



THE RODGERS
GROUP, LLC

One Team, One Mission : Committed to Public Safety Professionalism.

Internal Affairs Investigations:

A Guide for the Investigator



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OPERATIONAL GUIDE AND MANUAL FOR CONDUCTING INTERNAL INVESTIGATIONS

I. INTRODUCTION

This guide is intended to insure that internal investigations are accomplished in a comprehensive and proficient manner. The foundation for the administration of internal investigations can be found in Standard Operating Procedure (S.O.P.), Rules and Regulations, Attorney General Guidelines and New Jersey Statute. In addition, there are certain provisions and agreements in effect with certain negotiating units which relate to the investigation process. It is essential that internal investigators be familiar with the mandates set forth in this source material.

II. INVESTIGATIVE PROCESS

An internal investigation requires that the complainant and witnesses be thoroughly interviewed, the agency member(s) be examined in the proper context, all the physical evidence be competently handled and thoroughly evaluated, all logical leads be fully explored and the case be comprehensively, accurately, and clearly reported.

A. RECEIPT OF INVESTIGATIVE FILE

1. Assigned investigators shall be provided with the investigative file upon commencement of the investigation. The investigator shall immediately contact the complainant, advise them of their assignment to the case, and attempt to schedule an interview on a date that permits time for the investigator's gathering and review of reports and evidence prior to the interview. The investigator shall document the contact with the complainant in the Lead Off Internal Investigation Report (IA-3), which must be filed by the investigator within ten (10) calendar days of being assigned the investigation.
2. The assigned investigator shall carefully review all materials so provided in preparation for a meeting with the IA supervisor or Chief of Police (or CEO).
3. The investigator and IA supervisor and/or Chief of Police shall meet within five (5) business days of the assignment of the investigation to discuss and formulate an investigative plan. The plan shall be documented on an Investigative Plan and utilized to document the meeting and investigative strategy. The investigative plan will not be listed as an attachment to the case file, but rather will be treated as work product after it is approved. The Lead Off Internal Investigation Report will be submitted within ten (10) calendar days of being assigned the investigation.

4. Upon completion of the above meeting, the investigator, unless otherwise directed in the investigative plan, shall contact the employee considered the principal and notify him or her of the general allegations and the assignment of the investigator to the case. The notification of the principal shall be documented in the Lead Off Internal Investigation Report (IA-3) which must be submitted within ten (10) calendar days of being assigned the investigation.

B. GUIDING PRINCIPLES

1. The investigative process should seek to locate and identify all evidence available to either prove or disprove allegations made against an employee.
2. With the exception of internal investigations that are part of an ongoing or potential criminal investigation, the majority of internal investigations are administrative in nature. Unlike criminal investigations where the burden of proof is beyond a reasonable doubt, the standard for administrative cases is a preponderance of the evidence.
3. Also important is that strict rules of evidence and certain constitutional protections that apply in criminal cases do not attach to these investigations. In accordance with established case law, the investigator, reviewing authority, and the Chief of Police can rely on types of evidence that would be inadmissible in a criminal proceeding providing there is some indication of reliability.
4. Furthermore, unlike criminal investigations, certain specific legal protections that arise in employment & labor matters and in police discipline matters apply to employees subject to an internal investigation. These include rights and practices commonly referred to as Weingarten, Loudermill, and Garrity rights, as well as contractual rights or those based on state or federal statute.
5. Investigators and reviewers shall scrupulously adhere to the principles that all employees shall be afforded all rights to which they are entitled. At the same time, investigative and review personnel will also be aware of their obligations to determine the facts of each case utilizing investigative methods, which are consistent with acceptable practices in employee discipline cases.
6. Internal Affairs investigations shall not rely solely on the outcome of related criminal matters or traffic matters. The conviction of a citizen complainant shall not be dispositive as to the citizen's complaint regarding the employee's conduct related to the incident. However, the court proceedings will be relevant and should be reviewed. Unless

otherwise determined by the investigative plan, most cases involving a court action will require the collection and analysis of court records and transcripts of court appearances by the principal, complainant, or critical witnesses. The investigator should make every attempt to attend court proceedings, to monitor the progress/outcome of the case. As a monitor, the investigator need not notify the prosecutor, judge, or other court personnel of his/her presence and should not have any input in the proceedings.

7. If a civilian signs criminal or traffic complaints, in addition to making an internal affairs complaint against an employee, a not guilty disposition of the court shall not automatically determine the outcome of the internal complaint. However, it will be relevant and part of the investigation.
8. The investigator and reviewing authority shall consider that administrative charges have a different threshold of proof as well as less restrictive rules of evidence.
9. As internal affairs investigators, a tendency to automatically grant more credibility to statements given by employees of the agency and other law enforcement officials than to statements given by civilian complainants and witnesses must be carefully avoided. In certain situations where the credibility and motive of the complainant is reasonably suspect, a credibility determination may be made as provided for in this order below. However, investigators, unless otherwise authorized, will investigate the relevant facts of the allegations and not the background or motive of the complainant unless relevant to the investigation.
10. It is the policy of this agency that personnel conducting internal investigations deal with complainants, witnesses, and principals in a professional manner. This includes being prepared for interviews, promptly responding to phone calls, and handling all related contacts during the course of an investigation so as to leave citizens and employees alike with the impression that a thorough, fair, and impartial investigation of the allegation(s) will be conducted.
11. Discovery of additional allegations and identification of additional principals
 - a. In conducting investigations, the propriety of all conduct by the employee relating to the subject matter of the investigation shall be reviewed.

- b. If during the course of an investigation the investigator has reason to believe that misconduct occurred other than that alleged, the investigator shall:
 1. Perceived violations of policy or procedure not relevant to the complaint or the investigation shall be documented on a New Principal/Allegation Identification Form (IA-9) and forwarded to the IA Supervisor and/or Chief of Police to determine the appropriate response. Upon completion of the review, the form, which shall include all appropriate endorsements, will be returned to the investigator, and maintained as an attachment to the investigation.
 2. Unless otherwise directed, the investigator shall investigate the additional allegation to its logical conclusion.
- c. If during the course of an investigation the investigator has reason to believe that another employee may have been involved in alleged misconduct and should be interviewed as a principal, the investigator shall:
 1. Report the information on a New Principal/Allegation Form (IA-9) to the IA supervisor and/or Chief of Police, and await further instructions. Other aspects of the investigation should continue.

C. CASES INVOLVING DUTY RELATED CRIMINAL CHARGES FILED AGAINST EMPLOYEES BY CIVILIANS

1. Investigators must be cognizant of the employee's need to request legal representation, the potential need for an adjournment of the court date, and the legal protections that apply to an employee. Each of these cases should be reviewed with the IA supervisor and/or Chief of Police and handled in accordance with the procedures set forth herein, which are applicable to criminal cases.

D. SEQUENCE OF INVESTIGATIVE STEPS

The sequence of internal investigative steps shall be determined by the investigator in conjunction with the investigative plan developed with the IA Supervisor and/or Chief of Police. The following steps are set forth in the preferred and logical order. However, the actual order shall be determined based on the facts and circumstances of each case.

Preferably, all reports and available evidence shall be obtained and carefully reviewed in preparation for a thorough understanding of the case and a thorough interview of the complainant, witnesses, and involved employee(s).

NJSA 40A:14-147 requires that a complaint charging a violation of the internal rules and regulations established for the conduct of a law enforcement unit shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day time limit shall not apply if an investigation of a law enforcement officer for a violation of the internal rules or regulations of the law enforcement unit is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45 day requirement includes time necessary for the review process and preparation of charges, if substantiated. For that reason, the investigation and report should normally be completed and submitted within thirty (30) calendar days of assignment. Authorization for additional time to complete the investigation must be received by the IA Supervisor and/or Chief of Police, in accordance with the investigative extension procedure. If an extension is required, it shall be made by completing a Request for Extension (IA-1) in accordance with the procedures enumerated in Section V of this guide, entitled *Request for Extension of Investigation*.

1. **INITIAL COLLECTION OF RELEVANT DOCUMENTS OR EVIDENCE**

a. **INTERNAL REPORTS:** The examination of relevant records by the investigator is basic to any investigative effort. Numerous leads may be found within the confines of the records-keeping system. Depending on the nature of the investigation, the investigator may need to evaluate and collect records such as, but not limited to:

- (1) CAD Records
- (2) MVR Tape of Incident
- (3) Operations Report
- (4) Investigation Report
- (5) Arrest and Property Report
- (6) Station Record
- (7) Radio Logs
- (8) Vehicle Logs
- (9) Patrol Logs
- (10) Evidence Log
- (11) Consent to Search Forms
- (12) Equipment Sign-out Sheets, etc.
- (13) MV Stop Reports
- (14) Fuel Records

- (15) Weekly Activity Reports
- (16) Overtime/Compensatory Pay Reports
- (17) EZ Pass Records and Toll Records
- (18) Criminal complaints/Motor Vehicle summonses

b. **RADIO TAPES:**

- (1) **ORIGINAL IS THE BEST EVIDENCE:** Copies should be secured at the onset of the investigation, if possible. If the matter is one of potential criminality, a written request to hold and preserve a specific tape must be prepared and delivered to the appropriate Agency representative responsible for safeguarding the item. (As an example: MVR tapes, radio tapes.)
- (2) **SUFFICIENT PORTIONS:** The tape should be monitored to reveal the totality of circumstances.

c. **MOBILE VIDEO RECORDER TAPE:** The investigator should obtain the original tape, have a copy made, secure the original as evidence, and use the copy tape for review and investigative purposes. If more than one patrol car was present, obtain all tapes unless MVR's not activated. The report should clearly document which police vehicles recorded the incident and which did not.

d. **EXTERNAL REPORTS AND RECORDS:** The investigator should examine the records and documents of agencies and organizations that may possess relevant information, such as, but not limited to:

- (1) Reports and Audio tapes of phone and radio calls from other Police Departments
- (2) Hospital Records (Subpoena or release required)
- (3) Attending Physician's Reports (Subpoena or release required)
- (4) Jail Records
- (5) Court Transcripts, Court Records
- (6) SBI or FBI Records
- (7) Consumer Credit Bureau. (Only if relevant to the investigation)

All reports relevant to the investigation should be gathered and preserved in an expeditious manner.

