



WHITEMARSH TOWNSHIP POLICE DEPARTMENT Lafayette Hill, Pennsylvania	
General Order <input checked="" type="checkbox"/> Special Order <input type="checkbox"/>	ORDER NUMBER 2.3.1

Subject:		
COMPLAINT REVIEW POLICY / INTERNAL AFFAIRS		
Relevant Pennsylvania Law Enforcement Accreditation Standard(s): 2.3.1, 2.3.2 and 2.3.3		
Date of Issue April 6, 2015	Effective Date April 6, 2015	Expiration Date Until Amended or Rescinded
Amends General Order 2.3.1 from January 14, 2006		Rescinds
Authorization: Chief T. Michael Beaty		
Distribution:		
<ol style="list-style-type: none"> 1. General Order Manuals 2. Master Directives File 3. Training Verification for all Personnel 		

Purpose:

The purpose of this directive is to identify departmental procedures for addressing complaints against the Whitemarsh Township Police Department or it's employees. This General Order will identify;

- I. The types of complaints that require investigation by supervisory personnel;
- II. Complaints that require investigation by the Chief of Police or designee;
- III. A review process for all complaints by the Chief of Police or designee;
- IV. The equitable adjudication process used by this Department.

Policy:

The integrity of the Whitemarsh Township Police Department depends on the personal integrity and discipline of all department personnel. The Whitemarsh Township Police Department will thoroughly and professionally investigate all citizen complaints of misconduct, as well as, internally generated misconduct complaints against members of the Department, taking the appropriate action in a timely fashion as outlined in this Order. Investigation of these complaints will demonstrate the Department's desire to provide honest, efficient police service and will inspire public confidence in its personnel. This agency shall accept and investigate fairly and impartially all complaints of employee misconduct to determine the validity of allegations and impose any disciplinary actions that may be justified in a timely and consistent manner.

Procedure:

I. Complaint Documentation and Investigation

- A. All complaints alleging officer misconduct or complaints pertaining to violation of departmental policies or procedures will be documented and investigated by the department. Complaints may be given in person, received over the telephone, or in writing. Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, shall be accepted for investigation.
 1. A Police Supervisor, or Officer-In-Charge at the time, shall courteously and promptly accept any complaint made by a citizen against any officer or the Department. The Supervisor or OIC may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a misconduct complaint against any officer or the Department.
 2. The supervisor may attempt to resolve a complaint by an explanation of departmental policies and procedures, where applicable. If this proves satisfactory to the complainant, no further steps need to be taken.
 3. Any supervisor of the department who is approached for such assistance may accept a complaint. The supervisor shall document the complaint in writing and prepare a report of the alleged violation including all documents and evidence relating to the investigation promptly forwarding the complaint to the Chief of Police and Lieutenant.
 4. Internal Affairs investigations are coordinated by the Chief of Police for all members of the police department, except when the complaint is directed at, or involves the Chief of Police. In this situation, the Township Manager, or his designee, will assume the responsibility to coordinate the investigation.
 5. The Chief of Police will assign Internal Affairs investigations to personnel that have received training in doing so in a manner prescribed by the agency. Review and understanding of this General Order and the successful completion of at least one of the listed programs is preferred:
 - a. The Federal Bureau of Investigations National Academy
 - b. Northwestern University Center for Public Safety- School of Police Staff and Command
 - c. Mid-Atlantic Law Enforcement Executive Development Seminar (LEEDS)
 - d. The Pennsylvania State University Police Supervisor In-Service Training (POSIT)
 - e. The Pennsylvania State University Police Executive Development Training (POLEX)
 - f. Delaware Valley Insurance Trust Internal Affairs Investigation Training
 - g. Other similar internal affairs investigation training that is approved by the Chief of Police or Township Manager. (PLEAC 2.3.2)
 6. Throughout these investigations confidentiality shall be maintained by all involved parties to insure the integrity of the instant case; further, our Department has a moral and ethical obligation to protect the reputation and career of the involved parties.

