


OCEAN CITY POLICE DEPARTMENT POLICIES & PROCEDURES			
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SUBJECT: INTERNAL AFFAIRS			
BY THE ORDER OF: Chief of Police John Prettyman		ACCREDITATION STANDARDS: 1.3.1, 1.4.3a-e	
Effective Date: 04/01/2020		SUPERSEDES ORDER #: SOP#37/GO 11-005 (01-30-13), OCPD 2:15 (02-12-16), OCPD 2:15 (11-16-17), OCPD 2:15 (03-15-19)	

PURPOSE: The purpose of this policy is to accept and investigate all complaints of alleged employee misconduct or wrong doing from any citizen, including anonymous, or any department employee. Following a thorough and impartial examination of the available factual information, the investigation shall be not sustained, unfounded, administratively closed, sustained for the alleged misconduct or the employee will be exonerated. Discipline shall be administered according to the degree of misconduct. To that end, employees of this department will adopt and follow this policy, in accordance with the Attorney General's Guideline on Internal Affairs Policy and Procedures.

POLICY: It is the policy of the Ocean City Police Department to accept and investigate all complaints of agency and employee's alleged misconduct or wrongdoing from all persons who wish to file a complaint, regardless of the hour or day of the week. This includes reports from anonymous sources, juveniles, undocumented immigrants, and persons under arrest or in custody.

It is the policy of this department that employees conducting the investigation of any allegation of misconduct must strive to conduct a thorough and objective investigation without violating the rights of the accused employee or any other employee. Accordingly, all supervisors and any other employee who may be called upon to do an internal investigation must be thoroughly familiar with the department's entire internal affairs policy including protection of the accused employee's rights and the procedures for properly investigating internal complaints.

It is the policy of this department that prevention is the primary means of reducing and controlling misconduct. To that end, it is the policy of this department to identify trends and weaknesses that need to be corrected, discover and correct organizational conditions that permit misconduct to occur, and to discipline and/or remove employees who are unfit, unwilling, or unable to perform the duties of their office.

It is the policy of this department that each employee shall be provided access to the departmental Rules and Regulations and Standard Operating Procedures (SOP's) of the Ocean City Police Department, which contain specific directions for conducting all aspects of police work. Categories of misconduct shall be clearly described and defined, and the disciplinary process shall be thoroughly explained.

The goal of this policy is for the department to provide thorough and effective investigations while protecting the rights of all its employees.

To assist the department in determining individual employees fitness for duty, every employee is required to notify the Chief of Police if they have been charged with any offense, crime, issues a motor vehicle summons, and been involved in any documented Domestic Violence incident. This notification should be done as soon as possible, but must be done before their next scheduled duty shift.

This written directive has been developed in accordance with the revised New Jersey Attorney General Directive on Internal Affairs 2019-5.

III. PROCEDURE:

A. Internal Affairs Function

1. Employees of the department shall be assigned the Internal Affairs function by the Chief of Police. Any employee assigned to the Internal Affairs function shall serve at the pleasure of and shall be directly responsible to the Chief of Police or designated internal affairs supervisor. The Captain of Police shall be designated as the internal affairs supervisor. The internal affairs supervisor shall have direct access to Chief of Police on all matters involving internal affairs.
 - a. Investigators must recuse from cases where they have a conflict of interest that may prevent them from being impartial in the investigation of a subject employee.
 - b. Officers assigned to the internal affairs function shall complete training as mandated by the Division of Criminal Justice.
 - 1) Officers may attend additional training on internal affairs provided by the Cape May County Prosecutor's Office and other sources.
 - c. The goal of the internal affairs function is to ensure that the integrity of the department is maintained through a system of internal discipline where fairness and justice are assured by objective, impartial investigation and review.
 - d. Under no circumstances may the Ocean City Police Department's internal affairs function be contracted or delegated to a private entity.
 - 1) Instead, when necessary, the Ocean City Police Department may request that an internal affairs complaint be investigated directly by the Cape May County Prosecutor, who shall determine whether to investigate the matter, refer the matter to the Internal Affairs function of another law enforcement entity, or return the matter to the Ocean City Police Department, if the Cape May County Prosecutor determines that the department can appropriately investigate the matter.
 - 2) Nothing in this written directive shall prevent the Ocean City Police Department from retaining a qualified private individual to serve as a hearing officer or an expert witness.
2. The New Jersey Resiliency Program for Law Enforcement
 - a. Under no circumstances, shall an officer face any type of discrimination or adverse internal affairs consequences for the sole reason that the officer decided to seek medical or psychological treatment for a mental health concern, including depression, anxiety, post-traumatic stress disorder, or substance use disorder.

