



PINE HILL POLICE DEPARTMENT POLICY MANUAL

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OBLIGATION TO REVIEW POLICY AND SEEK ASSISTANCE AS NEEDED

It is the policy of the Pine Hill Police Department that all officers and applicable employees will thoroughly review and fully familiarize themselves with the attached policy and will adhere to the procedures as described in this policy. Any employee shall request assistance from their supervisor if they should be in need of further explanation or training regarding this policy.

CONTINGENCIES AND UNFORESEEN CIRCUMSTANCES

Officers are occasionally confronted with situations where no written guideline exists and supervisor advice is not readily available. As it would be impossible to address all possible situations with written guidelines, considerable discretion is given to the officer handling the situation.

Faced with the need to make decisions or take an action where no guidelines exist, officers should rely on their experience and training, and the following resources;

- 1. Attorney General Guidelines, Memorandums, and Directives**
- 2. Camden County Prosecutor's Office Guidelines, Memorandums, and Directives**
- 3. Departmental General Order, Special Orders, and Training Bulletins**
- 4. New Jersey Title 39 and 2C**
- 5. Current Search and Seizure directives**

The written directives developed by the Pine Hill Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

**PINE HILL DEPARTMENT OF POLICE
INTERNAL AFFAIRS POLICY
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I. PURPOSE

The Pine Hill Police Department is committed to providing law enforcement services that are fair, effective, and impartially applied. Toward that end, officers and non-law enforcement employees, referred to herein as "Department members" are held to the highest standards of official conduct and expected to respect the rights of all citizens. Officers' adherence to these standards, motivated by a moral and professional obligation to perform their job to the best of their ability, is the ultimate objective of this agency.

The effectiveness of this law enforcement agency is dependent upon public approval and acceptance of law enforcement authority. This department will be responsive to the community by providing formal procedures for the processing of complaints from the public or generated by any member of the agency regarding individual Department Member performance.

The purpose of this policy is to improve the quality of law enforcement services. Citizen confidence in the integrity of the Pine Hill Police Department increases through the establishment of meaningful and effective complaint procedures. This confidence engenders community support for the Department. Improving relationships between the officers and the citizens that we serve facilitates cooperation which is vital to this department's ability to achieve its goals.

An effective disciplinary framework also permits our administration to monitor officer compliance with this department's rules, regulations, policies and procedures. Adherence to these established rules, regulations, policies and procedures assists officers in meeting department objectives while a monitoring systems permits managers to identify problem areas requiring increased training or direction. Finally, this policy will ensure fairness and due process protection to citizens and Department members alike in the handling of complaints against the Pine Hill Police Department and its members.

The internal affairs process shall also be used to identify and correct unclear or inappropriate agency procedures. In addition it will highlight organization conditions that may contribute to misconduct, such as poor recruitment and selection procedures or inadequate training and supervision of Department Members.

II. POLICY

It is the policy of this agency to accept and investigate all complaints of alleged Department Member misconduct or wrongdoing from any citizen, agency employee or any other source, including anonymous sources. Following a thorough and impartial examination of the available factual information, the Department member shall be either exonerated or held responsible for the alleged misconduct. Discipline shall be administered according to the degree of misconduct as outlined in the Pine Hill Police Department Rules and Regulations.

It is the policy of this department that Department members, regardless of rank, shall be subject to disciplinary action for violating their oath and trust. Committing an offense punishable under the laws of the United States, the State of New Jersey, or municipal ordinances constitutes a violation of that oath and trust. Department members are also subject to disciplinary action for failure, either willfully or through negligence or incompetence, to perform the duties of their rank and assignment. In addition, Department members may be disciplined for violation of any rule and regulation of the department or failure to obey any lawful instruction, order, or command of a superior officer or supervisor. Disciplinary action in all matters will be determined based upon the merits of each case.

It is the policy of this department that officers conducting the investigation of any allegation of misconduct must strive to conduct a thorough and objective investigation without violating the rights of the subject Department members or any other law enforcement officer, and show proper respect to all members of the public. Accordingly, all supervisors and any other officer who may be called upon to do an internal investigation must be thoroughly familiar with the department's internal affairs policy.

In order for a police department to be able to effectively carry out its mission it must have the public trust and confidence. For this reason and in consideration of the awesome authority that a police department has over its citizens, the ability of any such agency to effectively investigate the conduct of its employees is of critical importance. The public must have absolute confidence in the integrity of the internal affairs process since it represents the standard for addressing allegations of employee misconduct. All employees, especially those sworn to uphold the law, must accept as part of their office the obligation to be truthful in all investigations. Therefore, it is essential that all employees be completely truthful and forthright in all facets of the internal affairs process. To mislead or lie is to demonstrate a character flaw that is inconsistent with the law enforcement calling. Additionally, lying in an internal affairs investigation will frustrate the process and quickly erode the public trust and discipline within the department. This agency is committed to taking the necessary steps of removing from our ranks any employee who is untruthful in an internal affairs investigation. Accordingly, all employees must understand that lying in an internal affairs investigation is synonymous with forfeiting one's employment with the department. Members conducting the investigation of any allegation of misconduct must strive to conduct a thorough and objective investigation without violating the rights of the subject employee or any other involved party and show proper respect to all members of the public. Accordingly, all supervisors and any other member who may be called upon to do an internal investigation must be thoroughly familiar with the department's internal affairs policy.

It is the policy of this agency that prevention is the primary means of reducing and controlling misconduct. To that end, it is the policy of this agency to discover and correct organizational conditions which permit the misconduct to occur. Special emphasis is placed on recruitment, selection and training of Department members and supervisors, community outreach, and the analysis of misconduct complaints and their outcome.

It is the policy of this agency that each Department member shall be provided ready access to an official, agency written manual which contains specific directions for conducting all aspects of law enforcement work. Categories of misconduct are clearly described and defined in the rule and policy manuals of this agency. In addition to this, the disciplinary procedures that will be taken are covered in the Pine Hill Police Department's Rule Manual and Title 40A of the New Jersey Administrative Code.

This general order has been developed in accordance with the revised New Jersey Attorney General Law Enforcement Directive Internal Affairs Policy & Procedures 2020-7 and Directive Requiring Public Disclosure of Identities of Officers Who Commit Serious Disciplinary Violations 2020-5, which shall be used a guide when handling internal affairs matters.

III. PROCEDURES

A. INTERNAL AFFAIRS UNIT

1. The Internal Affairs Unit (IAU) is herein established. The unit shall consist of those members of the department who shall be assigned to the IAU by the Chief of Police. Personnel assigned to IAU shall serve at the pleasure of and be directly responsible to the Chief of Police. (Refer to the Department's Chain of Command)
2. The goal of IAU is to insure that the integrity of the department is maintained through a system of internal discipline where fairness and justice are assured by objective, impartial investigation and review.
3. Notwithstanding any other notification protocol herein included, the Chief of Police must be immediately advised of any allegation of wrongdoing on the part of an employee that would constitute a criminal offense or has the potential to have a significant negative impact on the operation or reputation of the department.
4. When the Chief of Police is making assignments of personnel to the IAU, consideration shall be given to ensure that the assigned members have sufficient experience and rank to effectively handle sensitive investigations that may include investigations of supervising officers.
5. Those selected to serve in the IAU cannot serve the dual responsibility to represent members of a collective bargaining unit. The conflict of interest arising from such an assignment would be detrimental to the internal affairs function, the subject officer, the person so assigned, the bargaining unit and the agency.
6. Duties and responsibilities
 - a. The IAU is responsible for the investigation and review of all allegations of misconduct by members of the department
 - (1) Misconduct is defined as:
 - a. Commission of a crime or an offense; or,
 - b. Violation of departmental rules and regulations; or,
 - c. Conduct which adversely reflects upon the officer or the department
 - b. In addition to investigations concerning allegations of misconduct, IAU shall be responsible for the review and/or investigations of:
 - (1) The adjudication of minor complaints handled by supervisors
 - (2) discharge of firearms and/or controlled energy devices by department personnel, whether on-duty or off-duty, by department personnel in situations other than law enforcement training exercises; range qualifications; lawful hunting of an animal; the humane killing of an injured animal,

