


CHATHAM BOROUGH POLICE DEPARTMENT						
POLICY & PROCEDURES						
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SUBJECT: INTERNAL AFFAIRS – PROFESSIONAL STANDARDS						
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6/28/22	Appendix B	BKG	3/10/25	All	BKG	

I. POLICY:

A. It is the policy of the Chatham Borough Police Department to accept and investigate all complaints of agency and employee alleged misconduct or wrongdoing from all persons who wish to file a complaint, regardless of the hour of day or day of the week. This includes reports from anonymous sources, juveniles, undocumented immigrants, and persons under arrest or in custody. Following a thorough and objective examination of the available factual information, a conclusion will be determined, and the employee shall be either exonerated or held responsible for the alleged misconduct. Discipline shall be administered according to the degree of misconduct.

All employees, regardless of rank/title, 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 municipality constitutes a violation of that oath and trust. Employees are also subject to disciplinary action for the willful or negligent failure to perform the duties of their rank or assignment. In addition, employees may be disciplined for violation of any rule, regulation or policy of the department or for failure to obey any lawful instruction, order, or command of a superior officer or supervisor in accordance with 40A:14-147. Disciplinary/corrective action in all matters will be determined based upon the merits of each case. Investigators conducting the investigation of any allegation of misconduct shall strive to conduct a thorough and objective investigation, respecting the rights of the principal, any other law enforcement officer, and all members of the public. Accordingly, any supervisor and any officer who may be called upon to conduct internal investigations must be thoroughly familiar with the department's Internal Affairs policy. This written directive has been developed in accordance with the revised New Jersey Attorney General Directive on Internal Affairs.

II. PURPOSE:

A. The purpose of this written directive is to maintain a high quality of law enforcement services. Improving the relationship between employees and the public facilitates cooperation vital to the department's ability to meet its mission and achieve its goals. This department is committed to providing law enforcement services that are comprehensive, fair, efficient, effective, and impartially delivered.

Employees are held to the highest standards of conduct and are expected to respect the rights of all citizens. This department must be responsive to the community by providing formal procedures for the processing complaints regarding agency or individual employee performance. An effective disciplinary framework permits department personnel to monitor employee compliance with department directives, assist employees in meeting department objectives, enhance performance, and permit managers to identify

problem areas which require increased training or direction. Finally, this written directive shall ensure fundamental fairness and due process protection to citizens and employees alike.

III. PROCEDURE:

A. DEFINITION OF TERMS/FORMS

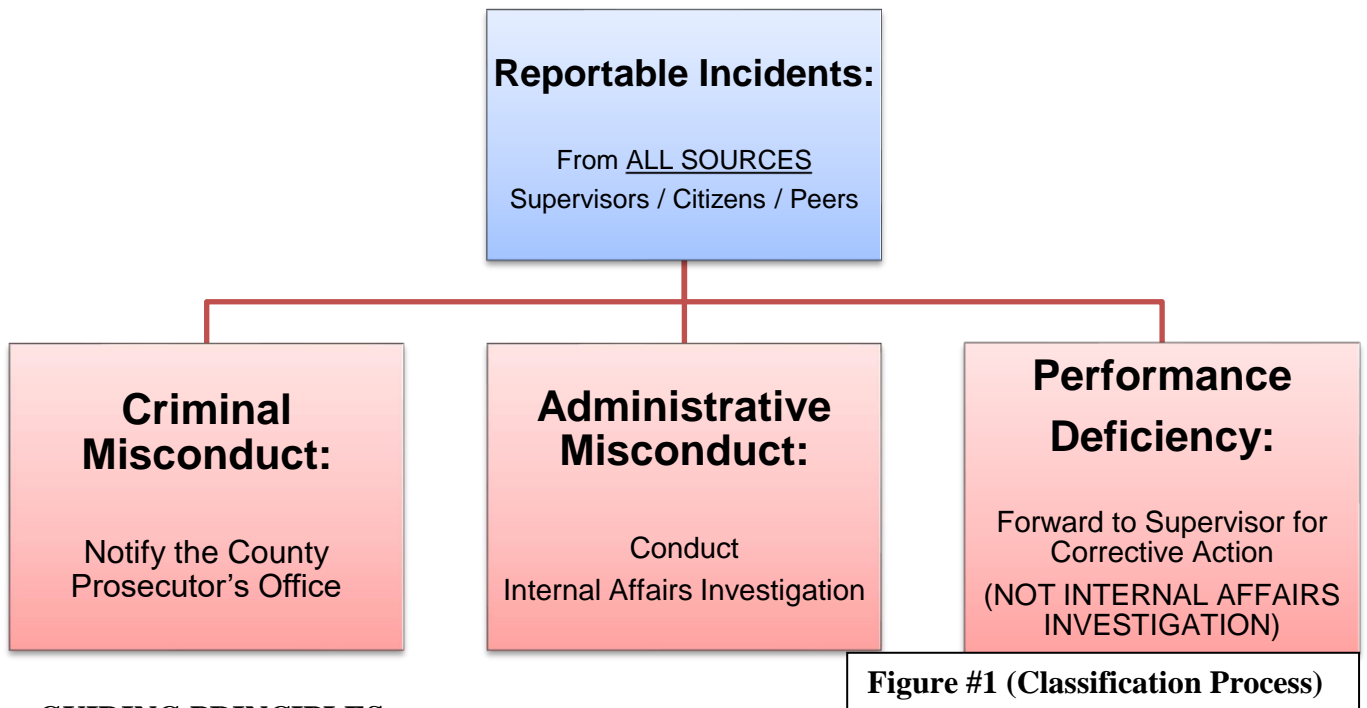
1. The following forms/reports shall be used in accordance with this written directive:
 - a) **Investigation Plan - (IA-1):** This form may be used to develop an investigative plan prior to conducting internal affairs investigations.
 - b) **Investigation Report - (IA-2):** This report shall be used to memorialize the investigation of any internal affairs matters.
 - c) **Continuation Page of Investigation Report - (IA-3):** This report shall be used if additional pages are needed to memorialize the investigation of any internal affairs matters.
 - d) **Supplemental Internal Investigation Report - (IA-4):** This report shall be used to supplement the initial investigation report.
 - e) **Attachment Log - (IA-5):** This form shall be used to account for all attachments accumulated during the investigation.
 - f) **Internal Investigation Allegations and Conclusions Form - (IA-6):** This form shall be used to establish a narrative of the alleged misconduct, and the relationship to the specific provision of the Rules and Regulations and/or written directive allegedly violated.
 - g) **New Principal/Allegation Identification Form - (IA-7):** This form shall be used when an employee shifts from a witness to a principal. This form shall also be used to document perceived violations of written directives not relevant to the complaint or the alleged misconduct being investigated.
 - h) **Internal Affairs Information Sheet - (Form A):** This form, which explains the department's internal affairs procedures, shall be provided to all citizen complainants.
 - i) **State Standardized Internal Affairs Complaint Form - (Form B):** This form shall be utilized by department employees to document a reportable incident by all complainants.
 - j) **Complaint Notification Form - (Form C):** This form, when appropriate, shall be served to an employee who is the principal of an internal affairs investigation.
 - k) **Notice of Immediate Suspension - (Form D):** This form shall be used upon the immediate suspension of an employee.
 - l) **Complainant Response Letter - (Form E)** This letter is sent to the complainant to advise them the agency is in receipt of their complaint.
 - m) **Notice of Disciplinary Action Form - (Form F (Preliminary) Form M (Final):** These forms shall be used to formally notify the principal of charges approved by the Chief of Police in connection with the completed internal affairs investigation. These disciplinary forms shall only be used for charges that exceed a written reprimand.
 - n) **Miranda and Waiver Form - (Form G):** This form shall be used in an internal affairs investigation when interviewing an employee accused of committing a crime but only after consultation with the Morris County Prosecutor's Office.
 - o) **Use Immunity Form - (Form H)** – This form shall be used when an officer invokes their Miranda rights and is granted "Use Immunity."

