


# HADDONFIELD POLICE DEPARTMENT POLICIES AND PROCEDURES

 <b>HADDONFIELD POLICE DEPARTMENT</b>	EFFECTIVE DATE: 11/13/2023	REVISION DATE:	PAGE #:	SECTION:	APPROVED:	VOLUME
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SUBJECT: <b>INTERNAL AFFAIRS POLICY</b>						<b>09</b>
ISSUING AUTHORITY: <b>CHIEF JASON CUTLER</b>						DISTRIBUTION
REFERENCE: ATTORNEY GENERAL, PROSECUTOR'S OFFICE						<b>ENTIRE DEPARTMENT</b>

**PURPOSE:** The purpose of this general order is to maintain a high quality of law enforcement services. Improving the relationship between employees and the public facilitates cooperation vital to the department's ability to achieve its goals. This department is committed to providing law enforcement services that are fair, effective, and impartially delivered. Employees are held to the highest standards of conduct and are expected to respect the rights of all citizens. This department must be responsive to the community by providing formal procedures for the processing of complaints regarding individual employee performance. An effective disciplinary framework permits department personnel to monitor employee compliance with department directives, assist employees in meeting department objectives, enhance performance, and permit managers to identify problem areas which require increased training or direction. Finally, this general order shall ensure fundamental fairness and due process protection to citizens and employees alike.

**POLICY:** It is the policy of the Haddonfield Borough Police Department to accept and investigate all complaints of agency and employee's alleged misconduct or wrongdoing from all persons who wish to file a complaint, 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 of employee misconduct shall be thoroughly, objectively, and promptly investigated to their logical conclusion in conformance with this policy, regardless of whether the employee resigns or otherwise separates from the agency. Discipline shall be

administered according to the degree of misconduct. All employees, regardless of rank/title, 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 municipality constitutes a violation of that oath and trust. Employees are also subject to disciplinary action for the willful or negligent failure to perform the duties of their rank or assignment. In addition, employees may be disciplined for violation of any rule or regulation of the department or for failure to obey any lawful instruction, order, or command of a superior officer or supervisor. Disciplinary/corrective action in all matters will be determined based upon the merits of each case. Investigators conducting the investigation of any allegation of misconduct shall strive to conduct a thorough and objective investigation respecting the rights of the principal, any other law enforcement officer, and all members of the public. Accordingly, any supervisor and any officer who may be called upon to conduct an internal investigation must be thoroughly familiar with the department's Internal Affairs policy.

*This general order has been developed in accordance with the revised New Jersey Attorney General Directive on Internal Affairs.*

## **PROCEDURE:**

### **I. DEFINITION OF TERMS/FORMS**

- A. The following forms/reports shall be used in accordance with this general order:
1. Investigation Report: This report will be an objective recounting of all the relevant information the investigation disclosed, including statements, documents and other evidence. Such report shall contain a complete account of the investigation of any internal affairs matters.
  2. Complaint Notification Form: This form, when appropriate, shall be served to an employee who is the principal of an internal affairs investigation.
  3. Notice of Immediate Suspension: This form shall be used upon the immediate suspension of an employee.
  4. Witness Acknowledgment Form: The form shall be used during internal affairs investigation interviews when interviewing a witness in an internal affairs investigation.
  5. Miranda and Waiver Form: This form shall be used in an internal affairs investigation when interviewing an employee accused of committing a crime after consultation with the Camden County Prosecutor's Office.

6. Administrative Advisement Form: This form shall be used during internal affairs investigation interviews when interviewing the principal in an internal affairs investigation.
7. Weingarten Representative Acknowledgement Form: This form shall be provided to the Weingarten representative present during an internal affairs interview.
8. State Standardized Internal Affairs Complaint Form: This form shall be utilized by department employees to document a reportable incident by all complainants.
9. Internal Affairs Information Sheet: This form, which explains the department's internal affairs procedures, shall be provided to all citizen complainants.
10. Training Notice: This entry shall be used when documenting remedial training. The supervisor shall memorialize any corrective action (not discipline) taken either as a result of a reported minor rule violation or internal affairs investigation.
11. Counseling Notice: This shall be used when documenting counseling. The supervisor shall memorialize any corrective action (not discipline) taken either as a result of a reported minor rule violation or internal affairs investigation.
12. Reprimand Notice: This shall be used when documenting verbal and written reprimands. The supervisor shall use this entry to notify formally, the principal of discipline approved by the Chief of Police in connection with the completed internal affairs investigation. This entry shall be used for discipline that does not exceed a written reprimand.
13. Notice of Disciplinary Action Form: These forms shall be used to formally notify the principal of charges approved by the Chief of Police in connection with the completed Internal Affairs investigation. These disciplinary forms shall only be used for discipline that exceeds a written reprimand.
14. Professional Standards Reporting Forms: These reports, as provided by the Camden County Prosecutor's Office, shall be submitted to the Camden County Prosecutor's Office and others as required.
15. Summary and Conclusion Report: This report shall summarize the case and provide conclusions of fact for each allegation. The form should be organized as follows:

- a. A summary of the allegations against the principal, including a recitation of the alleged facts;
- b. A summary of factual findings in which the investigator outlines the facts proven or supported by the evidence reviewed during the investigation, and applies those facts to each allegation. This shall include a conclusive finding on whether each allegation is to be recorded as exonerated, sustained, not sustained or unfounded. For sustained findings that qualify for disclosure, the summary of factual findings, along with the discipline imposed, should be the basis for the brief synopsis;
- c. A discipline imposed section in which the final discipline imposed on the principal will be recorded. This section should be completed once the discipline imposed becomes final.

*If the conduct of a principal was found to be improper, the report must cite the agency rule, regulation, or SOP violated.*

*Any aggravating or mitigating circumstances surrounding the situation, such as unclear or poorly drafted agency policy, inadequate training or lack of proper supervision, shall also be noted in the form.*

B. **Reportable Incident:** is any behavior, performance, or non-performance that may violate department rules, regulations, procedures, applicable criminal and civil laws, and the United States or New Jersey Constitutions. All reportable incidents shall be carefully and thoroughly reviewed by the Professional Standards Unit Commander to determine the manner of response that best serves the public, the department, and the employee. Reportable Incidents classified as misconduct will result in an internal investigation conducted in accordance with the New Jersey Attorney General's Internal Affairs Directive and this general order. Reportable incidents include, but are not limited to the following:

1. A complaint that an employee has engaged in any form of misconduct, as defined in this general order, whether on or off-duty;
2. An alleged violation of any of the Department Rules and Regulations;
3. An alleged violation of any written directive issued by this department or appropriate authority as defined by ordinance;
4. A refusal to or a failure to comply with a lawful written or verbal order, directive, or instruction;

5. The filing of a civil suit by a civilian alleging any misconduct by an employee while on duty or acting in an official capacity;
6. The filing of a civil suit against an employee for off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threat of physical violence;
7. Criminal arrest of or filing of a criminal charge against an employee;
8. Allegation(s) that an employee is either an alleged perpetrator or victim of a domestic violence incident.

C. **Classification:** There are three classifications of a reportable incident. **(See Figure #1)** All allegations of **misconduct**, whether criminal or administrative, regardless of the source of the allegation shall result in an internal investigation. All reportable incidents shall be forwarded to the Professional Standards Unit Commander to screen, record and classify the incident as one of the following:

1. **Criminal Misconduct** - Reportable Incidents classified as criminal misconduct will result in immediate notification to the Camden County Prosecutor of the receipt of the complaint by the Professional Standards Unit. No further action shall be taken, including the filing of charges against an employee, until directed by the County Prosecutor.
  - a. Criminal Misconduct is defined as a reportable incident where there is an allegation of a crime or an offense.
2. **Administrative Misconduct** - An incident may be classified as administrative misconduct in which case an investigation shall be conducted in accordance with this general order.
  - a. Administrative Misconduct is defined as a reportable incident where there is a serious violation of department rules and regulations, written directive; or, conduct which adversely reflects upon the employee or the department.
  - b. Repeat performance deficiencies may be classified as administrative misconduct.
3. **Minor Rule Violation** - An incident which is classified as a minor rule violation shall be referred to the commanding officer for addressing through non-disciplinary corrective actions, (corrective action shall be training or counseling only).
  - a. A minor rule violation is defined as a reportable incident that can be addressed at the commander level of an employee. This department recognizes that not all reportable incidents

constitute misconduct and certain reportable incidents are more effectively handled outside of the disciplinary process. Minor rule violation incidents **are not** internal affairs investigations.

**Reportable Incidents:**

From ALL SOURCES

Supervisors/Citizens/Peers

**Criminal Misconduct:**

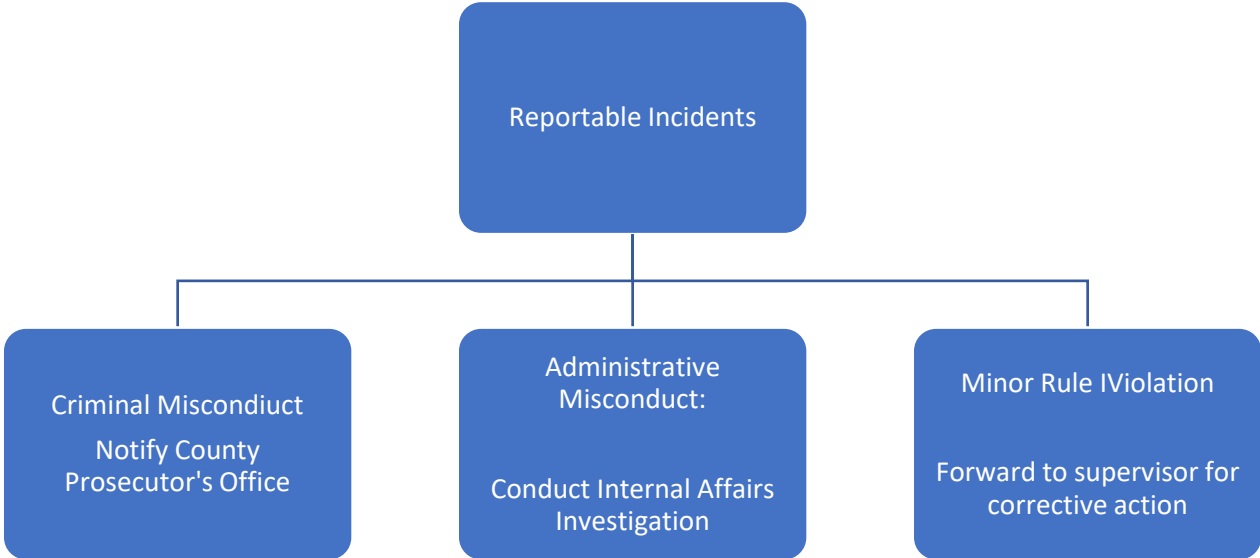
Notify the County Prosecutor's Office

**Administrative Misconduct:**

Conduct Internal Affairs Investigation

**Minor Rule Violation:**

Forward to Supervisor for Corrective Action (NOT INTERNAL AFFAIRS INVESTIGATION)