e. **PHYSICAL EVIDENCE:** The investigative effort expended on all internal investigations, should at least be equal to the effort expended in the investigation of crimes. Investigators should employ all available investigative tools that can reasonably be used to determine the facts and secure necessary evidence during the internal investigation.

f. **CLOTHING:** Accepted investigative techniques shall be employed in the collection of all clothing, uniforms, and equipment.

g. **DOCUMENTS AND RECORDS IF RELEVANT TO INVESTIGATION**

- (1) Corporation Checks (Office of Secretary of State)
- (2) Dunn and Bradstreet Check
- (3) State Licenses, i.e., Real Estate, Medical, Banking, etc.
- (4) Telephone Tolls (Search Warrant needed)
- (5) Search Warrants and Affidavits
- (6) Computerized Criminal History by approval of IA Supervisor or Chief of Police only
- (7) Transcripts from relevant court proceedings
- (8) Motor Vehicle Abstracts

A subpoena may be required to obtain copies of the above documents.

h. **PHOTOGRAPHS**

- (1) Of complainant at time of arrest/incident
- (2) Of employee if an assault or similar complaint where the employee is the victim or accused
- (3) To identify the principal(s), eight photographs of different employees should be utilized in photo for identification of an employee. Retain photos as evidence. (U.S. v Wade 388 U.S. 218) Photos used should be a recent one. Follow Attorney General's Guidelines for photo identifications. All photos will be retained as evidence.
- (4) Of scene if deemed necessary
- (5) Wherever possible/practical, all photos should be in color

i. **SURVEILLANCE VIDEOS**

- (1) Store Cameras
- (2) Bank Surveillance
- (3) Any Source

E. INTERVIEW PROCEDURES

1. PREPARATION

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

2. FORMAT, RECORDING/MEMORIALIZATION OF THE INTERVIEW

- b. The interview of the complainant, principal, and any other witness with critical information shall be documented or memorialized in one of the following ways:
 1. An audio tape recorded statement is the preferred method of documenting and memorializing information obtained through an interview. A synopsis of the recorded statement will be included in the narrative of the Lead Off or Supplemental Internal Investigation Report. All statements of agency personnel will be audio tape recorded. (When directed by the Internal Affairs Supervisor or Chief of Police, the pertinent portions of this statement will be transcribed.)
 2. Video tape recorded.
 3. Handwritten statements taken by investigator shall be reduced to writing and signed on each page by the person making the statement.
 4. A summary of the substance of the interview will be incorporated in the body of the appropriate internal investigation report.

NOTE: Investigators must at all times remain cognizant that civilian witnesses who are not employees of the agency cannot be compelled to provide a statement in any manner. However, all reasonable efforts should be made to obtain a statement when warranted from non-police personnel in the order of priority as is listed above.

- c. All persons submitting to such a taped or written statement, including the complainant, witnesses, and the principal(s) will, upon request, be provided with a copy of same by the investigator.
- d. Other than investigators authorized by the agency, employees of this agency shall not record nor cause any interview to be recorded. The copy of the official statement shall be produced and provided within a reasonable amount of time. The employee receiving the copy of the statement shall be reminded of the absolute requirement that same not be copied, shown, or revealed to anyone other than the employee's attorney, if any. Violation of this provision will result in serious disciplinary action.
- e. Audio or written statements shall be made attachments within the investigative file unless the matter is criminal in nature. In that case, evidence shall be handled in accordance with agency policy regarding the handling of evidence in a criminal matter.
- f. All taped statements will be summarized in the body of the appropriate internal investigation report. (When directed by the IA Supervisor or Chief of Police, the pertinent portions of the statement will be transcribed and the transcript itself also included as an attachment to the case.)
- g. The interview of any non-agency person shall document the following identifiers:

Full name

Address

Home Phone

Race

Sex

DOB

Place of Employment

Work Phone

Names of all persons present during interview

Date, time, and location of interview

- 1. Further identifiers such as social security number or SBI or FBI numbers shall not be requested or utilized unless directly relevant to the investigation.
- h. An example of the standard verbiage to be utilized in all statements is incorporated in this guide under Section V entitled *Statement Templates*. This verbiage will be utilized in the

introductory and closing portions of all statements. Substantive questions will be prepared by the individual investigator based upon their review of all relevant facts and inserted in the statement where shown in the template.

- i. Upon obtaining a tape-recorded statement, the investigator will rewind the cassette tape, remove it from the recorder, and break out the tabs. This will ensure that the cassette tape cannot be altered. The investigator will then label the cassette tape and include the tape as a case attachment to the report. The statement, if transcribed, will also be included as a case attachment regarding administrative investigations. In cases where the interview concerns a criminal matter, the cassette tape will be secured in a manila envelope and handled as evidence.

The investigator will label the cassette tape in the following manner:

Statement of: Officer J. Smith
Signature of Officer Smith and date
Signature of Investigator and badge number
Initials and badge number of witnessing investigator
Date and time of interview

For criminal investigations, the investigator will label the manila envelope in the following manner:

Case number in the lower right corner
Statement of: Officer J. Smith
Signature of Investigator and badge number
Date and time of interview

3. SECONDARY INVESTIGATOR AS WITNESS

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

4. NO RIGHT TO LEGAL REPRESENTATION IN ADMINISTRATIVE INTERNAL INVESTIGATIONS

- a. Employees of the agency, with the exception of criminal investigations in which they may be suspects, or upon the direction of the Chief of Police, are not entitled to legal representation by counsel in the investigative phase of an internal

investigation. This includes employees who are complainants or witnesses.

- b. Complainants and witnesses who are not employees of the agency cannot be precluded from having a legal representative present while being interviewed by investigators.

5. INTERVIEW OF COMPLAINANT

- a. After the preparation detailed above, all efforts must be made to interview a complainant in person.
- b. The investigator shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The investigator shall reasonably accommodate a civilian's circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than an agency office or at a time other than regular business hours.
- c. Interviews of civilian witnesses which take place over the telephone must be tape recorded unless the witness objects to the tape recording.
- d. Investigators must treat the person being interviewed with dignity and respect, and demonstrate interest and concern in dealing with the complainant. Employees shall not attempt to dissuade any person from making a complaint. Employees shall conduct themselves as to facilitate the citizen's confidence in the internal investigative process.
- e. Complainants and witnesses shall not be questioned about any matters that are not directly relevant to the allegations of the investigation. Any questioning intended to challenge the credibility of a complainant or witness must be approved beforehand by the IA Supervisor and/or Chief of Police. Investigators shall make every effort to not ask questions that may demean, ridicule, or cause embarrassment to the complainant.
- f. Questions must be carefully thought out and absolutely relevant to the investigation. Any questionable issues should be discussed with and approved by the IA Supervisor and/or Chief of Police before conducting the interview.
- g. Group interviews shall not be conducted.

- h. Witnesses should be interviewed outside the presence of other witnesses. A parent, or adult relative or guardian in the absence of a parent, shall be present during the interview of a minor. In the event a parent cannot be located, the investigator must document the efforts taken to contact same. If a civilian witness insists that another potential witness be present during an interview, the interview must continue with the potential witness present.

- i. Structure of Interview
 1. Complainants should be initially asked to explain in their own words, in detail, the facts forming the basis of the complaint. The investigator should then clarify any questions or issues regarding the complainant's statement.
 2. After the complainant has provided a statement, the narrative of the Reportable Incident Form, Citizen Compliment/Complaint form, taped phone complaint, or correspondence from the complainant should be reviewed with the complainant.
 3. The investigator shall seek to rectify or identify any discrepancies as well as identify any further investigative requirements.
 4. The complainant should be asked to identify any witnesses and state what they believe the witness may have knowledge of; turn over any evidence in their possession; and identify what other types of other evidence they know.
 5. Every relevant fact known to the complainant should be identified and explored thoroughly.
 6. Issues identified in the Investigation Plan should be addressed.
 7. In addressing the allegations, questions utilized in the basic investigative process, namely: **who, what, when, where, why, and how**, should be precisely addressed.
 8. The complainant and or witnesses have no automatic right to view an MVR. It shall be up to the discretion of the investigator whether utilizing the MVR during an interview will enhance or clarify the investigative process.

9. The interview process should leave a complainant with the knowledge that a full, thorough, and impartial investigation will be conducted. At the conclusion of the investigation, the complainant will be advised of the final results. The notification will include significant dates, (date the complaint was logged in and the date the Chief made a final determination) general allegations, general statement as to disposition, and whether administrative sanctions were imposed without specifying the discipline.
10. If a complainant refuses to be interviewed, or cannot be located or contacted, a letter should be immediately forwarded on agency letterhead, via certified mail, authorized and signed by the IA Supervisor and/or Chief of Police, advising that he/she should respond within ten (10) days or the investigation will proceed without his/her input. For an example of the ten (10) day letter, see Section V of this guide entitled *Reports and Forms*.
11. All complainant interviews should result in obtaining a formal statement in the manner and format as prescribed in the section of this guide dedicated to *interview procedures*.

6. INTERVIEW OF WITNESS

- a. Every effort should be made to interview all witnesses. The full identity of the witness should be obtained. If he/she refuses to be interviewed, or cannot be contacted after a reasonable attempt to locate, a certified letter should be sent on Agency letterhead advising that he/she should respond within ten calendar (10) days.

For an example of the ten (10) day letter see Section V of this guide entitled *Reports and Forms*.

- b. Specific and detailed questions should be asked including: who, what, when, where, why, and how the incident or event occurred. The investigator should have a clear purpose in identifying relevant witnesses and selecting what questions to ask them. These issues should be established in the Investigative Plan.

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

7. INTERVIEWS OF SWORN PERSONNEL

Generally, the interview of sworn personnel is accomplished after the complainant and all witnesses are interviewed. However, this is determined by the character of the inquiry and remains a choice of the investigator. Such interviews are a critical step in the investigation and should be carefully planned.

Investigators shall not accept a written statement from any member in lieu of an interview.

a. Sworn Personnel as: WITNESSES

Note: It is required that a formal taped statement be taken from all sworn personnel considered a witness. Statements need not be transcribed, but must be summarized in the appropriate internal investigation report. The key elements of the statement may be transcribed if necessary. Sworn personnel who are considered a witness are entitled to union representation if he/she reasonably believes that he/she may be subject to disciplinary action as a result of the investigation.