- a. Any public statements by law enforcement related to the conduct of law enforcement officers involved in a firearm discharge require the approval of the Camden County Prosecutors or the Attorney General's Office, depending upon which entity is supervising the investigation.
- (3) Any discharge of an agency-owned firearm and/or controlled energy device by anyone other than agency personnel.
 - (4) Use of force incidents that result in injury to a defendant or third party,
 - (5) Vehicle pursuits involving department members
 - (6) Motor vehicle accidents involving department vehicles.
- c. The IAU function also has an obligation to investigate or review any allegation of member misconduct that is a potential violation of an Attorney General Directive or Guideline, a Directive issued by the Camden County Prosecutor, the rules and regulations, or any allegation that indicates the member is unable, unwilling or unfit to perform their duties. The obligation to investigate includes not only acts of misconduct that are alleged to have occurred while the subject member was on-duty, but also acts of misconduct that are alleged to have occurred outside the employing agency's jurisdiction or while the subject member was off-duty
 - d. The IAU shall be responsible for any other investigation as directed by the Chief of Police.
 - e. The IAU may conduct an internal affairs investigation on their own initiative, upon notice to do so, or at the direction of the Chief of Police or the IAU supervisor, and will notify the Chief of Police of all internal affairs investigations.
 - f. The IAU may refer investigations to the employee's supervisor for action as outlined in this policy.
 - g. IAU members shall complete training as mandated by the NJ Attorney General, Division of Criminal Justice or Camden County Prosecutor's Office
 - h. Officers assigned to the internal affairs function shall have the authority to interview any member of the department and to review any record or report of the department relative to their assignment. Requests from IAU personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from the Chief of Police. Members assigned to the IAU come under the direct authority of the Chief of Police, reporting directly to the chief through the IAU chain of command.
 - i. The IAU commander will maintain all Internal Affairs files in a separately locked storage cabinet within his/her locked office.

- j. The IAU shall maintain a comprehensive central investigation index file on all complaints received by this department, whether investigated by a member of the IAU or assigned to another supervisor for investigation.
- k. The IAU shall maintain an index file for tracking all the complaints received by the agency and the conduct of all employees. The index file will also allow for tracking the number of complaints filed against individual employees and any discipline imposed.
- l. The IAU is responsible for the monitoring and reporting any patterns or concerns regarding employee conduct to the Chief of Police.
- m. The IAU shall review all complaints made against employees, regardless of outcome, for evidence of a pattern or practice of inappropriate or unconstitutional behavior. The Chief of Police shall be immediately advised if any of these patterns are discovered.
- n. Copies of the IAU Investigation Reports may be distributed to the appropriate authority and the Camden County Prosecutor's office with the approval of the Chief of Police.

7. Internal Affairs Reporting Requirements

- a. The IAU commander shall prepare quarterly reports that summarize the nature and disposition of all misconduct complaints received by our agency.
- b. These reports will be forwarded to the Chief of Police for review and copies shall be distributed to the Camden County Prosecutor's Office.
- c. The IAU commander shall prepare an annual report summarizing the types of complaints received and the dispositions of the complaints should be made available to members of the public.
- d. The annual report will be forwarded to the Chief of Police for review and copies shall be distributed to the Camden County Prosecutor's Office.
- e. The IAU commander shall prepare periodic reports containing a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to a member of this department. The names of complainants and subject officers shall not be published in this report.

B. PHILOSOPHY OF DISCIPLINE

- 1. In keeping with the objectives of proper agency management, the disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by the employees of this department. Discipline should not engender a strictly negative connotation, as the disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale.

2. Training is a component of discipline that may be the desirable alternative to other discipline in situations where the actions giving rise to the initial complaint were not deemed to be an intentional violation of established department directives. Training may also be appropriate in situations where the complaint reveals a very minor or technical violation that likely requires no more than a reinforcement of existing directives to correct the employee's behavior.
3. Counseling as a component of discipline is an alternative for adjudicating minor complaints that should be considered when the need to address the employee in a forthright manner clearly exists, but the greater good will likely be served by limiting the discipline to formal counseling in lieu of punitive discipline. Counseling is not appropriate for serious violations or in situations where the offending employee's behavior is part of a continuing course of problematic behavior.
4. Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department. The Rules and Regulations set forth a schedule depicting the classes of offenses and recommended penalties for all violations charged under the rules and regulations.
5. The Pine Hill Police Department strives to balance philosophies of discipline with the recognition that law enforcement places an extraordinary mental and emotional toll on police officers. Members of this agency are encouraged to seek treatment and support to deal with these mental and emotional pressures. Accordingly, under no circumstance shall a member face any sort of discrimination or adverse internal affairs consequences for the sole reason that the member decided to seek medical or psychological treatment for a mental health concern, including depression, anxiety, post-traumatic stress disorder, or substance use disorder. All members are encouraged to take advantage of resources provided by the New Jersey Resiliency Program for Law Enforcement, as well as the other resources identified in AG Directive 2019-1 Officer Resiliency and V1C13 Employee Assistance Program – Critical Incident Stress Management Program.

C. ACCEPTING REPORTS ALLEGING OFFICER MISCONDUCT

1. All department personnel are directed to accept reports of Department member misconduct from all persons who wish to file a complaint, regardless of the hour or day of the week.
 - a. This includes reports from anonymous sources, juveniles, undocumented immigrants, third-person parties and persons under arrest or in custody.
 - b. A person may file a report in person, over the telephone, through traditional mail, or any form of electronic media.
 - c. Juveniles wishing to file a complaint are not required to have a parent or guardian present, however notification should be made to the parent/guardian after the complaint is received.
 - d. A person may file a complaint regardless of immigration status or citizenship.

- e. A person shall be encouraged to submit their complaints in person as soon after the incident as possible.
 - f. If the complainant cannot file the report in person, a department representative, specifically a member of the IAU, if a member of the IAU is not available then a supervisor, if neither a member of the IAU or a supervisor is not available, then a sworn member shall visit the individual at his or her home, place of business, or at another location in order to complete the report, if feasible.
 - g. The Citizen Complaint Information Sheet that includes information on the agency's internal affair process and what role the complainant can expect to play shall be made available at police headquarters. If feasible, the information sheet should be provided at the time the complaint is made. Otherwise, a member of the IAU will supply the sheet to the complainant. (PHPD Form #68)
 - h. If a language barrier is present between the complainant and member receiving the complaint, the member shall contact the Camden County Central Communications Center. The center provides a language line service for all Camden County police departments. All efforts shall be made for translation of the complaint. If an interpreter for the language line is unavailable, the complainant shall be instructed to handwrite the complainant statement and forward it to the IUA. The IAU shall take the proper means to have the statement translated to English. When receiving complaints from individuals who do not speak English and require the ability to file in another language refer to the applicable section of this policy.
 - i. When a member is receiving a complaint from a civilian against a member of this department, the member accepting the complaint in-person or on the phone shall audio and video record the receipt of the complaint, according to the same protocols that would apply if the civilian were being interviewed during any other police/citizen contact according to the policy governing Body Worn Cameras (BWC).
2. Complaints, whether made in person, via telephone, via email or via other digital means shall be referred to the IAU if an officer is immediately available.
- a. If a IAU officer is not immediately available, all supervisory personnel are directed to accept the report of employee misconduct.
 - b. If a IAU officer and a supervisor are not available, any sworn officer shall accept the complaint.