**Figure #1 (Classification Process)**

## II. GUIDING PRINCIPLES

- A. The investigative process should seek to locate and identify all evidence available to either prove or disprove allegations made against an employee.
- B. With the exception of internal investigations that are part of an ongoing or potential criminal investigation, the majority of internal investigations are administrative in nature. Unlike criminal investigations where the burden of proof is beyond a reasonable doubt, the standard for administrative cases is a preponderance of the evidence.
- C. Also important is that strict rules of evidence and certain constitutional protections that apply in criminal cases do not attach to these investigations. In accordance with established case law, the investigator, reviewing authority and the Chief of Police can rely on types of evidence that would be inadmissible in a criminal proceeding providing, there is some indication of reliability.
- D. Furthermore, unlike criminal investigations, certain specific legal protections that arise in employment & labor matters and in police discipline matters apply to employees subject to an internal investigation. These include rights and practices commonly referred to as Weingarten, Loudermill, and Garrity rights, as well as contractual rights or those based on state or federal statutes.
- E. Investigators and reviewers shall scrupulously adhere to the principles that all employees shall be afforded all rights to which they are entitled. At the same time, investigative and review personnel will also be aware of their obligations to determine the facts of each case utilizing investigative methods, which are consistent with acceptable practices in employee discipline cases.
- F. Internal Affairs investigations shall not rely solely on the outcome of related criminal matters or traffic matters. The conviction of a citizen complainant shall not be dispositive as to the citizen's complaint regarding the employee's conduct related to the incident. However, the court proceedings will be relevant and should be reviewed. Unless otherwise determined by the investigative plan, most cases involving a court action will require the collection and analysis of court records and transcripts of court appearances by the principal, complainant, or critical witnesses. The investigator should make every attempt to attend court proceedings, to monitor the progress/outcome of the case. As a monitor, the investigator need not notify the prosecutor, judge, or other court personnel of his/her presence and should not have any input in the proceedings.
- G. If a civilian signs criminal or traffic complaints, in addition to making an internal affairs complaint against an employee, a not guilty disposition of the court shall not automatically determine the outcome of the internal complaint. However, it will be relevant and part of the investigation.

- H. The investigator and reviewing authority shall consider that administrative charges have a different threshold of proof as well as less restrictive rules of evidence.
- I. As internal affairs investigators, a tendency to automatically grant more credibility to statements given by employees of the department and other law enforcement officials than to statements given by civilian complainants and witnesses must be carefully avoided. In certain situations where the credibility and motive of the complainant is reasonably suspected, a credibility determination may be made as provided for in this general order. However, investigators, unless otherwise authorized, will investigate the relevant facts of the allegations and not the background or motive of the complainant, unless relevant to the investigation.
- J. It is the policy of this department that personnel conducting internal investigations deal with complainants, witnesses, and principals in a professional manner. This includes being prepared for interviews, promptly responding to telephone calls, and handling all related contacts during an investigation to leave citizens and employees alike with the impression that a thorough, fair, and impartial investigation of the allegation(s) will be conducted.
- K. Discovery of additional allegations and identification of additional principals:
  - 1. In conducting investigations, the propriety of all conduct by the employee relating to the subject matter of the investigation shall be reviewed.
  - 2. If during the course of an investigation, the investigator has reason to believe that misconduct occurred, other than that alleged, the investigator shall:
    - a. Document the information and forward it to the Professional Standards Unit Commander to determine the appropriate response. Upon completion of the review, the form, which shall include all appropriate endorsements, will be returned to the investigator, and maintained as an attachment to the investigation.
    - b. Unless otherwise directed, the investigator shall investigate the additional allegation to its logical conclusion.
  - 3. If during the course of an investigation, the investigator has reason to believe that another employee may have been involved in alleged misconduct and should be interviewed as a principal, the investigator shall:



- a. Report the information to the Professional Standards Unit Commander, and await further instructions. Other aspects of the investigation should continue.
- L. 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 and in the Employee and Family Wellness General Order.

### **III. PROFESSIONAL STANDARDS UNIT**

- A. The Professional Standards Unit is herein established. The Professional Standards Unit Commander shall have direct access to the Chief of Police on all matters involving internal affairs. Personnel assigned to the Professional Standards Unit shall serve at the pleasure of and be directly responsible to the Chief of Police or designee.
  - 1. Investigators must recuse themselves from cases where they have a conflict of interest that may prevent them from being impartial in the investigation of a principal. Examples of potential conflicts of interest:
    - a. The Professional Standards Unit Investigator and the employee are family members or close personal friends.
    - b. The principal to the internal affairs investigation is the supervisor of the investigating employee of the internal affairs investigation.
    - c. The conflict of interest shall be documented for the case file and forwarded to the Chief of Police for review and resolution.
  - 2. If a principal to an administrative investigation has a good-faith basis to question the impartiality or independence of the investigation, then they may report their concerns to the Camden County Prosecutor's Office. The Camden County Prosecutor may, within their discretion, conduct their own review of the internal affairs investigation and determine whether any further action is warranted, including potential reassignment of the investigation to a different entity.

3. Officers assigned to the internal affairs function shall complete training as mandated by the Division of Criminal Justice.
  - a. Officers may attend additional training on internal affairs provided by the Camden County Prosecutor's Office and other sources.
- B. The goal of Professional Standards Unit 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.
- C. Under no circumstances may the Haddonfield Borough Police Department's internal affairs function be contracted or delegated to a private entity.
  1. Instead, when necessary, the Haddonfield Borough Police Department may request that an internal affairs complaint be investigated directly by the Camden County Prosecutor, who shall determine whether to investigate the matter, refer the matter to the Internal Affairs function of another law enforcement entity, or return the matter to the Haddonfield Borough Police Department, if the Camden County Prosecutor determines that the department can appropriately investigate the matter.
  2. Nothing in this general order shall prevent the Haddonfield Borough Police Department from retaining a qualified private individual to serve as a hearing officer or an expert witness.
- D. Professional Standards Unit Commander shall be responsible for:
  1. The management of the Professional Standards Unit;
  2. The coordination and review of all internal affairs investigations;
  3. The review of all allegations of misconduct by employees of this department;
  4. The Chief of Police shall be immediately notified when an employee is accused of a crime, domestic violence incident where the employee is either an alleged perpetrator or victim, any incident that attracts media attention, and any incident that would affect the efficient and effective operation of the department. In addition, the duty supervisor shall take any immediate action necessary to preserve the integrity of the department until directed otherwise by the Chief of Police or his/her designee. All other notifications shall be made on the next business day.

5. The maintenance of a comprehensive central file and recordkeeping system on all complaints received by this department, whether investigated by Professional Standards Unit personnel or assigned to an employee's supervisor. A quarterly report on the status of all pending Internal Affairs investigations will be provided to the Chief of Police.
  6. The preparing and mailing of a Complaint Acknowledgement Letter to all civilian complainants.
- E. Professional Standards Unit shall be responsible for:
1. Employee Hiring & Background Investigation.
  2. The investigation and review of all allegations of misconduct by employees of this department.
  3. In addition to investigations concerning allegations of misconduct, the Professional Standards 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
  4. Once notification has been received, internal affairs will determine whether additional investigation is necessary.
  5. Internal affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct in accordance with department general order governing early warning,
  6. Internal affairs shall be responsible for any other investigation as directed by the Chief of Police.

7. The Professional Standards Unit may conduct an internal affairs investigation on their own initiative upon notice to, or at the direction of the Chief of Police or Professional Standards Unit Commander.
8. The Professional Standards Unit may refer reportable incidents classified as a minor rule violation to an employee's supervisor for inquiry and corrective action.
9. The Professional Standards Unit investigators or personnel temporarily assigned to that function shall have the authority to interview any employee of the department and to review any record or report of the department relative to their assignment. Requests from the Professional Standards Unit personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from the Chief of Police.
10. Notification to the Camden County Prosecutor's Office
  - a. The Chief of Police or designee shall immediately notify the Camden County Prosecutor of the receipt of the complaint by the Internal Affairs function of any allegation of a crime or an offense.
11. The Haddonfield Borough Police Department shall complete the Professional Standards Summary Report form and submit it to the Camden County Prosecutor's Office as directed by that office.
12. On an annual basis, the Haddonfield Borough Police Department shall publish on its public website a report summarizing the types of complaints received and the dispositions of those complaints. This report **should** be statistical in nature.
13. The Haddonfield Borough Police Department shall on a periodic basis, no later than January 31 of the following year submit to the Attorney General and the County Prosecutor, and publish on the agency's public website, a brief synopsis. The synopsis of each case shall follow the format provided in Appendix L (updated November 2022) and shall include the identity of each officer subject to final discipline, a full explanation of the rule, regulation, policy, directive, or law violated, a factual summary of their conduct, and a statement of the sanction imposed. This synopsis shall not contain the identities of the complainants or any victims. Where discipline relates to domestic violence, the synopsis shall not disclose the relationship between a victim and an officer. In rare circumstances, further redactions may be necessary to protect the identity of a victim. Whenever practicable, notice shall be given to victims of domestic or sexual violence in advance of an agency's disclosure of discipline

related to the incident. The synopsis shall include all misconduct where an agency member:

- a. Was terminated;
- b. Was reduced in rank or grade;
- c. Was assessed a suspension of more than five days.
  - 1) A suspension of more than five days shall be broadly construed to include any disposition involving a suspension of more than 40 hours of time or the equivalent of five days/shifts if less than 40 hours, regardless of whether any of the suspension time was suspended or held in abeyance. It shall include the loss of vacation, sick or leave time totaling more than 40 hours or the equivalent of five days/shifts. It shall include any combination of suspension time assessed plus loss of vacation, sick or leave time that aggregates to more than 40 hours or the equivalent of five days/shifts. It shall also include any fine that exceeds the gross value of 40 hours, or the equivalent of five days/shifts, of pay;
- d. Had a sustained finding of discrimination or bias against any person because of the individual's actual or perceived race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability, nationality, familial status, or any other protected characteristic under N.J.S.A. 10:5-1 et seq., regardless of the type or severity of discipline imposed;
- e. Had a sustained finding that the officer utilized excessive force in violation of departmental policy or the Attorney General's Use of Force Policy, regardless of the type or severity of discipline imposed;
- f. Had a sustained finding that the officer was untruthful or has demonstrated a lack of candor, regardless of the type or severity of discipline imposed;
- g. Had a sustained finding that an officer has filed a false report or submitted a false certification in any criminal, administrative, employment, financial, or insurance matter in their professional or personal life, regardless of the type or severity of discipline imposed;

- h. Had a sustained finding that an officer intentionally conducted an improper search, seizure or arrest, regardless of the type or severity of discipline imposed;
- i. Had a sustained finding that an officer intentionally mishandled or destroyed evidence, regardless of the type or severity of discipline imposed;
- j. Had a sustained finding of domestic violence, as defined in N.J.S.A. 2C:25-19, regardless of the type or severity of discipline imposed;
- k. Resigned, retired, transferred or separated from the agency, regardless of the reason, while any internal affairs investigation or complaint was pending, and the misconduct ultimately sustained (as defined in this policy and the current IAPP) falls within categories d through j above or would have resulted in an action under categories a through c had the member not separated from the agency; or
- l. Was charged with any indictable crime under New Jersey or an equivalent offense under federal law or the law of another jurisdiction related to the complaint.

