



## PATROL GUIDE

<b>Section: 207</b>		<b>Procedure No: 207.20</b>	
<b>INTERNAL AFFAIRS</b>			
<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 1 of 26

This General Order supersedes General Order 207.20 dated May 08, 2014 and all Administrative Orders issued pertaining to Internal Affairs.

Any updates or changes are reflected ***bold and italics***.

### **I. PURPOSE**

The purpose of this policy is to improve the quality of law enforcement services. Citizen confidence in the integrity of this department increases through the establishment of meaningful and effective complaint procedures. This confidence engenders community support for the department. Improving the relationship between the officers and the citizens they serve facilitates cooperation vital to the department's ability to achieve its goals. An effective disciplinary framework also permits law enforcement officials to monitor officers' compliance with department policies and procedures. Adherence to established policies and procedure assists officers in meeting department objectives while a monitoring system permits managers to identify problem areas requiring increased training or direction. Finally, this policy will ensure fairness and due process protection to citizens and officers alike in the handling of complaints against the department and its officers.

Our agency is committed to providing law enforcement services that are fair, effective, and impartially applied. Toward that end, officers are held to the highest standards of official conduct and are expected to respect the rights of all citizens. Officer's adherence to these standards, motivated by a moral and professional obligation to perform their job to the best of their ability, is the ultimate objective of this agency. The effectiveness of a law enforcement agency is dependent upon public approval and acceptance of law enforcement authority. The department must be responsive to the community by providing formal procedures for the processing of complaints from the public regarding officer performance both individually and collectively.

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



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 2 of 26
--------------------------------------	---	------------------------------	-------------------------

This General Order consists of the following sections:

- I. Purpose
- II. Policy
- III. Definitions
- IV. Philosophy of Discipline
- V. Internal Affairs Unit
- VI. Internal Affairs Procedures
- VII. Internal Affairs Files
- VIII. Criminal / MV Complaints Against Employees
- IX. Confidentiality
- X. Reporting
- XI. Early Intervention

**II. POLICY**

It is the policy of this department to accept and investigate all complaints of alleged officer misconduct or wrongdoing from any citizen, agency employee or any other sources, including anonymous sources. Following a thorough and impartial examination of the available factual information, a finding will be determined. Appropriate discipline will be administered if warranted.

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

In order for a police department to be able to effectively carry out its mission it must have the public trust and confidence. For this reason and in consideration of the awesome authority that a police department has over its citizens, the ability of any such agency to effectively investigate the conduct of its employees is of critical importance. The public must have absolute confidence in the integrity of the internal affairs process since it represents the standard for addressing allegations of employee misconduct.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 3 of 26
--------------------------------------	---	------------------------------	-------------------------

**All employees, especially those sworn to uphold the law, must accept as part of their office the obligation to be truthful in all investigations.** Therefore, it is essential that all employees be completely truthful and forthright in all facets of the internal affairs process. To mislead or lie is to demonstrate a character flaw that is inconsistent with the law enforcement calling. Additionally, lying in an internal affairs investigation will frustrate the process and quickly erode the public trust and discipline within the department. This agency is committed to taking the necessary steps of removing from our ranks any employee who is untruthful in an internal affairs investigation.

**Accordingly, all employees must understand that lying in an internal affairs investigation could result in forfeiting one’s employment with the department.**

Officers conducting the investigation of any allegation of misconduct must strive to conduct a thorough and objective investigation without violating the rights of the subject officer or any other law enforcement officer. Accordingly, all supervisors and any other officer who may be called upon to conduct an internal investigation must be thoroughly familiar with the department’s Internal Affairs policy.

Prevention is the primary means of reducing misconduct. To that end, it is the policy of this department to discover and correct organizational conditions, which permit the misconduct to occur and/or go undetected. Special emphasis is placed on recruitment, selection and training of officers and supervisors, community outreach, and the analysis of misconduct complaints and their outcome. Each officer shall be provided ready access to an official, departmental Policy & Procedure manual.

**III. DEFINITIONS**

1. Administratively Closed:

Complainant failed to cooperate and there is not enough information to continue an investigation to draw a fair conclusion and apply a finding or the complaint with draws his/her statement prior to commencement of the investigation.

The actions of the officers were explained to the complainant and he/she were satisfied with the resolution.

The complaint did not meet the threshold to be classified as misconduct.

The complaint has been already investigated and a finding was applied.

2. Complaint/Allegation:

A complaint is defined as an act of expressed dissatisfaction that relates to department operations, personnel conduct or unlawful acts. Generally, complaints are based on allegations of misconduct or violations of procedure. A complaint may be filed either internally or by a department member who wishes to report infractions or violations by another member or externally when a citizen lodges a complaint against a member of the department.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 4 of 26
--------------------------------------	---	------------------------------	-------------------------

3. Criminal Activity Complaint:

This is a complaint regarding the commission of an illegal act that constitutes a violation of the criminal code including disorderly and petty disorderly persons offenses.

