



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 21, 2020	CHAPTER: 1 - Administrative	PAGE: 1 of 3	NUMBER: 1.07.07
SUBJECT: RETALIATION PROHIBITED			
CHIEF: <i>Calvin D. Williams, Chief</i>			

PURPOSE: It is the purpose of this policy to maintain divisional integrity and prevent hostile treatment towards Division members and members of the public, by prohibiting retaliatory conduct or action against Division members and members of the public who make reports of misconduct

POLICY: The Cleveland Division of Police (CDP) prohibits retaliatory conduct against or interference with Division members or members of the public who report, assist, or seek to report misconduct or breaches of departmental policy, procedures, or rules, or engage in activities protected by whistleblower statutes.

DEFINITIONS:

Misconduct - any improper conduct, other than minor infractions as defined in this policy, including an alleged violation of Division policy, procedure, regulation, order, federal or state law, or other standards of conduct required of Division members including the improper use of force. Misconduct includes:

Administrative Misconduct - an allegation of misconduct, which if true, would be a violation of a CDP rule, regulation, policy, or procedure.

Criminal Misconduct - an allegation of misconduct which, if true, would be a violation of a City of Cleveland Codified Ordinance, the Ohio Revised Code, or a Federal Criminal Statute.

Serious Misconduct - an allegation of misconduct involving a breach of civil rights, biased policing or discrimination against a protected class, dishonesty, brutality, corruption, objectively unreasonable, unnecessary or disproportionate use of force, or a similar serious allegation.

Misconduct does not include minor infractions:

Minor Infractions - alleged violations of Division policy, procedure, regulations, orders, or other standards of conduct required of Division members that are immediately correctable through minimal intervention by a supervisor, with the goal of non-repetitive behavior. Minimal intervention includes redirection and/or non-disciplinary counseling to correct behavior. Minor infractions include, uniform violations, minor rudeness (absent bias), failure to perform a system checks on WCS or in-car camera equipment that causes no failure to record officer actions, traffic and parking infractions, and motor vehicle accidents (not involving substantial property damage, personal injury or death). When a member repeatedly (i.e., more than two times within a 12-month period based on the date of the observed infraction) commits the same minor infraction, the supervisor shall not handle the minor infraction through a non-disciplinary response.

Retaliatory Conduct: Conduct or adverse action against a Division member or member of the public who has reported or provided information, assisted with or participated in an investigation involving a member, filed a charge of discrimination or complaint, opposed a discriminatory practice, or otherwise

PAGE: 2 of 3	SUBJECT: RETALIATION PROHIBITED	NUMBER: 1.07.07
-----------------	------------------------------------	--------------------

exercised his or her rights or performed his or her work-related duties. Retaliation includes, but is not limited to, discouragement, threats, intimidation, coercion or other adverse actions. Examples of retaliatory acts include, but are not limited to: threats; unsupported negative evaluations; withholding work-related information; giving punitive work assignments; denial of job benefits; giving demeaning or unnecessary job assignments; blocking advancement (e.g., promotion).

PROCEDURES:

I. General Guidelines

- A. All forms of retaliation against any person, civilian or member, who reports misconduct, makes a misconduct complaint, cooperates with an investigation of misconduct, or engages in activities protected by whistleblower statutes are expressly prohibited.
- B. Members shall have a working knowledge of the following Ohio Revised Code (ORC) ordinances:
 - 1. 2921.05 - Retaliation
 - 2. 4113.52 - Reporting violation of law by employer or fellow employee
 - 3. 124.341 - Violation or misuse-whistleblower protection
 - 4. 3721.24 - Whistleblower protection.
- C. All members shall cooperate fully during the investigation of any allegation of member misconduct whether conducted by this Division or another authorized authority.

II. Retaliatory Conduct

- A. No member of the Division shall retaliate against any other member or members of the public who do any of the following:
 - 1. Exercises a constitutional right
 - 2. Records (using any medium) an incident
 - 3. Makes a public records request
 - 4. Publicly criticizes a member of the Division
 - 5. Initiates litigation
 - 6. Files a complaint alleging misconduct or provides testimony or information related to a complaint alleging misconduct in any investigation
 - 7. Testifies or cooperates with any government body investigating or prosecuting the Division or a Division member

PAGE: 3 of 3	SUBJECT: RETALIATION PROHIBITED	NUMBER: 1.07.07
-----------------	------------------------------------	--------------------

8. Communicates intent to engage in any of the above-described activities

- B. Members who retaliate against any person who reports or investigates alleged misconduct will be subject to the disciplinary process and possible discipline up to and including termination.
- C. No member may pursue a criminal case against a complainant for filing a false complaint without first obtaining the approval of the Internal Affairs (IA) Superintendent.

III. Procedures for Responding to Retaliation

- A. Members who have been subjected to retaliatory conduct by fellow members shall immediately notify a supervisor or the IA Superintendent.
- B. Members who observe or become aware of retaliatory conduct by another Division member against a member of the public shall immediately notify a supervisor or the IA Superintendent.
- C. Members who have been subjected to retaliatory conduct by fellow members are encouraged to seek assistance through personal counseling or other services, as available through the Division's Employee Assistance Unit (EAU).
- D. Supervisors shall monitor their members and provide support to those who are directly affected by retaliatory conduct.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.