

52.1.3

"How to Make A Complaint" Information Booklet

**New Hanover Township Police Department
2943 N. Charlotte Street
Gilbertsville, PA 19525
610-327-1150**

How to Make A Complaint

Any citizen can file a complaint or an inquiry with the New Hanover Township Police Department. A citizen can file a complaint in writing, by telephone or in person at the New Hanover Township Police Department Headquarters, 2943 N. Charlotte Street, Gilbertsville, PA 19525 (610-327-1150)

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

COMPLAINT INITIATION

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

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

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

INVESTIGATIVE PROCESS

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

TIME FRAME OF INVESTIGATIONS

The scope of the investigation will be determined by the seriousness of the allegation and by the number of persons involved. Investigations may take several weeks depending on the complexity of the case. Investigators will make every attempt to conduct personal interviews with complainants, witnesses or members while conducting the investigation. Every complaint is taken seriously. Investigations involving allegations of criminal misconduct may require the cooperation of other agencies. The investigation will be completed and final department action will be taken within 180 days of the filing of an initial report or within 180 days of the date the department first knew of the complaint. Less serious complaints will be investigated and adjudicated within 30 days of receiving the

initial report or within 30 days of the date the department first knew of the complaint. The New Hanover Township Chief of Police may grant an extension to the investigative period in cases where extenuating circumstances exist. The New Hanover Township Police Department will not arbitrarily delay an investigation.

DISCIPLINE PROCEDURES

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

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

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

MEMBER RIGHTS

When a New Hanover Township Police Officer is the subject of an investigation which could result in discipline, the officer is afforded certain rights as follows:

1. A copy of any signed complaint shall be provided to the member, who is the subject of the investigation.
2. A member, whether a subject or witness must be informed of the nature of the interrogation at the outset of the interrogation.
3. If a member writes a written statement, a transcript is taken, or mechanical record is made, a copy of the same must be provided to the interrogated officer, without cost, upon request.
4. A member who receives discipline at the conclusion of a complaint investigation has the right to appeal the decision.
5. An anonymous complaint without corroborative evidence shall be classified as unfounded.
6. A complaint filed greater than ninety (90) calendar days after the date of the alleged event complained of, which if true, could not lead to a criminal charge, shall be classified as unfounded and the accused employee shall not be required to submit a written report, but shall be notified orally or in writing of such claim.
7. If any member under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he or she shall be completely informed of all his or her rights prior to the commencement of the interrogation.
8. At the request of any police officer under interrogation, he shall have the right to be represented by counsel of his choice and/or an F.O.P. representative who shall be present at all times during the interrogation. The interrogation shall be suspended for a reasonable time until representation can be obtained.
9. Unless agreed upon by the member, the municipality shall not make any public

comment on the reason for any disciplinary action brought against the officer. This restriction does not apply to follow-ups with the complainant.

NOTIFICATION TO COMPLAINANT

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

Please be aware the Pennsylvania Crimes Code states it is a criminal offense for any person to knowingly furnish false information or to transmit false information to a public officer knowing there are no reasonable grounds that such incident or offense has been committed.