

Abington Township Police Department Policy and Procedure Manual

Chapter:	Professional Standards	General Order:	52.1.1
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I. PURPOSE

The purpose of this general order is to describe procedures for handling complaints against department members, investigating complaints, and disposition of complaints.

II. POLICY

The integrity of the Abington Township Police Department depends on the personal integrity and discipline of all Department members. To a large degree, the public image of this Department is determined by the professional response of the Department to allegations of misconduct against it or its members. The Department must thoroughly and professionally investigate all citizen complaints and allegations of misfeasance, malfeasance, and nonfeasance against the Department and its members.

In addition, the Department must properly respond to the results of the investigation by providing discipline and/or additional training when complaints are founded and by “clearing” the involved member(s) when the complaints are determined to be “unfounded.” Also, the results of the investigation and the follow-up taken by the Department must be communicated, at least in general terms, to the complainant and to the community at large to ensure their confidence that complaints against the Police Department and its members are; first, taken seriously by the Department; second, thoroughly investigated; and, third, followed up with appropriate action by the Department.

III. PROCEDURE

A. Professional Standards Function

1. The function of Professional Standards is to ensure that the integrity of the Abington Township Police Department is maintained through an internal system where objectivity, fairness, and justice are assured by intensive and impartial investigation to clear the innocent, establish guilt of wrongdoers, and facilitate fair, suitable, and consistent disciplinary action.
2. All complaints against this agency or its members will be thoroughly investigated, to include anonymous complaints.
3. Professional Standards investigations are coordinated by the 1st Deputy Chief of Police for all members of the Police Department, except when the complaint is directed at, or involves the Chief of Police. In this situation, the Township Manager, or his/her designee, will assume the responsibility to coordinate the investigation.
 - a. If a complaint is directed at either Deputy Chief, the Chief of Police will be responsible to coordinate the investigation.

B. General Provisions

1. The Department encourages citizens to bring forward legitimate grievances regarding misconduct by the Department of any of its members. Department members shall receive complaints courteously and shall handle them efficiently. All members are obligated to explain to inquiring citizens the complaint procedure.
2. The Department recognizes that its members are often subject to intense pressures in the discharge of their duties. The members must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In such situations, words, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all members to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of police work.
3. A copy of "How to Make a Complaint" will be posted in the public area of the Police Department, provided to media representatives, and will be given to any citizen requesting information on how to make a complaint against the Department or any member of the Department. A copy of "How to Make a Complaint" is found in the appendix to this General Order.

C. Due Process

1. The Department seeks to observe due process of law in the philosophy of the 14th Amendment in any disciplinary proceeding.

2. The Department recognizes that all members enjoy the rights and protections provided by laws and the Constitution of the United States, and Commonwealth of Pennsylvania, and the provisions of the Abington Township Civil Service Commission. In addition, sworn and non-sworn members may receive other rights and privileges under their labor contract or agreement.

D. Types of Complaints

A complaint is any allegation or question by an individual regarding the Department of any of its member's conduct, behavior, or actions toward them or any other person. Included will be illegal, immoral, or improper behavior whether verbal, in writing, or by action toward any individual.

The following types of Complaints will be investigated:

1. Serious Complaint

- a. A serious complaint will include, but is not limited to:
 - (1) allegations of gross misconduct,
 - (2) violation(s) of law and/or of brutality.
- b. A formal investigation will be conducted for serious complaints.
- c. The investigation of serious complaints shall be coordinated by the 1st Deputy Chief of Police. The 1st Deputy Chief of Police may assign the investigation to another member of the Department, or may ask an investigator from another agency to undertake or assist in the investigation.
- d. All complaints will require a report or statement from the member(s) who are subject to the complaint or who may have information that is pertinent to the complaint.

2. Less Serious Complaints

- a. A less serious complaint may include, but is not limited to:
 - (1) allegations of no response to calls for service,
 - (2) failure to take proper action,
 - (3) poor demeanor,
 - (4) failure to follow procedures that do not rise to the level of a serious complaint.
- b. An informal investigation may be conducted for less serious complaints.
 - (1) Informal investigations will be investigated and handled by a Platoon/Division Commander, or his/her designee. All complaints will be documented as per this General Order.