- p) **Witness Acknowledgment Form - (Form I):** The form shall be used during internal affairs investigation interviews when interviewing a witness in an internal affairs investigation.
 - q) **Administrative Advisement Form - (Form J):** This form shall be used during internal affairs investigation interviews when interviewing the principal in an internal affairs investigation.
 - r) **Summary Report - (Form K):** This annual report shall be submitted to the Morris County Prosecutor's Office, as directed, detailing all internal affairs investigations investigated by the department.
 - s) **Annual Major Discipline Reporting Form - (Form L):** This form shall be completed annually and forwarded to the Morris County Prosecutor's Office.
 - t) **Representative Acknowledgement Form - (Form N):** This form shall be used when a bargaining unit representative is present during an interview with a principal of the investigation.
 - u) **Guardian Tracking System:** This electronic performance tracking system shall be used by a supervisor to memorialize any corrective action below a verbal or written reprimand (counseling) taken either as a result of a reported performance deficiency incident or internal affairs investigation. This system shall also be used to commend an employee for positive performance.
 - v) **Reprimand Notice - (IA-17):** This form shall be used to formally notify the principal of discipline approved by the Chief of Police in connection with the completed internal affairs investigation. This disciplinary form shall be used for discipline that constitutes and oral or written reprimand.
2. **Reportable Incident:** is any behavior, performance, or non-performance that may violate 40A:14-147, department rules/regulations, policies/procedures, applicable criminal and civil laws, and the United States or New Jersey Constitutions, both on and off duty. All reportable incidents shall be carefully and thoroughly reviewed by the Internal Affairs Unit Supervisor to determine the manner of response that best serves the public, the department, and the employee. Reportable Incidents classified as misconduct will result in an internal investigation conducted in accordance with the New Jersey Attorney General's Internal Affairs Directive and this written directive.
3. **Classification:** There are three classifications of a reportable incident. All reportable incidents shall be forwarded to the Internal Affairs Unit Supervisor to screen, record, and classify the incident as one of the following (**See Figure #1**):
- a) **NOTE: All** allegations of **misconduct**, whether criminal or administrative, regardless of the source of the allegation, shall result in an internal investigation.
 - b) **Criminal Misconduct** - Reportable Incidents classified as criminal misconduct will result in immediate notification to the Morris County Prosecutor of the receipt of the complaint by the Internal Affairs Unit. No further action shall be taken, including the filing of charges against an employee, until directed by the County Prosecutor.
 - (1) Criminal Misconduct is defined as a reportable incident where there is an allegation of a crime or an offense.
 - c) **Administrative Misconduct** - An incident may be classified as administrative misconduct in which case an investigation shall be conducted in accordance with this written directive.
 - (1) Administrative Misconduct is defined as a reportable incident where there is a serious violation of department rules and regulations, written directives, or conduct which adversely reflects upon the employee or the department.

(2) Repeat performance deficiencies may be classified as administrative misconduct.

d) Performance Deficiency - An incident which is classified as a performance deficiency shall be referred to the supervisor for addressing through non-disciplinary corrective actions such as training or counseling.

(1) A performance deficiency is defined as a reportable incident of any minor rule/policy infraction that can be addressed at the supervisory level of an employee. This department recognizes that not all reportable incidents constitute misconduct, and certain reportable incidents are more effectively handled outside of the disciplinary process. Performance deficiency incidents **are not** internal affairs investigations.



IV. GUIDING PRINCIPLES

A. The investigative process should seek to locate and identify all evidence available to either prove or disprove allegations made against an employee.

B. With the exception of internal investigations that are part of an ongoing or potential criminal investigation, the majority of internal investigations are administrative in nature. Unlike criminal investigations where the burden of proof is beyond a reasonable doubt, the standard for administrative cases is a preponderance of the evidence.

C. Also important is that strict rules of evidence and certain constitutional protections that apply in criminal cases do not attach to administrative investigations. In accordance with established case law, the investigator, reviewing authority and the Chief of Police can rely on types of evidence that would be inadmissible in a criminal proceeding, providing there is some indication of reliability.

D. Furthermore, unlike criminal investigations, certain specific legal protections that arise in employment & labor matters and in police discipline matters apply to employees subject to an internal investigation. These include rights and practices commonly referred to as Weingarten, Loudermill and Garrity rights, as well as contractual rights or those based on State or Federal statutes.

E. Investigators and reviewers shall scrupulously adhere to the principles that all employees shall be afforded all rights to which they are entitled. At the same time, investigative and review personnel will

also be aware of their obligations to determine the facts of each case utilizing investigative methods which are consistent with acceptable practices in employee discipline cases.

F. Internal Affairs investigations shall not rely solely on the outcome of related criminal matters or traffic matters. The conviction of a citizen complainant shall not be dispositive as to the citizen's complaint regarding the employee's conduct related to the incident. However, the court proceedings will be relevant and should be reviewed. Unless otherwise determined by the investigative plan, most cases involving a court action will require the collection and analysis of court records and transcripts of court appearances by the principal, complainant, or critical witnesses. The investigator should make every attempt to attend court proceedings and to monitor the progress/outcome of the case. The investigator need not notify the prosecutor, judge, or other court personnel of his/her presence and should not have any input in the proceedings.

G. If a civilian signs criminal or traffic complaints, in addition to making an internal affairs complaint against an employee, a not guilty disposition of the court shall not automatically determine the outcome of the internal complaint. However, it will be relevant and shall part be considered as part of the investigation.

H. The investigator and reviewing authority shall consider that administrative charges have a different threshold of proof as well and restrictive rules of evidence.

I. As internal affairs investigators, a tendency to automatically grant more credibility to statements given by employees of the department and other law enforcement officials than to statements given by civilian complainants and witnesses must be carefully avoided. In certain situations where the credibility and motive of the complainant is reasonably suspected, a credibility determination may be made as provided for in this written directive. However, investigators, unless otherwise authorized, will investigate the relevant facts of the allegations and not the background or motive of the complainant, unless relevant to the investigation.

J. It is the policy of this department that personnel conducting internal investigations deal with complainants, witnesses, and principals in a professional manner. This includes being prepared for interviews, promptly responding to telephone calls, and handling all related contacts during an investigation to leave citizens and employees alike with the impression that a thorough, fair, and impartial investigation of the allegation(s) will be conducted.

K. Discovery of additional allegations and identification of additional principals:

1. In conducting investigations, the propriety of all conduct by the employee relating to the subject matter of the investigation shall be reviewed.

2. If during the course of an investigation the investigator has reason to believe that misconduct occurred, other than that alleged, the investigator shall:

- a) Document the information on a New Principal/Allegation Identification Form and forward it to the Internal Affairs Unit Supervisor/Chief of Police to determine the appropriate response. Upon completion of the review, the form, which shall include all appropriate endorsements, will be returned to the investigator, and maintained as an attachment to the investigation.

- b) Unless otherwise directed, the investigator shall investigate the additional allegation to its logical conclusion.

3. If during the course of an investigation, the investigator has reason to believe that another employee may have been involved in alleged misconduct and should be interviewed as a principal, the investigator shall:

- a) Report the information on a New Principal/Allegation Identification Form to the Internal Affairs Unit Supervisor/Chief of Police and await further instructions. Other aspects of the investigation should continue.

L. The New Jersey Resiliency Program for Law Enforcement

1. Under no circumstances shall an officer face any type of discrimination or adverse internal affairs consequences for the sole reason that the officer decided to seek medical or psychological treatment for a mental health concern, including depression, anxiety, post-traumatic stress disorder, or substance use disorder.
2. All officers are encouraged to take advantage of the resources provided by the New Jersey Resiliency Program for Law Enforcement, as well as the other resources identified in Attorney General Directive 2019-1.

V. INTERNAL AFFAIRS UNIT

A. The Internal Affairs Unit is herein established. The Internal Affairs Unit Supervisor shall have direct access to the Chief of Police on all matters involving internal affairs. Personnel assigned to the Internal Affairs Unit shall serve at the pleasure of, and be directly responsible to, the Chief of Police or designee.

1. Investigators must recuse from cases where they have a conflict of interest that may prevent them from being impartial in the investigation of a subject employee.
2. Officers assigned to the internal affairs function shall complete training as mandated by the Division of Criminal Justice.
3. Officers may attend additional training on internal affairs provided by the Morris County Prosecutor's Office and other sources.

B. The goal of the Internal Affairs Unit is to ensure that the integrity of the department is maintained through a system of internal discipline where fairness and justice are assured by comprehensive, objective, and impartial investigation and review.

C. Internal Affairs Unit Supervisor shall be responsible for:

1. The management of the Internal Affairs Unit;
2. The coordination and review of all internal affairs investigations;
3. The review of all allegations of misconduct by employees of this department;
4. The Chief of Police shall be immediately notified when an employee is accused of a crime, domestic violence incident where the employee is either an alleged perpetrator or victim, any incident that attracts media attention, and any incident that would affect the efficient and effective operation of the department. In addition, the shift supervisor shall take any immediate action necessary to preserve the integrity of the department until directed otherwise by the Chief of Police or his/her designee. All other notifications shall be made on the next business day.
5. The maintenance of a comprehensive central file and recordkeeping system on all complaints received by this department, whether investigated by Internal Affairs Unit personnel or assigned to an employee's supervisor. A quarterly report on the status of all pending Internal Affairs investigations will be provided to the Chief of Police.
 - a) All investigations shall receive an IA prefix and number (performance or misconduct).
 - b) Performance deficiency incidents shall be noted in electronic format.
 - c) The preparing and mailing of a Complaint Acknowledgement Letter to all civilian complainants.

