

MACUNGIE BOROUGH COUNCIL
AGENDA
Wednesday November 26, 2025
Special Meeting 9:00 AM

Note: Executive Session starting at 8:00 AM
Special meeting starting at 9:00 AM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Announcements
5. Barry Isett Engineering
 - a. None
6. Public Comment
 - a. Public
 - b. Council Members
7. Presentations / Guest Speakers
 - a. none
8. Complaints, Petitions, and Appeals
9. Approval of Minutes
 - a. None
10. Financial Agenda
 - a. Treasurer's report (2nd meeting of month) -none
 - b. Approval of Paid Bills Detail report -none
11. Correspondence
 - a. None
12. Reports
 - a. Macungie Institute Manager Quarterly Report
 - i. April 21, July 7, October 20
 - b. Zoning Monthly Update Report (2nd meeting of month)
 - c. Solicitor
 - d. Macungie Police Department Update (2nd meeting of month)
 - e. Mayor's Report
 - f. Borough Manager
13. Unfinished Business

14. New Business

- a. Consideration of a Resolution 2025-12 that implements a revised police internal affairs policy, which shall be effective immediately
- b. Consideration of motion to require all Borough police officers to cooperate with the Borough's internal affairs investigation that is being conducted by special counsel, Patrick Harvey, Esquire, which includes testifying at administrative interviews that are scheduled by Mr. Harvey.

15. Executive Session

- a. Legal, Personnel

16. Action as a result of executive session

17. Adjournment

RESOLUTION NO. 2025 -12

**RESOLUTION ADOPTING THE POLICE DEPARTMENT'S
REVISED INTERNAL AFFAIRS POLICY**

WHEREAS, the Council of the Borough of Macungie recognizes the public's need for police accountability, a clear chain of command, and fair procedures to conduct impartial administrative investigations into allegations of police misconduct and/or neglect of duty;

NOW BE IT RESOLVED, the Council of the Borough of Macungie adopts the Police Department's revised Internal Affairs Policy, which is effective immediately. A true and correct copy of the Internal Affairs Policy is attached hereto and incorporated into this Resolution as Exhibit "A." The Policy shall supersede all prior Police Department policies that pertain to internal affairs investigations, which are hereby repealed.

RESOLVED, at a duly convened meeting of the Macungie Borough Council conducted on this 26th day of November, A.D., 2025.

MACUNGIE BOROUGH COUNCIL

Ron Karboski
Council President

Attest:

John A. Brown
Macungie Borough Manager

MACUNGIE BOROUGH POLICE DEPARTMENT

INTERNAL AFFAIRS POLICY

I. PURPOSE

The purpose of this policy is to establish fair and impartial procedures for conducting and documenting administrative investigations into the conduct of Macungie Borough's police officers ("officers"). The goals of the policy are to enhance the integrity of the Department, to improve the quality of police services, to protect the employment and due process rights of officers and to assure the public that complaints of police misconduct and/or neglect are properly addressed.

II. POLICY

It is the policy of the Borough to investigate all complaints against officers, including anonymous complaints, and all allegations of employee misconduct, whether received from the public or employees or officials of the Borough. The Borough, through its designees, will promptly and thoroughly investigate all complaints against members of the Department pursuant to this policy and will take appropriate action when necessary.

III. SOURCES OF COMPLAINTS AGAINST BOROUGH POLICE OFFICERS

Complaints about the conduct of an officer may arise from Borough officials, employees or from the public. Every such allegation, whether expressed verbally, in writing or anonymously, shall be investigated in accordance with the procedures set forth in this policy.

IV. RECORD OF COMPLAINTS

All complaints will be recorded, assigned an internal affairs report number and maintained in a secure location by the person(s) designated by Council to conduct an investigation. This record shall contain the following information: name of complainant, name of accused, date received, name of the Borough employee who received the complaint, type of complaint, case number, and final disposition. This record shall be kept by the investigator in a secure location and subject to review by the Council and by the Mayor.