*The department may not, as part of a plea or settlement agreement in an internal affairs investigation or otherwise, enter into any agreement concerning the content of a synopsis subject to public disclosure, including any agreement regarding the identities of officers subject to final discipline, summaries of misconduct, or statements of the sanctions imposed. The department or officer shall not enter into any non-disclosure agreement which seeks to conceal or prevent public review of the circumstances under which the officer separated from or was terminated or fired from employment by the department.*

- 14. The Haddonfield Borough Police Department shall report to the Camden County Prosecutor's Office as required by the Camden County Prosecutor's Office and Department General Order.

#### **IV. ACCEPTING COMPLAINTS**

##### **A. Duty of Employees to Self-Report**

- 1. All employees shall immediately self-report using the State Standardized Internal Affairs Complaint Form, in no case, more than four hours, the following information to the Professional Standards Unit and the Chief of Police through the chain of command:

- a. Whenever the employee is arrested or criminally charged for any conduct.
    - 1) The report must be made immediately, and in all cases prior to release or leaving the law enforcement agency. In the case of service of criminal charges, the notification must be made immediately upon the receipt of the charges.
  - b. Whenever the employee is named as a party in any civil suit involving their conduct while on duty or otherwise while acting in an official capacity.
  - c. Whenever the employee is named as a party in any civil suit regarding off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threats of physical violence by the employee.
  - d. Whenever the employee is either an alleged perpetrator or victim of a domestic violence incident.
2. When employees report this information to a supervisor, the supervisor shall directly and immediately report the information to the Professional Standards Unit, in no case more than four hours after receipt of the notification. The Chief of Police shall notify the Camden County Prosecutor's Office of the receipt of this information.
- B. Duty of Employees to File a State Standardized Internal Affairs Complaint Form for Actions of Other Employees
- 1. An employee who receives information defined as a reportable incident shall report such information to the Professional Standards Unit Commander.
  - 2. All employees must report directly to the Professional Standards Unit, or the Chief of Police any conduct by another employee that reasonably appears to constitute any of the following:
    - a. Prohibited discrimination;
    - b. An unreasonable use of force or a threat of force;
    - c. A constitutional violation;

- d. Failure to follow any of the documentation requirements, including documentation of civilian complaint filing procedures;
  - e. Providing false information in an investigation of an employee for misconduct or in any report, log, or transmittal of information to the department's communication center.
  - f. Any violations discovered during a supervisory review (staff inspection) of personnel. Supervisors conducting the review shall be held accountable for their referral decisions.
3. Retaliation against any employee for reporting misconduct shall constitute a serious disciplinary offense and may lead to a severe penalty up to and including termination.

C. Complaints from the Public

- 1. All department personnel are directed to accept reports of agency or employee misconduct from all persons who wish to file a complaint regardless of the hour or day of the week. Complainants are to be encouraged to submit their complaints in person as soon after the incident as possible. If the complainant cannot file the report in person, a representative from the Professional Standards Unit shall visit the individual at their home, place of business, or at another location in order to complete the report, if possible. Telephone, e-mail, web-based reporting, and facsimile complaints may also be accepted.
- 2. If a member of the Professional Standards Unit is immediately available, they shall take the complaint.
  - a. If a member of the Professional Standards Unit is not immediately available, the complainant will be referred to the duty supervisor. In the absence of the duty supervisor, any department employee shall accept the report of employee misconduct.
  - b. If a civilian employee is speaking to the complainant and no sworn officer of the agency is immediately available to accept the complaint, the employee shall:
    - 1) In person - Ask the complainant if he or she would like to wait for an available sworn member. If the complainant is unable to wait, ask if he or she would provide a contact number for a return phone call to accept the complaint. The complainant will be provided with the Citizen's Complainant Information Sheet and a paper Standardized Statewide Public



Complaint Form (Appendix “B”), and may also be referred to the kiosk at the lobby, or the Haddonfield Borough Police website that allows for the submission of a digital complaint by selecting the section to “File Officer Complaint.” If the complainant chose to complete the paper form on location, it shall be forwarded to the PSU and the civilian employee will inform their immediate supervisor. If the complainant does not fill out the form at police headquarters, the complainant shall be advised that the form can be dropped back off, mailed in, emailed, or will be picked up by a sworn member of the agency once completed. When receiving complaints from individuals who do not speak English and require the ability to file in another language.

- 2) Via telephone - The complainant shall be asked if he or she would provide a contact number for a return phone call, or wait on the line. The caller or number shall then be forwarded to a member of the PSU, supervisor, or a police officer to resolve the matter or take the complaint. If the complainant does not wish to leave a phone number, the complainant shall be connected to the voice mail of the PSU Commander.
- 3) Via email or other digital means - The members receiving the complaint shall forward the email or digital message to the PSU Commander to handle the complaint, along with the respective immediate supervisor and Division Commander for awareness, who will forward to the Chief of Police.
- 4) In all cases, the civilian employee will ensure their immediate supervisor is made aware of the complaint, and how it was handled, so that the Chief of Police is advised through the chain of command.

3. Department personnel receiving the complaint shall:

- a. Provide the person making the complaint with the Citizen Complaint Information Sheet (Appendix A), which explains the department's Internal Affairs procedures. This form shall be signed and dated by the complainant. The complainant shall be given a copy of the form and the original shall be kept with the Internal Affairs file.
  - 1) If a language barrier is present between the complainant and member receiving the complaint, the employee shall contact the Camden County Central

Communications Center. The center provides a language line service for all Camden County police departments. All efforts shall be made for translation of the complaint. If an interpreter for the language line is unavailable, the complainant shall be instructed to handwrite the complainant statement and forward it to the Professional Standards Unit. The Professional Standards Unit shall take the proper means to have the statement translated to English. When receiving complaints from individuals who do not speak English and require the ability to file in another language.

- a) When receiving complaints from individuals who do not speak English, and require the ability to file a complaint in another language, the member receiving the complaint shall obtain a Public Complaint Form and Citizen's Complaint Information sheet in the individual's native language. The New Jersey Attorney General's Office will maintain Public Complaint Forms and Citizens Complaint Information sheets, in multiple languages (Arabic, Chinese, English, Haitian, Hindi, Korean, Polish, Portuguese, Spanish, Tagalog, and Vietnamese) on their website found at <https://nj.gov/oag/iapp/>. The member will obtain copies of the Public Complaint Form and Citizen's Complaint Information Sheet and allow the individual to use that form in their native language to file the complaint.
- b) The Haddonfield Borough Police Department will maintain a link to the New Jersey Attorney General's Office's website so the public can access the complaint forms in other languages, when they are required.
- c) The Standardized Statewide Public Complaint Form and Citizen's Complaint Information Sheet in English and Spanish will be maintained by Professional Standards Unit, Watch Desk, and Police Services to make readily available to complainants. The Public Complaint Form and Citizen's Complaint Information Sheet will also be kept in supply and displayed in a brochure holder located in the hallway at the Watch Desk.

- b. Advise the complainant that he or she will be kept informed of the status of the complaint, if requested and its ultimate disposition.
- c. Remind the individual filing the complaint of the importance of providing accurate and truthful information. However, when providing such advice, the employee receiving the complaint must remember that it is important to balance the need for receiving the complaints of employee misconduct against the dangers of discouraging members of the public from coming forward with their complaints. Therefore, any language that would serve to dissuade or intimidate a member of the public from coming forward should be avoided. Accordingly, at no point during the initial intake of a complaint should any employee affirmatively warn a complainant that consequences could potentially result from making misrepresentations or a false report. This does not preclude an employee from explaining the potential consequences of false reports to complainants if the employee is specifically asked about this.
- d. Complete as much of the Internal Affairs Complaint Form as possible before forwarding it to the Professional Standards Unit Commander who is responsible for screening the complaint and shall:
  - 1) Enter the information into the Internal Affairs Index.
  - 2) Provide an Internal Affairs Complaint Notification (Appendix "D") to the principal(s).
  - 3) Create and forward the case file to the assigned Professional Standards Unit investigator.
- e. Have the complainant sign the completed form. If the complainant will not sign the form, the employee receiving the complaint will so note that fact. However, the failure of a citizen to sign a complaint will in no way preclude the investigation of the allegations.
- f. When a member is receiving a complaint from a civilian against an employee of this department, the member accepting the complaint in-person or on the phone shall audio and video record the receipt of the complaint, according to the same protocols that would apply if the civilian were being interviewed during any other police/citizen contact according to the Body Worn Cameras (BWC) General Order.

4. All department personnel are directed to accept reports of agency or employee misconduct from anonymous sources. If the anonymous complainant is talking to an employee, the employee should encourage them to submit their complaint in person. In any case, the complaint will be accepted.
  - a. An employee of the department who interferes with or delays the reporting or investigation of such complaints may be subjected to disciplinary action.
5. If a complainant wants to make a complaint against an employee of another law enforcement agency, he/she will be referred to that agency. If the complainant expresses fears or concerns about making the report directly, he/she will be referred to the respective county prosecutor's office.
6. If a complaint is received from another law enforcement agency, the complaint will be forwarded to the Professional Standards Unit Commander for classification.
7. Complaints against the Chief of Police or the Chief of Police's senior management team (Deputy Chief of Police), or the Professional Standards Bureau Commander may originate from a member of the public or from an employee of the agency.
  - a. Any Professional Standards Unit such complaint shall be documented by the Professional Standards Unit, or by the Deputy Chief of Police should the complaint be against the Professional Standards Unit Commander, and referred to the Camden County Prosecutor's Office for review. If the complaint is against the Chief of Police, the investigation shall be conducted by the Camden County Prosecutor's Office or the Attorney General's Office. The investigation may involve any type of alleged employee misconduct, including violations of an AG Directive or Guideline, a Directive issued by the Camden County Prosecutor, the Haddonfield Borough Police Department's Rules and Regulations, or any violation that indicates that the member is unable, unwilling or unfit to perform their duties. The investigation shall be conducted in a manner that examines the allegations of misconduct in a thorough, objective, prompt manner that is investigated until a logical conclusion. At the conclusion of the investigation, the Professional Standards Unit investigator and/or the investigating agency shall make factual findings, summarize the matter, and indicate the appropriate disposition (Sustained, Unfounded, Exonerated, or Not Sustained) as to each allegation of misconduct. The Camden County Prosecutor or the Attorney General's Office also may determine that it is appropriate to handle

other internal affairs investigations of high-level officials in their discretion.

8. The Professional Standards Unit shall monitor any civil litigation involving an employee of this department, regardless of whether the litigation is a result of the employee acting within his or her duties of employment.
9. If an internal affairs complaint is received from a complainant in conjunction with the filing of civil litigation, the Professional Standards Unit shall consult with legal counsel from the Camden County Prosecutor's Office to determine whether an investigation is appropriate or warranted.
10. Supervisors are authorized to informally resolve minor complaints that are based on a complainant's misunderstanding of accepted law enforcement practices or the duties of an officer at the time a report is made. If the complaint is not satisfied with such a resolution, or there is any question by the supervisor and/or complainant on the success of the resolution, the complaint shall be forwarded to the Professional Standards Unit for further action as warranted.
  - a. In either case, the process shall be recorded on an Internal Affairs Complaint Form and forwarded to the Professional Standards Unit.
  - b. The Professional Standards Unit shall review the complaint and forward the report to the Chief of Police for review.
  - c. The Professional Standards Unit shall periodically audit the reports indicating a citizen's complaint was informally resolved to ensure that supervisors are properly implementing their authority to resolve citizen complaints.
11. In accordance with the Attorney General's Directive No. 2018-6 on immigration issues, no state, county or local law enforcement officer shall inquire about or investigate the immigration status of any victim, witness, potential witness or person requesting or receiving police assistance.

