

2025

# Auditing Standards and Procedures for Complaints Against the Philadelphia Police Department

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**A MANUAL DESCRIBING CPOC'S  
COMPLAINT AUDITING PROCESS  
AND PPD'S COMPLAINT  
INVESTIGATIONS**

## What is a Complaint Audit at CPOC?

At the Citizens Police Oversight Commission (CPOC), auditing a complaint against police involves gathering data about the facts underlying the complaint and the investigation conducted by Internal Affairs investigators to assess the process for quality, thoroughness, and objectivity.

The Philadelphia Police Department's Internal Affairs Division (IAD) forwards completed police misconduct investigation case files directly to CPOC as they are finished but before they are finalized. From there, the CPOC Auditing, Policy, and Research Division has 11 business days to complete their review of the case file. Once CPOC receives the cases to audit, the Director of the Auditing, Policy, and Research Division randomly selects cases to audit based on staff capacity and the volume of cases received. CPOC only receives investigations based on complaints made by members of the public (known as "Complaints Against Police" or "CAPs,"). CPOC does not receive internal investigations.<sup>1</sup>

The outcome of each investigation is critical: if the investigator did not sustain any allegations against an officer, the process ends; if any allegations were sustained through the investigation, the case moves through the Police Board of Inquiry (PBI) discipline process, including the Charging Unit and a PBI Hearing when necessary.<sup>2</sup> Investigation outcomes are discussed in this manual. When the investigation and subsequent disciplinary process—if needed—are complete, CPOC's Auditing, Policy, and Research Division receives the Police Commissioner's Memorandum (PC Memo). These documents form the basis of our audits.

CPOC utilizes a series of questions to systematically evaluate the investigation described in each PC memo. These questions provide space for auditors to highlight areas of concern, such as missing allegations against an officer or discrepancies between the evidence presented and the investigation's conclusion.

## Why is it Important for CPOC to Audit Complaints Against Police?

CAPs are currently investigated solely by Internal Affairs, which is a unit housed within PPD and is comprised of investigators who are sworn PPD personnel. Auditing the investigations into CAPs helps us better understand an insulated, internal discipline process. Police misconduct investigations in Philadelphia have not been subject to consistent reviews from outside perspectives before. The public at times does not trust the investigative process and have expressed concern that officers investigating other officers are unfairly sympathetic to officers accused of misconduct, as well as less likely to empathize with victims of misconduct. Through reviewing these cases and recommending improvements CPOC may be able to help build more public understanding and trust in the process.

CPOC's auditing process is designed to identify themes or trends across investigations. This is a rich data set that could lead to various outcomes, such as identifying which neighborhoods experience or report misconduct most frequently, understanding what that could mean for PPD operations, and looking for ways to ensure IAD investigations are consistent so that residents and officers alike can benefit from procedural fairness.

<sup>1</sup> Internal investigations are defined in PPD Office of Professional Responsibility (OPR) Policy #10 as "complaints originating from a source other than a citizen or citizens' group; any allegation of corruption or serious police misconduct received; but not limited to:

1. Requests or information received by anonymous sources or by Police Department personnel alleging corruption, misconduct, or departmental violations.
2. Information alleging police misconduct received from other law enforcement or criminal justice agencies, e.g. FBI, District Attorney's Office, other police departments, etc.
3. Anonymous information alleging corruption, misconduct, or departmental violations."

<sup>2</sup> For more information about the PBI Charging Unit and PBI Hearings, see CPOC's follow-up report on the PBI Collaborative Reform process.

## How was the CPOC Auditing Process Developed?

CPOC's legislation authorizes the agency to conduct individual investigations into citizen complaints of police misconduct, conduct audits, produce policy reports, and publish data. Until CPOC is fully staffed and has developed the necessary processes to carry out the investigative piece of the legislation, CPOC's audits of IAD misconduct investigations provide an effective oversight tool, which helps improve the accountability functions that are already in place at PPD.

CPOC developed a process for reviewing IAD investigations into CAPs following practices in use by other federal and local government oversight bodies. CPOC staff researched how oversight agencies conduct this work in other cities, specifically large cities that are comparable to Philadelphia in their volume of complaints and police department size.

CPOC developed standard criteria and questions to aid in reviews of PC memos to ensure that all cases are reviewed the same way and that information is collected consistently. The audits record quantitative aspects of investigations, like whether investigations were completed within 90 days, as well as more qualitative standards, like whether the findings matched the evidence presented in the PC memo. The standards for review were developed using PPD Office of Professional Responsibility (OPR) Policies, standards for peer review of closed cases developed by the Council of the Inspectors General on Integrity and Efficiency, and a similar auditing tool used by the Chicago Office of the Inspector General (Appendix 1).

## What's New: Live Audits

In July 2024, CPOC began doing "live audits" of IAD CAP investigations. IAD and CPOC collaborated to develop this process. CPOC staff now review the full investigative file for CAP cases once the investigation is completed but before the case is finalized. CPOC staff can make individual recommendations to investigators if audit showed any issues that materially impacted the case or if there are investigative best practices that should have been followed. This change to the auditing process allows for CPOC's perspective, as the oversight body for the PPD, to be included in investigations.

Investigators are not required to accept CPOC's recommendations. Investigators prepare a memo in response to the recommendations made. The Deputy Commissioner that oversees IAD then reviews CPOC's recommendations and the investigator's response and makes a final decision. IAD then sends the final PC memo to CPOC so CPOC can track which recommendations were accepted.