- (a) Documentation should be completed using the “Complaint Against Department Member” form. This form may be completed by the investigating supervisor and may not require a written statement from the complainant, at the supervisor’s discretion.
- (2) During an informal investigation the supervisor responsible has the option to obtain statements or reports from involved member(s) or personally interview the member(s) accused regarding the allegation(s).
- c. There is nothing to prevent an informal investigation from becoming a formal investigation, should information warrant it.

E. Receipt of complaints

- 1. Complaints, serious and less serious, can be received in person, by mail or e-mail, or by phone at any time. As part of the follow-up investigative activity, persons making complaints by mail, e-mail or phone shall be contacted and interviewed. A “Complaint Against Department Member” form will be prepared and forwarded to the complainant. “Complaint Against Department Member” forms can be found in the appendix to this order. Anonymous complaints shall be followed up to the extent possible.
- 2. Every effort shall be made to facilitate the convenient, courteous, and prompt receipt and processing of citizen complaints. Any member of the Department who interferes with, discourages or delays the making of such complaints shall be subject to disciplinary action.
- 3. Normally, a citizen with a complaint will be referred to a police supervisor who shall assist the citizen in recording pertinent information on a “Complaint Against Department Member” form. The supervisor will document all complaints on a “Complaint Against Department Member” form, and when appropriate, conduct a preliminary investigation.
- 4. The police supervisor will complete an investigative memorandum with any additional information such as, investigative notes, observations, and conclusions. The memorandum will be forwarded with the “Complaint Against Department Member” form to the office of the Chief of Police.
- 5. If the supervisor or other investigators determine that the complainant is apparently under the influence of an intoxicant or drug, or apparently suffers from a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor shall note such conditions in the investigative memorandum. However, the supervisor will document and attempt to investigate the complaint regardless of the complainant’s condition. Any visible marks or injuries relative to the allegation shall be noted and photographed.

6. Prisoners or arrestees may also file complaints, although circumstances may require a Department representative to meet the complainant at a jail or prison for an interview. If appropriate, the police representative will have photographs taken of prisoner's injuries.
7. Any Department member receiving a citizen complaint through the U.S. mail shall place the correspondence and envelope in a sealed envelope and forward it to the office of the Chief of Police.
8. Complaints received by telephone will be courteously and promptly referred to a supervisor. If a supervisor is not immediately available, the receiving member shall record the name and telephone number of the complainant and state that a supervisor will call back as soon as possible. The receiving member will then immediately notify a supervisor.

F. Use of "Complaint Against Department Member" Form

1. Upon receipt of a complaint, a supervisor will document the complaint on the "Complaint Against Department Member" form. The supervisor will include as much information as possible. The supervisor will also complete an investigative memorandum with any additional information such as, investigative notes, observations, and conclusions.
2. The supervisor will forward the original copy of the form, in a sealed envelope, to the office of the Chief of Police. The supervisor will also make a verbal report to their immediate supervisor, if on duty. In addition, the supervisor taking the complaint will notify the member's Division Commander of the complaint, either verbally or through voice mail, that a complaint has been received and forwarded to the Chief of Police. When the complaint is of an urgent or serious nature the supervisor will contact the Chief of Police, 1st Deputy Chief of Police, and the member's Division Commander immediately.
3. The "Complaint Against Department Member" form and investigative memorandum must be forwarded to the office of the Chief of Police on the day that the complaint is received even if it is a less serious complaint that is being handled at the Unit/Division level.

G. Complaint Investigation

1. Upon receipt of a supervisor's report concerning a serious or less serious complaint, the 1st Deputy Chief of Police, or his/her designee, will assign an investigator. The investigator may be the Unit/Division Commander or other member of the Department. Under certain circumstances the Chief of Police may ask an investigator from another agency to undertake or assist in the investigation.
2. Where the 1st Deputy Chief of Police has assigned an investigator from another agency the responsibility for an investigation, he/she may direct suspension of a Unit/Division Commander's investigation.