V. DUE PROCESS RIGHTS OF THE ACCUSED OFFICER

The Borough recognizes and will protect the due process rights of officers accused of committing misconduct and/or neglect of duty and will ensure that the internal affairs investigation is conducted in accordance with the Constitutions of the United States and Pennsylvania as well as applicable state and federal law.

VI. PROCEDURE FOR THE INVESTIGATION OF COMPLAINTS

A. Notification, Classification and Documentation of Complaints

1. Any officer who receives a complaint against himself or herself or against another officer shall immediately report the complaint to his or her immediate supervisor or to the Chief of Police or to the Chief's designee or to the person designated by Council to supervise the police department.
2. Any supervisory officer who receives a complaint against an officer shall immediately report the complaint to the Chief of Police or to the Chief's designee or to the person designated by Council to supervise the police department.
3. In the event the Chief of Police or person designated to supervise the police department is the target of the investigation, then the complaint shall be promptly reported to the Mayor and to the Council.
4. In the event a member of the public or a Borough employee requests an officer how to file a complaint about police conduct, that officer shall inform the person that a complaint may be filed during business hours at the Borough Hall or the Police Department on a written complaint form or electronically as designated by Council.
5. In the event a member of the public or a Borough employee initiates a complaint against an officer, the complainant will be provided with a "Citizen Complaint Form," which is attached to this policy and incorporated herein as Attachment "A."
6. Upon the receipt of a complaint, the Chief or the Chief's designee or person designated by Council to supervise the department will immediately send a letter to the complainant, if known, acknowledging receipt of the complaint.
7. In the event a complaint against an officer contains allegations of a crime, workplace harassment or where the complaint contains allegations, which could result in the discharge, suspension or demotion of an officer, the Chief of Police or the Chief's designee or person designated by Council to supervise the police department shall promptly notify the Mayor and Council of the complaint.
 - a. For purposes of this section, prior to the start of the investigation, Council shall determine whether the Chief or the person designated to supervise the police department should not conduct the investigation for reasons that include, but are not limited to, a

conflict of interest; in such case, Council reserves its authority to designate a qualified person to conduct the investigation consistent with the terms of this policy.

- b. All officers are obligated to cooperate in internal affairs investigations as required by Council, which includes providing truthful responses to inquiries made by the Council's designated investigator.
8. The Council shall ensure that its adjudicatory function is kept separate from the investigatory and prosecutorial functions during the course of the internal affairs investigation
9. Complaints against officers that do not fall within Section VI.A.7 shall be investigated and documented by the Chief of Police or the Chief's designee or the person designated by Council to supervise the police department, in accordance with the procedures set forth herein. Such information shall be subject to review by Council at any time.
10. All officers who are subject to discipline that rises to the level of **discharge, suspension or demotion in rank** will be advised of the potential disciplinary charges and provided with an opportunity to respond to the charges before final action is taken. Officers may request union representation during interviews that could potentially result in the imposition of discipline.

B. Suspicion of Criminal Activity

In the event an officer's conduct that gives rise to an internal affairs investigation may constitute criminal activity, the following process shall be followed:

1. The Chief of Police or person designated by Council to supervise the police department shall promptly notify the County District Attorney's Office for the purpose of determining which law enforcement agency will conduct the criminal investigation;
2. The Borough will ensure that the Borough's administrative internal affairs investigation is conducted separately from the criminal investigation.

C. Temporary Administrative Leave of Accused Officer

The Chief of Police or person designated to supervise the police department may immediately impose a temporary paid administrative leave of a police officer when the s/he reasonably believes that: 1) the officer is unfit for duty, or 2) the action is necessary to protect the health, safety or welfare of a Borough employee or the public. Such action shall not be deemed to constitute disciplinary action against the accused officer.

VII. AUTHORITY TO IMPOSE DISCIPLINE

Authority to impose final disciplinary action against a Borough police officer that rises to the level of suspension, demotion or termination rests exclusively with the Council.

