

**JACKSON TOWNSHIP POLICE DEPARTMENT
POLICY CONCERNING
INTERNAL AFFAIRS AND INVESTIGATIONS**

Adopted: _____

I. POLICY

- A.** It is the policy of the Township to investigate all complaints against a member of the Police Department regardless of the source of such complaints through a regulated, fair and impartial internal investigation.
- B.** Primary responsibility for supervising, conducting, coordinating, and maintaining the internal affairs function of the Department lies with the Chief of Police or designee. Except for matters involving the Chief of Police, all findings will be prepared in writing according to established procedures, and presented to the Chief of Police with a recommendation for disposition.
- C.** In matter involving the Chief of Police, the complaint shall be presented to the Township Manager for determination, subject to appeal to the Board of Supervisors.
- D.** Details of Investigations shall be considered confidential information, available only to law enforcement personnel investigating criminal matters, the Board of Supervisors in the case of an appeal, other parties specifically authorized by this policy, or through court ordered disclosure.

II. PURPOSE

- A.** The Internal Affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the Department depends on the personal integrity and discipline of each employee. To a large degree, the public image of the Department is determined by the quality of the Internal Affairs function in responding to allegations of misconduct against the Department or its officers.
- B.** Since an Internal Affairs investigation involves allegations against a member of the Department, it is essential that the process be not only lawful, but confidential as well. This necessitates strict confidentiality and full adherence to procedure.
- C.** The objectives of an Internal Affairs investigation are:
 - 1. Protection of the public.
 - 2. Protection of the Department.
 - 3. Protection of the employee.
 - 4. Removal of unfit personnel.
 - 5. Correction of procedural problems.

III. PROCEDURES

A. Sources of Complaints

Complaints regarding the conduct of a member or employee may arise from inside the Department or from the public. Internal or external complaints should be obtained in writing whenever possible.

B. Successive Advisories

1. The Chief of Police will see that every person making a complaint alleging police misconduct receives verification that it is being pursued by the Department with a general description of the investigative procedure and appeal provisions.
2. The Chief of Police will also see that the person who initiated the complaint is notified of its final disposition with personal discussion of the outcome encouraged.

C. Duty of Members and Employees to Report Violations

1. Members and employees knowing of other members or employees violating departmental or legal requirements or disobeying orders, shall convey the information, in writing, to the Chief of Police through the chain of command.
2. If the information is believed to be of such gravity that it must be brought to the immediate personal attention of the Chief of Police, the chain of command may be bypassed.

D. Citizen Complaint Reception

1. A citizen complaint alleging police misconduct will be referred to the Chief of Police via the chain of command during normal business hours.
2. The Chief of Police will be notified via chain of command of every complaint as soon as it is feasible.

E. Investigation of Charges

1. Investigating Charges of Illegal or Serious Misconduct.

Allegations of illegal or serious misconduct (corruption, brutality, mis-use of force, breach of civil rights, criminal misconduct, etc.) on the part of a member shall be thoroughly and accurately investigated by the Chief or his designee. The Chief of Police or his designee shall obtain the assistance of the County District Attorney or the Pennsylvania State Police in cases where criminal allegations are involved or where he believes such participation would best serve the public interest. The Chief of Police may enlist the assistance of the Township Solicitor in matters in which the township procedures, policies or liability may be involved.

2. Investigating Minor Misconduct Allegations.

(Tardiness, Rudeness, Insubordination, etc.)

Such investigations may be conducted by Chief of Police.

3. Time Limit

All investigations shall be conducted in an expeditious and timely manner; however, the proper investigation of the incident will not be compromised for speed.

4. Removal from Duties During Investigation

When in the interest of the public and the Township, the Chief of Police is authorized to relieve a member from his duties while he is under investigation for a crime, corruption or serious misconduct, may be relieved from duty when the proof is evident and the presumption is great, or when he is physically or mentally unable to perform his/her duties satisfactorily. An officer or employee may also be reassigned to other duties when any investigation into the officer or employee's actions is in progress. Many times, reassignment will occur to protect the officer from the public or post-incident stress.

5. Report of Investigation

The results of an investigation of alleged misconduct on the part of a member must be documented, in writing, by the Chief of Police, titled "Report of Investigation and Findings". It shall include:

a. Facts - all of the following shall be included:

- (1)** A summary of the complaint or alleged act of misconduct.
- (2)** Pertinent portions of the statement of all parties to the incident.
- (3)** A description of the incident, physical evidence, and other evidence bearing on the case.
- (4)** The observations and conclusions of the Investigating Officer.

b. 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).

(6) Policy Failure

The act or acts of misconduct could have been ambiguous or the policy or procedure did not make the necessary allowances for a needed action.

5. Criminal Prosecution of Illegal Acts

- a.** Administration adjudication of internal discipline complaints involving a violation of law should neither depend on, nor curtail, criminal prosecution.
- b.** Regardless of the administrative adjudication, the Department should refer all complaints involving violations of law to the prosecuting agency for the decision to prosecute criminally.
- c.** Police officers should not be treated differently from other citizens in cases involving violations of law.

6. Assurance of Officer Rights

- a.** At all times, officers assigned to investigate misconduct, complaints against officers, or any illegal acts, the investigating officer will not violate the constitutional rights of the accused.
- b.** In the interest of 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.

F. Complaints Involving the Chief.

- 1.** Where a complaint involves the Chief of Police, the Township Manager shall receive and investigate complaints in the same manner and subject to the same procedural requirements and exercise the same powers as are authorized for the Chief of Police in investigating complaints regarding officers.

2. The Township Manger may seek the assistance of the Township Solicitor, or outside sources such as the District Attorney or Pennsylvania State Police where he believes such assistance is necessary to resolve a matter.

G. Collective Bargaining Agreement.

1. Officers, including the Chief of Police are entitled to the procedural protections provided for in the current Collective Bargaining Agreement, and following completion of an investigation, no disciplinary action shall be taken until such time as any mandatory requirements, (if any), of the Collective Bargaining agreement are met.
2. In the event that there are no procedural requirements mandated under the Collective Bargaining Agreement, for a particular proposed disciplinary action, the affected officer may appeal the determination of the Chief , or in the case of the Chief, the determination of the Township Manager, which involves a direct loss of pay to the Board of Supervisors under provisions of Pennsylvania Local Public Agency Law. In such a hearing, the officer involved shall have the option of having the hearing conducted as a public or private hearing. The result of the hearing shall be public, but not specific findings.

Adopted by the Jackson Township Supervisors, the _____ day of March, 2005.

JACKSON TOWNSHIP

By: _____
Supervisor

By: _____
Supervisor

ATTEST:

By: _____
Supervisor

Secretary

(Seal)