3. After completion of all investigations, the assigned investigator shall forward to the 1st Deputy Chief of Police, through their respective Division Commanders, a full report stating recommendations for disposition of the case, along with the supporting documentation for such recommendations.

H. Complaint Disposition

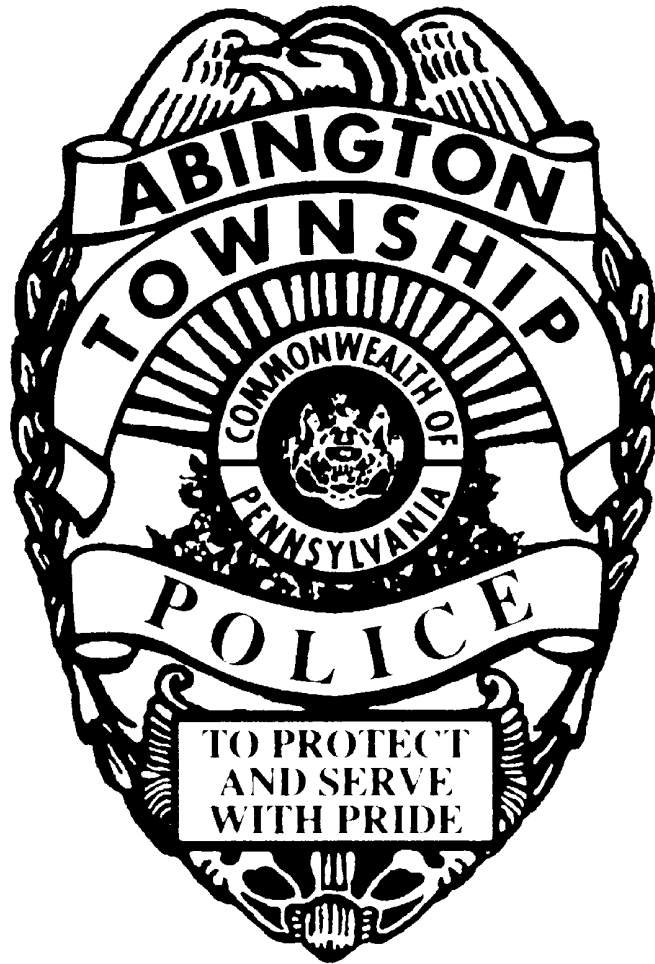
1. Chief of Police Review

- a. The Chief of Police, or his/her designee, shall make the disposition of serious or less serious complaints as follows:
 - (1) Sustained: Evidence sufficient to prove allegations.
 - (2) Not sustained: Insufficient evidence to either prove or disprove allegations. This will include incidents where the complaint was not sustained, but the member=s conduct fell short of the prescribed norm.
 - (3) Exonerated: Incident occurred but was lawful or proper.
 - (4) Unfounded: Allegation is false or not factual.
 - (5) Policy failure: Flaw in policy or training caused incident.
- b. When the investigation shows that a member has violated the Code of Conduct, the Chief of Police will determine the appropriate corrective action. The Chief of Police may return the disciplinary recommendation to the member's Unit/Division Commander for service and execution of the decision.

I. Training

Personnel conducting Internal affairs investigations shall receive training in handling such matters. The type and amount of training will be determined by the department. The training maybe included in the supervisory training process involving a classroom setting or at another time/setting as designated by the Chief of Police or his/her designee.

How to Make A Complaint Information Booklet



Abington Township Police Department
1166 Old York Road
Abington, PA 19001
267-536-1100

How to Make A Complaint

Any citizen can file a complaint or an inquiry with the Abington Township Police Department. A citizen can file a complaint in writing, by telephone or in person at the Abington Township Police Department Headquarters, 1166 Old York Road, Abington, PA 19001 (267-536-1100).