VIII. FINAL ADMINISTRATIVE ACTION & OFFICER' RIGHTS OF APPEAL

Upon the completion of the investigation of matters referred to in Section VI.A.7., the Borough Council shall render one of the following conclusions:

1. **Sustained:** The evidence is sufficient to prove the allegations.
2. **Not Sustained:** There is insufficient evidence to either prove or disprove the allegations.
3. **Exonerated:** The incident occurred, but was lawful or proper.
4. **Unfounded:** The allegation is false or is not factual.

Borough police officers may exercise their rights of appeal of final administrative determinations pursuant to federal and state law and the terms of the current collective bargaining agreement.

IX. ANNUAL STATISTICAL SUMMARY AND REVIEW

On a quarterly basis, the Chief of Police or other person designated by Council shall compile a statistical summary consisting of the number of complaints filed against officers and their outcomes that shall be issued in writing to the Mayor and Council.

XII. DISTRIBUTION

This policy shall be issued to the Mayor and all Borough police officers.

XIII. REVIEW

This policy may be reviewed periodically and amended as authorized by the Council.

END OF DOCUMENT

MACUNGIE BOROUGH POLICE DEPARTMENT

CITIZEN COMPLAINT FORM

Complainant's Name _____ Home Phone _____

Address _____ Bus. Phone _____

Witnesses Name _____ Home Phone _____

Name of Officer Receiving Complaint _____ Date/Time _____

Nature of Complaint _____

Type of
Incident _____

Location _____

Date/Time _____

Synopsis _____

Additional page(s) _____ yes, _____ no

Officer/Personnel Involved _____

Statements "Under Penalty" – A person commits a misdemeanor of the third degree, if he/she makes a written false statement which he/she does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

Signature of Complainant

Date

(Attachment A)

MACUNGIE POLICE DEPARTMENT

EDWARD HARRY JR

Chief of Police

Date of Issue:	Effective Date: 8/5/2013	General Order #:	Review Date:
Subject: <i>Internal Affairs</i>		Distribution: All Personnel	Amends: N/A
Reference: CALEA: 52.1.1, 52.1.2, 52.2.1, 52.2.4 PLEAC: 2.3.1			Rescinds: N/A

PURPOSE

The purpose of this General Order is to establish a means to investigate allegations of less than acceptable service and/or poor performance by police department employees. It also establishes a thorough and objective means to document, investigate and provide a disposition of all complaints or allegations against the department and/or department personnel.

POLICY

It shall be the policy of the Macungie Police Department that all complaints and allegations against police department personnel shall be investigated in accordance with this general order.

COMPLAINTS/ALLEGATIONS

A. All complaints/allegations against department personnel, received from an identifiable person(s) shall be made, in writing, to the Chief of Police, or in his absence, a ranking officer. Any ranking officer receiving a complaint shall immediately inform the Chief of Police of the complaint/allegation and the Chief shall inform the Mayor.

B. Anonymous/Verbal complaints

1. Anonymous complaints or verbal complaints received from persons reluctant to place the complaint in writing shall be reviewed to determine the nature and course of the investigation. A thorough investigation shall be conducted to independently prove or disprove the allegation. The investigator shall make a reasonable effort to determine the identity of anonymous

complaints. NOTE: No administrative action shall be taken against personnel solely on the basis of an unsupported anonymous complaint alone, unless an investigation justifies such action. In addition, no administrative action will be taken against personnel based upon an unsupported verbal complaint alone, unless an investigation justifies such action.

C. A disagreement over the validity of a parking ticket, traffic citation, non-traffic citation or criminal charge is not grounds for the initiation of a citizen complaint. The complainant should be advised that this is a matter for adjudication by the proper court.

INVESTIGATION OF WRITTEN COMPLAINTS/ALLEGATIONS

A. The police department, upon receipt of a complaint, will immediately send a letter to the complainant, if known: acknowledging receipt of the complaint, that the complaint will be investigated, and that the investigator may make contact with the complainant in the near future.

B. The Chief of Police shall conduct all investigations of such complaints/allegations unless otherwise provided herein. In the event the Chief of Police is out of the office for more than five (5) consecutive days, the Chief of Police shall designate a ranking officer to accept and initiate investigations of any such complaints/allegations until such time as the Chief of Police returns. The Chief of Police, or the designated ranking officer conducting the investigation in the Chief's absence, shall be referred to collectively herein as the "Investigator".