D. Complaints shall be handled as follows:

1. All complaints will be forwarded to the Professional Standards Unit Commander for classification and entry into the recordkeeping system.
2. Unless otherwise directed by the Professional Standards Unit Commander or the Chief of Police, complaints classified as a minor rule violation shall then be forwarded to the by a commanding officer at least

one step removed from the employee's immediate supervisor for inquiry and corrective action.

3. All other complaints classified as misconduct shall be retained by the Professional Standards Unit.
4. If the complaint is accepted during hours when the PSU is not on duty, and the complaint is of such gravity that immediate attention is required, the supervisor accepting or receiving the complaint shall contact the PSU Commander and advise him/her of the complaint who shall inform the Chief of Police. If the PSU Commander is not available, the Duty Officer shall be first contacted, followed by the Deputy Chief and Chief of Police if no immediate response. In all cases, the Chief of Police shall be informed of this complaint.
5. Once a complaint has been received, the principal shall be notified in writing using the Internal Affairs Complaint Notification Form that a report has been made and that an investigation will commence. Such notification shall not include the name of the complainant. This notification is not necessary if doing so would impede the investigation.

## **V. IMMEDIATE SUSPENSIONS**

### **A. Suspension Pending Disposition or Investigation**

1. A supervisor or Chief of Police may immediately suspend an employee from duty if it is determined that one of the following conditions exists:
  - a. The employee is unfit for duty; or
  - b. The employee is a hazard to any person if permitted to remain on the job; or
  - c. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
  - d. The employee has been formally charged with a first, second or third degree crime; or
  - e. The employee has been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty or the act touches upon his or her employment.
2. The supervisor imposing the immediate suspension must:

- a. Immediately contact the Duty Officer and PSU Commander, who will contact the Chief of Police to review the criteria that resulted in the need for immediate suspension.
    - 1) The Chief of Police will make the determination on whether the employee will continue to be paid pending the outcome of the investigation.
  - b. Advise the employee in writing providing them with the Immediate Suspension Notice (Appendix "E"), and explain why an immediate suspension is sought with the charges and general evidence in support of the charges.
    - 1) If the employee refuses to accept the written notification of immediate suspension, it shall be given to a representative of the employee's collective bargaining unit.
  - c. Provide the employee with a sufficient opportunity to review the charges and the evidence and to respond to either orally or in writing, if applicable.
  - d. Advise his immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
  - e. The suspended employee will be ordered at a time to be determined to appear before the Chief of Police.
3. Administrative Reassignment
- a. Administrative reassignment may be used in cases involving the use of force, which results in death or serious bodily injury, unless the employee is suspended or placed on administrative leave pending the outcome of the investigation.
  - b. The administrative reassignment is subject to change by the Chief of Police or designee upon the outcome of the investigation.
4. Filing formal charges
- a. Within five days of the suspension, the department must complete and file a **Preliminary Notice of Disciplinary Action** against the suspended employee or return the employee to work. The filing of charges shall be suspended if the employee's suspension is due to a potential criminal matter under review by the Camden County Prosecutor's Office.

## **VI. INVESTIGATION**

### **A. Criminal Misconduct Complaints**

1. Where preliminary investigative data indicates the possibility of a criminal act on the part of the employee, or the investigation involves an allegation of the excessive use of force, the Chief of Police shall be notified immediately who will then notify the Camden County Prosecutor's Office. No further action shall be taken, including the filing of charges against the employee, until directed by the Chief of Police and the Camden County Prosecutor's Office.
2. A member of the Professional Standards Unit shall notify the principal in writing that an internal investigation has been started, unless the nature of the investigation requires secrecy, and has been approved by the Chief of Police not to notify the officer.
3. The Camden County Prosecutor's Office will review the complaint within thirty days and advise the Professional Standards Unit whether a criminal investigation will be conducted. The Camden County Prosecutor has the discretion to extend the review time in thirty-day increments if necessary.
4. Complainants requesting information and status on the investigation will be referred to the Camden County Prosecutor's Office during the time the complaint is being reviewed.
5. The commencement of a criminal investigation into the subject matter of an internal affairs complaint will cause the 45-day rule to be suspended pending the outcome of the criminal investigation. The 45-day rule will remain suspended until the disposition of the criminal investigation, at which time the department will then be bound again by the 45-day rule.
6. The Professional Standards Unit shall remain in contact with the Camden County Prosecutor's Office to determine the progress of the investigation.
7. If the complaint is closed criminally with no action by the Camden County Prosecutor's Office, the investigative file will be made available to the Professional Standards Unit for administrative investigation.
8. As for administrative complaints, the Professional Standards Unit Commander will direct a member of the Professional Standards Unit will conduct an appropriate investigation. Investigators must strive to conduct a thorough and objective investigation without violating the rights of the principal or any other law enforcement officer.



9. The assigned investigator shall interview the complainant, all witnesses and the principal, as well as review relevant reports and records, and obtain other relevant information and materials, as required to conduct a complete investigation.
10. Whenever there is a possibility that the investigation may result in criminal prosecution of the principal or the county prosecutor may be conducting a separate criminal investigation, the Professional Standards Unit must consult with the Camden County Prosecutor's Office prior to interviewing the accused employee.
11. An administrative investigation may commence with the disposition of a complaint against the principal by the Superior Court or a municipal court. In the alternative, an administrative investigation may commence with a county or municipal prosecutor's decision to dismiss a complaint against a principal. A finding of guilt by the Superior Court or a municipal court may assist in resolving an administrative investigation because such a finding requires proof beyond a reasonable doubt, which is more than is required to meet the burden of proof in administrative matters.
12. A disposition that does not involve a finding of guilt by the courts or where a complaint is dismissed by a county or municipal prosecutor means that proof beyond a reasonable doubt has not been found. However, it does not mean that an administrative investigation cannot be pursued or should be closed. The absence of proof beyond a reasonable doubt does not foreclose the possibility that an investigation may reveal evidence that meets the burden of proof in administrative matters. Thus, the internal affairs investigator must continue the administrative investigation to determine whether evidence exists or can be developed that meets the "preponderance of the evidence" burden of proof for administrative proceedings. Under no circumstances shall an internal affairs administrative investigation be closed merely because a criminal investigation was declined or terminated. In all cases where an investigation is returned to Professional Standards Unit because the prosecutor declines or terminated the criminal investigation, the Professional Standards Unit Commander shall inform the Camden County Prosecutor as to the disposition of the complaint, including any discipline imposed, once the administrative investigation is complete.
13. Upon completion of all possible avenues of inquiry, the assigned investigator shall complete the following:
  - a. Internal Affairs Action Sheet.

- b. Internal Affairs Investigation Report: this is the objective report of all investigative activity, including all of the information obtained during the course of the investigation.
  - c. Internal Affairs Investigation Summary and Conclusion Report these reports will summarize the matter, and will provide recommended dispositions for each allegation. Possible dispositions, as defined in this written directive.
14. The Chief of Police, upon completion of the review of the report, supporting documentation and information gathered during any supplemental investigation, shall direct whatever action is deemed appropriate.
15. Upon final disposition of the complaint, a letter will be prepared by PSU and shall be sent by certified mail to the complainant by the Office of the Chief of Police explaining the outcome of the investigation.
- a. If the allegation was unfounded or the employee was exonerated, this conclusion should be stated and defined for the complainant.
  - b. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained.
  - c. If the allegation was sustained and discipline was imposed, the letter should simply state that the allegation was sustained and the employee has been disciplined according to department procedures.

B. Administrative Misconduct Complaints

1. All serious complaints which shall be investigated by the PSU, including complaints of:
- a. Criminal activity;
  - b. Excessive force;
  - c. Improper or unjust arrest;
  - d. improper entry;
  - e. Improper or unjustified search;
  - f. Differential treatment;

- g. Complaints of domestic violence;
  - h. Serious rule infractions;
  - i. Repeated minor rule infractions.
2. When preliminary investigative data indicates an administrative misconduct offense, which may result in disciplinary action:
- a. A supervisor must notify the Professional Standards Unit, who will conduct a full investigation of the matter to include interviewing the complainant, principals, and all witnesses as well as review relevant reports and records, and obtain other relevant information and materials.
  - b. The Professional Standards Unit Commander will notify the Chief of Police of the offense; and
  - c. Upon completion of an internal affairs investigation, the assigned investigator shall complete a Professional Standards Unit Internal Affairs Action Sheet (Appendix "F") form for each allegation of misconduct and forward the entire investigation package to the Professional Standards Unit Commander for review.
    - 1) The Professional Standards Unit Commander shall review the case file and recommended disposition(s) and must sign the Professional Standards Unit Internal Affairs Action Sheet.
    - 2) The case file shall be forwarded to the Chief of Police for his/her review. The Chief will approve or modify the recommended disposition(s) based upon the report and recommendations set forth on the form.
  - d. Upon final disposition of the complaint, a letter shall be prepared by Professional Standards Unit and sent certified mail from the Office of the Chief of Police to the complainant explaining the outcome of the investigation.
    - 1) If the allegation was unfounded, or the employee was exonerated, this conclusion should be stated and defined for the complainant.
    - 2) If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained.

3) If the allegation was sustained and discipline was imposed, the letter should simply state that the allegation was sustained and the employee has been disciplined according to department procedures. It is not necessary to specify the discipline imposed.

e. When a complaint originates from within the police department, the information involving the reported infraction will be forwarded to the Professional Standards Unit. The Professional Standards Unit will conduct an investigation, notify the appropriate bureau commander into the allegations, or direct the appropriate supervisor to administer some form of discipline deemed appropriate to the offending party as determined per the Chief of Police.

#### C. Minor Rule Violation Complaints

1. Management in the principal's chain of command should handle relatively minor complaints. Complaints of demeanor and minor rule infractions should be forwarded to the supervisor of the principal's unit because it is often difficult for an immediate supervisor to objectively investigate a subordinate. In addition, that arrangement might obscure the possibility that part of the inappropriate conduct was the result of poor supervision. It is recommended that minor complaints be assigned to and handled by a commanding officer at least one step removed from the employee's immediate supervisor.
2. Supervisors investigating minor complaints of inappropriate behavior must strive to conduct a thorough and objective investigation without violating the rights of the principal or any other law enforcement employee. Accordingly, all officers who may be called upon to do an internal investigation must be thoroughly familiar with the agency's entire internal affairs policy, including the protection of the principal's rights and the procedures for properly investigating internal complaints.
3. An assigned supervisor may investigate complaints of demeanor and minor rule infractions when:
  - a. Minor demeanor complaints or rule infractions that are directly related to an event, action or inaction that occurs during the employee's shift (at the time of the complaint) may be initially handled or investigated by the employee's immediate supervisor. For example, a Sergeant of Police issues an Official Reprimand to their officer for failing to maintain a uniform as required.
  - b. The assigned supervisor shall inform the principal that the complaint will be tracked by PSU.