# PPD INTERNAL AFFAIRS INVESTIGATIONS OVERVIEW: INTAKE, CLASSIFICATION, INVESTIGATION, & OUTCOMES

## IAD Intake & Classification

The Internal Affairs Division at PPD receives complaints against police from handwritten forms submitted at PPD districts, PPD’s online form, walk-ins at IAD, and via referrals from CPOC. Other agencies can refer complaints as well. The intake center at IAD handles all intake duties.

Staff at the intake center create a typed summary of the complaint and the involved officers on a document referred to as the “white paper.” The intake center classifies the complaint on the white paper based on the most serious allegation present, using the hierarchy of categories below. This classification does not change during the investigation and eventually gets included with PPD’s public complaint data.

### The list includes 15 allegation categories, in order of severity.

- |                            |                                |
|----------------------------|--------------------------------|
| 1. Sexual Crime/Misconduct | 9. Departmental Violations     |
| 2. Domestic                | 10. Unprofessional Conduct     |
| 3. Criminal Allegation     | 11. Verbal Abuse               |
| 4. Physical Abuse          | 12. Lack of Service            |
| 5. Civil Rights Complaints | 13. Other Misconduct           |
| 6. Drugs                   | 14. Non-Investigatory Incident |
| 7. Falsification           | 15. Confidential Investigation |
| 8. Harassment              |                                |

A subclassification is also selected for each complaint. The subclassification is also hierarchical, determined by the classification. The full list of classifications and subclassifications is included as Appendix 2 in this report. Below is an example of subclassifications associated with the Falsification classification:

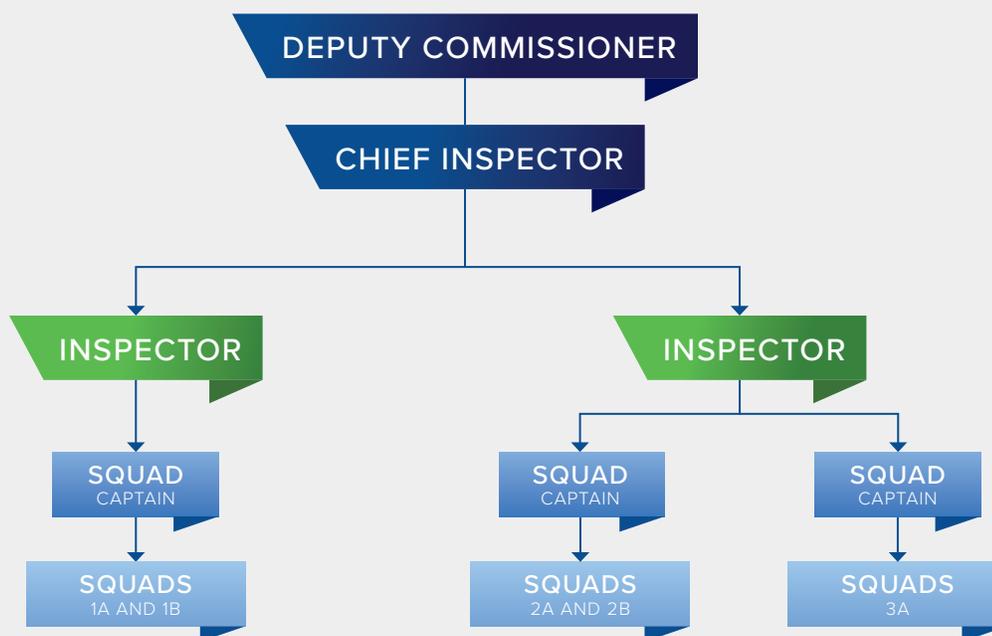
### Classification 7: Falsification

- |                      |                   |                    |
|----------------------|-------------------|--------------------|
| – Military Orders    | – Information     | – Injury Paperwork |
| – Official Documents | – Injuries/I.O.D. |                    |
| – Statements         | – Sick Notes      |                    |

After the primary classification and subclassification are selected for the white paper, the complaint is then assigned to an IAD squad based on the geographic region of the incident. An IAD squad is a group of investigators headed by a primary, supervisory investigator, known as a Squad Captain. The Squad Captain assigns a specific investigator to the complaint.

Below is a simplified excerpt from the IAD organizational chart. This chart only covers the investigators within Internal Affairs which investigate Complaints Against Police; there are other IAD squads that handle special cases, like Equal Employment Opportunity, that are not covered here.

### Internal Affairs Organization Chart



## Investigations

After being assigned the investigation, the IAD investigator contacts the complainant. The investigator introduces themselves to the complainant as the assigned investigator for their complaint, and attempts to schedule a formal interview.

Complainants may not respond to the IAD investigator's contact attempts. While an investigator can do some other investigative work without the complainant's cooperation, it is difficult to move forward with a thorough investigation when the complainant is not interviewed about their experience in depth.

Interviews of all complainants, witnesses, and officers are conducted in person at the Internal Affairs headquarters at 7790 Dungan Road in Northeast Philadelphia. When an in-person interview is not possible, investigators can conduct interviews via telephone. Investigators use interview questions previously prepared based on information gathered and additional information gained as the interview progresses.

While complainant, victim, and witness interviews are scheduled and completed, the investigator also works to obtain any relevant evidence. Evidence can include body worn camera footage; external surveillance footage, such as dash cameras and security cameras; and PPD documents, such as incident reports, radio logs, patrol logs, and medical records. If a complainant was not able to identify the specific officer(s) involved in the complaint, the investigator can use patrol logs and other police documents to attempt to determine the identity of the officer(s).

