

RAMSEY POLICE DEPARTMENT - POLICIES & PROCEDURES			
GENERAL ORDER			
Subject: Internal Affairs Policy		Section Number V1 C9	Effective Date: 1/24/96
Volume Title: Administration		Number of pages: 50	
NJSACOP Standard: 1.4.3, 1.3.1,		Distribution: General	
Source/References: N.J.S.A. 40A:14-118, 40A:14-147 Ramsey Police Department Rules and Regulations NJAG Guidelines Division of Criminal Justice Law Enforcement Handbook Chapter 5 Collective Bargaining Agreement between the Borough of Ramsey and P.B.A. Local #155 NJAG Internal Affairs Policy & Procedures/ Directives		Revised: 2/27/03 4/7/09 6/12/12 12/3/15 10/18/20	Page: All All All 5 All Approved: Chief Gurney Chief Gurney Chief Gurney Chief Gurney Chief Gurney
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I. PURPOSE

The Ramsey Police Department is committed to providing law enforcement services that are fair, effective, and impartially applied. Toward that end, supervisors, officers, and non-law enforcement employees of this agency are held to the highest standards of official conduct and are expected to respect the rights of all citizens. Supervisors', officers' and non-law enforcement employees' adherence to these standards, motivated by a moral and professional obligation to perform their job to the best of their ability, is the ultimate objective of the Ramsey Police Department.

The effectiveness of a law enforcement agency is dependent upon public approval and acceptance of law enforcement authority. The department must be responsive to the community by providing formal procedures for the processing of complaints from the public regarding individual officer performance.

The purpose of this policy is to improve the quality of law enforcement services. Citizen confidence in the integrity of the law enforcement agency increases through the establishment of meaningful and effective complaint procedures. This confidence engenders community support for the law enforcement agency. Improving the relationship between the officers and the citizens they serve facilitates cooperation vital to the department's ability to achieve its goals. An effective

disciplinary framework also permits law enforcement officials to monitor officers' compliance with department policies and procedures. Adherence to established policies and procedures assists officers in meeting department objectives while a monitoring system permits managers to identify problem areas requiring increased training or direction. Finally, this policy will ensure fairness and due process protection to citizens and officers alike.

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

II. POLICY

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

It is the policy of this department that officers and employees, regardless of rank, shall be subject to disciplinary action for violating their oath and trust. Committing an offense punishable under the laws of the United States, the State of New Jersey, or municipal ordinances constitutes a violation of that oath and trust. Officers are also subject to disciplinary action for failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment. In addition, officers may be disciplined for violation of any rule and regulation of the department or for failure to obey any lawful instruction, order, or command of a superior officer or supervisor. Disciplinary action in all matters will be determined based upon the merits of each case.

It is the policy of this department that officers conducting the investigation of any allegation of misconduct must strive to conduct a thorough and objective investigation without violating the rights of the subject officer or any other law enforcement officer, and show proper respect to all members of the public. Accordingly, all supervisors and any other officer who may be called upon to do an internal investigation must be thoroughly familiar with the department's Internal Affairs policy.

It is the policy of the Ramsey Police Department that prevention is the primary means of reducing and controlling misconduct. To that end, it is the policy of the Ramsey Police Department to discover and correct organizational conditions which permit the misconduct to occur. Special emphasis is placed on recruitment, selection and training of officers and supervisors, community outreach, and the analysis of misconduct complaints and their outcome.

It is the policy of the Ramsey Police Department that each officer shall be provided ready access to an official, agency-written manual which contains specific directions for conducting all aspects of law enforcement work. Categories of misconduct shall be clearly described and defined, and the disciplinary process shall be thoroughly explained in the manual.

III. FUNDAMENTAL OF THE DISCIPLINARY PROCESS

Achieving the desired level of discipline within the law enforcement agency is among the most important responsibilities of the law enforcement executive. The executive must first define the goal and objectives of the agency's units and then announce management's expectations to guide the units toward realizing those goals.

The executive must establish a means to monitor performance and to correct improper actions. Employees must be clearly told what constitutes satisfactory performance through performance evaluations and similar procedures (N.J.A.C. 4A:6-5.1). Supervisors and managers must also know when and how to take corrective action.

A) POLICY MANAGEMENT SYSTEM

- i) The Ramsey Police Department's policy management system serves as the foundation for effective discipline. This clearly defined policy management system is designed to move the Ramsey Police Department toward its stated goals and set the standard for acceptable performance. This agency's policy management system includes;

- (1) Rules and regulations,
- (2) Standard operating procedures (SOPs), and
- (3) Directives or orders

B) RULES AND REGULATIONS

- i) The rules and regulations identify general categories of misconduct or inappropriate behavior that are subject to disciplinary action, which may fall into one of the following categories
 - (1) **Crime.** Complaint regarding commission of an illegal act that constitutes a violation of the criminal code including disorderly and petty disorderly offenses.
 - (2) **Excessive force.** Complaint regarding the use of threatened use of excessive force.
 - (3) **Improper arrest.** Complaint that the restraint of a person's liberty was improper, unjust, or violated a person's civil rights.
 - (4) **Improper entry.** Complaint that entry to a building or onto property was improper or that excessive force was used against property to gain entry.
 - (5) **Improper search.** Complaint that the search of person or property was improper, unjust, violated established agency procedures or violated the person's civil rights.
 - (6) **Differential treatment.** Complaint that the taking of police action, the failure to take police action or method of police was predicated upon irrelevant factors such as race, appearance, age or sex.
 - (7) **Demeanor.** Complaint that an agency's member bearing, gestures, language or other actions were inappropriate.
 - (8) **Serious rule infractions.** Complaint for conduct such as insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering.

(9) **Minor rule infractions.** Complaint for conduct such as untidiness, tardiness, faulty driving, or failure to follow procedures.

ii) The Rules and Regulations shall provide for a uniform classification of the resolution of the complaint as follows:

(1) **Sustained:** The investigation disclosed sufficient evidence to prove the allegation, and the actions of the officer violated provisions of rule and regulation or agency procedures.

(2) **Unfounded:** The alleged incident did not occur.

(3) **Exonerated:** The alleged incident did occur, but the actions of the officer were justified, legal and proper.

(4) **Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

iii) The Ramsey Police Department rules and regulations set forth a schedule of possible penalties an officer might receive when discipline is imposed. The rules and regulations incorporates a system of progressive discipline.

(1) Progressive Discipline

- a. Oral reprimand or performance notice;
- b. Written reprimand;
- c. Monetary fine;
- d. Suspension without pay;
- e. Loss of promotional opportunity;
- f. Demotion; and
- g. Discharge from employment.

iv) In lieu of discipline, counseling re-training, enhanced supervision, oral reprimand and performance notices can be used as instructional or remedial devices to address deficiencies or inadequate performance.

C) PROGRESSIVE DISCIPLINE

i) Counseling

(1) Counseling is assisting an employee in the process of problem solving and it may be corrective or preventive in nature. It may focus on the necessity for a person to change his present behavior or work methods. It may focus on the necessity for a person to behave differently in preparation for responsibilities and challenges that lie ahead. It may focus on a disciplinary problem, which may be handled in a positive manner by itself, or with other disciplinary measures. The following criteria exist for counseling and either the employee or his supervisor may initiate the process;

- The employee has an existing problem or is experiencing difficulty understanding or adjusting to matters which are;
- Job related;

- Police and procedures;
- Interpersonal relationships with coworkers; or
- Personal matters affecting his or her work.

(2) The process may also be initiated by an Internal Affairs Investigation complaint or inquiry concerning a disciplinary matter, by recommending counseling for the employee to the Chief of Police, or as ordered by the Chief of Police, as a positive measure to correct a deficiency.

(3) All counseling resulting from a performance issue shall be documented and forwarded to the Chief of Police.

ii) Written Reprimand

(1) A written reprimand is the next step in the progressive discipline system. This type of reprimand would become a permanent addition of the officer's file and should be utilized when the circumstances dictate a higher level of discipline than an oral reprimand. Several written reprimands may indicate that further action is required by the officer's supervisor or some other type of intervention.

iii) Suspension or Forfeiture of Paid Leave

(1) Suspensions are serious interventions and occur when a member fails to respond to lesser forms of discipline. Suspensions can also be the first step in progressive discipline if the act, and/or result of the act, is serious enough in progressive discipline if the act, and/or the result of the act, is serious enough that a written warning or reprimand would not promote the intent or spirit of the purpose and need for disciplinary action. Members, if they desire may have a hearing when suspensions occur. Title 40 of the New Jersey Statutes will govern procedural issues or suspensions.

iv) Demotions

(1) Demotion as a form of discipline is intended to be punitive and can occur concurrently with a suspension when a supervisor is involved. This is perhaps the most serious form of disciplinary action for a supervisor and the last effort for the department to try and save the member's position.

v) Termination

(1) All department members are subject to termination for the following general conditions:

- Termination for performance failure (through acts of omission or commission while on or off duty) can occur with or without fault on the member's part. While no attempt is being made here to list all situations that may result in such removals, the following examples illustrate the kinds of failures that lead to this cause for termination.
- Termination with fault: Examples include insubordination, threatening a supervisor, fighting and assaults or provoking a fight or assault, forbidden harassment, endangering another, drug or alcohol abuse, theft, and false reporting or witnessing. In cases of termination with fault, management attempts

to establish, through substantial evidence, that the member had culpability—in other words, that the member acted purposefully, knowingly, recklessly or negligently.