- c. The supervisor shall take all necessary steps to investigate the complaint. These steps may include interviewing the complainant, all witnesses and the principal, as well as reviewing relevant BWC footage, reports, logs, or forms. A brief memo summarizing the matter should be submitted to PSU indicating the disposition.
  - d. After review by the PSU Commander, entry as to the disposition of the investigation will be made in the index file and the report will be filed.
  - e. Upon final disposition of the complaint, a letter shall be prepared by PSU and sent to the complainant by the Office of the Chief of Police explaining the outcome of the investigation.
  - f. Disciplinary action will be determined by the Chief of Police.
4. Upon completion of an internal affairs investigation, the assigned investigator shall complete a Professional Standards Unit Internal Affairs Action Sheet (Appendix "F") form for each allegation of misconduct and forward the entire investigation package to the PSU Commander for review.
- a. The PSU Commander shall review the case file and recommended disposition(s) and must sign the Professional Standards Unit Internal Affairs Action Sheet.
  - b. The case file shall be forwarded to the Chief of Police for his/her review. The Chief will approve or modify the recommended disposition(s) based upon the report and recommendations set forth on the form.
5. Upon final disposition of the complaint, a letter shall be prepared by PSU and sent certified mail from the Office of the Chief of Police to the complainant explaining the outcome of the investigation.
- a. If the allegation was unfounded, or the employee was exonerated, this conclusion should be stated and defined for the complainant.
  - b. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained.
  - c. If the allegation was sustained and discipline was imposed, the letter should simply state that the allegation was sustained and the employee has been disciplined according to

department procedures. It is not necessary to specify the discipline imposed.

6. When a complaint originates from within the police department, the information involving the reported infraction will be forwarded to the PSU. The PSU will conduct an investigation, notify the appropriate bureau commander into the allegations, or direct the appropriate supervisor to administer some form of discipline deemed appropriate to the offending party as determined per the Chief of Police.
7. Minor complaints should be assigned to and handled by a commanding officer at least one step removed from the employee's immediate supervisor, when possible.
8. When a complaint has been classified as a minor rule violation, the complaint shall be forwarded to the employee's commanding officer for inquiry and further action necessary. The commanding officer shall then prepare a report summarizing the matter, recommending the appropriate corrective action.
9. The commanding officer shall record the information, which will be forwarded to the Professional Standards Unit Commander for review, and entry of the disposition in the recordkeeping system.

#### D. Interview Procedures

##### 1. Preparation

- a. All complainant, principals and witnesses shall be interviewed after careful preparation, including the review of the investigative file and all documents, evidence, and interviews conducted up until the interview. The investigator, in consideration of the investigative plan, should have pre-formulated goals to be accomplished with each interview.

##### 2. Memorializing of the Interview

- a. The interview of the complainant, principal, and any other witness with critical information shall be documented or memorialized in one of the following ways:
  - 1) An audio recorded statement documenting and memorializing information obtained through an interview. A synopsis of the recorded statement will be included in the narrative of the Internal Investigation Report. All statements of department personnel involving criminal or serious administrative misconduct allegations will be audio recorded.

- 2) Handwritten statements taken by investigator shall be signed on each page by the person making the statement.
  - 3) Video recorded.
  - 4) A summary of the substance of the interview will be incorporated in the body of the appropriate internal investigation report.
- b. If the investigation involves a criminal charge against the complainant, an initial interview should be conducted with the complainant. However, the investigator must realize that the complainant is simultaneously a criminal defendant arising out of the same incident and must be accorded all of the appropriate protections. Thus, all further contact with the complainant should be arranged with and coordinated through the Camden County Prosecutor's Office and the complainant's defense attorney.
  - b. Investigators must at all times remain cognizant that civilian witnesses who are not employees of the department cannot be compelled to provide a statement in any manner. However, all reasonable efforts should be made to obtain a statement when warranted from non-police personnel in the order of priority as is listed above.
  - c. All persons submitting to such a recorded or written statement, including the complainant, witnesses, and the principal(s) will, upon request, be provided with a copy of same by the investigator, as authorized by the Professional Standards Unit Commander, unless by doing so, it could compromise the investigation.
  - d. Other than investigators authorized by the department, employees of this department shall not electronically record nor cause any interview to be electronically recorded. The copy of the official statement shall be produced and provided within a reasonable amount of time. The employee receiving the copy of the statement shall be reminded of the absolute requirement that same not be copied, shown, or revealed to anyone other than the employee's attorney, if any. Violation of this provision will result in serious disciplinary action.
  - e. Audio or written statements shall be made attachments within the investigative file, unless the matter is criminal in nature. In that case, evidence shall be handled in

accordance with department general order regarding the handling of evidence in a criminal matter.

- f. All recorded statements will be summarized in the body of the appropriate internal investigation report. When directed by the Professional Standards Unit Commander, the pertinent portions of the statement may be transcribed and the transcript itself also included as an attachment to the case.
  - g. All relevant identifying information concerning the complainant should be recorded, e.g., name (unless the complainant wishes to remain anonymous), complete address, telephone numbers and area codes, race or ethnic identity, sex, date of birth, place of employment, social security number if necessary and place of employment (name and address). The investigator should grant reasonable requests for accommodations to protect the complainant's identity, such as meeting the complainant at a place other than the investigator's office if the complainant's identity cannot be kept confidential at that location.
  - h. Upon obtaining an audio-recorded statement, investigators will then label the medium, protect against re-record loss, and include it as a case attachment to the report. The statement, if transcribed, will also be included as a case attachment regarding administrative investigations. In cases where the interview concerns a criminal matter, the recorded medium will be secured and handled as evidence.
3. Secondary Investigator as a Witness
- a. The utilization of a second investigator as a witness to any interview or written statement is not required; however, it may be authorized in certain circumstances.
4. Legal Representation in Administrative Internal Affairs Investigations
- a. During the course of the administrative interview, an employee may be represented by a union representative of their choosing to include an attorney, so long as the availability of the attorney does not in any way hamper or impede the ongoing investigation. There is not a Sixth Amendment right in Administrative Internal Affairs Investigations for principals and witnesses. If the investigation is criminal in nature and it appears that the employee's union representative may become a witness or



subject in the investigation, the union representative shall be prohibited from attending the interview.

- b. Complainants and witnesses who are not employees of the agency cannot be precluded from having a legal representative present while being interviewed by investigators.

5. Interview of Complainant

- a. After the preparation detailed above, all efforts must be made to interview a complainant in person. Complainant interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures. Interviews of civilian complainants over the phone should only be conducted if in person interview is not possible.
- b. The investigator shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The investigator shall reasonably accommodate a civilian's circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than the department or at a time other than regular business hours.
- c. Investigators must treat the person being interviewed with dignity and respect, and demonstrate interest and concern in dealing with the complainant. Employees shall not attempt to dissuade any person from making a complaint. Employees shall conduct themselves as to facilitate the citizen's confidence in the internal investigative process.
- d. Complainants and witnesses shall not be questioned about any matters that are not directly relevant to the allegations of the investigation. Any questioning intended to challenge the credibility of a complainant or witness must be approved beforehand by the Professional Standards Unit Commander. Investigators shall make every effort not to ask questions that may demean, ridicule, or cause embarrassment to the complainant.
- e. Questions must be carefully thought out and absolutely relevant to the investigation. Any questionable issues should be discussed with and approved by the Professional Standards Unit Commander before conducting the interview.
- f. Group interviews shall not be conducted.

- g. Complainants should be interviewed outside the presence of other complainants and witnesses. A parent, or adult relative or guardian in the absence of a parent, shall be present during the interview of a minor. In the event, a parent cannot be located; the investigator must document the efforts taken to contact same. If a civilian insists that another potential witness be present during an interview, the interview must continue with the potential witness present and the report must note the circumstances.
- h. Structure of Interview
- 1) Complainants should be initially asked to explain in their own words, in detail, the facts forming the basis of the complaint. The investigator should then clarify any questions or issues regarding the complainant's statement.
  - 2) After the complainant has provided a statement, the narrative of the State Standardized Internal Affairs Complaint Form, recorded telephone complaint, or correspondence from the complainant should be reviewed with the complainant.
  - 3) The investigator shall seek to rectify or identify any discrepancies as well as identify any further investigative requirements.
  - 4) The complainant should be asked to identify any witnesses and state what they believe the witness may have knowledge of; turn over any evidence in their possession; and identify what other types of evidence they know.
  - 5) Every relevant fact known to the complainant should be identified and explored thoroughly.
  - 6) Issues identified in the Investigation Plan, should be addressed.
  - 7) In addressing the allegations, questions utilized in the basic investigative process, namely: **who, what, when, where, why, and how,** should be precisely addressed.
  - 8) The complainant and or witnesses have no automatic right to view any department video recordings. It shall be up to the discretion of the investigator, whether utilizing any department video

recordings during an interview will enhance or clarify the investigative process.

- 9) If a complainant refuses to be interviewed, or cannot be located or contacted, a letter should be immediately forwarded on department letterhead, via U.S. mail, authorized and signed by the Professional Standards Unit Commander, advising that he/she should respond within ten (10) days or the investigation will proceed without his/her input.

## 6. Interview of Witness

- a. Every effort should be made to interview all witnesses. The full identity of the witness should be obtained. If the witness refuses to be interviewed, or cannot be contacted after a reasonable attempt to locate, a letter should be sent on department letterhead advising that witness should respond within ten calendar (10) days.
- b. Specific and detailed questions should be asked including: **who, what, when, where, why, and how** the incident or event occurred. The investigator should have a clear purpose in identifying relevant witnesses and selecting what questions to ask them. These issues should be established in the Investigative Plan.
- c. The aforementioned techniques outlined in the complainant interview should be applied to the interview of witnesses.
- d. Witness interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.

## 7. Interview of Employees

- a. Generally, the interview of an employee is accomplished after the complainant and all witnesses are interviewed. However, this is determined by the character of the inquiry and remains a choice of the investigator. Such interviews are a critical step in the investigation and should be carefully planned. Investigators shall not accept a written statement from any employee in lieu of an interview.
- b. Employee interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.
- c. Employee as: **WITNESSES**

- 1) In the event an employee is being interviewed as a witness in an administrative investigation, a Witness Acknowledgement Form (Appendix "K") will be completed. This form will also be signed by the principal.
  - a) The investigating member of the PSU will complete and hand deliver to the principal an Administrative Interview Advisement Form (Appendix "J") which is signed by the principal during an Administrative Interview.
- 2) All employee witnesses will be interviewed. A summary of the substance of the interview will be incorporated in the body of the appropriate internal investigation report. The key elements of the statement may be transcribed if necessary. A unionized employee who is considered a witness is entitled to union representation if he/she reasonably believes that he/she may be subject to disciplinary action as a result of the investigation.
- 3) Advise the employee that he/she is a witness, explaining the difference between a witness and principal.
  - a) A witness is a person reasonably believed to have information concerning the event under investigation, but whose own conduct is not the focus of the investigation.
  - b) A principal is a person whose conduct is the focus of the investigation.
- 4) Before any questioning takes place, the employee shall be apprised of the identity of the investigator conducting the interview, including his/her rank, name, and assignment. This notice shall also include the identity of all persons present during the interview.
- 5) The investigator may require the employee to submit a report detailing relevant facts in the investigation. If a report is required, the investigator will provide the employee with the background information regarding the nature and timeframe of the complaint. The employee should be encouraged to review any of his or her own reports. **(NOTE) Not to be used in lieu of a recorded statement.**

- 6) A formal statement will be obtained from the witness after he/she has been given their Witness Acknowledgment Form. The investigator shall further verbally confirm the employee's obligation for candor throughout an internal investigation, pointing out the specific provision of the acknowledgment form denoting such.
- 8) If, during the interview, the status of an employee shifts from a witness to a principal, follow the procedure for accepting complaints, the employee shall also be advised accordingly. The investigator shall contact the Professional Standards Unit Commander to secure permission to proceed.

d. Employee as: **PRINCIPAL**

- 1) If the matter under investigation involves a possible criminal violation, the assigned investigator shall consult with the Camden County Prosecutor's Office regarding the advisability of giving Miranda Warnings to the principal.
- 2) Interview of principals in cases of potential criminal conduct shall be conducted at the direction of the Camden County Prosecutor's Office and recorded in accordance with Attorney General Directive 2006-2 and "Interview, Interrogation, Access to Counsel" General Order.
- 3) If at any time during the administrative questioning session the employee becomes a suspect in a criminal act, the employee shall be so informed, and the questioning shall end. Thereafter, the case shall be promptly referred to the Camden County Prosecutor's Office.
- 4) No employee shall be designated a principal without the approval of the Professional Standards Unit Commander.
- 5) Before questioning begins, inform the principal of:
  - a) The nature of the complaint,
  - b) The name of the person in charge of the interview, and the names of all persons who will be present during the interview.