D. Internal Affairs Unit shall be responsible for:

1. Ensuring the review and investigation of all allegations of misconduct by employees of this department.

2. Ensure complainants are notified of the status of the investigation, if requested, and upon completion of the investigation, of the ultimate disposition of the complaint.
3. Ensure all reporting documents are completed timely and accurately.
4. In addition to investigations concerning allegations of misconduct, the Internal Affairs Unit shall receive notice of:
 - a) Any firearm discharge by department personnel, whether on-duty or off-duty, unless the discharge occurred during the course of a law enforcement training exercise; routine target practice at a firing range; a lawful animal hunt; or the humane killing of an injured animal;
 - b) Any discharge of an agency-owned firearm by anyone other than agency personnel;
 - c) Any use of force by agency personnel that results in injury to any person,
 - d) Any vehicular pursuit involving agency personnel; and
 - e) Any collision involving an agency-owned vehicle.
5. Once notification has been received, internal affairs will determine whether additional investigation is necessary.
6. Internal affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practice or trend of inappropriate behavior or misconduct in accordance with department written directive governing early warning.
 - a) Internal affairs shall be responsible for any other investigation as directed by the Chief of Police.
 - b) The Internal Affairs Unit may conduct an internal affairs investigation on their own initiative upon notice to, or at the direction of, the Chief of Police and Internal Affairs Unit Supervisor.
 - c) The Internal Affairs Unit may refer reportable incidents classified as a performance deficiency to an employee's supervisor for inquiry and corrective action.
 - d) The Internal Affairs Unit investigators or personnel temporarily assigned to that function shall have the authority to interview any employee of the department and to review any record or report of the department relative to their assignment. Requests from the Internal Affairs Unit 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.
7. Notification to the Morris County Prosecutor's Office
 - a) The Chief of Police or designee shall immediately notify the Morris County Prosecutor of the receipt of the complaint by the Internal Affairs function of any allegation of a crime or an offense.
 - b) Internal Affairs shall submit the Internal Affairs Summary Report to the Chief of Police and Morris County Prosecutor's Office, as directed by that office.
 - c) Internal Affairs shall complete quarterly summary reports. These quarterly reports will be due twenty-one (21) days after each reporting period and shall be submitted to the Sergeant of the Morris County Prosecutor's Office's Professional Standards Unit and Chief of Police.
 - d) Internal Affairs shall prepare an annual report summarizing the types of complaints received and the dispositions of the complaints which must be made available to the public by posting to our website and in the police department lobby. The names of

complainants and witnesses shall not be published in this report. Principal's name shall not be included unless the discipline results in a fine or suspension of more than five days (40 hours).

e) Internal Affairs shall report monthly to the Morris County Prosecutor's Office Brady/Giglio material in accordance with Morris County Prosecutor's Directive and department written directive.

8. Internal Affairs shall semiannually release to the public a brief synopsis of all complaints where a fine or suspension of more than five days (40 hours) or more was assessed to a member of the agency. The synopsis shall contain the identities of the principals but not the complainant(s) or witness(es).

VI. ACCEPTING COMPLAINTS

A. Duty of Employees to Self-Report

1. All employees shall use the State Standardized Internal Affairs Complaint Form to immediately self-report the following information to the Internal Affairs Unit and the Chief of Police through the chain of command:

a) Whenever the employee is arrested or criminally charged for any conduct.

(1) The report must be made immediately, and in all cases prior to release or leaving the law enforcement agency. In the case of service of criminal charges, the notification must be made immediately upon the receipt of the charges.

b) Whenever the employee is named as a party in any civil suit involving their conduct while on duty or otherwise while acting in an official capacity.

c) Whenever the employee is named as a party in any civil suit regarding off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threats of physical violence by the employee.

d) Whenever the employee is either an alleged perpetrator or victim of a domestic violence incident.

e) Whenever the employee receives any summons for any ordinance or traffic violation.

2. When employees report this information to a supervisor, the supervisor shall directly and immediately report the information to the Internal Affairs Unit. The Chief of Police shall notify the Morris County Prosecutor's Office of the receipt of information related to section VI.A.1.a)-d).

B. Duty of Employees to File a State Standardized Internal Affairs Complaint Form for Actions of Other Employees

1. An employee who receives information defined as a reportable incident shall report such information to the Internal Affairs Unit Supervisor.

2. All employees must report directly to the Internal Affairs Unit or the Chief of Police any conduct by another employee that reasonably appears to constitute any of the following:

a) Prohibited discrimination;

b) An unreasonable use of force or a threat of force;

c) A constitutional violation;

- d) Failure to follow any of the documentation requirements, including documentation of civilian complaint filing procedures;
- e) Providing false information in an investigation of an employee for misconduct or in any report, log, or transmittal of information to the department's communication center.

3. Retaliation against any employee for reporting misconduct shall constitute a serious disciplinary offense and may lead to a severe penalty up to and including termination.

C. Complaints from the Public

1. All department personnel are directed to accept reports of agency or employee misconduct from all persons who wish to file a complaint regardless of the hour of day or day of the week. Complainants 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 representative from the Internal Affairs Unit shall visit the individual at their home, place of business, or at another location in order to complete the report, if possible. Telephone, e-mail, web-based reporting, and facsimile complaints may also be accepted.

2. If a member of the Internal Affairs Unit is immediately available, they shall take the complaint.

- a) If a member of the Internal Affairs Unit is not immediately available, the complainant will be referred to the shift supervisor. In the absence of the shift supervisor, any department employee shall accept the report of employee misconduct.

3. Department personnel receiving the complaint shall:

- a) Provide the person making the complaint with the Internal Affairs Information Sheet and explain the department's Internal Affairs procedures. The disciplinary process shall also be explained.
- b) Advise the complainant that he/she will be kept informed of the status of the complaint, if requested, and its ultimate disposition.
- c) Complete as much of the State Standardized Internal Affairs Complaint Form as possible before forwarding it to the Internal Affairs Unit Supervisor.
- d) The State Standardized Internal Affairs Complaint Form shall be completed by the employee taking the complaint and shall be forwarded to the Internal Affairs Unit for recording in the master recordkeeping systems (RMS & Excel) and classification by the Internal Affairs Unit Supervisor.

4. All department personnel are directed to accept reports of agency or employee misconduct from anonymous sources. If the anonymous complainant is talking to an employee, the employee should encourage them to submit their complaint in person. In any case, the complaint will be accepted.

- a) An employee of the department who interferes with or delays the reporting or investigation of such complaints may be subjected to disciplinary action.

5. If a complainant wants to make a complaint against an employee of another law enforcement agency, he/she will be referred to that agency. If the complainant expresses fears or concerns about making the report directly, he/she will be referred to the respective county

prosecutor's office. Any referral shall be documented by the employee making the referral to Internal Affairs so the referral may be entered into the master record keeping systems.

6. Complaints against the Chief of Police or command staff 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 Morris County Prosecutor.

7. In accordance with the Attorney General's Directive No. 2018-6 on immigration issues, no State, County or local law enforcement officer shall inquire about or investigate the immigration status of any victim, witness, potential witness, or person requesting or receiving police assistance.

D. Complaints shall be handled as follows:

1. All complaints will be forwarded to the Internal Affairs Unit Supervisor for classification and entry into the recordkeeping systems.

2. Unless otherwise directed by the Internal Affairs Unit Supervisor or the Chief of Police, complaints classified as a performance deficiency shall then be forwarded to the supervisor of the employee for inquiry and corrective action.

3. All other complaints classified as misconduct shall be retained by the Internal Affairs Unit.

4. The principal shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy.

VII. IMMEDIATE SUSPENSIONS

A. Suspension Pending Disposition or Investigation

1. A supervisor or Chief of Police may immediately suspend an employee from duty if it is determined that one of the following conditions exists:

- a) The employee is unfit for duty; or
- b) The employee is a hazard to any person if permitted to remain on the job; or
- c) An immediate suspension is necessary to maintain safety, health, order, or effective direction of public services; or
- d) The employee has been formally charged with a first, second- or third-degree crime; or
- e) The employee has been formally charged with a first, second, third- or fourth-degree crime or a disorderly persons offense while on-duty or the act touches upon his or her employment.

2. The supervisor imposing the immediate suspension must:

- a) Advise the employee in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges.

(1) 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.

- b) Provide the employee with a sufficient opportunity to review the charges and the evidence and to respond to either orally or in writing, if applicable.
 - c) Advise his immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
- 3. Administrative Reassignment
 - a) Administrative reassignment may be used in cases involving the use of force, which results in death or serious bodily injury, unless the employee is suspended or placed on administrative leave pending the outcome of the investigation.
 - b) The administrative reassignment is subject to change by the Chief of Police or designee upon the outcome of the investigation.
- 4. Filing formal charges
 - a) Within five days of the suspension, the department must complete and file formal charges against the suspended employee or return the employee to work. The filing of charges shall be suspended if the employee's suspension is due to a potential criminal matter under review by the Morris County Prosecutor's Office.

VIII. INVESTIGATION

A. Criminal Misconduct Complaints

- 1. Where preliminary investigative data indicates the possibility of a criminal act on the part of the employee, or the investigation involves an allegation of the excessive use of force, the Chief of Police shall be notified immediately and will then notify the Morris County Prosecutor's Office. No further action shall be taken, including the filing of charges against the employee, until directed by the Chief of Police and the Morris County Prosecutor's Office.
- 2. The Internal Affairs Unit shall interview the complainant, all witnesses, review relevant reports and records, and obtain other relevant information and materials.
 - a) A principal requesting use immunity shall not be compelled to answer any questions in the absence of a grant of use immunity as conferred by the Morris County Prosecutor's Office.
 - b) The Internal Affairs Unit investigator shall consult with the Morris County Prosecutor regarding the advisability of giving a Miranda Warning Form to the principal.