Lastly, the investigator interviews any officers involved in the complaint. Officer interviews may include target officers (who are accused of misconduct) and non-target officers (who may have witnessed the incident but are not accused of misconduct).

Investigators must check the court attendance system, training schedules, and vacation files to prevent conflicts when scheduling officer interviews. Generally, officers attend interviews while on duty and are not allowed to use overtime for an IAD interview. An officer will often report to an interview with an attorney or representative from the Fraternal Order of Police (FOP) to represent them and provide guidance as needed. According to OPR Policy 5, Investigators must give officers 72 hours' notice before an IAD interview so that they can obtain FOP representation; these interviews are compelled, meaning that if an officer declines to come in for an interview, they will be penalized according to PPD's Disciplinary Code.

At every officer interview, the investigator must give officers Garrity warnings. Garrity warnings function similarly to Miranda warnings, which are used in criminal interviews but are administered to any employee questioned as part of an administrative investigation. The warnings are designed to safeguard a person's 14th and 5th Amendment rights; any information that might be obtained during questioning, or the "fruits" thereof, cannot be used in connection with criminal proceedings that could potentially be brought against the officer.

It is important to note that the vast majority of CAPs do not involve criminal or potentially criminal allegations. A sample officer interview transcript with Garrity warnings, as well as a sample civilian interview transcript, are included as Appendix 3.

IAD interviews are currently not audibly or visually recorded; investigators manually type out officer responses as they give them. At the conclusion of the interview, the officer reviews the interview transcript and signs each page to confirm the information stated is accurate. Any other parties present, such as an FOP representative or a CPOC staff member, also review the transcript for accuracy and sign or initial it. This review and signing process is the same for civilian interviews as well. Investigators can re-interview officers and civilians to obtain clarification on previous statements or collect more information.

## Investigative Outcomes

When the investigation is complete, the investigator determines the appropriate findings for each allegation in the complaint and provides an explanation for each finding based on the evidence collected. Allegations generally follow the classifications and subclassifications format previously shown. Although the white paper only includes one classification and subclassification for each complaint, there is no limit to how many allegations can be listed against officers. The investigator must establish which allegations are present in the complaint and address the allegations in the findings. Any allegations missed by investigators will not be considered for disciplinary action or placed on the officer's record.

The standard of proof for administrative investigations is "preponderance of the evidence." Preponderance of the evidence is met, if, considering all the evidence, the allegation is more likely to have occurred than not. Preponderance of the evidence is sometimes defined as "51%," or "50% and a feather."

For each allegation in the complaint, the investigator is tasked with deciding the findings based on the preponderance of the evidence standard. There are several possible findings for each allegation. The most common are: "sustained," "not sustained," "unfounded," "exonerated," and "withdrawn." The full list of investigative outcomes from OPR Policy #8 is included as Appendix 4 to this report.

## INTERNAL AFFAIRS INVESTIGATIONS

## Allegation Findings

FINDING	DID INCIDENT OCCUR?	WAS POLICY VIOLATED?
SUSTAINED		
NOT SUSTAINED		
UNFOUNDED		
EXONERATED		
WITHDRAWN		

1. **Sustained:** The investigation demonstrated that the incident/infraction occurred, and the action(s) alleged in the complaint were inconsistent with Departmental policy, directives, orders, and/or applicable local, state, or federal laws.
2. **Not sustained:** The investigation could neither prove nor disprove whether the incident/infraction occurred. “Not sustained” findings are used by investigators often.
  - a. Example: a member of the public filed a complaint and alleged that an officer verbally abused them. The officer denied verbally abusing the complainant in their interview, and without any independent evidence—such as body camera footage, external surveillance footage, or independent witness testimony—there is no way for the investigator to prove whether the accused conduct occurred or not. A “not sustained” outcome for an allegation of verbal abuse would be applied in this example.
3. **Unfounded:** The investigation revealed that the incident/infraction did not occur.
4. **Exonerated:** The investigation revealed, through a preponderance of the evidence, that the officer acted properly. The act(s) alleged did take place but were lawful, proper, and in accordance with Departmental policy.
  - a. Example: a member of the public filed a complaint and alleged that an officer improperly arrested them. The investigation found that the complainant committed specific violations for which the officer arrested them, and so while the officer did arrest the complainant, it was determined to be lawful. An “exonerated” outcome for an allegation of improper arrest would be applied in this example.
5. **Withdrawn:** The complainant decided to withdraw their complaint of their own free will.

After the investigator determines the findings for each allegation, the investigator begins drafting the PC memo for the complaint.

## Creation of the PC Memo

The Police Commissioner's Memorandum (PC Memo) is a comprehensive report that details the investigative steps taken, officer information, interview summaries, analysis of evidence, and the findings for each allegation. The PC memo serves as the investigative report for each IAD investigation. OPR Policy 21 details the procedures and format investigators must follow when drafting the PC memo; a sample PC memo with fictional information is included in the appendix as Appendix 5.