B. Types of Complaints

A complaint is any allegation or question by an individual regarding a member's conduct, behavior, or action toward them or any other person. Included will be illegal, immoral, or improper behavior whether verbal, in writing, or by action toward any individual. It will not include routine inquiries or questions that do not involve a member's actions.

1. Serious Complaints

a. A serious complaint will include allegations of gross misconduct, violation(s) of law, and/or of brutality. Normally a formal investigation will be conducted for serious complaints.

b. The investigation of serious complaints shall be coordinated by the Chief of Police. The Chief of Police may assign the investigation to Supervisory Personnel above the rank of the member of the department that is the subject of the complaint filed, or may ask an investigator from another agency to undertake or assist in the investigation.

c. Generally, all complaints will require a report or statement from any member who is subject to the complaint, or who may have information that is pertinent to the complaint.

d. On all serious complaint investigations the Chief of Police shall notify the Whitemarsh Township Manager.

2. Less Serious Complaints

a. A less serious complaint will include allegations of failure to take proper action, poor demeanor, and/or failure to follow procedures, etc., that do not rise to the level of a serious complaint. Normally, an informal investigation will be conducted for less serious complaints. These complaints shall also be coordinated by the Chief of Police.

b. During an informal investigation, the supervisor responsible has the option to obtain statements or reports from involved member(s) or personally interview the member(s) accused regarding the allegation(s).

(i) Normally these complaints will be investigated and handled by a unit supervisor, as directed by the Chief of Police. All complaints will be documented as per this directive.

(ii) Documentation should be completed using the "Supervisor's Form - Police Complaint" form.

c. There is nothing to prevent an informal investigation from becoming a formal investigation, should information warrant the same.

3. Inquiries or questions that involve a member's actions, department procedures, federal or state law, or rules of criminal procedure usually will be handled by a first line supervisor. Inquiries that do not allege misconduct and do not require a "Citizen Form - Police Complaint" or a "Supervisor's Form - Police Complaint" are not required to be documented. There is nothing to prevent an alleged police complaint from becoming an inquiry when facts are presented to a complainant that explains away their concerns. In this case, only an Incident Report is required documenting their information and the nature of the inquiry.

C. Receipt of complaints

1. Complaints, regardless of nature, can be made in person, by mail, or by phone at any time. As part of the follow-up investigative activity, persons making complaints by mail or phone normally shall be interviewed and, if possible, a written, signed "Citizen Form - Police Complaint" should be attached to the complainant's statement. Anonymous complaints shall be followed up to the fullest extent possible.
2. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. A member of the department who interferes, discourages or delays the making of such complaints shall be subject to disciplinary action.
3. Normally, a citizen with a complaint will be referred to a police supervisor, who shall assist the citizen in recording pertinent information on a "Citizen Form - Police Complaint" and any accompanying statements. The supervisor will document the complaint on a "Supervisor's Form - Police Complaint." A complaint entry shall be made in the department's report system. The complaint shall provide the entire complainant's information. The only information in the narrative section will be the fact that a police complaint is being made, the supervisor who spoke with the complainant, and to whom the complaint was forwarded. The Incident Report will not list the accused member's name or the allegation. If it is a less serious complaint, the supervisor will forward the "Citizen Form - Police Complaint", Statements when available and the "Supervisor's Form - Police Complaint" to the supervisor of the officer the complaint is against. A copy will be sealed in an envelope and forwarded to the Chief of Police.
4. If the initial supervisor taking the complaint determines the alleged misconduct is of a serious nature and/or needs immediate attention, the supervisor shall complete the "Supervisor's Form - Police Complaint" and immediately forward it along with the "Citizen Form - Police Complaint Statement" to the Lieutenant. The supervisor, along with the Lieutenant, shall determine if the accused member may still perform his/her duties during the investigation, or must be removed from duty. In the absence of the Lieutenant, the Chief of Police shall be contacted. In a complaint that alleges serious misconduct, a command staff officer shall notify the Chief of Police through the chain of command, who will name the investigator.
5. If the supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, apparently suffers from a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor shall note such conditions in the investigative notes. However, the supervisor will document and attempt to investigate the complaint regardless of the complainant's condition. Any visible marks or injuries relative to the allegation, or lack thereof shall be noted and photographed.
6. Prisoners or defendants may also file complaints. Circumstances may require a department representative to meet the complainant at a jail or prison for an interview. If appropriate, the police representative will have photographs taken of any alleged injury.
7. Any department member receiving a citizen complaint through the U.S. mail, shall forward the mail directly to the on duty supervisor. A report shall be generated in the department's system. The complainant's information shall be listed, along with the fact that there is a police complaint and to whom the complaint was forwarded. The documentation and investigation shall be the same as complaints received by phone and in person.