- 6) The investigating member of the Professional Standards Unit will complete and hand deliver to the principal an Administrative Interview Advisement Form (Appendix "J") which is signed by the principal during an Administrative Interview.
- 7) Each employee of the department is required to answer pertinent questions regarding the matter, which is the subject of investigation. All employees of the department are obligated to answer questions and provide full and complete information to the investigator(s) during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions, which may include suspension or termination.
- 8) The investigator shall not automatically provide the principal with the State Standardized Internal Affairs Complaint Form. Principals shall be advised of the specific nature of the complaint, the time period involved, any allegation(s) or violation(s) of rules, regulations, and orders involved, and if applicable, the name or names of the complainant(s) and/or witnesses, in writing. The addresses of the witnesses or complainants need not be disclosed.
- 9) In cases where these documents are shown to the principal, the investigator shall redact from the letter of complaint, State Standardized Internal Affairs Complaint Form, or any other relevant document provided to the principal during the interview, any information that may compromise the investigative process by providing same to the principal. Redacted documents utilized during the investigation for any purpose shall be properly referenced in any interview and included as an attachment to the Investigation Report.
- 10) As an employee of the department, the Weingarten Representative shall be advised of the obligation of confidentiality and the requirement not to discuss any information obtained during an interview with any other person. (Weingarten Rights)
- 11) The principal may produce records of his/her own or suggest names of witnesses he/she requests to be interviewed.

- 12) A formal electronically recorded statement may be obtained from the principal after he/she has been advised of their Administrative Advisement. The investigator shall further verbally confirm the employee's obligation for candor throughout an internal investigation.
- 13) The following guidelines will be followed when any representation is requested.
  - a) Any employee designated as a principal or witness, who reasonably believes that the investigation may result in disciplinary action against him/her, is entitled, upon request of the interviewee, to have a union representative accompany the interviewee to the interview.
  - b) Any employee who is a potential principal or witness in the investigation may not act as a Weingarten representative.
  - c) The exercise of the interviewee's right to a union representation may not interfere with the investigation. However, a reasonable period of time should be allowed for the representative to appear for the interview.
  - d) Although an interviewee is entitled to the representative of his/her choosing, any union representative or other person designated by the union will satisfy the representation requirement. For additional guidance on interviewee representation, refer to the current version of the NJ Attorney General's IAPP.
  - e) The principal and his/her representative shall be informed of the subject matter of the investigation and given a reasonable period of time to confer prior to the interview. The union representative may be present during the interview, and once the interview has begun, they may not leave the room for purposes of further consultation. If the principal refuses to make a statement or answer any questions, he/she will be informed that such refusal may result in discipline/dismissal and the interview shall be terminated.

- f) The investigator shall not negotiate with the representative. The representative may be permitted to clarify facts or make suggestions (e.g., other potential witnesses) after the investigator's questioning of the principal. The investigator is free to insist that he/she is only interested in hearing the interviewee's own account of the matter under investigation. In other words, the representative shall not be permitted to answer for the principal or conduct his or her own interview.
- 9) The interview shall be conducted at a reasonable hour in a non-coercive manner, without threat or promise of reward, and preferably when the employee is on duty. No "off the record" questions will be asked and no "off the record" statements will be permitted. If the urgency of the investigation requires that the employee is questioned while off duty, such time will be recorded and treated as hours worked in accordance with the collective bargaining agreements, where applicable.
- 10) The interview shall be conducted at a location designated by the investigator, usually at headquarters.
- 11) The questioning shall be of a reasonable duration and rest periods allowed. Time shall be provided for personal necessities, meals, and telephone calls as are reasonably needed.

## E. Investigative Avenues

### 1. Physical Evidence

- a. Evidence obtained or seized as a result of a criminal investigation will be collected and packaged in accordance with the Property and Evidence General Order and will be stored at the direction of the Camden County Prosecutor's Office.
- b. Evidence obtained in the investigation of an administrative complaint will be collected and packaged by the PSU for secure storage and safekeeping.



- c. Body worn camera recordings from internal affairs interviews will be downloaded to Evidence.com and “tagged” as an “Internal Investigation.” Only the Chief of Police and members authorized to conduct internal affairs investigations shall have authorization privileges set up through Evidence.com to access and view the footage.
- d. 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.
- e. With respect to an audio file, they should be secured at the outset of the investigation. Transcripts or copies of the original recordings can be used as investigative leads. Audio files should be monitored to reveal the totality of the circumstances.
- f. Statements from all parties.

## 2. Photographs

- a. In the event of a complaint involving excessive force, the following photographic documentation shall be obtained when appropriate. Whenever possible, color photography shall be used.
  - 1) Photographs of the complainant at the time of arrest or following the alleged incident of excessive force.
  - 2) Photographs of the principal in the event that employee was a victim.
  - 3) A recent photo of the employee in the event a sequential photo display will be used for identification purposes. The photo display must be conducted in accordance with the New Jersey Attorney General’s guidelines and retained for possible evidentiary purposes.
  - 5) Photographs of the scene of the alleged incident, if necessary.

## 3. Physical Line-ups

- a. Employees may be required to stand in “physical” line-up proceedings for the purpose of an administrative complaint investigation. There is no need for probable cause and the employee may be disciplined if he or she refuses.

- b. The lineup must be constructed so as not to be unfairly suggestive. The same rule applies to photo arrays.

#### 4. Physical Tests

- a. Principals may be compelled to submit to various physical tests or procedures to gather evidence. Such evidence may be used against them in a disciplinary proceeding.

- b. No person has a constitutional right or privilege to refuse to submit to an examination to obtain a record of their physical features and other identifying characteristics of their physical or mental condition. Evid. R. 503(a). Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:

- 1) Breath samples;
- 2) Blood samples;
- 3) Buccal Swabs;
- 4) Requiring employee to speak;
- 5) Voice recordings;
- 6) Participation in suspect lineups;
- 7) Handwriting samples;
- 8) Hair and saliva samples;
- 9) Urine analysis;
- 10) Videotaping;
- 11) Field sobriety tests.

- c. Generally, a person cannot be physically forced to produce this or other evidence or submit to such tests, although a court order may be obtained to legally compel them to do so. Refusal to comply with the order can result in additional criminal, civil, and/or administrative sanctions.

#### 5. Polygraphs

- a. While an employee who is the subject of an Internal Affairs investigation may request a polygraph examination, an

employer shall not influence, request or require an employee to take or submit to a polygraph examination as a condition of employment or continued employment (N.J.S.A. 2C:40A- 1).

- b. Polygraph tests of civilian complainants and witnesses should only be used when a reasonable suspicion exists that their statements are false. Under no circumstances should polygraph examinations be used to discourage or dissuade citizen complainants.
- c. The victim of sexual assault cannot be asked or required to submit to a polygraph examination as a condition for proceeding with an investigation (Attorney General Law Enforcement Directive N. 2009-1).
- d. An employee cannot be required to submit to a polygraph test on pain of dismissal. Engel v Borough of Woodbridge, 124 N.J. Super. 307 (App. Div. 1973).
- e. If a polygraph is used, the test must be administered by a qualified police polygraph operator.

#### 6. Search and Seizure

- a. As a general rule, the Fourth Amendment applies to any action taken by government. Law enforcement officers have the right, under the Fourth Amendment, to be free from unreasonable searches and seizures. Fourth Amendment warrant requirements apply to any search of an office, employee's personal property including clothing, car, home or other belongings to include any computer or digital recordings.
- b. A voluntary consent to a search may preclude some Fourth Amendment problems from developing. A consent search eliminates the need to determine what threshold standard must be met before conducting the search or seizure, either for an administrative or criminal investigation. Under New Jersey law, for consent to be legally valid, a person must be informed that he/she has the right to refuse to permit a search. State v. Johnson, 68 NJ 349 (1975). If a consent search is utilized, the investigating officer shall follow standard police procedures and have the principal sign a consent to search form after being advised of the right to refuse such a search and to be present during the search, unless they waive this right.
- c. In a criminal investigation, the standard to obtain a search warrant is probable cause. Generally, a search warrant

should be sought to search an area belonging to the principal when the employee maintains an objective expectation of privacy in that area. Areas and objects in this category include but are not limited to the employee's home, personal car, safe deposit boxes and personal computers. Agency supplied equipment and property is never considered personal property of the employee.

- d. Generally, during either administrative investigations or criminal investigations, workplace areas may be searched without a search warrant. The critical question is whether the public employee has a reasonable expectation of privacy in the area of property the Internal Affairs investigator wants to search. The determination of a reasonable expectation of privacy must be decided on a case-by-case basis. There are some areas in the person's workplace where this privacy expectation can exist just as there are some areas where no such expectation exists. Areas where supervisors or other employees may share or go to utilize files or equipment would present no expectation of privacy or a diminished expectation of privacy. Included here would be government provided vehicles, filing cabinets, agency computers, etc.
- e. Agency property includes but is not limited to: computers, lockers, phones, agency vehicles, desks/offices/work stations, filing cabinets and any other agency equipment remains the property of the Haddonfield Borough Police Department and is subject to entry and inspection without notice at any time and without a search warrant.
- f. If a criminal investigation, prior to a search or confiscation of any agency issued property, approval must be obtained from the Camden County Prosecutor or his/her designee.
- g. Any search of agency or personal property should be conducted in the presence of another agency employee, preferably a Superior Officer, and should be properly recorded.

#### 7. Financial Records

- a. During an investigation, the principal may be requested to submit financial records that are deemed appropriate to either prove or disprove the allegations under investigation.

