

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 the Mayor and to the officer's immediate supervisor or to the Chief of Police or to the Officer in Charge.
2. Any supervisory officer who receives a complaint against an officer shall immediately report the complaint to the Mayor and to the Chief of Police or to the Officer In Charge.
3. In the event the Chief of Police or Officer In Charge 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 Officer In Charge will immediately send a letter to the complainant acknowledging receipt of the complaint. The Mayor shall also be notified of the 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 Officer In Charge 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 Officer In Charge 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 individual 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. 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.
- 9. 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.
- 10. Complaints against officers that do not fall within Section VI.A.7 shall be investigated and documented by the Chief of Police or Officer In Charge, in accordance with the procedures set forth herein. The complaint and related information shall be subject to the review of the Mayor and Council at any time.

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 the Officer In Charge 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 the Officer In Charge 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. The Mayor and Council shall also be notified about the temporary paid administrative leave that was instituted.

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 Officer In Charge 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)