1. Advise personnel that he/she is a witness, explaining the difference between a witness and principal.
 - (a) A witness is a person reasonably believed to have information concerning the event under investigation, but whose own conduct is not the focus of the investigation.
 - (b) A Principal is a person whose conduct is the focus of the investigation.
2. Before any questioning takes place, personnel shall be apprised of the identity of the investigator conducting the interview, including his/her rank, name, and assignment. This notice shall also include the identity of all persons present during the interviews.

3. The investigator may require the interviewee to submit a report detailing relevant facts in the investigation. If a report is required, the investigator will provide the interviewee with the background information regarding the nature and timeframe of the complaint. The interviewee should be encouraged to review any of his or her own reports.
4. A formal statement will be obtained from the witness after he/she has been given their *Witness Acknowledgment Form*. The investigator shall further verbally confirm the interviewee's obligation for candor in the course of an internal investigation, pointing out the specific provision of the acknowledgment form denoting such.

The verbiage enumerated in the section of this guide entitled *Statement Templates* will be used in the opening and closing of all statements.

5. If, during the interview, the status of an interviewee shifts from a witness to a principal, the interviewee shall be advised accordingly. The investigator shall contact the IA Supervisor and/or Chief of Police to secure permission to proceed. If approval is granted to proceed, the investigator will execute a *Principal Acknowledgment Form* (IA-10). Upon completion of the interview, the investigating officer will complete a *New Principal/Allegation Identification Form* and forward same to the IA Supervisor and/or Chief of Police for the purpose of updating the case. A copy of the completed form, incorporating all required endorsements must be secured and submitted as an attachment to the investigation.

b. **Sworn Personnel as: PRINCIPALS**

NOTE: No member shall be designated a principal without the approval of the IA Supervisor and/or Chief of Police.

1. At the commencement of the interview, advise the interviewee that he/she is a Principal and have him/her read and sign the *Principal Acknowledgment Form*. In the preamble of the recorded statement, the investigator shall further verbally confirm the member's obligation for candor

in the course of an internal investigation, pointing out the specific provision of the acknowledgment form denoting such. A copy of the *Principal Acknowledgment Form* will be provided to the interviewee after he/she has endorsed the form.

2. Each member of the agency is required to answer pertinent questions regarding the matter which is the subject of investigation. All members of the agency are obligated to answer questions and provide full and complete information to investigator(s) during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions, which may include suspension or termination.
3. The investigator shall not automatically provide the principal with the Citizen's Complaint Form or the Reportable Incident Form. Principals shall be advised of the specific nature of the complaint, the time period involved, any allegation(s) or violation(s) of rules, regulations, and orders involved, and if applicable, the name or names of the complainant(s) and/or witnesses, in writing. The addresses of the witnesses or complainants need not be disclosed.
4. In cases where these documents are shown to the Principal, the investigator shall redact from the letter of complaint or Reportable Incident Form, or any other relevant document provided to the principal during the interview, any information that may compromise the investigative process by providing same to the Principal. Redacted documents utilized during the investigation for any purpose shall be properly referenced in any interview and included as an attachment to the Investigation Report.
5. As a member of the agency, the Weingarten Representative shall be advised of the obligation of confidentiality and the requirement not to discuss any information obtained during an interview with any other person.
6. The Principal may produce records of his/her own or suggest names of witnesses he/she requests to be interviewed.

7. A formal taped statement will be obtained from the Principal after he/she has been provided with the Principal Acknowledgment Form and advised of their Weingarten Rights. The investigator shall further verbally confirm the interviewee's obligation for candor in the course of an internal investigation, pointing out the specific provision of the acknowledgment form denoting such.
8. The candor verbiage enumerated in the section of this guide entitled *Statement Templates* will be used in the opening and closing of all statements.
9. The following guidelines will be followed when union representation is requested.
 - a. Any interviewee designated a principal or witness, who reasonably believes that the investigation may result in disciplinary action against him/her is entitled, upon request of the interviewee, to have an union representative accompany the interviewee to the interview.
 - b. Any member who is a potential principal or witness in the investigation may not act as a union representative.
 - c. The exercise of the interviewee's right to union representation may not interfere with the investigation. However, a reasonable period of time should be allowed for the representative to appear for the interview.

A interviewee is not entitled to the representative of his/her choosing. Any union officer or representative or other person designated by the union will satisfy the representation requirement.

- d. The Principal and his/her representative shall be informed of the subject matter of the investigation and given a reasonable period of time to confer prior to the interview. The union representative may be present during the interview, and once the interview has begun, they may not leave the room for purposes of further consultation. If the Principal refuses to make a statement or answer any questions, he/she will be informed that such refusal

may result in discipline/dismissal and the interview shall be terminated.

e. The investigator shall not negotiate with the representative. The representative may be permitted to clarify facts or make suggestions (e.g., other potential witnesses) after the investigator's questioning of the Principal. The investigator is free to insist that he/she is only interested in hearing the interviewee's own account of the matter under investigation. In other words, the representative shall not be permitted to answer for the Principal or conduct their own interview.

10. The interview shall be conducted at a reasonable hour in a non-coercive manner, without threat or promise of reward, and preferably when the officer is on duty. No "off the record" questions will be asked and no "off the record" statements will be permitted. If the urgency of the investigation requires that the officer is questioned while off duty, such time will be recorded and treated as hours worked in accordance with contractual union agreements, where applicable.

11. The interview shall be conducted at a location designated by the investigator, usually at headquarters or station to which the member being questioned is assigned.

12. The questioning shall be of a reasonable duration and rest periods allowed. Time shall be provided for personal necessities, meals, and telephone calls as are reasonably needed.

F. USE OF TECHNICAL SERVICES

1. Polygraph

a. At no time shall any person acting in conjunction with an internal investigation or as a supervisor of an employee subject to an internal investigation suggest, imply, or infer that an employee should take a polygraph in conjunction with such investigation. *"An employer shall not influence, request, or require an employee to take or submit to a lie detector test as a condition of employment or continued employment"* (NJSA 2C:40A-1). A police officer cannot be required to submit to a polygraph test on

pain of dismissal (Enge v. Township of Woodbridge, 306 A.2d 485 N.J. Super 1973).

- b. Polygraphs may be offered and administered to a complainant or non-agency witness only upon the approval of the IA Supervisor or Chief of Police.

2. Sketches

If the investigation warrants, the composite drawing resources may be utilized in preparing sketches of suspects or of the scene.

3. Technical Aids

Use of Crime Scene Investigators, Forensic Scientists, Investigative Specialists, etc., is dictated by the type and level of the investigation.

4. Weapons

- a. All firearms and related items which constitute evidential materials will be treated according to existing S.O.P. However, if any involved weapon is used or possessed by the employee, the following information should be determined:

- (1) Provide a complete description of the weapon, i.e., make, model, caliber, and serial number.
- (2) Determine whether the firearm was
 - (a) A legal weapon (2C:39-1 et seq.)
 - (b) Issued to employee
 - (c) Otherwise lawfully in the possession of the employee
 - (d) Operable
 - (e) Altered in any manner
 - (f) Loaded
- (3) Firearms trace should be initiated on any non-agency issued weapons.
- (4) Current status of firearms qualification if sworn officer involved with weapon.

III. ALLEGATIONS OF CRIMINAL CONDUCT

Where criminality may be involved, the initial review, preparation of the investigative plan, and regular status reviews will take place with the appropriate prosecuting authority.

- A. The Chief of Police or the IA Supervisor will consult with the appropriate prosecuting authority when criminality may be involved.
- B. If during the course of an investigation, a question arises concerning whether criminality may be involved, the investigator will immediately contact the IA Supervisor and/or Chief of Police, who will notify the appropriate prosecuting authority.
 - 1. If a determination to proceed criminally is made by the appropriate prosecuting authority in accordance with policy, Miranda Warning and associated constitutional safeguards will be afforded to the employee. The rights of personnel shall be guaranteed utilizing the same standard applied to any other citizen in custody. The Miranda Warning Acknowledgment shall be executed.
 - 2. If Miranda is invoked, the Principal may elect to refuse to answer any additional questions, which will result in the conclusion of the interview. The internal investigation will continue without the Principal's interview and the investigation will be reviewed by the appropriate prosecuting authority. The Principal must be advised and fully understand that the Miranda Warning takes precedence over the administrative or internal procedures.

IMPORTANT NOTE: If the employee wishes to waive his/her Miranda rights, the employee can be interviewed. If during the course of the interview the employee asserts any Miranda rights, the questioning shall cease. If a Weingarten Representative is present when the Principal is read his/her Miranda Warning, the Weingarten Representative is permitted to witness the reading and signing of the Miranda Warning. If the Principal still wishes to continue with the interview, the Weingarten Representative is not entitled to be present as the investigation has now risen to the level of a criminal investigation as opposed to an administrative investigation.

IV. PREPARATION OF THE INTERNAL REPORTS

A complete report of the investigation shall be prepared in the following format.

A. MECHANICS

1. The internal investigation will be memorialized on the reports as are hereinafter identified. The reports will be submitted to the IA Supervisor and/or Chief of Police for approval on a regular basis so as to keep the case current at all times.
2. All approved original reports will be maintained by the investigator until the investigation is concluded at which time the complete case file will be submitted to the Chief of Police through the IA Supervisor.
3. The completed report will be submitted in a report folder/envelope. On the right side of the folder/envelope, the investigator will include the Internal Investigation Attachment Log, followed by the Reportable Incident Form, (Attachment #1), the Lead Off Investigation Report, (Attachment #2), and the remaining attachments, numbered sequentially. Supplemental Internal Investigation Reports will be placed in the folder as numbered attachments, in the correct chronological order.
4. The Internal Investigation Allegations and Conclusions Form (IA-7) will be attached to the report folder on the left side. An Internal Investigation Review Sheet (IA-8) will be secured to the left inner cover, on top of the Allegations and Conclusions.
5. All attachments will be marked by affixing a label in the lower right corner which will note the attachment number, unless marking the document in that area would damage or interfere with the content of the attachment.

B. REPORT FLOW

1. The investigation should be completed and all reports prepared within **thirty (30) calendar days** of being assigned. Authorization for additional time to complete investigations must be received from the IA Supervisor and/or Chief of Police, in accordance with the investigation extension procedure.
2. The investigator, upon completion of the report, shall forward it directly to the IA Supervisor, who will forward it to the Chief of Police.
3. The IA Supervisor will review the case and make recommendations to the Chief of Police regarding discipline.
4. The Chief of Police, upon receipt of the recommendation, will review the matter and make the final determination or return the case for further investigation.