When a complaint is filed, the following procedures are activated:

COMPLAINT INITIATION

When misconduct is observed or complaints/information relative to misconduct are received by a member of the Abington Township Police Department, the department member will immediately notify a supervisor. The supervisor will prepare a written report to be forwarded through the chain of command containing information received, observations, and action taken. The supervisor who first receives the information of the alleged violation will record all of the information at the time the complaint is received on a Complaint Against Department Member form and forward the complaint to the Office of the Chief of Police. The complainant will be asked to complete a written statement detailing the event and allegations of misconduct against the department member.

The Abington Township Police Department Chief of Police his/her designee will be contacted by the supervisor and informed of the complaint. The Chief of Police his/her designee will determine who will be responsible for conducting an investigation and assign a case number to the complaint.

Some allegations will be referred to the member's supervisor for investigation. In more serious cases, the Chief of Police will assign an investigator.

INVESTIGATIVE PROCESS

The supervisor assigned to investigate a complaint against a department member will contact all complainants and witnesses as soon as possible. Every attempt will be made not to inconvenience complainants and witnesses. It is in everyone's best interest that the complainant is cooperative with the investigating officer so the complaint can be thoroughly investigated. The investigating supervisor may take written statements from complainants and witnesses. These statements will assist the investigator in reaching a fully factual conclusion to the investigation. The investigating supervisor will prepare a summary of the investigation and forward the findings to the Chief of Police.

TIME FRAME OF INVESTIGATIONS

The scope of the investigation will be determined by the seriousness of the allegation and by the number of persons involved. Investigations may take several weeks depending on the complexity of the case. Investigators will make every attempt to conduct personal interviews with complainants, witnesses or members while conducting the investigation. Every complaint is taken seriously. Investigations involving allegations of criminal misconduct may require the

cooperation of other agencies. The investigation will be completed and final department action will be taken within 180 days of the filing of an initial report or within 180 days of the date the department first knew of the complaint. The Abington Township Chief of Police may grant an extension to the investigative period in cases where extenuating circumstances exist. The Abington Township Police Department will not arbitrarily delay an investigation.

DISCIPLINE PROCEDURES

When an investigation is completed, the investigator will forward a summary of the case to the Chief of Police. After reviewing the case file, the Chief of Police may decide if the case requires further investigation, recommend the case be closed with no further action merited, schedule the case for a disciplinary hearing, or recommend appropriate discipline.

If an investigation reveals department rules, regulations or directives have been violated, there are several forms of discipline which can occur. A member may receive an oral or written reprimand, or be suspended without pay, or be terminated.

If the allegations involve criminal conduct on the part of the member, an independent criminal investigation will be conducted with the appropriate federal, state, or county agency.

MEMBER RIGHTS

When an Abington Township Police Officer is the subject of an investigation which could result in discipline, the officer is afforded certain rights. A copy of any signed complaint will be provided to the member, who is the subject of the investigation. A member who receives discipline at the conclusion of a complaint investigation may appeal the decision.

An anonymous complaint will not be the sole basis for taking disciplinary action against an officer.

NOTIFICATION TO COMPLAINANT

When the investigation into a complaint is concluded, the complainant will be notified of the findings by letter. If there is disciplinary action of any sort, the letter will state that appropriate corrective measures are being taken.

Abington Township Police Department Complaint Against Department Member		Citizen Complaint Number	Date of this Report	
Name of Complainant (Please Print).		Date of Birth	Social Security No.	
Address			Home Phone	
			Other Phone Contact	
Incident Complaint Number	Date and Time of Incident	Location Where Incident Occurred		
Name of Person(s) You Are Complaining About, If Known. 1.		2.		
3.		4.		
Have You Reported This To Anyone Previously? 9 Yes 9 No		If So, Whom:		Date
Persons Who Actually Saw Event				
Name		Address		Phone Number
		Home		
		Home		
		Home		
		Home		
		Home		
Print Summary of Occurrence:				
(Summary Continued on Other Side)				
Person Receiving Complaint	Employee Number	Person Completing Summary	Date	Time
Professional Standards Investigation Use Only: Assigned To:			Date:	Due:

