

EXHIBIT A (2)

Internal Affairs Records

The Internal Affairs Report

At the conclusion of the internal affairs investigation, the investigator shall submit a written report. This report should consist of an objective investigation report which recounts all of the facts of the case, and a summary of the case along with conclusions for each allegation and recommendations for further action.

Investigation Report

The first part of the report will be an objective recounting of all the relevant information disclosed during the investigation, including statements, documents, and other evidence. This part of the report is similar in all respects to a standard law enforcement investigation report. It should contain a complete account of the investigation.

Summary and Conclusions

The investigator should summarize the case and provides a conclusion of fact for each allegation. The conclusion of fact should be recorded as exonerated, sustained, not sustained, or unfounded.

If the conduct of an officer was found to be improper, the report must cite the agency rule, regulation, or S.O.P. which was violated. Also, any aggravating or mitigating circumstances surrounding the situation, such as unclear or poorly drafted agency policy, inadequate training or lack of proper supervision, shall be noted.

If the investigation reveals evidence of misconduct not based on the original complaint, this too must be reported. An investigation concerning this secondary misconduct should be conducted.

Internal Affairs Records

Requirement 8

The agency must establish and maintain an internal affairs records system consisting of, at least, an internal affairs index system and a filing system for all documents and records. Access to these records shall be restricted.

Internal affairs personnel shall maintain a filing system accessible only to unit personnel and the law enforcement executive. Other personnel may be given access based on a specific need, such as a deputy chief in the law enforcement executive's absence. Access to these records must be specifically addressed with department policy and procedures. The list of those authorized to access these files must be kept to a minimum.

Physical security measures also should be taken. This could include securely locked filing cabinets in secured offices. If a law enforcement agency uses computers to maintain internal affairs records of any kind, special security measures must be taken. A stand alone personal computer is the most secure system to limit unauthorized access to internal affair records.

Internal Affairs Index File

The purpose of the internal affairs index file is to serve as a record control device. It will maintain an inventory of internal affairs case files and summarize the status of each case for authorized personnel. The instrument used for such an index file will vary by agency and could include a log book, index cards or a computerized data base.

All internal affairs complaints shall be recorded in the index file. Entries should record the basic information on each case, including the subject officer, allegations, complainant, date received, investigator assigned, disposition and disposition date for each complaint. A unique case number assigned to each internal affairs complaint will point to the location of the complete investigation file, and will simplify case tracking.

Investigation Files

An internal affairs investigation file is needed for all internal affairs reports. Given the wide range of internal affairs allegations received by a law enforcement agency, these investigation files might consist of only the initial report form and the appropriate disposition document. On the other hand, investigation files might include extensive documentation of an investigation. The internal affairs investigation file should contain the entire work product of the internal affairs investigation, regardless of the author. This includes investigators' reports, transcripts of statements, and copies of all documents relevant to the investigation. The file should also include all related material from other department incidents as may be applicable. For instance, if an allegation is made of excessive force during an arrest, the internal affairs investigation file should contain copies of the reports from the arrest.

In those cases where an internal affairs investigation results in the filing of criminal charges, the internal affairs file shall be made available to the county prosecutor's office. It will be the responsibility of the county prosecutor's office to decide which items are discoverable and which are admissible. In these cases, the department must follow the instructions of the county prosecutor.

Retention Schedule

Investigative records created during an internal affairs investigation are included in the "Records Retention and Disposition Schedule for Local Police Departments" issued by the New Jersey Division of Archives and Records Management. Under the schedule, files concerning a criminal homicide must be permanently maintained. The schedule also requires any other file involving a criminal matter which resulted in the arrest of the subject officer must be maintained for 75 years. While the schedule further suggests that all other criminal or administrative internal affairs investigative records be maintained for at least five years, agencies should maintain these files as they relate to a particular officer for the career of that officer plus five years.

Agencies are under no obligation to purge their records at the intervals outlined above. Agencies may adopt longer retention schedules if a longer schedule benefits the agency. In the case of internal affairs investigative records, longer retention times will provide agencies with the resources and evidence necessary to assist with the defense of civil lawsuits.

While the internal affairs records of other types of law enforcement agencies are not yet specified by the Division of Archives and Records Management, it would be appropriate for all law enforcement agencies to follow essentially the same retention schedule.

Confidentiality

The nature and source of internal allegations, the progress of internal affairs investigations, and the resulting materials are confidential information. The contents of the internal investigation case files shall be retained in the internal affairs unit and clearly marked as confidential. The information and records of an internal investigation shall only be released under the following limited circumstances:

- In the event that administrative charges have been brought against an officer, 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 officer.
- In the event that the subject officer, agency or governing jurisdiction 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 officer, agency or jurisdiction.
- Upon the request or at the direction of the county prosecutor or Attorney General.
- Upon a court order.

The law enforcement executive officer may authorize access a particular file or record for good cause. The request and the authorization should be in writing, and 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. The authorization should also specify

any conditions, such as one in which the files may be reviewed only at the internal affairs office and may not be removed. The law enforcement executive should grant such access sparingly, keeping in mind the purpose of the internal affairs process and the nature of many of the allegations against officers.

Agencies may receive subpoenas directing the production of internal affairs investigative records. Before responding to the subpoena, the police executive or internal affairs investigator should consult with the agency's legal counsel to determine whether the subpoena is valid and reasonable. Invalid or unreasonable subpoenas may be modified or quashed by the court. However, the court will require the agency seeking to modify or quash the subpoena to file the appropriate motion with the court.

If the release of internal affairs documents is appropriate, the agency should inventory the reports they are releasing and obtain a signed receipt.

Reporting

The internal affairs unit should prepare periodic reports for the law enforcement executive that summarize the nature and disposition of all misconduct complaints received by the agency. This report should be prepared at least quarterly, but may be prepared more often if needed. The report should include the principal officer, the allegation, the complainant, the age, sex, race and other complainant characteristics which might signal systematic misconduct by any member of the department, and the status of the investigation. Concluded complaints should be recorded and the reasons for termination explained. See example in Appendix Q.

This report shall be considered a confidential, internal work product. Dissemination of the report should be limited to command personnel, the county prosecutor, and the appropriate authority.

Requirement 9

The agency must submit to the county prosecutor a report summarizing its internal affairs activity on a form established by the county prosecutor for that purpose.

Every law enforcement agency will report internal affairs activity to the county prosecutor on an internal affairs summary report form. This form simply summarizes the number of cases, by type of case, which were received and disposed of during the reporting period. See the example in Appendix R. Each county prosecutor will provide those law enforcement agencies in his or her jurisdiction with the report forms to be used, instructions on completing the forms, and a reporting schedule.

In addition, every agency shall promptly report to the county prosecutor the identity of a subject officer who has been found to have committed an act of misconduct or any disciplinary infraction which relates to the subject officer's veracity and credibility, such as falsifying official records or reports.

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An annual report summarizing the types of complaints received and the dispositions of the complaints shall be made available to the public. The names of complainants and subject officers shall not be published in this report.

Personnel Records

Personnel records are separate and distinct from internal affairs investigation records. Internal affairs investigation reports shall never be placed in personnel records. When a complaint has a disposition of exonerated, not sustained, or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made.

In those cases where a complaint is sustained and discipline imposed, the only items to be placed into the employee's personnel file are a copy of the administrative charging form and a copy of the disposition form. As an example of this type of document, see the form DPF-31B found in Appendix P. No part of the internal affairs investigation report shall be placed in the personnel file.

Risk Management Procedures

In order to provide an optimal level of service to the community and reduce its exposure to civil liability, every law enforcement agency should establish procedures for dealing with problem employees. Recent court decisions, particularly those involving federal civil rights lawsuits which allege a deliberate indifference on the part of the agency towards citizen complaints, have made it clear that law enforcement agencies have a duty to monitor the behavior of their employees. Furthermore, these same court decisions expect law enforcement agencies to establish mechanisms that provide the internal affairs unit and the police executive with the ability to track the complaint records of individual officers and identify those officers with a disproportionate number of complaints against them. The courts also expect law enforcement agencies to utilize the information developed by these mechanisms to prevent individual officers from engaging in conduct or behavior that violates the constitutional liberties enjoyed by every member of the community.

Any mechanism or procedure established by a law enforcement agency to monitor and evaluate the behavior and performance of individual police officers must have as two of its linchpins quality supervision and an objective and impartial internal affairs process. Supervisors who have sufficient time and resources to properly perform their duties should be able to identify officers with performance and conduct issues in a timely fashion. Supervisors can react to problems they identify through direction, counseling and effective performance evaluations. Proper training of agency supervisors is critical to the discipline and performance of law enforcement officers. Emphasis should be placed on anticipating problems among officers before they result in improper performance or conduct. Supervisors are expected to recognize potentially troublesome officers, identify training needs of officers, and provide professional support in a consistent and fair manner.

The internal affairs process represents the agency's response to allegations and complaints that have been brought to the agency's attention either by agency employees or members of the public. Law enforcement agencies must establish and implement a process of investigation and review that is both meaningful and objective. The process must be "real". It must provide the citizen with "at least a rudimentary chance of redress when an injustice is done." It is not enough for police executives to adopt a policy governing the receipt, investigation and resolution of complaints of officer misconduct. The policy must be implemented and executed with a commitment to the integrity of the agency and the constitutional rights of the citizenry. Agencies with an objective and fair internal affairs process will limit their risk of civil liability. Agencies with a superficial or shallow internal affairs process run the risk of significant civil liability.¹⁰

Law enforcement agencies may also wish to consider implementing a specific mechanism to track employee behavior. These mechanisms have been called several things, but the most common term is "early warning system." An early warning system should be designed to identify any pattern or practice by any member of the agency which warrants

¹⁰ *Beck v. Pittsburgh*, 89 F.3d 966

intervention or remediation before it develops into a glaring problem.

Many different measures of officer performance can be regularly examined for any of these patterns or practices. Some of the measures that should be considered for their suitability for inclusion in the "early warning system" are:

- Motor vehicle stop data
- Search and seizure data
- Internal complaints, regardless of outcome
- Civil actions filed, regardless of outcome
- Incidents of force usage, including firearms discharges and use of non-deadly force
- Claims of duty-related injury
- Arrests for resisting arrest
- Arrests for assault on a law enforcement officer
- Criminal investigations or complaints made against the member
- Incidents of arrested persons injured
- Vehicular pursuits
- Vehicular accidents
- Cases rejected or dismissed by the prosecutor
- Evidence suppressed by the court

This information should be maintained to facilitate analysis with respect to individual members, supervisors, squads, districts and assignments, and agency-wide. Given the complexity of this data, it is best suited to be done by a computerized system that can be equipped with algorithms to reveal the presence of particular patterns of incidents. However, not all law enforcement have the computer capabilities for such an in-depth screening process. At a minimum, every law enforcement agency should review all internal complaints made against its officers, regardless of outcome, for evidence of a pattern.

The "early warning system" should be the responsibility of the internal affairs unit. By virtue of its other responsibilities and placement in the organizational structure, the internal affairs unit is best able to maximize the benefits of an early warning system.

In the event that the early warning system reveals a potential problem, the appropriate supervisor should be notified and provided with all relevant information from the system. The supervisor must review the data provided, along with the more detailed information available from department records, in consultation with the internal affairs unit. If this review indicates that the early warning system has returned a "false positive," the supervisor should report that, in writing, to the internal affairs unit.

If the review reveals that an officer has violated department rules and regulations or S.O.P.s, the supervisor in consultation with the internal affairs unit should proceed with an internal investigation and possible disciplinary action.

If the review reveals that the officer has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with

the internal affairs unit to determine the appropriate course of remedial action. Remedial intervention may include training, retraining, counseling and intensive supervision. In addition, the actions of the officer may indicate a question about the officer's fitness for duty. In that case, the officer should be examined for his fitness for duty, either physically or psychologically. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive, and should be jointly pursued if appropriate.

When remedial action has been undertaken, the internal affairs unit should be formally notified of such efforts. This information shall be recorded in the internal affairs index file system. No entry should be made in the employee's personnel file, unless the action results in disciplinary action. If the remedial action was an appropriate training program, attendance and completion of that program should be noted in the officer's training record.

In addition to the regular, automated review by the early warning system, the internal affairs unit should query the early warning system and review an individual employee's history any time a new complaint is made. Using this information and their experience, internal affairs staff may be able to identify employees who may need counseling, training or other remediation even before such is indicated by the early warning system's ongoing data review.

It must be noted that the purpose of an early warning system is to detect patterns and trends before the conduct escalates into more serious infractions. As such, employees must understand that the early warning system is not identical to the disciplinary process. Although it is possible that disciplinary action may be taken as the result of evidence that rules and regulations were violated, this is not the sole or even primary intent of the system. The primary intent of an early warning system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted.

Appendix A

Model Internal Affairs Standard Operating Procedure

Standard Operating Procedure Internal Affairs Policy and Procedures

I. Purpose

This agency is committed to providing law enforcement services that are fair, effective, and impartially applied. Toward that end, officers are held to the highest standards of official conduct and are 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 a law enforcement agency is dependent upon public approval and acceptance of law enforcement authority. The department must be responsive to the community by providing formal procedures for the processing of complaints from the public regarding individual officer performance.

The purpose of this policy is to improve the quality of law enforcement services. Citizen confidence in the integrity of the law enforcement agency increases through the establishment of meaningful and effective complaint procedures. This confidence engenders community support for the law enforcement agency. Improving the relationship between the officers and the citizens they serve facilitates cooperation vital to the department's ability to achieve its goals. An effective disciplinary framework also permits law enforcement officials to monitor officers' compliance with department policies and procedures. Adherence to established policies and procedures assists officers in meeting department objectives while a monitoring system permits managers to identify problem areas requiring increased training or direction. Finally, this policy will ensure fairness and due process protection to citizens and officers alike.

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

II. Policy

It is the policy of this agency to accept and investigate all complaints of alleged officer misconduct or wrongdoing from any citizen or agency employee. Following a thorough and impartial examination of the available factual information, the officer shall be either exonerated or held responsible for the alleged misconduct. Discipline shall be administered according to the degree of misconduct.

It is the policy of this department that officers and employees, 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. Officers are also subject to disciplinary action for failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment. In addition, officers may be disciplined for violation of any rule and regulation of the department or for 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 officer 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.

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 officers and supervisors, community outreach, and the analysis of misconduct complaints and their outcome.

It is the policy of this agency that each officer 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 shall be clearly described and defined, and the disciplinary process shall be thoroughly explained in the manual.

III. Procedures

A. Internal Affairs Unit

1. The Internal Affairs Unit is herein established. The unit shall consist of those members of the department as shall be assigned to the Internal Affairs Unit by the law enforcement executive. Personnel assigned to the internal affairs unit shall serve at the pleasure of and be directly responsible to the law enforcement executive or the designated internal affairs supervisor.
 - a. The goal of internal affairs 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.
2. Duties and responsibilities
 - a. The Internal Affairs Unit is responsible for the investigation and review of all allegations of misconduct by members of this

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, internal affairs shall be responsible for the coordination of investigations involving the discharge of firearms by department personnel.

- c. Internal affairs shall be responsible for any other investigation as directed by the law enforcement executive.

- d. Internal affairs officers may conduct an internal affairs investigation on their own initiative upon notice to, or at the direction of the law enforcement executive or internal affairs supervisor.

- e. Internal affairs may refer investigations to the employee's supervisor for action as outlined under §III.E of this policy.

- f. Internal affairs members or officers temporarily assigned to that 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 internal affairs personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from the law enforcement executive. Members assigned to the Internal Affairs Unit come under the direct authority of the law enforcement executive, reporting directly to the law enforcement executive through the Internal Affairs's chain of command.

- g. The Internal Affairs Unit shall maintain a comprehensive central file on all complaints received by this department whether investigated by internal affairs or assigned to the officer's supervisors for investigation and disposition.

- h. The Internal Affairs Unit shall prepare quarterly reports that summarize the nature and disposition of all misconduct complaints received by the agency for submission to the law enforcement executive officer.

- i. Copies of the internal affairs report shall be distributed to all command personnel, the appropriate authority, and the county prosecutor's office.
- j. An annual report summarizing the types of complaints received and the dispositions of the complaints should be made available to members of the public. The names of complainants and subject officers shall not be published in this report.

B. Accepting Reports Alleging Officer Misconduct

1. All department personnel are directed to accept reports of officer misconduct from all persons who wish to file a complaint regardless of the hour or day of the week. Citizens are to be encouraged to submit their complaints in person as soon after the incident as possible. If the complainant cannot file the report in person, a department representative shall visit the individual at his or her home, place of business or at another location in order to complete the report, if feasible.
2. Complainants shall be referred to the Internal Affairs Unit if an officer is immediately available.
3. If an internal affairs officer is not immediately available, all supervisory personnel are directed to accept the report of officer misconduct.
4. If an internal affairs officer and a supervisor are not available, any law enforcement officer shall accept the complaint.
5. The officer receiving the complaint will:
 - a. Provide the person making the complaint with the internal affairs brochure which explains the department's internal affairs procedures.
 - b. Advise the complainant that he or she will be kept informed of the status of the complaint and its ultimate disposition.
 - c. Complete the Internal Affairs Report Form according to the instructions provided.
 - d. Have the complainant sign the completed form. If the complainant will not sign the form, the officer receiving the complaint will so note that fact. However, the failure of a citizen to sign a complaint will in no way preclude the investigation of the allegations.

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6. All department personnel are directed to accept reports of officer misconduct from anonymous sources. If the anonymous complainant is talking to an officer, the officer should encourage him to submit his complaint in person. In any case, the complaint will be accepted.
 - a. 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.
7. Complaints shall be handled as follows:
 - a. All complaints will be forwarded to the Internal Affairs Unit for screening and entry into the record keeping system.
 - b. Complaints of demeanor and minor rule infractions shall then be forwarded to the supervisor of the subject officer.
 - c. All other complaints shall be retained by the Internal Affairs Unit, including complaints of:
 - (1) criminal activity;
 - (2) excessive force;
 - (3) improper arrest;
 - (4) improper entry;
 - (5) improper search;
 - (6) differential treatment;
 - (7) serious rule infractions;
 - (8) repeated minor rule infractions
8. The subject officer shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy.

C. Suspension Pending Disposition or Investigation

1. A supervisor, commander or law enforcement executive 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 person 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 while on-duty, or the criminal act related to his or her employment.
2. The supervisor imposing the immediate suspension must:
- a. Advise the employee in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges.
 - (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.
 - b. Provide the employee with sufficient opportunity to review the charges and the evidence and to respond either orally or in writing.
 - c. Advise his immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
3. Within five days of the suspension, the department must complete and file formal charges against the suspended employee or return the employee to work.
- D. Investigation and Adjudication of Minor Complaints
- 1. Complaints of demeanor and minor rule infractions shall be forwarded to the subject officer's commanding officer. The commanding officer shall investigate the allegation of misconduct.
 - 2. The investigating officer shall interview the complainant, all witnesses and the subject officer, as well as review relevant reports, activity sheets, or dispatcher forms. The investigating officer 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 rule and regulation or agency procedures.

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- c. Not Sustained: The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
 - d. Unfounded: The alleged incident did not occur.
- 3. If the investigating officer determines the disposition of the complaint is unfounded, not sustained or exonerated, the investigation report is to be forwarded to internal affairs for review, and entry in the index file and filing.
- 4. Upon final disposition of the complaint, a letter shall be sent to the complainant by internal affairs explaining the outcome of the investigation.
- 5. Initiation of disciplinary action for minor complaints
 - a. The supervisor giving the performance notice, oral reprimand or written reprimand shall complete the appropriate disciplinary document.
 - b. The officer or employee shall be advised of the discipline and given a copy of the disciplinary document.
 - c. The supervisor will forward copies of the disciplinary document to the law enforcement executive for review, and to the Internal Affairs Unit for filing.
 - d. A copy of the disciplinary document will be placed in the officer's or employee's personnel file.
 - e. For oral reprimands or performance notices
 - (1) Six months¹¹ after the date of the approved, the disciplinary report shall be removed from the personnel file and destroyed, provided no other breach of discipline has occurred.
 - (2) The subject officer shall be notified in writing that the oral reprimand or performance notice has been purged.

¹¹In this model, six months is for example only, and is not a recommendation.

- f. For written reprimands
 - (1) The written reprimand will remain permanently in the officer's or employee's personnel file

E. 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. 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 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.
- 3. The internal affairs investigator shall interview the complainant, all witnesses and the subject officer, as well as review relevant reports and records, and obtain other relevant information and materials.
- 4. Interviewing the subject officer
 - a. The internal affairs investigator shall schedule an interview with the officer.
 - b. One person of the officer's choosing may attend the interview.
 - (1) 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.
 - c. Before questioning begins, inform the subject officer of:
 - (1) The nature of the complaint,
 - (2) The name of the person in charge of the interview, and the

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names of all persons who will be present during the interview.

- d. If the matter under investigation involves an administrative allegation, the officer will be advised of his or her duties and obligations to answer using the Administrative Advisement Form.
 - e. If the matter under investigation involves a possible criminal violation, the internal affairs investigator shall consult with the county prosecutor regarding the advisability of giving a *Miranda* warning to the subject officer.
 - f. Questioning sessions may be audio or video recorded.
 - g. 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 county prosecutor.
5. Upon completion of all possible avenues of inquiry, the internal affairs 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 §III.D.2 of this policy, include the following:
 - (1) Exonerated;
 - (2) Sustained;
 - (3) Not sustained;
 - (4) Unfounded.
6. Forward the completed reports through the internal affairs supervisor to the law enforcement executive.
7. The law enforcement executive, upon completion of the review of the report, supporting documentation and information gathered during any supplemental investigation, shall direct whatever action is deemed appropriate.
8. Upon completion of its investigation with a finding of exonerated, not sustained, or unfounded, internal affairs shall notify the subject officer in

writing of the disposition.

9. If the complaint is sustained and it is determined that formal charges should be preferred, the law enforcement executive shall direct internal affairs to prepare, sign, and serve charges upon the subject officer or employee.
 - a. The division commander, supervisor or internal affairs, as directed, shall prepare the formal notice of charges and hearing on the Charging Form.
10. 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 of plea shall be set within a reasonable time, at least five days after the date of service of the charges.
11. If the officer charged enters a plea of guilty, the law enforcement executive officer shall permit the officer to present factors in mitigation prior to assessing a penalty.
12. Conclusions of fact and the penalty imposed will be noted in the officer's personnel file after he 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.

F. Hearing

1. Upon written notice of a request for a hearing from the subject officer the law enforcement executive will set the date for the hearing within a reasonable time and arrange for the hearing of the charges.
2. Internal affairs 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.
3. In the event of a hearing, internal affairs will be responsible for preparing a discovery package from the internal affairs file, and providing it to the subject officer or his or her representative.
4. The hearing shall be held before the appropriate authority or the appropriate authority's designee.
5. All disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.

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6. The hearing authority is empowered to enter a finding of guilty or not guilty, or to modify the charges as deemed necessary. The decision of the hearing authority should be in writing and should be accompanied by findings of fact for each issue in the case.
 7. The hearing authority will fix any of the following punishments which it deems appropriate under the circumstances.
 - a. Counseling;
 - b. Oral reprimand or performance notice;
 - c. Written reprimand;
 - d. Monetary fine;
 - e. Transfer/reassignment;
 - f. Suspension without pay;
 - g. Loss of promotion opportunity;
 - h. Demotion;
 - i. Discharge from employment.
 8. A copy of the decision or order and accompanying findings and conclusions shall be delivered to the officer or employee who was the subject of the hearing and to the law enforcement executive if he was not the hearing authority.
 9. Upon completion of the hearing internal affairs will complete all required forms including the entry of the disposition in the index file.
 10. If the charges were sustained, internal affairs will cause the penalty to be carried out. The report shall be permanently placed in the officer's or employee's personnel file.
- G. Confidentiality
1. The progress of internal affairs investigations and all supporting materials are considered confidential information.
 2. Upon completing a case, internal affairs will enter the disposition in the index file.
 3. The contents of internal investigation case files will be retained in the Internal Affairs Unit. The files shall be clearly marked as confidential.
 4. Only the law enforcement executive or his designee is empowered to release publicly the details of an internal investigation or disciplinary action.

Appendix B

Sample Citizen Complaint Information Sheet

The members of the Anytown Police Department are committed to providing law enforcement services that are fair, effective, and impartially applied. It is in the best interests of everyone that your complaint about the performance of an individual officer is resolved fairly and promptly. The Police Department has formal procedures for investigating your complaint. These procedures ensure fairness and protect the rights of both citizens and law enforcement officers.

- ✓ Your complaint will be sent to a superior officer or a specially trained internal affairs officer who will conduct a thorough and objective investigation.
- ✓ You might be asked to help in the investigation by giving a detailed statement about what happened or providing other important information.
- ✓ All complaints against law enforcement officers are thoroughly investigated. You will be advised in writing of the outcome of the investigation.
- ✓ If our investigation shows that a crime might have been committed, the county prosecutor will be notified. You might be asked to testify in court.
- ✓ If our investigation results in an officer being charged with a violation of department rules, you might be asked to testify in a departmental hearing.
- ✓ If our investigation shows that the complaint is unfounded or that the officer acted properly, the matter will be closed.
- ✓ All disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.
- *It is unlawful to provide information in this matter which you do not believe to be true.*
- You may call the (INTERNAL AFFAIRS INVESTIGATOR) at (PHONE NUMBER) with any additional information or any questions about the case.

Appendix C

Internal Affairs Report Form

DEPARTMENT		ORI NO.		INTERNAL AFFAIRS CASE NO.	
PERSON MAKING REPORT					
NAME				ALIAS	
ADDRESS					
CITY		STATE	ZIP	PHONE	
DOB	SSN	AGE	SEX	RACE	
EMPLOYER/SCHOOL				PHONE	
ADDRESS			CITY	STATE	ZIP
INCIDENT					
NATURE OF COMPLAINT					
COMPLAINT AGAINST (NAME(s))				BADGE NO(s)	
DATE	TIME	DATE/TIME REPORTED		HOW REPORTED	
INCIDENT LOCATION			DIST/AREA	BEAT	
DESCRIPTION OF INCIDENT					
DESCRIPTION OF ANY INJURIES					
PLACE OF TREATMENT		DOCTOR'S NAME		DATE OF TREATMENT	
SIGNATURE OF COMPLAINANT (Optional)				DATE	
COMMENTS					
SIGNATURE			BADGE NO.	DATE RECEIVED	

Appendix D

Model Performance Notice

Police Department	
To: _____	Badge No. _____
You are hereby <input type="checkbox"/> Commended <input type="checkbox"/> Reprimanded for:	

From: _____	Date: _____

Appendix E

Sample Immediate Suspension Notice

TO: _____
(Name & Rank of Officer)

Date & Time: _____

TAKE NOTICE that you are suspended from duty effective immediately for the following reason:

- You are unfit for duty
- You are a hazard to other persons if permitted to remain on the job
- An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
- You have been formally charged with a first, second or third degree crime.
- You have been formally charged with a first, second, third or fourth degree crime while on-duty, or the criminal act is directly related to your employment.

The facts in support of the above reason are:

Supervisor making suspension

I hereby acknowledge receipt of this notice.

Signature: _____ Date: _____

Appendix F

Internal Affairs Complaint Notification

To: _____ Badge No. _____

You are hereby notified that an internal affairs complaint has been made against you.

This complaint involves an allegation of _____

_____ which occurred on or about _____.

You will be contacted by the investigator when you will be needed for an interview.

Signature: _____

Date: _____

Appendix G

Witness Acknowledgment Form

1. I acknowledge that I have been informed that I am a witness in an internal investigation.

This investigation concerns _____

2. I acknowledge my responsibility to answer truthfully all questions specifically related to the performance of my official duties.

3. I acknowledge that this investigation is confidential, and I am hereby ordered not to disclose any information discussed during this interview.

Signature: _____

Date: _____ Time: _____

Witnessed by: _____

Appendix H

Sample Administrative Advisement Form

Administrative Investigations Only

1. I am being questioned as part of an investigation by this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns

2. This is an administrative investigation. I will be asked questions specifically, narrowly and directly related to the performance of my official duties.
3. I may be subject to departmental discipline for refusing to answer a question directly related to the performance of my duties, or for not answering truthfully.
4. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.

Signature: _____

Date: _____ Time: _____

Witnessed by: _____

Appendix I

Miranda Warnings & Waiver

1. You have the right to remain silent and refuse to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to consult with an attorney at any time and have him present before and during questioning.
4. If you cannot afford an attorney one will be provided if you so desire prior to any questioning.
5. A decision to waive these rights is not final and you may withdraw your waiver whenever you wish either before or during questioning.

I acknowledge that I have been advised of my constitutional rights listed above.

Signature: _____

Date: _____ Time: _____

Do you understand each of these rights listed above? _____

Having these rights in mind, do you wish to talk to us now? _____

Signature: _____

Date: _____ Time: _____

Witnessed by: _____

Others Present: _____

Appendix J

Sample Use Immunity Grant Advisement Form "Garrity Warning"

1. I am being questioned as part of an investigation by this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns

2. I have invoked my *Miranda* rights on the grounds that I might incriminate myself in a criminal matter.
3. I have been granted use immunity. No answer given by me, nor evidence derived from the answer, may be used against me in any criminal proceeding, except for perjury or false swearing.
4. I understand that I must now answer questions specifically, directly and narrowly related to the performance of my official duties or my fitness for office.
5. If I refuse to answer, I may be subject to discipline for that refusal which can result in my dismissal from this agency.
6. Anything I say may be used against me in any subsequent department charges.
7. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.

Assistant Prosecutor/Deputy Attorney General Authorizing: _____

Signature: _____

Date: _____ Time: _____

Location: _____

Witnessed by: _____

Appendix K

Sample Response Letters

Report Acknowledgment

This will acknowledge receipt of the report made by you on [DATE OF REPORT] concerning the actions of a member of this department occurring on [DATE OF INCIDENT].

An investigation will be conducted into the allegations contained in your report and you will be advised of the results of the investigation upon its conclusion. In the meantime, if you have any questions, please feel free to contact this office by calling 555-5555, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

Officer Exonerated

The Internal Affairs Unit of this department has completed its investigation of your report concerning the conduct of [NAME OF SUBJECT OFFICER]. The investigation and a review of all information currently available to this office indicates that the officer followed the appropriate department policies and procedures.

If you have any additional information which you believe should be considered, please contact the Internal Affairs Unit at 555-5555.

Thank you for bringing this matter to our attention.

Not Sustained

The Internal Affairs Unit of this department has completed its investigation of your report concerning the conduct of [NAME OF SUBJECT OFFICER]. The investigation and a review of all information failed to disclose sufficient evidence to clearly prove or disprove the allegation.

If you have additional information which you believe should be considered, please contact the Internal Affairs Unit at 555-5555. If no additional information is received within ten days, this case will be considered closed.

Thank you for bringing this matter to our attention.

Unfounded

The Internal Affairs Unit of this department has completed its investigation of your report concerning the conduct of [NAME OF SUBJECT OFFICER]. The investigation revealed that the alleged incident did not occur.

If you have additional information which you believe should be considered, please contact the Internal Affairs Unit at 555-5555. If no additional information is received within ten days, this case will be considered closed.

Thank you for bringing this matter to our attention.

Sustained

The Internal Affairs Unit of this department has completed its investigation of your report concerning the conduct of [NAME OF SUBJECT OFFICER]. The investigation revealed that the officer violated departmental rules and regulations. He/she will be subject to appropriate discipline under our agency's procedures.

If you have any questions, please feel free to contact the Internal Affairs Unit at 555-5555.

Thank you for bringing this matter to our attention.

Appendix L

Sample Case Checklist and Summary Sheet

IA Case # _____ Date received: _____

Type of complaint: _____

Principal person(s): _____

- N/A Complaint form completed
- N/A Prosecutor's Office notified
- N/A Citizen Information form given to complainant
- N/A Complaint information entered into computer/index file
- N/A Officer notified of complaint
- N/A Department reports received
- N/A Medical reports received
- N/A Photographs taken
- N/A Video tapes received
- N/A Communications tapes received
- N/A Interview of complainant
- N/A Interview of witnesses
- N/A Interview of officers
- N/A Special reports by officers received
- N/A Subject employee warnings
- N/A Interview of subject employee
- N/A Special report by subject employee
- N/A Evidence reports
- N/A Chronological record of investigation
- N/A Internal affairs investigation report
- N/A Officer notified of conclusion
- N/A Complainant notified of conclusion

Allegation	Conclusion
1.	<input type="checkbox"/> Sustained <input type="checkbox"/> Not Sustained <input type="checkbox"/> Unfounded <input type="checkbox"/> Exonerated
2.	<input type="checkbox"/> Sustained <input type="checkbox"/> Not Sustained <input type="checkbox"/> Unfounded <input type="checkbox"/> Exonerated
3.	<input type="checkbox"/> Sustained <input type="checkbox"/> Not Sustained <input type="checkbox"/> Unfounded <input type="checkbox"/> Exonerated

Date completed: _____

Disposition: _____

Appendix M

Statutes and Rules Recommended for Review

The chief executive officer and personnel assigned to the internal affairs unit shall familiarize themselves with the following statutes and rules.

State Statues Applicable to Municipal Police

<i>N.J.S.A. 40A:14-118</i>	Creation of municipal police force; designation of appropriate authority; adoption of rules and regulations; appointment of chief of police; chief's powers and duties
<i>N.J.S.A. 40A:14-128</i>	Term of Office
<i>N.J.S.A. 40A:14-147</i>	Disciplinary process for municipal police officers; suspension and removal; written charges and hearing; 45 day rule
<i>N.J.S.A. 40A:14-148</i>	Authority of hearing officer to obtain evidence
<i>N.J.S.A. 40A:14-149</i>	Suspension of a municipal police officer pending a hearing
<i>N.J.S.A. 40A:14-149.1</i>	Suspension of a municipal police officer charged with a criminal offense
<i>N.J.S.A. 40A:14-150</i>	judicial review of disciplinary determinations in non-civil service jurisdictions
<i>N.J.S.A. 40A:14-181</i>	Requires law enforcement agencies to establish internal affairs policy and procedures consistent with Attorney General's guidelines

State Statutes Applicable to County Police

<i>N.J.S.A. 40A:14-106</i>	Creation of county police force; adoption of rules and regulations
<i>N.J.S.A. 40A:14-106a</i>	Disciplinary process for county police officers; 45 day rule

State Statutes Applicable to County and Municipal Police

<i>N.J.S.A. 11A:2-13 to 2-22</i>	Provisions governing discipline in civil service jurisdictions; disciplinary hearings; appeals to the Merit System Board
<i>N.J.S.A. 11A:4-15</i>	Working test periods in civil service jurisdictions

Administrative Code Provisions Applicable to County and Municipal Police

Department of Personnel Rules

- | | |
|----------------------------------|------------------------------------|
| <i>N.J.A.C. 4A:2-2.1 to 2.12</i> | Major discipline |
| <i>N.J.A.C. 4A:2-3.1</i> | Minor discipline |
| <i>N.J.A.C. 4A:2-4.1 to 4.3</i> | Termination of working test period |
| <i>N.J.A.C. 4A:4-5.1 to 5.5</i> | Working test periods |

Appendix N

Department of Personnel Time Table and Steps for Disciplinary Action

IMMEDIATE SUSPENSION WITHOUT PAY

TO IMPLEMENT:

	TIME	STEP
A.	Before suspension	Determine whether one of the conditions for immediate suspension exists: <ol style="list-style-type: none">1. The employee is unfit for duty;2. The employee is a hazard to any person if permitted to remain on the job; or3. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services;4. The employee has been formally charged with a crime of the first, second or third degree, or a crime of the fourth degree on the job or directly related to the job.
B.	Before suspension	To comply with "Loudermill" hearing requirements: Advise the employee either orally or in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges. Provide the employee with sufficient opportunity to review the charges and the evidence and to respond either orally or in writing (at the discretion of the appointing authority), before a representative of the appointing authority.
C.	Within five days	Serve Preliminary Notice of Disciplinary Action (DPF-31A) following suspension.
D.	Within five days following service of DPF-31A, or longer as specified in contract.	Employee may request a departmental hearing on charges specified in the DPF-31A.

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- | | | |
|----|---|--|
| E. | Within 30 days following service of DPF-3IA, unless longer time agreed to by parties. | Hold departmental hearing. |
| F. | Within 20 days following departmental hearing. | Serve Final Notice of Disciplinary Action (DPF-3IB). |

IMMEDIATE SUSPENSION WITH PAY

TO IMPLEMENT:

- | TIME | STEP |
|------|--|
| A. | Before suspension
Determine whether one of the conditions for immediate suspension has been met:

<ol style="list-style-type: none">1. The employee is unfit for duty; or2. The employee is a hazard to any person if permitted to remain on the job; or3. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or4. The employee has been formally charged with a crime of the first, second or third degree, or a crime of the fourth degree on the job or directly related to the job. |
| B. | Before suspension
Secure authorization of department head for suspension with pay. |
| C. | Within five days following suspension
Serve Preliminary Notice of Disciplinary Action (DPF-3IA). |
| D. | Within five days following service of DPF-31A, or longer time as specified in contract.
Employee may request a departmental hearing. |
| E. | Within 30 days following service of DPF-3IA, unless longer time agreed to by parties.
Hold departmental hearing. |

- F. Within 20 days following departmental hearing. Serve Final Notice of Disciplinary Action (DPF-31B).
Suspension can be imposed upon service of DPF-31B.

FINE (In lieu of suspension)

TO IMPLEMENT:

	TIME	STEP
A.	Before fine	Determine whether one of the conditions for a fine in lieu of suspension has been met: 1. Restitution; or 2. Suspension of the employee would be detrimental to the public health, safety or welfare; or 3. Employee has agreed to a fine as disciplinary option.
B.	Before fine	Serve Preliminary Notice of Disciplinary Action (DPF-31A)
C.	Within five days following service of DPF-31A, or longer time as specified in contract.	Employee may request a departmental hearing.
D.	Within 30 days following service of DPF-31A, unless longer time agreed to by parties.	Hold departmental hearing.
E.	Within 20 days following departmental hearing.	Serve Final Notice of Disciplinary Action (DPF-31B). Fine can be imposed upon service of DPF-31B.

SUSPENSION OF MORE THAN FIVE DAYS, DEMOTION OR REMOVAL

TO IMPLEMENT:

	TIME	STEP
A.	Before major disciplinary action.	Serve Preliminary Notice of Disciplinary Action (DPF-31A).
B.	Within five days following service of DPF-31A, or longer time as specified in contract.	Employee may request a departmental hearing.
C.	Within 30 days following service of DPF-31A, unless longer time agreed to by parties.	Hold departmental hearing.
D.	Within 20 days following departmental hearing.	Serve Final Notice of Disciplinary Action (DPF-31B). Major disciplinary action can be imposed upon service of DPF-31B.

Appendix O

Department of Personnel Preliminary Notice of Disciplinary Action

INSTRUCTIONS This notice must be served on a permanent employee or an employee serving a working test period in the classified service against whom one of the following types of disciplinary action is contemplated (a) suspension or fine of more than five days at one time; (b) suspensions or fines more than three times or for an aggregate of more than fifteen days in one calendar year; (c) disciplinary demotion from a title in which the employee has permanent status or to which the employee has received a regular appointment; (d) removal; (e) resignation not in good standing. A copy of this preliminary notice must be sent to the Department of Personnel. Subsequent to the day of hearing by the appointing authority, the employees and the Department of Personnel must be served with form DPF-31 B, Final Notice of Disciplinary Action.

FROM:	JURISDICTION (Local Service)		DEPARTMENT		
	DIVISION, INSTITUTION OR AGENCY	STATE PAYROLL NUMBER	ADDRESS		DATE
TO:	NAME OF EMPLOYEE		TITLE		SOCIAL SECURITY NUMBER
	STREET			CITY AND STATE	

1. You are hereby notified that the following charge(s) has been made against you:
(If necessary use additional sheets and attach.)

CHARGE(S):

SPECIFICATION(S):

If checked charges are continued on attached page.

If checked specifications are continued on attached page.

You are hereby suspended effective _____
(Check box and indicate if employee is suspended pending final disposition of the matter.)

2. IF YOU DESIRE A DEPARTMENTAL HEARING ON THE ABOVE CHARGE(S), NOTIFY THIS OFFICE WITHIN _____ DAYS OF RECEIPT OF THIS FORM. IF YOU REQUEST A DEPARTMENTAL HEARING IT WILL BE HELD ON _____, 19__ at (time) _____ at (place of hearing) _____
** Must be minimum of five days*

3. The following disciplinary action may be taken against you:

- Suspension for _____ days, beginning _____ and ending _____
- Removal, effective (date) _____
- Demotion to position of _____ effective (date) _____
- Resignation not in good standing, effective (date) _____
- Fine \$ _____ which is equal to _____ days pay Other disciplinary action: (explain on attached page)

SIGNATURE _____ TITLE _____
(Appointing Authority or authorized agency)

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Method of Service <i>(Check One)</i>	<input type="checkbox"/> PERSONAL SERVICE ◇	NAME AND TITLE OF SERVER	DATE SERVED
	<input type="checkbox"/> CERTIFIED OR REGISTERED MAIL ◇	Give date of receipt by employee or agent as shown on return receipt postal card and the receipt number:	

Appendix P

Department of Personnel Final Notice of Disciplinary Action

INSTRUCTIONS This notice must be served on a permanent employee or an employee serving a working test period in the classified service after a hearing of one of the following types of disciplinary action is taken: (a) suspension or fine of more than five days at one time; (b) suspensions or fines more than three times or for an aggregate of more than fifteen days in one calendar year; (c) disciplinary demotion from a title in which the employee has permanent status or received a regular appointment; (d) removal; or (e) resignation not in good standing. If the employee does not request or does not appear at the hearing this notice must be served as the final action. A copy of this preliminary notice must be sent to the Department of Personnel and served on the employee by personal service or certified or registered mail.

FROM:	JURISDICTION (Local Service)		DEPARTMENT	
	DIVISION, INSTITUTION OR AGENCY	STATE PAYROLL NUMBER	ADDRESS	DATE
TO:	NAME OF EMPLOYEE		TITLE	SOCIAL SECURITY NUMBER
	STREET		CITY AND STATE	

1. On _____ you were served with a Preliminary Notice of Disciplinary Action (DPF-31A) and notified of the pending disciplinary action

- You requested a hearing which was held on _____
- You did not request a hearing
- You requested a hearing and did not appear at the designated time and place

The following charge(s) was dismissed

The following charge(s) was sustained

If checked charges are continued on attached page.

If checked charges are continued on the attached page.