### **VII. REPORTING**

- A. Upon completion of all possible avenues of inquiry, the Professional Standards Unit investigator shall complete the following reports:

1. Internal Affairs Action Sheet.
  2. Internal Affairs Investigation Report: this is the objective report of all investigative activity, including all of the information obtained during the course of the investigation.
  3. Internal Affairs Investigation Summary and Conclusion Report these reports will summarize the matter, and will provide recommended dispositions for each allegation. Possible dispositions, as defined below:
    - 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; standard operating procedure; rule; or training.
    - b. Unfounded - A preponderance of the evidence shows that the alleged conduct 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; standard operating procedure; rule; or training. (For example, at the conclusion of an investigation into an excessive force allegation, the agency finds that the officer used force (alleged conduct) but that the force was not excessive (alleged violation).)
    - d. Not Sustained - The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
- B. The Chief of Police, upon completion of the review of the report, supporting documentation and information gathered during any supplemental investigation, shall direct whatever action is deemed appropriate.
- C. Upon final disposition of the complaint, a letter will be prepared by Professional Standards Unit and shall be sent by certified mail to the complainant by the Office of the Chief of Police explaining the outcome of the investigation.
1. If the allegation was unfounded or the employee was exonerated, this conclusion should be stated and defined for the complainant.
  2. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained.

3. If the allegation was sustained and discipline was imposed, the letter should simply state that the allegation was sustained and the employee has been disciplined according to department procedures.
- D. Upon completion of its investigation with a finding of exonerated, sustained, not sustained, or unfounded, the Professional Standards Unit shall notify the principal in writing of the disposition.
  - E. If the complaint is sustained and it is determined that formal charges should be preferred, the Chief of Police, or his designee, shall direct a member of the Professional Standards Unit to prepare, sign and serve charges upon the principal. The Professional Standards Unit shall prepare the Preliminary Notice of Disciplinary Action (31A) (Appendix "H").
  - F. The Preliminary Notice of Disciplinary Action and Hearing shall direct that the employee charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of plea. Such date for entry of plea shall be set within a reasonable time, at least five days after the date of service of the charges.
    1. If the employee charged enters a plea of guilty, the Chief of Police shall permit the employee to present factors in mitigation prior to assessing a penalty.
  - G. Forms documenting discipline imposed shall be forwarded to the Chief of Police and will be placed in the employee's Personnel File after service of the same is completed. The Professional Standards Unit will cause the penalty to be carried out and complete all forms. The Professional Standards Unit shall prepare the Final Notice of Disciplinary Action (31B – Suspension, Fine or Demotion) (31C - Termination) (Appendix "I").
  - H. Time Limitations
    1. Investigations involving demeanor complaints or minor rule infractions, like most internal affairs complaints are straightforward, and most of these routine complaints can be investigated and resolved quickly. The expectation is that these minor complaints, the investigation shall be completed within 45 days, from the receipt of the complaint to the filing of disciplinary charges. The simpler the case, the quicker the inquiry should be completed. The Chief of Police may grant an extension for good cause.
    2. Under N.J.S.A. 40A:14-147, disciplinary charges alleging a violation of the department rules and regulations must be filed within 45 days of the date the person filing the charge obtained sufficient information to file the charge.
    3. The 45-day rule does not apply to disciplinary charges alleging officer misconduct or incapacity.

4. Citizens are not required to make their complaint within 45 days of the incident. However, once the department has received the citizen complaint, the 45-day rule applies.
5. If investigators are unable to complete an internal affairs investigation within in 45 days of receiving the complaint, the PSU Commander shall notify the Chief of Police before the 45th day. In such situations, the Chief of Police shall seek to identify the reasons for the extended investigation and whether the internal affairs function requires additional resources or oversight to complete the investigation in a prompt manner. In addition, the Chief of Police should ensure compliance with the “45-day rule” established by N.J.S.A. 40A:14-147, which requires that certain disciplinary charges be filed within 45 days of the date the person filing the charges obtained “sufficient information” to do so.
6. In the event an internal affairs investigation is extended past the 45th day, PSU investigators are required to provide further notice to the Chief of Police every additional 45 days that the internal affairs investigation remains open (i.e., on or about the 90th, 135th, and 180th day from the receipt of the complaint), and the Chief of Police should exercise increasing scrutiny of the PSU investigator’s work the longer the case remains open.
7. In rare cases, disciplinary charges will not have been filed within 180 days of the receipt of the complaint. In these rare cases, the Camden County Prosecutor or their designee shall be notified. The Chief of Police shall provide the County Prosecutor or their designee with the reasons for the extended investigation and shall also examine the Haddonfield Borough Police Department’s internal affairs function to determine if they face any systemic issues that require additional resources or oversight. The Camden County Prosecutor or their designee may take any steps necessary to ensure prompt resolution of the pending matter, including supersession of the agency’s investigation. Notification shall be made to the Camden County Prosecutor every additional 90 days that the investigation remains open (i.e., on or about the 270th and 360th day from the receipt of the complaint).
8. The below chart assists in the 45-day notification requirements:

<b>Timing of Internal Affairs Investigations</b>	
<b>Length of investigation from receipt of complaint</b>	<b>Special Notice Required</b>
1 to 44 days (“Routine”)	None. Case resolved in the ordinary course

45 days (“More Routine”)	Chief of Police
90 days	Chief of Police
135 days	Chief of Police
180 days (“Rare Cases”)	CCPO and Chief of Police
225 days	Chief of Police
270 days	CCPO and Chief of Police

- I. Performance Notice: is the entry that must be completed by a supervisor to address the corrective action taken as a result of the minor rule violation.
  1. Training is a component of discipline that may be the desirable alternative to other discipline in situations where the actions giving rise to the initial complaint were not deemed to be an intentional violation of established department directives. Training may also be appropriate in situations where the complaint reveals a very minor or technical violation that likely requires no more than a reinforcement of existing directives to correct the employee’s behavior. Training may be delivered through verbal instruction, peer training, or in-service training. Training provided in accordance with this directive shall be documented on a Haddonfield Borough Training Report and forwarded to the Chief of Police.
  2. Documented Counseling shall be forwarded to the Chief of Police via the Chain of Command and retained by the Commander of the Professional Standards Unit to assist with the development of relevant training programs. Documented Counseling shall be kept separate and apart from an employee’s personnel and discipline files.
    - a. A Performance Notice shall be used when the minor rule violation warrants a corrective action of training or counseling.
    - b. The supervisor issuing a Performance Notice (verbal, counseling, or training) shall complete the entry on the appropriate form and forward a copy through the chain of command to the Chief of Police. A copy of the disposition will be forwarded to the Professional Standards Unit Commander for review, and entry in the recordkeeping system.
    - c. The employee shall be advised of the corrective action by the issuing commander. The Professional Standards Unit Commander shall review the entry and the documentation shall be retained in the system.
    - d. A printed copy shall be forwarded to the Professional Standards Unit Commander for filing.



J. Reprimand Notice (verbal/written reprimand): is the entry that must be completed by a supervisor to address the disciplinary action initiated as a result of repeated performance deficiencies or administrative misconduct.

1) Official Reprimand - may be issued to an employee by any supervisor for minor rule infractions in lieu of formal charges. Final approval and review of the circumstances will be with the Chief of Police. The employee shall be advised of the discipline and given a copy of the disciplinary document. A copy of the document shall also be forwarded to the Chief of Police.

2) Written Reprimand - may be issued to an employee by any superior officer within his/her line of authority as indicated by the department table of organization and the established chain of command as a result of minor and/or repeated rule violations in lieu of formal discipline. The Chief of Police must approve the reprimand PRIOR to issuance. The employee shall be advised of the discipline and given a copy of the disciplinary document. A copy of the document shall also be forwarded to the Chief of Police.

a. A Reprimand Notice shall be used when the minor rule violation or misconduct warrants a disciplinary action of a verbal or written reprimand.

b. The supervisor issuing a Reprimand Notice (written) shall complete the entry on the appropriate form and forward a copy through the chain of command to the Chief of Police. A copy of the disposition will be forwarded to the Professional Standards Unit Commander for review, and entry in the recordkeeping system.

c. Upon approval of the Reprimand Notice, the employee shall be advised of the corrective action by the issuing commander. The Professional Standards Unit Commander shall ensure receipt.

d. A printed copy shall be filed by Professional Standards Unit Commander.

K. Formal Charge:

1. If the complaint is sustained, and it is determined that formal charges should be preferred, the Chief of Police or designee shall direct the Professional Standards Unit Commander or designee to prepare shall prepare the appropriate Notice of Disciplinary Action Form, sign, and serve charges upon the principal.

- a. A Preliminary Notice of Disciplinary Action Form shall be used for requested discipline that could result in discipline exceeding a written reprimand.
2. The Notice of Disciplinary Action Form shall direct that the employee charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of a plea. The date will be listed on the notice and must provide a reasonable time, at least 5 days after the date of service of the charges to enter a plea and request a hearing, if applicable.
    - a. If the employee charged waives a hearing and enters a plea of guilty, the Chief of Police shall permit the employee to present factors in mitigation prior to assessing a penalty.
  3. At the conclusion of fact and the penalty imposed, the DPF-31B will be placed in the employee's personnel file after he or she has been given an opportunity to read and sign for each disciplinary action. Internal Affairs will cause the penalty to be carried out and complete all required forms. Note: the **Final Notice of Disciplinary Action** must be filed within 20 days of disposition.
- L. If the employee charged waives a hearing and enters a plea of guilty, the Chief of Police shall permit the employee to present factors in mitigation prior to assessing a penalty.

## VIII. HEARINGS

- A. Employees are entitled to hearing before the appropriate authority or his designee for any charge that exposes the employee to discipline as follows:
  1. Surrender of leave time
  2. Monetary fine
  3. Suspension with pay
  4. Suspension without pay
  5. Loss of promotion opportunity
  6. Demotion
  7. Termination
- B. Upon written notice of a request for a hearing from the principal the Chief of Police will set the date for the hearing within a reasonable time and arrange for the hearing of the charges but no sooner than 10 days.

- C. The PSU Commander or his/her designee shall be responsible for or assist the assigned supervisor or prosecutor in the preparation of the department's prosecution of the charges. This includes proper notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
- D. In the event of a hearing, the PSU Commander or his/her designee will be responsible for preparing a discovery package from the internal affairs file, and will make arrangements to forward the discovery package to the principal or his/her representative.
- D. The hearing shall be held as per the Haddonfield Borough Rules and Regulations Manual.
- E. All disciplinary hearings shall be closed to the public unless the defendant officer requests and open hearing.
- F. The hearing officer shall recommend a finding of guilty or not guilty, or recommend that the charges be modified. The decision of the hearing officer will be in writing and accompanied by findings of fact for each issue in the case.
- G. The hearing officer shall recommend any of the following actions which it deems appropriate under the circumstances.
  - 1. Training
  - 2. Counseling
  - 3. Oral reprimand or performance notice
  - 4. Written reprimand
  - 5. Monetary fine
  - 6. Suspension without pay
  - 7. Loss of promotion opportunity
  - 8. Demotion
  - 9. Discharge from employment
- H. A copy of the hearing officer's recommended decision or order, and accompanying findings and conclusions, shall be delivered to the officer or employee who was the subject of the hearing and the Chief of Police.

- I. The Chief of Police shall accept, reject or modify the hearing officer's recommendations including the findings, conclusions and proposed penalty. The Chief of Police will constitute the final disciplinary action.
- J. Upon completion of the hearing the PSB Commander or his/her designee will complete all of the required forms including the entry of the disposition into the index file.
- K. If the charges were sustained, the PSB Commander will cause the penalty to be carried out. The report shall be permanently placed in the officer's or employee's personnel file.

