



East Norriton Township Police Department

GENERAL ORDER 2.3.1

COMPLAINT RECEIPT AND PROCESSING

Subject:

Internal Affairs-Administration

Issued Date:

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March 23, 2011

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PLEAC STANDARD Reference

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Index Words

Internal Investigation

Internal Affairs Administration and Operations

This directive shall establish procedures for documenting and investigating complaints and allegations of misconduct to maintain the integrity of the East Norriton Township Police Department.

It is the policy of the East Norriton Township Police Department to investigate all complaints against the Department or its employees through a regulated, impartial and expeditious internal investigation.

2.3.1 Complaint Receipt and Processing

A. The Duty Sergeant or OIC shall courteously and promptly accept any complaint made by a citizen against any officer or the Department. The Sergeant or OIC may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any officer or the Department.
(See G.O. 1.8.2/Code of Discipline)

B. ESTABLISHED DEPARTMENTAL PROCEDURES FOR LODGING COMPLAINTS.

Complainant(s) shall be advised that:

1. Complaint should be addressed to the Chief of Police or Lieutenant in writing,
2. Complaint should contain the Complainant's full name, address and phone number,
3. Complaint should contain all names, dates and times of the incident,
4. Complaint must be signed, along with the Required Notice for Persons Filing Allegations against Police Officers form attached,
5. In the event that more than one party is involved, the complaint and the NOTICE FORM must be signed by all parties involved,
6. The complaint should be submitted in a sealed envelope, addressed to the Chief of Police or Lieutenant,
7. The officer will inform person(s) that the Chief of Police or designee will contact them to provide a general procedural description and appeal provisions for investigation of the complaint.

8. The Chief of Police will ensure the complainant is notified of the final disposition in writing and if appropriate through personal discussion.
9. **Internal Officer/Officer Complaint:** When an officer of this department files a complaint against another officer of this department for a serious violation of an order that may result in suspension or dismissal, or a violation of the law, the Chief of Police will assign an officer neutral to the complaint to handle the investigation.

NOTE: No formal action will be taken unless established procedures for lodging complaints are followed. An investigation may be commenced at the discretion of the Chief depending on the nature and seriousness of an allegation even if the established procedures for lodging a complaint are not followed.

NOTE: If a complaint, allegation or investigation is determined to be unfounded, no record of this matter shall be placed in the members file.

NOTE: Any complaint that is CRIMINAL in nature that is reported to a member of the Department will be investigated. A signed written complaint will not be required when an allegation received could lead to criminal prosecution.

NOTE: **THE CHIEF OF POLICE WILL BE ADVISED OF AND ASSIGN ALL COMPLAINTS AGAINST OFFICER(S) FOR INVESTIGATION.**

C. PROCEDURE:

1. **Duty to Inform Officer:** A police officer, whether a suspect or a witness, must be informed of the nature of the questioning at the outset of the interview.
2. **Copies of Statements:** If the interviewed Police Officer writes a statement, or the interview is recorded for the purpose of a written transcript, a copy must be given to the Police Officer, upon request, without cost.
3. **Constitutional Rights:** Any Police Officer, who is under arrest or is likely to be placed under arrest as result of an interview shall be completely informed of all Miranda Warnings prior to the commencement of the interview.

Miranda warnings should be given from a written form which will be signed and dated by the Officer being interviewed, the Police Official conducting the interview and a witness.

4. **Right to Counsel:** Any Police Officer who is under arrest, or who is likely to be placed under arrest as a result of an interview shall have the right to be represented by counsel of their choice who should be present at all times during the interview. The interview shall be suspended for a reasonable time until representation can be obtained.

D. **SOURCES OF COMPLAINTS:** Complaints regarding the conduct of an employee may arise from inside the Department or from the public. Internal and external complaints should be obtained in writing whenever possible.

1. Duty of Employees to report violations
 - a. Employees having knowledge of other employees violating Department policy, disobeying lawful orders, or the law shall report the information to the Chief of Police, through the chain of command.

- b. The chain of command may be passed if the nature of the violation is believed to be serious.
2. Citizen Complaint Reception
 - a. A citizen complaint alleging police misconduct will be referred to the Chief of Police via the chain of command during normal business hours.
 - b. At other times, the Duty Supervisor or OIC will be notified,
 - c. The OIC will receive the complaint and will either investigate it or request that a Supervisor do so,
 - d. If the OIC deems the incident sufficiently grave, he/she will notify his/her commanding officer regardless of the hour,
 - e. The OIC will also take any immediate action necessary to protect the integrity of the Department until the arrival of a commanding officer.

NOTE: The Chief of Police will be notified via the chain of command of every complaint as soon as it is feasible.

E. **INVESTIGATION OF CHARGES:**

1. The Investigating Officer will be specifically trained in internal affairs investigations, including taking signed statements, gathering and preserving evidence pertaining to the case, and collecting all other information bearing on the matter.
2. **Investigating Charges of Illegal or Serious Misconduct:** Allegations of illegal or serious misconduct (corruption, brutality, misuse of force, breach of civil rights, criminal misconduct, etc) on the part of a member shall be thoroughly and accurately investigated by personnel directly responsible to the Chief of Police or designee. The Chief of Police or designee shall obtain the assistance of the District Attorney's Office in cases where criminal allegations are involved or where such assistance would best serve the public interest.
3. **Investigating Minor Misconduct Allegations:** (tardiness, rudeness, insubordination): Such investigations may be conducted by first line supervisors and subject to internal review. When an employee has committed a violation of policy or procedure, and disciplinary action could result in a formal warning or reprimand, the Supervisor may require a response to the administrative complaint by interview or memo from the subject member.
4. **Time Limit:** All investigations shall be conducted in an impartial and expeditious manner; however, the proper investigation of the incident will not be compromised for speed.

To achieve a speedy resolution to internal affairs issues, an internal affairs investigation shall be completed within thirty (30) days. A verbal status report will be given to the Chief of Police at least every seven (7) days.

In cases where extenuating circumstances exist, the time limit may be extended by the Chief of Police.

5. **Removal from Duty During Investigation:** When in the interest of the public and the Police Department, the Chief of Police or designee is authorized to relieve a member from duty with pay while he/she is under investigation for a crime, corruption or serious misconduct,

or may be relieved from duty when the proof is evident and the presumption is great, or when the member is physically or mentally unable to satisfactorily perform his/her duties.

6. Report of Investigation: The results of an investigation of alleged misconduct on the part of a member must be submitted in writing to the Chief of Police, and shall contain:
 - a. A summary of the complaint or alleged act of misconduct,
 - b. Pertinent portions of the statements of all parties to the incident,
 - c. A description of the incident, physical evidence, and other evidence bearing in the case,
 - d. The observations and conclusions of the Investigating Officer.
 - e. **FINDINGS**--one of the following shall be included:
 - 1) UNFOUNDED--The investigation indicates that the alleged act(s) did not occur or did not involve Department Personnel.
 - 2) NOT INVOLVED--The investigation established that the person under investigation with whom the report is concerned, was not involved in the alleged incident.
 - 3) EXONERATED--The investigation established that the act(s) did occur but were justified, lawful and proper.
 - 4) NOT SUSTAINED--The investigation fails to discover sufficient evidence to prove or disprove clearly the alleged act(s).
 - 5) SUSTAINED--the investigation discloses evidence sufficient to prove clearly the alleged act(s).

F. **Criminal Prosecution of Illegal Acts**

1. Administration adjudication of internal discipline complaints involving a violation of law should neither depend on nor restrict criminal prosecution.
2. Regardless of the administrative adjudication, the Department should refer all complaints involving violations of law to the District Attorney for the decision to prosecute criminally.
3. Police Officers should not be treated differently from other citizens in cases involving violations of the law.

G. **Assurance of Officer Rights**

1. Officers assigned to investigate misconduct, complaints against officers, or similar acts involving another officer will not violate the Constitutional rights of the accused.
2. In the interest of a fair and equitable adjudication of charges, the Department will follow all investigations to their final outcome. However, the pursuit of each investigation will only occur as prescribed by law or Department policy.

H. **DEPARTMENTAL INTERVIEWS:**

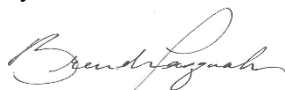
1. The investigating member will identify and contact all involved witnesses, to include employees.
2. Whenever a sworn member is under administrative investigation and subject to an interview, that interview will be conducted last. The investigating member will ensure the subject member is not deprived of their due process rights during the investigation.

As part of the pre-disciplinary process, Officers shall be advised that they are being questioned as part of an official Police Department investigation, and that they will only be asked questions specifically directed and narrowly related to the performance of their official duties.

3. Garrity and Weingarten shall be read to the subject member and returned to the investigating member after being signed and dated. At the request of any officer who is being interviewed, he/she shall have the right to choose a bargaining unit representative to be present at all times during the interview. The interview shall be suspended for a reasonable time until the bargaining unit representative can be obtained.
4. Officers who are being interviewed regarding disciplinary matters within the Department shall be advised that refusal to answer questions specifically and narrowly related to the performance of their official duties could result in Departmental disciplinary charges ranging from suspension to dismissal.
5. Administrative investigations will not be broadened into areas not part of the original allegation. The investigating member will immediately notify the Chief of Police if information of a serious nature comes to light.
6. The investigating member must determine, as soon as possible, whether the investigation is administrative or criminal to avoid compromising the member's constitutional rights. If during the administrative investigation, criminal allegations arise, the administrative investigation shall be suspended and the Chief of Police shall be immediately notified. The Chief will determine the appropriate jurisdiction and assign the criminal investigation accordingly. The administrative investigation will resume upon completion of the criminal investigation.

NOTE: Nothing here-in shall supersede the requirements set forth in the Department Contract

By order of:



Brandon Pasquale
Chief of Police