- Termination without fault: Examples include chronic substantial impairment of the employment relationship and situations where performance is not reasonably expected to improve or where problems are not expected to be resolved in a reasonable time.
- Chronic problems include such things as being excessively absent from duty, failure to consistently accomplish expected levels of performance results on assigned tasks, having to be constantly told what to do or supervised.
- Examples of substantial impairment of the employment relationship include unreasonable disruption to normal operations of the organization, endangering the organization's mission, actions or inactions that contribute to an unnecessary risk to the public image and creating conflicts of interest.
- Situations where performance is not reasonably expected to improve include past failures to respond positively to progressive discipline; habitual violations of directives; work effort requiring excessive supervision after reasonable training has occurred to prepare the member for the duties and responsibilities of the position; the member's failure to learn the informal aspects of the job not covered by formal training but that are reasonable to expect of a competent member who has gained knowledge and experience from the normal work environment; and the member's failure to accept the organization's business purpose, mission, code of conduct, or oath of office.

D) RESPONSIBILITY FOR DISCIPLINE

- i) The successful implementation of the discipline requires the law enforcement executive to delegate responsibility for the disciplinary process to individual units and supervisors within the agency. Although level of authority may vary within an agency's chain of command, the failure to carry out disciplinary responsibilities at any level in the chain will contribute to an organization's ineffectiveness.
 - (1) If a supervisor fails to follow the procedure to avoid their responsibility, that supervisor is not conforming to expected behavior and must receive some sort of corrective action.

E) FITNESS FOR DUTY

- i) It is incumbent upon this agency to ensure that its members are fit to safely and effectively perform the duties. There are occasions, when internal affairs may be called upon to assist in determining whether or not an officer is fit for duty.
 - (1) If, for whatever reason, an officer's fitness for duty is questioned, the officer must be evaluated by a competent professional to answer that question.
 - (2) If the officer in question is obviously unfit for duty, the officer in authority may affect an immediate suspension pending the outcome of the evaluation and investigation.

- ii) Law enforcement work places an extraordinary mental and emotional toll on officers, thus officers are encouraged to see treatment and support that enabled them to cope with those pressures.

- (1) No officer shall face any sort of discrimination or adverse internal affairs consequences for seeking medical or psychological treatment for a mental health concern, including depression, anxiety, post-traumatic stress disorder, or substance use disorder.

IV. PREVENTION Of MISCONDUCT

Prevention is the primary means of reducing and controlling inappropriate behavior and misconduct. Although disciplinary actions are properly imposed on officers who engage in wrongdoing, they have limited utility if they shield of obscure organizational conditions that permit the abuses to occur. Inadequate training and lack of appropriate guidance too often are factors that contribute to inappropriate behavior or misconduct. An agency should make every effort to eliminate the organizational conditions that may foster, permit or encourage an employee's inappropriate behavior. In furtherance of this objective, special emphasis should be placed on the following areas.

A) RECRUITMENT AND SELECTION

- i) This agency's priority is to select and appoint the highest quality individuals to serve as law enforcement officers. During the selection process, written tests, psychological tests, background investigations and individual interviews are conducted with each candidate in an attempt to identify those who would be best suited for law enforcement employment.
- ii) Background investigations must include a review of the prior internal affairs files of any candidate.
 - (1) As per AG Directive 2020-7, NJ law enforcement agencies are required to disclose the entire internal affairs file of a candidate to prospective law enforcement employers.
 - (2) Candidates with out-of-state law enforcement experience must sign waivers of confidentiality regarding their internal affairs files so that may be reviewed by the prospective employer, where legally permissible.
- iii) These procedures may also be used for promotional testing, and assignment to especially sensitive responsibilities of those that pose the greatest opportunities for abuse of wrongdoing.

B) TRAINING

- i) Discipline is partly training or experience that corrects, molds, strengthens, or perfects. Such

discipline allows for a professionally oriented police department. Training should take place as follows:

- In recruit academy;
 - Recruit field training;
 - In-service training;
 - Advanced training; and
 - Remedial training.
- ii) Basic and in-service training for law enforcement officers should emphasize the sworn obligation of those officers to uphold the law and ensure public safety. Police ethics should be a major component in the training curricula.
- iii) The training program is designed to reinforce desirable behavior patterns and call attention to noticeable actions, which are deemed to be desirable.
- iv) Employees' acts, which are committed because he/she either misunderstood procedures or was never made aware of the correct action, are indicators of training needs. These needs may be corrected by remedial training programs. Remedial training is personalized training to correct a specific deficiency which is usually identified either by testing, evaluations during training, by a supervisor evaluating and employee during routine job performance, or by acts requiring disciplinary actions.
- v) Internal Affairs investigations should analyze information to determine training needs in identifying undesirable behavior trends of those individuals in need of retraining. Training may be used as part of the Department's disciplinary system by itself or along with other disciplinary actions determined by the Chief of Police. An employee may be assigned to remedial training upon recommendation to the Chief of Police during a disciplinary investigation or by the Chief of Police as a positive measure to correct a deficiency.
- vi) In a non-disciplinary action, an employee may be assigned to remedial training if his supervisor recommends the process to correct a lack of skill, knowledge or abilities to perform their assigned tasks. Any recommendations are to be forwarded through the chain-of-command to the Chief of Police. Appropriate comments are to be added at each level of the chain.
- vii) All training resulting from a performance issue shall be documented and forwarded to the Chief of Police.

C) SUPERVISION

- i) Proper supervision is critical to the discipline and management of this agency. To maximize their effectiveness, agency supervisors should receive appropriate training as close as possible to the time of their promotion. Emphasis should be placed on anticipating problems among officers before they result in improper performance or conduct. Supervisors are expected to recognize potential troublesome officers, identify training needs of officers and provide professional support in a fair and consistent manner.
- ii) The supervisor, by his actions, sets the example for employees to follow.

- iii) Principal responsibility for maintaining the appropriate level of discipline lies with the first-line supervisor actions.

D) EARLY WARNING AND RISK MANAGEMENT

- i) Although the internal affairs process is frequently triggered by the filing of a civilian complaint, law enforcement agencies must also proactively work to detect troubling patterns in police conduct before that conduct escalates into more serious internal affairs issues.
- ii) As per AG Directive 2018-3 v2.0, law enforcement agencies have a duty to monitor their employees' behavior, and establish mechanisms that provide the internal affairs function and the law enforcement executive with the ability to track the complaint records of individual officers and identify those officers with a disproportionate number of complaints against them. Therefore, this agency implemented a specific mechanism to track employee behavior. See Early Warning System (EWS) V 1 C29.
 - (1) This agency has identified 14 performance indicators that may be predictive of future misconduct or danger to the officer.
 - (2) Information shall be maintained to facilitate analysis as to individual members, supervisors, squads, districts and assignments, and the agency as a whole. Particular patterns will be revealed using computerized software that utilized mathematical algorithms.
 - (3) If a particular officer engages in a certain number of performance indicators within a defined period of time, then the EWS flags the officer for the agency's leadership.
 - (4) Officers will not be punished for being "flagged" by EWS. Rather, EWS helps administrators identify area where the officer may need support.

E) STAFF INSPECTIONS

- i) While the primary responsibility for enforcing agency policy rests with the line supervisors, management cannot rely solely on those supervisors for detecting violations. Therefore, the administration shall conduct inspections to whether an agencies' policies and procedures are being properly implemented.
- ii) The inspection function should determine by actual onsite inspection whether personnel are properly implementing management's policies at the operational level. Inspections are responsible for:
 - Reviewing and evaluating procedures
 - Evaluating material resources of agency and utilization of those resources
 - Identify, report deficiencies and recommendations

F) COMMUNITY OUTREACH

- i) Commanding officers should strive to remain informed about and sensitive to the community's needs and problems. Regularly scheduled meeting to discuss community concerns should be held. These meetings help commanding officers identify potential crisis situations and keep channels of communication open between the agency and the community.

V. INTERNAL AFFAIRS UNIT

The Internal Affairs Unit is herein established. The unit shall consist of those members of the department as shall be assigned to the Internal Affairs Unit by the Chief of Police. Personnel assigned to the Internal Affairs unit shall serve at the pleasure of and be directly responsible to the Chief of Police or the designated Internal Affairs supervisor.