## **IX. CONFIDENTIALITY**

- A. The progress of internal affairs investigations and all supporting materials are considered confidential information. All department employees are required to keep all aspects of any internal affairs case and/or investigation in strict confidence, whether involved in the investigation or not. This shall be construed as to prohibit any employee from revealing any information whatsoever, including, but not limited to:
  - 1. An employee's participation in an internal affairs interview;
  - 2. The existence of an internal affairs investigation;
  - 3. The subject matter of an internal affairs investigation;
  - 4. The target of an internal affairs investigation;
  - 5. The identity of complainants and/or witnesses; and
  - 6. Any other information related to an internal affairs investigation.
- B. The Haddonfield Borough Police Department shall protect and maintain the confidentiality of all internal affairs records against the agency or employees. These records shall be in a designated secure area accessible only to the Chief of Police, Professional Standards Unit Commander and others as authorized by the Chief of Police.
- C. The information and records of an internal investigation shall only be released under the following limited circumstances:
  - 1. If administrative charges have been brought against an employee and a hearing will be held, a copy of all discoverable materials shall be provided to the employee and the hearing officer before the hearing.
  - 2. 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.

3. Upon request or at the direction of the Camden County Prosecutor or New Jersey Attorney General.
4. Upon a court order; or
5. Upon a request from the Division of Pensions, following an officer's application for a retirement allowance.

D. The Chief of Police may authorize access to a particular file or record for good cause. The request and the authorization shall be in writing, and the written authorization shall specify who is being granted access, to which records access is being granted, and for what time period access is permitted. The authorization shall also specify any conditions (i.e., the files may be reviewed only at the internal affairs office and may not be removed). In addition, the law enforcement executive may order any redactions in accordance with the current IAPP. The Chief of Police should grant such access sparingly, given the purpose of the internal affairs process and the nature of many of the allegations against officers. As a general matter, a request for internal investigation case files may satisfy the good cause requirement:

1. If a Civilian Review Board that meets certain minimum requirements requests access to a completed or closed investigation file, subject to the conditions described in this section; or
2. If another law enforcement agency requests the files because it is considering hiring an officer who was formerly employed at the agency with the internal investigation files.

E. The *Summary and Conclusions Report* shall be released in response to a request made under the common law right of access by any member of the public or press where it satisfies any of the following conditions:

1. The *Summary and Conclusions Report* led to a result on or after January 1, 2023, that requires disclosure pursuant the current IAPP;
2. The agency otherwise concludes that the *Summary and Conclusions Report* is subject to release pursuant to applicable law or court order; or
3. Upon the request or at the direction of the County Prosecutor or Attorney General at any time.

F. When an agency concludes that a *Summary and Conclusions Report* is subject to disclosure, it shall redact the following before disclosure:

1. The names of complainants, witnesses, informants, victims and cooperators, in addition to information that could reasonably lead to discovery of their identities;
    - a. In instances of domestic violence, in addition to redaction of the victim's name, all reference to the specific nature of the qualifying relationship should also be redacted to protect the identity of the victim. For example, if the victim is an intimate partner, terms such as "spouse," "partner," "girlfriend," "boyfriend," "husband," or "wife," should also be redacted, and to the extent possible the report should just indicate that the relationship between the victim and the officer was an enumerated relationship under the Domestic Violence Act (*N.J.S.A. 2C:25-17 et seq.*).
  2. Non-public, personal identifying information about any individual named in the report, such as their home addresses, phone numbers, dates of birth, social security numbers, familial relationships, etc.;
  3. Medical information or history, including but not limited to, mental health or substance abuse services and drug or alcohol evaluation, counseling or treatment;
  4. Information regarding any criminal investigation or prosecution that is not already contained in a public filing, or any information that would impede or interfere with a pending criminal or disciplinary proceeding;
  5. Any records or material prohibited from disclosure by law;
  6. Juvenile records;
  7. Any information which is the subject of a judicial order compelling confidentiality;
  8. Any other information that would violate a person's reasonable expectation of privacy; and
  9. Any information regarding law enforcement personnel, procedures, or resources that could create a risk to the safety of any person, including but not limited to law enforcement personnel.
- G. Whenever a law enforcement officer makes an application to the New Jersey Division of Pensions for retirement benefits, in anticipation of upcoming retirement and the receipt of a pension, both the department and the officer shall have an affirmative obligation to report to the Division of Pensions the existence of any pending internal affairs investigation,

complaint or case, including those on appeal, as well as any criminal charges.

- H. 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.
- I. If the release of internal affairs documents is appropriate, the department should inventory the reports they are releasing and obtain a signed receipt.
- J. 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 telephone and in writing. All such contact shall be noted in the internal affairs report.

#### **X. REPORTING CONTACT WITH LAW ENFORCEMENT AND OTHER JURISDICTIONS**

- A. Any employee who has been charged with an indictable crime, minor offense (disorderly persons offense, petty disorderly offense), driving while intoxicated or has been involved in a domestic violence incident must make immediate notification to the Watch Commander or immediate supervisor at police headquarters setting forth the circumstances surrounding the complaint.
  - 1. It will be the responsibility of the on-duty supervisor to make a prompt notification to the Duty Officer who will ensure the PSU Commander is made aware.
  - 2. It shall be the responsibility of the PSU Commander to make an immediate notification to the Chief of Police and the Camden County Prosecutor.
  - 3. It will be the responsibility of the PSU Commander, in consultation with the Chief of Police, to evaluate the need for an immediate response by PSU personnel.
- B. Any employee who has received a motor vehicle summons or has adverse contact with a law enforcement officer from any level of government or jurisdiction must notify the Watch Commander, or the employee's immediate supervisor.
- C. Any employee contacted or questioned by a law enforcement agency concerning an unlawful act (as a suspect or witness) or a law enforcement

internal affairs matter must provide notification of such contact to the Watch Commander, or the employee's immediate supervisor.

- D. It shall be the duty of the police department employee who is party to any litigation connected to his/her official duties either civil or criminal in nature to promptly notify his/ her immediate supervisor.
- E. It shall be the duty of a police department employee to promptly notify his/her immediate supervisor when such employee intends to testify in any civil or criminal legal or court proceeding not connected to his/her official duties when such testimony or action may involve a representation or statement from the employee as to his service or standing as a police officer where such statement may add credibility to his testimony or when such action involves testimony or representation relating to his/her training as a police officer or any training associated with the Haddonfield Borough Police Department.
- F. Any supervisor who is notified of any above action shall immediately notify the Duty Officer or his/her Division Commander via the Chain of Command. Written notice to the Chief of Police shall be submitted by the supervisor via the Chain of Command.
- G. It shall be the duty of the police department employee to promptly notify his/her immediate supervisor whenever an employee is the subject of any litigation involving zoning issues or violations brought against him/her by a government agency.
- H. Nothing in this section shall apply to an employee who is a member of a collective bargaining unit or fraternal organization who may appear at a public hearing or legal proceeding relating to employment or union activities.
- I. PSU shall track the proceedings of any criminal or civil matters which employees of the department are involved in as a complainant, plaintiff or defendant.

## **XI. INTERNAL AFFAIRS FILES**

- A. A separate Internal Affairs file system shall be maintained in a secured file cabinet. Personnel records are separate and distinct from Internal Affairs records. Internal Affairs investigation reports shall not be placed in an employee's personnel records file.
  - 1. When a complaint has a disposition of exonerated, not sustained, or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made.
  - 2. When a complaint has been sustained, only the disciplinary action imposed shall be filed in an employee's personnel file.



- B. The file system should contain all investigative files resulting from Internal Affairs complaints and the original copy of the following reports:
1. Vehicular Pursuit Reports;
  2. Use of Force Reports;
  3. Firearm's Discharge Reports;
  4. Firearms Display Reports;
  5. CED Deployment Reports;
  6. Civil Action /Tort Claims;
  7. Citizens' Complaints;
  8. Internal Complaints.
- C. A computerized Professional Standards Unit Index File shall be maintained as a record control device.
1. The database shall track and inventory Professional Standards Unit case files and provide an overview of case status to authorized personnel.
  2. The database shall include the date the complaint was received, the complainant (internal or external), the principal, the investigating officer, the allegation, the complainant age, sex, and race, the disposition of the complaint, the discipline imposed (if sustained), and a brief explanation of the complaint in note format.
  3. The database shall monitor all complaints received by the agency and the conduct of all employees, including discipline.
  4. The database shall be accessed by the Chief of Police periodically to provide a summary of the nature and disposition of all complaints received by the agency.
  5. The database shall have restricted access to members of the Professional Standards Unit and the Chief of Police.
- D. All internal affairs complaints shall be recorded in the aforementioned index. Entries shall include the following basic information:
1. Principal
  2. Allegations

3. Complainant
  4. Date received
  5. Investigator assigned
  6. Disposition and disposition date
- E. Upon completing a case, the PSU will be responsible for entering the disposition in the index file and notifying the complainant and principal(s) of the disposition.
- F. Personnel Files are separate and distinct from PSU investigation files and records. Internal Affairs Investigation Reports shall never be placed in Personnel Files.
- G. Internal Affairs Files are separate and distinct from PSU Investigation Files. Disciplinary Files are kept in a separate folder within the Personnel Files in the Office of the Chief of Police.
- H. When a complaint has a disposition of exonerated, not sustained, unfounded, or administratively closed there shall be no indication in the employee's Disciplinary File that a complaint was ever made.
1. When a complaint is sustained and discipline is imposed, the only items to be placed in the employee's Discipline File are a copy of the administrative charging form and a copy of the disposition form. These forms include Official Reprimands, Written Reprimands, Preliminary Notice of Disciplinary Action, and Final Notice of Disciplinary Action.
  2. Official Reprimands shall be retained in accordance with the Employee Professional Standards Process General Order. All other charging forms shall be retained in the employee's Discipline File permanently.
- I. PSU investigation reports, records and evidence are included in the "Records Retention and Disposition Schedule for Local Police Departments" issued by the New Jersey Division of Revenue and Enterprise Services, Records Management Services and shall be purged in accordance with the directives of that agency.
1. For the purpose of this directive, all PSU reports, records and evidence shall be retained by the department for the career of the employee plus five years.
- J. Selection and Hiring
1. The Haddonfield Borough Police Department is committed to selecting and appointing the highest quality candidates to sworn law

enforcement positions within our agency. During the selection process, written tests, psychological tests, background investigations and individual interviews should be completed by each candidate in an attempt to identify those who would be best suited for law enforcement employment. Background investigations will include a review of the prior internal affairs files of any candidate by the PSU.

2. 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.
3. If the Haddonfield Borough Police Department has reason to believe that a candidate for employment was previously a sworn officer of another law enforcement agency, the Haddonfield Borough Police Department has an affirmative obligation to identify all such former employers. The Haddonfield Borough Police Department shall then request all internal affairs files for cases where the candidate was the principal, regardless of the ultimate disposition or status of the complaint.
  - a. If requested, the Haddonfield Borough Police Department shall provide a written acknowledgement to the releasing agency that it will maintain the confidentiality of said files in accordance with this policy.
4. If the Haddonfield Borough Police Department receives such a request regarding a former employee, then it shall immediately share copies of all internal investigative information related to that candidate with the hiring agency, in accordance with N.J.S.A. 52:17B-247. Confidential internal affairs files shall not be disclosed to any other party.
5. 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. COUNTY PROSECUTOR**

- A. The Camden County Prosecutor is responsible for conducting substantive oversight to ensure that the internal affairs function of the Haddonfield Borough Police Department is operating professionally and effectively.