B. Administrative Misconduct Complaints

- 1. When preliminary investigative information indicates an administrative misconduct offense which may result in disciplinary action:
 - a) A supervisor must notify the Internal Affairs Unit who will direct a full investigation of the incident to include interviewing the complainant, all witnesses, review relevant reports and records, and obtain other relevant information and materials; and
 - b) The Internal Affairs Unit Supervisor will notify the Chief of Police of the offense; and

- c) The Internal Affairs Unit will forward copies of the appropriate disciplinary documents and investigation reports to the Chief of Police for review; and
- d) The Internal Affairs Unit will be responsible for the final case disposition and implementation of discipline, as determined by the Chief of Police.

C. Performance Deficiency Complaints

- 1. When a complaint has been classified as a performance deficiency, the complaint shall be forwarded to the employee's supervisor for inquiry and further action necessary. The supervisor shall then prepare a report summarizing the matter and recommending the appropriate corrective action.
- 2. The supervisor shall forward the completed report to the Internal Affairs Unit for review and entry of the disposition in the recordkeeping system.

D. Interview Procedures

1. Preparation

- a) All complainants, principals, and witnesses shall be interviewed after careful preparation, including the review of the investigative file and all documents, evidence, and interviews conducted up until the interview. The investigator, in consideration of the investigative plan, should have pre-formulated goals to be accomplished with each interview.

2. Memorializing of the Interview

- a) The interview of the complainant, principal, and any other witness with critical information may be documented or memorialized in one of the following ways:
 - (1) Audio recorded. If audio recorded, a synopsis of the recorded statement will be included in the narrative of the Internal Investigation Report. When directed by the Internal Affairs Unit Supervisor, the pertinent portions of this statement will be transcribed.
 - (2) Video recorded. If video recorded, a synopsis of the recorded statement will be included in the narrative of the Internal Investigation Report. When directed by the Internal Affairs Unit Supervisor, the pertinent portions of this statement will be transcribed.
 - (3) Handwritten statements taken by investigator shall be reduced to writing and signed on each page by the person making the statement.
 - (4) A summary of the substance of the interview will be incorporated in the body of the appropriate internal investigation report.
- b) Investigators must at all times remain cognizant that civilian witnesses who are not employees of the department cannot be compelled to provide a statement in any manner. However, all reasonable efforts should be made to obtain a statement when warranted from non-police personnel in the order of priority as listed above.
- c) All persons submitting to such a recorded or written statement, including the complainant, witnesses, and the principal(s) will, upon request, be provided with a copy

of same by the investigator, as authorized by the Internal Affairs Unit Supervisor/Chief of Police unless it could compromise the investigation.

d) Other than investigators authorized by the department, employees of this department shall not electronically record nor cause any interview to be electronically recorded. The copy of the official statement shall be produced and provided within 7 business days of the request. Extensions shall be granted with the prior approval of the Chief of Police. The employee receiving the copy of the statement shall be reminded of the absolute requirement that same not be copied, shown, or revealed to anyone other than the employee's attorney, if any. Violation of this provision will result in serious disciplinary action.

e) Audio or written statements shall be made attachments within the investigative file unless the matter is criminal in nature. In that case, evidence shall be handled in accordance with department written directive regarding the handling of evidence in a criminal matter.

f) All recorded statements will be summarized in the body of the appropriate internal investigation report. When directed by the Internal Affairs Unit Supervisor, the pertinent portions of the statement may be transcribed and the transcript itself also included as an attachment to the case.

g) The interview of any non-department person shall document the following identifiers:

- (1) Full name;
- (2) Address;
- (3) Home Telephone;
- (4) Race;
- (5) Sex;
- (6) DOB;
- (7) Place of Employment;
- (8) Work Telephone;
- (9) Names of all persons present during interview;
- (10) Date, time, and location of interview; and
- (11) Further identifiers such as social security number or SBI or FBI numbers shall not be requested or utilized unless directly relevant to the investigation.

h) Upon obtaining an audio-recorded statement, investigators will then label the medium, protect against re-record loss, and include it as a case attachment to the report. The statement, if transcribed, will also be included as a case attachment regarding administrative investigations. In cases where the interview concerns a criminal matter, the recorded medium will be secured and handled as evidence.

3. Secondary Investigator as a Witness

- a) The utilization of a second investigator as a witness to any interview or written statement is not required; however, it may be authorized in certain circumstances.

4. Legal Representation in Administrative Internal Affairs Investigations

- a) During the course of the administrative interview, an employee may be represented by a union representative of their choosing, including an attorney, so long as the availability of the attorney does not in any way hamper or impede the ongoing investigation. There is not a Sixth Amendment right in Administrative Internal Affairs Investigations for principals and witnesses. If the investigation is criminal in nature and it appears that the employee's union representative may become a witness or subject in the investigation, the union representative shall be prohibited from attending the interview.
- b) Complainants and witnesses who are not employees of the agency cannot be precluded from having a legal representative present while being interviewed by investigators.

5. Interview of Complainant

- a) After the preparation detailed above, all efforts must be made to interview a complainant in person. Complainant interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.
- b) The investigator shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The investigator shall reasonably accommodate a civilian's circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than the department or at a time other than regular business hours.
- c) Interviews of civilian complainants which take place over the telephone may be recorded unless the witness objects to the recording.
- d) Investigators must treat the person being interviewed with dignity and respect and demonstrate interest and concern in dealing with the complainant. Employees shall not attempt to dissuade any person from making a complaint. Employees shall conduct themselves as to facilitate the citizen's confidence in the internal investigative process.
- e) Complainants and witnesses shall not be questioned about any matters that are not directly relevant to the allegations of the investigation. Investigators shall make every effort not to ask questions that may demean, ridicule, or cause embarrassment to the complainant.
- f) Questions must be carefully thought out and relevant to the investigation. Any questionable issues should be discussed with and approved by the Internal Affairs Unit Supervisor before conducting the interview.
- g) Group interviews should not be conducted. This shall mean no more than one complainant, witness, or principal at a time. If a group interview must be conducted it shall be explained in the investigation report.
- h) Complainants should be interviewed outside the presence of other complainants and witnesses. A parent, or adult relative/guardian, in the absence of a parent, shall be

present during the interview of a minor. In the event, a parent/guardian cannot be located; the investigator must document the efforts taken to contact same. If a civilian insists that another potential witness be present during an interview, the interview must continue with the potential witness present and the report must note the circumstances.

i) Structure of Interview

- (1) Complainants should be initially asked to explain, in their own words and in detail, the facts forming the basis of the complaint. The investigator should then clarify any questions or issues regarding the complainant's statement.
- (2) After the complainant has provided a statement, the narrative of the State Standardized Internal Affairs Complaint Form, recorded telephone complaint, or correspondence from the complainant should be reviewed with the complainant.
- (3) The investigator shall seek to rectify or identify any discrepancies as well as identify any further investigative requirements.
- (4) The complainant should be asked to identify any witnesses and state what they believe the witness may have knowledge of, turn over any evidence in their possession, and identify what other types of evidence they know.
- (5) Every relevant fact known to the complainant should be identified and explored thoroughly.
- (6) Issues identified in the Investigation Plan should be addressed.
- (7) In addressing the allegations, questions utilized in the basic investigative process, namely: **who, what, when, where, why, and how** should be precisely addressed.
- (8) The complainant and or witnesses have no automatic right to view any department video recordings. It shall be up to the discretion of the investigator whether utilizing any department video recordings during an interview will enhance or clarify the investigative process.
- (9) If a complainant refuses to be interviewed, or cannot be located or contacted, a letter shall be forwarded on department letterhead, via certified mail, authorized and signed by the Internal Affairs Unit Supervisor, advising that he/she should respond within ten (10) calendar days or the investigation will proceed without his/her input.

6. Interview of Witness

- a) Every effort should be made to interview all witnesses. The full identity of any witness should be obtained. If the witness refuses to be interviewed or cannot be contacted after a reasonable attempt to locate, a certified letter shall be sent on department letterhead advising the witness should respond within ten (10) calendar days.
- b) Specific and detailed questions should be asked including: **who, what, when, where, why, and how** the incident or event occurred. The investigator should have a clear purpose in identifying relevant witnesses and selecting what questions to ask them. These issues should be established in the Investigative Plan.

- c) The aforementioned techniques outlined in the complainant interview should be applied to the interview of witnesses.
- d) Witness interviews shall be conducted formally, resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.

7. Interview of Employees

- a) Generally, the interview of an employee is accomplished after the complainant and all witnesses are interviewed. However, this is determined by the character of the inquiry and remains a discretion of the investigator. Such interviews are a critical step in the investigation and should be carefully planned. Investigators shall not accept a written statement from any employee in lieu of an interview.
- b) Employee interviews shall be conducted formally, resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.
- c) Employee as: **WITNESSES**

(1) A formal audio recorded statement shall be taken from each employee considered a witness. Statements need not be transcribed but must be summarized in the appropriate internal investigation report. The key elements of the statement may be transcribed if necessary. A sworn member who is considered a witness is entitled to union representation if he/she reasonably believes that he/she may be subject to disciplinary action as a result of the investigation.

(2) Advise the employee that he/she is a witness, explaining the difference between a witness and principal.