The Investigator will initiate a thorough and objective investigation of any such complaint/allegation.

1. The type of complaint shall determine the nature and complexity of the investigation.
2. The Chief of Police shall review all investigations delegated to a ranking officer in his absence, and shall keep the Mayor apprised of the findings.
3. The violation of rules, regulations and orders as well as allegations of other forms of misconduct will be reviewed in depth.
4. The Investigator shall document the facts of the investigation, the results of which shall be forwarded to the Chief of Police and the Chief shall then forward the results to the Mayor.

C. The results of all investigations of allegations/complaints of misconduct shall be provided to and reviewed by the Chief of Police and Mayor.

D. Allegations will be investigated as soon as practical.

E. The Investigator shall provide status reports on the investigation to the Chief of Police, the complaining party (if known) and the subject employee. Status reports provided to the complaining party and subject employee shall be limited to advising them that the investigation is incomplete, ongoing or other similar status. The Chief of Police shall forward all such reports to the Mayor.

F. A letter approved and signed by the Chief of Police, after provided to and reviewed by the Mayor, will be sent to the complaining party (if known) informing him/her of the results of the investigation upon conclusion. The results provided shall be general in nature.

G. If the investigation concludes that the conduct of the officer was improper, the Investigator shall cite the departmental rule, regulation or order which was violated if applicable.

EMPLOYEE RESPONSIBILITIES

A. The officer/employee against whom the complaint/allegation has been filed shall not interfere in any manner whatsoever with the investigation or attempt to persuade witnesses who have been contacted during the investigation in an effort to alter the information to the Investigator. The officer/employee may be ordered by the Investigator not to have contact with any witnesses until the department has obtained further information from that witness.

SUPERVISOR RESPONSIBILITIES

A. A ranking officer who personally observes subordinate employee misconduct has the authority:

1. If the misconduct is minor, (ex. a minor mistake, departure from procedure, or the exercise of inappropriate judgment) to take immediate corrective action in the form of counseling. If that action is taken, the Chief of Police shall be notified and the Chief shall thereafter notify the Mayor.

2. If the ranking officer believes that the nature of the misconduct warrants more severe disciplinary action, a memorandum detailing the alleged misconduct shall be submitted to the Chief of Police and the Chief shall thereafter forward the memorandum to the Mayor.

B. A ranking officer who has just cause, (ex. a violation of the law or the subordinate officer/employee reports to work under the influence of any drug or alcohol) is authorized to relieve the subordinate officer/employee from duty. The

ranking officer shall immediately notify the Chief of Police that the officer/employee has been relieved from duty. A written complaint, prepared by the ranking officer, shall be immediately forwarded to the Chief of Police no later than the next business day. The Chief of Police shall notify the Mayor and provide the Mayor with a copy of the written complaint in such matters.

1. If an officer/employee has been relieved from duty, the officer/employee will be notified by the Chief of Police when they are permitted to return to duty.

DISPOSITION OF COMPLAINTS/ALLEGATIONS

A. Based on the facts of the investigation, the Chief of Police will make a final disposition on the matter and will impose disciplinary action, or recommend such disciplinary action to the Mayor and Council in accordance with the Borough Code, if warranted. The final disposition shall be noted by using one of the following classifications:

1. Sustained: Investigation indicates that all or part of the alleged acts of misconduct were committed by the employee. This includes misconduct not alleged in the original complaint that was uncovered during the investigation.
2. Not Sustained: Investigation disclosed insufficient evidence to clearly prove or disprove the allegations.
3. Exonerated: Investigation discloses that the alleged act(s) occurred but the actions of the employee were justified, legal and proper.
4. Unfounded: Investigation indicates the alleged acts did not occur or were not committed by an employee of this department.

B. The disposition of complaints/allegations sustained may include the following: counseling, remedial training, reprimand, suspension and/or termination.

C. The Chief of Police will maintain a record of all complaints against this agency or employees in a secure area.