## Structure of the PC Memo

### ALLEGATION SECTION

- Summary of complaint and case info
- Involved officers

### INVESTIGATIVE ANALYSIS SECTION

- Interviews
- Evidence

### CONCLUSIONS SECTIONS

- Findings for allegations
- Signatures

### ALLEGATION SECTION

- Basic information about complaint and complainant, including the date it was received and completed by IAD.
- Very brief summary of allegation(s).
- Accused officer information – name, rank, badge, payroll number, date of appointment, and assignment.
- Assigned IAD investigator information – name, rank, badge.
  - Sometimes the investigator gets reassigned in the middle of the investigation. This change would be noted here, with the name, rank, and badge number of the second investigator.

### INVESTIGATIVE ANALYSIS SECTION

- Should the investigation exceed the 90-day limit for investigations, as mandated in the Mayor's Executive Order 05-17 (Appendix 6), a notation will be made in the first paragraph of this section. This sentence will state that all parties have been notified of

the delay and will explain the reason for the delay. The investigation period runs from the date the complaint was received to the date of completion listed on the PC memo. It is important to note that IAD has changed their policy recently – the deadline for conducting investigations is now 90 business days, as opposed to 90 calendar days.

- All investigative actions taken will be explained:
  - Contact attempts to the complainant are listed first.
  - If the complainant cannot be contacted/does not want to participate, the investigator will list a summary of their initial complaint.
  - If the complainant participates, the investigator includes a summary of the complainant's interview at IAD. The summary consists of a brief factual narrative of the incident.
  - Other investigative actions taken by the investigator, such as neighborhood surveys, medical records review, and other pertinent facts.
- Officer interview summaries:
  - Typically non-target (witness) officer interviews summaries are included next, followed by the target officer(s).
  - The dates of the officer interview and any re-interviews are included after the officer's information.
- Any additional relevant documents and investigative steps are listed and summarized after the officer interviews.
- According to OPR Policy 21, the Analysis section includes the narrative of the incident, highlighting inconsistencies, corroborations, denials, and other factors that address the issues of the case and support or refute the allegations. The policy states that the independence and credibility of witnesses and levels of cooperation should be addressed.

## CONCLUSIONS SECTION

- The findings of the investigation will be outlined in the Conclusion. According to OPR Policy 21, each of the complainant's allegations should be individually identified and followed by a finding.
- Each finding is followed by a short explanation citing the basis for the finding.
- Departmental violations and/or any other misconduct that were not part of the original complaint, but were revealed during the investigation, will be included.
- The investigator prepares the conclusions, but an Inspector approves and signs.
- The Inspector can make recommendations here for policy reviews if needed, but this is rare.
  - For example, the investigation revealed an issue or gap in a PPD policy that an inspector recommends reevaluating.

## PC Memo Review and Sign-Off Process

Once an investigator completes their investigation and PC memo, the PC memo is sent for review up the chain of command in the Police Department and members in different ranks sign off on the investigation and investigative conclusions.

All reviews are done using a paper case file. This requires a hard copy of the case file be delivered from Internal Affairs in Northeast Philadelphia to PPD Headquarters in Center City in order to be circulated among the various members of PPD leadership who must sign it.

### **An IAD investigation with sustained allegations currently receives reviews and signatures in the following order:**

1. IAD Squad Captain
2. IAD Commanding Officer (Inspector)
3. Chief Inspector, Office of Professional Responsibility
4. Deputy Commissioner, Office of Professional Responsibility
5. Police Commissioner
6. Deputy Commissioner of Investigations

Cases with sustained allegations move to the disciplinary process at the Police Board of Inquiry. If no allegations of misconduct were sustained, the case file receives a different set of signatures through the chain of command and is then closed with no further steps taken.

## CPOC Complaint Auditing Process

Auditors conduct every CAP audit by using a series of questions to gather facts about the complaint and the investigation, which helps them collect and track data about IAD investigations to assess for quality, thoroughness, and objectivity.

Auditing questions capture information about incidents and investigations, which allows Auditors to see how often IAD meets their investigation deadline of 90 business days, how long it takes for an IAD inspector to review/approve the investigations, demographic data on complainants, and more.

The Auditing, Policy, and Research Division conducted its first batch of audits with a spreadsheet of questions that the unit developed; we have since moved into a case management system, Sivil, which enables the unit to conduct data analysis on question responses more systematically and regularly. A screenshot of a portion of the data collection form in Sivil is included as Appendix 7.

### **The steps involved when auditing an IAD investigation into a complaint against police:**

1. Reading the Police Commissioner's Memo, Index, and White Paper
2. Taking note of allegations made by the complainant
3. Taking note of all officer actions and if they possibly could be allegations/violations of PPD policies
4. Inputting facts about the complaint and investigation and answering audit questions to assess the quality of the investigation
5. Inputting all officers accused of misconduct and the allegations that IAD attached to them, as well as peripheral officers interviewed in the investigation

## STEP 1: READING THE POLICE COMMISSIONER'S MEMO, INDEX, WHITE PAPER, AND CASE FILE

For every CAP investigation, IAD forwards to the Auditing, Policy, and Research Division the Police Commissioner (PC) Memo, Index, and White Paper.

These documents are explained in depth in the Internal Affairs section of this manual, but as a brief overview:

- **PC Memo:** A comprehensive document that records the steps taken in the IAD investigation and the investigation's conclusion.
- **Index:** The table of contents for the investigative file; it lists all documents and interview pages included in the investigative file.
- **White Paper:** The initial summary of the complaint completed by IAD staff before it is assigned and before any formal interviews occur. This page includes important details about how IAD classified the complaint and when it was assigned to an investigator.

Each PC Memo contains facts about the investigation that Auditors pull out and record in Sivil while completing their audit. Examples of facts pulled from the PC Memo include demographic information about the complainant, the date of the incident, and the police district where the incident occurred.