(a) A witness is a person reasonably believed to have information concerning the event under investigation but whose own conduct is not the focus of the investigation.

(b) A principal is a person whose conduct is the focus of the investigation.

(3) Before any questioning takes place, the employee shall be apprised of the identity of the investigator conducting the interview, including his/her rank, name, and assignment. This notice shall also include the identity of all persons present during the interview.

(4) The investigator may require the employee to submit a report detailing relevant facts in the investigation. If a report is required, the investigator will provide the employee with the background information regarding the nature and timeframe of the complaint. The employee should be encouraged to review any of his or her own reports. **(NOTE) Not to be used in lieu of an audio recorded statement.**

(5) A formal statement will be obtained from the witness after he/she has been given their Witness Acknowledgment Form. The investigator shall further verbally confirm the employee's obligation for candor throughout an internal investigation, pointing out the specific provision of the acknowledgment form denoting such.

(6) If during the interview the status of an employee shifts from a witness to a principal, the employee shall be advised accordingly. The investigator will execute a Principal Acknowledgment Form. Upon completion of the interview, the investigator will complete a New Principal/Allegation Identification Form, and forward same to the Internal Affairs Unit Supervisor for the purpose of updating the case. A copy of the completed form incorporating all required endorsements must be secured and submitted as an attachment to the investigation.

d) Employee as: **PRINCIPAL**

(1) No employee shall be designated a principal without the approval of the Internal Affairs Unit Supervisor.

(2) Each employee of the department is required to answer pertinent questions regarding the matter which is the subject of investigation. All employees of the department are obligated to answer questions and provide full and complete information to the investigator(s) during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions which may include suspension or termination.

(3) The investigator shall not automatically provide the principal with the State Standardized Internal Affairs Complaint Form. Principals shall be advised of the specific nature of the complaint, the time period involved, any allegation(s) or violation(s) of rules, regulations, and orders involved. The names of any complainants or witnesses shall not be released.

(4) In cases where these documents are shown to the principal, the investigator shall redact from the letter of complaint, State Standardized Internal Affairs Complaint Form, or any other relevant document provided to the principal during the interview, any information that may compromise the investigative process by providing same to the principal. Redacted documents utilized during the investigation for any purpose shall be properly referenced in any interview and included as an attachment to the Investigation Report.

(5) As an employee of the department, the Weingarten Representative shall be advised of the obligation of confidentiality and the requirement not to discuss any information obtained during an interview with any other person (Weingarten Rights).

(6) The principal may produce records of his/her own or suggest names of witnesses he/she requests to be interviewed.

(7) A formal electronically recorded statement may be obtained from the principal after he/she has been advised of their Administrative Advisement. The investigator shall further verbally confirm the employee's obligation for candor throughout an internal investigation.

(8) The following guidelines will be followed when any representation is requested.

(a) Any employee designated as a principal or witness, who reasonably believes that the investigation may result in disciplinary action against him/her, is entitled, upon request of the interviewee, to have a union representative accompany the interviewee to the interview.

- (b) Any employee who is a potential principal or witness in the investigation may not act as a Weingarten representative.
- (c) The exercise of the interviewee's right to a union representation may not interfere with the investigation.
- (d) Although an interviewee is entitled to the representative of his/her choosing, any union representative or other person designated by the union will satisfy the representation requirement.
- (e) The principal and his/her representative shall be informed of the subject matter of the investigation and given a reasonable period of time to confer prior to the interview. The union representative may be present during the interview, and once the interview has begun, they may not leave the room for purposes of further consultation. If the principal refuses to make a statement or answer any questions, he/she will be ordered to provide a statement and informed that such refusal may result in discipline, including termination, before the interview is terminated.
- (f) The investigator shall not negotiate with the representative. The representative may be permitted to clarify facts or make suggestions (e.g., other potential witnesses) after the investigator's questioning of the principal. The investigator is free to insist that he/she is only interested in hearing the interviewee's own account of the matter under investigation. In other words, the representative shall not be permitted to answer for the principal or conduct his or her own interview.
- (9) The interview shall be conducted at a reasonable hour in a non-coercive manner, without threat or promise of reward, and preferably when the employee is on duty. No "off the record" questions will be asked and no "off the record" statements will be permitted. If the urgency of the investigation requires that the employee is questioned while off duty, such time will be recorded and treated as hours worked in accordance with the collective bargaining agreements, where applicable.
- (10) The interview shall be conducted at a location designated by the investigator, usually at Headquarters.
- (11) The questioning shall be of a reasonable duration and rest periods allowed. Time shall be provided for personal necessities, meals, and telephone calls as are reasonably needed.
- (12) If at any time during the questioning session the employee becomes a suspect in a criminal act, the employee shall be so informed, and the questioning shall end. Promptly refer the case to the Morris County Prosecutor. Should the employee be afforded a grant of use immunity by the Prosecutor, the Internal Affairs Unit investigator shall schedule an interview with the employee.

E. Investigative Avenues

1. Physical Evidence

- a) Investigators should obtain all relevant physical evidence. All evidence, such as clothing, hair or fabric, fibers, stains, and weapons should be handled according to established evidence procedures.
- b) With respect to an audio file, they should be secured at the outset of the investigation. Transcripts or copies of the original recordings can be used as investigative leads. Audio files should be monitored to reveal the totality of the circumstances.
- c) Statements from all parties.

2. Photographs

- a) In the event of a complaint involving excessive force, the following photographic documentation shall be obtained when appropriate. Whenever possible, color photography shall be used.
 - (1) Photographs of the complainant at the time of arrest or following the alleged incident of excessive force.
 - (2) Photographs of the principal in the event that employee was a victim.
 - (3) A recent photo of the employee in the event a sequential photo display will be used for identification purposes. The photo display must be conducted in accordance with the New Jersey Attorney General's guidelines and retained for possible evidentiary purposes.
 - (4) Photographs of the scene of the alleged incident, if necessary.

3. Physical Tests

- a) Principals may be compelled to submit to various physical tests or procedures to gather evidence. Such evidence may be used against them in a disciplinary proceeding.
- b) No person has a constitutional right or privilege to refuse to submit to an examination to obtain a record of their physical features and other identifying characteristics of their physical or mental condition. Evid. R. 503(a). Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:
 - (1) Breath samples;
 - (2) Blood samples;
 - (3) Buccal Swabs;
 - (4) Requiring employee to speak;
 - (5) Voice recordings;
 - (6) Participation in suspect lineups;
 - (7) Handwriting samples;
 - (8) Hair and saliva samples;
 - (9) Urine analysis;

- (10) Videotaping;
- (11) Field sobriety tests.

c) Generally, a person cannot be physically forced to produce this or other evidence, or submit to such tests; however, a court order may be obtained to legally compel them to do so. Refusal to comply with the order can result in additional criminal, civil, and/or administrative sanctions.

4. Polygraphs

a) While an employee who is the subject of an Internal Affairs investigation may request a polygraph examination, an employer shall not influence, request, or require an employee to take or submit to a polygraph examination as a condition of employment or continued employment (N.J.S.A. 2C:40A-1).

b) An employee cannot be required to submit to a polygraph test - Engel v Township of Woodbridge, 124 N.J. Super 307 (App. Div. 1973).

c) If a polygraph is used, the test must be administered by a qualified police polygraph operator.

5. Search and Seizure

a) As a general rule, the Fourth Amendment applies to any action taken by government. Law enforcement officers have the right, under the Fourth Amendment, to be free from unreasonable searches and seizures. Fourth Amendment warrant requirements apply to any search of an office, employee's personal property including clothing, car, home, or other belongings to include any computer or digital recordings.

b) A voluntary consent to a search may preclude some Fourth Amendment problems from developing. A consent search eliminates the need to determine what threshold standard must be met before conducting the search or seizure, either for an administrative or criminal investigation. Under New Jersey law, for consent to be legally valid, a person must be informed that he/she has the right to refuse to permit a search - State v. Johnson, 68 NJ 349 (1975). If a consent search is utilized, the investigating officer shall follow standard police procedures and have the principal sign a consent to search form after being advised of the right to refuse such a search and to be present during the search, unless they waive this right.

c) In a criminal investigation, the standard to obtain a search warrant is probable cause. Generally, a search warrant should be sought to search an area belonging to the principal when the employee maintains an objective expectation of privacy in that area. Areas and objects in this category include but are not limited to the employee's home, personal car, safe deposit boxes, and personal computers. Agency supplied equipment and property is never considered personal property of the employee.

d) Generally, during either administrative investigations or criminal investigations, workplace areas may be searched without a search warrant. The critical question is whether the public employee has a reasonable expectation of privacy in the area of property the Internal Affairs investigator wants to search. The determination of a reasonable expectation of privacy must be decided on a case-by-case basis. There are some areas in the person's workplace where this privacy expectation can exist just as there are some areas where no such expectation exists. Areas where supervisors or other

employees may share or go to utilize files or equipment would present no expectation of privacy, or a diminished expectation of privacy. Included here would be government provided vehicles, filing cabinets, agency computers, and more.

e) Agency property includes but is not limited to: computers, lockers, phones, agency vehicles, desks/offices/workstations, filing cabinets, and any other agency equipment remains the property of the Chatham Borough Department and is subject to entry and inspection without notice at any time and without a search warrant.

f) If the case involves a criminal investigation, approval must be obtained from the Morris County Prosecutor or his/her designee prior to a search or confiscation of any agency issued property.

g) Any search of agency or personal property should be conducted in the presence of another agency employee, preferably a Superior Officer, and should be properly recorded.