A) DUTIES AND RESPONSIBILITIES

- i) The purpose of the internal affairs function is to establish a mechanism for the receipt, investigation, and resolution of officer misconduct complaints. The goal of internal affairs is to ensure that the integrity of the agency is maintained through a system of internal discipline where an objective and impartial investigation and review assure fairness and justice.
- ii) The Internal Affairs Unit is responsible for the investigation and review of all allegations of misconduct by members of this department. Misconduct is defined as:
 - Commission of a crime or an offense; or
 - Violation of departmental rules and regulations; or
 - Conduct with adversely reflects upon the officer or the department.
- iii) In addition to investigations concerning allegations of misconduct, Internal Affairs shall receive notice of;
 - Discharge of firearms by department personnel, whether on-duty or off-duty, unless the discharge occurred during the course of: (1) a law enforcement training exercise; (2) routine target practice at a firing range; (3) a lawful animal hunt; or (4) the humane killing of an injured animal;
 - Any discharge of an agency-owned firearm by anyone other than agency personnel;
 - Any use of force by agency personnel that results in injury to any person,
 - Any vehicular pursuit involving agency personnel; and
 - Any collision involving agency-owned vehicles.

(1) The Internal Affairs Unit shall document the incident and determine whether an investigation is necessary.
- iv) The Internal Affairs Unit has an obligation to investigate or review any allegation of employee misconduct that is a potential violation of an AG Directive or Guideline, a Directive issued by a County Prosecutor in that jurisdiction, the agency's rules and regulations, or any allegation that indicates the employee is unable, unwilling or unfit to perform their duties. The obligation to investigate include not only acts of misconduct that are alleged to have occurred while the

subject officer was on duty, but also acts of misconduct that are alleged to have occurred outside the employing agency's jurisdiction or while the subject was off-duty.

- v) Internal Affairs shall be responsible for any other investigation as directed by the Chief of Police.
- vi) Internal Affairs officers may conduct an Internal Affairs investigation on their own initiative upon notice to, or at the direction of the Chief of Police or Internal Affairs supervisor. Internal Affairs members or officers temporarily assigned to that function shall have the authority to interview any member of the department and to review any record or report of the department relative to their assignment. Requests from Internal Affairs personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from the Chief of Police. Members assigned to the Internal Affairs Unit come under the direct authority of the Chief of Police, reporting directly to the Chief of Police through the Internal Affairs chain of command.

vii) Notification to the County Prosecutor

- (1) Where a perimammary investigation indicates the possibility of a criminal act on the part of the subject officer, the County Prosecutor must be notified immediately. No further action should be taken, including the interviewing of, or the filing of charges against the officer, until the County Prosecutor directs so.
- (2) The Ramsey Police Department must notify the County Prosecutor immediately of any use of deadly force, any use of force by an officer that results in death or serious bodily injury, or any death in custody that occurs within its jurisdiction.
- (3) In rare cases where this agency has not made a charging decision within 180 days of receiving a complaint, the agency must notify the County Prosecutor, who may take steps he or she deems appropriate, including supersession of the investigation, to ensure prompt resolution of the matter.

viii) *Recordkeeping & Data Reporting*

- (1) The Internal Affairs Unit shall prepare quarterly reports that summarize the nature and disposition of all misconduct complaints received by the agency for submission to the Chief of Police.
- (2) Copies of the Internal Affairs report shall be distributed to all command personnel and the appropriate authority.
- (3) The Internal Affairs Unit, shall submit to the County Prosecutor a report summarizing the allegations received and the investigations concluded for that period.
- (4) An annual report summarizing the types of complaints/allegations received and the dispositions of the complaints should be made available to the members of the public. The report shall contain a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to a member of the agency. The names of complainants and subject

officers shall not be published in this report.

B) SELECTION OF PERSONNEL FOR THE INTERNAL AFFAIRS FUNCTION

- i) Personnel assigned to conduct internal affairs should be:
 - (1) Committed to the agency's mission and the internal affairs function
 - (2) Must display a high degree of perseverance and initiative
 - (3) Must maintain an appropriate balance between professional commitment and personal and group loyalties
 - (4) Must be of unquestioned integrity and possess the moral stamina to perform unpopular tasks.
 - (5) Must possess the ability to be tactful when dealing with members of the agency and community
- ii) Personnel with sufficient experience and rank to effectively handle sensitive investigations that may include investigations of supervising officers shall be assigned to internal affairs.
- iii) Personnel who are experienced investigators who are skilled in interviews, interrogations, observation, surveillance and report writing shall be assigned to the unit.
- iv) Personnel who are representatives of the collective bargaining unit shall not be assigned to the internal affairs unit.
- v) Investigators must recuse from cases where they have conflict of interest that may prevent them from being impartial in the investigation of a subject officer.
- vi) No internal affairs investigations may be contracted or delegated to private entity. However, this does not apply to the retaining a qualified individual to serve as a hearing officer or an expert witness.
 - (1) This agency may request the complaint be investigated directly by the County Prosecutor, who shall determine whether to investigate the matter, refer the matter to the Internal Affairs Unit of another law enforcement entity, or return the matter to the originating agency.
 - (2) If appropriate, this agency may enter into an agreement with another law enforcement agency to conduct an investigation.

C) TRAINING OF INTERNAL AFFAIRS PERSONNEL

- i) The Ramsey Police Department shall ensure that officers assigned to the Internal Affairs Unit complete training as mandated by the Division of Criminal Justice.
- ii) Investigations of officer misconduct may proceed in one of two ways; an investigation for the purpose of imposing disciplinary sanction or initiating a criminal prosecution. Each type of investigation has differing legal requirements. Therefore, internal affairs investigators will be trained and must be familiar with proper investigative techniques and legal standards for each type of proceeding. Investigators shall also be trained in the disciplinary and administrative law

process.

- iii) The Ramsey Police Department shall implement a maintain a system of ensuring appropriate training for all personnel involved in the agency's internal affairs function.

VI. ACCEPTING REPORTS OF OFFICER MISCONDUCT

The Ramsey Police Department has established a policy providing that any complaint from a member of the public is readily accepted and fully and promptly investigated. Such complaints, whether substantiated or not, increase the executive's awareness of both actual or potential problems and the community's perceptions and attitudes about police practices and procedures. This agency will also use complaints from the public as one means of determining whether the agency is falling short of its intended goals.

A) ACCEPTING REPORTS ALLEGING OFFICER MISCONDUCT

- i) All department personnel are directed to accept reports of officer misconduct from all persons who wish to file a complaint regardless of the hour or day of the week. This includes reports from anonymous sources, juveniles, undocumented immigrants and persons under arrest or in custody.

(1) Complaints may also be received from other law enforcement agencies, such as neighboring police agencies, the County Prosecutors, the Division of Criminal Justice or federal law enforcement agencies.
- ii) Citizens are to be encouraged to submit their complaints in person as soon after the incident as possible. If the complainant cannot file the report in person, a department representative shall visit the individual at his or her home; place of business or at another location in order to complete the report, if feasible. The RPD Internal Affairs complaint forms are also available on the department's website in multiple languages for those with computer access.
- iii) Complainants shall be referred to the Internal Affairs Unit if an officer assigned to the unit is immediately available.
- iv) If an Internal Affairs officer is not immediately available, all supervisory personnel are directed to accept the report of officer misconduct.
- v) If an Internal Affairs officer and a supervisor are not available, any law enforcement officer shall accept the complaint.
- vi) If an Internal Affairs officer and a supervisor are not available, any law enforcement officer shall accept the complaint. A complainant should never to be told to return at a later time to file their report.
- vii) The officer receiving the complaint will:

- (1) Refer to the complainant to law enforcement agency where the complainant originated from, if he or she is making a complaint about a member of another law enforcement agency.
 - a. The complainant should be advised if they have fear or concerns about making the complaint directly to the agency, they made instead file a complaint with the County Prosecutor or the Attorney General's Office.
 - (2) Provide the person making the complaint with the Internal Affairs packet which explains the department's Internal Affairs procedures.
 - Under no circumstances shall it be necessary for the complainant to make a sworn statement to initiate the internal affairs process.
 - (3) Complaints must be professionally, objectively and expeditiously investigated in order to gather all information necessary to arrive at a proper disposition. Therefore, it is important to document the complainants' concerns, even those that appear to be unfounded or frivolous.
 - (4) Officers are not authorized to warn a complainant that consequences could potentially result from making misrepresentations or a false report. However, this does not preclude officers from explaining the potential consequences of false reports if the complainant specifically asks about it.
 - (5) Advise the complainant that he or she will be kept informed of the status of the complaint and its ultimate disposition.
 - (6) Complete the Internal Affairs Report Form according to the instructions provided. This form should include a case number to serve as a receipt of the complaint (including telephone and email received complaints).
 - (7) Have the complainant sign the completed form. If the complainant will not sign the form, the officer receiving the complaint will so note that fact. However, the failure of a citizen to sign a complaint will in no way preclude the investigation of the allegations.
- viii) In some cases, the complaint is based on a misunderstanding of accepted law enforcement practices or the officer's duties. Supervisors should be authorized to informally resolve minor complaints, whenever possible, at the time the report is made.
- (1) If the complainant is satisfied with the informal resolution, the process should be recorded on an internal affairs report form.
 - (2) If the complainant is not satisfied with the resolution, the complaint should be forwarded to the internal affairs for further action is warranted.
- ix) All department personnel are directed to accept reports of officer misconduct from anonymous sources. If the anonymous complainant is talking to an officer, the officer should encourage him or her to submit his complaint in person. In any case, the complaint will be accepted.