5. If an internal affairs complaint is sustained, the Chief of Police has forty-five (45) days to initiate charges (NJSA 40A:14-147).
6. Whenever a final determination is reached in an internal complaint investigation, the employee(s) involved as a Principal(s) and the complainant(s) shall be notified in writing by the Chief of Police.
7. If discipline is imposed, a record of such discipline, not including the investigation report or attachments, will be placed in the employee's personnel file.

C. INTERNAL INVESTIGATION PLAN (IA-2)

1. The case investigator shall meet with the IA Supervisor and/or Chief of Police within five (5) business days of being assigned to conduct the internal investigation, to discuss and formulate an investigative plan.
2. Thereafter the case investigator will complete an Internal Investigative Plan and submit same for approval prior to the conclusion of the meeting. When approved by the IA Supervisor and/or Chief of Police, the plan will be maintained as case notes and secured in the case jacket dedicated to that investigation at Headquarters.
3. An example of this report and the guidelines for completing same are located in Section V of this guide entitled *Reports and Forms*.

D. LEAD-OFF INTERNAL INVESTIGATION REPORT (IA-3)

1. Within ten (10) calendar days of being assigned to conduct an internal investigation, the case investigator must complete a Lead-Off Internal Investigation Report and submit same for approval to the appropriate IA Supervisor and/or Chief of Police. The report must include:
 - a. Documentation that the complainant has been contacted by the investigator to advise them of their assignment as the case investigator and to arrange a meeting to conduct an interview. If the investigator is unable to contact the complainant, the report must reflect that the appropriate certified ten (10) day letter, endorsed by the IA Supervisor or Chief of Police, has been mailed to the complainant.
 - b. Documentation that the case investigator has contacted the Principal(s) and informed them of the nature of the complaint against them.

- c. An analysis of the allegations to be addressed by the investigation, linked to specific provisions of the Rules and Regulations, Standing Operating Procedures and/or any guidelines that govern the behavior of employees of the agency.
2. An example of this report and the guidelines for completing same are located in Section V of this guide entitled *Reports and Forms*.

E. SUPPLEMENTAL INTERNAL INVESTIGATION REPORT (IA-5)

1. A Supplemental Internal Investigation Report will be submitted on a regular basis to document the investigative process on all internal investigations wherein investigative activity took place during that period. For the purposes of this guide, the term regular basis shall be interpreted to mean at least every ten (10) calendar days, unless this requirement is waived by the IA Supervisor and/or Chief of Police or his/her designee.
2. An example of this report and the guidelines for completing same are located in Section V of this guide entitled *Reports and Forms*.

F. INTERNAL INVESTIGATION ATTACHMENT LOG (IA-6)

1. An Internal Investigation Attachment Log will accompany each case when submitted by the investigator.
2. The Attachment Log will account for all reports and attachments accumulated during the investigation.
3. The Reportable Incident Form will always be attachment #1.
4. The Lead-Off Internal Investigation Report will be attachment #2. Thereafter, each individual Supplemental Internal Investigation Report will be assigned a separate attachment number.
5. A separate log number will be assigned to every attachment unless the attachment is a multiple page document, at which time it will be secured as a singular attachment.
6. Attachments accumulated and documented in the investigation report will each receive a separate log number and be appropriately cross referenced in chronological order.
7. An example of this report and the guidelines for completing same are located in Section V of this guide entitled *Reports and Forms*.

G. INTERNAL INVESTIGATION ALLEGATIONS AND CONCLUSIONS REPORT (IA-7)

1. At the conclusion of the investigation, the investigator will prepare allegations and conclusions.
2. The allegation will set forth, in narrative form, the alleged misconduct and be linked to the specific provision of the Rules and Regulations and/or S.O.P. purportedly violated.
3. The conclusion reached by the investigator, based upon the facts developed in his/her investigation, will fall into one of the following four (4) dispositions.
 - a. Substantiated - a preponderance of the evidence shows that a member violated agency rules, regulations, protocols, standing operating procedures, directives, or training;
 - b. Unfounded - a preponderance of the evidence shows that the alleged misconduct did not occur;
 - c. Exonerated - a preponderance of the evidence shows that the alleged conduct did occur, but did not violate rules, regulations, standing operating procedures, directives, or training;
 - d. Insufficient evidence (formerly unsubstantiated) - based upon the preponderance of evidence standard, there is insufficient evidence to decide whether the alleged misconduct occurred.
4. The conclusions should be written in paragraph form wherein each piece of evidence that is relied upon in order to reach the conclusion found is individually numbered.
5. These individual paragraphs should be in sufficient detail that standing alone they provide a concise synopsis of the investigation and its findings.
6. These individual paragraphs should be footnoted to the source attachment used in formulating the paragraph.
7. The final paragraph in the allegations and conclusions should encompass verbiage that reads, in effect; "that based upon the preponderance of evidence accumulated in the investigation it is concluded that:

- a. There is insufficient evidence that <Officer/Employee> did <alleged behavior>.
 - b. The allegation that <Officer/Employee> did <alleged behavior> is unfounded.
 - c. The allegation that <Officer/Employee> did <alleged behavior> is substantiated.
 - d. The investigation exonerates <Officer/Employee> of the allegation of <alleged behavior>
8. An example of this report and the guidelines for completing same are located in Section V of this guide entitled *Reports and Forms*.

H. INTERNAL INVESTIGATIVE REVIEW SHEET (IA-8)

1. Each time a supervisor reviews the internal investigation, he/she will complete the form as the reviewer. Occasions may arise when the reviewer will review the case more than once. For example, the IA Supervisor reviews the case and returns it to the investigator. Subsequently, the investigator resubmits the case to the IA Supervisor. The IA Supervisor will now complete the Internal Investigation Review Sheet as the second reviewer.
2. Upon the conclusion of all internal investigations the investigator will generate an Internal Investigation Review Sheet, which will accompany the submitted investigation.
3. The Internal Investigation Review Sheet will accompany the case as it progresses through the review process and be completed by each supervisor reviewing the case.
4. When the supervisory reviews of the case are ultimately concluded, the Internal Investigation Review Sheet will be maintained as case notes and secured in the case jacket.
5. This report may be hand-written by the reviewer.
6. An example of this report and the guidelines for completing same are located in Section V of this guide entitled *Reports and Forms*.

I. NEW PRINCIPAL/ALLEGATION IDENTIFICATION FORM (IA-9)

1. During the interview, if the status of an employee shifts from a witness to a Principal, the employee shall be advised accordingly. The

investigator shall contact the IA Supervisor and/or the Chief of Police to secure permission to proceed.

If approval is granted to proceed, the investigator will execute a Principal Acknowledgment Form. Upon the completion of the interview, the investigator will complete a New Principal Identification Form and forward same to the IA Supervisor and/or Chief of Police, for the purposes of updating the case.

A copy of the completed New Principal/Allegation Identification Form, incorporating all required endorsements, must be secured and submitted as an attachment to the investigation.

2. An example of this report and the guidelines for completing same are located in Section V of this guide entitled *Reports and Forms*.
3. This form will also be used to document perceived violations of policy and procedure not relevant to the complaint or the alleged misconduct being investigated.

J. TEN DAY LETTER FORM

1. Every effort should be made to personally interview the complainant and all witnesses. The full identity of the complainant and all witnesses should be obtained. If he/she refuses to be interviewed or cannot be contacted after a reasonable attempt to locate, but at no time later than two weeks after the first attempt, a certified letter should be sent on agency letterhead, advising that he/she should respond within ten (10) calendar days.
2. An example of this form is located in Section V of this guide entitled *Reports and Forms*.

K. REQUEST FOR EXTENSION OF INVESTIGATION

1. Exceptions to the thirty (30) calendar day requirement to complete all internal investigations may be granted only in the following cases:
 - a. The investigation is pending criminal prosecution.
 - b. The investigation is undergoing a prosecutorial review to determine if the matter will be prosecuted criminally.
2. This form must be submitted to the IA Supervisor or Chief of Police for approval as soon as any of the foregoing criteria is met.

3. The completed form, including all required endorsements, must be submitted as an attachment to the investigation.
4. An example of this form is located in Section V of this guide entitled *Reports and Forms*.

L. REQUEST FOR LEGAL REPRESENTATION

1. Employees of the agency requesting legal representation must allow for ample time between the request and the scheduled court appearance.
2. Whenever the need arises to request legal representation for any employee of the agency, an effort by the employee and employee's supervisor should be made to obtain an indefinite court postponement. If not granted, the IA Supervisor and/or Chief of Police should be contacted immediately.
3. The postponement will allow the agency to review the case and make the necessary arrangements for representation, if warranted.
4. All such requests shall be made in writing and forwarded to the Chief of Police through the chain of command.

V. REPORTS AND FORMS

A. REQUEST FOR EXTENSION OF INTERNAL INVESTIGATION (IA – 1)

The following is an example of the Case Extension Form:

REQUEST FOR EXTENSION OF AN INTERNAL INVESTIGATION

<i>CASE NUMBER</i>	<i>INVESTIGATOR</i>	<i>DATE ASSIGNED</i>

<i>PRINCIPAL(S)</i>	<i>ALLEGATIONS</i>

REASON FOR REQUESTING EXTENSION: (CHECK WHAT APPLIES)

Pending criminal investigation and/or prosecution

Other _____

NARRATIVE: (BRIEFLY EXPLAIN JUSTIFICATION FOR THE REQUEST)

APPROVED

DISAPPROVED

BY:

DATE:

NAME AND SIGNATURE OF APPROVING OFFICIAL

B. STATEMENT TEMPLATES

The following are statement templates to assist the investigator:

- 1. Civilian Witness Statement
- 2. Complainant Statement
- 3. Sworn Witness Statement
- 4. Principal Statement

1. CIVILIAN WITNESS STATEMENT

Start Tape:

Day:

Date:

Time:

Location:

I am _____. This is the tape-recorded statement of _____ regarding Internal Investigation number _____.

Mr./Mrs. _____, it is my duty to take a formal statement from you concerning allegations that have been made against _____.

It is alleged that on _____

_____.

This statement is being tape recorded and will consist of a question and answer dialogue. It is necessary for you to speak loud, slow, and clear. It is suggested you wait a moment to compose your thoughts prior to answering any questions.