4. Demeanor:

This is a complaint that a department member's bearing; gestures, language or other actions were inappropriate.

5. Differential Treatment:

This is a complaint regarding that the taking, failure to take, or method of police action was predicated upon improper factors such as race, appearance, age, or sex.

6. Excessive Force:

This is a complaint regarding the use or threatened use of excessive force against a person.

7. Exonerated:

The alleged incident did occur, but the actions of the officer were justified, legal and proper, or the officer's behavior was consistent with Department Policy, but there was a policy failure.

8. Function:

This is a general term for the required or expected activity of a person or an organizational component.

9. Improper Arrest:

This is a complaint that the restraint of a person's liberty was improper or unjust, or violated the person's civil rights.

10. Improper Entry:

This is a complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.

11. Improper Search:

This is a complaint that the search of a person or property was improper, unjust, violated established agency procedures, or violated the person's civil rights.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 5 of 26
--------------------------------------	---	------------------------------	-------------------------

- 12. Internal Affairs System:  

It is a system where objectivity, fairness and justice are insured by an impartial investigation and review.
- 13. Minor Rule Infraction:  

This is a complaint that includes, but is not limited to: untidiness, tardiness, faulty driving, or failure to follow procedures.
- 14. Misconduct:  

Any conduct that adversely reflects upon the officer or the department, or the commission of a crime, offense, or a violation of departmental rules and regulations
- 15. Not Sustained:  

The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
- 16. Organizational Component:  

This is a sub-division of the agency such as a bureau, division, section or unit that is established and staffed on a full time basis to provide a specific function.
- 17. Serious Rule Infraction:  

This is a complaint that includes, but is not limited to: insubordination, drunkenness on duty, sleeping on duty, neglect of duty, false statements or malingering.
- 18. Sustained:  

The investigation disclosed sufficient evidence to clearly prove the allegation.
- 19. Violation of Court/Prosecutorial Mandates or Directives:  

Complaints regarding non-compliance with court subpoenas, trial or grand jury scheduling, or any other directive issued by the prosecuting authority.
- 20. Unfounded:  

The investigation indicated that the acts alleged in the complaint did not occur.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 6 of 26
--------------------------------------	---	------------------------------	-------------------------

**IV. PHILOSOPHY OF DISCIPLINE**

- A. In keeping with the objectives of proper agency management, the disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by the employees of this department. Discipline should not engender a strictly negative connotation, as the disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale.
- B. Training may be the desirable alternative to discipline. In situations where the actions giving rise to the initial complaint were not deemed to be an intentional violation of established department directives giving training in the deficient area may be appropriate. In situations where the complaint reveals a very minor or technical violation that likely requires no more than a reinforcement of existing directives to correct the employee's behavior retraining can be used as an alternative to discipline.
- C. Counseling is an alternative for adjudicating minor complaints that should be considered when the need to address the employee in a forthright manner clearly exists, but the greater good will likely be served by counseling in lieu of punitive discipline. Counseling is not appropriate for serious violations or in situations where the offending employee's behavior is part of a continuing course of problematic behavior. Counseling is not a form of discipline for the NJ Transit Police Department.
- D. Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department.
- E. Penalties: The Department will be using a system of progressive discipline. Progressive discipline serves an important role in the process by which the department deals with minor complaints of misconduct. In providing a range of penalties, the department can use the disciplinary process to achieve the basic goals of instruction and addressing inappropriate behavior before minor problems escalate into major problems. At the same time, the target officer is made aware that repeated violations of department rules will lead to ever increasing penalties. The progressive discipline scale is as follows:
  - 1. Written reprimand
  - 2. Suspension without pay
  - 3. Loss of promotion opportunity
  - 4. Demotion
  - 5. Dismissal



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 7 of 26
--------------------------------------	---	------------------------------	-------------------------

F. There shall be two classifications of violations. **MAJOR VIOLATIONS** represent only the most serious infractions, **MINOR VIOLATIONS** are relatively minor violations.

Following are the two classes and their range of penalties:

1. **MAJOR:** Six to an Undetermined day Suspension without pay and/or Demotion and or Termination.
2. **MINOR:** Written Reprimand up to Five Days Suspension without pay.

This does not limit the Chief of Police from imposing a penalty outside the established classes. Penalties must be imposed on a case by case basis. In each case, the Chief of Police should consider all aggravating and mitigating circumstances surrounding the subject officer. The Charging Notice will specify what class offense is being sought

**V. INTERNAL AFFAIRS UNIT**

The Internal Affairs Unit shall consist of those members of the department assigned by the Chief of Police. Personnel assigned to the Internal Affairs function shall serve at the pleasure of the Chief of Police or his/her designee. The Chief of Police shall designate a Commanding Officer for the Internal Affairs Unit.

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

Notwithstanding any other notification protocol herein included, the Chief of Police must be immediately advised of any allegation of wrongdoing on the part of an employee that would constitute a criminal offense or has the potential to have a significant negative impact on the operation or reputation of the department.

