|  |  |  |
| --- | --- | --- |
| Subject | | |
| **INTERNAL AFFAIRS** | | |
|  | | |
| Date of Issue | Effective Date | Annual Review Date |
|  |  |  |
|  | | |
| RESCINDS PREVIOUS ORDER # | | |
|  | | |
|  | | |
| BY AUTHORITY OF: | | |
|  | | |

**SAMPLE POLICY**

**FOR REVIEW WITH YOUR ATTORNEY**

**Police Department**

**General Order**

**I. PURPOSE**

The purpose of this policy is to establish fair and impartial procedures for conducting and documenting administrative investigations of complaints that are made against XXXXX Police Department (“Department”) police officers (“officers”). The goals of the policy are to enhance the integrity of the Department, to improve the quality of police services and to assure the citizens of XXXXX (“Borough”) that complaints of police misconduct are properly addressed.

**II. POLICY**

It is the policy of the Borough to investigate all complaints against officers, including anonymous complaints, and all allegations of employee misconduct, whether received from citizens or employees of the Borough. The Department will, subject to direction from the Mayor and/or Council, promptly and thoroughly investigate all complaints against members of the Department through a regulated and impartial internal investigation process and to take appropriate action when necessary.

**III.** **SOURCES OF** **COMPLAINTS AGAINST BOROUGH POLICE OFFICERS**

Complaints about the conduct of an officer may arise from co-workers or from the public. Every such allegation, whether expressed verbally, in writing or anonymously, shall be investigated in accordance with the procedures set forth in this policy.

**IV.** **RECORD OF COMPLAINTS**

All complaints will be recorded, assigned an internal affairs report number and maintained in a secure location by the Chief of Police. This record shall contain the following information: name of complainant, name of accused, date received, name of the Borough employee who received the complaint, type of complaint, case number, and final disposition. This record shall be kept by the Chief of Police in a secure location and available for inspection by the Mayor and Council.

**V. DUE PROCESS RIGHTS OF THE ACCUSED OFFICER**

The Borough recognizes and will protect the due process rights of officers accused of committing misconduct and will ensure that the internal investigation is conducted in accordance with the Constitutions of the United States and Pennsylvania as well as applicable state and federal law.

**VI. PROCEDURE FOR THE INVESTIGATION OF COMPLAINTS**

**A. Notification, Classification and Documentation of Complaints**

1. Any officer who receives a complaint against himself or herself or against another officer shall immediately report the complaint to his or her immediate supervisor or to the Chief of Police or to the Chief’s designee.
2. Any supervisory officer who receives a complaint against an officer shall immediately report the complaint to the Chief of Police or to the Chief’s designee.
3. In the event a member of the public or a Borough employee requests an officer how to file a complaint about police conduct, that officer shall inform the person that a complaint may be filed during business hours at the Borough Hall on a written complaint form.
4. In the event a member of the public or a Borough employee initiates a complaint against an officer at the Borough Hall, the complainant will be provided with a “Citizen Complaint Form,” which is attached to this policy and incorporated herein as Attachment “A.” This form must be completed by the complainant and returned to the Chief or to the Chief’s designee.
5. In the event a member of the public or Borough employee expresses an intention to file a complaint against an officer, but does not wish to file the complaint on site at the Borough Hall, the Borough will send the complainant a Citizen Complaint form via U.S. Mail, together with a pre-addressed stamped envelope for return to the Chief of Police.

1. Upon receipt of the completed “Citizen Complaint Form”, the Borough will promptly commence an internal investigation. The internal investigation will proceed in accordance with the procedures set forth herein regardless of whether the complainant submits a written complaint form or refuses to sign the form.
2. Upon the receipt of a complaint, the Chief or the Chief’s designee will immediately send a letter to the complainant, if known, acknowledging receipt of the complaint.
3. A letter approved and signed by the Chief of Police may be sent to the complaining party informing him or her of the results of the investigation upon conclusion. The complaining party may also be notified via telephone of the results of the investigation.
4. In the event a complaint against an officer contains allegations of a crime, workplace harassment or where the complaint contains allegations, which could, if proven to be true, result in the discharge, suspension or demotion of an officer, the Chief of Police or the Chief’s designee shall promptly notify the Mayor and Council of the complaint.

a. The Chief of Police will conduct the administrative internal affairs investigation; however, prior to the start of the investigation, Council shall determine whether the Chief should not do so for reasons that include, but are not limited to, a conflict of interest; in such case, Council reserves its authority to designate another qualified person to conduct the investigation consistent with the terms of this policy..

b. The Council shall ensure that its adjudicatory function is kept separate from the investigatory and prosecutorial functions during the course of the internal affairs investigation.

10. All complaints other than those referred to in Section VI.A.9 shall be investigated by the Chief of Police or the Chief’s designee, as supervised by the Mayor, in accordance with the procedures set forth herein.

