

**Lower Providence Township Police Department
Eagleville, Pennsylvania**

General Order ☒
Special Order ☐
Personnel Order ☐

ORDER NUMBER

108

Subject

Complaint Review Policy

Date of Issue

January 28, 2020

Effective Date

January 28, 2020

Expiration Date

**Until Amended or
Rescinded**

Issued by:

Michael Jackson, Chief of Police

Amends

Rescinds

Standard Number:

2.3.1; 2.3.2; 2.3.3

Distribution

- 1. General Order Manuals**
- 2. Records Manual**
- 3. Reading Verification to all Personnel**

I. Purpose

This Order is to establish policy and the responsibility for investigating complaints of employee misconduct for the purpose of preserving internal order and individual employee accountability necessary to the maintenance of public interest for this Department.

II. Policy

It shall be the policy of this Department to immediately and expeditiously investigate all complaints of employee misconduct for the following reasons:

- A. To maintain the integrity of the Department.
- B. To protect the public from Police employee misconduct.
- C. To retain and correct employees guilty of misconduct and remove those whose transgressions make them unacceptable for further Police service.
- D. To protect innocent Police employees.

III. Investigative Responsibility

- A. The Chief of Police or his/her designee shall investigate all complaints received from the public, and all allegations of criminal conduct, and serious internal misconduct, and the improper use of a weapon or vehicle, unnecessary force, falsification of official reports, perjury, acceptance of gratuities, and participation in any crime.
- B. This Order does not diminish the responsibility of the line Supervisors to take corrective action when

employee misconduct is reported, particularly when immediate action is required, such as in the case of an intoxicated employee. Line Supervisors also have the responsibility of immediately gathering initial information for forwarding to the Chief of Police or his/her designee when good judgment dictates, such as in the case of a complaint against subordinates made directly to the Supervisor or in his/her presence.

IV. Investigative Procedures

- A. All investigations of internal discipline shall be confidential in nature, and conducted in a manner that best reveals the facts while preserving the dignity of all persons.
- B. All internal discipline investigations shall be conducted thirty (30) days from the date the complaint is received unless an extension is granted by the Chief of Police. The complainant and accused employee(s) shall be notified of any delay.
- C. When a complaint is received about an employee, the employee receiving the complaint shall:
 - 1. Always record the name, home and business addresses, and phone numbers of the complainant and file the same in a memorandum to the Chief of Police. If the complainant volunteers the name of the employee, it shall not appear on the memorandum, nor will the nature of the complaint be recorded if this is learned. The complainant will be politely advised that all complaints will be handled promptly by the Chief of Police or his/her designee, and that departmental order restricts discussion beyond the amount necessary to establish it as a personnel complaint. In no event will the complainant be asked the name of the accused employee. The only exception to this restriction is when the caller is anonymous, in which case an effort shall be made to receive and record as much information as possible.
 - 2. If the Chief of Police is not on duty, advise the complainant of that fact and to expect a call from the Chief of Police or his/her designee on the day of his/her return and at what phone number and address the complainant will be on that day, and record this information on the memorandum.
 - 3. Whenever the complaint is alleged that a crime has been committed by an employee, such incident shall be reported immediately to the Shift Supervisor, who shall report same immediately to the Chief of Police. In the event that the Shift Supervisor is the accused individual, the incident shall be reported immediately to the Chief of Police by the employee who received or discovered the alleged criminal offense. In all cases, the information about this alleged criminal offense shall be kept confidential and not transmitted to other members of the Department.
- D. The Chief of Police shall ensure that all internal discipline complaints are investigated immediately and with the greatest possible skill.
 - 1. The investigation may involve the completion and submittal of a Citizen Complaint form, the taking of statements from complainants, witnesses, officers, citizens, the review of documents, the review of radio transmissions, mobile data computer transmissions, telephone conversations, video, physical evidence or any other investigative measure appropriate or germane to the investigation.
 - 2. All internal investigations shall be conducted in conformance with the provisions of the Police Collective Bargaining Agreement.

V. Adjudication of Complaints

- A. The Chief of Police shall be the ultimate authority in the adjudication of internal discipline complaints, subject only to the proper channels of the administration of disciplinary action and appeal.
- B. The adjudication and, if warranted, disciplinary action shall be based upon an overall review of the elements of the complaint, consistent with the Policy and Procedure, Rules and Regulations of the Lower Providence Township Police Department.
- C. Internal discipline complaint dispositions shall be classified as follows:

- 1. "Sustained" – Indicates that the accused employee committed all or part of the alleged acts of

- misconduct.
2. "Not Sustained" – Indicates that the investigation produced insufficient information to prove clearly or to disprove the allegations.
 3. "Exonerated" – Denotes that the alleged act occurred but was justified, legal and proper.
 4. "Unfounded" – Shall be used when the alleged act did not occur.
 5. "Misconduct Not Based on the Original Complaint" – Shall be used to indicate the discovery of sustained acts of misconduct that were not alleged in the original complaint.
- D. All internal discipline investigations shall be confidential, and all reports shall be retained by the Chief of Police.
1. Due to the sensitive nature of internal investigation and personnel complaint investigation files, those files shall be secured in a locked file cabinet in the office of the Chief of Police. Access to that office and those files is restricted to the Chief of Police and the Lieutenant.
 2. Disciplinary action resulting from an internal investigation or citizen complaint will lead to the appropriate disciplinary action documents being transmitted to the personnel file of the officer.
- E. Administrative discipline shall be neither a barrier to, nor impeded by, potential criminal prosecution in cases involving violations of the law.
- F. All persons who file a personnel complaint and the accused employee(s) shall receive information regarding the results of the investigation. The Chief of Police shall be responsible for making such disclosure upon the completion of the investigation.

VI. Training

- A. Because of the special knowledge of the legal parameters within which internal affairs investigations and personnel complaint investigations must be conducted, personnel who are designated to conduct internal affairs and personnel complaint investigations must receive training in conducting such investigations in a manner designated by the department. Such training shall be documented.

Michael Jackson

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Chief of Police