I would also like to inform you that this statement will be part of an official police report and that it may be used in official proceedings as a result of this investigation. Your responses to the questions must be truthful. If it is determined that you intentionally provided false information, you may be subject to criminal prosecution. Do you understand all of the foregoing information as I have explained it to you?

- **Introduce those in attendance-time:**

Spelling and stating your last name, rank, assignment,

- What is your full name?
- What is your date of birth?
- What is your age?
- What is your current address?
- What is your telephone number?
- Are you employed?
- By whom are you employed?
- What is your work telephone number?
- What level of education have you attained?
- Do you have any disabilities which will preclude you from being interviewed?
- Can you read and write the English language?
- Mr./Ms. _____, could you please tell me everything that you know concerning the allegations against _____.

Scripted Questions:

*******Insert scripted questions here*******

Prior to the interview with the witness, the investigator will prepare questions based on the investigation and his or her knowledge of the case facts and circumstances.

In addition to the scripted questions, the investigator will also conduct follow-up questions as a result of the narrative portion of the witness statement.

Conclusion:

- Mr./Ms. _____, at any time were you threatened or coerced during this interview?
- Mr./Ms. _____, at any time were you made any promises or offered any rewards during this interview?
- Mr./Ms. _____, have you been treated fairly and with respect?
- Mr./Ms. _____, have you been offered the opportunity to have breaks or refreshments while you were present with us today?
- Mr./Ms. _____, is there anything regarding this investigation that I did not ask you, that you feel I should have?
- Mr./Ms. _____, is there anything you would like to add to this interview?
- Mr./Ms. _____, is what you have told us a true and accurate account of what occurred?
- Investigator(s) _____, do you have any further questions?
- Mr./Ms. _____, at this time we are preparing to end your tape recorded statement. If you desire, I can stop the tape recorder, rewind the cassette tape, and provide you with the opportunity to listen to the statement you just provided. If you decide to listen to this statement and want to make any changes to it, you will be provided an opportunity to do so when I resume your statement. If you are confident in what you have already stated and do not wish to review your statement, you are not required to. Do you wish to listen to this statement?

****If they wish to review tape: It is now (time), I will now turn the tape recorder off for the purpose of allowing Mr./Ms. _____ to listen to their statement.

After they listen: It is now (time), I have turned the recorder on and we are continuing the statement of Mr./Ms. _____ regarding internal investigation _____.

Mr./Ms. _____ having listened to your statement are there any additions or anything else that you feel is necessary to include in your statement that you have not already provided?

**** If they decline to listen to the recording or after the witness has requested to listen to the tape, the following concludes the statement:

Mr./Ms. _____ I will request that you do not discuss anything regarding this internal investigation with anyone **so** as not to compromise the integrity of this investigation. Do you understand this request?

Mr./Ms. _____, at the conclusion of your statement, I will remove the tape, rewind the tape, **and** break out the tabs so it can't be altered. I will then ask you to sign and date the cassette tape and by doing so, attest to its authenticity.

- The tape recorded statement of Mr./Ms. _____ is now complete. It is (weekday), (month), (day), (year). The time is now (time).

***REWIND* REMOVE* BREAK TABS* LABEL THE CASSETTE TAPE
* WITNESS SIGN AND DATE* INVESTIGATOR SIGN AND DATE***

2. COMPLAINANT STATEMENT

Start Tape:

Day:

Date:

Time:

Location:

I am _____. This is the tape-recorded statement of _____ regarding Internal Investigation number _____.

Mr./Mrs. _____, it is my duty to take a formal statement from you concerning the allegations that you have made against _____. It is alleged that on

_____.

This statement is being tape recorded and will consist of a question and answer dialogue. It is necessary for you to speak loud, slow, and clear. It is suggested you wait a moment to compose your thoughts prior to answering any questions.

I would also like to inform you that this statement will be part of an official police report and that it may be used in official proceedings as a result of this investigation. Your responses to the questions must be truthful. If it is determined that you intentionally provided false information, you may be subject to criminal prosecution. Do you understand all of the foregoing information as I have explained it to you?

▪ **Introduce those in attendance-time:**

Spelling and stating your last name, rank, assignment,

- What is your full name?
- What is your date of birth?
- What is your age?
- What is your current address?
- What is your telephone number?
- Are you employed?
- By whom are you employed?
- What is your work telephone number?
- What level of education have you attained?
- Do you have any disabilities which will preclude you from being interviewed?
- Can you read and write the English language?
- Mr./Ms. _____, could you please tell me everything that you know concerning your allegations against _____.

Scripted Questions:

*****Insert scripted questions here*****

****Prior to the interview with the Complainant, the investigator will prepare questions based on the investigation and his or her knowledge of the case facts and circumstances.

In addition to the scripted questions, the investigator will also conduct follow-up questions as a result of the complainant's narrative portion of his or her statement.

Conclusion:

- Mr./Ms. _____, at any time were you threatened or coerced during this interview?
- Mr./Ms. _____, at any time were you made any promises or offered any rewards during this interview?
- Mr./Ms. _____, have you been treated fairly and with respect?
- Mr./Ms. _____, have you been offered the opportunity to have breaks or refreshments while you were present with us today?
- Mr./Ms. _____, is there anything regarding this investigation that I did not ask you, that you feel I should have?
- Mr./Ms. _____, is there anything you would like to add to this interview?
- Mr./Ms. _____, is what you have told us a true and accurate account of what occurred?
- Investigator(s) _____, do you have any further questions?
- Mr./Ms. _____, is there anything additional you would like to add to this interview?
- Mr./Ms. _____, at this time we are preparing to end your tape recorded statement. If you desire, I can stop the tape recorder, rewind the cassette tape, and provide you with the opportunity to listen to the statement you just provided. If you decide to listen to this statement and want to make any changes to it, you will be provided an opportunity to do so when I resume your statement. If you are confident in what you have already stated and do not wish to review your statement, you are not required to. Do you wish to listen to this statement?

****If they wish to review tape: It is now (time), I will now turn the tape recorder off for the purpose of allowing Mr./Ms. _____ to listen to your statement.

After they listen: It is now (time). I have turned the recorder on and we are continuing the statement of Mr./Ms. _____ regarding internal investigation _____.

Mr./Ms. _____ having listened to your statement are there any additions or anything else that you feel is necessary to include in your statement that you have not already provided?

****If they decline to listen to the recording or after the witness has requested to listen to the tape, the following concludes the statement:

Mr./Ms. _____ I will request that you do not discuss anything regarding this internal investigation with anyone so as not to compromise the integrity of this investigation. Do you understand my request?

Mr./Mrs. _____, at the conclusion of your statement, I will remove the tape, rewind the tape, and break out the tabs so it can't be altered. I will then ask you to sign and date the cassette tape and by doing so, attest to its authenticity.

- The tape recorded statement of Mr./Ms. _____ is now complete. It is (weekday), (month), (day), (year). The time is now (time).

***REWIND* REMOVE* BREAK TABS* LABEL THE CASSETTE TAPE
WITNESS SIGN AND DATE INVESTIGATOR SIGN AND DATE***

3. Sworn/Employee Witness Statement

Start Tape:

Day:

Date:

Time:

Location:

I am _____. This is the tape-recorded statement of Officer/Employee _____, a witness, regarding Internal Investigation number _____.

This investigation concerns the allegations of _____

_____.

Officer/Employee _____, it is my duty to take a formal statement from you concerning this investigation. This statement is being tape recorded and will consist of a question and answer dialogue. It is necessary for you to speak loud, slow, and clear. It is suggested you wait a moment to compose your thoughts prior to answering any questions.

- **Introduce those in attendance-time:**

Spelling and stating your last name, rank, assignment,

- **Witness Acknowledgment Form**

- **Read Candor Statement**

It is also my duty to inform you that you **are obligated to answer questions and provide full and complete information to investigators during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions which may include suspension or termination.**

Officer/Employee, do you understand what I have just stated?

- **Witness Identifiers (Name, badge #, date of hire.)**
- **Present assignment.**
- **Assignment on day of incident.**
- **Officer/Employee _____, please tell me what occurred on _____.**

Scripted Questions:

*******Insert scripted questions here**

*******Prior to the interview with the employee, the investigator will prepare questions based on the investigation and his or her knowledge of the case facts and circumstances.**

In addition to the scripted questions, the investigator will also conduct follow-up questions as a result of the employee's narrative portion of his statement.

Conclusion:

- <Title> _____, is there anything else that you think may be important that you would like to add to this statement?
- <Title> _____, is there anything regarding this investigation that I did not ask you, that you feel I should have?
- <Title> _____, have you been treated fairly and with respect during this interview?
- <Title> _____, are your answers the total knowledge that you have regarding the matter under investigation at this time?
- <Title> _____, would you like to place anything on the record?
- <Title> _____, at this time I am preparing to end your tape recorded statement. If you desire, I can stop the tape recorder, rewind the cassette tape, and provide you with the opportunity to listen to the statement you just provided. If you decide to listen to this statement and want to make any changes to it, you will be provided an opportunity to do so when I resume your statement. If you are confident in what you have already stated and do not wish to review your statement, you are not required to. Do you wish to listen to this statement?

****If they wish to review tape: It is now (time), I will now turn the tape recorder off for the purpose of allowing employee _____ to listen to his/her statement.

After they listen: It is now (time), I have turned the recorder on and we are continuing the statement of Employee _____ regarding internal investigation _____.

<Title> _____, having listened to your statement is there anything else that you feel is necessary to include in your statement that you had not already provided?

****If they decline to listen to the recording or after the employee has requested to listen to the tape, the following concludes the statement:

- <Title> _____, I will request that you do not discuss anything regarding this internal investigation with anyone as not to compromise the integrity of this investigation. Do you understand my order?

- <Title>_____, at the conclusion of your statement, I will remove the tape, rewind the tape, break out the tabs so it can't be altered. I will then ask you to sign and date the cassette tape and by doing so, attest to its authenticity.
- The tape-recorded statement of <Title>_____ is now complete. It is (weekday), (month), (day), (year). The time is now (time).

***REWIND* REMOVE* BREAK TABS* LABEL THE CASSETTE TAPE
 * EMPLOYEE SIGN AND DATE*
 *INVESTIGATOR SIGN AND DATE***

4. PRINCIPAL STATEMENT

Start Tape:

Day:
 Date:
 Time:
 Location:

I am _____. This is the tape-recorded statement of <Title>_____, a Principal, regarding Internal Investigation number _____.

<Title>_____, it is my duty to take a formal statement from you concerning this investigation. This statement is being tape recorded and will consist of a question and answer dialogue. It is necessary for you to speak loud, slow, and clear. It is suggested you wait a moment to compose your thoughts prior to answering any questions.

- **Introduce those in attendance:**

Spelling and stating your last name, rank, assignment,

- **Principals Identifiers (Name, badge #, date of hire.**
- **Present assignment.**
- **Read Candor Statement**

It is also my duty to inform you that **you are obligated to answer all questions and provide full and complete information to**

investigators during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions, which may include suspension or termination.

<Title> _____, do you understand what I have just stated?

- **Review the Reportable Incident Form and advise Officer of the allegations.** (Follow guidelines enumerated in Section E of this guide entitled "Interview Procedures.")
- **Place on record the applicable Rules and Regulations and S.O.P.'s that the alleged conduct is contrary to.**
- **Principal Acknowledgment Form**
- **Weingarten Form**
- **Assignment on day of incident.**
- <Title> _____, please tell me what occurred on _____.

Scripted Questions:

*****Insert scripted questions here

*****Prior to the interview with the employee, the investigator will prepare questions based on the investigation and his or her knowledge of the case facts and circumstances.

In addition to the scripted questions, the investigator will also conduct follow-up questions as a result of the employee's narrative portion of his/her statement.

Conclusion:

- <Title>_____, is there anything else that you think may be important that you would like to add to this statement?
- <Title> _____, is there anything regarding this investigation that I did not ask you, that you feel I should have?

- <Title> _____, have you been treated fairly and with respect during this interview?
- <Title> _____, are your answers the total knowledge that you have regarding the matter under investigation at this time?
- <Title> _____, would you like to place anything on the record?
- <Title> _____, at this time I am preparing to end your tape recorded statement. If you desire, I can stop the tape recorder, rewind the cassette tape, and provide you with the opportunity to listen to the statement you just provided. If you decide to listen to this statement and want to make any changes to it, you will be provided an opportunity to do so when I resume your statement. If you are confident in what you have already stated and do not wish to review your statement, you are not required to. Do you wish to listen to this statement?

**** If they wish to review tape: It is now (time), I will now turn the tape recorder off for the purpose of allowing <Title> _____ to listen to his/her statement.

After they listen: It is now (time). I have turned the recorder on and we are continuing the statement of <Title> _____ regarding internal investigation _____.

<Title> _____, having listened to your statement is there anything else that you feel is necessary to include in your statement that you have not already provided?

****If they decline to listen to the recording or after the employee has requested to listen to the tape, the following concludes the statement:

- <Title> _____, I will request that you do not discuss anything regarding this internal investigation with anyone so as not to compromise the integrity of this investigation. Do you understand my order?
- <Title> _____, at the conclusion of your statement, I will remove the tape, rewind the tape, and break out the tabs so it can't be altered. I will then ask you to sign and date the cassette tape, and by doing so, attest to its authenticity.

- The tape-recorded statement of <Title> _____ is now complete. It is (weekday), (month), (day), (year). The time is now (time).

***REWIND* REMOVE* BREAK TABS* LABEL THE CASSETTE TAPE**
EMPLOYEE SIGN AND DATE
INVESTIGATOR SIGN AND DATE

C. PRINCIPAL ACKNOWLEDGMENT (IA-10)

The following is the Principal Acknowledgment form:

Principal Acknowledgment

Investigation No. _____

I, _____, an employee of the _____, do hereby acknowledge that I have been informed by _____ of my rights in this matter which are:

- (1) To be advised of the specific nature of the complaint and the time period involved if possible and such other information as can be disclosed without compromising the investigative process. The investigator shall not provide the principal with the citizens complaint form, correspondence, or the completed reportable incident form unless the investigator shall redact from the letter of complaint, the reportable incident form or the complaint form, or any other relevant document provided to the principal during the interview, any information that may compromise the investigative process by providing same to the principal.
- (2) The questioning shall be conducted at a reasonable hour in a non-coercive manner, without threat or promise of reward and when on duty. If the urgency of the investigation requires that I be questioned while off duty, such time will be recorded and treated as hours worked in accordance with contractual union agreements.
- (3) The questioning shall be conducted at a location designated by the, investigator usually at headquarters.
- (4) Before any questioning takes place I have been advised of the following:
 - a. Identity of the officer in charge of the investigation and the identity of the person conducting the questioning, including ranks, names, and assignments. Also, the identity of all persons present during questioning.
 - b. Nature of the investigation, including any allegation and/or any violation of rules, regulations and orders involved.
 - c. If applicable, name(s) of the complainant and/or witness, in writing. The addresses of complainants and/or witnesses need not be disclosed.

- d. I am involved in the investigation as a principal.
- (5) The questioning shall be of a reasonable duration and rest periods allowed. Time shall be provided for personal necessities, meals, and telephone calls as are reasonably necessary.
- (6) I have a right to have a representative of my bargaining unit present during questioning. If the interview involves a criminal matter and I am advised of the Miranda Warning, the bargaining unit representative must leave after the Miranda Warning is read to me, I have signed my acknowledgment, and responded.

I acknowledge that all of the above rights have been granted to me. I further acknowledge that all employees of this agency are obligated to answer questions and provide full and complete information to investigators during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions, which may include suspension or termination. I also acknowledge that should I request and obtain a copy of any statement I provide, that I am responsible for maintaining the confidentiality of the contents of the statement and that providing a copy of said statement or disclosing the contents to any person or entity other than a duly retained attorney representing my interests shall constitute a serious disciplinary breach that may lead to disciplinary sanctions which may include suspension or termination.

Date : _____ Place : _____
Member : _____ Badge: _____
Investigator : _____ Badge: _____

D. WITNESS ACKNOWLEDGMENT (IA-11)

The following is the Witness Acknowledgment Form:

Witness Acknowledgment

Investigation No. _____

I, _____ an employee of the _____, do hereby acknowledge that I have been informed by _____ that I am a witness in an internal investigation. I acknowledge my responsibility to answer truthfully all questions regarding any matter which is the subject of this investigation. All members of the this agency are obligated to answer questions and provide full and complete information to investigators during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions which may include suspension or termination.

I also acknowledge that should I request and obtain a copy of any statement I provide, that I am responsible for maintaining the confidentiality of the contents of the statement and that providing a copy of said statement or disclosing the contents to any person or entity other than a formally retained attorney representing my interests shall constitute a serious disciplinary breach that may lead to disciplinary sanctions which may include suspension or termination.

Date : _____

Place: _____

Member : _____

Badge: _____

Investigator : _____

Badge: _____

E. MIRANDA WARNING (IA-12)

The following is the Miranda Warning Form:

Miranda Warning

1. You have the right to remain silent and refuse to answer any questions.
2. Anything you say may be used against you in a court of law.
3. You have the right to consult with an attorney at any time and have him present before and during questioning.
4. If you cannot afford an attorney, one will be provided if you so desire prior to any questioning.
5. A decision to waive these rights is not final and you may withdraw your waiver whenever you wish either before or during questioning.

I acknowledge that I have been advised of the constitutional rights listed above.

Principal : _____

Advising Officer : _____

Witnessing Officer : _____

Date : _____ Time : _____

Waiver

I have read and understand the rights listed above. I hereby agree to speak about the matter under investigation without benefit of having an attorney present. I agree to this of my own free will without having been threatened or abused by any person present. I understand that I may withdraw my waiver at any time and discontinue the questioning.

Date : _____ Time : _____

F. WEINGARTEN REPRESENTATIVE ACKNOWLEDGMENT

The following is the Weingarten Representative Acknowledgment form:

Weingarten Representative Acknowledgment

I, _____ a bargaining unit representative, do hereby acknowledge my presence at the interview of _____. The aforementioned Principal and I have been informed of the subject matter of the interview. To the best of my knowledge, I am not involved in the subject matter of the interview.

I have been afforded the opportunity to consult with the Principal prior to the interview. I understand that I may be present during the interview and that once the interview has begun, the Principal and I may not leave the room for the purpose of further consultation. I also understand that I shall not be permitted to answer questions for the Principal.

Before the interview is concluded, I may assist and consult with the Principal on clarification of issues and questions/answers which were raised during the interview. If the Principal is advised of the Miranda Warning, I must leave after he/she is so advised, signs the Miranda Acknowledgment, and gives his/her response.

Date : _____

Bargaining Unit Representative : _____

Investigator : _____

G. INVESTIGATION PLAN (IA-2)

INTERNAL AFFAIRS INVESTIGATION PLAN (Page One)

CASE NUMBER:		DATE:	
INVESTIGATOR:		COMPLAINT:	
PRINCIPAL(S)		ALLEGATIONS	
CONFLICT OF INTEREST STATEMENT:			
IDENTIFY FACT WITNESSES THAT NEED TO BE INTERVIEWED:			
SIGNATURE OF INVESTIGATOR _____			DATE _____
DATE:		PAGE # 1	REVIEWERS INITIALS -
			DATE:

INTERNAL AFFAIRS INVESTIGATION PLAN (Page Two)

CASE NUMBER:			
DOCUMENTARY EVIDENCE THAT IS, AS NEEDED, AS PART OF THIS INVESTIGATION (CHECK ALL THAT APPLY)			
INTERNAL / EXTERNAL REPORTS & DOCUMENTS			
CAD REPORTS	MVR RECORDINGS	OPERATIONS REPORT	
INVESTIGATION REPORT	ARREST REPORT	PROPERTY REPORT	
RADIO LOGS	VEHICLE LOGS	PATROL LOGS	
EVIDENCE LOGS	CRIME SCENE REPORTS	CONSENT TO SEARCH FORMS	
EQUIPMENT SIGN OUT LOGS	MV STOP REPORTS	FUEL RECORDS	
WEEKLY ACTIVITY REPORTS	OT/COMP REPORTS	EZ PASS RECORDS	
TOLL RECORDS	AUTHORITY FOR RECORDS	RESTRAINING ORDERS	
PHOTOGRAPHS	SURVEILLANCE VIDEO	RADIO TRANSMISSIONS	
COURT TRANSACTIONS	HOSPITAL/MEDICAL RECORDS	TELEPHONE RECORDS	
SEARCH WARRANTS	PHYSICAL EVIDENCE	NJTR-1 REPORTS	
DRIVING ABSTRACTS	CRIMINAL HISTORY	ATTORNEY CORRESPONDENCE	
OTHER (LIST ADDITIONAL EVIDENCE BELOW)			
COMMENTS (LIST ANY ADDITIONAL INFORMATION PERTINENT TO THE INVESTIGATION)			
SIGNATURE OF INVESTIGATOR _____		DATE _____	
DATE:		PAGE # 2	