Auditors review the Index to determine whether the investigator obtained all relevant evidence in the investigation. If the investigator did not include a type of police report, or check for radio logs, these absences in the Index would be noted by Auditors.

Auditors review the White Paper to assess how PPD formally classified and subclassified the incident. As these classifications do not change in PPD's data system, it is important to review whether the most serious allegation present in the initial complaint was chosen as the classification on the White Paper. Lastly, Auditors review the entire case file and associated evidence such as audio and video files.

## STEPS 2 & 3: TAKING NOTE OF ALLEGATIONS MADE BY THE COMPLAINANT & ALL OFFICER ACTIONS

An important evaluative component of audits involves comparing the allegations made by the complainant and victim(s) to the allegations included in the formal conclusion of the investigation.<sup>4</sup> Any major discrepancies can indicate that allegations are missing, which prevents such allegations from being properly analyzed and potentially moving forward into the police disciplinary process.

Auditors review the complainant's description of the incident from their original complaint and the complainant's interviews, if applicable, as well any officer actions described in witness and officer interviews, to compare the allegations.

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<sup>4</sup> Office of Professional Responsibility Policy 21, Preparing IAD Reports.

## **STEP 4: INPUTTING FACTS AND ANSWERING AUDIT QUESTIONS TO ASSESS THE QUALITY OF THE INVESTIGATION**

Auditors input initial information about the complaint and investigation, including the demographics of the complainant(s) and victim(s), the classifications given on the White Paper, and dates that track the investigation process. Next, Auditors answer questions used to evaluate the investigation and determine whether the investigator followed IAD policies. There are about 30 questions, such as:

- Do the officer interview summaries in the PC memo address all allegations raised by the complainant/victims?
- Does the PC memo indicate that the investigator checked for the existence of all potential audio recordings and video recordings, including BWCs?
- Were ALL allegations identified during the course of the investigation addressed on the conclusions page?

A full list of the audit questions that Auditors currently use will be included as Appendix 8.

## **STEP 5: INPUTTING ALL OFFICERS ACCUSED OF MISCONDUCT AND THEIR ALLEGATIONS, AS WELL AS WITNESS OFFICERS**

Auditors log which officers were involved in each complaint. There are subject officers, who have allegations made against them, and witness officers, who do not have allegations against them but were involved in the incident. The PPD's roster of officers is embedded in Sivil, CPOC's case management system, so that Auditors may search an officer's payroll number and the rest of the officer's information is populated. Auditors also attach allegations to each officer from the PC Memo's conclusion page, if present. CPOC will periodically update the PPD roster when updated versions are provided by PPD; Auditors can also manually add officers if they do not appear in the roster, as well as unidentified officers classified as "unknown" in the investigation.

## **STEP 6: SENDING, RECEIVING, AND TRACKING FEEDBACK AFTER CONDUCTING AN AUDIT**

Once the auditors have entered all relevant facts into Sivil, answered the audit questions, and indicated the officers involved, the next step is to draft a memo for submission to the IAD. In audits of complaints initiated by members of the public (CAPs), two types of memos may be generated after reviewing the audit: a "no feedback" memo or a "feedback" memo (Appendix 9). A "no feedback" memo indicates that the investigator's work was thorough enough to not require any changes. On the other hand, a "feedback" memo highlights areas where adjustments can be made to improve the quality, thoroughness, and objectivity of the investigation. Feedback memos follow the structure of the audit sections in Sivil, which includes: Timeliness, Professional Standard of Care, Evidence

Collection and Interviews, Conclusions and Case Dispositions, and Missing Allegations (if applicable). Once the feedback memo is completed, it is reviewed by the Director of the Auditing Policy and Research Division before being sent to IAD. The IAD will then assess the suggested changes and provide a response memo, explaining whether they accept or reject the feedback. Finally, auditors track all recommendations to record which recommendations are accepted by IAD and which updates are made to investigations based on feedback provided by CPOC.

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## CONCLUSION

The ultimate goals of auditing are to bring more transparency to the PPD Internal Affairs investigation process, pinpoint areas for improvement, enforce investigative best practices, and to build trust between the residents of Philadelphia and the investigators assigned to their complaints. This manual serves as a guide for the community to better understand both CPOC's work in auditing Internal Affairs investigations and the IAD investigation process itself.



## APPENDIX

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## Appendix 1(a)

### CIGIE Investigations Quality Assessment Review: Individual Closed Case Review Checklist

**PURPOSE:** Appendix D-1 is based on CIGIE’s Quality Standards for Investigations. The Quality Standards contain three general standards (Qualifications, Independence, and Due Professional Care) and four qualitative standards (Planning, Execution, Reporting, and Information Management).

This checklist is used to review Closed Case Files in an effort to determine the level of conformity with the standards adopted in the CIGIE Quality Standards for Investigations. Complete one checklist for each closed case reviewed. Enter a Y (Yes), N (No), or NA (Not Applicable) for each of the items on this checklist. Enter comments as applicable. Answers to certain questions below—particularly in the Independence and Due Professional Care sections—may not be readily available or apparent. In these instances, the peer review team should assess whether there is clear, specific and articulable information in the case file to suggest the standard was violated. In the absence of such information, the appropriate answer is “yes” to the corresponding question. The “Comments” field is used by the reviewing agency for miscellaneous notes or explanations.

