

Internal Affairs Policy & Procedures

August 2020 Version

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Appendix A

Sample Civilian Complaint Information Sheet

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

1. Reports or Complaints of officer/employee misconduct must be accepted from any person, including anonymous sources, at any time.
2. Complaints shall be accepted regardless of age, race, ethnicity, religion, gender, sexual orientation, disability, or immigration status of the complaining party.
3. Your complaint will be sent to a superior officer or a specially trained internal affairs officer who will conduct a thorough and objective investigation.
4. You might be asked to help in the investigation by giving a detailed statement about what happened or providing other important information or documents.
5. All complaints against law enforcement officers are thoroughly investigated. You will be kept informed of the status of the investigation and its ultimate outcome, if requested, and you provide contact information. The exact discipline imposed is confidential, but you will be advised of the ultimate finding, namely :
 - a. Sustained: A preponderance of the evidence shows an officer violated any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.
 - b. Unfounded: A preponderance of the evidence shows that the alleged misconduct did not occur.
 - c. Exonerated: A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.
 - d. Not Sustained: The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
6. If our investigation shows that a crime might have been committed, the county prosecutor will be notified. You might be asked to testify in court.
7. If our investigation results in an officer being charged with a violation of department rules, you might be asked to testify in a departmental hearing.
8. If our investigation shows that the complaint is unfounded or that the officer acted properly, the matter will be closed.
9. Internal affairs investigations are confidential and all disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.
10. You may call the (INSERT INTERNAL AFFAIRS INVESTIGATOR) at (INSERT PHONE NUMBER) with any additional information or any questions about the case.

Appendix B

Department/Agency _____ IA Case Number _____

INTERNAL AFFAIRS REPORT FORM

Person Making Report (Optional, But Helpful)

Full Name _____ Phone _____ Preferred?
Address _____ Email _____
City, State _____ DOB _____

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

Officer(s) _____ Badge No. _____
Incident Site _____ Date/Time _____

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

Other Information

How was this reported? In Person Phone Letter Email Other _____
Any physical evidence submitted? Yes No If yes, describe: _____
Was incident previously reported? Yes No If yes, describe: _____

To Be Completed by Officers Receiving Report

Officer Receiving Complaint Badge No. _____ Date/Time _____

Supervisor Reviewing Complaint Badge No. _____ Date/Time _____

Appendix C

Internal Affairs Complaint Notification

To: _____ Badge No. _____

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

This complaint involves an allegation of _____

which occurred on or about _____

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

Signature

Print Name

Date

Appendix D

Sample Immediate Suspension Notice

To: _____

Date & Time: _____

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

You are unfit for duty

You are a hazard to other persons if permitted to remain on the job

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

You have been formally charged with a first, second or third degree crime.

You have been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty, or the act is directly related to your employment.

The facts in support of the above reason are:

Supervisor making suspension

I hereby acknowledge receipt of this notice.

Signature: _____

Date: _____

Print Name: _____

Appendix E

Sample Response Letters

Complaint Acknowledgment

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

A thorough investigation will be conducted into the allegations contained in your complaint and you will be advised of the results of the investigation upon its conclusion. In the meantime, if you have any questions, please feel free to contact this office by calling [telephone number], Monday through Friday, between the hours of ____ a.m. and ____ p.m.

Officer Exonerated

The Internal Affairs Unit of this department has completed its investigation of your complaint concerning the conduct of [name of subject officer]. The investigation and a review of all information currently available to this office indicates that the officer followed the appropriate department policies and procedures. More specifically, department policies and procedures permit the officer to [give details of the policy or procedure]...

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

Thank you for bringing this matter to our attention.

Not Sustained

The Internal Affairs Unit of this department has completed its investigation of your complaint concerning the conduct of [name of subject officer]. The investigation and a review of all information failed to disclose sufficient evidence to clearly prove or disprove the allegation. More specifically,...

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

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

Thank you for bringing this matter to our attention.

Unfounded

The Internal Affairs Unit of this department has completed its investigation of your complaint concerning the conduct of [name of subject officer]. The investigation revealed that the alleged incident did not occur.

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

Thank you for bringing this matter to our attention.

Sustained

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

If you have any questions, please feel free to contact the Internal Affairs Unit at [telephone number].

Thank you for bringing this matter to our attention.

Appointing authority or authorized agent's signature and title.

Signature _____ Title _____

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

Certified or Registered Mail Receipt number _____

Signature of Server _____ Date of person service _____

I hereby acknowledge service of the within charges

Signature _____

Print Name _____

Appendix G

MIRANDA WARNING

1. You have the right to remain silent and refuse to answer any questions. *(Usted tiene el derecho de guardar silencio y negarse a contestar cualquier pregunta.)*
Do you understand? *(¿Comprende?)* Yes (Sí) No
2. Anything you say may be used against you in a court of law. *(Cualquier cosa que usted diga pued usarse en su contra en un tribunal.)*
Do you understand? *(¿Comprende?)* Yes (Sí) No
3. You have the right to consult with an attorney at any time and have him/her present before and during questioning. *(Usted tiene el derecho de consultar con un(a) abogado(a) en cualquier momento y contar con su presencia antes y durante un interrogatorio.)*
Do you understand? *(¿Comprende?)* Yes (Sí) No
4. If you cannot afford an attorney, one will be provided if you so desire prior to any questioning. *(Si usted no tiene los recursos para contratar a un(a) abogado(a), se le facilitara un(a) abogado(a), si lo desea, antes de cualquier interrogatorio.)*
Do you understand? *(¿Comprende?)* Yes (Sí) No
5. A decision to speak to us is not final and you may stop talking to us at any time. *(La Decision de hablar con nosotros no tiene character definitiva, y a usted se le permite dejar de hablar con nosotros en cualquier momento.)*
Do you understand? *(¿Comprende?)* Yes (Sí) No

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

WAIVER OF MIRANDA RIGHTS

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

Signed (*Firma*): _____ Witness: _____

Date: _____ Time: _____

Advising Officer: _____

Appendix H

Sample Use Immunity Grant Advisement Form

“Garrity Warning”

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

2. I have invoked my *Miranda* rights on the grounds that I might incriminate myself in a criminal matter.

3. I have been granted use immunity. No answer given by me, nor evidence derived from the answer, may be used against me in any criminal proceeding, except for perjury or false swearing.

