NEWTON POLICE DEPARTMENT

POLICY AND PROCEDURE

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SUBJECT: INTERNAL AFFAIRS FUNCTION			ACCREDITATION/STANDARDS:
ISSUING AUTHORITY: CHIEF MICHAEL S. RICHARDS			
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PURPOSE:

The purpose of this policy is to guide members and employees of this Department to continuously strive to provide law enforcement services that are fair, effective and impartially applied. The internal affairs function will facilitate that commitment by:

- Ensuring the highest professional standards for the law enforcement agency is not falling short of its intended goals.
- Providing citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement officers.
- Protecting officers from false charges of misconduct or wrongdoing and provide accused officers with due process safeguards.
- Monitoring officer's compliance with Department rules and regulations, policies and procedures and ensuring officers' fitness for duty.
- Identifying problem areas in which increased training or supervision is necessary.
- Identifying and correcting unclear or inappropriate department policies/procedures.

POLICY:

The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. It is the policy of the Newton Police Department to accept and investigate any and all complaints of alleged officer misconduct or wrongdoing from any citizen or agency employee, regardless of the hour or day of the week. This includes reports from anonymous sources, juveniles, undocumented immigrants, and persons under arrest or in custody. All allegations will be investigated to their logical conclusion. Following a thorough and impartial examination of the available factual information, the case report will include a final disposition. If discipline is in order, it shall be administered according to the degree of misconduct.

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. The Internal Affairs Officer shall have attended internal affairs training as mandated by the NJ Division of Criminal Justice. This written directive has been developed in accordance with the revised New Jersey Attorney General Directive on Internal Affairs 2019-5.

There is no greater threat to the mission of the police department than to lose public confidence in our ability to respond as professionals. Members of the department are expected to be motivated by a moral and professional obligation to perform their job to the best of their ability and to conduct themselves so as to merit the trust placed in them by the public. Serving as a member of the Newton Police Department requires that we adopt a professional philosophy rather than simply considering our responsibilities as an occupation. Maintaining a positive relationship between the police department and the citizens we serve facilitates the degree of cooperation that is vital to the department's ability to achieve its goals. The public must have absolute confidence in the integrity of the internal affairs process since it represents the standard for addressing allegations of employee misconduct.

All employees, especially those sworn to uphold the law, must accept as part of their office the obligation to be truthful in all investigations. Therefore, it is essential that all employees be completely truthful and forthright in all facets of the internal affairs process. To mislead or lie is to demonstrate a character flaw that is inconsistent with the law enforcement calling. Additionally, lying in an internal affairs investigation will frustrate the process and quickly erode the public trust and discipline within the Department. This agency is committed to taking the necessary steps of removing from our ranks any employee who is untruthful in an internal affairs investigation. Accordingly, all employees must understand that lying in an internal affairs investigation is synonymous with forfeiting one's employment with the Department.

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. A thorough investigation must be conducted in each case to determine if an employee is unwilling, unable or unfit to perform their assigned duties. Disciplinary action in all matters will be determined based upon the merits of each case. Misconduct occurring while off-duty or outside of the jurisdiction of the Town of Newton is also subject to disciplinary action.

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. The inspectional process which is a component of the internal affairs function is an essential mechanism for evaluating the quality of the department's operations; ensuring that the department's goals are being pursued; and identifying the need for additional resources. Special emphasis is placed on recruitment, selection and training of officers and supervisors, and the analysis of misconduct complaints and their outcome. The term "Disciplined" should be viewed as being well coached through a process of instruction, counseling and consequence and not solely viewed as punishment or as a means of controlling. Discipline should not engender a strictly negative connotation, as the disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale.

- Training is a component of discipline that may be the desirable alternative to other discipline in situations where the actions giving rise to the initial complaint were not deemed to be an intentional violation of established department directives. Training may also be appropriate in situations where the complaint reveals a very minor or technical violation that likely requires no more than a reinforcement of existing directives to correct the employee's behavior.

- Counseling as a component of discipline is an alternative for adjudicating minor complaints that should be considered when the need to address the employee in a forthright manner clearly exists, but the greater good will likely be served by limiting the discipline to formal counseling in lieu of punitive discipline. Counseling is not appropriate for serious violations or in situations where the offending employee's behavior is part of a continuing course of problematic behavior.

- Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department. The Rules and Regulations set forth a schedule depicting the classes of offenses and recommended penalties for all violations charged under the rules and regulations.

PROCEDURE:

I. INTERNAL AFFAIRS FUNCTION

A. The Internal Affairs Responsibility is herein established. The personnel assigned to the Internal Affairs function shall serve at the pleasure of and be directly responsible to the Chief of Police. Primarily, the duties and responsibilities associated with this function are shared by each Division Commander.

1. The goal of Internal Affairs is to ensure 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. Those officers who have been assigned the authority within the internal affairs function bear with it the responsibility and obligation to discipline officers fairly and consistently and complete training as mandated by the Division of Criminal Justice. Additionally, investigators must recuse from cases where they have a conflict of interest that may prevent them from being impartial in the investigation of a subject employee.

3. The Chief of Police will not assign any personnel charged with the representation of members of the collective bargaining unit to the internal affairs function.

4. Notwithstanding any other notification protocol herein included, the Chief of Police must be immediately advised of any allegation of wrongdoing on the part of an employee that would constitute a criminal offense or has the potential to have a significant negative impact on the operation or reputation of the Department.

5. The internal affairs function shall be responsible for the investigation and review of all allegations of misconduct by members of this department.

a. Misconduct is defined as:

(1) Commission of a crime or an offense (Refer to the Sussex County Prosecutor's Office);
(2) Violation of departmental rules and regulations, policy, procedures and special orders or;
(3) Conduct which adversely reflects upon the officer or the department.

6. In addition to investigations concerning allegations of criminal and administrative Misconduct, the Internal Affairs Unit shall receive notice of:

a. Any firearm discharge by department personnel, whether on-duty or off-duty, unless the discharge occurred during the course of a law enforcement training exercise; routine target practice at a firing range; a lawful animal hunt; or the humane killing of an injured animal;

b. Any discharge of an agency-owned firearm by anyone other than agency personnel;

c. Any use of force by agency personnel that results in injury to any person,

d. Any vehicular pursuit involving agency personnel; and

e. Any collision involving agency-owned vehicle.

7. Once notification has been received, internal affairs will determine whether additional Investigation is necessary.

8. The authority to issue disciplinary action shall be as follows:

Rank	Level of Disciplinary Action Authorized
Town Manager	Termination
Chief of Police	All Minor Discipline, Major Discipline w/Approval of Town Manager
Lieutenant	Written Reprimand and Oral Reprimand
Sergeant	Written Reprimand w/Approval of Lieutenant or Chief, Oral Reprimand
Shift Supervisor	Emergency Suspension until next business day

9. The department will utilize a comprehensive centralized and secure administrative database for maintaining all records of the internal affairs function. All complaints, whether investigated by an internal affairs officer or assigned to the officer's supervisor for investigation and disposition, will be recorded in this database.

a. To assure confidentiality, the database can be accessed only by the Police Chief and those personnel who have been assigned duties of the internal affairs function. At least every six months, personnel assigned to manage the EW system (AG Directive 2018-3) shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

b. The database will also be used to detect patterns and trends of employee performance before conduct develops into more serious infractions or potentially escalating risk of harm to the public, the agency and/or the officer. The EW system will make record of and cause the review and investigation of incidents of the following performance indicators:

(1) Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
(2) Civil actions filed against the officer
(3) Criminal investigations of or criminal complaints against the officer (if EW system notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the EW system review process);

(4) Any use of force by the officer that is formally determined or adjudicated

(for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable;
(5) Domestic violence investigations in which the officer is an alleged subject;
(6) An arrest of the officer, including on a driving under the influence charge;
(7) Sexual harassment claims against the officer;
(8) Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
(9) A positive drug test by the officer;
(10) Cases or arrests by the officer that are rejected or dismissed by a Court;
(11) Cases in which evidence obtained by an officer is suppressed by a Court;
(12) Insubordination by the Officer;
(13) Neglect of duty by the Officer;
(14) Unexcused absences by the Officer; and
(15) Any other indicators, as determined by the Chief of Police.

c. At a minimum, upon (3) separate instances of the above performance indicators occurring within any twelve-month period, the early warning review process shall be initiated.

d. When the EW system process is initiated, the Operations Division Commander should (1) formally notify the subject officer, in writing; (2) conference with the subject officer and appropriate supervisory personnel; (3) develop and administer a remedial program including the appropriate remedial/corrective actions listed below; (4) continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer); (5) document and report findings to the Chief of Police. Any statement made by the subject in connection with the EW system review process may not be used against the subject officer in any disciplinary or other proceeding.

e. Remedial/corrective action may include the following:

(1) Training or re-training;
(2) Counseling;
(3) Intensive supervision;
(4) Fitness-for-duty examination;
(5) Employee Assistance Program (EAP) referral; and
(6) Any other appropriate remedial or corrective action, such as disciplinary action, in Accordance with internal affairs guidelines and applicable law.

f. If any officer who is or has been subject to an EW system review process applies to or accepts employment at another law enforcement agency, it is our agency's responsibility to notify the other agency of the officer's EW system review process history and outcomes. Upon request the officer's files shall be shared.

g. Upon initiation of the EW system review process, the Chief of Police shall make a confidential written notification to the County Prosecutor of the identity of the subject officer, the nature of the triggering performance indicators and the planned remedial program. Upon completion of the EW system review process, the Chief of Police shall make a confidential written notifications to the County Prosecutor of the outcome of the EW system

review, including any remedial measures taken on behalf of the subject officer.