The results of these checklists will be summarized in the *CIGIE Peer Review Case Review Summary Checklist* (Appendix D-2)

<b>OIG Being Reviewed:</b>	<b>Closed Case # Being Reviewed:</b>
<b>Reviewing OIG:</b>	<b>Closed Case Office:</b>
<b>Date of Case Review:</b>	<b>Reviewer:</b>

<b>A. INDEPENDENCE</b>		
<u>Criteria/Requirements</u>	<u>Y/N/NA</u>	<u>Comments</u>
1. Were the investigators free, both in fact and appearance, from impairments to independence?		
<b>B. DUE PROFESSIONAL CARE</b>		
<u>Criteria/Requirements</u>	<u>Y/N/NA</u>	<u>Comments</u>
2. Were reasonable steps taken to ensure pertinent issues were sufficiently resolved and all appropriate criminal, civil, contractual, or administrative remedies are considered?		
3. Does available information suggest that constitutional rights were respected (e.g., Garrity, Kalkines, Miranda, etc.)?		
4. Was the investigation conducted in a fair and equitable manner?		
5. Was evidence gathered and reported in an unbiased and independent manner?		
6. Were investigative activities conducted and reported with due diligence and in a timely manner?		
7. Were the investigative report findings and accomplishments supported by adequate documentation?		

## Appendix 1(a)

<b>C. PLANNING</b>		
<u>Criteria/Requirements</u>	<u>Y/N/NA</u>	<u>Comments</u>
8. Was the incoming complaint evaluated against investigative functions, priorities, and guidelines?		
9. Was initiation of the case approved by a supervisor?		
10. If appropriate, does the file contain information that an investigative plan of action was established?		
11. When present, was the investigative plan consistent with the <i>Quality Standards for Investigations</i> ?		
<b>D. EXECUTION</b>		
<u>Criteria/Requirements</u>	<u>Y/N/NA</u>	<u>Comments</u>
12. Did investigators act as fact-gatherers and not allow conjecture, unsubstantiated opinion, or bias to affect activities?		
13. Was the FBI notified promptly? (if applicable)		
14. Were two investigators present when conducting interviews in situations that were potentially hazardous or compromising?		
15. Were contemporaneous interview notes retained in case file until final disposition?		
16. Did investigators comply with organizational policies/procedures for the gathering, preserving, and/or disposing of evidence?		
17. Were investigative activities documented in the case file?		
18. Were subjects' rights and waivers clearly documented (when administered)?		
19. Were witness confidentiality requests documented?		
20. Where requested and granted, was the confidentiality of witnesses adequately protected?		
21. Was consensual monitoring conducted in accordance with agency policy/procedures?		
22. Was a confidential source/informant utilized in accordance with agency policy/procedures?		
23. Was an undercover operation or activity utilized in accordance with agency policy/procedures?		
24. Was a Sensitive Target involved in this case? (i.e. Public Official, Law Enforcement, Diplomatic Corps, Witness Security Program, etc.)		
25. Was Grand Jury material properly marked, securely stored, and properly disposed of?		
26. Were supervisory case reviews conducted?		

## Appendix 1(a)

<b>E. REPORTING</b>		
<u>Criteria/Requirements</u>	<u>Y/N/NA</u>	<u>Comments</u>
28. Were reports accurate, clear, complete, concise, logically organized, timely, and objective?		
29. Did reports include a clear and concise statement of the applicable law, rule, or regulation that was allegedly violated or that formed the basis for an investigation?		
30. Was evidence outlined in a report supported by documentation in the investigative case file?		
31. Were reports free of opinions; personal views; unsupported assessments, conclusions, observations, or recommendations?		
32. If applicable, were systemic weaknesses identified during investigation reported to agency officials?		
33. Were reports prepared in accordance with the agency's policies?		
<b>F. INFORMATION MANAGEMENT</b>		
<u>Criteria/Requirements</u>	<u>Y/N/NA</u>	<u>Comments</u>
34. Was a case file established immediately upon the opening and assignment of an investigation?		
35. Is the case file formatted, organized, and maintained in a manner that is consistent with agency policies?		
36. Was information about the case—such as opening date, judicial actions and outcomes, administrative outcomes, reports issued, identifying information about witnesses and subjects, and related data—in a form that allowed for effective retrieval, referencing, and analysis?		
<b>E. Comments (continued)</b>		

## Appendix 1(b)

### CIGIE Investigations Quality Assessment Review: Case Review Summary Checklist

**PURPOSE:** Appendix D-2 is based on CIGIE's Quality Standards for Investigations. The Quality Standards contain three general standards (Qualifications, Independence, and Due Professional Care) and four qualitative standards (Planning, Execution, Reporting, and Information Management).

This checklist is used to capture—in one document—the summary results from the review of closed case files (Appendix D-1). This checklist is used in an effort to determine the level of conformity with the standards adopted in the CIGIE Quality Standards for Investigations.

<b><u>OIG Being Reviewed:</u></b>	
<b><u>Reviewing OIG:</u></b>	
<b><u>Dates of Case Review:</u></b>	
<b><u># of Closed Cases Available for Review:</u></b>	
<b><u># of Closed Cases Reviewed:</u></b>	

**Instructions:** Complete one D-2 checklist to summarize the results of the D-1 case reviews. Enter C (Compliant), NC (Non-Compliant) or NA (Not Applicable) in the second column for each element. If you enter NC, explain what you have found in the *Comments* column. Identify how this problem represents a serious failure to comply with a particular Attorney General Guideline; external regulation, policy, or guideline; or CIGIE Quality Standard.