- c. If a civilian employee is speaking to the complainant and no sworn officer of the agency is immediately available to accept the complaint, the employee shall:
- (1) In person – Ask the complainant if he or she would like to wait for an available sworn member. If the complainant is unable to wait, ask if he or she would provide a contact number for a return phone call to accept the complaint. The complainant will be provided with the Citizen’s Complainant Information Sheet and a paper Standardized Statewide Public Complaint Form (PHPD Form #69) and may also be referred to the Pine Hill Police Department website that allows for the submission of a digital complaint by selecting the section to “File Officer Complaint.” If the complainant chose to complete the paper form on location, it shall be forwarded to the IAU. If the complainant does not fill out the form at police headquarters, the complainant shall be advised that the form can be dropped back off, mailed in, emailed, or will be picked up by a sworn member of the agency once completed. When receiving complaints from individuals who do not speak English and require the ability to file in another language refer to the applicable section of this policy.
 - (2) Via telephone – The complainant shall be asked if he or she would provide a contact number for a return phone call, or wait on the line. The caller or number shall then be forwarded to a member of the IAU, supervisor, or a police officer to resolve the matter or take the complaint. If the complainant does not wish to leave a phone number, the complainant shall be connected to the voice mail of the IAU Commander.
 - (3) Via email or other digital means – The members receiving the complaint shall forward the email or digital message to the IAU Commander to handle the complaint, along with the respective immediate supervisor and Operations Commander for awareness, who will forward to the Chief of Police.
 - (4) In all cases, the civilian employee will ensure the IAU Commander is made aware of the complaint, and how it was handled, so that the Chief of Police is advised through the chain of command.
- d. When receiving complaints from individuals who do not speak English and require the ability to file a complaint in another language, the member receiving the complaint shall obtain a Public Complaint Form and Citizen’s Complaint Information sheet in the individual’s native language. The New Jersey Attorney General’s Office will maintain Public Complaint Forms and Citizens Complaint Information sheets, in multiple languages (Arabic, Chinese, English, Haitian, Hindi, Korean, Polish, Portuguese, Spanish, Tagalog, and Vietnamese) on their website found at <https://nj.gov/oag/iapp/> The member will obtain a copy of the Public Complaint Form and Citizen’s Complaint Information Sheet and allow the individual to use that form in their native language to file the complaint.
- (1) The Pine Hill Police Department will maintain a link to the New Jersey Attorney General’s Office’s website so the public can access the complaint forms in other languages, when they are required.

(2) The Standardized Statewide Public Complaint Form and Citizen's Complaint Information Sheet in English and Spanish will be maintained by the IAU, Patrol Bureau, Detective Bureau and Records Bureau and readily available to complainants. The Public Complaint Form and Citizen's Complaint Information Sheet will also be kept in supply and displayed in a brochure holder located in the main lobby.

3. The member receiving the complaint will:

- a. The IAU investigator, supervisor or other officer receiving the complaint will explain the agency's disciplinary procedures to the person making the complaint. The officer shall advise the complainant that he or she will be kept informed of the status of that complaint, if requested, and its ultimate disposition.
- b. If feasible, provide the complainant with a Citizen's Complainant Information Sheet.
- c. Complete the Internal Affairs Report Form (PHPD Form #69) form according to the instructions provided and forward to the IAU.
- d. Remind the individual filing the complaint of the importance of providing accurate and truthful information. However, when providing such advice, the member receiving the complaint must remember that it is important to balance the need for receiving the complaints of officer misconduct against the dangers of discouraging members of the public from coming forward with their complaints. Therefore, any language that would serve to dissuade or intimidate a member of the public from coming forward should be avoided. Accordingly, at no point during the initial intake of a complaint should any officer affirmatively warn a complainant that consequences could potentially result from making misrepresentations or a false report. This does not preclude a member from explaining the potential consequences of false reports to complainants if the officer is specifically asked about this.

4. All departmental personnel are directed to accept reports of officer misconduct from anonymous sources.

- a. If the anonymous complainant is talking to a Department member, the Department member should encourage him/her to submit the complaint in person. In any case, the complaint will be accepted.
- b. In the case of an anonymous complaint, the officer accepting the complaint shall complete as much of the Internal Affairs Report Form as he can with the information provided.

5. Complaints shall be handled as follows:
 - a. All complaints shall be forwarded to the IAU Commander who is responsible for screening the complaint and shall:
 - (1) Enter the information into the Internal Affairs Index.
 - (2) Provide an Internal Affairs Complaint Notification (PHPD Form #72) to the subject officer(s).
 - (3) Create and forward the case file to the assigned IAU investigator.
 - b. Complaints of demeanor and minor rules infractions may be forwarded to a supervisor for investigation and recommended disposition.
 - (1) The supervisor investigating the complaint shall not be the employee's immediate supervisor.
 - (2) It is recommended that minor complaints be assigned and handled, if possible, by a commanding officer at least one step removed from the officer's immediate supervisor.
 - c. All other complaints shall be retained by the IAU, including;
 - (1) Criminal activity
 - (2) Excessive force
 - (3) Improper arrest
 - (4) Improper entry
 - (5) Improper search
 - (6) Differential treatment
 - (7) Serious rule infractions
 - (8) Complaints of domestic violence
 - (9) Repeated minor rule infractions
6. If the complaint is accepted during hours when the IAU is not on duty, and the complaint is of such gravity that immediate attention is required, the supervisor accepting or receiving the complaint shall contact the IAU Commander and advise him/her of the complaint who shall inform the Chief of Police. If the IAU Commander is not available, the Duty Lieutenant shall be first contacted, followed by the Chief of Police if no immediate response. In all cases, the Chief of Police shall be informed of this complaint.
7. Complaints against the Chief of Police may originate from a member of the public or from an employee within the agency. All such complaints shall be documented by the IAU commander and forwarded to the Camden County Prosecutor's Office – Special Prosecutions Unit for investigation.
8. Complaints may be received from other law enforcement agencies. These complaints shall be forwarded to the IAU for investigation.
9. Complaints may be received regarding another law enforcement agency. The complainant should be referred to the agency in question. If the complainant expresses fear or concerns about making the complaint directly, he/she shall be referred to the Camden County Prosecutor's Office – Special Prosecutions Unit.

