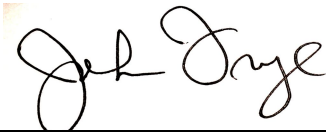




# CHELTENHAM TOWNSHIP POLICE DEPARTMENT

<b>Directive 43</b>	<b>Complaints Against Police</b>
Issued: 12/05/05	Chapter 2: Standards for Law Enforcement Functions
Revised: 4/06/20	Section 3: Internal Affairs
Re-evaluation due: 4/06/22	Issued by: John Frye, Chief of Police
Revision: <b>FINAL</b>	
Replaces: Directive 43 issued 04/06/15	
Distribution: All Personnel	
PLEAC References: 1.8.3, 2.3.1, 2.3.2, 2.3.3	

## I. PURPOSE:

The maintenance of professional conduct is essential to a law enforcement agency. The integrity of the Department depends on the personal integrity and discipline of each member. This Directive establishes procedures for receiving, investigating and the disposition of complaints of misconduct against members of the Department.

## II. POLICY:

All complaints against the CTPD or its employees shall be investigated in accordance with the procedures set forth herein, including: (PLEAC 2.3.1 a – d)

- Complaints that require investigation by supervisory personnel;
- Complaints that require investigation by the Chief of Police, or his designee;
- All complaint investigations shall be reviewed by the Chief of Police, or his designee;
- An equitable adjudication process as set forth in this Directive.

Unless restricted by the employee's Collective Bargaining Agreement, the results of the investigation shall be made known to the Department member(s) involved and the person(s) who initiated the allegation(s) by the Chief of Police or his designee.

Personnel responsible for Internal Affairs investigations shall receive appropriate training as directed by the Chief of Police. (PLEAC 2.3.2)

Internal Affairs files shall be maintained and stored securely and restricted from unauthorized access by the Professional Standards Division Commander. (PLEAC 2.3.3)

### III. DEFINITIONS:

- A. Professional Standards Division – the Division within the Police Department, which investigates complaints relating to acts of misconduct by members of the Department except where specified.
- B. Citizen Complaint Form - An official report completed by the Complainant or relevant party.
- C. Internal Complaint – allegations of misconduct, which are initiated from within the Police Department or from another law enforcement agency. These may be complaints that are very sensitive in nature as determined by the Deputy Chief of Police or the Chief of Police.
- D. Internal Investigation - Conducted in response to allegations of misconduct stemming from a violation of:
  - 1. Department policies or procedures;
  - 2. The Cheltenham Township Code of Discipline;
  - 3. Corruption;
  - 4. Brutality;
  - 5. Misuse of force;
  - 6. Breach of Civil Rights;
  - 7. Criminal misconduct.
- E. External complaint - Allegations of violations of departmental policies or procedures, or acts of misconduct reported from sources outside of the Department. These complaints may be received by phone, mail including e-mail, in person or recorded on a Citizen Complaint Form.
- F. Complainant - the person initiating a complaint of misconduct, or a responsible individual who initiates a complaint on behalf of another individual who is unable to initiate allegations on their own due to physical or mental disabilities or who is a juvenile.
- G. Relevant Party - Any person who has pertinent information regarding the incident under investigation.
- H. Serious Complaints – may include but are not limited to; allegations of gross misconduct or violations of the law and / or physical brutality.

- I. Less Serious Infractions— minor in nature which may be handled by the immediate supervisor can include the following:
  - 1. Complaints concerning traffic violations;
  - 2. Complaints for lack of service;
  - 3. A verbal altercation;
  - 4. Complaints regarding the attitude of the officer;
  - 5. When it is obvious that the officer followed procedure and the complainant did not understand or needed clarification.
  
- J. Misconduct – any behavior which is in violation of or inconsistent with the policies, procedures, the Code of Discipline of the Cheltenham Township Police Department, or a violation of Federal, State, or local law. An act of misconduct may be criminal or non-criminal in nature.

#### **IV. PROCEDURES:**

- A. With respect to proactive review of an officer's internal affairs history and in compliance with the United States District Court decision concerning R. Beck v. the City of Pittsburgh, Division Commanders and Supervisors are encouraged and expected to review their subordinates Internal Affairs history on an as needed basis:
  - 1. Inspection of these secure files can be arranged with notice to the Commander of the Professional Standards Division.
  
- B. Reports on the progress of an investigation may be made to the involved Officer's Division Commander or their immediate supervisors upon request, absent exigent circumstances.
  
- C. All allegations of misconduct shall, whenever possible, be immediately referred to an Officer superior in rank to the involved officer's.
  
- D. Receiving a Complaint:  
Any individual may initiate a complaint by any of the following means:
  - 1. In-person:
    - i. When a complaint is made in person, an available supervisor or Commander shall be notified and will attempt to conduct an initial interview. If the complainant does not wish to be interviewed at that time, but wants to complete a Citizen Complaint Form, one shall be issued;

- ii. The supervisor or Commander conducting the initial interview will ensure that the complainant is provided a Citizen Complaint Form, have the complainant sign it once completed and shall forward the completed form to the Professional Standards Division;
    - iii. If a supervisor or Commander is not immediately available the Communications Officer shall issue the complainant a Citizen Complaint Form to complete and return. The Communications Officer shall also record the complainant's information and forward it to the Professional Standards Division. The complainant will be advised that they will be contacted regarding their allegations.
2. By telephone:
  - i. Complaints received by telephone shall be referred to a supervisor or commander as soon as possible;
  - ii. If a supervisor or commander is not readily available, the receiving personnel shall record the name and phone number of the complainant and advise them that someone will be in contact with them when they become available.
3. By letter, e-mail, or completing a Citizens Complaint Form:
  - i. All letters, Citizen Complaint Forms, and e-mails of complaints against members of the Department shall be forwarded to the Professional Standards Division for processing.
4. Anonymous Complaints:
  - i. The Chief of Police will be notified and will make a determination on whether to investigate or just record the complaint;
  - ii. Anonymous complaints will be forwarded to the Professional Standards Division for investigation;
  - iii. Complaints received from persons who wish to remain anonymous will be processed like any other complaint;
  - iv. Frivolous complaints will not be investigated.

- E. Immediate Follow-up:
1. If the Complaint is considered to be a minor infraction a supervisor may attempt to resolve the complaint at their level:
    - i. If the complaint is resolved by a supervisor, they shall forward the information on the complaint and complainant to the involved officer's Division Commander.
  2. Every complainant must be contacted as soon as possible;
  3. The Professional Standards Division will contact the complainant as soon as possible, in instances where a supervisor is unable to resolve a complaint of misconduct, to determine the level of follow-up needed by the seriousness of the allegation;
  4. The Professional Standards Division will assign a numeric designation for tracking each complaint. The numeric designation will begin with the year and use a three number system. E.g. 05-001.

## V. LEVELS OF INVESTIGATIONS:

### Level 1

Conducted in response to minor allegations or infractions as defined in section III. I. The first line supervisor may conduct this level of investigation, and shall submit their findings and recommendations to the Division Commander for review. The Division Commander will submit a copy of the report and recommendation to the Professional Standards Division.

### Level 2

Conducted by the Professional Standards Division in response to allegations of serious misconduct.

### Criminal

Initially referred to a law enforcement agency outside of Cheltenham Township when the allegations against a member or employee are a violation of State or Federal law that would amount to a misdemeanor or felony and credible evidence exists to support the allegation.

## VI. INVESTIGATIVE PROCEDURES:

1. All investigations shall be conducted promptly and fairly;
2. The Professional Standards Division will immediately review the circumstances surrounding all assigned investigations. The investigator will determine if any time sensitive material(s) must be obtained. They will ensure pertinent material(s) is requested, protected and included in the report;
3. Each investigation presents unique opportunities for the securing of information. It is the responsibility of the assigned investigator(s) to gather pertinent data and ensure that relevant information is not lost because of avoidable delays in its retrieval.
4. A member of the Professional Standards Division, or supervisor handling a minor infraction will make every effort to record all statements accurately and completely in accordance with the following guidelines:
  - i. All civilian complaints and witnesses will be interviewed as accurately as possible. The ideal medium is personally recording a verbatim formal statement;
  - ii. The Citizen Complaint Form should be considered only preliminary information and should not be relied upon as the formal statement;
  - iii. The formal statement should be read, reviewed, corrected, initialed, signed and dated by the person making the statement;
  - iv. Refusals to sign a statement must be noted by the investigator;
  - v. When needed, interpreters or a person with appropriate literacy skills will be made available to the complainant /witness for the interview process;
  - vi. The investigator must comply with the requirements of the American for Disabilities Act (ADA) during the interview process when dealing with an individual who is differently disabled.

## VII. RESPONSIBILITIES:

- A. Members:
  - 1. Cooperate fully with Command, Supervisory, or other designated personnel participating in the investigation;
  - 2. Refrain from discussing any aspects of the complaint or investigation with anyone.
  
- B. Supervisory:
  - 1. Conduct the initial interview with the complainant, as well as any others present at the scene, who have relevant information, and document same;
  - 2. The supervisor conducting the initial interview shall make every effort to determine the nature and seriousness of the allegations, as well as any other pertinent information that will assist in resolving the issue(s);
  - 3. Ensure the involved officer's immediate supervisor is notified. The officer's supervisor shall forward written notification to the Professional Standards Division and copy it to the officers' Division Commander;
  - 4. Provide the complainant, and / or other relevant parties who were present, with a Citizen Complaint Form. Completed forms shall be forwarded to the Professional Standards Division Commander and copied to the involved officer's Division Commander.  
Note: Except as stated above the completed Citizen Complaint Form shall not be copied or distributed without the approval of the Professional Standards Division.
  
- C. Division Commander Responsibilities:
  - 1. Review all complaints received from supervisors, and forward them to Professional Standards Division Commander if needed;
  - 2. Assist Professional Standards Division, as needed, with investigations;
  - 3. Assure that all complaints have been forwarded to the Professional Standards Division Commander for filing and tracking.

- D. Professional Standards Division Responsibilities:
1. Prompt investigation of all complaints except where specified;
  2. Review allegations of misconduct and initiate a thorough and impartial investigation;
  3. Notify, in writing, the involved member(s), their supervisor, and Appropriate Division Commanders of allegations received. All personnel receiving such notification shall sign the original and return it to the Professional Standards Division, keeping a copy for themselves:
    - a. unless such notification could jeopardize the investigation, as determined by the Chief of Police.
  4. Interview the complainant, witnesses and other relevant parties, review all documentation and other evidence to determine the validity of the allegations and report the findings to the Deputy Chief of Police;
  5. Notify in writing the involved personnel, their supervisors and Division Commanders of the disposition after the investigation has been approved by the Chief of Police;
- E. Responsibilities of the Deputy Chief:
1. Ensure the investigation has been thoroughly completed and that the complainant(s), all witnesses and the accused member(s) have been interviewed, or accounted for as to why they were not interviewed;
  2. After reviewing the investigative file submitted by the Professional Standards Division make a recommendation to the Chief of Police.



## VIII. PROCESSING INVESTIGATIONS:

- A. There are five (5) possible dispositions to an investigation:
  - 1. UNFOUNDED – the alleged conduct did not occur.
  - 2. UNSUBSTANTIATED – there was insufficient evidence to sustain the allegations.
  - 3. EXONERATED – the act occurred, but the officer's actions were justified and lawful.
  - 4. SUSTAINED – the allegations are supported by the evidence. Further action is indicated.
  - 5. WITHDRAWN—the allegations are voluntarily withdrawn by the complainant for any reason by their own free will.
  
- B. Notifications:
  - 1. The disposition of the complaint will be made known to the complainant by phone or certified mail;
  - 2. If the complainant is not satisfied, the following will occur:
    - i. The complainant will be afforded the opportunity to meet with a member of the Professional Standards Division who will explain the investigation and those particular findings;
    - ii. If the Complainant, in the opinion of the investigator, has new information or evidence that could change the outcome, the investigation may be re-opened, at the determination of the Chief of Police;
    - iii. Absent new information, the investigation will be terminated, but the case will receive a determination of findings with the available facts and/or information;
    - iv. The Chief of Police shall review the information and render a final decision;
    - v. The complainant shall be notified of the final decision of the Chief.
  - 3. Upon approval of the Chief of Police, the member(s) involved, their supervisor(s), and Division Commander shall be notified in writing of the disposition;
  - 4. All involved personnel receiving such notification shall sign the original and return it to the Professional Standards Division keeping a copy for themselves;
  - 5. If a disciplinary action is required the appropriate forms will be prepared and presented to the member(s);