Each member of the department, regardless of rank or position, will be issued all policies and/or directives pertaining to the administration of the Internal Affairs Function. Whenever updates or changes in the policy are published, each member of the department will be issued a copy of the updated material.

It shall be the responsibility of the individual member of the department to become familiar with and to properly maintain all Internal Affairs Directives, Policies and any other material that pertain to the Internal Affairs Function by making them a permanent part of their Patrol Guide.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 8 of 26
--------------------------------------	---	------------------------------	-------------------------

1. Internal Affairs Duties and Responsibilities:
  - A. The Internal Affairs Unit is responsible for the investigation and review of all allegations of misconduct by officers of this department.
    1. Misconduct is defined as:
      - a. Commission of a crime or an offense; or
      - b. Violation of departmental rules and regulations; or
      - c. Conduct that adversely reflects upon the officer or the department.
  - B. In addition to investigations concerning allegations of misconduct, Internal Affairs shall be responsible for the review and/or investigation of:
    1. The discharge of firearms by department personnel in situations other than training and qualifications.
    2. Vehicular pursuits involving department personnel.
    3. All collisions involving department vehicles. After review Internal Affairs will determine whether additional investigation is necessary.
    4. Use of force incidents.
    5. Misconduct investigations involving **NJ TRANSIT** employees at the direction of the Chief of Police.
  - C. Internal Affairs shall be responsible for any other investigation as directed by the Chief of Police. Internal Affairs members may conduct an Internal Affairs investigation on their own initiative upon notice to the Chief of Police or at the direction of the Commanding Officer of Internal Affairs upon receiving authorization.
  - D. Internal Affairs may refer investigations to the employee's Commanding Officer for action as outlined in section VI of this written directive.
  - E. Internal Affairs members or officers temporarily assigned to that function shall have the authority to interview any officer or employee of the department and to review any record or report of the department relative to their assignment.
    1. Requests and orders from Internal Affairs personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the request or order came directly from the Chief of Police.





# PATROL GUIDE

## INTERNAL AFFAIRS

207.20

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 9 of 26
--------------------------------------	---	------------------------------	-------------------------

- 2. Members assigned to the Internal Affairs Unit come under the direct authority of the Chief of Police, reporting directly to the Chief of Police through the Internal Affairs Commanding Officer.
- F. The Internal Affairs Unit shall maintain a comprehensive central file on all complaints received by this department whether investigated by Internal Affairs or assigned to the officer's Commanding Officer or his designee for investigation and disposition.
- G. Copies of the Internal Affairs report shall be distributed periodically to all designated command personnel, and the appropriate authority.
- H. An annual report summarizing the types of complaints received and the dispositions of the complaints shall be provided to the county prosecutor and made available to the public. The names of complainants and subject officers shall not be published in this report.

### VI. INTERNAL AFFAIRS PROCEDURES:

- 1. Accepting Reports Alleging Officer Misconduct:
  - A. All department personnel are directed to accept reports of officer misconduct from all persons including juveniles who wish to file a complaint regardless of the hour or day of the week.
  - B. The officer receiving the complaint will:
    - 1. Advise the complainant that he or she will be kept informed of the status of the complaint and its ultimate disposition.
    - 2. Complete the Internal Affairs Complaint Report according to the instructions provided. ( Attachment I)
  - C. All department personnel are directed to accept reports of officer misconduct from anonymous sources.
    - 1. In the case of an anonymous complaint, the officer accepting the complaint shall complete as much of the Internal Affairs Complaint Report as he can with the information provided.
  - D. Complaints shall be handled as follows:
    - 1. All complaints shall be forwarded via Fax # 973-491-4353, Inter Office Mail, and Email to the Internal affairs Commanding Officer who is responsible for reviewing the complaint and shall:
      - a. Forward an Internal Affairs Acknowledgement letter to the complainant along with the Internal Affairs informational brochure.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 10 of 26
--------------------------------------	---	------------------------------	--------------------------

- b. Enter the information into the IA Pro Case Tracking Software.
  - c. Email a Notice of Internal Affairs Investigation to the subject officer(s). Unless it would compromise the investigation.
  - d. Create a case file including an Internal Affairs Checklist.
  - e. Designate a return date and forward the case file to the assigned investigator.
- 2. Complaints of demeanor and / or minor rules infractions may be forwarded to the Commanding Officer of the subject officer for investigation and disposition.
- 3. All other complaints shall be retained by the Internal Affairs Unit, including but not limited to complaints of:
  - a. criminal activity;
  - b. excessive force;
  - c. improper arrest;
  - d. improper entry;
  - e. improper search;
  - f. differential treatment;
  - g. serious rule infractions;
  - h. repeated minor rule infractions
- E. If the complaint is accepted during hours when the Internal Affairs Unit is not on duty, and the complaint is of such gravity that **immediate attention** is required, the supervisor accepting or receiving the complaint shall immediately contact the Internal Affairs Commanding Officer and advise him of the complaint. If the Internal Affairs Commanding Officer is not available, the designee shall be contacted.
- F. 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 appropriate County Prosecutor's office.
- G. Any department employee who witnesses, receives information, or is aware of an employee's misconduct shall immediately report the misconduct to the Internal Affairs unit.
- H. Any officer that is a witness to a civil rights violation shall **IMMEDIATELY** cause the action creating the civil rights violation to **CEASE**. He shall then report the conduct to the Internal Affairs unit. Failure to intercede may result in a violation of federal law. (18.U.S.C.241)



# PATROL GUIDE

## INTERNAL AFFAIRS

207.20

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 11 of 26
--------------------------------------	---	------------------------------	--------------------------

2. Suspension Pending Disposition or Investigation:

A. The Chief of Police or designee may immediately suspend an officer from duty if he or she determines that one of the following conditions exists:

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

B. The supervisor imposing the immediate suspension must:

1. Advise the employee in writing of why an immediate suspension is sought.
  - a. If the employee refuses to accept the written notification of immediate suspension, it shall be given to a representative of the employee's union.
2. Provide the employee with opportunity to respond either orally or in writing.
3. Advise his immediate supervisor in writing of the suspension.

C. Administrative Suspension

1. In cases involving use of force that results in death or serious bodily injury the officer involved may be reassigned to administrative duty pending the outcome of the investigation.
2. Any officer under investigation or awaiting a hearing on charges may be reassigned by the Chief of Police, to administrative or modified duties, if available, pending the outcome of the investigation or hearing. The Chief of Police, deems such reassignment is necessary to protect the integrity and image of the police department.
3. These reassignments are subject to change at the discretion of the Chief of Police.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 12 of 26
--------------------------------------	---	------------------------------	--------------------------

3. Investigation and Adjudication of Minor Complaints:

A. The investigating officer shall interview the complainant, all witnesses and the subject officer, as well as review relevant reports, activity sheets, dispatcher forms, and all video or audio recordings. The investigating officer shall then prepare a report summarizing the matter, indicating the appropriate disposition based on the preponderance of the evidence. Possible dispositions include the following:

1. **Exonerated:**

- A. the alleged incident did occur, but the actions of the officer were justified, legal and proper.
- B. The officer's behavior was consistent with department policy, but there was a policy failure.

2. **Sustained:**

The investigation disclosed sufficient evidence to prove the allegation, and the actions of the officer violated provisions of rule and regulation or department written directives.

3. **Not Sustained:**

The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.

4. **Unfounded:**

The alleged incident did not occur.

5. **Administratively Closed:**

- A. Complainant failed to cooperate and there is not enough information to continue an investigation to draw a fair conclusion and apply a finding or the complaint with draws his statement prior to commencement of the investigation.
- B. The actions of the officers were explained to the complainant and he/she were satisfied with the resolution.
- C. The complaint did not meet the threshold to be classified as misconduct.
- D. The complaint has been already investigated and a finding was applied.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 13 of 26
--------------------------------------	---	------------------------------	--------------------------

- B. The case file shall be forwarded to the Chief of Police for his review. The Chief will approve or modify the recommended disposition(s).
- C. The complainant shall be notified of final disposition via certified mail.
- D. Initiation of action for minor complaints in lieu of discipline.
  - 1. Shall be used in lieu of formal discipline:
    - a. Retraining
    - b. Verbal Counseling
    - c. Written Counseling
  - 2. A Counseling Notice may be issued to an employee by any superior officer.
  - 3. The officer or employee shall be advised of the Written Counseling Notice and given a copy of the Counseling document.
- 4. Investigation and Adjudication of Serious Complaints:
  - A. All serious complaints shall be investigated by the Internal Affairs Unit, including complaints of:
    - 1. Criminal activity;
    - 2. Excessive force;
    - 3. Improper arrest;
    - 4. Improper entry;
    - 5. Improper search;
    - 6. Differential treatment;
    - 7. Serious rule infractions;
    - 8. Repeated minor rule infractions.
  - B. Where preliminary investigative data indicates the possibility of a criminal act on the part of the subject officer the County Prosecutor must be notified within seven days of receipt of the complaint by the Internal Affairs Unit. If the investigation involves the use of force by officer, which results in serious bodily injury or death, the County Prosecutor shall be notified **immediately**.
    - 1. No further action shall be taken, including the filing of charges against the officer, until directed by the county prosecutor.
  - C. The Internal Affairs investigator shall interview the complainant, all witnesses and the subject officer, as well as review relevant reports and records, and obtain other relevant information and materials. Except as stated in section B just above.



# PATROL GUIDE

## INTERNAL AFFAIRS

207.20

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 14 of 26
--------------------------------------	---	------------------------------	--------------------------

- D. Interviewing the subject officer:
1. The Internal Affairs investigator shall schedule an interview with the officer.
  2. One person of the officer's choosing may attend the interview.
    - a. In an administrative investigation the officer, if he / she so requests, is entitled to an association representative of their choice. The representative may not delay or interfere in the investigation or be a subject or witness in said investigation.
    - b. A Weingarten representative is not entitled to be present during a Miranda interview.
  3. Before questioning begins, inform the subject officer of:
    - a. The nature of the complaint,
    - b. The name of the person in charge of the interview, and the names of all persons who will be present during the interview.
  4. If the matter under investigation involves a possible criminal violation, the Internal Affairs investigator may consult with the County Prosecutor regarding the advisability of giving a Miranda warning to the subject officer.
  5. Questioning sessions may be audio or video recorded.
  6. If at any time during the questioning session the officer becomes a suspect in a criminal act, the officer shall be so informed and the questioning shall end. Thereafter, the case shall be promptly referred to the County Prosecutor's Office.
  7. If, during the course of an internal investigative interview, an employee refuses to answer questions specifically and narrowly related to the performance of duty or fitness for office on the grounds that he may incriminate himself in a criminal matter and the internal affairs investigator determines that to properly conduct an investigation the answers to the questions must be obtained, the investigator shall promptly contact the County Prosecutor's Office.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 15 of 26
--------------------------------------	---	------------------------------	--------------------------

- E. Upon completion of all possible avenues of inquiry, the Internal Affairs investigator shall complete the following reports:
  - 1. Investigation Report: this is the objective report of all investigative activity, including all of the information obtained during the course of the investigation.
  - 2. The first section of the investigation report will, summarize the matter, and will provide recommended dispositions for each allegation. Possible dispositions, as defined in section VI of this written directive, include the following:
    - a. Exonerated;
    - b. Sustained;
    - c. Not sustained;
    - d. Unfounded;
    - e. Administratively Closed.
- F. Forward the completed reports through the Internal Affairs commanding officer to the Chief of Police.
- G. The Chief of Police, upon completion of the review of the report, supporting documentation and information gathered during any supplemental investigation, shall direct whatever action is deemed appropriate.
- H. Upon completion of its investigation with a finding of exonerated, not sustained, or unfounded, internal affairs shall notify the subject officer in writing of the disposition.
- I. If the complaint is sustained and it is determined that formal charges should be preferred, the Chief of Police shall direct Internal Affairs to prepare, sign and serve charges upon the subject officer or employee.
  - 1. The Commanding Officer of Internal Affairs or designee, as directed, shall prepare the Specifications & Charges.
- J. The Specifications & Charges shall direct that the officer 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 plea. Such date for entry of plea shall be set within a reasonable time, at least five days after the date of service of the charges.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 16 of 26
--------------------------------------	---	------------------------------	--------------------------

- K. If the officer charged enters a plea of guilty, the Chief of Police shall permit the officer to present factors in mitigation prior to assessing a penalty.
  - 1. When an officer enters a plea of guilty and comes to an agreement with the Chief of Police in terms of the discipline to be imposed, a Waiver of Hearing and Agreement as to Disciplinary Action shall be executed and signed by the subject officer, and the Chief of Police.
  
- L. Conclusions of fact and the penalty imposed will be noted in the officer's personnel file after he has been given an opportunity to read and sign it. Internal Affairs will cause the penalty to be carried out and complete all forms.
  
- 5. Physical Evidence:
  - A. The assigned investigator should obtain all relevant physical evidence. All evidence, such as clothing, hair or fibers, stains and weapons should be handled according to established evidence procedures.
  
  - B. All audio and video recordings will be requested and be secured at the onset of the investigation. Transcripts or copies of the original recordings can be used as investigative leads. Tapes should be monitored to reveal the totality of the circumstances.
  
  - C. Photographs
    - 1. In the event of a complaint involving excessive force, the following photographic documentation shall be obtained when appropriate. Whenever possible, digital color photography shall be used.
      - a. Photographs of the complainant at the time of the arrest or following the alleged incident of excessive force.
  
      - b. Photographs of the officer in the event that the officer was a victim.
  
      - c. A recent photograph of the accused officer(s) in the event that a photo line-up will be used for identification purposes. The photo line-up must be retained for possible evidentiary purposes.
  
      - d. Photographs of the scene of the alleged incident, if necessary.





**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 17 of 26
--------------------------------------	---	------------------------------	--------------------------

D. Physical Tests

1. Police officers who are the subjects of Internal Affairs investigations 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.
2. No person has a right to refuse to submit to an examination to obtain a record of his physical features and other identifying characteristics of his physical or mental condition. **Evid. R. 25(a)**. Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:
  - a. Blood samples.
  - b. Breath samples.
  - c. Buccal swabs
  - d. Requiring the suspect to speak.
  - e. Voice recordings.
  - f. Participation in a suspect line-up.
  - g. Handwriting samples.
  - h. Hair and saliva samples.
  - i. Urine specimen.
  - J. Video taping.
  - k. Field sobriety.
3. Generally, a person cannot be physically forced to produce this evidence or submit to such tests, although a court order may be obtained to legally compel him / her to do so. Refusal to comply with the order can result in a contempt of court action, and may also result in a second disciplinary action for failure to comply with a lawful court order.

E. Polygraph

1. While a police officer who is the subject of an internal 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.
2. An officer cannot be required to submit to a polygraph on pain of dismissal. **Engel v Township of Woodbridge, 124 N.J. Super. 307 (App. Div. 1973)**
3. If a polygraph is used, a qualified police polygraph operator must administer the test.



# PATROL GUIDE

## INTERNAL AFFAIRS

207.20

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 18 of 26
--------------------------------------	---	------------------------------	--------------------------

F. Search and Seizure

1. All department assigned cell phones, smart phones, storage space, desks, computer files and lockers are subject to entry and inspection without notice.
  - a. Absent exigent circumstances personal brief cases, bags and containers shall not be searched without a warrant or consent.
2. The department may assign to its members and employees departmentally owned vehicles, lockers, desks, cabinets, etc., for the mutual convenience of the department and its personnel. Such equipment is and remains the property of the department. Personnel are reminded that storage of personal items in this property is at the employees own risk. This property is subject to entry and inspection without notice.
3. In addition, since the department permits officers to use personally owned locks on assigned lockers and other property; such use is conditioned on the officer providing the department with a duplicate key or the lock combination, whichever is applicable. The Department will not be held responsible for any locks that may be cut in order to gain entry.
4. The department may assign to its members and employees departmentally owned computers for business purposes. Such computer equipment and its contents are and remain the property of the department. Personnel are prohibited from installing unauthorized software and from storing personal information in the computer, regardless of any password protection or encryption. The computers, their contents, and any email or electronic correspondence originating from or arriving at the department are subject to entry and inspection without notice.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 19 of 26
--------------------------------------	---	------------------------------	--------------------------

6. Hearing:

- A. Upon written notice of a request for a hearing from the subject officer, the Commanding Officer of Internal Affairs will assign a hearing officer for minor discipline matters. The hearing officer will set the date for the hearing. Major discipline matters will be forwarded by the commanding officer of Internal Affairs to the Division of Law to be sent to the Office of Administrative Law for hearing.
- B. Internal Affairs shall be responsible to assist the assigned Deputy Attorney General in the preparation of the department's prosecution of the charges. This includes proper notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
- C. Discovery requests for minor and major discipline cases will be the responsibility of the Deputy Attorney General assigned the matter. He or she will be responsible for preparing a discovery package from the Internal Affairs file, and providing it to the subject officer or his or her representative upon receipt of a written request for such materials.
- D. The minor discipline hearing shall be held before the Hearing Officer, except as otherwise provided by law. The officer, board or authority empowered to hear and determine the charge or charges made against an officer.
- E. The minor discipline hearing authority is empowered to enter a finding of guilty or not guilty, or to modify the charges as deemed necessary. The decision of the hearing authority should be in writing and should be accompanied by finding of fact for each issue in the case.
- F. The Chief of Police shall fix any of the following behavior modifications deemed appropriate under the circumstances.
  - 1. Training
  - 2. Counseling;
  - 3. Written reprimand;
  - 4. Transfer/reassignment;
  - 5. Suspension without pay;
  - 6. Loss of promotion opportunity;
  - 7. Demotion;
  - 8. Discharge from employment.
- G. A copy of the decision and findings by the Hearing Officer will be delivered to the officer or employee who was the subject of the hearing through his/her attorney, Commanding Officer of Internal Affairs and to the Chief of Police.
- H. Upon completion of the hearing, Internal Affairs will complete all required forms including the entry of the disposition in IA Pro Software.



**PATROL GUIDE**

**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 20 of 26
--------------------------------------	---	------------------------------	--------------------------

- I. If the charges were sustained in both minor and major discipline matters, Internal Affairs will cause the penalty to be carried out. The Final Notice of Disciplinary Action shall be permanently placed in the personnel file of the respective officer or employee.

**VII. INTERNAL AFFAIRS FILES**

- A. A separate Internal Affairs file system shall be maintained in a secured file cabinet under strict control Internal Affairs Commanding Officer. Access shall be restricted to those approved by the Chief of Police who possesses a bona fide need in connection with official department business.
- B. The file system shall contain all investigative files resulting from internal affairs complaints and the copy of the following reports:
  - 1. Vehicular Pursuit Reports
  - 2. Use of Force Reports
  - 3. Firearm's Discharge Reports
- C. Internal Affairs Investigation files will be numbered with a prefix corresponding to the calendar year in which the complaint was received followed by the chronological number of the complaint in that calendar year.
- D. IA Pro Software shall be maintained as a record control device. It will serve as an inventory of Internal Affairs case files and provide an overview of case status to authorized personnel.
- E. All Internal Affairs complaints shall be recorded in IA Pro Software. Entries shall include the following basic information:
  - 1. Subject officer/employee
  - 2. Allegations
  - 3. Complainant
  - 4. Date received
  - 5. Investigator assigned
  - 6. Disposition and disposition date
- F. Upon completing a case, the Internal Affairs Commanding Officer will be responsible for entering the disposition in the IA Pro Software and notifying the complainant and subject officer(s) of the disposition.



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 21 of 26
--------------------------------------	---	------------------------------	--------------------------

- G. Personnel records are separate and distinct from Internal Affairs investigation files. Internal Affairs investigation reports shall never be placed in personnel records.
  - 1. When a complaint has a disposition of exonerated, not sustained, unfounded, or administratively closed there shall be no indication in the employee’s personnel file that a complaint was ever made.
  - 2. When a complaint is sustained and discipline imposed, the only items to be placed in the employee’s personnel file are a copy of the Final Notice of Disciplinary Action.
  
- H. Investigative records created during an Internal Affairs investigation are included in the “Records Retention and Disposition Schedule for Local and State Police Departments” issued by the New Jersey Division of Archives and Records Management.
  - 1. Files concerning a criminal homicide must be permanently maintained.
  - 2. Files involving a criminal matter that resulted in the arrest of the subject officer must be maintained for 75 years.
  - 3. All other criminal or administrative Internal Affairs investigative files shall be maintained for five years after the subject officer’s retirement.

**VIII. CRIMINAL / DOMESTIC VIOLENCE / MV COMPLAINTS AGAINST OFFICERS**

- A. Any employee who has been charged with an indictable offense, drug offense or any offense under the Prevention of Domestic Violence Act must make immediate notification to the on-duty tour commander setting forth the circumstances surrounding the complaint.
  - 1. It will be the responsibility of the on-duty tour commander to make a prompt notification to the Internal Affairs Commanding Officer.
  - 2. It shall be the responsibility of the Internal Affairs commanding officer to make an immediate notification to the County Prosecutor if necessary.
  - 3. It will be the responsibility of the Internal Affairs Commanding Officer, to evaluate the need for an immediate response by a supervisor or Internal Affairs Personnel.



# PATROL GUIDE

## INTERNAL AFFAIRS

207.20

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 22 of 26
--------------------------------------	---	------------------------------	--------------------------

- B. Any employee who is charged with a minor offense (disorderly persons offense, petty disorderly persons offense, DUI or municipal ordinance), or has been **involved** in (but not charged as a result of) a domestic violence incident must provide IMMEDIATE notification of such contact to the Tour Commander at the CCC. The Tour Commander will then make IMMEDIATE notification to the Internal Affairs Commander.
- C. Any employee contacted or questioned by a law enforcement agency concerning an unlawful act (as a suspect or witness) or a law enforcement Internal Affairs matter must provide IMMEDIATE notification of such contact to the Tour Commander at the CCC. The Tour Commander will then make IMMEDIATE notification to the Internal Affairs Commander.
- D. Internal Affairs shall track the proceedings of any criminal or civil matters which officers of the department are involved in as a complainant, plaintiff or defendant which touches upon their employment.
- E. Whenever the member is named as a party in any civil suit involving their conduct while on duty or otherwise while acting in an official capacity, notification must be made to the Internal Affairs Commanding Officer via Email on his/her next scheduled day of work.
- F. Whenever the member 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 member, notification must be made to the Internal Affairs Commanding Officer via Email on his/her next scheduled day of work

### IX. CONFIDENTIALITY

- A. The progress of Internal Affairs investigations and all supporting materials are considered confidential information. All department employees are required to keep all aspects of any Internal Affairs case and/or investigation in strict confidence, whether involved in the investigation or not. This shall be construed as to prohibit any employee from revealing any information whatsoever, including, but not limited to:
  1. An employee's participation in an Internal Affairs interview;
  2. The existence of an Internal Affairs investigation;
  3. The subject matter of an Internal Affairs investigation;
  4. The target of an Internal Affairs investigation;
  5. The identity of complainants and/or witnesses; and
  6. Any other information related to an Internal Affairs investigation.



# PATROL GUIDE

## INTERNAL AFFAIRS

207.20

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 23 of 26
--------------------------------------	---	------------------------------	--------------------------

B. The contents of internal investigation case files will be retained in the Internal Affairs Unit. The files shall be clearly marked as confidential. The information and records of an internal investigation shall only be released under the following circumstances:

1. In the event that administrative charges have been brought against an officer, 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 officer.
2. In the event that the subject officer, agency or **NJ TRANSIT** 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 subject officer, agency or **NJ TRANSIT**.
3. Upon the request or at the direction of the County Prosecutor, Attorney General or upon a court order.
4. **NJ TRANSIT** may receive subpoenas directing the production of Internal Affairs investigative records. Before responding to the subpoena, the Chief of Police or the Internal Affairs investigator should consult with the agency's legal counsel to determine whether the subpoena is valid and reasonable. Invalid or unreasonable subpoenas may be modified or quashed by the court. However, the court will require **NJ TRANSIT**, if seeking to modify or quash the subpoena to file the appropriate motion with the court.