IA-2

H. INTERNAL INVESTIGATION REPORT AND CONTINUATION PAGE (IA-3 & IA-4)

INTERNAL AFFAIRS INVESTIGATION REPORT (IA-3)

					1. CASE NUMBER:
2. NAME OF COMPLAINANT		3. HOME ADDRESS			4. HOME TELEPHONE
5. BUSINESS ADDRESS				6. BUSINESS TELEPHONE	
7. DATE OF BIRTH	8. SOCIAL SECURITY NUMBER	9. RACE			10. CELL TELEPHONE
11. PRINCIPAL(S) INFORMATION					
NAME			RANK		BADGE/ID
NAME			RANK		BADGE/ID
NAME			RANK		BADGE/ID
NAME			RANK		BADGE/ID
ALLEGATION(S):					
12.					
13. PAGE NUMBER	14. DATE	15. RANK – NAME – BADGE/ID			
1					
CONFIDENTIALITY NOTICE:					
<i>The information contained in this report is privileged and confidential and is intended for the sole use of the persons or entities as authorized by the Chief of Police or CEO.</i>					
16. REVIEWED BY:			17. DATE:	18. PROSECUTOR'S CASE NUMBER	

IA-3

**INTERNAL AFFAIRS INVESTIGATION REPORT
CONTINUATION PAGE (IA-4)**

19.

CASE NUMBER:

20. NAME OF COMPLAINANT

CONTINUATION FROM PREVIOUS PAGE(S):

21.

PAGE NUMBER

22. DATE

23. RANK – NAME – BADGE/ID

CONFIDENTIALITY NOTICE:

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REVIEWED BY:

DATE:

PROSECUTOR'S CASE NUMBER

IA-4

INTERNAL INVESTIGATION REPORT (IA-3)

An initial Investigation Report will be submitted within (10) calendar days detailing what investigative work has been accomplished since the case was assigned. This report shall be accurate, factual, clear, concise, and completed in the following format:

INSTRUCTIONS FOR PREPARATION OF THE INTERNAL INVESTIGATION REPORT

The internal investigation report will be prepared on the Agency Internal Investigation Report (IA-3). Appropriate abbreviations are acceptable. Complete all boxes, e.g., if information is unknown, enter "UNK"; if not available, enter dash (-); if not applicable, enter "N/A".

- The Original Internal Investigation Report will be reproduced on white bond paper.

The Investigation Report block numbers correspond with the numbers and titles in this Section.

- 1. CASE NUMBER** : **Incident control number.**

- 2. NAME OF COMPLAINANT** : **Complainant's full name-first name, middle initial and last name.**

- 3. HOME ADDRESS** : **Number and street name, municipality, state, and zip code.**

- 4. HOME TELEPHONE NO.** : **Complainant's area code and telephone number.**

- 5. BUSINESS ADDRESS** : **Complainant's employer and full address. (Indicate if unemployed or self employed)**

- 6. BUSINESS TELEPHONE NO.** : **Area code and telephone number.**

- 7. DATE OF BIRTH** : **Numerical date of birth (Month, day, year)(10-15-1921).**

- 8. SOCIAL SECURITY NO.** : **Social security number of Complainant.**

- 9. RACE** : **The observed race/ethnicity of the Complainant using one of the following codes: W for white, B for Black, H for Hispanic/Latino, AS for Asian Indian, OA**

for Other Asian, and AI for American Indian.

10. CELL TELEPHONE NO. : Complainant's area code and cellular telephone number.

11. PRINCIPAL(S) INFORMATION : Enter Principal(s) rank, name, and badge number.
Present duty assignment.
Date of Hire.

* Additional Principals are listed on the Continuation Page in the narrative portion. e.g. Officer John Smith.

12. ALLEGATION(S) : Describe the allegation(s) in text format e.g.:

**IMPROPER SEARCH
UNSAFE OPERATION OF POLICE CAR**

The Complainant alleged that Officer Smith stopped him for speeding and then conducted an illegal search of his motor vehicle.

The Complainant further alleges that prior to being stopped, the Officer was tailgating him for over a mile.

These allegations would be in violation of and contrary to (state the appropriate and applicable Rule and Regulation(s) and Standing Operating Procedure(s)).

13. PAGE NUMBER : Self explanatory.

14. DATE : Date report was completed.

15. RANK/NAME/BADGE NO.: : Self explanatory.

16. REVIEWED BY : Initials and badge number of supervisor indicating the report has been checked for accuracy and completeness.

17. DATE : Date reviewed.

18. PROSECUTOR'S CASE NUMBER : Prosecutor's Office Case Number if applicable.

- 19. CASE NUMBER** : **On the Continuation Page, enter the case number from block number (1).**
- 20. COMPLAINANT'S NAME** : **On the Continuation Page enter the Complainant's name from block number (2).**
- 21. NARRATIVE** : **List any additional Principals as noted above in block number 11.**

The first portion of the narrative should indicate who ordered the investigation and the date assigned, e.g.:

On January 5, 2002, I was directed by Chief Smith to conduct an internal investigation regarding the allegation(s) of misconduct by Officer Jones.

The Investigator shall promptly contact the Complainant to advise them that he/she has been assigned to investigate the matter and to schedule an interview with the Complainant. The investigator will notify the Principal(s) and notify them of the allegation(s).

The ensuing narrative will document the chronological sequence of events and efforts expended conducting the investigation. This includes, but is not limited to, interviews and statements from Principals, Complainants, Witnesses, relevant factors contained in internal and external reports, discussion and analysis of physical evidence, and any other pertinent facts.

- 22. DATE** : **Date report was completed.**
- 23. RANK/NAME/BADGE NO.** : **Self explanatory.**

THE CONTINUATION PAGE (IA-4)

The Continuation Page shall be used when additional space is necessary to complete the Investigation Report (IA-4). When used, the Continuation Page will be attached to the corresponding report that is being continued.

- The original Continuation Page will be reproduced on white bond paper.

I. SUPPLEMENTAL INTERNAL INVESTIGATION REPORT (IA-5)

SUPPLEMENTAL INTERNAL AFFAIRS INVESTIGATION REPORT

1. **CASE NUMBER:**

2. NAME OF COMPLAINANT

NARRATIVE: (List additional allegations and/or identify additional principal(s))

3.

4. PAGE NUMBER

5. DATE

6. RANK – NAME – BADGE/ID

CONFIDENTIALITY NOTICE:

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7. REVIEWED BY:

8. DATE:

9. PROSECUTOR'S CASE NUMBER

SUPPLEMENTAL INTERNAL INVESTIGATION REPORT (IA-5)

A. INSTRUCTIONS FOR PREPARATION OF THE SUPPLEMENTAL INTERNAL INVESTIGATION REPORT (IA-5).

The Internal Supplemental Investigation Report (IA-5) shall be submitted following supplemental and/or final investigations conducted in cases reported on the Internal Investigation Report. Appropriate abbreviations are acceptable. Complete all boxes, e.g., if information is unknown, enter "UNK"; if not available, enter dash (-); if not applicable, enter "N/A".

* The Original Supplemental Investigation Report will be reproduced on white bond paper.

The Supplemental Investigation Report block numbers correspond with the numbers and titles in this Section.

1. **CASE NUMBER** : **Incident control number from the Internal Investigation Report.**
2. **NAME OF COMPLAINANT** : **Complainant's full name – first name, middle initial, and last name.**
3. **NARRATIVE** : **List any additional allegations and additional Principals. Describe the allegation(s) in text format e.g.:**

Additional Allegations:

FAILURE TO CALL IN STOP IMPROPER PRISONER TRANSPORT

A review of the MVR tape revealed that Officer Smith failed to call in the initial stop of the Complainant's vehicle. The stop was called in 15 minutes later. In addition, Officer Smith failed to seat belt the complainant in his police car while transporting him back to the station.

Additional Principal:

Officer Smith

Date of Hire: _____

The ensuing narrative will document the chronological sequence of events and efforts expended conducting the investigation. This includes, but is not limited to interviews and statements from Principals, Complainants, Witnesses, relevant factors contained in internal and external reports, discussion and analysis of physical evidence, and any other pertinent facts.

- 4. **PAGE NUMBER** : **Self explanatory.**
- 5. **DATE** : **Date report was completed.**
- 6. **RANK/NAME/BADGE NO.** : **Self explanatory.**
- 7. **REVIEWED BY** : **Enter initials and badge number of supervisor indicating the report has been checked for accuracy and completeness.**
- 8. **DATE** : **Date reviewed.**

THE CONTINUATION PAGE

The Continuation Page shall be used when additional space is necessary to complete the Supplemental Investigation Report (IA-4). When used, the Continuation Page will be attached to the corresponding report that is being continued.

- * The original Continuation Page will be reproduced on white bond paper.

INTERNAL INVESTIGATION ATTACHMENT LOG (IA-6)

A. INSTRUCTIONS FOR PREPARATION OF THE INTERNAL INVESTIGATION ATTACHMENT LOG (IA-6)

The Internal Investigation Attachment Log (IA-6) will accompany each submitted Internal Investigation Report. This will be prepared by the investigator.

The Internal Investigation Attachment Log will account for all the reports and attachments pertinent to the investigation. The order listing the attachments remains flexible and is determined by the investigator. However, the REPORTABLE INCIDENT FORM should always remain attachment number one (1) and the lead off Internal Investigation Report (IA-3) should always be attachment number two (2).

It should be recognized that the internal investigation reports and pertinent attachments may be subject to Discovery and Inspection in accordance with New Jersey Court Rule 3:13-3.

* The original Internal Investigation Attachment Log will be reproduced on white bond paper.

The Internal Investigation Attachment Log block numbers correspond with the numbers and titles in this Section.

- 1. CASE NUMBER : Incident control number from the Internal Investigation Report.**
- 2. NAME OF COMPLAINANT : Complainant's full name- first name, middle initial, and last name.**
- 3. ATTACHMENT NUMBER : List in numerical order the attachment as documented in the investigation reports.**
- 4. DESCRIPTION OF ATTACHMENTS : Describe the attachment as documented in the investigation reports.**
- 5. DATE : Date report was completed.**
- 6. RANK/NAME/BADGE NO. : Self explanatory.**

7. **REVIEWED BY** : **Initials and badge number of supervisor indicating the report has been checked for accuracy and completeness.**
8. **DATE** : **Date reviewed.**
9. **PROSECUTOR'S CASE NUMBER** : **Enter the Prosecutor's Office Case Number if applicable.**

K. INTERNAL INVESTIGATION ALLEGATION AND CONCLUSIONS (IA-7).

The following is the Internal Investigation Allegation and Conclusions Report (IA-7) & Continuation Page followed by a guide for completing the report.

INTERNAL AFFAIRS INVESTIGATION ALLEGATIONS & CONCLUSIONS (IA-7)

		1. CASE NUMBER:
2. NAME OF COMPLAINANT		
NARRATIVE: Allegations and Conclusions		
3.		
4. PAGE NUMBER	5. DATE	6. RANK – NAME – BADGE/ID
CONFIDENTIALITY NOTICE: <i>The information contained in this report is privileged and confidential and is intended for the sole use of the persons or entities as authorized by the Chief of Police or CEO.</i>		
7. REVIEWED BY:	8. DATE:	9. PROSECUTOR'S CASE NUMBER

IA-7

**INTERNAL INVESTIGATION ALLEGATION AND CONCLUSIONS
CONTINUATION PAGE**

19.

CASE NUMBER:

20. NAME OF COMPLAINANT

CONTINUATION FROM PREVIOUS PAGE(S):

21.

PAGE NUMBER

22. DATE

23. RANK – NAME – BADGE/ID

CONFIDENTIALITY NOTICE:

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REVIEWED BY:

DATE:

PROSECUTOR'S /CASE NUMBER

INTERNAL INVESTIGATION ALLEGATIONS AND CONCLUSIONS (IA-7)

A. INSTRUCTIONS FOR PREPARATION OF THE ALLEGATIONS AND CONCLUSIONS (IA-7) form.

The investigating officer will prepare allegations and conclusions as the final stage of the internal investigation. The allegations and conclusions shall be prepared on the Internal Investigation Allegations and Conclusions form (IA-7).

The allegations and conclusions should be written with enough detail that standing alone, they provide a concise synopsis of the investigation and its findings. The allegations should list the appropriate violations of the Rules and Regulations and Standing Operating Procedures (SOP).

When listing the evidence to support the investigator's conclusions, please footnote the source (attachment number) of the evidence referred to in the allegations and conclusions.

* The original Internal Investigation Allegations and Conclusions report will be reproduced on white bond paper.

Allegation #1: IMPROPER SEARCH

The Complainant alleged that Officer John Smith stopped him for speeding and then conducted an illegal search of his motor vehicle.

This is contrary to the Agency Rules and Regulations, which states in part:

A member shall not willfully disobey any lawful verbal or written order of any superior commissioned officer, superior non-commissioned officer, or other member placed by competent authority in a position of supervisor over such member.

More particularly, S.O.P. 27 – TRAFFIC STOP PRECEDURES; MOTOR VEHICLE SEARCHES AND SEIZURES, INVENTORY AND IMPOUNDMENT

Conclusion #1: Unfounded.

The investigator will numerically list the evidence that supports his/her conclusions. The source of the evidence referred to in the conclusions shall be footnoted to the appropriate source (attachment number).

1. On January 1, 2002, a letter of complaint was received which alleged that Officer John Smith _____(attachment #1).
2. On January 10, 2002, the Complainant was interviewed and a tape recorded statement was obtained (attachment #7). In the statement, the Complainant said _____.

Insert critical quotes and/or synopsis of critical statements

3. A review of Mobile Video Recorder (MVR) revealed _____.
4. On February 1, 2002, an interview was conducted with Principal, Officer John Smith and a tape recorded statement was obtained from him (attachment #10). In his statement, Officer Smith said _____.

Insert critical quotes and/or synopsis of critical statements

5. The final paragraph shall contain the following verbiage for each allegation:

Based on the preponderance of the aforementioned evidence obtained during this investigation, the allegation of _____ is (Substantiated, Unfounded, Exonerated, Insufficient Evidence).

L. INTERNAL INVESTIGATION REVIEW SHEET (IA-8)

The following is the Internal Investigation Review Sheet (IA-8), followed by a guide for completing the report.

INTERNAL INVESTIGATIVE REVIEW SHEET (IA-8)

A. INSTRUCTIONS FOR PREPARATION OF THE INTERNAL INVESTIGATIVE REVIEW SHEET (IA-8) form.

The Internal Investigation Review Sheet (IA-8) shall be submitted when the investigation is completed and forwarded to the IA Supervisor and/or Chief of Police.

The original Internal Investigative Sheet will be completed on white bond paper.

This Report may be hand-written by the Reviewer.

1. **CASE NUMBER** : Incident control number from the Internal Investigation Report.
2. **ATTACHMENTS INITIAL/BADGE#** : Ascertain the attachments are in correct order and were submitted by the investigator. The Reviewer will initial and place badge number here indicating same.
3. **COMMENTS** : Reviewer will write his/her comments in the space provided.
4. **REVIEWER** : Reviewer will sign his/her name.
5. **BADGE NO.** : Self explanatory.
6. **DATE** : Date reviewed.
7. **RETURN TO INVESTIGATOR** : Reviewer will return to the investigator if he/she requests additional investigative work, corrections, etc.
8. **CONCUR** : Reviewer concurs with the investigator's findings.
9. **DO NOT CONCUR** : Reviewer does not concur with the investigator's findings.

10. **COMMENTS** : The Second Reviewer will write his/her comments in the space provided.
11. **SECOND REVIEWER** : Reviewer will sign his/her name. There may be times when the initial Reviewer will also be the second Reviewer and possibly the third reviewer. For example: Should the first Reviewer return the case to the investigator, he/she would be the second reviewer when the case is resubmitted by the investigator.
12. **BADGE NO.** : Self explanatory.
13. **DATE** : Date reviewed.
14. **RETURN TO INVESTIGATOR:** : The Reviewer will return to the investigator if he/she requests additional investigative work, corrections, etc.
15. **CONCUR** : Reviewer concurs with the investigator's findings.
16. **DO NOT CONCUR** : Reviewer does not concur with the investigator's findings.
17. **COMMENTS** : The Third Reviewer will write his/her comments in the space provided.
18. **THIRD REVIEWER** : Reviewer will sign his/her name.
19. **BADGE NO.** : Self explanatory.
20. **DATE** : Date reviewed.
21. **RETURN TO INVESTIGATOR** : Reviewer will return to the investigator if he/she requests additional investigative work, corrections, etc.
22. **CONCUR** : Reviewer concurs with the investigator's findings.
23. **DO NOT CONCUR** : Reviewer does not concur with the investigator's findings.

M. NEW PRINCIPAL/ALLEGATION IDENTIFICATION FORM (IA-9)

The following is the New Principal/Allegation Identification Form (IA-9), followed by a guide for completing the form.

NEW PRINCIPAL / ALLEGATION IDENTIFICATION FORM (IA-9)

CASE NUMBER	1.	DATE	2.
EMPLOYEE'S NAME		BADGE/ID	ASSIGNMENT
3a.		4a.	5a.
3b.		4b.	5b.
3c.		4c.	5c.

NARRATIVE: (BRIEFLY EXPLAIN JUSTIFICATION FOR THE REQUEST)

6.

7. APPROVED:	DISAPPROVED
8. BY:	DATE:

NAME AND SIGNATURE OF APPROVING OFFICIAL

NEW PRINCIPAL/ALLEGATION IDENTIFICATION FORM (IA-9)

The New Principal/Allegation Identification Form (IA-9) shall be submitted when the investigator identifies any new principal, or new allegation against a previously identified principal. The completed form shall be forwarded to the IA Supervisor and/or Chief of Police for approval.

The original Internal Investigative Sheet will be completed on white bond paper.

1. **CASE NUMBER** : Incident control number from the Internal Investigation Report.
2. **DATE** : Date report was completed.
3. **NAME OF NEW PRINCIPAL** : New Principal's full name- first name, middle initial, and last name.
4. **NEW PRINCIPAL'S BADGE NUMBER** : Self explanatory.
5. **NEW PRINCIPAL'S ASSIGNMENT** : Current assignment of newly identified member.
6. **REASON** : Provide factual basis why member is to be considered for a principal and/or provide an explanation of the factual basis that gave rise to the new allegation.
7. **APPROVED/
DISAPPROVED** : Approval or declination of approval by IA Supervisor or Chief of Police.
8. **SIGNATURE OF IA SUPERVISOR OR CHIEF OF POLICE & DATE** : Self explanatory.

N. TEN DAY LETTER (Complainant and Witness)

The following is an example of a Ten Day Letter for a Complainant or Witness. This letter is in a generic format. The body of this letter can be customized to include a particular set of circumstances encountered by the investigator.

Date

Name
Address
City, State, Zip Code

RE: Case Number

Dear Mr./Mrs.

Please be advised that the _____ Police are conducting an investigation into an complaint of misconduct against Officer Smith.

The investigation has been assigned to Investigator _____ and has been given Case Number _____. The information you have is critical to our investigation. Investigator _____ can be contacted at _____. If you do not respond within ten days of receipt of this letter, the investigation will proceed without your input.

Sincerely,

Investigator _____
_____ Police Department

O. COLLATERAL ISSUES

1. Administrative investigations, especially internal affairs investigations, typically uncover ancillary, but related issues. These issues include, but are not limited to:
 - a. Insufficient, improper, and/or outdated policies, procedures, rules and/or regulations;
 - b. Substandard, unavailable, damaged equipment;
 - c. Lack of available consumable supplies to accomplish the mission;
 - d. Lack of or poor supervision;
 - e. Lack of topical training.
2. Regardless of the disposition of an internal affairs investigation, there could be many collateral issues identified during the investigation that contributed to the complained about behavior. These issues should be properly documented on an appropriate agency memorandum and sufficiently addressed to prevent future complaints and misconduct.

BIBLIOGRAPHY

N. J. Attorney General. (2000, November). *Internal Affairs Policy and Procedures* (Rev. ed.) [Brochure]. Trenton, NJ

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Commission on Accreditation for Law Enforcement Agencies (2006). *The Standards Manual of the Law Enforcement Agency Accreditation Program*. (5th ed.) [Brochure]. Fairfax, VA