8. Complaints received by telephone will be courteously and promptly referred to a supervisor. If a supervisor is not immediately available, the dispatcher or member shall record the name and telephone number of the complainant and state that a supervisor will call back as soon as possible. A complaint shall be generated in the department's report system, the same as above in paragraph (7.). The dispatcher or member will then immediately notify a supervisor, who will return the call and begin a preliminary investigation completing a "Supervisor's Form - Police Complaint" and forwarding it to the accused member's supervisor for less serious complaints.
9. In less serious complaints, employees should try to resolve any and all complaints at the lowest level of the chain of command. An exception would be an alleged misconduct that is of a serious nature.

Note: No formal action will be taken unless established procedures for lodging complaints are followed. An investigation may be commenced at the discretion of the Chief, depending on the nature and seriousness of an allegation, even if the established procedures for lodging a citizen complaint are not followed. If a complaint, allegation or investigation is determined to be unfounded, no record of this matter shall be placed in the members file. THE CHIEF WILL BE ADVISED OF ALL COMPLAINTS AGAINST OFFICER (S) OR THE DEPARTMENT.

D. Use of "Citizen Form - Police Complaint"

1. Upon receipt of a complaint, a supervisor will document or cause to be documented by the complainant, the complaint on the "Citizen Form - Police Complaint". The supervisor will include or cause to be included, as much information as possible. The supervisor will also complete a "Supervisor's Form - Police Complaint" with any additional information such as, investigative notes, observations, and conclusions. A complaint report shall also be completed. This report shall provide all of the complainants' information, the fact that a police complaint is being made and to whom the complaint is forwarded.
2. For a less serious complaint, the supervisor will forward the original copies of the forms to the member's supervisor or Lieutenant for investigation.
3. When the complaint is of an urgent or serious nature requiring immediate attention, the supervisor receiving the complaint will immediately notify the Lieutenant or Chief of Police. [Refer to C (4.)]

E. Complaint Investigation

1. Upon receipt of a supervisor's report concerning a complaint/violation, an investigation shall be completed. Usually, complaints of a less serious nature will be investigated by the accused's supervisor. An investigator to be determined by the Chief of Police shall investigate complaints of a serious nature. (PLEAC 2.3.1a,b)
2. After completion of all investigations, the assigned investigator shall forward to the Chief of Police, via chain of command, a full report including a synopsis, a list of any evidence being maintained and recommendations for disposition of the case. The Chief of Police will forward the investigation information to the Township Manager who will advise the Board of Supervisors. (PLEAC 2.3.1c)

3. After completion of all internal affairs investigations, the internal affairs investigation files will be stored in a locked filing cabinet that is located in the Chief of Police's Office, which is a secured access office. These files will be stored by year of investigation and the Chief of Police will be responsible for the security of such files. (An Internal Affairs file involving the Chief of Police will be maintained in a similar manner by the Township Manager.) (PLEAC 2.3.3)

F. Complaint Disposition-The Chief of Police or designee shall make the disposition of serious cases as follows:

1. SUSTAINED - Investigation disclosed that the complaint is valid and will be addressed by this agency.
2. EXONERATED - Investigation discloses that an incident occurred but actions were lawful and proper.
3. MISCONDUCT NOTED-Investigation indicates that the member committed acts of misconduct other than those alleged in the complaint.
4. PARTLY SUSTAINED- Investigation indicates that the member committed part of the alleged acts of misconduct.
5. POLICY REVIEW- The member's actions were consistent with agency policy and procedure; however, the written directives require review or revision.
6. UNFOUNDED COMPLAINT- Investigation indicates the acts complained of did not occur or were not committed by the member(s) of this agency.
7. UNSUBSTANTIATED-Investigation discloses insufficient evidence to clearly prove or disprove the allegations made by the complainant.