10. The inspectional services component of the internal affairs function shall be both an ongoing activity that ensures that employees are adhering to agency directives and orders as well as to provide a periodic review of the department's administrative procedures and facilities.

B. The Chief of Police is responsible for the following:

1. Implementing the internal affairs policy within the agency.

2. Reviewing internal affairs policy within the agency.

3. Conducting investigation into any reports of misconduct that may be alleged against the member of the Police Department who is next in command.

4. Annually reviewing and modifying policies from Functional Areas 1 and 2 of the written directive System to ensure that they are current, lawful and in accordance with any other directives or Policies issued by the County Prosecutor, Attorney General or relevant Court decisions.

C. The Operations Division Commander is responsible for the overall management and record-keeping of the internal affairs function. The Operations Division Commander will also be responsible for the following components of the internal affairs function:

1. Initial review of any allegations of employee misconduct and entry of the information into the internal affairs administrative database.

a. The Operations Division Commander shall be responsible for preparing and mailing a Complaint Acknowledgment Letter to all civilian complainants.

b. If the misconduct alleged may involve the possibility of a criminal act on the part of the accused officer, the Chief of Police and the Sussex County Prosecutor's Office shall be notified immediately. No further action shall be taken, including the filing of charges against the officer, until directed by the Sussex County Prosecutor's Office.

2. The Operations Division Commander is responsible for the investigation of allegations of misconduct that occurs while on-duty involving members of the Operations Division as well as investigating any allegations of misconduct that occurs involving any department employee while they are off-duty. Subsequent to the investigation, the division commander shall be responsible for recommending and/or imposing the appropriate disciplinary action.

3. The Operations Division Commander is responsible for the entry of all information related to any disciplinary action, complaints and dispositions into the computerized administrative database.

4. Reviewing the discharge of firearms by department personnel both on-duty and off-duty;

however firearms qualifications that are authorized through the Chief of Police are excluded. Any discharge of an agency-owned firearm by anyone other than agency personnel.

5. Investigation and review of Vehicle Pursuits. Any collision involving agency-owned vehicle

6. The Operations Division Commander shall investigate and review all Use of Force incidents.

7. Conduct any other investigation as directed by the Chief of Police.

8. The Operations Division Commander may conduct an internal affairs investigation on his/her own initiative upon notice to, or at the direction of the Chief of Police.

9. The Operations Division Commander will review and either approve or disapprove any written reprimands sought to be issued by a Sergeant.

10. The Operations Division Commander may refer investigations to the employee's supervisor for investigation and resolution.

11. The Operations Division Commander shall have the authority to interview any member of the department and to review any records or reports of the department relative to their assignment.

12. The Operations Division Commander shall prepare quarterly reports that summarize the nature and disposition of all misconduct complaints received by the agency for submission to the Chief of Police.

    a. Copies of the internal affairs report shall be distributed to the other Division Commanders, to all Sergeants and to a designated representative of the Collective Bargaining Unit.

    b. Recommendations shall be made for corrective actions for any developing patterns of abuse or problems.

13. The Operations Division Commander shall prepare an annual report summarizing the types of complaints received and the dispositions of the complaints that will be forwarded to the Sussex County Prosecutors Office. The names of complainants and accused officers shall not be published in this report.

14. The Operations Division Commander shall monitor employee performance trends, enter pertinent information into the administrative database to maintain the department's early warning system and develop appropriate management and supervisory strategies to effectively deal with the emerging potential problems before formal discipline is warranted.

    a. Remedial intervention may include training, re-training, counseling and intensive supervision.

b. If the actions of the officer indicate a question about the officer's fitness for duty, then the Operations Division Commander should arrange, upon the approval of the Chief of Police, for the officer to be examined for his or her fitness for duty, either physically or psychologically.

(1) New Jersey law mandates that all police officers are to be free from any physical, emotional, and/or mental condition(s) that might adversely affect the lawful exercise of his or her powers in the performance of their duties.

(2) Additionally, when an officer has experienced an injury, illness or other medical condition, a fitness for duty evaluation may be ordered prior to an officer being allowed to return to full duty; or after an officer has returned to full duty and it becomes evident to a reasonable person that the injury, illness or other medical condition is preventing the officer from performing his or her duties to their fullest capacity where the safety of the officer, other officers or the public could be at risk.

15. The Operations Division Commander will be responsible for inspection of the personnel assigned under his or her command:

a. To ensure that members of the Operations Division adhere to rules/regulations, policies and procedures.

b. Annually reviewing and modifying polices from Functional Areas 3, 4 and 5 of the written directive system to ensure that they are current, lawful and in accordance with any other directives or polices issued by the County Prosecutor, Attorney General or relevant Court decisions.

D. The Detective Bureau Supervisor may fulfill the responsibilities listed for the Operations Division Commander in his absence. The Detective Bureau Supervisor is responsible for the following components of the internal affairs function:

1. Assist the Operations Division Commander with investigations into allegations of serious misconduct; i.e. Complex investigations or investigations alleging criminal activity in cooperation with the Sussex County Prosecutor's Office or when they have referred the case back to the department to handle administratively.

2. The Detective Bureau Supervisor will be responsible for investigating allegations of misconduct occurring while on-duty involving members of the Detective Bureau. Subsequent to the investigation, the Detective Sergeant shall be responsible for recommending and/or imposing the appropriate disciplinary action.

3. The Detective Bureau Supervisor shall be responsible for any other investigation as directed by the Chief of Police.

4. He shall have the authority to interview any member of the department and to review any records or reports of the department relative to their assignment.

5. The Detective Bureau Supervisor may conduct an internal affairs investigation on his/her own initiative upon notice to, or at the direction of the Chief of Police.

6. The Detective Bureau Supervisor will be responsible for inspection of the personnel assigned under his or her command:

   a. To ensure that members of the Detective Bureau adhere to rules/regulations, policies and procedures.

   b. Annually reviewing and modifying polices from Functional Areas 7 and 8 of the written directive system to ensure that they are current, lawful and in accordance with any other directives or polices issued by the County Prosecutor, Attorney General or relevant Court decisions.

E. The Support Services Division Commander is responsible for the following components of the internal affairs function:

1. The Support Services Division Commander will be responsible for investigating allegations of misconduct occurring while on-duty involving communications operators and school crossing guards. Subsequent to the investigation, the Division Commander shall be responsible for recommending and/or imposing the appropriate disciplinary action.

2. The Support Services Division Commander will be responsible for inspection of the personnel assigned under his or her command:

   a. To ensure that members of the Support Services Division adhere to rules/regulations, policies and procedures.

   b. Annually reviewing and modifying polices from functional Area 6 of the written directive system to ensure that they are current, lawful and in accordance with any other directives or polices issued by the County Prosecutor, Attorney General or relevant Court decisions.

F. The Patrol Sergeant or senior officer in charge on duty is responsible for the following components of the internal affairs function:

1. Patrol Sergeants are responsible for the daily inspection of the personnel assigned under his or her command supervision to ensure adherence to all rules/regulations, policies and procedures.

2. Patrol Sergeants may be assigned to further investigate minor complaints by the Operations Division Commander.

   a. Patrol Sergeants are authorized to issue performance notices in instances of special recognition, remedial training and counseling.

   b. Oral reprimands and written reprimands may be issued by a Sergeant to a subordinate employee on the Notice of Minor Disciplinary Action form; however written reprimands must receive prior approval from the Operations Division

Commander.

II. SPECIFIC CATEGORIES OF MISCONDUCT

A. There are specific categories of misconduct (whether criminal or administrative) that are subject to disciplinary action. Generally, misconduct is defined as behavior that a reasonable person would consider to be inappropriate. Any incident of inappropriate behavior may fall into one or more of the following categories.

1. CRIMINAL ACTIVITY: Complaint regarding an employee's involvement in illegal behavior, such as bribery, theft, perjury or narcotics violations.

2. EXCESSIVE FORCE: Complaint regarding the use or threatened use of excessive force against a person.

3. IMPROPER or UNJUST ARREST/SEIZURE: Complaint that the restraint of a person's liberty was improper or unjust.

4. IMPROPER or EXCESSIVE ENTRY: Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.

5. IMPROPER or UNJUSTIFIED SEARCH: Complaint that the search of a person or property was improper, unjustified, unlawful or otherwise in violation of established police procedures.

6. SERIOUS DIFFERENTIAL TREATMENT or DEMEANOR: Complaint that the taking, failing to take, or method of police action was predicated upon irrelevant factors such as race, attire, age or sex. Complaint that a department member's bearing, gestures, language or other actions were inappropriate.

7. SERIOUS RULE INFRACTIONS: Complaint such as disrespect toward a supervisor(s), drunkenness on duty, sleeping on duty, neglect of duty, false statements, malingering or other serious violations of the Department Rules and Regulations.

8. REPEATED MINOR RULE INFRACTIONS: Complaint such as untidiness, tardiness, faulty driving or failure to follow procedures.

III. ACCEPTING CITIZEN COMPLAINTS

A. All department personnel are directed to accept reports of officer misconduct from citizens 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 and audio-video recorded statements of complainants and witnesses is the preferred method of documenting and memorializing information obtained through an interview whenever practical.

