5 ANNUAL STATISTICAL SUMMARY OF COMPLAINTS

The agency compiles annual statistical summaries of complaints and internal affairs investigations, which are made available to the public and to agency employees.

26.3 COMPLAINT PROCEDURES

26.3.1 TYPES OF COMPLAINTS INVESTIGATED

Definitions:

Anonymous complaint: Complainant refuses to identify him/herself when filing the complaint.

Informal complaint: A known complainant refuses to sign written documentation of an allegation or complaint.

Formal complaint: A known complainant wishes to pursue a formal (written and signed) complaint. The complainant must sign written documentation of the complaint.

Informal investigation: An investigation that is resolved informally, by obtaining information voluntarily from an employee. An informal investigation can only be conducted for a minor complaint. Assigned supervisor may interview the employee with no formal submission by the employee. The supervisor then completes the summary with the interview results.

Formal investigation: An investigation where a formal investigative process is followed, to include (but not limited to):

1. Employee shall be informed of the nature of the investigation and that a complaint has been filed via e-mail or copy of complaint.
2. Provide employee with a copy of the written complaint.
3. Employee is directed to respond to his/her actions during a specific incident which may not be contained in the investigative reports.
4. Formal interview sessions shall be scheduled for serious allegations so that the employee has the opportunity to obtain representation if requested.
5. Formal interviews of an accused employee and/or witnesses will be recorded or written whenever possible as well as statements from potential witnesses to the matter under investigation. Failure of an accused employee to answer questions could result in disciplinary action.

Minor complaint: Complaint is regarding conduct/demeanor that is less than serious misconduct and punishable by no more than a written reprimand. Such complaints are normally recorded in the Incident

Section of IA Pro and include traffic accidents, camera use, and attendance issues.

Serious complaint: Involves any incident that could constitute serious misconduct and action more than that of a written reprimand.

Criminal complaint: A criminal violation of law is or may be involved in the allegation(s).

Serious misconduct: Conduct which could result in suspension or dismissal.

Complaint Records: Complaint Records will be maintained in the individual officer's electronic IA Pro File consistent with current labor agreements and Ohio Public Records Law. Investigations resulting in corrective action will be contained in the employee personnel file.

All allegations of misconduct initiated by a supervisor will be memorialized in writing.

Patterns of complaints: If a pattern of similar anonymous or informal complaints is identified, as determined by the employee's supervisor or higher ranking officer, the employee's supervisor must initiate an internal review and assessment of the employee to determine if remedial training or counseling should occur. This supervisory assessment will be documented in the employee's evaluation if corrective action was identified or via e-mail with a Bureau Commander if only the assessment occurred, but no corrective action was taken.

All complaints made against Division of Police employees, to include anonymous or unsigned complaints, shall be investigated as follows:

A. **Investigation of minor complaints:** Line supervisors will normally investigate minor complaints. The results of their investigations will be forwarded to the Office of the Chief and the summary electronically copied to the appropriate Bureau Commander for review. Minor complaints will normally be considered those which would result in no more than a written reprimand. When the name of the involved employee is not known, the complaint is so noted. Do not guess. If the complainant is unsure, mark the section unknown until the supervisor taking the complaint or assigned to the probe can determine who was involved.

The following procedure will apply to the investigation of all minor complaints, to include anonymous minor complaints:

Procedure for investigation of minor complaints:

- The complainant (if known) is provided a copy or advised of the complaint procedure brochure either in person or by phone.
- If not already documented such as in a letter or public form (green), a complaint form is completed and the complainant (if known) is advised of the option to initiate a formal complaint. This process includes those received by phone. When the complainant is present, he/she will complete and sign the complaint when possible. The complaint will include a notation on how the complainant would like the complaint resolved.
- An informal process may be initiated to investigate minor complaints or inquiries.
- The supervisor advises the employee of the allegation and asks the employee questions related to the complaint.

- If the complaint cannot be resolved informally, as described above, or the employee refuses to answer questions, the supervisor shall initiate a formal investigation, if possible.
- The supervisor will attempt to complete a minor complaint probe during the initial process which will include a summary.
- If no investigation is possible, the complaint will be classified as "unfounded, no investigation possible". A detailed summary will be contained in the file explaining such a conclusion.
- The supervisor forwards the investigation findings electronically to the appropriate Bureau Commander for approval. The Bureau Commander will agree with the findings or disagree and forward with comments to the Chief of Police, copied to the Special Operations Bureau Commander. If the Bureau Commander disagrees the Chief or his/her designate will determine the action to be taken.
- Once approved, the employee is notified by the Chief or his/her designate of the results of the investigation, normally via electronic mail.
- All cases with findings, including Inquiries will be entered in the IA Pro System.
- The complainant (if known) is notified, via telephone by a Bureau Commander and in writing by the Chief of Police of the findings of the investigation.

B. Investigations conducted by designated Internal Affairs Personnel: Complaints of a criminal nature or those that could potentially result in discipline greater than a written reprimand shall be formally investigated by the internal affairs function. The following procedure will apply to the investigation of all serious, and/or criminal complaints, to include anonymous serious and/or criminal complaints:

Procedure for investigation of serious complaints:

- The complainant (if known) is provided a copy of or advised of the complaint procedure brochure.
- A complaint form is completed and the complainant (if known) is advised of the option to initiate a formal investigation. A statement shall be taken from the complainant and any witnesses present at the time of the complaint and all documents should be signed by the complainant/ witnesses.
- The complaint is forwarded to a Bureau Commander who adds any comments and forwards to the Chief of Police the same day. The Chief of Police or his/her designate will assign the complaint for follow-up.
- The assigned investigator advises the employee of the allegation and initiates the formal investigative procedure defined below unless such notification would impede the progress of the probe such as in on-going activity.
- At the conclusion of the investigation, the supervisor completes a summary of the facts and forwards the case to the Chief of Police or his/her designate for further action and disposition.
- If no investigation is possible, the complaint will be classified as "unfounded, no further investigation possible". A summary shall be contained in the investigative file detailing this finding.
- Once the investigative finding is approved, the employee is notified by the Chief of Police or his/her designate of the results of the investigation.

- The complainant (if known) is notified via telephone by a Bureau Commander and in writing by the Chief of Police of the findings of the investigation.
- The complaint information is entered in IA Pro and the case filed in the Internal Affairs file located in the Office of the Chief.

Procedure for investigation of criminal complaints:

- Generally criminal investigations of any agency employee should be conducted at the direction of the Chief of Police or his/her designate. The criminal investigation will be conducted of an agency employee separately from any administrative investigation.
- The complainant (if known) is provided a copy of or advised of the complaint procedure brochure.
- The complaint form and an incident report (if applicable) are filled out and all documents signed if possible.
- The complaint is forwarded to the Chief of Police or his/her designate who will assign the investigation for follow up.
- The employee is given written notice of pending investigation unless such notice would interfere with the investigation such as ongoing criminal activity.
- At the conclusion of the investigation, following review and approval by the Chief of Police, the assigned investigator records a disposition following review by the law director or prosecutor.
- If no investigation is possible, the complaint will be classified as "unfounded, no further investigation possible". A detailed summary will be included in the complaint file and fully explain this conclusion.
- Once approved, the employee is notified by the Chief of Police or his/her designate.
- Criminal and/or departmental charges are filed, if appropriate.
- The complainant (if known) is notified, by telephone and in writing by the Chief of Police or his/her designate of the findings of the investigation.
- The complaint information is entered in IA Pro and is filed in the Internal Affairs if no criminal charges are filed and in the Records Section if the probe results in criminal charges.

C. Review of complaints: The Chief of Police or his designee shall review all complaints.

- It shall be the policy and goal of the agency to review, investigate and promptly make findings concerning all allegations of employee or agency misconduct.

Occasional malicious and deliberate false accusations may be made against the agency or its employees, which will be investigated to protect the integrity of the agency or the employee, thereby instilling confidence in the agency. In some cases, the extent of investigations may be limited to substantiating the falsity of the accusations. When applicable, cases may be presented to the Law Director for possible Falsification charges when malicious and deliberate false accusations are confirmed.

26.3.2 NOTIFYING CHIEF OF POLICE OF COMPLAINTS (LE1)

The Chief of Police and/or his designee(s) assigned to the Internal Affairs function shall be notified as soon as practical of complaints of a criminal nature or those that could potentially result in discipline greater than a written reprimand. The Chief of Police shall be informed of investigations of a lesser nature through the investigative process.

26.3.3 TIME LIMITS FOR INTERNAL INVESTIGATIONS (LE1)

There shall be a sixty day time limit for completing internal affairs investigations. Extensions may only be granted by the Chief of Police in cases of extenuating circumstances, which will be considered in approving extensions.

26.3.4 STATUS OF COMPLAINTS

Complainants (if known) shall be kept informed of the status of all investigations as described below:

A. **Verification of receipt:** A copy of the signed complaint against an employee shall be provided to the complainant to verify that the complaint has been received for processing. A copy of the complaint procedure brochure will be made available to the complainant.

B. **Status reports:** The status of investigations should be communicated by the investigator periodically to the complainant. The status should be communicated any time there is a change in status and at the end of the investigation.

C. **Notification of results:** The agency will make every reasonable attempt to notify the complainant of the results of the investigation upon conclusion.

Initial notification can be made by the investigating officer via telephone. The investigation outcome will be communicated in a letter signed by the Chief or his designee to the person originally filing the complaint. The notice to complainant shall only indicate the outcome of the investigation.