When the investigation shows that a member has violated the Code of Conduct, the Chief of Police will determine the appropriate corrective action, as per General Order 1.8.1. (PLEAC 2.3.1d)

G. Formal Documentation

1. If it is determined that a member violated the Code of Conduct, this shall be documented in the member's personnel file. The violation(s) shall be documented, along with any discipline and/or training prescribed. The internal affairs investigation does not go into the member's file.
2. All internal affairs investigations paperwork, no matter what the finding, will be maintained in an internal affairs file. Internal affairs records, including complaints and all subsequent investigation files and documents shall be confidential.
3. Employees do not have access to the confidential internal affairs investigation files.
4. Employees will be notified of a complaint filed against them and the disposition.

H. Notifying Complainants

1. The Chief of Police or his/her designee will notify all complainants who make allegations of misconduct of the outcome of the investigation.
2. In longer investigations, the Chief of Police or his/her designee shall update the complainant with the progress of the investigation.

I. Internal Complainants

1. Police personnel knowing of other members or employees violating departmental general orders, policies and procedures or sanctioned laws, shall convey the information in writing to the Chief of Police, via the chain of command. This shall be done by using a department memorandum form.
2. The first line supervisor shall complete the "Supervisor's Form - Police Complaint" and forward it up the chain of command along with the member's report. If the supervisor is making the complaint, he/she shall complete the "Supervisor's Form - Police Complaint," along with any additional pages and forward it up the chain of command.
3. If the information is of such gravity, the chain of command may be bypassed up to, and including the Whitemarsh Township Manager and/or Board of Supervisors.
4. The investigation, disposition, and documentation of an internal complaint shall be the same as in a citizen complaint.

J. Police Officer "Bill of Rights" and Interrogation Procedure

The purpose is to guarantee that every officer is entitled to the following rights and protection in the event that a complaint or charges are filed against said officer.

1. Procedure-

- a. Anonymous Complaint—When an anonymous complaint is filed against a Police Officer and no corroborative evidence is obtained, the complaint shall be classified as unfounded.
- b. Stale or Untimely Complaint—When any citizen complaint is filed against an Officer more than (90) calendar days after the date of the alleged incident and the actual complaint is found to be true and accurate it shall be classified as unfounded, unless there is evidence of criminal misconduct on the part of the officer.
- c. Officers should be notified orally or in writing of any such complaints.
- d. Officers shall not be required to submit a written report on any Stale or Untimely report that has been classified as unfounded.
- e. Duty to Inform Officer—A police officer, whether a subject or a witness, must be informed of the nature of the interrogation at the outset of the interrogation.
- f. Copies of Statements—If the interviewed/interrogated Police Officer writes a written statement, or the interview is recorded for the purpose of a written transcript, a copy of same must be given to the interrogated Police Officer, upon request, without cost.
- g. Constitutional Rights—Any Police officer who is under arrest or is likely to be placed under arrest as a result of an interview or interrogation, shall be completely informed of all of their rights prior to the commencement of the interrogation. Miranda warnings should be given at this time on a written form which will be signed and dated by the officer being interrogated, the Police Official conducting the interrogation, and one witness.

- h. Right to Counsel—Any police officer who is under arrest, or who is likely to be placed under “arrest” as a result of an interview or interrogation, shall have the right to be represented by counsel of their choice who should be present at all times during the interrogation. The interrogation shall be suspended for a reasonable time until representation can be obtained.
- i. Departmental Interviews—Officers who are being interviewed regarding disciplinary matters within the police department shall not have the right to counsel. Officers should be advised that they are being questioned as part of an official police department investigation, and that they will only be asked questions specifically directed and narrowly related to the performance of their official duties. As per the Weingarten Decision, at the request of any officer who is being interviewed, he or she shall have the right to choose a bargaining unit representative who shall be present at all times during the interview. The interview shall be suspended for a reasonable time until the bargaining unit representative can be obtained. Officers who are being interviewed regarding disciplinary matters within the department, shall also be advised that refusal to testify or to answer questions related to the performance of their official duties, could result in departmental charges which could result in dismissal from the Police Department. Officers shall be shown and have explained to them a copy of the Loudermill Hearing Form if applicable.



Whitemarsh Township Police Department

Citizen Form - Police Complaint

(To be attached to accompanying statements)

REQUIRED NOTICE FOR PERSONS FILING ALLEGATIONS AGAINST POLICE OFFICERS

Title 18, Crimes and Offenses, of the Pennsylvania Consolidated statutes, Chapter 49 Sub-chapter A authorizes the following notice:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT.

THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT.

EVEN IF THIS IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER ACTED IMPROPERLY.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE, AND/OR IF YOU MAKE A COMPLAINT AGAINST ANY POLICE OFFICER KNOWING THAT IT IS FALSE.

YOU MAY BE PROSECUTED FOR MAKING FALSE ALLEGATIONS AGAINST POLICE OFFICERS.

I HAVE READ AND UNDERSTAND THE ABOVE STATEMENTS.

Date

Signature of Complainant

This form must be signed and attached to all written statements, in accordance with General Order 2.3.1, Complaints Against Police Officers.

Revised 4/15

Citizen Information Form

I.A. Case #: _____

Complainant: Victim:
Witness Subject:

Last Name: _____ Home Phone: _____

First Name: _____ Work Phone: _____

Middle Name: _____ Extension: _____

Title: _____

Address: _____

City _____ State: _____

Postal Code: _____ Country: _____

S.S. Number: _____

Employer: _____

Birth Date: _____ Age: _____

Male: Female:
White: Asian:
Black: Native American:
Hispanic: Other:

Caution: _____

Instruction & Disposition- Whitemarsh PD 2015

This form is to be completed for each citizen or complainant that is involved in an internal investigation. One copy should be placed in the case file; a duplicate copy should be submitted for data entry if an automated system is being used and returned to the Investigator after data entry.

Supervisor's Form - Police Complaint

DATE OF INQUIRY _____

DATE OF INCIDENT _____

COMPLAINANT _____

PHONE: HOME _____

ADDRESS _____

WORK _____

COMPLAINT TAKEN BY _____

MEMBER (S) INVOLVED: TITLE AND NAME

ALLEGATION (S)

COMMAND LEVEL REVIEW BY: _____ DATE: _____

RECOMMENDATION: _____ INVESTIGATION CONDUCTED BY LINE SUPERVISOR
_____ INVESTIGATION CONDUCTED AT COMMAND LEVEL

Instruction & Disposition- Whitemarsh PD 2015

This form is to be completed for each complaint received. The report must be forwarded to the Command Level for review and assignment. The Chief of Police must be given a copy of this report through the chain of command.

Internal Affairs Investigation Report

MISCONDUCT CLASSIFICATION _____ I.A. CASE#: _____ DATE: _____

SUBJECT: _____ COMPLAINANT: _____

REPORT COVER SHEET

Instruction & Disposition- Whitemarsh PD 2015

This form is to be completed by the Command Division and issued only as a cover sheet to the investigation case. The purpose is to insure confidentiality and deter unauthorized viewing. The original is placed in the I.A. case file, and no duplicate copies are to be made.

Garrity Warning

You are hereby advised that you are about to be questioned as part of an official administrative investigation of the Whitemarsh Township Police Department. You will be asked specific questions that will relate directly and narrowly to the performance of your official duties or fitness as an employee or member of this agency. The purpose of this interview is to assist in determining whether disciplinary action is warranted. Your answer could result in administrative action against you.

1. Because this is an administrative investigation and not a criminal investigation, the agency will not use any of the answers or information gained from the interview in any criminal proceedings against you.
2. This agency will not release this information to any other person or agency without your approval and it will hold it as confidential, except as mandated by law or appropriate and competent authority, if necessary for disciplinary proceedings or appeals of such proceedings.
3. You are hereby ordered and required to answer questions directed to you fully, truthfully, and to the best of your knowledge.
4. If you refuse to answer questions specifically directed and narrowly related to the performance of your official duties, you will be subject to departmental charges which could result in your dismissal from the Whitemarsh Township Police Department.
5. You will be allowed breaks for personal necessity as are reasonably necessary.

The allegations against you are as follows:

The undersigned hereby acknowledges that he/she was informed of the above order and requirement to answer all questions and cooperate in this interview.

Member's Signature and Date

Investigator's Signature and Date

Instruction & Disposition- Whitemarsh PD 2015

This form is to be completed by Command Level Personnel. This form should be executed by any member interviewed as a subject in an internal investigation that may involve a criminal investigation. The original is placed in the I.A. Case File, and a copy is given to the person signing the form.

Administrative Referral

DATE:
TO:
FROM:
SUBJ: ADMINISTRATIVE REFERRAL

I.A. CASE # : _____

MEMBER'S NAME: _____

COMPLAINANT: _____

PHONE NUMBERS: _____

COMPLAINT DATE: _____

COMPLAINT: _____

The Command Division has reviewed this matter and feels it should be investigated by the member's supervisor. This matter, therefore, is being forwarded to you for your consideration and action. Upon final disposition, please forward the original completed report to the Command Level Officer named above. The completed report will be kept in the Command Division's Internal Affairs Files. Return no later than the following date: _____

If any assistance or guidance is needed in your investigation, please contact the Command Level Officer named above.

Instruction and Disposition- Whitemarsh PD 2015

This report is to be completed within the Command Division and is used to direct minor internal investigations to the member's supervisor. The original copy should be sent to the supervisor through the chain of command and a duplicate should be held by the Command Officer until all documents relating to the investigation are received in the Command Division.



WHITEMARSH TOWNSHIP POLICE DEPARTMENT
MONTGOMERY COUNTY, PENNSYLVANIA

Whitemarsh Township Building
616 Germantown Pike
Lafayette Hill, Pa 19444
Phone: (610) 825-6530

ADDRESS REPLY TO

INTERNAL AFFAIRS CORRESPONDENCE

RECEIPT OF COMPLAINT

Date:

Dear _____ :

This letter is your receipt acknowledging that you have filed a complaint against _____ a member of the Whitemarsh Township Police Department. Our Internal Affairs Division will investigate these allegations of misconduct.

Once Internal Affairs has investigated these allegations, we will review the information and determine the disposition of the case. We will notify you in writing of the case disposition.

Listed below are the names of the investigator (s) assigned to this case, and the anticipated completion. They will advise you of any anticipated delay and provide you with a revised completion date.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

I.A. Assigned Investigator : _____

I.A. Case # _____ Anticipated Completion Date-_____

Official Notice of Internal Investigation

Date:

To:

From:

CC:

Subject: Internal Investigation

A formal complaint of misconduct has been filed against you, and you are the subject of an internal investigation. The complainant's name and nature of the complaint are listed below.

You will be notified promptly of the case disposition upon conclusion of the investigation. You should familiarize yourself with the rights and responsibilities of a member who is the subject of an internal investigation.

Case #: _____

Assigned Investigator: _____

Complainant (s): _____

Complaint: _____

Employee's Signature (Denotes receipt only) _____

Date: _____

Employee Information Form

I.A. Case #: _____

Complainant: Victim: Pursuit:
Witness Subject: Use of Force:

Last Name: _____ Home Phone: _____

First Name: _____ Work Phone: _____

Middle Name: _____ Extension: _____

Title: _____ I.D. # _____

Address: _____

City _____ State: _____ Postal Code: _____

S.S Number: _____ Date Hired: _____

Division: _____ Supervisor: _____

Birth Date: _____ Age: _____

Male: Female:
White: Asian:
Black: Native American:
Hispanic: Other:

Note: _____

Instruction & Disposition- Whitemarsh PD 2015

This form is to be completed for each member of the agency that is involved in an internal investigation. One copy should be placed in the case file; a duplicate copy should be submitted for data entry if an automated system is being used and returned to the Investigator after data entry.