IX. REPORTING

A. Upon completion of all possible avenues of inquiry, the Internal Affairs Unit investigator shall complete the following reports:

1. The internal investigation will be memorialized on the reports as are hereinafter identified. The reports will be submitted to the Internal Affairs Unit Supervisor for approval on a regular basis so as to keep the case current at all times.

2. All approved original reports will be maintained by the investigator until the investigation is concluded at which time the complete case file will be submitted to the Chief of Police, through the Internal Affairs Unit Supervisor.

3. The completed reports will be submitted electronically and in a report folder/envelope. The investigator will include the Internal Investigation Attachment Log, State Standardized Internal Affairs Complaint Form, Investigation Report, and the remaining attachments, numbered sequentially.

- a) The Investigation Report and Supplemental Reports will be an objective recounting of all relevant information the investigation disclosed, including statements, documents and other evidence.

- b) This report shall be similar in all respects to a standard law enforcement investigative report and should contain a complete account of the investigation.

4. A Summary Report shall summarize the case and provide conclusions of fact for each allegation. The Summary Report should be organized as follows:

- a) A summary of the allegations against the officer, including a recitation of the alleged facts

- b) A summary of factual findings in which the investigator outlines the facts proven or supported by the evidence reviewed during the investigation, and applies those facts to each allegation. This shall include a conclusive finding on whether each allegation is to be recorded as exonerated, sustained, not sustained or unfounded.

5. The Internal Investigation Allegations and Conclusions Form will be included electronically and attached to the report folder/envelope. An Internal Investigation Review Sheet will be secured to the left inner cover, on top of the Internal Investigation Allegations and Conclusions Form.

6. All attachments will be marked, unless marking the document in that area would damage or interfere with the content of the attachment.

B. Report Flow

1. The investigator, upon completion of the report, shall forward it directly to the Internal Affairs Unit Supervisor, who will review it and forward it to the Chief of Police.

2. Request for Extension of Investigation

a) If investigators are unable to complete an internal affairs investigation within forty-five (45) days of receiving a complaint, they must notify the Chief of Police on or about the 45th day. In such situations, the Chief of Police should seek to identify the reasons for the extended investigation and whether the internal affairs function requires additional resources or oversight to complete the inquiry in a prompt manner.

b) Investigators are required to provide further notice to the Chief of Police every additional 45 days that the internal affairs investigation remains open (*i.e.*, on or about the 90th, 135th, and 180th days from the receipt of the complaint), and the Chief of Police should exercise increasing scrutiny of the investigators' work the longer the case remains open.

c) In the rare cases where the department has not filed disciplinary charges (or decided not to do so) within 180 days of receipt of the complaint, the Internal Affairs Unit Supervisor must notify the Chief of Police and Morris County Prosecutor.

(1) The Morris County Prosecutor, or their designee, shall investigate the reasons for the extended investigation and shall also examine whether the department's internal affairs function faces any systemic issues that require additional resources or oversight.

(2) The Morris County Prosecutor may take any steps necessary to ensure prompt resolution of the pending matter, including supersession of the department's investigation.

(3) The Chatham Borough Police Department shall provide further notice to the Morris County Prosecutor every additional 90 days that the investigation remains open (*i.e.*, on or about the 270th and 360th days from the receipt of the complaint).

3. The Internal Affairs Unit Supervisor will review the case and may make recommendations to the Chief of Police regarding discipline.

4. The Chief of Police, upon receipt of any recommendation, will review the matter and make the final determination, or return the case for further investigation.

5. Once the Chief of Police has been provided with "sufficient information" to file a charge, the Chief of Police has forty-five (45) days to do so (N.J.S.A 40A:14-147).

6. In all cases, a letter shall be sent to the complainant explaining the outcome of the investigation. If the allegation was unfounded or the employee was exonerated, this conclusion shall be stated and defined for the civilian complainant. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained (e.g., insufficient proof, lack of witnesses, etc.). If the allegation was sustained and discipline was imposed, the letter shall simply state that the allegation was sustained and that the employee has been disciplined according to department procedures. It is not permitted to specify the discipline imposed.

- a) If discipline is imposed, a record of such discipline, not including the investigation report or attachments, shall be placed in the employee's personnel file.

7. Whenever a final determination is reached in an internal investigation, the employee(s) involved as a principal(s) shall be notified in writing by the Chief of Police of that determination.

C. Internal Investigation Report:

1. Documentation that the complainant has been contacted to advise them who the investigator is and to arrange a meeting to conduct an interview. If the investigator is unable to connect with the complainant, the report must reflect that the appropriate certified ten (10) day letter, endorsed by the Internal Affairs Unit Supervisor or Chief of Police, has been mailed to the complainant.

2. Documentation that the case investigator has contacted the principal(s) and informed them of the nature of the complaint against them.

3. An analysis of the allegations to be addressed by the investigation, linked to specific provisions of the Rules and Regulations, and/or any policies that govern the behavior of employees of the department.

D. Supplemental Internal Investigation Report:

1. A Supplemental Internal Investigation Report will be created on a regular basis to document the investigative process on all internal investigations wherein investigative activity took place during that period.

E. Internal Affairs Attachment Log:

1. An Internal Investigation Attachment Log will accompany each case when submitted by the investigator.

2. The Attachment Log will account for all attachments accumulated during the investigation. The State Standardized Internal Affairs Complaint Form will always be attachment #1. The Internal Investigation Report will be attachment #2. Thereafter, each individual Supplemental Internal Investigation Report will be assigned a separate attachment number.

3. A separate log number will be assigned to every attachment, unless the attachment is a multiple page document, at which time it will be secured as a singular attachment.

4. Each attachment accumulated and documented in the investigation report will receive a separate log number and be appropriately cross referenced in chronological order.

F. Internal Investigation Allegations and Conclusion Report:

1. At the conclusion of the investigation, the investigator will prepare allegations and conclusions.

2. The allegation will set forth, in narrative form, the alleged misconduct and be linked to the specific provision of the Rules and Regulations and/or policy purportedly violated.

3. The conclusion reached by the investigator, based upon the facts developed in his/her investigation, will fall into one of the following four (4) dispositions:

- a) **Sustained** - A preponderance of the evidence shows an officer violated any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standard operating procedure; rule; or training.

- b) **Unfounded** - A preponderance of the evidence shows that the alleged misconduct did not occur;
 - c) **Exonerated** - A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standard operating procedure; rule; or training.
 - d) **Not Sustained** - The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
4. The conclusions should be written in paragraph form wherein each piece of evidence that is relied upon in order to reach the conclusion found is individually numbered.
 5. These individual paragraphs should be in sufficient detail that standing alone they provide a concise synopsis of the investigation and its findings.
 6. These individual paragraphs should be footnoted to the source attachment used in formulating the paragraph.
 7. The final paragraph in the allegations and conclusions should encompass verbiage that reads in effect, "Based upon the preponderance of evidence accumulated in the investigation it is concluded that:

- a) There is insufficient evidence that <Officer/Employee> did <alleged behavior>.
- b) The allegation that <Officer/Employee> did <alleged behavior> is unfounded.
- c) The allegation that <Officer/Employee> did <alleged behavior> is substantiated.
- d) The investigation exonerates <Officer/Employee> of the allegation of <alleged behavior>.

G. New Principal/Allegation Identification Form:

1. During the interview, if the status of an employee shifts from a witness to a principal, the employee shall be advised accordingly and provided appropriate forms advising them they are now a target in the current investigation or involving a new investigation.

H. Performance Notice:

1. Is documentation that must be completed by a supervisor to address the corrective action taken as a result of any performance deficiency.
 - a) A Performance Notice shall be used when the performance deficiency warrants corrective action of training or counseling and shall be completed within the Guardian Tracking system.
 - b) The employee shall be advised of the corrective action by the issuing supervisor.

I. Reprimand Notice (oral/written reprimand):

1. Is the form that must be completed by a supervisor to address the disciplinary action initiated as a result of repeated performance deficiencies or administrative misconduct.
2. A Reprimand Notice shall be used when the performance deficiency or misconduct warrants a disciplinary action of an oral or written reprimand.
3. **Oral Reprimand** - The supervisor recommending the issuance of an Oral Reprimand Notice form shall complete and forward the unsigned copy to the Internal Affairs Unit Supervisor for review and approval.

a) Upon approval, the Reprimand Notice will be returned to the principal's supervisor for signature and service.

4. **Written Reprimand** - The supervisor recommending the issuance of a Written Reprimand Notice form shall complete and forward the unsigned copy to the Internal Affairs Unit Supervisor for review. The IA supervisor will submit the reprimand to the Chief of Police; with information regarding the employee's IA background, for his/her review and approval.

a) Upon approval, the Reprimand Notice will be returned to the principal's supervisor for signature and service.