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

x) Complaints shall be handled as follows:

- (1) All complaints will be forwarded to the Head of the Internal Affairs Unit for screening and entry into the record keeping system.
- (2) Complaints against a law enforcement executive, or any member of the executive's senior management team, may originate from a member of the public or from an employee of the agency. All such complaints shall be documented and referred to the County Prosecutor from review.
 - If the subject of the investigation is the Chief of Police or the Head of Internal Affairs, the County Prosecutor or the Attorney General's Office shall handle the investigation.

- (i) In cases involving the Chief of Police, final disposition and recommendations shall be forwarded to this agency. While this agency must make the final decision regarding discipline, the County Prosecutor may make a non-binding recommendation regarding the discipline to be imposed by this agency.

xi) All other complaints shall be retained by the Internal Affairs Unit, including complaints of:

- (1) criminal activity;
- (2) excessive force;
- (3) improper arrest;
- (4) improper entry;
- (5) improper search;
- (6) differential treatment;
- (7) demeanor;
- (8) serious rule infractions;
- (9) repeated minor rule infractions

xii) The subject officer shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy.

- (1) In cases where the officer's identity is unknown, the investigator should use all available means to determine proper identification.

xiii) Upon receipt of an internal affairs complaint, the investigator can advise the complainant of the importance of providing accurate and truthful information. However, any language that would serve to dissuade or intimidate a member of the public from coming forward should be avoided.

xiv) When civil litigation has been filed and the complaint is a party to or a principal witness in the litigation, the investigator shall consult with legal counsel to determine whether an

investigation is appropriate and warranted.

B) SUSPENSION PENDING INVESTIGATION AND DISPOSITION

- i) A supervisor, commander or Chief of Police may immediately suspend an officer from duty if he or she determines that one of the following conditions exists:
 - (1) The employee is unfit for duty; or
 - (2) The employee is a hazard to any person if permitted to remain on the job; or
 - (3) An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
 - (4) The employee has been formally charged with a first, second or third degree crime; or
 - (5) The employee has been formally charged with a first, second, third or fourth degree crime while on-duty, or the criminal act is related to his or her employment.

ii) **The supervisor imposing the immediate suspension must:**

- (1) Advise the employee in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges.
 - 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.
 - Provide the employee with sufficient opportunity to review the charges and the evidence and to respond either orally or in writing.
 - Advise his immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
 - Immediately notify the Chief of Police, via the chain of command.
- (i) The decision not to continue to pay an officer who has been suspended pending the outcome of the investigation rests with the law enforcement executive and appropriate authority.
- Within five days of the suspension, the department must complete and file formal charges against the suspended employee or return the employee to work.

VII. INVESTIGATION OF INFORMAL COMPLAINTS

A) TIME LIMITATIONS

- i) Internal affairs investigations must be completed in a prompt manner. Long, unnecessary delays create uncertainty for the subject officer and can also threaten the integrity of the investigation and ultimately the trust of the community.
- ii) Most internal affairs complaints are straightforward and will take no more than 45 days from the receipt of the complaint to the filing of disciplinary charges.
 - (1) In more complex matters, investigators sometimes need additional time to collect evidence, interview witnesses, or take other investigate steps. For example, when an officer's alleged conduct gives rise to a criminal investigation the internal affairs investigator should stay their own inquiry pending the resolution of the criminal matter.
 - (2) If investigators are unable to complete an internal affairs investigation within 45 days of receiving a complaint, they must notify the Chief of Police on or about the 45th day. The Chief of Police shall ensure compliance with the "45-day rule" established in N.J.S.A. 40A:14-147 and should seek to identify reasons for the extended investigation. Additionally, the Chief of Police will whether the internal affairs function requires additional resources or oversight to complete the inquiry in a prompt manner.
 - Therefore, it is important that a detailed chronology be maintained of each investigation so that critical actions and decisions are documented.
 - (3) Investigators are required to provide further notice to the law enforcement executive every additional 45 days that the investigation remains open. The law enforcement executive should exercise increasing scrutiny of the investigator's work the longer the case remains open.
 - (4) In rare cases where the agency has not filed disciplinary charges within 180 days of receipt of the complaint, the agency must notify the County Prosecutor. The County Prosecutor, or their designee, shall investigate the reasons for the extended investigation and shall also examine whether the agency's internal affairs function faces any systematic issues that require additional resources or oversight. The County Prosecutor may take any steps necessary to ensure the prompt resolution of the pending matter, including supersession of this agency's investigation.
 - Further notification every additional 90 days the investigation remains open must be made to the County Prosecutor. (The chart in Figure 1 provides an overview of reporting requirements).

Figure 1.

Timing of Internal Affairs Investigations	
Length of investigation from receipt of complaint	Special notice required
1 to 44 days ("Routine")	None. Case resolved in the ordinary course.

45 days ("More complex")	Law enforcement executive
90 days	Law enforcement executive
135 days	Law enforcement executive
180 days ("Rare cases")	County Prosecutor Law enforcement executive
225 days	Law enforcement executive
270 days	County Prosecutor Law enforcement executive

iii) The law enforcement executive should consult with counsel about compliance with the 45-day rule, which include several exceptions and tolling provisions.

- The 45-day rule does not apply to investigations alleging incapacity.
- Members of the public are not required to make their complaint within 45 days of the incident. However, once the Ramsey Police Department receives the complaint, the 45-day rule applies.
- The 45-day rule is suspended pending the disposition of a criminal investigation into the subject matter. Upon disposition of the criminal investigation, this agency is bound by the 45-day rule.

iv) It is important that there is no unreasonable delay between the conclusion of the investigation by the assigned investigator and the decision to file charges by the person who has the responsibility. This agency must comply with the time limitation established by N.J.S.A. 40A:14-200 regarding the imposition of discipline.

B) INVESTIGATIONS AND ADJUDICATION OF MINOR COMPLAINTS

- Complaints of demeanor and minor rule infractions should be forwarded to the subject officer's commanding officer. The commanding officer should investigate the allegation of misconduct. Complaints of demeanor and minor rule infractions should not be assigned to the subject officer's immediate supervisor in order to not obscure the possibility that part of the inappropriate conduct was the result of poor supervision. Therefore, minor complaints will be assigned and handed by a commanding officer at least one step removed from the officer's immediate supervisor.
- The investigating officer shall interview the complainant, all witnesses and the subject officer, as well as review relevant reports, activity sheets, or dispatcher forms. The investigating officer shall then prepare a report summarizing the matter, indicating the appropriate disposition. Possible dispositions include the following:

- (1) Possible dispositions, as defined in Section 111.B.ii of this policy, include the following:
Exonerated, Sustained, Not Sustained and Unfounded.

- iii) If the investigating officer determines the disposition of the complaint is unfounded, not sustained or exonerated, the investigation report is to be forwarded to Internal Affairs for review, and entry in the index file and filing. The subject officer shall be notified in writing of the investigation's outcome.
- iv) If the complaint is sustained, the investigator should forward a copy of his or her report to and recommended disciplinary action the Chief of Police, who will make the final decision with regards to discipline.

v) Initiation of disciplinary action for minor complaints

- (1) The supervisor giving the verbal documented counseling, written counseling or written reprimand shall complete the appropriate disciplinary document.
- (2) The supervisor will forward copies of the disciplinary document to the Chief of Police, via the chain of command for review, and to the Internal Affairs Unit for filing.
- (3) A copy of the disciplinary document will be placed in the officer's or employee's personnel file.
- (4) For documented counseling or Letter of Counseling
 - One year after the date of the reprimand or notice, the disciplinary report shall be removed from the personnel file and destroyed, provided no other breach of discipline has occurred.
 - The subject officer shall request in writing that the items be removed and destroyed. The requesting officer shall be notified in writing that the requested performance notice has been purged.
- (5) For Letter of Reprimand
 - The written reprimand will remain permanently in the officer's or employee's personnel file

- vi) Upon final disposition of the complaint, a letter shall be sent to the complainant by Internal Affairs explaining the outcome of the investigation.

C) INVESTIGATION AND ABJUDICATION OF SERIOUS COMPLAINTS

- i) All serious complaints shall be investigated by the Internal Affairs Unit, including complaints of:
 - (1) criminal activity;
 - (2) excessive force;
 - (3) improper or unjust arrest;
 - (4) improper entry;
 - (5) improper or unjustified search;

- (6) differential treatment;
- (7) serious rule infractions;
- (8) complaints of domestic violence;
- (9) repeated minor rule infractions.

ii) Where preliminary investigative data indicates the possibility of a criminal act on the part of the subject officer, or the investigation involves the use of force by the officer which results in serious bodily injury or death, the county prosecutor shall be notified immediately. No further action shall be taken, including the filing of charges against the officer, until directed by the prosecutor.

iii) Once a complaint has been forwarded, prosecutor's office has 30 days to review and advise this agency whether a criminal investigation will be conducted. In the event the prosecutor's office cannot make a decision within 30 days, this agency will be updated on its status and the deadline may be extended in 30-day increments.

