

PETERS TOWNSHIP
COUNCIL

POLICE DEPARTMENT CITIZEN COMPLAINT POLICY

All citizen complaints pertaining to violations of Peters Township Police Department (Department) policies or procedures or that allege officer misconduct will be received, documented and investigated by the Township.

Complaints may be given in person, over the telephone or in writing at the front desk at the Department, to the Chief of Police or to the Township Manager.

Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, shall be accepted for investigation. However, the anonymity of the complainant may limit the Department's ability to fully and thoroughly investigate the complaint.

Reasonable accommodation will be provided to disabled citizens desiring to participate in the Citizen Complaint Procedure. If you need an accommodation to file a complaint, communicate with a supervisor in the Department, or participate in an investigation, please contact Chief Harry J. Fruecht at 724-942-5030, HJFruecht@peterstownship.com or 200 Municipal Drive McMurray, PA 15317.

Complaints received will be received and reviewed by the Township Manager and investigated by the Chief of Police or his/her designee.

Minor Allegations-Allegations that a Department employee was overbearing or, failed to perform his or her duty to the satisfaction of the citizen will normally be investigated by the employee's supervisor.

Serious Allegations-Allegations that a Department employee used unnecessary force, was derelict or neglectful of his or her duty, engaged in oppressive conduct or violated federal, state or local law will initiate a formal internal investigation.

Complaint Review Procedure

The Department will make every effort to fully and thoroughly investigate complaints of misconduct. Complaints submitted by persons unwilling to cooperate in the investigation will be investigated to the fullest extent possible. Complainants who cooperate in an investigation will be notified of the result of the investigation and are invited to periodically contact the Chief of Police to determine the status of their Complaint.

Witnesses named by the Complainant will be interviewed regarding the incident and their statements recorded. The involved employee(s) will be interviewed, as well as any additional witnesses discovered, and their statements will be recorded. If a criminal law violation is alleged and there is sufficient evidence to support the allegation, a parallel criminal investigation will be conducted. For the purpose of this policy, and investigations generally, "recorded" may, at the discretion of the Chief of Police, include audio and/or video recording, or note taking as a means of memorializing any meeting or interview.

All Complaints will be investigated to the extent allowed by available information. It is intended that most investigations will be conducted within sixty (60) days, but complex issues may

require a longer timeframe. Complainants will be notified, in writing, of the final results of the investigation. Complainants may appeal the final results of the investigation by submitting a letter to the Township Manager. The Township Manager will review the investigation file and determine whether the findings are supported or whether additional investigatory efforts are warranted. If an appeal is filed with the Township Manager, the Manager will notify Council of the complaint and its disposition in executive session. Citizens who appeal to the Township Manager will be advised by the Township Manager as to the status of their appeal. There are no further appeals beyond the Township Manager.

The Department fully accepts its responsibility to investigate all legitimate, factual complaints against its employees. It cannot, however, preclude its employees from seeking redress through the Civil Courts for allegations which the citizen knows to be false, malicious or contrived. Department employees, like all citizens, have the right to legal recourse through the judicial system.

Complaint Disposition Classifications

At the conclusion of an internal investigation, the Chief of Police will recommend one of the following classifications:

Exonerated – the incident occurred, but the employee's conduct was lawful and proper.

Unfounded – the allegation is false or the incident did not occur.

Not Sustained – there is insufficient evidence to prove or disprove the allegation.

Sustained – the evidence is sufficient to support the allegation.

Employees against whom a complaint has been sustained are subject to internal counseling or discipline. Depending upon the seriousness of the misconduct, sanctions may range from counseling or extra supervision to a written reprimand, suspension or termination of employment.

The investigation is a personnel matter and will be handled by the Department with the appropriate discretion, releasing information only on a need-to-know basis for the protection of the police officer, the complainant and any witnesses. The Township does not, nor would it be appropriate to, comment on the confidential personnel matters of any Township employee. The Township will continue to follow its policy in this regard. While the Council Members strive to meet the expectations of Township residents, concerning the amount and detail of information underlying Township decisions, in personnel matters, no one benefits from public rhetoric about current or former employees. This is a matter of fairness, legal mandates, and potential liability for failing to follow those mandates.

Approved at the regular Council meeting of 2411, 2012.



Michael A. Silvestri, Township Manager