5. The employee shall be advised of the disciplinary action by the issuing supervisor. The employee shall sign the Reprimand Notice and be given a copy of the document. The original document shall be forwarded to the Internal Affairs Unit Supervisor for filing.

J. Notice of Disciplinary Action - Formal Charge:

1. A Notice of Disciplinary Action Form shall be used to formally charge an employee with administrative misconduct, the penalty for which exceeds a written reprimand.

2. If the complaint is sustained after review, and it is determined that formal administrative charges should be pursued, the Chief of Police or designee shall direct the Internal Affairs Unit Supervisor or a designee of the Internal Affairs Unit to prepare the **Preliminary Notice of Disciplinary Action form** and have it served upon the principal. The Chief of Police or designee will sign and file these charges.

3. The Preliminary Notice of Disciplinary Action Form shall direct that the employee charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of a plea. The date will be listed on the notice and must provide a reasonable time, at least 5 days after the date of service of the charges, to enter a plea and request a hearing, if applicable.

a) If the employee charged waives a hearing and enters a plea of guilty, the Chief of Police shall permit the employee to present factors in mitigation prior to assessing a penalty.

4. At the conclusion of fact and the penalty imposed, the **Final Notice of Disciplinary Action form** will be placed in the employee's personnel file after he or she has been given an opportunity to read and sign for each disciplinary action. Internal Affairs will cause the penalty to be carried out and complete all required forms.

X. HEARINGS

A. The hearing shall be held before the appropriate authority or the appropriate authority's designee. In accordance with N.J.S.A. 40A:14-148, except as otherwise provided by law, the officer, board, or authority empowered to hear and determine the charge or charges made against an employee of the police department shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.

B. All disciplinary hearings shall be closed to the public. However, the employee may request an open hearing. The appropriate authority or the appropriate authority's designee shall conduct a closed hearing unless a legitimate reason exists to grant the employee's request for an open hearing. The hearing date will be set on **the Notice of Disciplinary Action form** in accordance with N.J.S.A 40A:14-147.

C. The appropriate authority or the appropriate authority's designee will fix punishments that are deemed appropriate under the circumstances in accordance with the Rules and Regulations.

D. The appropriate authority or the appropriate authority's designee is empowered to enter a finding of sustained or not sustained, or to modify the charges as deemed necessary. The decision of the appropriate authority or the appropriate authority's designee should be in writing and should be accompanied by findings of fact for each issue in the case.

E. A copy of the decision or order and accompanying findings and conclusions shall be delivered to the employee who was the subject of the hearing.

XI. CONFIDENTIALITY

A. The progress of Internal Affairs investigations and all supporting materials are considered confidential information. Upon completing a case, the Internal Affairs Unit will enter the disposition in the Internal Affairs record keeping systems.

B. The Chatham Borough Police Department shall protect and maintain the confidentiality of all internal affairs records against the agency or employees. These records shall be in a designated secure area accessible only to the Chief of Police, Internal Affairs Unit Supervisor, and others as authorized by the Chief of Police.

C. The information and records of an internal investigation shall only be released under the following limited circumstances:

1. In the event that administrative charges have been brought against an employee and a hearing will be held, a copy of those internal investigation reports to be used as evidence in the administrative hearing shall be provided to the employee upon request.

2. If the principal, agency, or municipality has been named as a defendant in a lawsuit arising out of the specific incident covered by an internal investigation, a copy of the internal investigation reports may be released to the attorney representing the principal, agency, or jurisdiction.

3. Upon request or at the direction of the Morris County Prosecutor or New Jersey Attorney General.

4. Upon a court order.

D. The Chief of Police may authorize access to a particular file or record for good cause. The request and the authorization should be in writing, and the written authorization should specify who is being granted access, to which records access is being granted, and for what time period access is permitted. The authorization should also specify any conditions, such as one in which the files may be reviewed only at the Internal Affairs Unit's office and may not be removed.

E. Agencies may receive subpoenas directing the production of internal affairs investigative records. Before responding to the subpoena, the Chief of Police should consult with the Department's legal counsel or County Prosecutor's Office to determine whether the subpoena is valid.

F. If the release of internal affairs documents is appropriate, the agency should inventory the reports they are releasing and obtain a signed receipt.

G. Subpoenas for Employee's Personnel/Internal Affairs Files

1. In matters that involve criminal and/or civil actions resulting from an internal affairs case, the department shall **NOT** release any information in response to the subpoena without first contacting the Assistant Prosecutor to whom the matter has been assigned by telephone and in writing. All such contact shall be noted in the internal affairs report.

XII. TRANSPARENCY

A. Transparency regarding law enforcement Internal Affairs investigations is necessary to foster strong police-community relationships and public trust.

B. Internal Affairs records are exempt from access under New Jersey's Open Public Records Act, but Internal Affairs records are publicly accessible under the common law right to know if, on balance, consideration of the following factors weighs in favor of disclosure over the need for confidentiality:

1. The nature and seriousness of the misconduct;

2. Whether the alleged misconduct was substantiated;
 3. The nature of the discipline imposed;
 4. The nature of the official's position;
 5. The individual's record of misconduct.
- C. The information and records of an internal investigation shall only be released or shared under the following limited circumstances:
1. If administrative charges have been brought against an officer and a hearing will be held, a copy of all discoverable materials shall be provided to the officer and the hearing officer before the hearing;
 2. If the subject officer, agency or governing jurisdiction has been named as a defendant in a lawsuit arising out of the 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;
 4. Upon request from the Division of Pensions, following an officer's application for a retirement allowance.
- D. When an agency concludes that a report is subject to disclosure, it shall redact the following:
1. The names of complainants, witnesses, informants, victims and cooperators, in addition to information that could reasonable lead to discovery of their identities;
 2. Non-public, personal identifying information about any individual named in the report, such as their home addresses, phone numbers, dates of birth, social security numbers, familial relationships, etc;
 3. Medical information or history, including but not limited to, mental health or substance abuse services and drug or alcohol evaluation, counseling or treatment;
 4. Information regarding any criminal investigation or prosecution that is not already contained in a public filing, or any information that would impede or interfere with a pending criminal or disciplinary proceeding;
 5. Any records or material prohibited from disclosure by law;
 6. Juvenile records;
 7. Any information which is the subject of a judicial order compelling confidentiality;
 8. Any other information that would violate a person's reasonable expectation of privacy;
 9. Any information regarding law enforcement personnel, procedures or resources that could create a risk to the safety of any person, including but not limited to law enforcement personnel.
- E. On an annual basis, every law enforcement agency shall provide to the County Prosecutor and publish on is public website a statistical report summarizing the types of complaints received and the dispositions of those complaints.
- F. On a periodic basis, and no later than January 31 of the following year, every agency shall submit to the County Prosecutor and the Attorney General, and publish on the agency public website, a brief synopsis of all misconduct where an agency member:
1. Was terminated;
 2. Was reduced in rank or grade;

3. Was assessed a suspension of more than five days (40 hours);
4. Had a sustained finding of discrimination or bias against any person because of the individual's actual or perceived race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability, nationality, familial status, or any other protected characteristic under N.J.S.A. 10:5-1, regardless of the type or severity of discipline imposed;
5. Had a sustained finding that the officer utilized excessive force in violation of departmental policy or Attorney General's Use of Force Policy, regardless of the type or severity of discipline imposed;
6. Had a sustained finding that an 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, regardless of the type or severity of discipline imposed;
7. Had a sustained finding that an officer intentionally conducted an improper search, seizure or arrest, regardless of the type or severity of discipline imposed;
8. Had a sustained finding that an officer intentionally mishandled or destroyed evidence, regardless of the type or severity of discipline imposed;
9. Had a sustained finding of domestic violence, as defined in N.J.S.A. 2C:25-19, regardless of the type or severity of discipline imposed;
10. Resigned, retired, transferred or separated from the agency, regardless of the reason, while any internal affairs investigation or complaint was pending, and the misconduct ultimately sustained falls within categories 3-9 above or would have resulting in action under categories 1-3 had the member not separated from the agency;
11. Was charged with any indictable crime under New Jersey or an equivalent offense under federal law or the law of another jurisdiction related to the complaint.

G. No State, county, or municipal agency, law enforcement unit, or licensed law enforcement officer shall enter into any non-disclosure agreement which seeks to conceal or prevent public review of the circumstances under which the officer separated from or was terminated or fired from employment by the law enforcement unit or State, county, or municipal agency.

H. Whenever a law enforcement officer makes an application of the New Jersey Division of Pensions for retirement benefits, in anticipation of upcoming retirement and the receipt of a pension, both the employing law enforcement agency and the officer shall have an affirmative obligation to report to the Division of Pensions the existence of any pending internal affairs investigation, complaint or case, including those on appeal, as well as any criminal charges against that officer.

XIII. INTERNAL AFFAIRS FILES

A. A separate Internal Affairs file system shall be maintained in a secured file cabinet in the Office of the Chief of Police. Personnel records are separate and distinct from Internal Affairs records. Internal Affairs investigation reports shall not be placed in an employee's personnel records file.

1. When a complaint has a disposition of exonerated, not sustained, or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made.
2. When a complaint has been sustained, only the disciplinary action imposed shall be filed in an employee's personnel file.