C. Only the Chief of Police or his designee is empowered to release publicly the details of an internal investigation or disciplinary action.

### X. REPORTING

- A. The Internal Affairs Commanding Officer shall complete the County Prosecutor's Periodic Internal Affairs Report along with any additional requested reports and forward it to the Prosecutor's Office when requested of each succeeding calendar year.
- B. Periodically, the Internal Affairs Unit will release to the public a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to a member of the agency.

### XI. EARLY INTERVENTION

- A. The IA Pro Software is designed to provide IA Alerts to monitor the performance of officers who may be experiencing personal or work – related difficulties. The threshold for an alert is THREE Internal Affairs complaints in a twelve month period.
  1. ***Once an alert is triggered it will be the responsibility of the Commanding Officer of Professional Standards to determine whether or not the Officer is to be observed with early intervention.***



**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 24 of 26
--------------------------------------	---	------------------------------	--------------------------

2. *In conducting the assessment of the candidate for Early Intervention, the Commanding Officer of Professional Standards will confer with the appropriate District Commander and, in addition, review:*
  - a. *IA History*
  - b. *Type of allegation*
  - c. *Assignment*
  - d. *Level of activity*
  
3. *Five Internal Affairs complaints in a twelve month period will result in an automatic inclusion into Early Intervention.*
  
- B. When an officer is **identified for inclusion** in early intervention monitoring by Internal Affairs:
  1. The officer's Commanding Officer will personally be sent the IA Alert via email.
  
  2. *The appropriate Commanding Officer will personally be apprised of the reason(s) for inclusion in the Early Intervention Program.*
  
  3. *The Officer's Commanding Officer will personally supervise and direct the early intervention monitoring procedure.*
  
  4. The Officer's Commanding Officer will review the officer's Command File for **ABSENCE AND TARDINESS**.
  
  5. *The Officer's Commanding Officer will conduct a counseling session with the officer. The goal of the counseling session will be to identify any factors that MAY be negatively affecting the officer's performance.*
  
  6. The Officer's Commanding Officer will coordinate with the Officer's immediate supervisor to provide closer supervision during **the officer's** duties.
  
  7. The officer's Commanding Officer will be responsible at the end of the three month evaluation period, to prepare a report on typed letterhead, addressed to the Internal Affairs Commanding Officer with the findings of the evaluation processes and recommendations.
  
- C. The immediate supervisor will closely supervise and monitor the officer's work performance. The officer's immediate supervisor will prepare appropriate **WEEKLY REPORTS** via email to the officer's Commanding Officer regarding his observations of the officer.





**PATROL GUIDE**  
**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 25 of 26
--------------------------------------	---	------------------------------	--------------------------

*D. During the Evaluation Period, the Commanding Officer should pay specific attention to the following indicators:*

**NOTE: This is intended as a guide, and is not all-inclusive, nor should be used literally, e.g., an individual who has experienced a family tragedy should not be monitored solely for that reason. However, in ALL instances where a member of the department has been involved in a “CRITICAL INCIDENT” (as defined below) on or off duty, the officer’s Commanding Officer will refer the officer to the NJ TRANSIT Employee Assistance Program (EAP).**

**The Commanding Officer should use judgment and remain alert to any other signs that may indicate that a problem exists.**

**Guide – Early Intervention Indicators:**

**1. Unusual Personality traits:**

- Poor Uniform Appearance
- Noticeable change in personality
- Excessively nervous
- Financial Problems
- Domestic Difficulties
- Abuse of children/spouse
  
- Threatens suicide
- Removal and Restoration of Firearms
- Supervisory Problem
- Accident Prone
- Argumentative / Provokes Confrontation

**2. Sick Leave:**

- Frequently sick
- Chronic Lateness
- Frequent Emergency leave

**3. Family Tragedies:**

- Terminal Illness
- Separation
- Divorce
- Death of family member

**4. Involved In A Critical incident:**

- Shooting / Line of duty death
- Life-threatening experiences / Suicide of a co-worker
- Significant events involving children
- Events with excessive media interest
- Any significant event which overwhelms usual coping mechanisms



**PATROL GUIDE**

**INTERNAL AFFAIRS**

**207.20**

<b>Date Issued:</b> June 09, 2015	<b>Date Effective:</b> June 09, 2015	<b>Revision Number:</b> 2	<b>Page:</b> 26 of 26
--------------------------------------	---	------------------------------	--------------------------

**5. Off Duty Employment:**

Refused permission  
Frequent changes

**6. Suspected Alcohol Problem:**

Suspected hangovers  
Physical indications  
Decreased Performance  
Drinking on duty  
Frequent Complaints  
Conditions is repetitive or progressive  
Unsatisfactory efficiency and dependability, on or off duty  
Several attempts at confronting the unacceptable behavior or performance deficiencies by peers, union delegates or supervisory personnel have not remedied the condition  
Frequent charges and specifications and/or command disciplines  
Frequent emergency days off

By Order of: Christopher Trucillo  
Chief of Police