B. If the complainant cannot file the report in person, a department representative (except in very minor complaints) shall visit the individual at his or her home, place of business or at another location in order to complete the report. If not, a telephonic interview may be conducted. All relevant identifying information concerning the complainant should be recorded, e.g. name

(unless the complainant wishes to remain anonymous), complete address, telephone numbers and area codes, race or ethnic identity, sex, date of birth, place of employment and social security number if necessary. The investigator should grant reasonable requests for accommodations to protect the complainant's identity such as meeting the complainant at a place other than the investigator's office if the complainant's identity cannot be kept confidential at that location.

1. Nobody who comes to the police station to make a complaint against personnel shall be turned away and told to return at another time.

C. Complaints might also be received from other law enforcement agencies, such as neighboring municipal police agencies, the County Prosecutor or the F. B. I. In such cases, the complaint should be forwarded to the Operations Division Commander for immediate handling.

D. If a complainant has come to make a complaint about another police agency, he/she should be referred to that agency. However, if the complainant expresses fear or concerns about making the complaint directly, he should be referred to their respective County Prosecutor.

E. 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/her to submit his complaint in person. In any case, the complaint will be accepted.

1. In the case of an anonymous complaint, the officer accepting the complaint shall complete as much of the Internal Affairs Report Form as he/she can with the information provided.

2. Public Safety Telecommunicators shall refer to the Citizen Complaint Intake checklist in the event that they receive a complaint about personnel.

F. Complainants shall be referred to the Division Commander if he/she is available.

G. If the applicable Division Commander is not immediately available, the patrol shift supervisor shall accept the complaint and complete the Internal Affairs Complaint Report Form.

1. If the complaint is about the shift supervisor then the Operations Division Commander shall be immediately informed to arrange for taking the complaint.

H. The Officer receiving the complaint shall:

1. Give the complainant a Citizen Complainant Information Brochure after completing your name and case number on the brochure where indicated, and;

a. Shall explain the department's disciplinary procedures while refraining from any language that would serve to dissuade or intimidate a member of the public from coming forward should be avoided. Accordingly, at no point during the initial intake of a complaint should any officer affirmatively warn a complainant that consequences could potentially result from making misrepresentations of a false report. This does not preclude officers from explaining the potential consequences of false reports to complainants if the officer is specifically asked about this, and;

b. Shall advise the complainant that he or she will be kept informed of the status of the complaint, if requested, and its ultimate disposition.

2. Complete the Internal Affairs Report Form and have the complainant review and sign the completed form. Refusal to sign the form does not negate the complaint. Attached to this directive as Appendix B is a standardized statewide public complaint form that will be available in multiple languages in electronic format on the Attorney General's website. Agencies shall make available to complainant's versions of the standardized form in all of those languages in their offices.

a. A case number (CAD) using GC call type COMPLAINT AGAINST PERSONNEL will be assigned to each complaint received.

b. The complainant may not receive a photocopy of the Internal Affairs Report Form or any other statements that they provide.

c. The complainant and/or witnesses present should also be offered the opportunity to provide a written statement if they would like to provide their own account of their complaint. This shall be included with the Internal Affairs Report Form. If the investigation involves a criminal charge against the complainant, an initial interview should be conducted with the complainant but should be arranged and coordinated through the Sussex County Prosecutor's Office and the complainant's defense attorney.

I. Some very minor complaints are merely a misunderstanding on the part of the citizen regarding accepted law enforcement practices or the duties of a Police Officer.

1. If the supervisor accepting the complaint can resolve it to the complainant's satisfaction through an explanation of department rules or procedures, the complaint process will be terminated. In these cases, the resolution shall be noted on the Internal Affairs Complaint Report form and forwarded to the Operations Division Commander.

2. If the complainant is not satisfied with such a resolution, the complaint should be forwarded to the Operations Divisions Commander for further action.

3. If a minor complaint is resolved over the telephone, it is not necessary to have the complainant sign the Internal Affairs Complaint Report form prior to forwarding the complaint to the Operations Division Commander for entry into the database.

J. The officer receiving the complaint must gather any available evidence, record names, addresses and telephone numbers of any witnesses and attach applicable CAD printouts to the Internal Affairs Complaint Report form. If needed to adequately explain what occurred, the receiving officer can prepare an internal memorandum addressed to the Operations Division Commander detailing the information they received from the complainant. This memo can also serve to further explain the outcome if the complaint was resolved. The GC shall not contain any further information about the nature of the complaint. This package shall be either hand-delivered or left in the mail slot for the Operations Division Commander in a sealed envelope.

K. The officer receiving the complaint shall immediately notify the applicable Division Commander of the accused employee whenever there is an allegation of criminal conduct or other serious misconduct.

L. Although there are complaints against officers that are legitimate and based upon facts, others are contrived and maliciously pursued, often with the intent to mitigate or neutralize the officer's legal action taken against the complainant. The law enforcement agency must fully and impartially investigate the former, while taking a strong stand to minimize the latter. The law enforcement agency should notify the County Prosecutor in any case where a complainant has fabricated or intentionally misrepresented material facts to initiate a complaint of officer misconduct.

M. If the investigation involves a criminal charge against the complainant, an initial interview should be conducted with the complainant. However, the investigator must realize that the complainant is simultaneously a criminal defendant arising out of the same incident and must be accorded all of the appropriate protections. Thus, all further contact with the complainant should be arranged with and coordinated through the County Prosecutor and the complainant's defense attorney.

N. When taking a formal statement from a civilian, the investigator shall video -or audio-record the statement according to the same protocols that would apply if the civilian were being interviewed in connection with a criminal investigation. If a witness objects to the recording of the interview, the investigator may proceed with the interview without recording, but must document in writing the reasons for doing so.

O. The New Jersey Resiliency Program for Law Enforcement

1. Under no circumstances, shall an officer face any type of discrimination or adverse internal affairs consequences for the sole reason that the officer decided to seek medical or psychological treatment for a mental health concern, including depression, anxiety, post-traumatic stress disorder, or substance use disorder.

2. All officers are encouraged to take advantage of the resources provided by the New Jersey Resiliency Program for Law Enforcement, as well as the other resources identified in Attorney General Directive 2019-1.

IV. INITIATION OF DEPARTMENTAL COMPLAINTS

A. Any officer that is a witness to an officer's misconduct shall immediately notify their supervisor or the Operations Division Commander.

1. The Operations Division Commander shall initiate an internal affairs investigation and after evaluating the circumstances may forward the matter to the subject officer's supervisor for follow-up investigation.

B. A Supervisor who observes misconduct or becomes aware of misconduct shall notify the applicable Division Commander. The supervisor shall take action to intervene and cause the misconduct to cease and shall take the appropriate disciplinary action consistent with this policy. Any action taken shall be documented and forwarded to the Operations Division Commander.

C. Any officer that is a witness to a civil rights violation shall cause the action to cease and immediately notify the Operations Division Commander.

1. Failure to intercede by the witnessing officer(s) may result in a federal violation charge [18 U.S.C. 241.] as well as other criminal or administrative violations.

V. INVESTIGATION AND ADJUDICATION OF COMPLAINTS

A. The Operations Division Commander initiating any action shall document the factual information in the internal affairs administrative database.

1. If another supervising officer initiated the Internal Affairs Investigation, then a memorandum shall be prepared, put together with any supporting documentation and shall be forwarded to the Operations Division Commander for follow-up investigation and entry into the administrative database.

B. The Operations Division Commander or the Chief of Police shall direct further investigation by the original investigating supervisor or the applicable Division Commander as deemed appropriate.

C. In cases not involving allegations of criminal conduct, the accused officer shall be notified of the complaint once preliminary investigative data has been gathered. The Division Commander shall serve the suspect officer with the Internal Affairs Notification Form unless in doing so it would impede the investigation or the nature of it requires secrecy.

1. Before any notification is made, prior approval must be obtained from the Police Chief.

2. The notification will contain the following:

a. Nature of the charge/complaint

b. Date and time of the alleged misconduct

c. Complainant/victim name

3. The notification will be signed by the Division Commander.

D. The Operations Division Commander or other investigating officer shall interview the complainant, all witnesses and then the accused officer, as well as review relevant reports, activity sheets and telecommunications operators forms and obtain necessary information and materials, such as:

1. Physical evidence

2. Sworn written statements or tape-recorded interviews from all witnesses

3. Sworn written statements or tape-recorded interviews from all parties of specialized interest, such as doctors, employers, lawyers, teachers, legal advisors, parents, etc.

4. Investigative aids such as various reports, activity sheets, complaint cards and telecommunication operator's forms.

E. All reports, statements and tape recordings must be submitted to the Chief of Police without unreasonable delay.

1. If an internal affairs investigation cannot be completed without unnecessary delay, approval must be obtained from the Chief of Police to extend the length of the investigation. The investigation must be completed within 30 days, with regular status reports being made to the Chief of Police.

2. Extended time may be granted depending upon the complexity of the matter. All charges must be filed within 45 days from the date that sufficient evidence exists to substantiate a charge, or charges, for violations of rules, regulations, policy, procedures or special orders.

F. Where preliminary investigative data indicates the possibility of a criminal act on the part of the accused officer, the Chief of Police, the Operations Division Commander and the Sussex County Prosecutor's Office shall be notified immediately. No further action shall be taken, including the filing of charges against the officer, until directed by the Sussex County Prosecutor's Office.

1. The Chief of Police shall forward a copy of the entire investigation file to the Sussex County Prosecutor's Office.

a. Accused officer's interview shall not be forwarded to the Prosecutor's Office.