(1) If a criminal investigation is initiated, this agency will receive timely updates concerning the investigation. While a criminal investigation is pending, complainants and witnesses shall be referred to be the county victim witness office for information concerning the criminal investigation.

- The prosecutor's office will provide this agency with its investigative file for us in an internal affairs investigation when the criminal investigation is complete and a disposition of the allegation has been made.

(2) If the prosecutor's office declines to initiate a criminal investigation or the investigation is administratively closed, it shall notify this agency of the outcome in writing.

- Internal affairs shall inform the County Prosecutor as to the disposition of the complaint, including any discipline imposed, once the administrative investigation is completed.

iv) Internal affairs shall notify the subject officer in writing that an internal investigation has been started, unless the nature of the investigation requires secrecy.

v) If an officer subject 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 County Prosecutor. He or she may report their concerns to the Office of Public Integrity & Accountability (OPIA). The 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.

vi) The investigating officer shall take all necessary steps to investigate the complaint. These steps may include interviewing the complainant, all witnesses and the subject officer, as well as reviewing relevant reports, activity sheets, or dispatcher forms.

vii) An administrative investigation may commence with;

- (1) Disposition of a complaint against the subject officer by the Superior Court or a municipal court
- (2) A finding of guilt by the Supervisor 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.
- (3) County or prosecutor's decision to dismiss a complaint against a subject officer.

viii) Interviewing the subject officer

- The Internal Affairs officer shall schedule an interview with the officer.
- One person of the officer's choosing may attend the interview.
 - (i) In investigations of criminal allegations, it is not appropriate for a union representative to be present. However, the officer shall be given the opportunity to consult with a union representative.
- Before questioning begins, the subject officer shall be informed of:
 - (i) The nature of the complaint
 - (ii) The name of the person in charge of the interview, and the names of all persons who will be present during the interview.
- If the matter under investigation involves an administrative allegation, the officer will be advised of his or her duties and obligations to answer using the Administrative Advisement Form.
- If the matter under investigation involves a possible criminal violation, the Internal Affairs investigator shall consult with the county prosecutor regarding the advisability of issuing a *Miranda* warning to the subject officer
- Interview sessions may be audio or video recorded. A subject officer must inform the Internal Affairs investigator in advance of the interview if he or she wishes to have the interview recorded.
- (2) A recording of any interview of a department employee cannot be created without the knowledge of the internal affairs investigator. After advising the internal affairs investigator, the officer may record their interview and a copy of the recording shall be made available to the agency upon request, at the agency's expense.
- (3) If at any time during the questioning session the officer becomes a suspect in a criminal act, the officer shall be so informed and the questioning shall end. The investigator will then promptly refer the case to the county prosecutor.
- (4) Upon completion of all possible avenues of inquiry, the Internal Affairs investigator shall complete the following reports:
 - **Investigation report.** This is the objective report of all of the investigative activity, including all of the information obtained during the course of the investigation.

- **Summary report.** This report, in memorandum format, will summarize the matter, and will provide recommended dispositions for each allegation.

- i. Possible dispositions, as defined in Section 111.B.ii of this policy, include the following; Exonerated, Sustained, Not Sustained and Unfounded.

- (5) Forward the completed reports through the Internal Affairs supervisor to the Chief of Police.
- (6) The Chief of Police, following a review of the completed report, supporting documentation and information gathered during any supplemental investigation, shall direct whatever action is deemed appropriate.
- (7) Upon completion of its investigation with a finding of exonerated, not sustained, or unfounded, Internal Affairs shall notify the subject officer in writing of the disposition.
- (8) If the complaint is sustained and it is determined that formal charges should be preferred, the Chief of Police shall direct Internal Affairs to prepare, sign and serve charges upon the subject officer or employee.
 - The division commander, supervisor or Internal Affairs, as directed, shall prepare the formal notice of charges and hearing on the Charging Form.
- (9) The notice of charges and hearing shall direct that the officer charged must enter a plea of guilty. not guilty or waive their right to hearing, 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.
- (10) If the officer charged enters a plea of guilty, the Chief of Police shall permit the officer to present factors in mitigation prior to assessing a penalty.
- (11) Conclusions of fact and the penalty will be noted in the officer's personnel file after he or she has been given an opportunity to read and sign it. Internal Affairs will cause the penalty to be carried out and complete all required forms.

ix) Hearing

- (1) Upon written notice of a request for a hearing from the subject officer the Chief of Police will set the date for the hearing within a reasonable time and arrange for the hearing of the charges.
- (2) Internal Affairs shall be responsible for or assist the assigned supervisor or prosecutor in the preparation of the department's prosecution of the charges. This includes proper notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
- (3) In the event of a hearing, Internal Affairs will be responsible for preparing a discovery package from the internal affairs file, and providing it to the subject officer or his or her representative.

- (4) The hearing shall be held before the appropriate authority or the appropriate authority's designee.
- (5) All disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.
- (6) 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 should be in writing and accompanied by the findings of fact for each issue in the case.
- (7) The hearing officer shall recommend any of the following punishments which it deems appropriate under the circumstances.
 - Counseling;
 - Oral reprimand or performance notice;
 - Written reprimand;
 - Monetary fine;
 - Suspension without pay;
 - Loss of promotion opportunity;
 - Demotion;
 - Discharge from employment.
- (8) 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 to the Chief of Police if he was not the hearing officer.
- (9) The Chief of Police shall accept, reject or modify the hearing officer's recommendations including the findings, conclusions and proposed penalty. The Chief's decision will constitute the final disciplinary action.
- (10) Upon completion of the hearing, Internal Affairs will complete all required forms including the entry of the disposition in the index file.
- (11) If the charges were sustained, Internal Affairs will cause the penalty to be carried out. The report shall be permanently placed in the officer's or employee's personnel file.

D) DOMESTIC VIOLENCE INCIDENTS INVOLVING AGENCY PERSONNEL

- i) Whenever an officer is involved in a domestic violence incident, either as an alleged perpetrator or as a victim, internal affairs must be promptly notified.
 - ii) Where the officer is the alleged perpetrator, investigating officers must seize their service weapon or any other weapon, as mandate by AG Directives 2000-3 and 2000-4.
- (1) If a criminal charge has been filed, internal affairs must notify the County Prosecutor immediately even if the incident took place in another county.

- (2) Internal affairs will be responsible for receiving information and documenting the matter as they would any other misconduct allegation.
- iii) If the officer is the victim of domestic violence, it will be documented and followed in case employee assistance is warranted.
- iv) The primary responsibility for investigating the domestic violence incident, including processing of complaints, restraining orders criminal complaints etc., belongs to the agency with jurisdiction over the incident. However, internal affairs is responsible for reviewing the incident's investigation and conducting whatever further investigation is necessary to determine if the officer violated agency rules and regulations or if the officer's fitness for duty is in question.
- (1) Internal affairs will track the proceedings of any criminal charges or civil matters that may arise out of this incident.
- (2) Internal affairs will work with the Division of Criminal Justice or the County Prosecutor to determine if and when an officer may have their weapon(s) returned.

VIII. INTERNAL AFFAIRS INVESTIGATION PROCEDURES

A) INTERVIEWING THE COMPLAINANT AND CIVILIAN WITNESSES

- i) 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 afforded all of the appropriate protections. Thus, all further contact with the complainant should be arranged with and coordinated through the County Prosecutor and the complainant's defense attorney.
- ii) The complainant should be personally interviewed if circumstances permit. If the complainant cannot travel to the investigator's office, the investigator should conduct the interview at the complainant's home or place of employment if feasible. If not a telephonic interview may be conducted.
- iii) 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.
- iv) All relevant facts known to the complainant should be obtained during the interview in a formal statement during the initial interview.
- (1) The investigator shall video or audio record the formal statement according to the same protocols that would apply if the civilian were being interviewed in connection to a criminal proceeding. If the witness objects to being recorded, the investigator may proceed with taking a statement and will document in his or her report.

- (2) A formal statement taken from an officer shall be audio or video recorded, except in cases that did not arise from a civilian complaint. However, the officer may request that his or her statement is audio or video recorded.

B) REPORTS, RECORDS AND OTHER DOCUMENTS

- i) All relevant reports should be obtained and preserved as expeditiously as possible.
- ii) The investigator should also examine and retrieve all electronic, computer, digital and video records. All relevant data should be copied to an appropriate medium as soon as possible and retained by internal affairs.
- iii) Records and documents from any other individual or entity that could prove helpful in the investigation should be examined. These may include reports from other law enforcement agencies, hospital records, doctor's reports etc.

C) PHYSICAL EVIDENCE

- i) Investigators will obtain all relevant physical evidence, such as fingerprints, clothing, hair, weapons, etc., and handle them according to established evidence procedures.
- ii) Original radio and telephone recordings should be secured at the investigation's outset. Transcripts or copies of the original recordings can be used as investigative leads. The entire tape or transmissions should be reviewed to reveal the totality of the circumstances.