<b>A. DUE PROFESSIONAL CARE</b>		
<b><u>Criteria/Standard</u></b>	<b><u>Compliant/Non-Compliant (C/NC) Not Applicable (NA)</u></b>	<b><u>Comments</u></b>
1. Were the investigators free, both in fact and appearance, from impairments to independence?		

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<b>D. PLANNING</b>		
<u>Criteria/Standard</u>	<u>Compliant/Non-Compliant (C/NC)</u> <u>Not Applicable (NA)</u>	<u>Comments</u>
2. Were reasonable steps taken to ensure pertinent issues were sufficiently resolved and all appropriate criminal, civil, contractual, or administrative remedies are considered?		
3. Does available information suggest that constitutional rights were respected (e.g., Garrity, Kalkines, Miranda, etc.)?		
4. Were investigations conducted in a fair and equitable manner?		
5. Was evidence gathered and reported in an unbiased and independent manner?		
6. Were investigative activities conducted and reported with due diligence and in a timely manner?		
7. Were investigative report findings and accomplishments supported by adequate documentation?		
<b>C. PLANNING</b>		
8. Were incoming complaints evaluated against investigative functions, priorities, and guidelines?		
9. If appropriate, did files contain information that investigative plans of action were established?		
10. When present, were investigative plans consistent with the <i>Quality Standards for Investigations</i> ?		
<b>D. EXECUTION</b>		
11. Did investigators act as fact-gatherers and not allow conjecture, unsubstantiated opinion, or bias to affect activities?		
12. Was the FBI notified in accordance with Attorney General guidelines?		
13. Were two investigators present when conducting interviews in situations that were potentially hazardous or compromising?		
14. Were contemporaneous interview notes retained in case files until final disposition?		
15. Did investigators comply with organizational policies/procedures for the gathering/preserving, and/or disposing of evidence?		
16. Were investigative activities documented in the case files?		

## Appendix 1(b)

<u>Criteria/Standard</u>	<u>Compliant/Non-Compliant (C/NC)</u> <u>Not Applicable (NA)</u>	<u>Comments</u>
17. Were subjects' rights and waivers clearly documented (when administered)?		
18. Were witness confidentiality requests documented?		
19. Where requested and granted, was the confidentiality of witnesses adequately protected?		
20. Was consensual monitoring conducted in accordance with the procedures established by AG guidance?		
21. Was Grand Jury material properly marked, securely stored, and properly disposed of?		
22. Were supervisory case reviews conducted?		
23. Did these investigations comply with appropriate AG Guidelines?		
<b>E. REPORTING</b>		
24. Were reports accurate, clear, complete, concise, logically organized, timely, and objective?		
25. Did reports include a clear and concise statement of the applicable law, rule, or regulation that was allegedly violated or that formed the basis for an investigation?		
26. Was evidence outlined in reports supported by documentation in the investigative case file?		
27. Were reports free of opinions, personal views, unsupported assessments, conclusions, observations, or recommendations?		
28. If applicable, were systemic weaknesses identified during investigations reported to agency officials?		
29. Were reports prepared in accordance with the agency's policies?		
<b>F. INFORMATION MANAGEMENT</b>		
30. Were case files established immediately upon the opening and assignment of an investigation?		
31. Were case files organized and maintained in a manner that is consistent with agency policies?		
32. Was information about the case—such as opening date, judicial actions and outcomes, administrative outcomes, reports issued, identifying information about witnesses and subjects, and related data—in a form that allowed for effective retrieval, referencing, and analysis?		

## Appendix 1(b)

**G. Comments**

## Appendix 2(a)

### **Overhaul of Classifications, Sub Classifications and Findings:**

#### **CLASSIFICATION HIERARCHY: Classifications apply to the OVERALL investigation**

1. Sexual Crime/Misconduct
2. Domestic
3. Criminal Allegation
4. Physical Abuse
5. Civil Rights Complaints
6. Drugs
7. Falsification
8. Harassment
9. Departmental Violations
10. Unprofessional Conduct
11. Verbal Abuse
12. Lack of Service
13. Other Misconduct
14. Non-Investigatory Incident
15. Confidential Investigation (*OPEN JOBS ONLY, ONLY APPROVED BY CI OPR/DC OPR*)

#### **CLASSIFICATION-SUBCLASSIFICATIONS: Sub classifications apply to the OVERALL investigation**

**Incident Type: Complaint Against Police OR Internal Investigation OR ISS Investigation**

**\*\*CLASSIFICATIONS AND SUBCLASSIFICATIONS WILL BE APPLIED ON A HIERARCHY BASIS, THE FIRST POSSIBLE CLASSIFICATION AND**