10. The IAU shall monitor any civil litigation involving an employee of this department, regardless of whether the litigation is a result of the employee acting within his or her duties of employment.
11. If an internal affairs complaint is received from a complainant in conjunction with the filing of civil litigation, the IAU shall consult with legal counsel from the Camden County Prosecutor's Office to determine whether an investigation is appropriate or warranted.
12. Supervisors taking a complaint based on a misunderstanding of accepted law enforcement practices or the Officer's duties are authorized to informally resolve the minor complaint at the time the report is made. If the complainant is not satisfied with the resolution, the complaint shall be forwarded to the IAU for further action as warranted. The proper use of discretion by Supervisors is required in this type of instance.
 - a. All complaints informally resolved by a Supervisor shall be documented on the Internal Affairs Report Form (PHPD Form #69)
 - b. The IAU commander shall document the receipt of the complaint and informal resolution as a Contact Report on the Internal Affairs Log.
 - c. The IAU shall review the complaint and forward the report to the Chief of Police for review.
 - d. The IAU shall periodically audit the reports indicating a citizen's complaint was informally resolved to ensure that supervisors are properly implementing their authority to resolve citizen complaints.
13. Any department employee who witnesses an employee's misconduct shall immediately report the misconduct up the chain of command. Any accused member in the chain of command shall be by-passed.
14. Any member that is a witness to a civil rights violation shall immediately cause the action creating the civil rights violation to cease. He shall then report the conduct up the chain of command bypassing any accused members. Failure to intercede may result in a violation of federal law. (18.U.S.C.241)
15. The subject Department member shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy. (PHPD Form #72)

D. SUSPENSION PENDING DISPOSITION OR INVESTIGATION

1. A supervisor, commander or the Chief of Police may immediately suspend an officer from duty if he or she determines that one of the following conditions exists:
 - a. The employee is unfit for duty; or
 - b. The employee is a hazard to any persons if permitted to remain on the job; or

- c. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
 - d. The employee has been formally charged with a first, second or third degree crime; or
 - e. The employee has been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty, or the act is related to his or her employment.
2. The supervisor imposing the immediate suspension must:
- a. Immediately contact the Operations Commander and IAU Commander, who will contact the Chief of Police. The Chief of Police will;
 - (1) to review the criteria that resulted in the need for immediate suspension, and
 - (2) make the determination whether the employee will continue to be paid during the outcome of the investigation
 - b. Advise the employee in writing of why the immediate suspension is sought and the charges and general evidence in support of the charges. (PHPD Form #71)
 - (1) If the employee refuses to accept the written notification of immediate suspension, it shall be given to a representative of the employee's collective bargaining unit.
 - c. Provide the employee with sufficient opportunity to review the charges and the evidence and to respond either orally or in writing.
 - d. Advise his/her immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
 - e. Within five days of the suspension, the department must complete and file formal charges against the suspended employee or return the employee to work.
3. Administrative reassignment:
- a. In cases involving use of force or vehicle crashes that results in death or serious bodily injury the member involved may be reassigned to administrative duty pending the outcome of the investigation.
 - b. Any employee under investigation or pending a hearing on charges may be reassigned by the Chief of Police to administrative or modified duties pending the outcome of the investigation or hearing if, in the discretion of the Chief of Police, such reassignment is necessary to protect the integrity and image of the police department.
 - c. These reassignments are subject to change at the discretion of the Chief of Police.

E. TIME LIMITATIONS

1. Investigations involving demeanor complaints or minor rule infractions, like most internal affairs complaints are straightforward, and most of these routine complaints can be investigated and resolved quickly. The expectation is that these minor complaints, the investigation shall be completed within 45 days, from the receipt of the complaint to the filing of disciplinary charges. The simpler the case, the quicker the inquiry should be completed. The Chief of Police may grant an extension for good cause.
2. Under N.J.S.A. 40A:14-147, disciplinary charges alleging a violation of the department rules and regulations must be filed within 45 days of the date the person filing the charge obtained sufficient information to file the charge.
3. The 45-day rule does not apply to disciplinary charges alleging officer misconduct or incapacity.
4. Citizens are not required to make their complaint within 45 days of the incident. However, once the department has received the citizen complaint, the 45-day rule applies.
5. If investigators are unable to complete an internal affairs investigation within in 45 days of receiving the complaint, the IAU Commander shall notify the Chief of Police before the 45th day. In such situations, the Chief of Police shall seek to identify the reasons for the extended investigation and whether the internal affairs function requires additional resources or oversight to complete the investigation in a prompt manner. In addition, the Chief of Police should ensure compliance with the "45-day rule" established by N.J.S.A. 40A:14-147, which requires that certain disciplinary charges be filed within 45 days of the date the person filing the charges obtained "sufficient information" to do so.
 - a. In the event an internal affairs investigation is extended past the 45th day, IAU investigators are required to provide further notice to the Chief of Police every additional 45 days that the internal affairs investigation remains open (i.e. on or about the 90th, 135th, and 180th day from the receipt of the complaint), and the Chief of Police should exercise increasing scrutiny of the IAU investigator's work the longer the case remains open.
 - b. In rare cases, disciplinary charges will not have been filed within 180 days of the receipt of the complaint. In these rare cases, the Camden County Prosecutor or their designee shall be notified. The Chief of Police shall provide the County Prosecutor or their designee with the reasons for the extended investigation and shall also examine the Pine Hill Police Department's internal affairs function to determine if they face any systemic issues that require additional resources or oversight. The Camden County Prosecutor or their designee may take any steps necessary to ensure prompt resolution of the pending matter, including supersession of the agency's investigation. Notification shall be made to the Camden County Prosecutor every additional 90 days that the investigation remains open (i.e., on or about the 270th and 360th day from the receipt of the complaint).

6. The below chart assists in the 45-day notification requirements:

Timing of Internal Affairs Investigations	
Length of investigation from receipt of complaint	Special Notice Required
1 to 44 days ("Routine")	None. Case resolved in the ordinary course
45 days ("More Routine")	Chief of Police
90 days	Chief of Police
135 days	Chief of Police
180 days ("Rare Cases")	CCPO and Chief of Police
225 days	Chief of Police
270 days	CCPO and Chief of Police

F. INVESTIGATION AND ADJUDICATION OF MINOR COMPLAINTS

1. Complaints of demeanor and minor rule infractions should be forwarded to the supervisor of the subject officer's unit because it is often difficult for an immediate supervisor to objectively investigate a subordinate. In addition, that arrangement might obscure the possibility that part of the inappropriate conduct was the result of poor supervision. It is recommended that minor complaints be assigned to and handled by a commanding officer at least one step removed from the officer's immediate supervisor.
2. Supervisors investigating minor complaints of inappropriate behavior must strive to conduct a thorough and objective investigation without violating the rights of the subject officer or any other law enforcement officer. Accordingly, all officers who may be called upon to do an internal investigation must be thoroughly familiar with the agency's entire internal affairs policy, including the protection of the subject officer's rights and the procedures for properly investigating internal complaints.
3. An assigned supervisor may investigate complaints of demeanor and minor rule infractions when:
 - a. Minor demeanor complaints or rule infractions that are directly related to an event, action or inaction that occurs during the officer's shift (at the time of the complaint) may be initially handled or investigated by the officer's immediate supervisor. For example, a Sergeant issues an Official Reprimand to their officer for failing to maintain a uniform as required.
 - b. The assigned supervisor shall inform the subject officer that the complaint will be tracked by IAU.
 - c. The supervisor shall take all necessary steps to investigate the complaint. These steps may include interviewing the complainant, all witnesses and the subject officer, as well as reviewing relevant BWC footage, reports, logs, or forms. A brief memo summarizing the matter should be submitted to IAU indicating the disposition.
 - d. After review by the IAU Commander, entry as to the disposition of the investigation will be made in the index file and the report will be filed.