D) PHOTOGRAPHS

- i) If a complaint involved excessive force, photographs of the complainant and the office should be taken as close as possible to the time of the incident.
- ii) Photographs can be used to create a record of any other matter the investigator believes is necessary.
- iii) This agency shall maintain a recent photograph of each officer. These can be used if a photo array is needed for identification purposes.

E) PHYSICAL TESTS

- i) Officers who are the subject of internal investigations may be compelled to submit to various physical tests or procedures to gather evidence. As per N.J.R.E. 503(a), "no person has the privilege to refuse to submit to examination for the purpose of discovering or recording his corporal features and other identifying characteristics or his physical or mental conditions." Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:
 - (1) Breath sample;
 - (2) Blood sample;
 - (3) Buccal swab;

- (4) Requiring suspect to speak;
- (5) Voice recordings;
- (6) Participation in a lineup;
- (7) Handwriting samples;
- (8) Hair and saliva samples;
- (9) Urine specimens;
- (10) Video recording; and
- (11) Field sobriety tests

- ii) Physical tests should be documented pursuant to a court order or an investigative detention under Rule 3:5A, if the investigation may result in a criminal prosecution. Officers that refuse to perform or participate in court ordered physical tests may be subject to a contempt of court sanction and agency discipline for failing to comply with the order.

F) DRUG TESTING

- i) The testing of law enforcement officers in New Jersey for the illegal use of drugs is strictly regulated by the Attorney General's Law Enforcement Drug Testing Policy. This policy permits:
 - (1) Testing of applicants and trainees for law enforcement positions
 - (2) Veteran officers may be tested for drugs if reasonable suspicion exists that they are use drugs or if they have been chosen as a part of a random drug testing program.
- ii) Internal affairs responsibilities under this policy include the collection of specimens, the establishment of a chain of custody and the maintenance of drug testing records.

G) POLYGRAPH

- i) N.J.S.A. 2C:40A-1 states that an employer shall not influence, request or require an employee to take or submit to a lie detector test as a condition of employment or continued employment. To do so constitutes a disorderly person offense. Therefore, officer will not be asked to take a polygraph examination as a part of an internal affairs investigation. However, the subject officer may voluntarily request to take a polygraph examination.
- ii) Polygraphs of civilian complainants and witnesses should only be used when a reasonable suspicion exists that their statements are false.
- iii) Polygraphs shall not be:
 - (1) Used routinely
 - (2) Used to discourage or dissuade complainants
 - (3) Required for victims of sexual assault

H) SEARCH AND SEIZURE

- i) All people, including police officers, have 4th Amendment right to be free from unreasonable searches and seizures. This applies to any search this agency undertakes during the course of an

investigation.

- ii) A search warrant shall be obtained before any search is conducted of a subject officer's personal property, including any home, personal car, bank accounts, safety deposit boxes, briefcases, etc.

iii) Workplace searches

- (1) A search warrant is also necessary where a search of the subject officer's workplace is conducted and it is determined that the officer has a high expectation of privacy in the place to be searched.
- (2) Criminal investigations require the investigator to obtain a search warrant to conduct a search. Internal affairs shall consult with the County Prosecutor's Office before undertaking the search of any workplace area in a criminal investigation. The law is less restrictive as to searches conducted during an administrative investigation. While a warrant is not needed, investigators should document their reasons for conducting the search and limit its intrusiveness.
 - If any doubts or concerns exist about the propriety or legality of a search, legal counsel shall be consulted.
- (3) During either administrative or criminal investigation, the workplace is subject to search without a warrant. This applies to areas that several employees share or where numerous employees go to utilize files or equipment would present no expectation, or diminished expectation, of privacy. There is not expectation of privacy in the squad room, lobby area, dispatch area, department vehicles, filing cabinets, etc.
- (4) Employees may have a greater expectation of privacy in their own lockers, assigned desks or possibly a vehicle assigned to the solely for their use. However, this agency retains the right to search property it assigns to officers for their use and officers have been put on notice, by written directive and posted notice, of that fact.
- (5) A written directive has also been established to put officers on notice that searches of computers, department issued cell phones and other digital devices in order to seize their content.
- (6) In addition to written directive and posted notice, this agency will conduct searches and inspections of these areas to establish the practice coinciding with the policy. Any search of agency or personal property should be conducted in the presence of the subject officer and a property control officer.
- (7) A voluntary consent to search may preclude some 4th Amendment problems. For consent to be legally valid in NJ, a person must be informed that he or she has the right to refuse to permit a search.¹ The investigator shall ensure the subject officer signs a consent form after being advised of his or her right to refuse such a search.

¹ State v. Johnson, 68 N.J. 349(1975).
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I) ELECTRONIC SURVEILLANCE

i) N.J.S.A. 2A:156A-1, governs the use of the following electronic surveillance:

- (1) Wire communication;
- (2) Oral communication;
- (3) Intercept; and
- (4) Electronic communication.

ii) These forms of communication are protected from intrusion and interception with these following exceptions:

- (1) When one person in a communication decides to intercept the conversation. It is lawful as long as the person is part of the conversation. If he or she stops being party to the conversation, it is no longer lawful for him or her to intercept the conversation.
- (2) A person acting at the direction of an investigative or law enforcement officer gives prior consent to intercept a wire, electronic or oral communication and is party to the communication. This must be approved by the Attorney General or a County Prosecutor.
- (3) Pursuant to N.J.S.A. 2A:156A-4b, a law enforcement officer may intercept and record a wire or oral communications using a body transmitter if that officer is a party to the communication or where another officer who is a party requests or requires that such interception be made.

iii) Use of evidence derived from an authorized wiretap is limited to criminal investigation and prosecutions. This agency shall consult with the County Prosecutor and possibly obtain a court order to use wiretap information in a disciplinary proceeding.

iv) The monitoring of 9-1-1 telephone lines is required by law. There is also a diminished expectation of privacy of other telephone lines at the Ramsey Police headquarters due to a written directive placing personnel on notice.

v) Video surveillance, especially covert surveillance, should not be used in areas where employees have a high expectation of privacy, such as locker rooms and bathrooms.

vi) In-car video recordings can be used in internal investigations because the video image is not restricted at all and the officer is party to the audio portion of the recording at all times.

vii) GPS can also be used in internal investigations because the subject officer has no expectation of privacy in their whereabouts when performing police duties.

J) LINEUPS

i) A law enforcement officer may be ordered to stand in a lineup to be viewed by witnesses or complainants. Probable cause need not exist, and the officer may be discipline for refusal.²

² ² Biehunik v. Felicetta, 441 F. 2d 228 (2nd Cir.), cert. denied, 403 U.S.932 (1971).
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K) INVESTIGATION OF FIREARMS DISCHARGES

- i) Internal affairs shall receive notice of any incident involving:
 - (1) Any firearm discharge by agency personnel, whether on-duty or off-duty, unless the discharge occurred during the course of (1) a law enforcement training exercise; (2) routine target practice at a firing range (3) a lawful animal hunt; or (4) the humane killing on of injured animal; or
 - (2) Any discharge of an agency-owned firearm by anyone other than agency personnel.
- ii) Internal affairs shall determine whether an investigation is necessary and whether information must be reported to the County Prosecutor pursuant to AG Directive 2019-4.
 - (1) County Prosecutor must be notified if the firearm discharge occurs while the agency is on duty. If the firearm discharge results in a fatality, the matter shall be investigated by OPIA or another entity.
- iii) Any public statements about the conduct of law enforcement officers involved in a firearm discharge require approval by the County Prosecutor or Attorney General's Office, depending upon which entity is supervising the investigation.
- iv) This agency's officers including internal affairs will participate in the initial investigation only if directed to do so by the County Prosecutor, OPIA, or another designee of the Attorney General. Department employees shall not participate in an investigation of attend any investigative activities if a member of this agency is the subject officer. However, this does not preclude any officer from acting as a first responder to the scene of a use-of-force or in-custody death for the following purposes:
 - (1) Providing or facilitating prompt medical assistance;
 - (2) Responding to any ongoing threat to public safety;
 - (3) Preserving evidence and securing the scene, including by controlling traffic or preventing members of the public from interfering with the activities of first responders;
 - (4) Identifying witnesses and asking them to remain near the scene until appropriate investigators can interview them; and
 - (5) Participating in the pursuit or be-on-the lookout (BOLO) search for any person suspected of committing a crime related to the incident, including taking any investigative steps, such as canvassing, interviewing, etc. in furtherance of such pursuit.
- v) Officers who are directed to assist with the initial firearm discharge investigation may be required to operate independently of their ordinary chain of command and report directly to the authority in charge of the investigation or their designee.
- vi) No member of this department shall share, either directly or indirectly, any information learned in the course of the use-of-force investigation with any witness without authorization. If a member of this department is a witness, he or she shall not receive any such information from any sworn or civilian employee of a law enforcement agency without first obtaining

authorization from the authority in charge of the investigation or their designee. Members of this department must immediately report to the authority in charge of the investigation any unauthorized dissemination or receipt of information.

vii) In cases where discharge of a firearm does not result in criminal charges, the prosecutor, OPIA, or other designee of the Attorney General will refer to incident back to this agency for administrative review.

(1) Internal affairs must determine if the weapon was:

- Approved for that officer and if the officer was authorized to possess and carry it at the time of discharge
- Weapon was loaded with authorized ammunition
- In operating condition and identify any unauthorized alterations

L) COLLATERAL ISSUES

i) The work of internal affairs function should not be limited to resolving complaints by narrowly focusing on whether the subject officer engaged in misconduct. In many cases, the examination of collateral issues presented by the complaint can be as important as the resolution of the allegation itself.

ii) Examining collateral issues can provide this agency with information concerning:

- (1) The utility and effectiveness of the agency's police and procedures.
- (2) The competency and skills of individual law enforcement officers.
- (3) Appropriate topics for in-service training programs.
- (4) The allocation of resources by the Ramsey Police Department and other municipal agencies.

iii) Failure to use this resource can deprive this department of the ability to identify and correct problems with personnel and procedures through self-critical analysis. More importantly, an internal affairs process that is objective and complete is critical to the credibility and reputation of the law enforcement agency within the community.

IX. INTERVIEWING MEMBERS OF THE AGENCY

A) OVERVIEW OF INTERVIEWS

i) Serious allegation of officer misconduct may implicate both a violation of criminal statute and of an agency's rules and regulations. As a result, a criminal investigation and an administrative disciplinary investigation may be needed to properly resolve a misconduct complaint. Criminal and administrative investigations should be kept separate. However, in some cases investigators may be expected to help conduct both.

(1) Conflict will become apparent during subject officer interview because he or she has the right to remain silent during a criminal investigative interview. However, the same officer must cooperate and answer questions posed by this agency during an administrative disciplinary interview.

(2) The confusion can be alleviated by:

- Separating the investigations by time (criminal first and administrative to follow)
- Conduct bifurcated investigation in which one investigator is assigned the responsibility of gathering evidence of criminal wrongdoing, while another investigator is assigned the responsibility of gathering evidence of a disciplinary infraction.

ii) The chart in Figure 2 provides an overview of the details involved in interviewing law enforcement officers.

Figure 2.

	Investigation is CRIMINAL	Investigation is ADMINISTRATIVE
Officer is SUBJECT	• Prosecutor notification • Treat as any other defendant • <i>Miranda</i> warning if appropriate • No <i>Garrity</i> warning unless prosecutor approves • May require routine business reports • No special reports • Right to counsel (attorney)	• Obligation to cooperate • Administrative interview form • May require special reports • Cannot charge as a subterfuge • Right to representative
Officer is WITNESS	• Obligation to cooperate • No <i>Miranda</i> warning • Witness acknowledgement form • May be entitled to a <i>Weingarten</i> representative	• Obligation to cooperate • Witness acknowledgement form • May be entitled to a <i>Weingarten</i> representative

B) WHEN THE INVESTIGATION IS *CRIMINAL* AND THE OFFICER IS A *SUBJECT*

i) Criminal interviews should be conducted only with prior approval, or at the direction of the County Prosecutor. The subject officer shall be advised that he or she is not required to answer questions as a condition of employment. However, the subject officer may elect to voluntarily answer questions with or without an attorney.

ii) If the subject officer is not free to leave a criminal interview, then *Miranda* warnings are triggered. There are a number of factors that may create confusion for the subject officer about his or her requirement to participate in the interview. Therefore, the investigator should always consult with the County Prosecutor regarding whether the subject officer should be advised of their right against self-incrimination.

(1) If the subject officer voluntarily provides a statement or waives his or her rights, the interview may continue. Unless the officer waives their Fifth Amendment rights, any incriminating statements obtained under direct order will not be admissible in a criminal prosecution, but will be admissible in an administrative hearing.

(2) The subject officer should be afforded the opportunity to consult with an attorney prior to a compelled interview.

iii) If an officer has invoked his or her Miranda rights but internal affairs deems it must have the answers to specific question to properly conduct its investigation, the agency must contact the County Prosecutor to request use immunity for the interview to continue.

(1) If immunity is granted, this department shall advise the subject officer in writing. The subject officer and a witness will then sign the form and it will be made part of the investigative file.

(2) The subject officer must then answer questions specifically and narrowly related to the performance of their official duties, but no answer nor any evidence obtained may be used against this officer in a criminal proceeding.

C) WHEN THE INVESTIGATION IS **CRIMINAL** AND THE OFFICER IS A **WITNESS**

i) During the interview, the officer must be made aware of the differences between being a witness and being the subject in a criminal investigation.

(1) He or she shall be advised that they are not the subject officer.

(2) If at any time he or she becomes a subject of the investigation he or she shall be advised of that fact.

ii) Officers who are witnesses must cooperate and truthfully answer all questions narrowly and directly related to performing their duty.

(1) If the officer feels their answer would incriminate him or her in a criminal matter, the officer may assert their Miranda rights.

D) WHEN THE INVESTIGATION IS **ADMINISTRATIVE** AND OFFICER IS THE A **SUBJECT**

i) Internal affairs shall advise the officer that he or she is the subject of an investigation prior to the start of any questioning in writing. The subject officer and a witness shall sign the form and then it will be placed in the investigative file.

ii) If the subject officer refuses to answer questions during this interview, the interviewer should acquire the reason for the refusal.

(1) If the officer states that he or she refused to answer any questions on the grounds that he may incriminate himself in a criminal matter, even though the investigators do not perceive a criminal violation, internal affairs shall discontinue the interview and contact the County Prosecutor.

(2) If the County Prosecutor grants use immunity, the subject officer shall be informed in writing. The officer and a witness will sign the form and it will be placed in the investigative file.

(3) The officer must then answer the questions specifically related to performing their duties as an officer, but no answer given may be used against them in criminal proceeding.

(4) If the officer still refuses, he or she shall be advised that such refusal will subject him or her disciplinary action, including dismissal. If the officer still refuses, the interview should be terminated and appropriate disciplinary action initiated.

iii) This agency must permit an employee to have a representative present at an investigate interview if the employee request representation and reasonably believes the interview may result in disciplinary action.³ The officer shall be permitted to choose an attorney as their representative if he or she so desires.

(1) The representative or attorney cannot cause undue delay in scheduling interviews or interfere in the interview process.

E) WHEN THE INVESTIGATION IS **ADMINISTRATIVE** AND THE OFFICER IS A **WITNESS**

i) During the interview, the officer must be made aware of the differences between being a witness and being the subject in an administrative investigation.

(1) He or she shall be advised that they are not the subject officer.

(2) If at any time he or she becomes a subject of the investigation he or she shall be advised of that fact.

ii) Officers who are witnesses must cooperate and truthfully answer all questions narrowly and directly related to performing their duty.

(1) If the officer feels their answer would incriminate him or her in a criminal matter, the officer may assert their Miranda rights.

X. INTERNAL AFFAIRS RECORDS

A) THE INTERNAL AFFAIRS REPORT

i) The investigator shall submit a written report containing:

(1) **Investigative report.** The first report will be an objective recounting of all relevant information the investigation disclosed, including statements, documents and other evidence.

(2) **Summary and Conclusions.** The investigator should summarize the case and provide conclusions of fact for each allegation. These conclusions of fact should be recorded as exonerated, sustained, not sustained or unfounded.

ii) If the conduct of the officer was found improper, the report must cite the agency rule, regulation or SOP violated. Any aggravating or mitigating circumstances surrounding the situation, such as unclearly or poorly drafted agency policy, inadequate training or lack of proper supervision, shall also be noted.

³ N.L.R.B. v Weingarten, 420 U.S. 251 (1975).
Internal Affairs V1 C9

- iii) If the investigation reveals evidence of misconduct not based on the original complaint, this too much be reported. An investigation concerning the secondary misconduct should then be conducted.

B) INTERNAL AFFAIRS INDEX FILE

- i) The purpose of the internal affairs index file is to serve as a record control device to maintain inventory of internal affairs case files and to summarize each case's status for authorized personnel.

(1) All internal affairs complaints shall be recorded in the index file.

(2) Entries should record each case's basic information, including the subject officer allegations, complainant, date received, investigator assigned, disposition and disposition date for each complaint.

C) RETENTION SCHEDULE

- i) Investigative records created during an internal affairs investigation are included in the "Records Retention and Disposition Schedule for Local Police Departments issued by New Jersey Division of Archives and Records Management.

(1) This schedule requires the following:

- File concerning a criminal homicide must be permanently maintained.
- Any file involving criminal matter resulting in subject officer's arrest must be maintained for 75 years.

- ii) This agency is not required to purge all other administrative and criminal investigative files. However, this agency shall at a minimum retain these files for that officer's career plus 5 years.

D) SECURITY OF INTERNAL AFFAIRS RECORDS

- i) Internal affairs personnel shall maintain a filing system accessible only to unit personnel and the Chief of Police.
- ii) The files shall be secured in a locked filing cabinet.
- iii) If any computers are used by internal affairs to maintain records, special security measures such as firewalls and password protection must be utilized.