4. I understand that I must now answer questions specifically, directly and narrowly related to the performance of my official duties or my fitness for office.

5. If I refuse to answer, I may be subject to discipline for that refusal which can result in my dismissal from this agency.

6. Anything I say may be used against me in any subsequent departmental charges.

7. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.

Assistant Prosecutor or

Deputy Attorney General authorizing: _____

Signature: _____

Print name: _____

Date: _____

Location: _____

Witnessed by: _____

Print Name: _____

Appendix I
Witness Acknowledgement Form

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

2. I acknowledge my responsibility to answer truthfully all questions specifically related to the performance of my official duties.
3. I acknowledge that this investigation is confidential, and I am hereby ordered not to disclose any information discussed during this interview.

Signature: _____

Print Name: _____

Date: _____ Time: _____

Witnessed by: _____

Print name: _____

Appendix J

Sample Administrative Advisement Form

Administrative Investigations Only

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

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

Signature: _____

Print Name: _____

Date: _____ Time: _____

Witnessed by: _____

Print name: _____

Appendix K



Sample Internal Affairs Case Reporting Sheet

Internal Affairs Case Reporting

This workbook is designed to assist your completion of Internal Affairs Cases Reporting Requirements per the Attorney General's 2019 Internal Affairs Policies & Procedures.

To begin, select your Agency Name from the drop down list and fill in the year below. Then proceed to the Quarterly Sheets.

Agency Name:

Year:

Click the link below to review the full Internal Affairs Policies & Procedures
[Internal Affairs Policies & Procedures](#)

Fill in the information below for each case opened within **this year**. IA Number, Dates, Officer, and Discipline are free-text fields. ALL OTHER FIELDS HAVE A PRE-DEFINED RESPONSE LIST. THE LENGTH OF CASE FIELD WILL CALCULATE AUTOMATICALLY AND FLAG CASES OVER 180 DAYS.

Click on each cells and click on the dropdown menu that appears to view all response options.

NOTE: Be sure to update cases as their status or other elements change. Classify each case by the most serious allegation while pending. When the case closes, classify by the most serious sustained allegation or most serious allegation if none are sustained.

Internal Affairs Annual Report

IA Number	Date Complaint Received	Officer	Source of Complaint	Complaint Allegation	Date Closed	Length of Case	Status	Criminal Disposition	Internal Disposition	Discipline
1						-				
2						-				
3						-				
4						-				
5						-				
6						-				
7						-				
8						-				
9						-				
10						-				
11						-				
12						-				
13						-				
14						-				
15						-				
16						-				
17						-				
18						-				
19						-				
20						-				
21						-				
22						-				
23						-				
24						-				
25						-				
26						-				
27						-				
28						-				
29						-				
30						-				
31						-				
32						-				

Agency Name: _____
 Year: _____

First Quarter Internal Affairs Summary

	<i>Pending from Prior Years</i>	<i>New cases</i>	<i>Cases Closed</i>	<i>Source of Complaint</i>			<i>Criminal Outcome</i>				<i>Internal Disciplinary Outcome</i>					<i>Pending End of Quarter</i>	
				<i>Agency</i>	<i>Civilian</i>	<i>Anon.</i>	<i>Conviction</i>	<i>Diversion</i>	<i>Acquittal</i>	<i>Dismissal</i>	<i>Not Exonerated</i>	<i>Sustained</i>	<i>Unfounded</i>	<i>Administra- tively Closed</i>	<i>Sustained</i>		
Excessive Force			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Arrest			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Entry			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Search			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Criminal Violation			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Differential Treatment			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demeanor			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Rule Violation			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Total Cases Opened 0
 Total Cases Closed 0
 Total Pending Cases 0
 Total Cases >180 Days 0

Agency Name: _____
 Year: _____

Annual Internal Affairs Summary

	<i>Pending from Prior Years</i>	<i>New cases</i>	<i>Cases Closed</i>	<i>Source of Complaint</i>			<i>Criminal Outcome</i>				<i>Internal Disciplinary Outcome</i>					<i>Pending End of Year</i>	
				<i>Agency</i>	<i>Civilian</i>	<i>Anon.</i>	<i>Conviction</i>	<i>Diversion</i>	<i>Acquittal</i>	<i>Dismissal</i>	<i>Exonerated</i>	<i>Not Sustained</i>	<i>Unfounded</i>	<i>Administra- tively Closed</i>	<i>Sustained</i>		
Excessive Force			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Arrest			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Entry			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Improper Search			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Criminal Violation			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Differential Treatment			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Demeanor			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Rule Violation			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Total Cases Opened 0
 Total Cases Closed 0
 Total Pending Cases 0
 Total Cases >180 Days 0

Appendix L

Public Synopsis of Disciplinary Action

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

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

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

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

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

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

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

Certified or Registered Mail Receipt number _____

Signature of Server _____ Date of person service _____

I hereby acknowledge service of the within charges

Signature _____ Date: _____

Print Name _____