2. The Chief of Police shall be the liaison to the Prosecutor's Office.

3. The Prosecutor's Office will review the investigation report and will advise the chief as to whether criminal charges will be pursued. While a criminal investigation is pending, complainants and witnesses may be referred by the law enforcement agency to the county victim witness office for information concerning the criminal investigation. If the Prosecutor's decision is to close the file, written notice shall be given to the Chief of Police. An administrative investigation will then proceed. If criminal charges are to be pursued, the Prosecutor's Office will supersede the local investigation.

4. Complaints against the Chief of Police and command staff may originate from a member of the public or from an employee of the agency. All such complaints shall be documented and referred to the Sussex County Prosecutor's Office.

5. All investigations of officers, municipal employees or public officials that are of a criminal nature shall not be closed until a letter is received from the Prosecutor's Office indicating that the investigation has been closed.

G. <u>Interviewing Officers/Employees who may be Witnesses:</u>

1. The investigating officer will schedule an interview with the witness employee.

2. The officer will be made aware of the difference between a witness and the subject of the investigation.

3. Officers are compelled to answer questions and cooperate fully with the investigation and provide complete and truthful information relating to performing their duty. "Performance of duty" includes an officer's actions, observations, knowledge and any other factual information of which they may be aware, whether it concerns their own performance of duty or that of other officers. They may face disciplinary action from reprimand to termination for refusal to answer questions or cooperate with the investigation.

4. Officers will read and sign the Witness Acknowledgement Form.

5. If at any time the witness becomes the target suspected of misconduct, the interview shall not continue until they review and sign the Interview Advisement Form/Constitutional Rights. The procedure for interviewing the subject officer shall then be followed.

H. Interviewing the subject officer:

1. The investigating officer will schedule an interview with the officer.

   a. One person of the officer's choosing may attend the interview session.

      (1) In investigations of criminal allegations, it may be inappropriate for another officer who is acting as a union representative to be present due to the absence of an "attorney-client privilege". However, the officer shall be given the opportunity to consult with a union representative.

      (2) The union representative shall not interfere with the interview and shall be present only to assist the officer and may attempt to clarify the facts or suggest other employees who may have knowledge of them.

      (3) The Chief of Police or his designee, however, is free to insist he is only interested, at that time, in hearing the employee's own account of the matter under investigation.

      (4) If the representative is disruptive or interferes, the investigating officer can discontinue the interview, documenting the reasons the interview was ended.

2. Although the Department recognizes that Sixth Amendment Right to Counsel does not extend to internal affairs investigations, an officer shall be permitted to obtain an attorney if so desired.

3. As general rule, an officer shall be allowed at least two hours to obtain/consult with counsel or other representative of their choice prior to beginning the interview.

4. Before questioning begins, the subject officer will be informed:

a. Of the nature of the complaint.

b. That prior to commencement of any questioning, the officer will read and sign the Interview Advisement Form.

(1) Officers are compelled to answer questions and cooperate fully with the investigation and provide complete and truthful information.

(2) However, if during the course of an internal investigative interview, an officer refuses to answer any questions specifically directed and narrowly related to the performance of duty and fitness for office on the grounds that he may incriminate himself, and if the department deems that in order to properly conduct its investigation it must have the answers to those specific questions, the department may then contact the County Prosecutor to initiate procedures to obtain Use Immunity from the County Prosecutor for the answers to the questions.

(3) The Use Immunity Grant Advisement Form shall then be completed and signed by the officer if so authorized.

c. Of the name of the person in charge of the investigation, and the names of all persons who will be present during questioning.

d. That officers may face disciplinary action from reprimand to termination or refusal to answer questions or cooperate with the investigation.

5. Questioning sessions may be audio or video recorded if practical.

6. 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. The investigating officer will promptly notify the Chief of Police, who will refer the case to the Sussex County Prosecutor's Office.

7. The subject officer may be required to submit a written report or provide a written formal statement. The right against self-incrimination only applies to criminal offenses. The officer shall review and sign each page of the statement.

a. The officer does not have the right to refuse to submit a report on the grounds that the report may reveal a violation of a department policy, rules or regulations that is not a criminal offense.

8. Upon completion of all possible avenues of inquiry, the Division Commander shall document the findings in the administrative database, recommend a disposition and submit the report to the Chief of Police.

a. Exonerated

(1) The alleged incident did occur, but the actions of the officer were justified, lawful and proper.

(2) The officer's behavior was consistent with agency policy, but there was a policy failure.

b. Substantiated/Sustained

(1) The investigation disclosed sufficient evidence to clearly prove the allegation.

c. Not Sustained

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

d. Unfounded

(1) The investigation indicated that the acts complained of did not occur; or

(2) There is insufficient information to conduct a meaningful investigation.

9. The Chief of Police shall review all documentation and approve the recommended disposition or recommend action to be taken.

10. Notify the officer and complainants of the outcome of the investigation at the conclusion of the internal affairs investigation. If the allegation was not sustained or unfounded, the Operations Division Commander will notify the subject officer of the investigation (if not previously notified) and of the recommended disposition. The complainant shall also be notified by letter and provided with a brief explanation of the outcome. If the allegation was unfounded or the officer was exonerated, this conclusion shall be defined for the complainant. If the allegation was not sustained, the letter shall provide a brief explanation why the complaint was not sustained (e.g. insufficient proof, lack of witnesses, etc.,) If the allegation was sustained and discipline was imposed, the letter shall simply state that the allegation was sustained, and the officer was disciplined according to department procedures. The discipline imposed does not have to be specified.

11. If the complaint is substantiated and it is determined that formal charges should be proffered, the Division Commander will prepare, sign and serve charges upon the accused officer or employee.

12. The Department must prove by a preponderance of credible evidence that the employee is guilty of the misconduct cited and that the penalty sought is appropriate.

13. MINOR DISCIPLINE
[Five days suspension or less, Written Reprimand, Oral Reprimand]

The Division Commander will prepare the formal charges on the Notice of Minor Discipline and serve upon the officer charged.

a. A Sergeant can always issue an oral reprimand and can issue a written reprimand if approved by a Lieutenant or the Chief.

b. The grievance procedure may be followed if the charged officer disagrees with disciplinary action that is less than a suspension.

c. In cases of a suspension or surrender of leave time of five days or less, an officer may request a hearing. This request must be made in writing and made within ten days of the service of the Notice of Minor Discipline, at which time a hearing date shall be set no less than ten days or more than thirty days from the date of service of the complaint unless agreed to by both parties.

14. MAJOR DISCIPLINE
[Greater than 5 day suspension, Demotion, Termination]
The Division Commander will prepare the formal charges on the Preliminary Notice of Disciplinary Action (Form DPF-31A). Such notice shall be prepared and served upon the officer charged in accordance with N.J.S.A. 40A:14-147 et seq.

a. In cases of Major Discipline, the Preliminary Notice of Disciplinary Action (Form DPF-31A) shall direct that the officer charged must request a hearing within ten days of the service of the form at which time a hearing date will be set no less than ten days nor more than thirty days from the date of service of the complaint unless agreed to by both parties.

b. In cases of Major Discipline, if the officer charged does not request a hearing, the Chief of Police shall permit the officer to present factors in mitigation prior to assessing a penalty.

c. When all the facts are obtained, the Division Commander shall ensure that the internal affairs investigation report contains the findings and the aggravating and mitigating factors of the case including:

(1) Nature of the offense
(2) The disciplinary record of the accused officer
(3) The need to deter the accused officer or other officers from similar conduct
(4) The state of the accused officer's mind at the time of the offense
(5) Any mitigating factors

d. Within twenty days, the Final Notice of Disciplinary Action for (DPF-31B) shall be completed by the Division Commander and served upon the subject employee. The penalty imposed will be noted in the officer's personnel file and the administrative database. The Operations Division Commander will cause the penalty to be carried out and complete all required forms.

VI. SUSPENSION PENDING DISPOSITION OR INVESTIGATION

A. A suspension of an officer before completing an investigation or disposing of a case is a serious matter. Any supervisor or senior officer may immediately suspend with pay an officer from duty if he/she determines that one of the following conditions exists:

1. The employee is unfit for duty (physical or psychological); or

2. The employee is a hazard to any person if permitted to remain on the job; or

3. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services, or

4. The employee has been formally charged with a crime of the first, second, third or fourth degree or a disorderly persons offense committed while on duty, or the act touches upon their employment.

B. The officer imposing the immediate suspension must determine which of those criteria apply. The decision whether or not to continue to pay an officer who has been suspended pending the outcome of the investigation rests with the law enforcement executive and appropriate authority, who should carefully consider all ramifications of these choices. He/she must:

1. Have the suspended officer report to the Chief of Police by 0800 hours on the next business day, along with the supervisor imposing the suspension.

2. Prepare the Notice of Immediate Suspension informing the employee of why an immediate suspension is sought and the charges and general evidence in support of the charges.

   a. 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.

3. Immediately notify the Officer's Division Commander and the Chief of Police who will direct if the officer's police identification and duty weapon shall be confiscated pending further investigation and/or hearing.

4. Provide the employee with sufficient opportunity to review the charges and the evidence and to respond either orally or in writing.

C. Within five days of the suspension, the suspended employee will be served with a Preliminary Notice of Disciplinary Action (DPF-31A).

D. Administrative Reassignment

1. In cases involving the Use of Force or serious motor vehicle accidents which results in death or serious bodily injury, pending the outcome of the investigation, the officer shall be reassigned to other duty at headquarters as would be appropriate unless the officer is suspended as discussed above.

2. This reassignment is subject to change by the Chief of Police.

3. In cases of an officer involved shooting and the officers' weapon is seized as evidence, the officer shall be issued another duty weapon as soon as practicable, unless the officer is suspended.

4. In no case shall an immediate suspension be used as a punitive measure.

VII. HEARING

A. The hearing date shall not be less than 10 days nor more than 30 days from the date of service of the Notice of Disciplinary Action.

B. The Division Commander shall be responsible for, or assist, the 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.

1. All demands for documentary and physical evidence by the defendant officer will be made in writing to the prosecutor handling the matter. If unknown by the defendant officer, the name, address and telephone number of the prosecutor will be provided to the officer at the time of the service of the Notice of Disciplinary Action.

C. The hearing shall be held before the Town Manager.

D. A copy of the decision or order and accompanying findings and conclusions should be delivered to the officer or employee who was the subject of the hearing and to the Chief of Police.

E. Upon completion of the hearing, the Operations Division Commander will complete the Final Disposition Report for the employee's personnel file and all other required forms including the entry of the disposition in the file and administrative database.

F. If the charges were sustained, the Operations Division Commander will cause the penalty to be carried out.

G. All disciplinary action shall be in accordance with the Rules and Regulations of the department.

H. If an officer's dismissal results from misconduct, a report with the following information will be provided to the officer:

1. Reason for dismissal
2. Effective date of dismissal
3. Statement of fringe benefits status

I. Final determination for the imposition of <u>all</u> discipline shall be subject to the Chief's approval.

1. Decisions for oral reprimands shall be final at the Chief's level.
2. Written reprimands shall be final at the Town Manager's level.

J. Upon final disposition of the complaint, a letter shall be sent by certified mail to the complainant by the Operations Division Commander and provided with a brief explanation of the outcome. If the allegation was unfounded or the officer was exonerated, this conclusion shall be defined for the complainant. If the allegation was not sustained, the letter shall provide a brief explanation why the complaint was not sustained (e.g. insufficient proof, lack of witnesses, etc.,) If the allegation was sustained and discipline was imposed, the letter shall simply state that the allegation was sustained, and the officer was disciplined according to department procedures. The discipline imposed does not have to be specified.

VIII. CRIMINAL / MOTOR VEHICLE COMPLAINTS AGAINST EMPLOYEES OR DOMESTIC VIOLENCE INCIDENTS INVOLVING AGENCY PERSONNEL

A. Any employee who has been charged with an indictable offense, drug offense or any offense under the Prevention of Domestic Violence Act must make immediate notification to the on-duty shift supervisor at police headquarters setting forth the circumstances surrounding the complaint. Thus, it is imperative that every law enforcement agency establish procedures for investigating and resolving domestic violence complaints involving its employees. As such:

1. It will be the responsibility of the on-duty shift supervisor to make a prompt notification to the Operations Division Commander.

2. It shall be the responsibility of the Operations Division Commander to make an immediate notification to the Sussex County Prosecutor.

3. It will be the responsibility of the Operations Division Commander, in consultation with the Chief of Police, to evaluate the need for an immediate response by internal affairs personnel.

B. Any employee who is charged with a minor offense (disorderly persons offense, petty disorderly persons offense or municipal ordinance), received a motor vehicle summons, or has been involved in (but not charged as a result of a domestic violence incident), either as an alleged perpetrator or as a victim, must notify the Operations Division Commander on the next business day. Where the officer was the alleged perpetrator, investigating officers must seize their service weapon or any other weapon possessed, as mandated by AG Directives 2000-3 and 2000-4.

C. Any employee contacted or questioned by a law enforcement agency concerning an unlawful act, a domestic violence incident or a law enforcement internal affairs matter must provide notification of such contact to their supervisor via memorandum on his/her next scheduled day of work.

D. The primary responsibility for investigating the domestic violence incident itself, along with any related offenses, belongs to the agency with jurisdiction over the incident.

E. Internal affairs shall track the proceedings of any criminal or civil matters which officers of the department are involved in as a complainant, plaintiff or defendant.

IX. CONFIDENTIALITY

A. The progress of internal affairs investigations and all supporting materials are considered confidential information.

1. Unless otherwise directed the officer accepting the complaint shall not disclose any details of any complaint or internal investigation to any other person other than the applicable Division Commander or the Chief of Police.

2. Any officer or employee who becomes aware of any information or evidence that may be relevant to an internal affairs investigation shall notify the Division Commander or Chief of Police. The notification shall be in written memo regardless of whether the officer or employee believes that the information may already be known.

B. Upon completing a case, the Operations Division Commander will enter the disposition in the case file and the administrative database.

C. The contents of internal investigation case files will be retained by the Chief of Police. The files shall be clearly marked as "confidential".

D. Only the Chief of Police or his/her designee is empowered to release publicly the details of an internal investigation or disciplinary action for good cause. The request and the 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 Unit's office and may not be removed. The subject officer may authorize the release of copies of formal disciplinary charges and their outcome to any third party. The subject officer shall make the request in writing.

E. Agencies may receive subpoenas directing the production of internal affairs investigative records. Before responding to the subpoena, the Chief of Police should consult with the Department's legal counsel or County Prosecutor's office to determine whether the subpoena is valid.

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

G. Subpoenas for Employee's Personnel/Internal Affairs Files

1. In matters that involve criminal and/or civil actions resulting from an internal affairs case, the department shall NOT release any information in response to the subpoena without first contacting the Assistant Prosecutor to whom the matter has been assigned by phone and in writing. All such contact shall be noted in the internal affairs report.

H. All disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.

I. Personnel records are separate and distinct from internal affairs investigation records. Internal affairs investigation reports shall never be placed in personnel records.

1. When a complaint has a disposition of exonerated, not sustained, or unfounded, there will be no indication in the employee's personnel file that a complaint was ever made.

2. In those cases where a complaint is sustained, a copy of the Disciplinary Action Final Disposition Report will be replaced in the employee personnel file. No other part of the internal affairs investigation report shall be placed in the personnel file.

X. PHYSICAL EVIDENCE

A. Investigators should obtain all relevant physical evidence. All evidence, such as clothing, hair or fabric fibers, stains and weapons should be handled according to established evidence procedures.

1. Computer discs (CD's/DVD's) shall be retained with the internal affairs investigation case file. All other items of evidence related to an internal affairs investigation shall be clearly identified and stored in the department's evidence vault.

B. With respect to radio tapes, the original tape is the best evidence and should be secured at the outset of the investigation. Transcripts or copies of the original recordings can be used as investigative leads. Tapes should be monitored to reveal the totality of the circumstances.

C. Photographs

1. In the event of a complaint involving excessive use of force, the following photographic documentation shall be obtained when appropriate. Whenever possible, color photography should be used.

a. Photographs of the complainant at the time of arrest or following the alleged incident of excessive force, any photographs that were taken prior to the alleged incident and photographs that may have been taken several days after the incident occurred.

b. Photographs of the subject officer in the event that the officer was a victim.

c. A recent photo of the officer in the event a sequential photo array will be used for identification purposes. The photo array must be properly retained for possible evidentiary purposes.

d. Photographs of the scene of the alleged incident, if necessary.

D. Physical Tests

1. Police officers who are the subjects of internal investigations may be compelled to submit to various physical tests or procedures to gather evidence. Such evidence may

be used against them in a disciplinary proceeding. Refusal to comply with an order to submit to physical tests may result in further disciplinary action.

2. No person has a constitutional right or privilege to refuse to submit to an examination to obtain a record of his physical features and other identifying characteristics of his physical or mental condition. Evid. R. 25(a). Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:

   a. Breath sample

   b. Blood sample

   c. Requiring suspect to speak

   d. Voice recordings

   e. Participation in a suspect lineup

   f. Handwriting samples

   g. Hair and saliva samples

   h. Urine Analysis

3. Generally, a person cannot be physically forced to produce this evidence or submit to such tests, although a Court order may be obtained to legally compel him to do so.

4. Refusal to comply with the order can result in a contempt of court action, and may also result in a second disciplinary action for failure to comply with a lawful Court order.

E. Polygraph

1. While a police officer who is subject of an internal investigation may request a polygraph examination, the department will not influence, request or require a member or employee to take or submit to a lie detector test as a condition of employment or continued employment (N.J.S.A. 2C:40A-1).

2. An officer cannot be required to submit to a polygraph test on pain of dismissal. Engel v Township of Woodbridge, 124 N.J. Super. 307 (App. Div. 1973).

3. If a polygraph is used, a qualified police polygraph operator must be used.

F. Search and Seizure

1. All agency assigned storage space, desks or lockers are subject to a search and employees shall have no expectation of privacy for these areas.

2. Personal brief cases shall not be searched without a warrant.

XI. FILE MAINTENANCE/REVIEW PROCESS

A. The Internal Affairs investigation should be completed and all reports prepared within (30) calendar days of being assigned. Authorization for additional time to complete investigations must be received from the Chief of Police. Extensions of the thirty (30) calendar day requirement to complete all Internal Affairs investigations may be granted for good cause at the determination of the Chief of Police or his/her designee.

a. If investigators are unable to complete an internal affairs investigation within thirty (30) calendar days of receiving a complaint, they must notify the Chief of Police on or about 30th day. In such situations, the Chief of Police should seek to identify the reasons for the extended investigation and whether the internal affairs function requires additional resources or oversight to complete the inquiry in a prompt manner.

1. In addition, the Chief of Police should ensure compliance with the "45-day rule" established by N.J.S.A. 40A:14-147.

b. Investigators are required to provide further notice to the Chief of Police every additional 45 days that the internal affairs investigation remains open, and the Chief of Police should exercise increasing scrutiny of the investigators' work the longer the case remains open.

c. In the rare cases where the department has not filed disciplinary charges (or decided not to do so) within 180 days of receipt of the complaint, should notify the Sussex County Prosecutor.

B. Upon completion of the investigation, the file will be submitted to the Supervisor of the Internal Affairs Unit. The Supervisor will determine whether the investigation is complete or whether additional investigation shall be done.

C. If it is determined that additional information is required, the investigating officer shall be immediately advised of this and undertake the necessary steps to conclude the investigation.

D. After reviewing the file, the Chief of Police or his/her designee shall determine what if any disciplinary action will be taken against the subject.

E. In all cases, a letter shall be sent to the complainant explaining the outcome of the investigation. If the allegation was unfounded or the employee was exonerated, this conclusion shall be stated and defined for the civilian complainant. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained (e.g. insufficient proof, lack of witnesses, etc.) If the allegation was sustained and discipline was imposed, the letter shall simple state that the allegation was sustained and that the employee has been disciplined according to department procedures. It is not necessary to specify the discipline imposed.

a. If discipline is imposed, a record of such discipline, not including the investigation report or attachments, shall be placed in the employee's personnel file.

F. A separate and secure internal affairs filing cabinet shall be maintained in the Chief's office. All cases involving internal affairs investigations and disciplinary action shall be maintained in separate case files under each employee's name within the Internal Affairs Filing cabinet.

1. Each investigation will be assigned an internal affairs case number from the administrative database.

2. The file shall contain the internal affairs investigation report and any associated statements, notices, dispositions, computer discs or other documentation.

G. During the evaluation process, the disciplinary file will be reviewed by the Operations Division Commander and if there have been no other disciplinary actions, any oral reprimands that were present for longer than six months shall be removed from the employee's file.

H. Selection and Hiring

1. In addition to the requirements of the selection process, background investigations must include a review of the prior internal affairs files of any law enforcement candidate.

2. The Newton Police Department shall disclose the entire internal affairs file of a law enforcement candidate to prospective law enforcement employers. Candidates with out-of-state law enforcement experience must sign waivers of confidentiality regarding their internal affairs files so that they may be reviewed by the Newton Police Department, where legally permissible.

3. This disclosure requirement does not apply when the department responsible for sharing internal affairs file is unable to do so because the information is clearly subject to a non-disparagement or non-disclosure agreement. Such agreements must be followed even though they inhibit the ability of law enforcement agencies to fully evaluate candidates applying for positions of public trust, and therefore have the potential to compromise public safety. Given the public safety risks that such agreements pose, county and municipal governing entities and their counsel are strongly discouraged from entering into them.

4. The Chief of Police retains the authority to defer a decision on hiring a particular candidate until all extant internal affairs information has been received and reviewed.

XII. YEARLY REPORTS

A. The Operations Division Commander shall complete the County Prosecutor's Internal Affairs Summary Report on at least a quarterly basis for that period. The report shall be submitted to the Chief of Police and the County Prosecutor and shall include the number and type of cases received and the status of investigation or charges during the reporting period. The summary report forms must contain sufficient information to enable the County Prosecutor to identify warning signs or potential deficiencies in the internal affairs process. Additionally, the Chief of Police will advise the prosecutor of trends in the department, goals for the next reporting period, and outcomes from past periods. Each County Prosecutor will provide those law enforcement agencies with instructions on completing the forms, and a reporting schedule.

B. An annual report summarizing the types of complaints received and the dispositions of the complaints should be made available to members of the public by the Newton Police Department on its website and should be statistical in nature.

C. The Newton Police Department shall on a periodic basis, and at least once a year, submit to the County Prosecutor and publish on the agency's public website a brief synopsis of all complaints where a termination, reduction in rank or grade, and/or suspension of more than five days was assessed to an agency member. This synopsis shall include the identity of each officer subject to final discipline, a brief summary of their transgressions, and a statement of the sanction imposed. This synopsis shall not contain the identities of the complainants. The first report shall cover disciplinary actions finalized during, at a minimum, the preceding twelve months.

D. This EW system policy shall be made available to the public upon request and shall be posted on the department website. All reports created or submitted pursuant to the EW system that identify specific Officers are confidential and not subject to public disclosure.

XIII. NOTIFICATION OF THE COUNTY PROSECUTOR

A. Immediate notification to the Investigative Division Commander, the Chief of Police and to the Sussex County Prosecutors Office shall take place when the following occurs whenever information is received:

1. Pertaining to allegations of criminal misconduct, criminal activity on the part of any public employee or official acting within their official capacity.

2. Pertaining to any effort on the part of a private citizen to improperly influence the actions of a public official.

3. Use of force by an officer which results in serious bodily injury or death also requires immediate notification to the county prosecutor, and, pending a decision of the prosecutor, the agency will withhold further investigation and the filing of any criminal or administrative charges.

4. Cases of domestic violence involving an officer, (either as alleged perpetrator or victim) require immediate notification by the officer and the investigating agency to the

employing agency's internal affairs officer. In cases where the officer was the alleged perpetrator, the officer's service weapon and all other weapons that the alleged perpetrator, the officer's service weapon and all other weapons that the office may possess must be seized. If preliminary investigation indicates the possibility of a criminal act, the County Prosecutor must immediately be notified and the agency will await further direction.

5. The Newton Police Department shall report to the Sussex County Prosecutor's Office Brady/Giglio material in accordance with the Attorney General Law Enforcement Directive No. 2019-6 and department written directives.

B. The Sussex County Prosecutor's Office will evaluate the allegations and make one of the following determinations to ensure appropriate oversight:

1. Sussex County Prosecutor's Office will assume responsibility for the active direction of the investigation, or

2. Assist the reporting agency with an investigation, or

3. Direct the reporting agency to conduct an investigation.

a. Periodically, reports relevant to the progress of that investigation will be forwarded to the Sussex County Prosecutor's Office.

b. Upon completion of the investigation, the investigative file will be forwarded to the Sussex County Prosecutor's Office.

Appendix/Attachments:

Appendix A Citizen Complaint Brochure and Information Sheet
Appendix B Internal Affairs Report Form
Appendix C Internal Affairs Complaint Notification
Appendix D Immediate Suspension Notice
Appendix E Sample Response Letters
Appendix F Preliminary Notice of Disciplinary Action (DPF-31A)
Appendix G Miranda Warning
Appendix H Use Immunity Grant Advisement Form ("Garrity Warning")
Appendix I Witness Acknowledgement Form
Appendix J Administrative Advisement Form
Appendix K Notice of Minor Disciplinary Action
Appendix L Final Disposition Report
Appendix M Public Synopsis of Disciplinary Action
Appendix N Final Notice of Disciplinary Action (DPF-31B)
Appendix O Citizens Complaint Intake Checklist
Appendix P Internal Affairs Summary Reports

Appendix/Attachments

Appendix A Citizen Complaint Brochure & Information Sheet

Appendix B Internal Affairs Report Form

Appendix C Internal Affairs Complaint Notification

Appendix D Immediate Suspension Notice

Appendix E Sample Response Letters

Appendix F Preliminary Notice of Disciplinary Action (DPF-31A)

Appendix G Miranda Warning

Appendix H Use Immunity Grant Advisement Form ("Garrity")

Appendix I Witness Acknowledgment Form

Appendix J Administrative Advisement Form

Appendix K Notice of Minor Disciplinary Action

Appendix L Final Disposition Report

Appendix M Public Synopsis of Disciplinary Action

Appendix N Final Notice of Disciplinary Action (DPF-31B)

Appendix O Citizens Complaint Intake Checklist

Appendix P Professional Standards Summary Report Forms

Professional Standards



The Newton Police Department has rules/regulations and standard operating procedures that govern our professional and personal conduct as well as defining what are acceptable work performance standards.

It is in the best interest 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 police officers.

To make a complaint, request to speak to the shift supervisor on duty at any time.

FOR DEPARTMENT USE

Investigating Officer's Name _____

Case # _____

NEWTON POLICE

Headquarters
39 Trinity Street
Newton, New Jersey 07860
Phone: (973) 383-2525
Fax: (973) 383-0090
www.NewtonPolice.org

NEWTON POLICE

INTERNAL AFFAIRS

Citizen Complaint Information

We are committed to providing law enforcement services that are fair, effective and impartially applied.

Citizen Complaint Information

Newton Police Department

WHEN MAKING A COMPLAINT

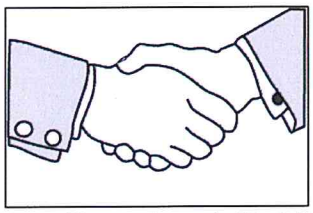
- Your complaint will be sent to a superior officer or a specially trained internal affairs officer who will conduct a thorough and objective investigation.
- You might be asked to help in the investigation by giving a detailed statement about what happened or providing other important information.
- All complaints against police 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.
- Remember*- *It is unlawful to provide information in this matter which you do not believe to be true.*

INTERNAL AFFAIRS PURPOSE

The duties of a police officer can often be a very difficult and complex job. We recognize that mistakes may be made and our actions can fall short of expectations.

Through the internal affairs process, we can help maintain the integrity of the department by helping to identify and correct our performance. Many times responding to complaints and concerns also provides us an opportunity to explain why an officer may have performed in a certain way when a member of the public didn't understand the reason for their actions.

The Newton Police Department administration seeks to proactively instruct and supervise rather than conduct investigations into reports of misconduct in order to maintain community trust.