- b. All officers are encouraged to take advantage of the resources provided by the New Jersey Resiliency Program for Law Enforcement, as well as the other resources identified in Attorney General Directive 2019-1.

3. Duties and Responsibilities

- a. The internal affairs function is responsible for the investigation and review of all allegations of misconduct by employees of this department.

- 1) Misconduct is defined as:

- a) Commission of a crime or an offense;
- b) Violation of Departmental Rules and Regulations and/or Standard Operating Procedures (SOP's);
- c) Conduct, which adversely reflects upon the employee or the department.

- 2) Allegation(s) that an employee is either as an alleged perpetrator or victim of a domestic violence incident.

- b. In addition to investigations concerning allegations of misconduct, the internal affairs function shall receive notice of:

- 1) Any firearm discharge by department personnel, whether on-duty or off-duty, unless the discharge occurred during the course of a law enforcement training exercise; routine target practice at a firing range; a lawful animal hunt; or the humane killing of an injured animal;
- 2) Any discharge of an agency-owned firearm by anyone other than agency personnel;
- 3) Any use of force by agency personnel that results in injury to any person,
- 4) Any vehicular pursuit involving agency personnel; and
- 5) Any collision involving agency-owned vehicle

- c. Once notification has been received, internal affairs will determine whether additional investigation is necessary.

- d. The internal affairs function shall also be responsible for any other investigation as directed by the Chief of Police.

- e. Internal affairs investigators may conduct an internal affairs investigation on their own initiative upon notice to, or at the direction of the Chief of Police or Internal Affairs Supervisor.

- f. Internal affairs investigators may refer investigations to the employee's immediate supervisor for action as outlined under section III. E of this policy.
- g. Officers temporarily assigned to the IA function, shall have the authority to interview any employee of the department and to review any record or report of the department relative to their assignment. Requests from internal affairs investigators, in the furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from the Chief of Police. Employees assigned to the internal affairs function come under the direct authority of the Chief of Police, reporting directly to the Chief of Police through the internal affairs chain of command.
- h. The internal affairs supervisor shall maintain a comprehensive central file on all complaints received by this department, whether investigated by internal affairs or assigned to the employee's immediate supervisor for investigation and disposition.
- i. The internal affairs supervisor shall prepare quarterly reports that summarize the nature and disposition of all misconduct complaints received by the Department for submission to the Chief of Police.
- j. Copies of the internal affairs quarterly report may be available to all command and supervisory personnel, the county prosecutor's office, as well as a designated representative of the collective bargaining unit. Recommendations shall be made for corrective actions for any developing patterns of abuse.
- k. Internal Affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct.
- l. An annual report summarizing the type of complaints received and the dispositions of the complaints should be made available to members of the public. The report shall contain a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to an employee of the agency. The names of complainants and accused employees shall not be published in this report.
- m. The Ocean City Police Department shall report to the Cape May County Prosecutor's Office.
 - 1) A finding by a court or the appropriate administrative fact-finder that a police officer has filed a false report or submitted a false certification in any criminal, administrative, employment, financial or insurance matter in his or her professional or personal life.
 - 2) Any pending court complaint or conviction for any criminal, disorderly persons, petty disorderly persons, municipal ordinance or driving while intoxicated matter.
 - 3) A finding that undermines or contradicts a police officer's

educational achievements or qualifications as an expert witness.