SUPERVISOR'S PRE-DISCIPLINARY CHECKLIST

DATES _____ to _____ Supervisor _____ Member _____

The purpose of this record is to help standardize the record keeping process prior to taking disciplinary action for an infraction of organizational directives. This form is a job aid for the supervisor and should be completed if disciplinary action is a consideration. Before using this form, review each question (initial review). If an item cannot be qualified, perhaps disciplinary action at this time would not be defensible and more supervisory work is necessary. When applicable, make copies of all records and attach them to the back of this form. Use the question number here to reference the attachments. CAUTION: Each decision to discipline has its own unique circumstances that cannot be easily captured on a simple form such as this one shown here. However, these questions will need to be answered at some point during the disciplinary process and this form will prove useful later if the disciplinary action is challenged.

1. Is the performance standard that has been violated published? (if so, attach a copy)
2. Is the standard posted where it is highly visible or accessible? Where?
3. Did this member ever receive a personal written copy such as a handbook, of the performance standard? (An additional safeguard is to have new members sign a form affirming that they have read the handbook or rulebook and will abide by the policies and rules.)
4. Has the member been counseled on this performance deficiency? (if so, attach copies) What has been the member's work record during the last 12 months?
5. Has this member ever received a final warning for violation of this standard or any other published standard?
6. Is the rule stated in easy-to-understand wording?
7. How is the performance standard reasonably related to the orderly, efficient, and safe operation of the organization and the mission of the organization?
8. If other members have violated this performance standard, did they receive the same disciplinary action as this member? (attach references) Be sure to justify deviations.
9. Can enforcement consistency by work unit be proven?
10. Does this member have the worst record of all members for violation of this performance standard or any other more serious performance standard?
11. Other than this record, are there other factual written records to show the steps taken to correct this member's deficiency prior to disciplinary action? (if so, attach)
12. Does evidence include names of witnesses, dates, times, places and other pertinent facts on all past violations including this last one?
13. Is the degree of discipline related to the seriousness of the proven offense and the member's past work and performance records and length of service?
14. Are there any areas you wish you had more information about?

Counseling Form

Member _____ Supervisor _____ Date _____

NOTICE TO THE MEMBER: Your supervisor is indicating to you that your performance is deficient enough that some level of administrative action is necessary. Disciplinary action, however, would not be an appropriate choice at this time. Management assumes that members who are working in good faith want to follow the rules, regulations, policies, and procedures of the organization and, when given constructive feedback such as this, will respond in a positive manner to help correct deficiencies.

If you fail to improve your performance and disciplinary action is taken against you, this report will be used as documentation to show at any review process that you have been given adequate notice to improve your conduct or performance prior to such disciplinary action.

(Supervisor completes the following:)

1. Your performance is deficient in the following area (s):

2. You are being notified that your performance is unacceptable because it adversely affects this organization in the following manner:

3. You are being advised that failure on your part to demonstrate correct conduct or performance will result in the following action (s) being taken:

EMPLOYEE'S SIGNATURE _____ DATE _____

SUPERVISOR'S SIGNATURE _____ DATE _____

INSTRUCTIONS & DISPOSITION- Whitemarsh PD 2015

The original will be kept in departmental and/or supervisory files and a duplicate copy will be given to the member. If performance does not improve, this form will be used to support the administrative action that management deems appropriate in order to correct this performance deficiency.

Notification of Complaint Determination

DATE:

TO:

FROM:

A complaint filed against you involving an incident on _____ concerning _____
_____, and documented in Internal Affairs Case Number _____

has been thoroughly reviewed. The determination on your action is :

___ SUSTAINED Investigation disclosed that the complaint is valid and will be addressed by this agency.

___ EXONERATED Investigation discloses that an incident occurred but actions were lawful and proper.

___ MISCONDUCT NOTED Investigation indicates that acts of misconduct other than those alleged in the complaint were committed by the member.