Public confidence and support of the Police Department increases our effectiveness.

OUTCOME OF COMPLAINT

The resolution of an internal affairs investigation into a citizen complaint can often take a long time depending upon the nature of the alleged misconduct. Your patience is appreciated.

Corrective action, if determined to be appropriate, will be taken commensurate to the severity of the violation. This can range from counseling and remedial training to suspension and termination.

If after making a complaint, you have any questions or additional information, you may call the Newton Police Department's internal affairs officer.

To effectively manage the performance of our officers, we like to be informed of any commendable conduct so that we can acknowledge them for a job well done and reinforce this kind of work performance. Please contact the shift supervisor to let them know about your positive experience!

Newton Police Department Citizen Complaint Information Sheet

The members of the Newton 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 are designed to ensure fairness and protect the rights of both citizens and law enforcement officers:

1. Reports or Complaints of officer/employee misconduct must be accepted from any person, including anonymous sources, at any time.

2. Complaints shall be accepted regardless of age, race, ethnicity, religion, gender, sexual orientation, disability, or immigration status of the complaining party.

3. Your complaint will be sent to a superior officer or a specially trained internal affairs officer who will conduct a thorough and objective investigation.

4. You might be asked to help in the investigation by giving a detailed statement about what happened or providing other important information or documents.

5. All complaints against law enforcement officers are thoroughly investigated. You will be kept informed of the status of the investigation and its ultimate outcome, if requested, and you provide contact information. The exact discipline imposed is confidential, but you will be advised of the ultimate finding, namely :

    a. Sustained: A preponderance of the evidence shows an officer violated any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.

    b. Unfounded: A preponderance of the evidence shows that the alleged misconduct did not occur.

    c. Exonerated: A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.

    d. Not Sustained: The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

6. 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.

7. 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.

8. If our investigation shows that the complaint is unfounded or that the officer acted properly, the matter will be closed.

9. Internal affairs investigations are confidential and all disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.

10. You may call Lt. Michael Monaco at (973-383-2525) with any additional information or any questions about the case.

Department/Agency _____ IA Case Number _____

INTERNAL AFFAIRS REPORT FORM

Person Making Report (Optional, But Helpful)

Preferred?

Full Name _____ **Phone** _____ ☐

Address (Apt #) _____ **Email** _____ ☐

City, State, Zip _____ **Date of Birth** _____

Officer(s) Subject to Allegation (Provide Whatever Info Is Known)

Officer(s) Name _____ **Badge No.** _____

Incident Location _____ **Date/Time** _____

In the space below, describe the type of incident (traffic stop, street encounter) and any information about the alleged conduct. If you cannot fit your response below, feel free to use extra pages and attach them to this document. If you do not know the officer's name or badge number, provide any other identifying information.

Other Information

How was this reported? ☐ In Person ☐ By Phone ☐ By Letter ☐ By Email ☐ Other _____

Any physical evidence submitted? ☐ Yes ☐ No If yes, describe: _____

Was incident previously reported? ☐ Yes ☐ No If yes, describe: _____

To Be Completed by Officers Receiving Report

_____ _____ _____

Officer Receiving Complaint Badge No. Date/Time

_____ _____ _____

Supervisor Reviewing Complaint Badge No. Date/Time

Newton Police Department

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 if you will be needed for an interview or to render any other assistance to the investigation.

_____
Signature

_____
Print Name

_____
Date

Newton Police Department

Immediate Suspension Notice

To: _____ **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 or a disorderly persons offense while on-duty, or the 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: _____

Print Name: _____

Newton Police Department

Response Letters

Complaint Acknowledgment

This will acknowledge receipt of the complaint made by you on [date of complaint] concerning the actions of a member of this department occurring on [date of incident].

A thorough investigation will be conducted into the allegations contained in your complaint 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 [telephone number], Monday through Friday, between the hours of ____a.m. and ____p.m.

Officer Exonerated

The Internal Affairs Unit of this department has completed its investigation of your complaint 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. More specifically, department policies and procedures permit the officer to [give details of the policy or procedure]…

If you have any additional information which you believe should be considered, please contact the Internal Affairs Unit at [telephone number].

Thank you for bringing this matter to our attention.

Not Sustained

The Internal Affairs Unit of this department has completed its investigation of your complaint 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. More specifically,…

a. *(witness could not be located)*
b. *(document could not be located)*
c. *(physical or forensic evidence could not be located)*
d. *(witness did not support your complaint)*
e. *(physical or forensic evidence did not support your complaint)*
f. *(the investigation failed to yield enough evidence to support your complaint)*
g. *(while some evidence supported your complaint there was not enough evidence to support your complaint)*

If you have additional information which you believe should be considered, please contact the Internal Affairs Unit at [telephone number]. 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 complaint 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 [telephone number]. 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 complaint 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 [telephone number].

Thank you for bringing this matter to our attention.

Preliminary Notice of Disciplinary Action (31-A)

Civil Service Commission – State of New Jersey

Instructions for employer: This notice must be served on a permanent employee or an employee serving a working test period in the career service against whom one of the following types of disciplinary action is contemplated: (**a**) suspension or fine for more than five working days at any one time; (**b**) suspension or fine for five working days or less where the aggregate number of days suspended or fined in any one calendar year is 15 working days or more; (**c**) the last suspension or fine where an employee receives more than three suspensions or fines of five working days or less in a calendar year; (**d**) disciplinary demotion from a title in which the employee has permanent status or received a regular appointment; (**e**) removal; or (**f**) resignation not in good standing. A copy of this notice must be sent to the Civil Service Commission. Subsequent to the hearing by the appointing authority, the employee and the Civil Service Commission must be served with the Final Notice of Disciplinary Action.

FROM

Employing Agency Name	Address/ Phone Number	Date
Attorney representing your agency should this matter be appealed	Address/Phone number/Email address	

TO

Employee Name	Permanent Civil Service Title	Employee Identification Number
Address/ Phone Number		Pension Number

You are hereby notified that the following charge(s) have been made against you: *(If necessary, use additional sheets and attach)*

Charges:	**Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred:**
☐ *If checked, charges are continued on attached page.*	☐ *If checked, incidents are continued on attached page.*

☐ **You are hereby suspended effective** _____

(Check box to indicate if employee is suspended pending final disposition of the matter)

If you desire a departmental hearing before the appointing authority on the above charge(s), notify it within _____ ***days of receipt of this form. If you request a hearing it will be held on** _____ **at (time)** _____ **at (place of hearing)** _____

**Must be a minimum of five days*

The following disciplinary action may be taken against you:

☐ Suspension for _____ working days, beginning _____ and ending _____

☐ Indefinite suspension pending criminal charges effective (date) _____

☐ Removal, effective (date) _____

☐ Demotion to position of _____ effective (date) _____

☐ Resignation not in good standing, effective (date) _____ ☐ Other Disciplinary Action

☐ Fine _____ *amount* which is equal to _____ *number* (number of working days)

Appointing authority or authorized agent's signature and title.

Signature _____ **Title** _____

This form must be personally served on the employee or sent by certified or registered mail.

☐ **Certified or Registered Mail** ☐ **Receipt Number** _____

☐ **Signature of Server** _____ ☐ **Date of personal service** _____

DPF-31A Revised 03-24-11

DISTRIBUTION: Employee, Union Representative or Attorney, Management, Civil Service Commission.
When using a form downloaded from the internet you still must provide the indicated above number of copies to all parties.

Newton Police Department

MIRANDA WARNING

1. You have the right to remain silent and refuse to answer any questions.
   (*Usted tiene el drecho de guarder silencio y negarse a contester cualquier pregunta.)*
   Do you understand? (*¿Comprende?*) ____Yes (Sí*)* ____No

2. Anything you say may be used against you in a court of law. (*Cualquier cosa que usted diga pued usarse en su contra en un tribunal.)*
   Do you understand? (*¿Comprende?*) ____Yes (Sí*)* ____No

3. You have the right to consult with an attorney at any time and have him/her present before and during questioning. (*Usted tiene el derecho de consultar con un(a) abogado(a) en cualquier momento y contar con su presencia antes y durante un interrogatorio.)*
   Do you understand? (*¿Comprende?*) ____Yes (Sí*)* ____No

4. If you cannot afford an attorney, one will be provided if you so desire prior to any questioning.(*Si usted no tiene los recursos para contratar a un(a) abogado(a), se le facilitara un(a) abogado(a), si lo desea, antes de cualquier interrogatorio.)*
   Do you understand? (*¿Comprende?*) ____Yes (Sí*)* ____No

5. A decision to speak to us is not final and you may stop talking to us at any time. *(La Decision de hablar con nosotros no tiene character definitive, y a usted se le permite dejar de hablar con nosotros en cualquier momento.)*
   Do you understand? (*¿Comprende?*) ____Yes (Sí*)* ____No

If the member is aware of any criminal complaint that has been filed against the subject relating to the questions to be asked, the member must advise the subject of the charges.