- 4) A finding of fact by a judicial authority or administrative tribunal that is known to the officer's employing agency which concludes that a police officer intentionally did not tell the truth in a matter.
- 5) A sustained finding that a police officer intentionally mishandled or destroyed evidence.
- 6) A sustained finding that a police officer is biased against a particular group enumerated in the *Department's Bias Based Profiling* written directive.
- 7) Any open/pending Internal Affairs investigations against the police officer at the time of a request by the Cape May County Prosecutor and/or his/her designee.

B. Accepting Reports Alleging Employee Misconduct

1. All department personnel are directed to accept reports of employee misconduct from all persons who wish to file a complaint regardless of the hour or day of the week. Complainants are to be encouraged to submit their complaints in person as soon after the incident as possible. If the complainant can not file the report in person, a department representative (except in minor complaints) shall visit the individual at their home, place of business, or at another location in order to complete the report, if feasible. Telephone, e-mail, web-based reporting, and facsimile complaints shall also be accepted.
2. Complainants shall be referred to the Internal Affairs Supervisor if immediately available.
3. If the Internal Affairs Supervisor is not immediately available, all supervisory personnel are directed to accept the report of employee misconduct.
4. If the Internal Affairs Supervisor or another supervisor are not available, any employee shall accept the complaint.
5. The employee receiving the complaint will:
 - a. Provide the person making the complaint with a Citizen Complaint Information Form. Explain the department's disciplinary procedures to the person making the complaint.
 - b. Advise the complainant that he or she shall be kept informed of the status of the complaint, if requested and its ultimate disposition.
 - c. Complete the State Standardized Internal Affairs Complaint Form.
 - d. Have the complainant sign the completed form. If the complainant will not sign the form, the employee will note this fact. However, the

failure of a citizen to sign a complaint will in no way preclude the investigation of allegations.

- e. Forward the completed Internal Affairs Report to the Internal Affairs Supervisor (Captain of Police).
6. All department personnel are directed to accept reports of employee misconduct from anonymous sources. If the anonymous complainant is talking to an employee, the employee should encourage them to submit their complaint in person. In any case, the complaint will be accepted.
 - a. In the case of an anonymous complaint, the employee accepting the complaint shall complete as much of the Internal Affairs Report Form as they can with the information provided.
 7. If a complainant wants to make a complaint against an employee of another law enforcement agency, he/she will be referred to that agency. If the complainant expresses fears or concerns about making the report directly, he/she will be referred to the appropriate county prosecutor's office.
 8. If a complaint is received from another law enforcement agency, the complaint will be forwarded to the Internal Affairs Supervisor, or in his absence the Chief of Police for classification.
 9. Complaints against the Chief of Police may originate from a member of the public or from an employee of the agency. All such complaints shall be documented and referred to the Cape May County Prosecutor.
 10. Any department employee who witnesses an employee's misconduct shall immediately report the misconduct up the chain of command. Any accused employee in the chain of command shall be by-passed.
 11. In accordance with the Attorney General's Directive No. 2018-6, on immigration issues, no state, county or local law enforcement officer shall inquire about or investigate the immigration status of any victim, witness, potential witness or person requesting or receiving police assistance.
 12. Complaints shall be handled as follows:
 - a. All complaints will be forwarded to the Internal Affairs Supervisor for screening and entry into the record keeping system.
 - b. Complaints of differential treatment, demeanor and minor rule infractions shall be forwarded to the Supervisor of the accused employee.
 - c. All other complaints shall be retained, investigated, and reviewed by the Internal Affairs Unit including complaints of:
 - 1) Criminal activity.
 - 2) Excessive force.
 - 3) Improper or unjust arrest.

- 4) Improper or excessive entry.
 - 5) Improper or unjustified search.
 - 6) Complaints of differential treatment or demeanor.
 - 7) Serious rule infractions.
 - 8) Complaints of domestic violence.
 - 9) Harassment in the workplace complaints.
 - 10) Repeated minor rule infractions.
 - 11) Allegation(s) that an employee is either as an alleged perpetrator or victim of a domestic violence incident.
- d. The Chief of Police shall be notified of all complaints against the agency or its employees, via the chain of command.
 - e. In the case of serious complaints, the Chief of Police shall be notified immediately, via the chain of command.
 - f. In some cases, a complaint is based on a misunderstanding of accepted law enforcement practices or the duties of the employee. Supervisors and officers are authorized to informally resolve minor complaints, whenever possible, at the time the report is made. If the complainant is not satisfied with such a resolution, the complaint should be forwarded to internal affairs for further action as warranted. The process of informally resolving internal affairs complaints requires the exercise of discretion by supervisors and officers. If the citizen is satisfied with this immediate and/or informal resolution, the supervisor or officer will document this complaint/resolution and forward it to the Internal Affairs Supervisor for review and filing.
 - g. An Internal Affairs investigation will be started whenever the agency receives a Tort Claim, discharges of firearms (Except during training), and use of force resulting in serious bodily injury and/or death.
11. The subject employee shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy.
 12. In cases where the complainant is intoxicated, the employee must still take the complaint, which will be followed up by another officer as soon as possible.

C. Suspension Pending Disposition or Investigation

1. Any supervisor or the Chief of Police may immediately suspend an employee from duty if they determine that one of the following conditions exists:
 - a. The employee is unfit for duty; or

- b. The employee is a hazard to any person if permitted to remain on the job; or
- c. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
- d. The employee has been formally charged with a first, second or third degree crime; or
- e. The employee has been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty or the act touches upon his or her employment.

2. The Supervisor imposing the immediate suspension must:

- a. If the employee is not disruptive, advise the employee in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges (**See attached Immediate Suspension Notice**).
 - 1) If the employee refuses to accept the written notification of immediate suspension it shall be given to a representative of the employee's collective bargaining unit.
- b. Provide the employee with sufficient opportunity to review the charges and the evidence and to respond either orally or in writing.
- c. Advise their immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
- d. Advise the Chief of Police and the Captain of Police Operations, in addition to the employee's supervisor.
- e. Advise the employee receiving the suspension to report to the Chief of Police on the next business day at 9:00 a.m.
- f. The superior or supervisory officer imposing the suspension shall also report to the Chief of Police at the same time.

- 3. Within five days of the suspension, the department must complete and file formal charges against the suspended employee in accordance with N.J.S.A. 40A:14-147 et. seq. or return the employee to work.

D. Administrative Reassignment

- 1. In cases involving any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, be reassigned to administrative duty, pending a meaningful review or investigation, unless the employee is suspended as outlined above.
- 2. This reassignment is subject to change by the Chief of Police as dictated in accordance with the written directives governing Firearms and Use of Force.

E. Investigation and Adjudication of Minor Complaints

1. Unless otherwise directed by the Chief of Police, complaints of demeanor and minor rule infractions shall be forwarded by Internal Affairs Supervisor, to the accused employee's supervisor. The supervisor shall be responsible for investigating the misconduct.
2. The supervisor investigating shall take all necessary steps to investigate the complaint. These steps may include interviewing the complainant, all witnesses and subject employee, as well as review relevant reports, activity sheets, dispatch, radio and telephone recordings, and CAD entries. The investigating supervisor may interview the accused employee and/or require the employee to submit a report in regards to the complaint under investigation. The supervisor shall then submit a report to the Internal Affairs Supervisor summarizing the matter, indicating the appropriate disposition. A template of this report is available in the "Forms" folder on the department's computer network. Possible dispositions include:
 - a. **Exonerated:** The alleged incident did occur, but the actions of the employee were justified, legal and proper.
 - b. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation, and the actions of the employee violated provisions of Rules and Regulations or other agency written directives or procedures.
 - c. **Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
 - d. **Unfounded:** The alleged incident did not occur; or there is insufficient information to conduct a meaningful investigation.
3. If the complaint is sustained, the supervisor shall recommend the appropriate corrective/disciplinary action. The investigation report and recommendation of the corrective/disciplinary action shall be forwarded to the Internal Affairs Supervisor. If, however, the supervisor determines that the matter is of a serious nature, it should be forwarded to Internal Affairs for further investigation. Regardless of the recommendations made, the Chief of Police has final determination of the disciplinary action to be taken.
4. If the accused employee's supervisor determines the disposition of the complaint is unfounded, administratively closed, not sustained or exonerated, and the Internal Affairs Supervisor concurs, the investigation report is to be forwarded to Internal Affairs for filing. The complaint disposition will be entered into the index file.
5. In all cases, a letter shall be sent to the complainant explaining the outcome of the investigation. If the allegation was unfounded or the employee was exonerated, this conclusion shall be stated and defined for the civilian complainant. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained (e.g., insufficient proof, lack of witnesses, etc.). If the allegation was sustained and discipline was imposed, the letter shall simply state that the allegation was sustained and that the employee has been disciplined.

according to department procedures. It is not necessary to specify the discipline imposed.

- a. If discipline is imposed, a record of such discipline, not including the investigation report or attachments, shall be placed in the employee's file.
6. Whenever a final determination is reached in an internal investigation, the Chief of Police shall in writing, notify the subject employee(s) of that determination.

F. Investigation and Adjudication of Serious Complaints

1. All serious complaints shall be forwarded to the Internal Affairs Supervisor (Captain of Police) for review, assignment, and investigation including complaints of:
 - a. Criminal activity.
 - b. Excessive force.
 - c. Improper or unjust arrest.
 - d. Improper or excessive entry.
 - e. Improper or unjustified search.
 - f. Serious complaints of differential treatment or demeanor.
 - g. Serious rule infractions.
 - h. Complaints of domestic violence.
 - i. Harassment in the workplace complaints.
 - j. Repeated minor rule infractions.
2. The supervisor initiating such action shall submit a recommendation for Internal Affairs to investigate in writing together with any supporting documentation, through the chain of command to the Internal Affairs Supervisor.
3. The Internal Affairs Supervisor or Chief of Police shall direct such further investigation as deemed appropriate.
4. Where preliminary investigative data indicates the possibility of a criminal act on part of the subject employee, or the investigation involved the use of force by the employee, which results in serious bodily injury or death, the county prosecutor shall be notified immediately. No further action shall be taken, including the filing of charges against the employee, until directed by the county prosecutor.
5. In cases not involving allegations of criminal conduct, the accused employee shall be notified of the complaint once preliminary investigative data has been gathered. The Internal Affairs Investigator shall serve the

suspect employee with the Internal Affairs Investigation Employee Notification Form unless the nature of the investigation requires secrecy.

6. The Internal Affairs investigator will conduct a thorough investigation. In the process, they shall interview the complainant and all witnesses, as well as, review relevant reports, dispatch, radio, and telephone recordings and CAD entries and obtain necessary information and materials, such as:
 - a. Physical evidence.
 - b. Statements or interviews from all witnesses.
 - c. Statements or interviews from all parties of specialized interest, such as doctors, employers, lawyers, teachers, legal advisors, parents, etc.
 - d. Investigative aids, such as the various reports, dispatch/radio/telephone recordings, and CAD entries.
 - e. The investigator may interview the subject employee and/or require the employee to submit a report in regard to the complaint under investigation.
7. Interviewing the subject employee.
 - a. The Internal Affairs Investigator shall schedule an interview with the employee.
 - b. If, as part of the investigation, the subject employee is interviewed, one person of the employee's choosing may attend the session.
 - 1) In investigations of criminal allegations, it is not appropriate for a union representative to be present. However, the employee shall be given the opportunity to consult with an attorney prior to an interview.
 - c. Before questioning begins, the subject employee shall be informed of:
 - 1) The nature of the complaint.
 - 2) The name of the person in charge of the interview, and the names of all persons who will be present during questioning.
 - 3) If the matter under investigation involves an administrative allegation, the employee will be advised of their duties and obligations to answer using the Administrative Advisement Form.
 - d. If the matter under investigation involves a possible criminal violation, the Internal Affairs Investigator shall consult with the county prosecutor regarding the availability of issuing a Miranda Warning to the subject employee.

- e. In cases of potential criminal conduct or serious disciplinary infractions, questioning sessions may be audio or video recorded as a matter of record. If the employee wishes to make a recording of the interview, they may do so. However, the subject employee must inform the agency or the Internal Affairs Investigator if they plan to record the interview, prior to the inception of the interview. A recording of the interview cannot be created without the knowledge of the Internal Affairs Supervisor.
 - f. If at any time during the questioning session the employee becomes a suspect in a criminal act, the employee shall be so informed and the questioning shall end. The case will be promptly referred to the county prosecutor.
8. Upon completion of all possible avenues of inquiry the Internal Affairs investigator shall submit an investigative report to the Internal Affairs Supervisor including a summary. This report will summarize the matter indicating the appropriate disposition. Possible dispositions, as defined in Section III E.2 of this policy include the following:
- a. Exonerated.
 - b. Sustained.
 - c. Not Sustained.
 - d. Unfounded.
9. The Internal Affairs Supervisor will review the investigative and summary reports along with the case file and forward these documents to the Chief of Police. They may provide written recommendations and comment for consideration by the Chief of Police.
10. Upon reviewing the completed reports, supporting documentation, information gathered during any supplemental investigation, and any written recommendations or comment from the Internal Affairs Supervisor, the Chief of Police shall direct whatever action is deemed appropriate.
11. In all cases, a letter shall be sent to the complainant explaining the outcome of the investigation. If the allegation was unfounded or the employee was exonerated, this conclusion shall be stated and defined for the civilian complainant. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained (e.g., insufficient proof, lack of witnesses, etc.). If the allegation was sustained and discipline was imposed, the letter shall simply state that the allegation was sustained and that the employee has been disciplined according to department procedures. It is not necessary to specify the discipline imposed.
12. Whenever a final determination is reached in an internal investigation, the Internal Affairs Supervisor, shall in writing, notify the subject employee(s) of that determination.

G. Time Limits

1. If investigators are unable to complete an internal affairs investigation within forty-five (45) calendar day of receiving a complaint, they must notify the Chief of Police on or about the 45th day. In such situations, the Chief of Police should seek to identify the reasons for the extended investigation and whether the internal affairs function requires additional resources or oversight to complete the inquiry in a prompt manner.
 - a. In addition, the Chief of Police should ensure compliance with the "45-day rule" established by N.J.S.A. 40A:14-147.
2. Investigators are required to provide further notice to the Chief of Police every additional 45 days that the internal affairs investigation remains open (*i.e.*, on or about the 90th, 135th, and 180th days from the receipt of the complaint), and the Chief of Police should exercise increasing scrutiny of the investigators' work the longer the case remains open.
3. In the rare cases where the department has not filed disciplinary charges (or decided not to do so) within 180 days of receipt of the complaint, the department must notify the Cape May County Prosecutor.
 - a. The Cape May County Prosecutor, or their designee, shall investigate the reasons for the extended investigation and shall also examine whether the department's internal affairs function faces any systemic issues that require additional resources or oversight.
 - b. The Cape May County Prosecutor may take any steps necessary to ensure prompt resolution of the pending matter, including supersession of the department's investigation.
 - c. The Ocean City Police Department shall provide further notice to the Cape May County Prosecutor every additional 90 days that the investigation remains open (*i.e.*, on or about the 270th and 360th days from the receipt of the complaint).

H. Corrective/Disciplinary Action for Sustained Complaints.

1. If the investigating officer determines the disposition of the complaint is sustained, he/she shall initiate corrective/disciplinary action in accordance with the department's Rules and Regulations.
2. Performance Notice (training and/or counseling):
 - a. The Performance Notice shall be an entry made in the Guardian Tracking® Software.
 - b. The supervisor issuing a Performance Notice (counseling, or training) shall complete the entry within Guardian Tracking® Software.
 - c. Supervisors at each level of the chain of command have the authority and responsibility to review, approve, deny, or modify the action before sending it to the next higher level of command.
 - d. The employee shall be advised of the corrective action by the issuing supervisor and acknowledge receipt in Guardian Tracking®

Software. The Internal Affairs Supervisor shall review the entry and the documentation shall be retained in the system.

- e. A printed copy shall be forwarded to the Internal Affairs Supervisor for filing.
3. Reprimand Notice (verbal/written):
- a. The Reprimand Notice shall be an entry made in the Guardian Tracking® Software.
 - b. The supervisor issuing a Reprimand Notice (verbal/written) shall complete the entry within Guardian Tracking® Software.
 - c. Supervisors at each level of the chain of command have the authority and responsibility to review, approve, deny, or modify the action before sending it to the next higher level of command.
 - d. The employee shall be advised of the action by the issuing supervisor and acknowledge receipt in Guardian Tracking® Software. The Internal Affairs Supervisor shall review the entry and the documentation shall be retained in the system.
 - e. A printed copy shall be forwarded to the Internal Affairs Supervisor for filing.
4. Formal Charges:
- a. If the complaint is sustained and it is determined that formal charges should be preferred, the Chief of Police shall direct that either the Internal Affairs Supervisor or Internal Affairs personnel have the charges prepared, signed, and then served upon the accused employee.
 - 1) The Internal Affairs Supervisor shall prepare the formal notice of charges and hearing on the charging form.
 - b. Such notice shall be prepared and served upon the employee charged in accordance with N.J.S.A. 40A:14-147 et. seq.
 - c. The notice of charges and hearing shall direct that the employee charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of plea. Such date for entry of plea shall be set within a reasonable time, at least five days after the date of service of the charges.
 - d. If the charged employee enters a plea of guilty, the Chief of Police shall permit the employee to present factors in mitigation prior to assessing a penalty.
 - e. Conclusions of fact and the penalty imposed will be noted in the employee's personnel file after they have been given an opportunity to read and sign it. Internal Affairs will cause the penalty to be carried out and complete all required forms.

I. Hearing

1. Upon written notice of a request for a hearing by the accused employee, the Chief of Police shall set the date for the hearing within a reasonable time and arrange for the hearing of the charges. The hearing shall be conducted not less than 10 days, no more than 30 days from the date of service of the complaint (Preliminary Notice of Disciplinary Action), unless longer time agreed to by both parties.
2. Internal Affairs shall be responsible for or assist the assigned supervisor or representative of the appointing authority in the preparation of the department's prosecution of the charges. This includes proper notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
3. In the event of a hearing, internal affairs will be responsible for preparing a discovery package from the internal affairs file, and providing it to the subject employee or their representative.
4. The hearing shall be held before the appropriate authority or the appropriate authority's designee.
5. The hearing authority is empowered to recommend a finding of guilty or not guilty, or recommend that the charges be modified. The decision of the hearing authority should be in writing and accompanied by findings of fact for each issue in the case.
6. The hearing authority shall recommend any corrective/disciplinary action established within the Rules and Regulations.
7. A copy of the decision or order and accompanying findings and conclusions shall be delivered to the employee who was the subject of the hearing and to the Chief of Police if he was not the hearing authority. The original and copies of the Final Notice of Disciplinary Action will be distributed according to the instructions set forth on the form and State of New Jersey Civil Service Commission Regulations.
8. The Chief of Police shall except, reject, or modify the hearing officer's recommendations including the findings, conclusions and proposed penalty. The Chief of Police will constitute the final disciplinary action.
9. Upon completion of the hearing, the Internal Affairs Supervisor will record the disposition in the Internal Affairs Index File.
10. If the charges were sustained, the Internal Affairs Supervisor will cause the penalty to be carried out.
11. If the charges were sustained, the Internal Affairs Supervisor will enter a copy of the administrative charging form into the employee's personnel file. When a complaint has a disposition of exonerated, not sustained, or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made.

J. Confidentiality

1. The progress of internal affairs investigations and all supporting materials are considered confidential information.
2. Upon completing a case, Internal Affairs will enter the disposition in the index file.
3. The Ocean City Police Department shall protect and maintain the confidentiality of all internal affairs records against the agency or employees. These records shall be in a designated secure area accessible only to the Chief of Police or his/her designee, Internal Affairs and others as authorized by the Chief of Police. The Internal Affairs Supervisor will retain the contents of all internal investigation case files. These files shall be clearly marked as confidential.
4. Only the Chief of Police or his designee is empowered to release publicly the details of an internal investigation or disciplinary action.
5. The subject employee may authorize the release of copies of formal disciplinary charges and their outcome to any third party.
6. All disciplinary hearings shall be closed to the public unless the defendant employee requests an open hearing.

K. Selection and Hiring

1. In addition to the requirements of the selection process, background investigations must include a review of the prior internal affairs files of any law enforcement candidate.
2. The Ocean City Police Department shall disclose the entire internal affairs file of a law enforcement candidate to prospective law enforcement employers. Candidates with out-of-state law enforcement experience must sign waivers of confidentiality regarding their internal affairs files so that they may be reviewed by the Ocean City Police Department, where legally permissible.
3. This disclosure requirement does not apply when the department responsible for sharing internal affairs file is unable to do so because the information is clearly subject to a non-disparagement or non-disclosure agreement. Such agreements must be followed even though they inhibit the ability of law enforcement agencies to fully evaluate candidates applying for positions of public trust, and therefore have the potential to compromise public safety. Given the public safety risks that such agreements pose, county and municipal governing entities and their counsel are strongly discouraged from entering into them.
4. The Chief of Police retain the authority to defer a decision on hiring a particular candidate until all extant internal affairs information has been received and reviewed.

L. County Prosecutor Oversight

1. The Cape May County Prosecutor is responsible for conducting substantive oversight to ensure that the internal affairs function of Ocean City Police Department is operating professionally and effectively.

M. Forms

1. All forms needed for internal affairs reporting and/ or investigations are either available on the Department's network server or as attachments to the New Jersey Attorney General's Directive on Internal Affairs.

Attachment #1 – State Standardized Internal Affairs Complaint Form

INTERNAL AFFAIRS REPORT FORM

Person Making Report (Optional, But Helpful)

Full Name _____

Phone _____ Preferred? ☐

Address (Apt #) _____

Email _____ ☐

City, State, Zip _____

Date of Birth _____

Officer(s) Subject to Allegation (Provide Whatever Info Is Known)

Officer(s) Name _____

Badge No. _____

Incident Location _____

Date/Time _____

In the space below, describe the type of incident (traffic stop, street encounter) and any information about the alleged conduct. If you cannot fit your response below, feel free to use extra pages and attach them to this document. If you do not know the officer's name or badge number, provide any other identifying information.

Other Information

How was this reported? ☐ In Person ☐ By Phone ☐ By Letter ☐ By Email ☐ Other _____

Any physical evidence submitted? ☐ Yes ☐ No If yes, describe: _____

Was incident previously reported? ☐ Yes ☐ No If yes, describe: _____

To Be Completed by Officers Receiving Report

Officer Receiving Complaint _____

Badge No. _____

Date/Time _____

Supervisor Reviewing Complaint _____

Badge No. _____

Date/Time _____