11. All officers who are subject to discipline that rises to the level of **discharge**, **suspension** or **demotion in rank** will be advised of the potential disciplinary charges and provided with an opportunity to respond to the charges before final action is taken. Officers may request Union representation during any interviews that could potentially result in the imposition of discipline.

**B. Suspicion of Criminal Activity**

In the event an officer’s conduct that gives rise to an internal affairs investigation may constitute criminal activity, the following process shall be followed:

1. The Chief of Police shall promptly notify the Chester County District Attorney’s Office for the purpose of determining which law enforcement agency will conduct the criminal investigation;

2. The Mayor or the Council’s designated investigator will ensure that the Township’s administrative internal affairs investigation is conducted separately from the criminal investigation.

**C. Temporary Administrative Leave of Accused Officer**

The Chief of Police may immediately impose a temporary paid administrative leave of a police officer when the Chief reasonably believes that: 1) the officer is unfit for duty, or 2) the action is necessary to protect the health, safety or welfare of a Borough employee or the public. Such action shall not be deemed to constitute disciplinary action against the accused officer.

**D. Use of Scientific, Medical or Other Evidence**

1. Upon approval from the Chief of Police or the Council, certain investigative methods may be used during an administrative investigation. Employees may be required to submit to the following for administrative purposes only:

1. Breathalyzer, medical laboratory, or other diagnostic tests, physical or psychological evaluations;
2. When there are indications an officer is on duty under the influence of alcohol or drugs, the officer will be required to submit to field sobriety and blood alcohol and or drug tests. The results will be accurately recorded.
3. The drug or blood alcohol test must be based upon reasonable suspicion. Any on-duty supervisor may require an employee to submit to a breath, blood, or urine test when inebriation or drug usage is suspected as a factor related to duty performance or operation of a departmental vehicle.
4. Employee lineup;
5. Production of financial disclosure statements; and/or
6. Other non-testimonial identification procedures as deemed necessary and appropriate, including, but not limited to, fingerprints, photographs, hair samples, DNA, etc.

2. Refusal to submit to ordered tests constitutes a violation of departmental policy and will be considered insubordination and may subject the employee to disciplinary action up to and including dismissal.

3. The Borough reserves the right to open, inspect, and examine all Borough-owned property including, but not limited to vehicles, offices, desks, files, storage lockers equipment, computers, electronic communications systems, and all work spaces at any time for legitimate business reasons, including investigating work-related misconduct. Borough employees lack an expectation of privacy in said areas.

**VII. AUTHORITY TO IMPOSE DISCIPLINE**

The ultimate authority to impose final disciplinary action rising to the level of suspension, demotion or termination rests exclusively with the Council. The Council shall give strong consideration to recommendations made by the Mayor and Chief of Police in connection with the subject internal affairs investigation. The Mayor and Chief of Police and other Command Staff designated by the Mayor or Chief may impose less severe discipline, including, but not limited to, counseling and verbal and written reprimands.

**VIII. FINAL ADMINISTATIVE ACTION**

Upon the completion of the investigation, the Borough shall render one of the following conclusions with respect to a complaint filed against the accused officer:

1. **Sustained**: The evidence is sufficient to prove the allegations.
2. **Not Sustained**: There is insufficient evidence to either prove or disprove the allegations.
3. **Exonerated**: The incident occurred, but was lawful or proper.
4. **Unfounded**: The allegation is false or is not factual.
5. **CONFIDENTIALITY OF INTERNAL AFFAIRS RECORDS.**
6. Internal affairs records, including complaints and all subsequent investigation files and documents shall be confidential.
7. Unless otherwise directed by the Council, the Chief of Police shall be responsible to maintain the confidentiality of all internal affairs records generated as a result of the general order.
8. Any officer with knowledge of an internal affairs complaint and/or investigation shall also maintain the confidentiality of the complaint/investigation and discuss the matter only with the Mayor, Chief of Police or investigator designated by Council.

Exception: Nothing in this section shall prohibit any officer who is the subject of an investigation from consulting with union representation, legal counsel or other persons as may be appropriate to the finding of facts.

1. The Chief of Police shall maintain all records concerning complaints filed, and/or investigated, in accordance with this policy in a secure file.
2. **ANNUAL STATISTICAL SUMMARY AND REVIEW.**
3. The Chief of Police shall compile a statistical summary consisting of the number of complaints filed and their outcomes based upon the conclusions of fact listed in Section IX of this general order.
4. The Chief of Police shall review all complaints filed against the officers of the Department to ensure that investigations are completed and conducted properly.

**XI. DISTRIBUTION**

All police officers.

**XII. RESPONSIBILITY**

It is the responsibility of all police officers to become familiar with this policy and to adhere to its procedures.

**XIII. REVIEW**

This policy may be reviewed periodically and amended as authorized by the Council.

**XV. EFFECTIVE DATE**

This Order is effective\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.