- e. Upon final disposition of the complaint, a letter shall be prepared by IAU and sent to the complainant by the Office of the Chief of Police explaining the outcome of the investigation.
 - f. Disciplinary action will be determined by the Chief of Police.
4. The investigating member shall notify the employee who is the subject of the complaint in writing that a report has been made and that an investigation will commence, unless the notification would impede the conduct of the investigation. The investigating members shall also interview the complainant, all witnesses and the subject employee, as well as review relevant reports, activity sheets, or any agency forms. The investigating member shall then prepare a report summarizing the matter, indicating the appropriate disposition. Possible dispositions include the following;
- a. **Exonerated:** the alleged incident did occur, but the actions of the officer were justified, legal and proper.
 - b. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation, and the actions of the officer violated provisions of the department's rules and regulations or agency procedures.
 - c. **Sustained / Policy Failure:** the investigation disclosed sufficient evidence to prove the allegation, but the department failed to properly train agency personnel on procedures that would assist the officer in performing his/her duties.
 - d. **Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
 - e. **Unfounded:** The alleged incident did not occur.
4. Upon completion of an internal affairs investigation, the assigned investigator shall complete an Internal Affairs Investigation Summary Sheet (PHPD Form #76) form for each allegation of misconduct and forward the entire investigation package to the IAU Commander for review.
- a. The IAU Commander shall review the case file and recommended disposition(s) and must sign the Internal Affairs Investigation Summary Sheet.
 - b. The case file shall be forwarded to the Chief of Police for his/her review. The Chief will approve or modify the recommended disposition(s) based upon the report and recommendations set forth on the form.
5. Upon final disposition of the complaint, a letter shall be prepared by IAU and sent certified mail from the Office of the Chief of Police to the complainant explaining the outcome of the investigation (PHPD Form #79 – Samples).
- a. If the allegation was unfounded, or the employee was exonerated, this conclusion should be stated and defined for the complainant.
 - b. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained.

- c. If the allegation was sustained and discipline was imposed, the letter should simply state that the allegation was sustained and the employee has been disciplined according to department procedures. It is not necessary to specify the discipline imposed.
6. When a complaint originates from within the police department, the information involving the reported infraction will be forwarded to the IAU. The IAU will conduct an investigation, notify the appropriate bureau commander into the allegations, or direct the appropriate supervisor to administer some form of discipline deemed appropriate to the offending party as determined per the Chief of Police.

G. INITIATION OF DISCIPLINARY ACTION FOR MINOR COMPLAINTS

1. **Training**: is a component of discipline that may be the desirable alternative to other discipline in situations where the actions giving rise to the initial complaint were not deemed to be an intentional violation of established department directives. Training may also be appropriate in situations where the complaint reveals a very minor or technical violation that likely requires no more than a reinforcement of existing directives to correct the employee's behavior. Training may be delivered through verbal instruction, peer training, or in-service training. Training provided in accordance with this directive shall be documented on a Performance Notice (PHPD Form #70) and forwarded to the Chief of Police.
2. **Verbal Counseling**: is an action by a superior officer verbally counseling an employee regarding a specific action. Supervisors shall utilize every opportunity to correct employee behavior without delay.
3. **Documented Counseling**: shall be forwarded to the Chief of Police via the Chain of Command and retained by the IAU Commander to assist with the development of relevant training programs. Documented Counseling shall be kept separate and apart from an employee's personnel and discipline files.
4. **Official Reprimand**: may be issued to an employee by any supervisor for minor rule infractions in lieu of formal charges. Final approval and review of the circumstances will be with the Chief of Police. The employee shall be advised of the discipline and given a copy of the disciplinary document. A copy of the document shall also be forwarded to the Chief of Police. Such action shall be documented on a Performance Notice.
5. **Written Reprimand**: may be issued to an employee by any superior officer within his/her line of authority as indicated by the department table of organization and the established chain of command as a result of minor and/or repeated rule violations in lieu of formal discipline. The Chief of Police must approve the reprimand PRIOR to issuance. The employee shall be advised of the discipline and given a copy of the disciplinary document. A copy of the document shall also be forwarded to the Chief of Police.

H. INVESTIGATION AND ADJUDICATION OF SERIOUS COMPLAINTS

1. All serious complaints shall be investigated by the Internal Affairs Unit, including complaints of:
 - a. Criminal activity
 - b. Excessive force
 - c. Improper arrest
 - d. Improper entry
 - e. Improper search
 - f. Differential treatment
 - g. Serious rule infractions
 - h. Complaints of domestic violence
 - i. Repeated minor rule infractions
2. Where preliminary investigative data indicates the possibility of a criminal act on the part of the subject officer, or the investigation involves the use of force by the officer which results in serious bodily injury or death, the Camden County prosecutor shall be notified immediately. No further action shall be taken, including the filing of charges against the officer, until directed by the County Prosecutor.
 - a. A member of the IAU shall notify the suspect officer in writing that an internal investigation has been started, unless the nature of the investigation requires secrecy, and has been approved by the Chief of Police not to notify the officer.
 - b. The Camden County Prosecutor's Office will review the complaint within thirty days and advise the IAU whether a criminal investigation will be conducted. The Camden County Prosecutor has the discretion to extend the review time in thirty-day increments if necessary.
 - c. Complainants requesting information and status on the investigation will be referred to the Camden County Prosecutor's Office during the time the complaint is being reviewed.
 - d. The commencement of a criminal investigation into the subject matter of an internal affairs complaint will cause the 45-day rule to be suspended pending the outcome of the criminal investigation. The 45-day rule will remain suspended until the disposition of the criminal investigation, at which time the department will then be bound again by the 45-day rule.
 - e. The IAU shall remain in contact with the Camden County Prosecutor's Office to determine the progress of the investigation.
 - f. If the complaint is closed criminally with no action by the Camden County Prosecutor's Office, the investigative file will be made available to the IAU for administrative investigation.

- g. As for administrative complaints, the IAU Commander executive will direct a member of the IAU will conduct an appropriate investigation. Investigators must strive to conduct a thorough and objective investigation without violating the rights of the subject officer or any other law enforcement officer.
- h. The assigned investigator shall interview the complainant, all witnesses and the subject employee, as well as review relevant reports and records, and obtain other relevant information and materials, as required to conduct a complete investigation.
- i. Whenever there is a possibility that the investigation may result in criminal prosecution of the subject employee or the county prosecutor may be conducting a separate criminal investigation, the IAU must consult with the Camden County Prosecutor's Office prior to interviewing the accused employee.
- j. An administrative investigation may commence with the disposition of a complaint against the subject officer by the Superior Court or a municipal court. In the alternative, an administrative investigation may commence with a county or municipal prosecutor's decision to dismiss a complaint against a subject officer. A finding of guilt by the Superior Court or a municipal court may assist in resolving an administrative investigation because such a finding requires proof beyond a reasonable doubt, which is more than is required to meet the burden of proof in administrative matters.
- k. A disposition that does not involve a finding of guilt by the courts or where a complaint is dismissed by a county or municipal prosecutor means that proof beyond a reasonable doubt has not been found. However, it does not mean that an administrative investigation cannot be pursued or should be closed. The absence of proof beyond a reasonable doubt does not foreclose the possibility that an investigation may reveal evidence that meets the burden of proof in administrative matters. Thus, the internal affairs investigator must continue the administrative investigation to determine whether evidence exists or can be developed that meets the "preponderance of the evidence" burden of proof for administrative proceedings. Under no circumstances shall an internal affairs administrative investigation be closed merely because a criminal investigation was declined or terminated. In all cases where an investigation is returned to IAU because the prosecutor declines or terminated the criminal investigation, the IAU Commander shall inform the Camden County Prosecutor as to the disposition of the complaint, including any discipline imposed, once the administrative investigation is complete.

I. INTERVIEWING OF COMPLAINANT AND CIVILIAN WITNESSES

- 1. A member of the IAU assigned an internal affairs investigation case should initially outline the case to determine the best investigative approach and identify those interviews immediately necessary. The investigator should determine if any pending court action or ongoing criminal investigation might delay or impact upon the case at hand. If it appears that the conduct under investigation may have violated the law or the investigation involves the officer's use of force that resulted in serious bodily injury or death, the Camden County Prosecutor's Office shall be immediately notified of the internal affairs investigation.