2. The following disciplinary action may be taken against you:

- Suspension for _____ days, beginning _____ and ending _____
- Removal, effective (date) _____
- Demotion to position of _____ effective (date) _____
- Resignation not in good standing, effective (date) _____
- Fine \$ _____ which is equal to _____ days pay _____ Other disciplinary action: (explain on attached page)

SIGNATURE _____
(Appointing Authority or Authorized agent)

TITLE _____

3. METHOD OF SERVICE (Check One)	<input type="checkbox"/> PERSONAL SERVICE ➡	NAME AND TITLE OF SERVER	DATE SERVED
	<input type="checkbox"/> CERTIFIED OR REGISTERED MAIL ➡	Give date of receipt by employee or agent as shown on return receipt postal card and the receipt number:	

4. **APPEAL PROCEDURE TO THE EMPLOYEE:** You have a right to appeal disciplinary actions: (a) suspension or fine of more than five days at one time; (b) suspensions or fines more than three times or for an aggregate of more than fifteen days in one calendar year; (c) disciplinary demotion; (d) removal; or (e) resignation not in good standing. Your letter of appeal must be filed with the Merit System Board within 20 days of receipt of this form. Appeals must be sent to: Merit System Board, Front & Montgomery Streets, CN 312, Trenton, N.J. 08625. Appeals must be sent directly to the Merit System Board. Do not give your appeal to your Personnel Office for forwarding to the Merit System Board.

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Appendix Q

Sample Internal Affairs Case Index

Officer	Complainant	Allegation	Status
Ptl. John Doe w/m/31	Jane Smith b/f/22	Attitude & demeanor during an MV stop	Pending
Sgt. Mary Jones b/f/33	Lt. Fred Clock w/m/38	Abuse of sick leave	Investigation complete; pending disciplinary charges
Ptl. Bill Gates w/m/23	Bob Jobs w/m/17	Differential treatment	Closed; Complainant withdrew complaint

Appendix R

Internal Affairs Summary Report Form

Section IV.14b.

INTERNAL AFFAIRS SUMMARY REPORT FORM

Agency: _____ County: _____

Reporting Period: _____ to _____

Type of Complaint	Cases Pending From Prior Years	Cases Received This Year	Total Cases	Number of Dispositions				Administratively Closed	Cases Pending End of Year
				Charge	Internal Disciplinary Action	Exonerated	Not Sustained		
Excessive Force									
Improper Arrest									
Improper Entry									
Improper Search									
Differential Treatment									
Demecnor									
Other Rule Violation									
Other Criminal Violation									
TOTAL									

Instructions for the Internal Affairs Summary Report Form

Unit of Measurement

The unit of measurement for this chart is the case. A "case" is defined as a single incident and the officer involved. If there are multiple officers involved in a situation, each officer who had a complaint filed against him or her is to be counted separately for the purposes of this report. The agency for whom the officer works should report the complaint and the disposition. For example, if the Prosecutor's Office is investigating the criminal allegation of a municipal police officer, the municipality would report the results of the investigation, not the prosecutor's office.

Each case is to be classified as one of the seven types of complaints outlined below. Their order, from top to bottom on the left hand column of the report form, reflect their relative seriousness. Should an officer have more than one type of complaint filed arising from the same incident, record the disposition in the complaint category which represent the most serious charge. Only one disposition and one type of complaint should be reported for each case.

Disposition is defined as any case which includes a conclusion of fact of sustained criminal, sustained rule violation, exonerated, not sustained or unfounded, notwithstanding that further events, such as a court case in sustained criminal complaints, may be necessary to formalize closure. Any cases that are under review but do not have a conclusion by reporting year end (December 31 of the reporting year) are considered pending.

Examples of cases and how they are classified can be found at the end of these instructions.

Types of Complaints

The complaint type categories listed along the left hand column are:

Excessive force: Complaint regarding the use or threatened use of excessive force against a person.

Improper Arrest: Complaint that the restraint of a person's liberty was improper or unjust, or violated the person's civil rights.

Improper Entry: Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.

Improper Search: Complaint that the search of a person or property was improper, unjust, violated established agency procedures, or violated the person's civil rights.

Differential treatment: Complaint that the taking, failure to take, or method of police action was predicated upon irrelevant factors such as race, appearance, age, or sex.

Demeanor: Complaint that a department member's bearing, gestures, language or other

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actions were inappropriate.

Other rule violation: Complaint for conduct which violates agency rules, but is not specified above. This includes conduct such as insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering, untidiness, tardiness, faulty driving, or failure to follow procedures.

Other criminal violation: Complaint regarding the commission of an illegal act, but is not specified above.

Manner of Disposition

The disposition categories are:

1. **Sustained, Criminal Charge**

The investigation disclosed sufficient evidence to prove the allegation involved criminal behavior, and a criminal complaint was or will be filed.

2. **Sustained, Internal Disciplinary Action**

The investigation disclosed sufficient evidence to prove the allegation involved a rule violation, and the officer was or will be charged with an administrative rule violation.

3. **Exonerated**

The alleged incident did occur, but the actions of the officer were justified, legal and proper.

4. **Not Sustained**

The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

5. **Unfounded**

The alleged incident did not occur.

Administratively Closed

In some cases, the complaint or investigation is closed prior to reaching a disposition. These should be counted as "Administratively Closed." Examples include situations when a complainant voluntarily requests that a complaint be withdrawn, or the subject officer terminates his or her employment prior to disposition of the complaint.

Completing the Form

Instructions below assist in the completing of the form. Remember that the unit of measurement is a case, defined as a single incident and the officer involved. Only one type of complaint should be reported for each case, even if an officer is charged with more than one type of violation.

1. Cases pending from last year.

For each complaint type, enter the number of cases pending from the prior reporting year.

2. Cases received this year.

For each complaint type, enter the number of cases received in the reporting year, remembering to record only the most serious complaint alleged for each case.

3. Total cases.

The sum of column # 1 and column # 2.

4. Number of dispositions.

Record the number of dispositions for each category as outlined in the instruction above, remembering to only record the disposition of the highest type of complaint alleged.

5. Administratively Closed

Record the number of cases which were administratively closed, remembering to only record the disposition of the highest type of complaint alleged.

6. Cases pending at end of year.

Record the number of cases pending at the end of the reporting year (this will then be the first column of the next year's internal affairs summary report form).

Note that Total Cases minus the number of cases closed (Number of Dispositions and cases Administratively Closed) should equal the Cases Pending at End of Year.