E) CONFIDENTIALITY

- i) The progress of Internal Affairs investigations and all supporting materials are considered confidential information. Information shall only be released under the following limited circumstances;

(1) If a hearing for administrative charges is held, a copy of all discoverable materials shall be provided to the officer and hearing officer before the hearing;

(2) If the subject officer or department has been named as a defendant in a lawsuit arising out of specific incident covered by an internal investigation, a copy of the internal investigative reports may be released to the attorney representing the subject officer, agency or jurisdiction;

(3) Upon the request or at the direction of the County Prosecutor or Attorney General; or

(4) Upon a court order.

ii) Upon completing a case, internal affairs will enter the disposition in the index file.

iii) The contents of internal investigation case files will be retained in the Internal Affairs Unit. These files shall be clearly marked as confidential.

iv) Only the Chief of Police or his designee is empowered to release publicly the details of an internal investigation or disciplinary action for good cause. For example, if another law enforcement agency request files because its considering hiring an officer who was formerly employed at the agency.

(1) The request and authorization should be in writing and should specify any conditions. The law enforcement executive or his designee may also order redactions necessary to protect privileged information

F) REPORTING TO COUNTY PROSECUTOR

i) This agency shall report internal affairs activity to the County Prosecutor on an internal affairs summary report form.

ii) The summary report forms must contain sufficient information to enable the County Prosecutor to identify warning signs of potential deficiencies in the internal affairs process.

iii) Defendants in criminal matters may be entitled to certain evidence the prosecutor has concerning the credibility of prosecution witnesses, including police officers. Prosecutors are considered to possess this information and therefore it is imperative the internal affairs investigator assist the prosecutor in their legal duty to disclose evidence that may impact the credibility of officers. Thus, the following matters shall be reported to the County Prosecutor:

(1) A finding that a police 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;

(2) A pending court complaint or conviction for any criminal, disorderly persons, petty disorderly persons, municipal ordinance or driving while intoxicated matter;

(3) A finding that undermines or contradicts a police officer's educational achievements or qualifications as an expert witness;

(4) A finding of fact by a judicial authority or administrative tribunal that is known to the officer's employing agency that concludes that a police officer intentionally did not tell the truth in matter.

- (5) A sustained finding that a police officer intentionally mishandled or destroyed evidence; and
- (6) A sustained finding that a police officer is biased against a particular gender or ethnic group.

G) PUBLIC REPORTS

- i) On an annual basis, this agency shall provide the County Prosecutor with and publish on our department website a statistical report summarizing the type of complaints received and the disposition of the complaints. The Annual Internal Affairs Summary may be used to satisfy the requirements.



Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Citizen Complaint Information Sheet

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

- ✓ Your complaint will be sent to a superior officer or a specially trained internal affairs officer who will conduct a thorough and objective investigation.
 - ✓ You might be asked to help in the investigation by giving a detailed statement about what happened or providing other important information.
 - ✓ All complaints against law enforcement officers are thoroughly investigated. You will be advised in writing of the outcome of the investigation.
 - ✓ If our investigation shows that a crime might have been committed, the county prosecutor will be notified. You might be asked to testify in court.
 - ✓ If our investigation results in an officer being charged with a violation of department rules, you might be asked to testify in a departmental hearing.
 - ✓ If our investigation shows that the complaint is unfounded or that the officer acted properly, the matter will be closed.
 - ✓ All disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.
-
- *It is unlawful to provide information in this matter which you do not believe to be true.*
 - You may call the Ramsey Police Captain at 201-327-2400 with any additional information or any questions about the case.

Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Internal Affairs Report Form

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

Performance Notices

I. Performance Notices

A. The Ramsey Police Department shall utilize two official performance notices.

1. Commendation
2. Verbal Counseling, Letter of Counseling and Letter of Reprimand

B. Copies of the Performance Notices are attached to the performance notice policy V1 C27. Additionally, Performance Notices are maintained throughout headquarters on department computers for easy access by supervisors.

C. Performance Notices shall be completed in accordance with the aforementioned policy.



Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Immediate Suspension Notice Sample

TO: _____
(Name & Rank of Officer)

Date & Time: _____

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

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

The facts in support of the above reason are:

Supervisor making suspension

I hereby acknowledge receipt of this notice.

Signature: _____ Date: _____



Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Internal Affairs Complaint Notification Sample

To: _____ Badge No. _____

You are hereby notified that an internal affairs complaint has been made against you. This
complaint involves an allegation of _____

that occurred on or about _____.

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

Signature: _____

Date: _____



Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Witness Acknowledgment Form Sample

1. I acknowledge that I have been informed that I am a witness in an internal investigation. This investigation concerns _____
_____.
2. I acknowledge my responsibility to answer truthfully all questions specifically related to the performance of my official duties.
3. I acknowledge that this investigation is confidential, and I am hereby ordered not to disclose any information discussed during this interview.

Signature: _____

Date: _____ Time: _____

Witnessed by: _____



Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Administrative Investigations Only - Sample

1. I am being questioned as part of an investigation by this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns
_____.
2. This is an administrative investigation. I will be asked questions specifically, narrowly and directly related to the performance of my official duties.
3. I may be subject to departmental discipline for refusing to answer a question directly related to the performance of my duties, or for not answering truthfully.
4. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.
5. I acknowledge that this investigation is confidential, and I am hereby ordered not to disclose any information discussed during this interview.

Signature: _____

Date: _____ Time: _____

Witnessed by: _____



Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Sample *Miranda* Warnings & Waiver

Location: _____ Date: _____ Time: _____

Subjects Name: _____ CAD # _____

1. You have the right to remain silent.

Do you understand? Answer: _____

2. Anything you say can and will be used against you in a court of law.

Do you understand? Answer: _____

3. You have the right to talk to a lawyer and have him present with you while you are being questioned.

Do you understand? Answer: _____

4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning.

Do you understand? Answer: _____

5. You can decide at any time to exercise these rights and not answer any questions.

Do you understand? Answer: _____

Subject's Signature: _____ Officer's Signature: _____

Waiver of Rights

Do you understand each of these rights I have read to you? _____

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

Subject's Signature: _____ Officer's Signature: _____

Witnessed by: _____

Witnessed by: _____



Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Sample Use Immunity Grant Advisement Form "Garrity Warning"

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

Assistant Prosecutor/Deputy Attorney General Authorizing: _____

Signature: _____

Date: _____ Time: _____

Location: _____

Witnessed by: _____

Sample Response Letters

Report Acknowledgment

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

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

Officer Exonerated

The Internal Affairs Unit of this department has completed its investigation of your report concerning the conduct of {name of subject officer}. The investigation and a review of all information currently available to this office indicates that the officer followed the appropriate department policies and procedures. 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 555-5555.

Thank you for bringing this matter to our attention.

Not Sustained

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

- a. *(witness could not be located)*
- b. *(document could not be located)*
- c. *(physical or forensic evidence could not be located)*
- c. *(witness did not support your complaint)*
- d. *(document 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 555-5555. If no additional information is received within ten days, this case will be considered closed.

Thank you for bringing this matter to our attention.

Unfounded

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

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

Thank you for bringing this matter to our attention.

Sustained

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

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

Thank you for bringing this matter to our attention.

Ramsey Police Department

Checklist and Summary Sheet

IA Case # _____ Date received: _____

Type of complaint: _____

Principal person(s): _____

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

Allegation	Conclusion
1.	☐ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated
2.	☐ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated
3.	☐ Sustained ☐ Not Sustained ☐ Unfounded ☐ Exonerated

Date Completed _____

Disposition: _____

Ramsey Police Department

25 North Central Avenue
Ramsey, New Jersey 07446
201-327-2400

Statutes and Rules Recommended for Review

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

State Statues Applicable to Municipal Police

<i>N.J.S.A. 40A:14-118</i>	Creation of municipal police force; designation of appropriate authority; adoption of rules and regulations; appointment of chief of police; chief's powers and duties
<i>N.J.S.A. 40A:14-122</i>	General qualifications
<i>N.J.S.A. 40A:14-128</i>	Term of Office
<i>N.J.S.A. 40A:14-147</i>	Disciplinary process for municipal police officers; suspension and removal; written charges and hearing; 45 day rule
<i>N.J.S.A. 40A:14-148</i>	Authority of hearing officer to obtain evidence
<i>N.J.S.A. 40A:14-149</i>	Suspension of a municipal police officer pending a hearing
<i>N.J.S.A. 40A:14-149.1</i>	Suspension of a municipal police officer charged with a criminal offense
<i>N.J.S.A. 40A:14-150</i>	Judicial review of disciplinary determinations in non-civil service jurisdictions
<i>N.J.S.A. 40A:14-181</i>	Requires law enforcement agencies to establish internal affairs policy and procedures consistent with Attorney General's guidelines

State Statutes Applicable to County Police

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

RAMSEY POLICE DEPARTMENT <u>Sample</u> Internal Affairs Case Index Year:
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Date	Officer	Officer 2	Complainant	Allegation	Status