B. The file system shall contain all investigative files resulting from Internal Affairs complaints and the copies of the following reports:

1. Vehicular Pursuit Reports;
2. Use of Force Reports;
3. Firearm's Discharge Reports.

C. Selection and Hiring

1. In addition to the requirements of the selection process, background investigations must include a review of the prior internal affairs files of any law enforcement candidate.
2. The Chatham Borough Police Department shall disclose the entire internal affairs file of a law enforcement candidate to prospective law enforcement employers. Candidates with out-of-state law enforcement experience must sign waivers of confidentiality regarding their internal affairs files so that they may be reviewed by the Chatham Borough Police Department, where legally permissible.
3. This disclosure requirement does not apply when the department responsible for sharing an internal affairs file is unable to do so because the information is clearly subject to a non-disparagement or non-disclosure agreement. Such agreements must be followed even though they inhibit the ability of law enforcement agencies to fully evaluate candidates applying for positions of public trust, and therefore have the potential to compromise public safety. Given the public safety risks that such agreements pose, county and municipal governing entities and their counsel are strongly discouraged from entering into them.
4. The Chief of Police retains the authority to defer a decision on hiring a particular candidate until all extant internal affairs information has been received and reviewed.

D. Investigative records created during an Internal Affairs Investigation are included in the "Records Retention and Disposition Schedule for Local Police Departments" and shall be maintained as such. The agency may choose to retain the files longer and exceed the retention schedule.

XIV. COUNTY PROSECUTOR

A. The Morris County Prosecutor is responsible for conducting substantive oversight to ensure that the internal affairs function of the Chatham Borough Police Department is operating professionally and effectively.



CHATHAM BOROUGH POLICE DEPARTMENT



Internal Affairs Complaint Information Sheet

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

1. Reports or Complaints of officer/employee misconduct must be accepted from any person, including anonymous sources, at any time.
2. Complaints shall be accepted regardless of age, race, ethnicity, religion, gender, sexual orientation, disability, or immigration status of the complaining party.
3. Your complaint will be sent to a superior officer or a specially trained internal affairs officer who will conduct a thorough and objective investigation.
4. You might be asked to help in the investigation by giving a detailed statement about what happened or providing other important information or documents.
5. All complaints against law enforcement officers are thoroughly investigated. You will be kept informed of the status of the investigation and its ultimate outcome, if requested, and you provide contact information. The exact discipline imposed is confidential, but you will be advised of the ultimate finding, namely:
 - Sustained: A preponderance of the evidence shows an officer violated any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.
 - Unfounded: A preponderance of the evidence shows that the alleged misconduct did not occur.
 - Exonerated: A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law, regulation, directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor, agency protocol, standing operating procedure, rule, or training.
 - Not Sustained: The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
6. If our investigation shows that a crime might have been committed, the county prosecutor will be notified. You might be asked to testify in court.
7. If our investigation results in an officer being charged with a violation of department rules, you might be asked to testify in a departmental hearing.
8. If our investigation shows that the complaint is unfounded or that the officer acted properly, the matter will be closed.
9. Internal affairs investigations are confidential and all disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing.
10. You may call the Lieutenant Ralph Colatrella at 973-635-8000 extension 245 with any additional information or any questions about the case.

CHATHAM BOROUGH POLICE DEPARTMENT



Agency Case # _____

IA Case # _____

INTERNAL AFFAIRS REPORT FORM

Person Making Report (Optional, But Helpful)

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

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

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

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

Other Information

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

To Be Completed by Officers Receiving Report

Officer Receiving Complaint Badge No. _____ Date/Time _____

Supervisor Reviewing Complaint Badge No. _____ Date/Time _____

CHATHAM BOROUGH POLICE DEPARTMENT



Appendix C

Internal Affairs Complaint Notification

To: _____

Badge No. _____

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

This complaint involves an allegation of

which occurred on or about _____

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

Signature

Print Name

Date

CHATHAM BOROUGH POLICE DEPARTMENT

Appendix D

Sample Immediate Suspension Notice



To: _____

Date & Time: _____

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

_____ You are unfit for duty

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

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

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

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

The facts in support of the above reason are:

Supervisor making suspension

I hereby acknowledge receipt of this notice.

Signature: _____

Date: _____

Print Name: _____



Chatham Borough Police Department

Providing quality and professional law enforcement services to our community



Brian K. Gibbons • Chief of Police

Complaint Acknowledgment

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

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

Officer Exonerated

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

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

Thank you for bringing this matter to our attention.

Not Sustained

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

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

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

Thank you for bringing this matter to our attention.



Chatham Borough Police Department

Providing quality and professional law enforcement services to our community



Brian K. Gibbons • Chief of Police

Unfounded

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

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

Thank you for bringing this matter to our attention.

Sustained

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

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

Thank you for bringing this matter to our attention.



CHATHAM BOROUGH POLICE DEPARTMENT



Appendix F

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

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

FROM	Employing Agency Name	Address & Phone Number	Case ID #
TO	Employee Name	Title	Date

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

<p>Charges:</p>	<p>Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred:</p>
<p><i>If checked, charges are continued on attached page.</i></p>	<p><i>If checked, incidents are continued on attached page.</i></p>

You are hereby suspended effective _____

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

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

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

At (time) _____ at (place of hearing) _____

The following disciplinary action may be taken against you:

Suspension for _____ working days, beginning _____ and ending _____

Indefinite suspension pending criminal charges effective (date) _____

Removal, effective (date) _____

Demotion to position of _____ effective (date) _____

Resignation not in good standing, effective (date) _____ Other Disciplinary Action _____

Fine _____ which is equal to _____ (number of working days)

Appointing authority or authorized agent's signature and title.

Signature _____ Title _____

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

Certified or Registered Mail _____ Receipt number _____

Signature of Server _____ Date of person service _____

I hereby acknowledge service of the within charges

Signature _____

Print Name _____

CHATHAM BOROUGH POLICE DEPARTMENT



Appendix G MIRANDA WARNING

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

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

WAIVER OF MIRANDA RIGHTS

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

Signed (Firma): _____ Witness: _____

Date: _____ Time: _____

Advising Officer: _____

CHATHAM BOROUGH POLICE DEPARTMENT



Appendix H

Sample Use Immunity Grant Advisement Form

"Garrity Warning"

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

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

Assistant Prosecutor or

Deputy Attorney General authorizing: _____

Signature: _____

Print name: _____

Date: _____

Location: _____

Witnessed by: _____

Print Name: _____

CHATHAM BOROUGH POLICE DEPARTMENT



Appendix I Witness Acknowledgement Form

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

Signature: _____

Print Name: _____

Date: _____ Time: _____

Witnessed by: _____

Print name: _____

CHATHAM BOROUGH POLICE DEPARTMENT



Appendix J

Sample Administrative Advisement Form

Administrative Investigations Only

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

Signature: _____

Print Name: _____

Date: _____ Time: _____

Witnessed by: _____

Print name: _____

CHATHAM BOROUGH POLICE DEPARTMENT



Appendix M

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

FROM	Employing Agency Name	Address & Phone Number	Case ID #
TO	Employee Name	Title	Date

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

You requested a hearing which was held on _____

You did not request a hearing

You requested a hearing and did not appear at the designated time and place

<p>Charges:</p>	<p>Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred:</p>
<p><i>If checked, charges are continued on attached page.</i></p>	<p><i>If checked, incidents are continued on attached page.</i></p>

You are hereby suspended effective _____

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

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

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

At (time) _____ at (place of hearing) _____

The following disciplinary action may be taken against you:

Suspension for _____ working days, beginning _____ and ending _____

Indefinite suspension pending criminal charges effective (date) _____

Removal, effective (date) _____

Demotion to position of _____ effective (date) _____

Resignation not in good standing, effective (date) _____ Other Disciplinary Action _____

Fine _____ which is equal to _____ (number of working days)

Appointing authority or authorized agent's signature and title.

Signature _____ Title _____

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

Certified or Registered Mail _____ Receipt number _____

Signature of Server _____ Date of person service _____

I hereby acknowledge service of the within charges

Signature _____

Print Name _____

CHATHAM BOROUGH POLICE DEPARTMENT

APPENDIX N



CASE

I, _____, a bargaining unit representative, do hereby acknowledge my presence at the interview of _____ (the Principal). The aforementioned Principal and I have been informed of the subject matter of the interview. To the best of my knowledge, I am not involved in the subject matter of the interview. I agree that all matters discussed in this interview will remain confidential.

I have been afforded the opportunity to consult with the Principal prior to the interview. I understand that I may be present during the interview and I also understand that I shall not be permitted to answer questions for the Principal. I am, however, permitted to help clarify questions and answers and otherwise fulfill the role of a "Weingarten" representative, as long as I do not obstruct the progress of the interview.

At the end of the interview, the Principal may consult with me to clarify the issues, questions, and answers that were raised during the interview.

I acknowledge that I am responsible for maintaining the confidentiality of any information I may have regarding this internal investigation. I am not to disclose the existence or contents of this internal investigation, including any questions asked or answers given during this interview. If I am an employee, a breach of these confidentiality provisions may lead to disciplinary action up to and including termination.

Date:

Bargaining Unit Representative:

Signature _____

Others Present: