

## Personnel Complaint Procedures

### 1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

The Department investigates all complaints alleging a violation of law.

Additional guidance, provisions, changes or additions may be contained in the collective bargaining agreement.

#### 1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not qualify as a violation may be handled informally by a Department supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or which a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of a rank greater than the accused employee or referred to the Internal Affairs Bureau depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Bureau, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 1020.1.2 DEFINITIONS

Definitions related to this policy include:

**Complainant** - A person claiming to be the victim or witness of misconduct by an officer.

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**Investigation** - An administrative investigation, conducted by the Department, of alleged misconduct by an officer that could result in punitive action.

**Punitive Action** - A disciplinary suspension, indefinite suspension, demotion in rank, reprimand, termination or any combination of those actions.

#### **1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

- All citizens will be afforded the opportunity to file a personnel complaint seven (7) days a week, twenty-four (24) hours a day.
- Personnel complaints can be filed in person Monday through Friday, from 7:30 a.m. to 4:00 p.m. on the third (3rd) floor of City Hall, which is the designated office of Internal Affairs.
- Outside of the listed days and times of the Internal Affairs office hours, personnel complaints will be made at the Report Desk of the Patrol Division.

##### **1020.2.1 AVAILABILITY OF COMPLAINT FORMS**

Personnel complaint forms will be maintained in a clearly visible location in the public lobby and on the Canton Ohio Police Department website. Forms may also be available at other government offices and facilities. Personnel complaint forms in languages other than English may also be provided as determined necessary or practicable.

Each Shift Commander shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Division Commander any suggestions for improvement or changes.

##### **1020.2.2 SOURCE OF COMPLAINTS**

Complaints will be accepted from:

- (a) An employee of this department who becomes aware of alleged misconduct, who shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

##### **1020.2.3 ACCEPTANCE OF COMPLAINTS**

All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally either in person or by telephoning the Department and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor,

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upon contact of the complainant, shall complete and submit the personnel complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:

- (a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.
- (b) When an uninvolved supervisor or the Shift Commander determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a personnel complaint form to be completed and submitted at a later time. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

#### 1020.2.4 COMPLAINT DOCUMENTATION

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The interviewing Shift Supervisor shall sign the Personnel Complaint Form at the bottom center where it states, **INTERVIEWER**. The Shift Supervisor shall then obtain an **INCIDENT NUMBER** and affix this number to the Personnel Complaint Form at the upper right corner of this complaint. The complainant should be provided with a copy of his/her original personnel complaint. The Shift Supervisor shall make a supplement under the complaint number as to what he/she discovered through the interview of this citizen. The Shift Supervisor will then submit the completed personnel complaint form personally to his/her Division Commander before the end of his/her tour of duty.

Formal complaints of alleged misconduct not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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A supervisor shall document informal complaints on the pass on.

#### 1020.2.5 EXCEPTIONS

Exceptions to the above mentioned procedure shall be instituted if the complaining citizen requests not to be interviewed at this time and further requests a Personnel Complaint Form to take home, fill out and return at a later time. It is then the responsibility of the Shift Supervisor to instruct the citizen that when he/she brings the completed form back to the Police Department, the citizen is not to just drop it off, but go to the report desk and the Report Desk Officer will summons a Shift Supervisor. The Shift Supervisor shall then proceed to interview the complainant, sign the Personnel Complaint Form and forward it to his/her Division Commander.

#### 1020.2.6 INITIATION OF A COMPLAINT BY AN EMPLOYEE AGAINST AN EMPLOYEE

- (a) Serious allegations of police misconduct, as classified in the rules of conduct.
- (b) Minor infractions of police procedures as classified in the rules of conduct.
- (c) Any employee who has knowledge of a violation of a Rule of Conduct shall notify the Department in writing. The employee shall utilize the standard complaint form.
- (d) The complaint shall be forwarded through the proper chain of command until it reaches the appropriate investigation level. Any superior officer in the chain of command having knowledge of the facts shall record such information in writing to be attached to the employee complaint.
- (e) Serious police misconduct offenses shall be forwarded through the chain of command to the Chief of Police. The Chief shall designate the proper unit to investigate the complaint.
- (f) Minor infractions shall be investigated by the superior officer who shall have the authority to summarily reprimand an officer.
- (g) Employee initiated complaints shall be recorded and logged in the Internal Affairs Unit.
- (h) The investigating officer and any investigator thereafter shall have forty-five (45) days to complete an investigation.
- (i) The complaining employee shall be informed in writing of the results of the investigation by either the Internal Affairs Unit or the superior officer investigating the complaint.
- (j) Any employee making false, or unsubstantiated accusations injurious to the reputation or morale of any other employee of the Department shall be subject to appropriate disciplinary action.
- (k) Chain of Command
  - Safety Director
  - Chief of Police
  - Captain

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- Lieutenant
- Sergeant
- Patrolman

#### 1020.2.7 EMPLOYEE HARASSMENT

- (a) It is the policy of the Canton Police Department that all employees are responsible for assuring that the workplace is free from harassment based on a fellow employee's sex, race, national origin, religion, age or handicap. All employees must avoid any action or conduct which could be viewed as harassment. Such conduct has the effect of interfering with the employee's work performance and moreover creates an offensive work environment. The City of Canton and the Canton Police Department do not condone harassment.
- (b) Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, or visitors, must bring the problem to the attention of their supervisor. If the complaint involves someone in the employee's chain of command, then the employee, at his/her option may go to another supervisor, the Chief of Police, Police Legal Advisor, or the Director of Public Safety.
- (c) There are other sources outside the police department that the employee may wish to consult first. For example, the City's investigator for the Fair Employment Practice Board of the City of Canton, the Mayor's Minority Coordinator, The Department of Human Resources, the Director of Personnel, or a union Representative. However, unless the department is made aware of the employee's complaint, it will be unable to take remedial action.
- (d) Employees can make harassment complaints in confidence. All complaints will be handled promptly. Employees should be aware that the department will take whatever action it decides is appropriate, including disciplinary measures, to remedy all violations.

#### 1020.3 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor was involved in or witnessed the alleged incident. The Chief of Police or a designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Commander, Division Commander and Chief of Police are notified as soon as practicable.
- (b) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as fully as possible. The original complaint form will then be directed to the Division Commander of the accused employee, via the chain of command,

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who will forward a copy of the complaint to the Chief of Police, take any appropriate action, and/or forward the complaint to the Internal Affairs Bureau for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  2. When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.
  3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police, who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to the collective bargaining agreement, state and federal law.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Personnel Department and the Chief of Police for direction regarding his/her role in investigation and/or addressing the complaint.

#### 1020.3.1 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander shall review all Personnel Complaint Forms that are forwarded to him by supervisors under his command. The Division Commander will then personally deliver the Personnel Complaint Form to the Chief of Police and confer with him as to the preferred course of action.

#### 1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a Division Commander may temporarily assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

##### 1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

- (a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.
- (b) An employee placed on administrative leave **may** be required by a supervisor to relinquish any badge, Department identification, assigned weapons and any other Department equipment.

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- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pending of the investigation. The employee may be required to remain available for contact at all times during such shift and report as ordered.
- (e) It shall be the responsibility of the assigning Division Commander to promptly notify the Chief of Police.
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

#### **1020.5 ALLEGATIONS OF CRIMINAL CONDUCT**

Where an employee of this Department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release limited information concerning the arrest or detention of a peace officer which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

##### **1020.5.1 REPORTING FRAUD AND MISUSE OF RESOURCES**

Any member who reasonably believes that another member of this department has committed an act of fraud, a violation of state or federal law, rules or regulations or has misused public resources may promptly do any of the following (ORC § 124.341):

- (a) Report the circumstances to his/her immediate supervisor.

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- (b) Notify the Ohio state auditor's office by calling the toll-free number or accessing the Ohio Auditor of State website.
- (c) File a written report with the state Office of Internal Audit.

If the member reasonably believes that the violation constitutes a criminal offense, he/she may in addition to or instead of the above, report the circumstances to the appropriate prosecuting attorney or other official listed in ORC § 124.341.

Disciplinary or retaliatory action shall not be taken against a member of this department who has filed a report with the appropriate entity under this policy.

#### 1020.5.2 COMPLAINTS TO BE HANDLED BY INTERNAL AFFAIRS

- (a) Serious misconduct. (Severe nature or pattern of procedural violations, lack of service, etc.)
- (b) Criminal conduct. (Violations of statutes, ordinances, departmental rules and regulation by sworn members).
- (c) Sexual misconduct
- (d) Excessive use of force
- (e) Any other complaint assigned by the Chief of Police.

#### 1020.5.3 ASSIGNMENT OF PERSONNEL COMPLAINT INVESTIGATIONS

The Chief of Police will assign the complaint for complete investigation to the office of Internal Affairs. Complaints of a less serious nature or assigned to shift/bureau supervision for investigation. Upon completion of the investigative process the shift/bureau commander shall forward through the proper chain of command, a complete summary of the investigation along with recommendations for course of action to the Chief of Police. A copy of all investigative paperwork will be forwarded to the Internal Affairs office to be processed in accordance with established departmental, Internal Affairs procedures.

#### 1020.5.4 INTERNAL AFFAIRS PROCEDURE

When a case is given to Internal Affairs, the investigators shall investigate each complaint completely.

- (a) The investigator shall receive taped statements and or written statements from the officer(s) who the complaint is against.
- (b) The investigator shall receive taped statements and or written statements from all witnesses listed on the Personnel Complaint Form.
- (c) The investigator shall receive all other paperwork that is pertinent to the complaint, e.g., and not limited to:
  - Cad printout of the call



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- Arrest records
- Medical release
- Relevant photographs
- All other reports and relevant paperwork pertinent to the investigation.
- Cruiser audio/video recordings pertinent to the investigation.

**1020.5.5 INTERNAL AFFAIRS MONTHLY AND ANNUAL REPORTING**

- (a) At the end of each month the Internal Affairs Investigator shall make a copy of the Master Log and present it to the Chief of Police and the Director of Public Safety.
- (b) An annual report shall be prepared by the Internal Affairs Investigator listing all the complaints in that current year and present it to the Chief of Police for the annual report for the Canton Police Department.

**1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE**

Investigations of a minor nature may be assigned to the employee's supervisor, provided the supervisor was not involved as a witness or was an alleged participant in the incident. More serious complaints will be assigned to the Internal Affairs Bureau for investigation. Whether conducted by a supervisor or an assigned member of the Internal Affairs Bureau, the following procedures shall be followed with regard to the accused employee:

- (a) The investigator should not be a person who is the complainant, the ultimate decision-maker regarding disciplinary action or a person who has any personal involvement regarding the alleged misconduct.
- (b) Before an investigator begins the initial interrogation, the Department should:
  1. Provide the name and rank of the person in charge of the investigation and the persons who will conduct any interrogation.
  2. Provide the date, time and place of interrogation or hearing and the names of all who will be present.
  3. Provide the officer in writing a summary of alleged misconduct and a description of the nature of the investigation.
- (c) Interviews of accused employees should be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated.
- (d) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors requiring that time is of the essence.
- (e) An investigator should not interview an officer at that person's home without the officer's prior permission.

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- (f) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.
- (g) All interviews shall be for a reasonable period or duration and the employee's personal needs shall be accommodated.
- (h) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.
- (i) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided upon request or prior to any subsequent interview.
- (j) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights. This admonishment shall be given administratively, regardless of whether the employee was advised of these rights during any separate criminal investigation.
- (k) An employee subjected to interviews that could result in punitive action shall have the right to have a representative of his/her choosing during any interrogation. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.
- (l) All employees shall provide complete and truthful responses to questions posed during interviews.
- (m) All employees shall be advised that failure to cooperate fully can be the basis of a separate disciplinary action.
- (n) Only an Internal Affairs Investigator, with permission of the Chief of Police, may request an officer to take a polygraph examination.
- (o) An employee may not be compelled to produce financial records.
- (p) Within three days after assignment, the complainant should be informed of the handling investigator's name and the complaint number.
- (q) Interviews of the complainant should be conducted during reasonable hours.
- (r) The questions asked of the accused employee shall relate directly and narrowly to the specific complaint under investigation.

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1020.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, if the employee is assigned to or being considered for a special assignment, or to determine if the employee is engaged in unlawful activity.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

All other Department areas (e.g., desks, office space and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary of allegations** - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence as to each allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation and include comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

The disposition process begins when Internal Affairs receives a complaint or the Chief is advised of possible improper conduct. The Chief of Police shall direct the matter to be investigated by Internal Affairs and reviewed by the Disciplinary Review Board (the Board).

The Disciplinary Review Board shall consist of supervisory and management level personnel and usually consists of five members, typically two (2) Sergeants, two (2) Lieutenants, and one (1) Captain. The Board members shall be assigned by the Chief of Police and vary depending on predetermined criteria. Typically board members would be assigned from the day shift due to the

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regularly scheduled weekly meetings. Captains shall rotate monthly. The duty of the Board shall include the review of completed Internal Affairs cases and determinations whether departmental violations exist. All Board reviewed complaints shall receive one of the possible dispositional findings that are presently used by Internal Affairs. The board may also direct Internal Affairs to investigate the matter further.

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve Department personnel. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

**Sustained Other** - When an investigation discloses misconduct or improper job performance which was not alleged in the original complaint. The investigator shall take appropriate action with regard to any additional allegations.

Should the Disciplinary Review Board sustain the complaint, the second duty of the Board shall be to recommend the appropriate disciplinary action. When the Board is complete, the case is forwarded to the Chief of Police who shall review the complaint, the investigation, and the determination of the Disciplinary Board. If the Chief of Police concurs with the Board's decision, the case will be found to have been adjudicated. **(Final disciplinary authority rests with the Chief of Police and his decision in regards to discipline of police personnel is final).**

The adjudicated employee is sent a letter notifying him/her that the Chief of Police has determined them to be in violation of department rules along with their punishment. The employee may stipulate to the violation(s) or attend a disciplinary hearing with the Chief of Police.

All disciplinary recommendations by the Disciplinary Review Board shall be placed into a computer database along with the specific aggravating or mitigating factors considered with each recommendation.

#### 1020.7.1 NOTIFICATION OF COMPLETION OF CITIZEN COMPLAINT INVESTIGATION

- (a) The citizen complainant shall be notified by the Chief of Police in writing of the outcome of the completed investigation. The outcome shall be classified with one of the dispositions defined in section 1020.7.
- (b) The Chief of Police may review the investigation and recommendation of the investigator with the City Law Department.

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**1020.8 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

Investigations should be completed within ninety (90) days of the date the department becomes aware of the allegation. The Chief of Police may extend the period to six months if the investigation reasonably requires such an extension.

Should additional time be required, a written request should be made to the Chief of Police, generally 30 days before the period tolls, requesting an extension. A request for extension should include the reason for the request and the completion date requested. Such a request must be approved by the Chief of Police or a designee in writing and a copy provided to the accused employee.

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employees need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employee.

Once received, the Chief of Police may accept or modify the classification and the recommendation for disciplinary action contained in the report.

A time period of ninety (90) days is the period from the time the complaint is assigned to Internal Affairs, up to and including the review of the investigation by the Chief and his staff, including the in-house legal advisor. If for investigative reasons the investigation takes longer than the established ninety (90) days to complete this process, then the complainant will be notified.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings but will not disclose the amount of discipline, if any, that was imposed. The complaining party should also be provided with a copy of his/her original complaint.

Any complaining party who is not satisfied with the findings may contact the Department or a designee to discuss the matter further.

**1020.8.1 WITHDRAWN COMPLAINTS**

If the complainant withdraws his/her complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal.

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**1020.9 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints, unless exempt from disclosure by law, that are contained within personnel files are subject to release with appropriate redaction, and pursuant to lawful process (ORC § 149.45(C)(1)). The Department shall comply with any public records requests as prescribed by Ohio law (ORC § 149.43 and ORC § 5502.12).

In the event that an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All Internal Affairs case files shall be securely maintained. All Internal Affairs case files shall be retained as set forth in Departmental Policy, City of Canton Record Retention Policy or according to State Law.

**1020.9.1 SUSTAINED COMPLAINTS**

Before being placed in the employee's file, the employee will have an opportunity to read and initial the comment or document. If the employee submits a written response, the response will be attached to the comment or document.

The employee will receive a copy of any comment or document placed in the employee's file.

A copy of the disposition of the allegation of misconduct and a copy of the notice or adjudication of any punitive or remedial action will be the only documents related to the investigation which will be placed in the employee's file.

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the department that relates to the investigation, including any recordings, notes, transcripts of interviews and documents.

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints that are unfounded, exonerated or not sustained shall be maintained by the Internal Affairs Bureau apart from the employee's personnel file in a file created for this purpose.

**1020.9.2 REMOVAL OF COMPLAINT**

Upon written request to the Chief of Police, an employee may review any administrative file that does not relate to a current investigation.

If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the employee will submit a written request to the Chief of Police specifically asking for the item to be removed and the reasons for removal.