2. If the investigation involves a criminal charge against the complainant, an initial interview should be conducted with the complainant. However, the investigator must realize that the complainant is simultaneously a criminal defendant arising out of the same incident and must be accorded all of the appropriate protections. Thus, all further contact with the complainant should be arranged with and coordinated through the Camden County Prosecutor's Office and the complainant's defense attorney.
3. The complainant should be personally interviewed if circumstances permit. If the complainant cannot travel to the investigator's office, the investigator should conduct the interview at the complainant's home or place of employment if feasible. If not, a telephonic interview may be conducted. All relevant identifying information concerning the complainant should be recorded, e.g., name (unless the complainant wishes to remain anonymous), complete address, telephone numbers and area codes, race or ethnic identity, sex, date of birth, place of employment, social security number if necessary and place of employment (name and address). The investigator should grant reasonable requests for accommodations to protect the complainant's identity, such as meeting the complainant at a place other than the investigator's office if the complainant's identity cannot be kept confidential at that location.
4. All relevant facts known to the complainant should be obtained during the interview. An effort should be made to obtain a formal statement from the complainant at the initial interview. Whenever possible, all witnesses to the matter under investigation should be personally interviewed and formal statements taken.
5. When taking a formal statement from a civilian, the investigator shall video, and/or audio record the statement according to the same protocols that would apply if the civilian were being interviewed in connection with a criminal investigation. If a witness objects to the recording of the interview, the investigator may proceed with the interview without recording, but must document in writing the reasons for doing so.
6. When taking a formal statement from an officer, the investigator shall video or audio-record the statement, except that in cases that did not arise from a civilian complaint, the investigator need not record the statement unless the officer being interviewed requests such.

J. INTERVIEWING OF SUBJECT AND WITNESS OFFICERS

1. Subject Members
 - a. The IAU Investigator shall schedule an interview with the subject employee with the subject employee which shall be video, or audio recorded, using the same protocols that would be used to preserve the statements in a criminal investigation.
 - b. The use of the investigator's BWC or the agency interview room recording system is permissible and assure the entire interview is audio and video recorded utilizing the investigating member of the IAU body worn camera.

- c. One person of the officer's choosing may attend the interview. In investigations of criminal allegations, it is not appropriate for a union representative to be present. However, the officer shall be given the opportunity to consult with a union representative.
- d. Before questioning begins, the subject officer shall be informed of:
 - (1) The nature of the complaint
 - (2) The name of the person in charge of the interview, and the names of all persons who will be present during the interview.
- e. If the matter under investigation involves an administrative allegation, the officer will be advised of his/her duties and obligations to answer all questions narrowly and directed related to performing their duties, using the Administrative Advisement Form. (PHPD Form #74)
- f. If the matter under investigation involves a possible criminal violation, the internal affairs investigator shall consult with the Camden County Prosecutor's Office – Special Prosecutions Unit regarding the advisability of issuing a Miranda Warning to the subject officer.
- g. Interview of subject employees in cases of potential criminal conduct shall be conducted at the direction of the Camden County Prosecutor's Office and recorded in accordance with Attorney General Directive 2006-2
- h. If at any time during the questioning session the officer becomes a suspect in a criminal act, the officer shall be so informed and the questioning shall end. Promptly refer the case to the Camden County Prosecutor's Office – Special Prosecutions Unit.
- i. Upon completion of the interview, the IAU Investigator shall review with the subject officer the information obtained during the interview to alleviate any misunderstandings regarding the information.

2. Witness Members

- a. Before questioning begins, the witness officer shall be informed of:
 - (1) The nature of the complaint
 - (2) The name of the person in charge of the interview, and the names of all persons who will be present during the interview.
- b. The witness officer shall;
 - (1) be made aware of the differences between being the subject of an administrative investigation and being a witness in an administrative investigation,
 - (2) be advised he/she is not the subject of the investigation at the time of the interview, and
 - (3) be advised of his/her duties and obligations to answer all questions narrowly and directed related to performing their duties, using the Witness Acknowledgement Form (PHPD Form #73)

- (4) be advised the interview shall be video, or audio recorded, using the same protocols that would be used to preserve the statements in a criminal investigation
3. Interviews shall be conducted in the IAU Commanders office, or a reasonable and appropriate location the IAU investigator designates.
4. Interviews shall be conducted at a reasonable hour when the member is on duty, unless the seriousness of the matter requires otherwise.

K. INVESTIGATIVE EVIDENCE COLLECTION

1. Physical Evidence

- a. The assigned investigator should obtain all relevant physical evidence during investigations. All evidence, such as clothing, hair or fibers, stains, fingerprints, bodily fluids and weapons should be handled according to established evidence procedures.
- b. With respect to radio and telephone recordings, the original recording is the best evidence and should be secured at the outset of the investigation. Transcripts or copies of the original recordings can be used as investigative leads. Entire recordings should be monitored to reveal the totality of the circumstances.

2. Photographs

- a. In the event of a complaint involving excessive force, the following photographic documentation shall be obtained when appropriate. Whenever possible, digital color photography shall be used.
- b. Photographs of the complainant at the time of the arrest or following the alleged incident of excessive force.
- c. Photographs of the employee in the event that the officer was a victim.
- d. A recent photograph of the accused employee(s) in the event that a photo lineup will be used for identification purposes. The photo line-up must be retained for possible evidentiary purposes.
- e. Photographs of the scene of the alleged incident, if necessary.

3. Physical Tests

- a. Employees who are the subjects of internal affairs investigations may be compelled to submit to various physical tests or procedures to gather evidence. Such evidence may be used against them in a disciplinary proceeding.

- b. No person has a right to refuse to submit to an examination to obtain a record of his physical features and other identifying characteristics of his physical or mental condition. Evidence Rule 503(a). Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:
 - (1) Blood samples
 - (2) Breath samples
 - (3) Buccal swab
 - (4) Requiring the suspect to speak
 - (5) Voice recordings
 - (6) Video taping
 - (7) Participation in a suspect line-up
 - (8) Handwriting samples
 - (9) Hair and saliva samples
- c. Generally, a person cannot be physically forced to produce this evidence or submit to such tests, although a court order may be obtained to legally compel him to do so. Refusal to comply with the order can result in a contempt of court action, and may also result in a second disciplinary action for failure to comply with a lawful court order.

4. Polygraph

- a. While an employee who is the subject of an internal investigation may request a polygraph examination, an employer shall not influence, request or require an employee to take or submit to a polygraph examination as a condition of employment or continued employment (N.J.S. 2C:40A-1).
- b. An employee cannot be required to submit to a polygraph on pain of dismissal. *Engel v Township of Woodbridge*, 124 N.J. Super. 307 (App. Div. 1973)
- c. Polygraph tests of civilian complainants and witnesses should only be used when a reasonable suspicion exists that their statements are false. Under no circumstances should polygraph examinations be used to discourage or dissuade citizen complainants.
- d. If a polygraph is used, a qualified police polygraph operator must administer the test.
- e. The victim of sexual assault cannot be asked or required to submit to a polygraph examination as a condition for proceeding with an investigation (Attorney General Law Enforcement Directive N. 2009-1).

5. Search and Seizure

- a. The Department may assign to its members and employees departmentally owned vehicles, lockers, offices, desks, cabinets, computer files, etc. for the mutual convenience of the Department and its personnel, such equipment and areas is and remains the property of the department. Personnel are reminded that storage of personal items in this property is at the employee's own risk. This property is subject to entry and inspection without notice.