26.3.5 STATEMENT OF ALLEGATION AND EMPLOYEE RIGHTS (LE1)

When an employee becomes the subject of an internal investigation, the employee shall receive notice of the allegations unless such notification would impede the investigation. A delay in the notification must have the approval of the Chief of Police or Law Director. Employees have certain rights and responsibilities relative to complaints and investigations which are detailed in City Code of Personnel Policies and Practices, Division Directives and/or in the agreement(s) of the bargaining unit(s). Each employee has been provided with or has access to electronic copies of each of these documents.

26.3.6 OTHER EXAMINATIONS

A. **Medical or laboratory examinations:** Medical exams or psychological/psychiatric examinations may be required of an employee in terms of fitness for employment, the results of which shall be reported to the agency. Laboratory examinations of blood, breath, or urine analysis may be required of an employee if he/she is accused or suspected of being under the influence of alcohol and/or a controlled substance while on duty or while performing under color of law while off duty. Examinations may only be required if the examination is material to a particular internal affairs investigation and shall be taken using existing policy, directives and collective bargaining unit guidelines.

B. **Photographs:** Photographs of employees may be taken or file photographs of employees may be used in the course of an internal affairs investigation. Photographs include the public displays and those

maintained in the Office of the Chief.

C. Audio/Video Recordings: Employees will only be directed to participate in an audio and/or video recording as a part of a criminal investigation.

D. Line ups: Employees will only be directed to participate in a line-up as a part of a criminal investigation.

E. Financial disclosure: Employees may be required to submit financial disclosure statements, only if the disclosure is material to a particular internal affairs investigation.

F. Truth verification: In the course of an investigation, an employee may only be given a truth verification examination with his/her consent and all questioning should be material to the particular internal affairs investigation within guidelines established by policy, directive and collective bargaining unit agreements. The admissibility of the results of such an examination in any subsequent criminal proceeding shall be determined by the court.

26.3.7 RELIEVING AN EMPLOYEE FROM DUTY

An employee may be relieved from duty pending investigation if a supervisor believes that the integrity or best interest of the division requires an immediate suspension due to the seriousness, particular circumstances, or possible criminal involvement of an offense.

The suspended employee and the supervisor ordering the suspension shall be required to report to the office of the Chief of Police within twenty-four (24) hours, unless otherwise directed by the Chief. Upon hearing the facts of the case, the Chief of Police shall make recommendations and may require the employee to report to the office of the Safety Director on the next business day, at which time the Safety Director may take whatever actions s/he deems necessary. An employee will be compensated during emergency suspension and during any time the employee is relieved from duty prior to a pre-disciplinary conference and prior to the final decision of the Director of Public Safety.

26.3.8 "CONCLUSION OF FACT" CONCERNING MISCONDUCT

DO NOT include your personal opinions or observations in the investigative summary.

Conclusion of fact: Any allegation of misconduct shall contain a conclusion of facts which includes the allegation of misconduct (the act or error in question) and a finding as follows:

Sustained: The allegation is true and the actions of the division and/or employee were inconsistent with policy.

Not Sustained: There is insufficient evidence to confirm or refute the allegation.

Policy Failure – Employee Exonerated: The allegation is true even though the actions of the employee were not inconsistent with policy, the complainant suffered harm. The officer acted in good faith and within existing department guidelines, rules and regulations.

Proper Conduct – Employee Exonerated: The allegation is true, but the action of the division and/or the employee was consistent with policy and the complainant suffered no harm.

Unfounded Complaint – Employee Exonerated: The allegation is demonstrably false.

Not Involved: The investigation revealed the employee was not involved through mis-identification or error. In this case, the employee's name shall be removed from the tracking system and the case which will include a summary detailing the error.

- ☐ The original record will be filed in the Human Resource Department in the employee's personnel file.
- ☐ The Chief of Police may maintain a duplicate copy of those records maintained in the employee's personnel file.
- ☐ Records shall be maintained and purged based on retention schedules approved by the Ohio Records Commission and on file with the City of Mansfield and Division of Police.
- ☐ If the investigation was the result of a complaint, the Chief of Police shall notify the complainant as to the results of the investigation.
- ☐ The complaint, investigation, and disposition shall be forwarded to the Police Review and Community-Police Relations Commission.

CROSS REFERENCE TO STANDARDS AND POLICIES Policy & Procedures Manual of the City of Mansfield; City of Mansfield Personnel Ordinances, FOP/OLC Agreement(s), AFSCME Agreement, G.O. 31.2.3, G.O. 41.3.4, G. O. 22.2.8, G.O. 25.1.1

CROSS REFERENCE TO FORMS: Complaint Form; Complaint Process Brochure, FOP Lodge 32 and FOP/OLC Grievance Forms