___ PARTLY SUSTAINED Investigation indicates that the member committed part of the alleged acts of misconduct.

___ POLICY REVIEW The member's actions were consistent with agency policy and procedure; however, the written directives require review.

___ UNFOUNDED COMPLAINT Investigation indicates the acts complained of did not occur or were not committed by the member(s) of this agency.

___ UNSUBSTANTIATED Investigation discloses insufficient evidence to clearly prove or disprove the allegations made by the complainant.

Employee's Signature

Command Officer

Date and Time

INSTRUCTION & DISPOSITION- Whitemarsh PD 2015

This form is to be completed the Command Officer and is used to notify the member of the disposition of an internal investigation. The original is given to the member and a copy is placed in the IA case file.

Internal Affairs Case Information Form

I.A. Case #: _____

Date Received: _____

Date of Incident: _____

Date Closed: _____

Investigator (s) : _____

Member's Name: _____

Case Disposition

Sustained: _____
Exonerated: _____
Partially Sustained: _____
Misconduct Noted: _____

Policy Review: _____
Unfounded: _____
Unsubstantiated: _____

Discipline

Counseling: _____
Citation: _____
Reprimand: _____
Suspension: _____

Remedial Training : _____
Demotion: _____
Terminated: _____
Resigned : _____

No Discipline (Member Exonerated) _____

Instruction & Disposition- Whitemarsh PD 2015

This form is to be completed for each member that is listed as a subject of an internal investigation. The report should be placed in the case file. The Chief of Police must be given a copy of this report through the chain of command and a copy may be placed in the member's Personnel File.

Internal Affairs Investigation Report

INVESTIGATOR: _____ DATE: _____ I.A. CASE #: _____

Page _____ of _____.

INSTRUCTION & DISPOSITION- Whitemarsh PD 2015

This form is to be completed by the Command Division and is used to document the internal investigation. The original is placed in the I.A. case file, and no duplicate copies are to be made.

Employee's Representative Acknowledgement Form

Any law enforcement officer under departmental investigation has the right to request the presence of counsel or any other representative of their choice during an interrogation. This applies whenever the interrogation relates to the officer's continued fitness for law enforcement service.

It is recognized that members of the organization under Weingarten have a right to have a fellow bargaining unit member present during any questioning that could lead to disciplinary action against that employee.

An officer is not entitled to counsel or representation at every interrogation, however, but only those which relate to continued fitness for law enforcement service. Therefore, a request for counsel or representation made by an officer in connection with routine investigations of minor disciplinary matters need not be complied with. However, during any investigation of a serious nature which could lead to dismissal, the officer being interrogated would have an absolute right to be represented by counsel or another representative of their choice.

This representation by counsel or other representative is a limited type of representation. This representation is not intended to turn an investigation or interrogation into a "due process" hearing. Rather, it is to provide an opportunity for counsel or a representative, on behalf of the officer, to observe that the interrogation is conducted in a fair and objective manner. In addition, the attorney or representative may consult with the officer only to the extent necessary to make a particular objection.

Attorneys or representatives shall not interrupt the interrogation by raising objections to questions or by making statements for the record unless the objection is based upon a procedure that violates the rights of the officer under investigation. Any representative of an officer under interrogation who interferes with or impedes the progress of the interrogation or investigation will be asked to leave.

If at the termination of the interrogation the attorney or representative wished to make a brief statement on the record regarding any complaint they have in connection with the manner in which the interrogation was conducted, they shall be permitted to do so.

Member's Signature

Date

INSTRUCTION & DISPOSITION- Whitemarsh PD 2015

This form is to be completed by Command Level Personnel. It should be executed by any member who is being interviewed in connection with an internal investigation and has requested counsel or a representative be present. The original should be placed in the I. A. case file, and a copy given to the member.