- b. The Department may assign to its members and employees departmentally owned computers, cell phones, or other electronic media devices, for business purposes. Such equipment and its contents are and remain the property of the department. Personnel are prohibited from installing unauthorized software and from storing personal information in the computer, regardless of any password protection or encryption. The equipment, their contents, and any email or electronic correspondence originating from or arriving at the department owned equipment are the property of the department and are subject to entry and inspection without notice.
- c. Inspections of these areas may be conducted at the time of random or probable cause drug testing of employees or at any time as deemed necessary by the Chief of Police.

6. Electronic Surveillance

- a. The monitoring of 911 telephone lines is required by law and the diminished expectation of privacy in the use of these lines makes monitoring of the same acceptable.
- b. Video surveillance of public areas may be used, especially video surveillance used for security reasons. This includes the video surveillance system set up throughout the areas inside police headquarters.
- c. The video and audio obtained from body worn cameras will be used for internal investigations, since images are not restricted and the employee is a party to the audio portion of the recording at all times.
- d. Vehicles equipped with global positioning devices that permit the location of the vehicle to be fixed with great accuracy can have the information gleaned from these devices used for internal affairs investigations because employees have no expectation of privacy in his or her whereabouts during performance of their duties.

7. Physical Line-ups

- a. Employees may be required to stand in "physical" line-up proceedings for the purpose of an administrative complaint investigation. There is no need for probable cause and the employee may be disciplined if he or she refuses.
- b. The lineup must be constructed so as not to be unfairly suggestive. The same rule applies to photo arrays

8. Evidence Procedures

- a. Evidence obtained or seized as a result of a criminal investigation will be collected and packaged in accordance with Department Property and Evidence Procedures and will be stored at the direction of the Camden County Prosecutor's Office.

- b. Evidence obtained in the investigation of an administrative complaint will be collected and packaged by the IAU for secure storage and safekeeping.
- c. Body worn camera recordings from internal affairs interviews will be downloaded to Evidence.com and "tagged" as an "Internal Investigation." Only the Chief of Police and members authorized to conduct internal affairs investigations shall have authorization privileges set up through Evidence.com to access and view the footage.

L. INTERNAL AFFAIRS REPORTS

1. Upon completion of all possible avenues of inquiry, the IAU Investigator shall complete the following reports:
 - a. Investigation report: This is the objective report of all of the investigative activity, including all of the information obtained during the course of the investigation
 - b. Summary report: This report, in memorandum format, will summarize the matter, and will provide recommended dispositions for each allegation, Possible dispositions, as defined in this policy, include the following:
 - (1) Exonerate
 - (2) Sustained
 - (3) Sustained / Policy Failure
 - (4) Not Sustained
 - (5) Unfounded
 - c. Case Summary and Checklist (PHPD Form #76)
2. Forward the completed reports via the IAU Commander to the Chief of Police.
3. The Chief of Police, following a review of the completed report, supporting documentation and information gathered during any supplemental investigation, shall direct whatever action is deemed appropriate.
4. Upon completion of an investigation with a finding of exonerated, not sustained, sustained/ policy failure or unfounded, the IAU Commander shall notify the subject officer in writing of the disposition on the Final Disposition Report. (PHPD Form #78) and entering the disposition in the index file.
5. If the complaint is sustained and it is determined that formal charges should be preferred, the Chief of Police shall direct the IAU Commander to prepare the Preliminary Notice of Disciplinary Action for his/her signature charges upon the subject officer or employee. (PHPD Form #77)
6. The notice of charges and hearing shall direct that the officer charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of plea. Such date for entry or plea shall be set within a reasonable time, at least five days after the date of service of the charges.

7. If the officer charged enters a plea of guilty, the Chief of Police shall permit the officer to present factors in mitigation prior to assessing the penalty. (PHPD Form #139)
8. Conclusions of fact and the penalty imposed will be noted in the officer's personnel file after he/she has been given an opportunity to read and sign it. Internal Affairs will cause the penalty to be carried out and complete all required forms

M. DEPARTMENT DISCIPLINE, HEARINGS and APPEALS

1. Discipline and Hearings

- a. All Department discipline and hearings shall be conducted in accordance with;
 - (1) N.J.S.A. 40A:14-147 to 149 inclusive and as applicable,
 - (2) Chapter 2 Section 9.4 of the Code of the Borough of Pine Hill titled Disciplinary Procedures (restated September 9, 2013 by Ordinance 2013-908), and
 - (3) Article X of the Rules and Regulations titled Disciplinary Code (adopted and promulgated by the Appropriate Authority on March 18, 2013 by Ordinance 2013-904).
 - (4) A copy of the hearing officer's recommended decision or order, and accompanying findings and conclusions, shall be delivered to the officer or employee who was the subject of the hearing and the Chief of Police.
 - (5) The Chief of Police shall accept, reject or modify the hearing officer's recommendations including the findings, conclusions and proposed penalty. The Chief of Police will constitute the final disciplinary action.
 - (6) Upon completion of the hearing the IAU Commander or his/her designee will complete all of the required forms including the entry of the disposition into the index file.
 - (7) If the charges were sustained, the IAU Commander will cause the penalty to be carried out. The report shall be permanently placed in the officer's or employee's personnel file.

2. Appeals

- a. Any member of the Department who has been tried and convicted upon any disciplinary charge or charges has the right of appeal pursuant to N.J.S.A. 40A:14-150 or as authorized by N.J.S.A. 40A:14-210.
 - b. Also reference Chapter 2 Section 9.4.A(1) of the Code of the Borough of Pine Hill and Article X Section 3.3 of the Rules and Regulations.
3. The IAU Commander shall be responsible for or assist the assigned supervisor or prosecutor in the preparation of the department's prosecution of the charges. This includes proper notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
 4. In the event of a hearing, the IAU Commander will be responsible for preparing a discovery package from the internal affairs file, and will make arrangements to forward the discovery package to the subject officer or his/her representative.

5. Upon completion of the hearing the IAU Commander will complete all of the required forms including the entry of the disposition into the index file.
6. If the charges were sustained, the IAU Commander will cause the penalty to be carried out. The report shall be permanently placed in the officer's or employee's personnel file.

N. REPORTING CONTACT WITH LAW ENFORCEMENT & OTHER JURISDICTIONS

1. Any employee who has been charged with an indictable crime, minor offense (disorderly persons offense, petty disorderly offense), driving while intoxicated or has been involved in a domestic violence incident must make immediate notification to the Operations Commander or immediate supervisor at police headquarters setting forth the circumstances surrounding the complaint.
 - a. It will be the responsibility of the on-duty supervisor to make a prompt notification to the Duty Lieutenant who will ensure the IAU Commander is made aware.
 - b. It shall be the responsibility of the IAU Commander to make an immediate notification to the Chief of Police and the Camden County Prosecutor.
 - c. It will be the responsibility of the IAU Commander, in consultation with the Chief of Police, to evaluate the need for an immediate response by IAU personnel.
2. Any employee who has received a motor vehicle summons or has adverse contact with a law enforcement officer from any level of government or jurisdiction must notify the Operations Commander, or the employee's immediate supervisor.
3. Any employee contacted or questioned by a law enforcement agency concerning an unlawful act (as a suspect or witness) or a law enforcement internal affairs matter must provide notification of such contact to the Operations Commander, or the employee's immediate supervisor.
4. It shall be the duty of the police department employee who is party to any litigation connected to his/her official duties either civil or criminal in nature to promptly notify his/ her immediate supervisor.
5. It shall be the duty of a police department employee to promptly notify his/her immediate supervisor when such employee intends to testify in any civil or criminal legal or court proceeding not connected to his/her official duties when such testimony or action may involve a representation or statement from the employee as to his service or standing as a police officer where such statement may add credibility to his testimony or when such action involves testimony or representation relating to his/her training as a police officer or any training associated with the Pine Hill Police Department.
6. Any supervisor who is notified of any above action shall immediately notify the Duty Lieutenant or his/her Supervisor via the Chain of Command. Written notice to the Chief of Police shall be submitted by the supervisor via the Chain of Command.