WAIVER OF MIRANDA RIGHTS

I, _____, have been read the above statement of my rights aloud. I understand each of my rights and at this time I am willing to give up my right to remain silent and speak to you without a lawyer present. No promises or threats have been made to me. *A mi,_____, me han leido en voz alta la declaracion que figura arriba. Entiendo cada uno de mis derechos; en este momentum, estoy dispuesto a renunciar a mi derecho de guarder siliencio, y hablare con usted sin tener a un abogado presente. No me han hecho ni promesas ni amenazas.*

Signed (*Firma):*_____ Witness: _____

Date:_____ Time: _____

Advising Officer: _____

Newton Police Department
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 departmental 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 or

Deputy Attorney General authorizing: _____

Signature: _____

Print name: _____

Date: _____

Location: _____

Witnessed by: _____

Print Name: _____

Newton Police Department

Witness Acknowledgement 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: _____

Print Name: _____

Date: _____ Time: _____

Witnessed by: _____

Print name: _____

Newton Police Department

Administrative Advisement Form

Administrative Investigations Only

1. I am being questioned as a subject 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 duties, or for not answering truthfully.

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.

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

Signature: _____

Print Name: _____

Date: _____ Time: _____

Witnessed by: _____

Print name: _____

NEWTON POLICE DEPARTMENT
NOTICE OF MINOR DISCIPLINARY ACTION

INSTRUCTIONS: This notice must be served on an employee who has received an oral reprimand, a written reprimand or for a suspension or surrender of leave time of five days or less. Notice of disciplinary action resulting in a suspension must be made to the Department of Personnel electronically through the NJDOP County And Municipal Personnel System (CAMPS).
NOTE: Major disciplinary actions require that the NJDOP DPF-31A and DPF-31B forms to be prepared and submitted.

NAME OF EMPLOYEE	TITLE	DATE

PENALTY

☐ ORAL REPRIMAND
☐ WRITTEN REPRIMAND
☐ SURRENDER OF LEAVE TIME: Number of Days _____
☐ SUSPENSION: Number of Days _____ Dates of Suspension: _____ through _____

☐ *Check if Applicable* - **Employees are entitled to a hearing before the Town Manager for any charge that has a penalty of a suspension or surrender of leave time that is five days or less.** If you desire a hearing before the Town Manager on the below charge(s), you must notify the Police Chief in writing within ten days of receipt of this form.

If you request a hearing it will be held on, _____ _____ at (time) _____ at (place of hearing)_____.

CHARGES

ISSUED BY	SIGNATURE	DATE

NEWTON POLICE DEPARTMENT

INTERNAL AFFAIRS

FINAL DISPOSITION REPORT

OFFICER:

I.A. CASE NUMBER:

DATE OF VIOLATION:

VIOLATION(S):

DISPOSITION:

- ☐ UNFOUNDED
- ☐ NOT SUSTAINED
- ☐ EXONERATED, PROPER CONDUCT & POLICY
- ☐ SUSTAINED

PENALTY: None

DATE OF THIS REPORT:

INVESTIGATED BY:

SIGNATURE: _____

DISPOSITION AUTHORIZED BY:

CHIEF SIGNATURE: _____

Newton Police Department

Public Synopsis of Disciplinary Action

Officer Paul Jones was suspended for eight (8) days for insubordination. The Officer refused a direct order to complete a report.

Officer Jennifer Smith was suspended for twelve (12) days for failing to safeguard department property. The Officer was found to be at fault for a motor vehicle accident.

Detective Daniel Reagan was suspended for fifteen (15) days for neglect of duty. He was found on three occasions to be absent from his post.

Officer John Krupke was fined ten (10) vacation days for abuse of sick leave.

Officer Dwayne Pride was suspended for seven (7) days for conduct unbecoming an employee. He attempted to collect a private debt while in uniform.

Sgt. Anthony Bilco was demoted for failing to take police action. The Officer failed to arrest an individual who had an active warrant.

Final Notice of Disciplinary Action (31-B)
Civil Service Commission – State of New Jersey

Instructions for employer: This notice must be served on a permanent employee or an employee serving a working test period in the career service after a Departmental hearing (if one is requested) if one of the following types of disciplinary actions is taken: (**a**) suspension or fine for more than five working days at any one time; (**b**) suspension or fine for five working days or less where the aggregate number of days suspended or fined in any one calendar year is 15 working days or more; (**c**) the last suspension or fine where an employee receives more than three suspensions or fines of five working days or less in a calendar year; (**d**) disciplinary demotion from a title in which the employee has permanent status or received a regular appointment; (**e**) removal; or (**f**) resignation not in good standing. If the employee does not request or does not appear at the Departmental hearing, this notice must be served as the final action. A copy of this notice must be sent to the Civil Service Commission and served on the employee by personal service or by certified or registered mail.

FROM

Employing Agency Name	Address/ Phone Number	Date
Attorney representing your agency should this matter be appealed	Address/Phone number/Email address	

TO

Employee Name	Permanent Civil Service Title	Employee Identification Number
Address/ Phone Number		Pension Number

On_____ you were served with a Preliminary Notice of Disciplinary Action (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**

Sustained Charges:	**Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred:**
☐ *If checked, charges are continued on attached page.*	☐ *If checked, incidents are continued on attached page.*

The following disciplinary action has been taken against you:

☐ Suspension for _____ working days, beginning _____ and ending _____

☐ Indefinite suspension pending criminal charges effective (date) _____

☐ Removal, effective (date) _____

☐ Demotion to position of _____ effective (date) _____

☐ Resignation not in good standing, effective (date) _____ ☐ Other Disciplinary Action

☐ Fine _____ *amount* which is equal to _____ *number* (number of working days)

Appointing authority or authorized agent's signature and title.

Signature _____ **Title** _____

This form must be personally served on the employee or sent by certified or registered mail.

☐ **Certified or Registered Mail** ☐ **Receipt Number** _____

☐ **Signature of Server** _____ ☐ **Date of personal service** _____

APPEAL PROCEDURE TO THE EMPLOYEE: You have the right to appeal within 20 days from receipt of this form. All appeals must include a copy of this form. **Pursuant to P.L. 2010, c. 26, effective July 1, 2010 there is a $20 fee for disciplinary appeals. Please include the required $20 fee with your appeal. Payment must be made by check or money order only, payable to NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, c.156 (C.44:8-107 *et seq.*), P.L.1973, c. 256 (C.44:7-85 *et seq.*), or P.L.1997, c.38 (C.44:10-55 *et seq.*), and veterans as defined by N.J.S.A.11A:5-1 *et seq.* are exempt from this appeal fee.** Appeals should be addressed to the Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312. **Any appeal postmarked after the 20 days statutory time limit will be denied.** We recommend sending your appeal by certified mail to prove your filing in the event of lost or misdirected mail. Do not give your appeal to your personnel office for forwarding to the Civil Service Commission.

For more information on the rules that govern Major Discipline and the appeals process, please visit our website at: www.state.nj.us/csc.

DISTRIBUTION: Employee, Union Representative or Attorney, Management, Civil Service Commission.
When using a form downloaded from the internet you still must provide the indicated above number of copies to all parties.

Internal Affairs

Citizen Complaint Intake Checklist

The following provisions of the Attorney General's Internal Affairs Guidelines are provided as a ready reference for officers and employees when dealing with any member of the public who inquires about, or indicates a desire to initiate a complaint against an officer or employee of this agency:

1. Reports or complaints of officer/employee misconduct must be accepted from any person, including anonymous sources, at any time.

2. Complaints shall be accepted regardless of the age, race, ethnicity, religion, gender, sexual orientation, disability or immigration status of the complaining party.

3. Reports or complaints of officer/employee misconduct must be accepted, regardless of whether they are made in person, by telephone, in writing or through a third party.

4. Reports or complaints of officer/employee misconduct must be accepted even if the complainant declines to provide personal identification or contact information, including a signature, to the officer or employee who receives the report.

5. Every report or complaint of officer/employee misconduct shall be thoroughly and objectively investigated to a logical conclusion.

6. An officer/employee shall not attempt to resolve or discuss the merits of a report or complaint. Only a supervisor is authorized to informally resolve a minor complaint that is based upon a misunderstanding of the law or accepted law enforcement practices.

12.12.12 • Additional Copies: 609.292.4791

NJ Office of the Attorney General

Department of Law & Public Safety • www.NJPDResources.org

PROFESSIONAL STANDARDS SUMMARY REPORT FORM

Agency: _____ **County:** _____

Reporting Year: _____

TABLE 1 -- COMPLAINTS FILED

Type of Complaint	Anonymous Complaints	Citizen Complaints	Agency Complaints	Total Complaints
Excessive Force	0	0	0	0
Improper Arrest	0	0	0	0
Improper Entry	0	0	0	0
Improper Search	0	0	0	0
Other Criminal Violation	0	0	0	0
Differential Treatment	0	0	0	0
Demeanor	0	0	0	0
Domestic Violence	0	0	0	0
Other Rule Violation	0	0	0	0
TOTAL	0	0	0	0

PROFESSIONAL STANDARDS SUMMARY REPORT FORM

Agency: _____ **County:** _____

Reporting Year: _____

TABLE 2 -- AGENCY DISPOSITIONS

	Sustained	Exonerated	Not Sustained	Unfounded	Administratively Closed	Total Dispositions
Excessive Force	0	0	0	0	0	0
Improper Arrest	0	0	0	0	0	0
Improper Entry	0	0	0	0	0	0
Improper Search	0	0	0	0	0	0
Other Criminal Violation	0	0	0	0	0	0
Differential Treatment	0	0	0	0	0	0
Demeanor	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Other Rule Violation	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

PROFESSIONAL STANDARDS SUMMARY REPORT FORM

Agency: _____ **County:** _____

Reporting Year: _____

TABLE 3 -- COURT DISPOSITIONS

Court	Cases Dismissed	Cases Diverted	Acquittals	Convictions
Municipal Court	0	0	0	0
Superior Court	0	0	0	0
TOTAL	0	0	0	0