Internal Affairs Policy & Procedures
August 2020 Version

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Sample Citizen 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.
### INTERNAL AFFAIRS REPORT FORM

**Person Making Report (Optional, But Helpful)**

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<th>Phone</th>
<th>Preferred?</th>
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**Officer(s) Subject to Allegation (Provide Whatever Info Is Known)**

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<th>Officer(s)</th>
<th>Badge No.</th>
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<tr>
<th>Incident Site</th>
<th>Date/Time</th>
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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**

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<tr>
<th>Officer Receiving Complaint</th>
<th>Badge No.</th>
<th>Date/Time</th>
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<th>Supervisor Reviewing Complaint</th>
<th>Badge No.</th>
<th>Date/Time</th>
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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.
Appendix F

Preliminary Notice of Disciplinary Action
(For Use in Non-Civil Service Jurisdictions Only)

Pursuant to N.J.S.A. 40A:14-147, if the police officer requests a hearing, such hearing shall be not less than 10 nor more than 30 days from date of service of this notice unless such time requirements are waived by the parties.

<table>
<thead>
<tr>
<th>FROM</th>
<th>Employing Agency Name</th>
<th>Address &amp; Phone Number</th>
<th>Case ID #</th>
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<tbody>
<tr>
<td>TO</td>
<td>Employee Name</td>
<td>Title</td>
<td>Date</td>
</tr>
</tbody>
</table>

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

Charges:  

If checked, charges are continued on attached page.  

Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred  

If checked, incidents are continued on attached page.  

☐ You are hereby suspended effective ________________________________________________  

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

You must enter a plea of guilty or not guilty, in writing, on or before ________________________________  

You may waive your right to a hearing. If you request a hearing it will be held on ________________________________  

At (time) ________________ at (place of hearing) _______________________________________________  

The following disciplinary action may be taken against you:

☐ Suspension for ________ working days, beginning ___________ and ending _________________  

☐ Indefinite suspension pending criminal charges effective (date) ________________________________  

☐ Removal, effective (date) __________________________________________________________________  

☐ Demotion to position of __________________________ effective (date) ____________________________  

☐ Resignation not in good standing, effective (date) ___________ Other Disciplinary Action__________  

☐ Fine ________ which is equal to __________ (number of working days)
Appointing authority or authorized agent's signature and title.

Signature _________________________________ Title ____________________________________

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

☐ Certified or Registered Mail Receipt number _____________________________

☐ Signature of Server _______________________________ Date of 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 guarder 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 puede usarse en su contra en un tribunal.)
   Do you understand? (¿Comprende?)  _____Yes (Sí)  _____No

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

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

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

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

WAIVER OF MIRANDA RIGHTS

I, __________________________, have been read the above statement of my rights aloud. I understand each of my rights and at this time I am willing to give up my right to remain silent and speak to you without a lawyer present. No promises or threats have been made to me. A mi,______________________, me han leido en voz alta la declaracion que figura arriba. Entiendo cada uno de mis derechos; en este momentum, estoy dispuesto a renunciar a mi derecho de guarder 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

<table>
<thead>
<tr>
<th>IA Number</th>
<th>Date Complaint Received</th>
<th>Officer</th>
<th>Source of Complaint</th>
<th>Complaint Allegation</th>
<th>Date Closed</th>
<th>Length of Case</th>
<th>Status</th>
<th>Criminal Disposition</th>
<th>Internal Disposition</th>
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# First Quarter Internal Affairs Summary

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<td>Other Criminal Violation</td>
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<tr>
<td>Other Rule Violation</td>
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<th>New Cases</th>
<th>Cases Closed</th>
<th>Source of Complaint</th>
<th>Criminal Outcome</th>
<th>Internal Disciplinary Outcome</th>
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<tr>
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Total Cases Opened: 0
Total Cases Closed: 0
Total Pending Cases: 0
Total Cases >180 Days: 0
**Annual Internal Affairs Summary**

<table>
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<tr>
<th>Source of Complaint</th>
<th>Internal Disciplinary Outcome</th>
<th>Pending End of Year</th>
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</tr>
<tr>
<td>Other Rule Violation</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| 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.
Appendix M

Final Notice of Disciplinary Action
(For Use in Non-Civil Service Jurisdictions Only)

<table>
<thead>
<tr>
<th>FROM</th>
<th>Employing Agency Name</th>
<th>Address &amp; Phone Number</th>
<th>Case ID #</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO</td>
<td>Employee Name</td>
<td>Title</td>
<td>Date</td>
</tr>
</tbody>
</table>

On __________________ you were served with a Preliminary Notice of Disciplinary Action and notified of the pending disciplinary action.

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

Sustained Charges:

If checked, charges are continued on attached page.

Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred

If checked, incidents are continued on attached page.

The following disciplinary action has been taken against you:

- Suspension for _________ working days, beginning __________ and ending __________
- Indefinite suspension pending criminal charges effective (date) ____________________________
- Removal, effective (date) ____________________________
- Demotion to position of __________________________ effective (date) _______________________
- Resignation not in good standing, effective (date) ______________________ Other Disciplinary Action__________
- Fine ________ which is equal to _________ (number of working days)

Appointing authority or authorized agent’s signature and title.

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

☐ Certified or Registered Mail  Receipt number _______________________________

☐ Signature of Server _______________________________  Date of person service ___________________

I hereby acknowledge service of the within charges

Signature _____________________________________  Date: ______________________________

Print Name ____________________________________