7. It shall be the duty of the police department employee to promptly notify his/her immediate supervisor whenever an employee is the subject of any litigation involving zoning issues or violations brought against him/her by a government agency.
8. Nothing in this section shall apply to an employee who is a member of a collective bargaining unit or fraternal organization who may appear at a public hearing or legal proceeding relating to employment or union activities.
9. IAU shall track the proceedings of any criminal or civil matters which employees of the department are involved in as a complainant, plaintiff or defendant.

O. CONFIDENTIALITY

1. The progress of internal affairs investigations and all supporting materials are considered confidential information. All department employees are required to keep all aspects of any internal affairs case and/or investigation in strict confidence, whether involved in the investigation or not. This shall be construed as to prohibit any employee from revealing any information whatsoever, including, but not limited to:
 - a. An employee's participation in an internal affairs interview;
 - b. The existence of an internal affairs investigation;
 - c. The subject matter of an internal affairs investigation;
 - d. The target of an internal affairs investigation;
 - e. The identity of complainants and/or witnesses; and
 - f. Any other information related to an internal affairs investigation.
2. The contents of IAU investigation case files will be securely retained in the IAU office. Archived internal investigation case files shall be retained in the Office of the Chief of Police. The files shall be clearly marked and have restricted access to members of the IAU and the Chief of Police. The information and records of an internal investigation shall only be released under the following circumstances:
 - a. In the event that administrative charges have been brought against an employee, and a hearing will be held, a copy of those internal investigation reports to be used as evidence in the administrative hearing shall be provided to the employee.
 - b. In the event that the employee, police department or township has been named as a defendant in a lawsuit arising out of the specific incident covered by an internal investigation, a copy of the internal investigation reports may be released to the attorney representing the subject employee, police department or township.
 - c. Upon the request or at the direction of the Camden County Prosecutor or Attorney General.
 - d. Upon a court order.
3. Only the Chief of Police or his designee is empowered to release publicly the details of an internal investigation or disciplinary action. The Chief of Police or his/her designee may authorize access to a particular file or record for good

cause. The request and the authorization should be in writing. The written authorization should specify who is being granted access, to which records access is being granted and for what time period access is permitted. A copy of the writing will be included in the requested file.

P. INTERNAL AFFAIRS REPORTS AND FILING SYSTEM

1. The IAU investigation files shall contain all investigative files resulting from internal affairs complaints and the original copy of the following reports:
 - a. Vehicular Pursuit Reports
 - b. Use of Force Reports
 - c. Firearms Discharge Reports
 - d. Firearms Display Reports
 - e. CED Deployment Reports
 - f. Civil Action /Tort Claims
 - g. Citizens' Complaints
 - h. Internal Complaints

2. A computerized IAU Index File shall be maintained as a record control device.
 - a. The database shall track and inventory IAU case files and provide an overview of case status to authorized personnel.
 - b. The database shall include the date the complaint was received, the complainant (internal or external), the principal officer, the investigating officer, the allegation, the complainant age, sex, and race, the disposition of the complaint, the discipline imposed (if sustained), and a brief explanation of the complaint in note format.
 - c. The database shall monitor all complaints received by the agency and the conduct of all employees, including discipline.
 - d. The database shall be accessed by the Chief of Police periodically to provide a summary of the nature and disposition of all complaints received by the agency.
 - e. The database shall have restricted access to members of the IAU and the Chief of Police.

3. All internal affairs complaints shall be recorded in the aforementioned index. Entries shall include the following basic information:
 - a. Subject officer/employee
 - b. Allegations
 - c. Complainant
 - d. Date received
 - e. Disposition and disposition date

4. Personnel Files are separate and distinct from IAU investigation files and records. Internal Affairs Investigation Reports shall never be placed in Personnel Files.
5. Internal Affairs Files are separate and distinct from IAU Investigation Files. Disciplinary Files are kept in a separate folder within the Personnel Files in the IAU Commander's Office.
 - a. When a complaint has a disposition of exonerated, not sustained, unfounded, or administratively closed there shall be no indication in the employee's Disciplinary File that a complaint was ever made.
 - b. When a complaint is sustained and discipline is imposed, the only items to be placed in the employee's Discipline File are a copy of the administrative charging form and a copy of the disposition form. These forms include Official Reprimands, Written Reprimands, Preliminary Notice of Disciplinary Action, and Final Notice of Disciplinary Action.
 - c. Official Reprimands shall be retained in accordance with Department policy. All other charging forms shall be retained in the employee's Discipline File permanently.
6. IAU investigation reports, records and evidence are included in the "Records Retention and Disposition Schedule for Local Police Departments" issued by the New Jersey Division of Revenue and Enterprise Services, Records Management Services and shall be purged in accordance with the directives of that agency.

Q. REPORTING

1. The IAU shall complete the annual New Jersey Attorney General Professional Standards Report Form and the Camden County Prosecutor's Office Professional Standards Report Form and forward the reports to the Camden County Prosecutor's Office and Chief of Police by January 30th of each succeeding calendar year.
2. On a quarterly basis, the IAU Commander shall report internal affairs activity to the Chief of Police and Camden County Prosecutor's Office on an Internal Affairs Summary Report, a report prescribed by the Camden County Prosecutor's Office. The report shall be submitted in conformance with the instructions provided by the Camden County Prosecutor's Office.
3. On an annual basis, the Pine Hill Police Department shall provide to the Camden County Prosecutor's Office and publish on our publicly accessible website a report summarizing the type of complaints received and the disposition of those complaints. This report should be statistical in nature. The publishing and posting of this report on the department webpage is the responsibility of the IAU Commander.

4. On a periodic basis, and at least once a year, the Pine Hill Police Department shall submit to the Camden County Prosecutor's Office and publish on the our publicly accessible website a brief synopsis of all complaints where a termination, reduction in rank or grade, and/or suspension of more than five days was assessed to a member of this department. This synopsis shall include the identity of each officer subject to final discipline, a brief summary of their transgressions, and a statement of the sanction imposed. This synopsis shall not contain the identities of the complainants.

R. IAU RECORDS RELATED TO RECRUITMENT AND SELECTION

1. The Pine Hill Police Department is committed to selecting and appointing the highest quality candidates to sworn law enforcement positions within our agency. During the selection process, written tests, psychological tests, background investigations and individual interviews should be completed by each candidate in an attempt to identify those who would be best suited for law enforcement employment. Background investigations will include a review of the prior internal affairs files of any candidate by the IAU.
2. The Pine Hill Police Department will disclose the entire internal affairs file for a candidate to prospective law enforcement employers. Candidates of out-of-state law enforcement experience must sign waivers of confidentiality regarding their internal affairs files so that they may be reviewed by the prospective employer, when legally permissible.
3. The disclosure requirement, to allow prospective law enforcement employers with full access to the entire IAU file, does not apply when this agency has engaged in a non-disparagement or non-disclosure agreement. Such agreements must be followed even though they inhibit the ability of law enforcement agencies to fully evaluate candidates applying for positions of public trust, and therefore have the potential to compromise public safety. Given the public safety risks that such agreements pose, county and municipal governing entities and their counsel are strongly discouraged from entering into them.