## Appendix 2(a)

**SUBCLASSIFICATION FROM THE BELOW LIST WILL STAND AS THE OVERALL CLASSIFICATION\*\***

**Classification 1: Sexual Crime/Misconduct**

*Sexual Assault/Rape*

*Indecent Assault*

*Child Pornography*

*Solicitation/Prostitution*

*Indecent Exposure*

*Sexual Activity On Duty/In City Equipment*

*Indecent Contact During Search*

*Sexual Orientation Harassment*

*Sexual Harassment*

*Other/Unspecified*

**Classification 2: Domestic**

*Domestic Assault*

*Domestic Stalking*

*Domestic Threats*

*Domestic Related Vandalism*

*Child Support Arrears*

*Domestic Contempt of Court*

*Domestic Harassment*

*Domestic Incident (No Crime)*

## Appendix 2(a)

### **Classification 3: Criminal Allegation**

*D.U.I.*

*Abuse/Neglect of a Minor*

*Assault (Not Domestic/Police Action)*

*Robbery*

*Fraud/Forgery*

*Perjury/False Swearing*

*Theft/Retail Theft*

*Theft of Services*

*Evidence Tampering*

*Stalking (Not Domestic)*

*Threats (Not Domestic)*

*Unlawful Display of Weapon*

*Vandalism (Not Domestic)*

*Burglary*

*Arson*

*Obstructing Justice/Hindering Apprehension*

*Cruelty to Animals*

*Gambling*

*Disorderly Conduct*

*Trespassing*

*Leaving Accident Scene*

## Appendix 2(a)

*Short Dumping*

*Violation of M.V.C.*

*Violation of City Ordinance*

*Contempt of Court (NOT PFA)*

*Impersonation*

*Kidnapping*

*Bribery/Extortion*

*Corruption*

*Witness Intimidation*

*Unlawful Eviction*

*Unlawful Sale/Purchase Firearm*

*Unlawful Possession Firearm*

*Public Intoxication*

*Other/Unspecified*

### **Classification 4: Physical Abuse**

*In Custody Death*

*Taser/CED/ECW*

*Bite*

*ASP/Baton*

*Canine Bite*

*OC Spray*

*Choked/Forcibly Grabbed Neck*

## Appendix 2(a)

*Struck with Vehicle/Abused with Vehicle*

*Struck with Object*

*Punched*

*Kicked*

*Struck with Foot/Shin/Knee*

*Struck with Hand/Arm/Elbow*

*Forcibly Pushed/Slammed*

*Forced to Ground*

*Forcibly Pulled/Dragged*

*Forcibly Grabbed*

*Handcuffed Tightly*

*Threatened with Firearm*

*Threatened with Taser/CED/ECW*

*Threatened Force*

*Other/Unspecified Physical Abuse*

### **Classification 5: Civil Rights Complaints (NEW)**

*Racial Profiling*

*Discriminatory Action/Behavior*

*Official Oppression (Only when indicated by Compl)*

### **Classification 6: Drugs**

*Sales/Distribution*

## Appendix 2(a)

*Missing Drugs/Drug Evidence*

*Use/Possession (Illegal)*

*Use/Possession (Prescription Abuse)*

*Failure to Enforce*

*Found Drugs*

*Other (only if it doesn't fit one of the other subclasses)*

### **Classification 7: Falsification (NEW)**

*Military Orders*

*Official Documents*

*Statements*

*Information*

*Injuries/I.O.D.*

*Sick Notes*

*Injury Paperwork*

### **Classification 8: Harassment**

*By Authority*

*Neighbor*

*Of a Minor*

*By Device*

*Verbal*

*By Social Media*

## Appendix 2(a)

*Written*

*Landlord/Tenant*

### **Classification 9: Departmental Violations (NEW)**

*Association Known Criminal/Felon*

*Association Gangs*

*Association Drugs*

*Improper Arrest*

*Failure to Notify In Custody Hospitalization*

*Improper Stop/Detention*

*Misuse of City Equipment/Information*

*Unauthorized Investigation*

*Improper Entry to Private Property*

*Strip Search*

*Improper Search/Seizure*

*Insubordination*

*Failure to Supervise*

*Abuse of Authority*

*Missing Property Private (Not Theft)*

*Missing/Damaged City Property*

*Damaged Property Private*

*Accepting Gifts On/Off Duty*

## Appendix 2(a)

*Absent From Assignment*

*Mishandled Evidence*

*Misuse of Time (Sick/IOD/Military)*

*OT Abuse*

*Release of Confidential Information*

*Sleeping On Duty*

*Soliciting Business/Undue Influence*

*Special District/Unit S.O.P.*

*Violation of IOD Policy*

*Political Activity*

*Failure to Follow Departmental Policy* **\*\*for directives violations\*\***

*Improperly Issued Citation*

*Residency Violation*

*Failure to make Off Duty Notification*

*Alcohol/Intoxication On Duty*

*Interfering with Official Investigation*

*Refusal to Provide Name and Badge*

*Other/Unspecified*

### **Classification 10: Unprofessional Conduct**

*Quarreling/Fighting On Duty*

*Business Dispute*

*Debt Related (ie. Unpaid Debt)*

## Appendix 2(a)

*Rude/Dismissive Behavior*

### **Classification 11: Verbal Abuse**

*Racial Slur*

*Intimidating/Threatening Language*

*Derogatory/Offensive Language*

*Obscene/Profane Language*

*Rude Language/Tone*

*Other/Unspecified*

### **Classification 12: Lack of Service**

*Failure to Provide Service/Take Police Action*

*Failure to Investigate/Complete Accurate Investigation*

*Failure to Arrest*

*Failure to Prepare/Accurately Complete Report*

*Failed Impartiality*

*Delayed Response*

**Classification 13: Other Misconduct (**ONLY** when it cannot be classified above)**

**Classification 14: Non-Investigatory Incident (**ONLY** when an investigation will NOT be completed)**

*Improper TVR Referred to Traffic Court*

*Improper PVR Referred to Traffic Court*

## Appendix 2(a)

*Other Non-Investigatory Incident*

*Improper CVN Referred to Court*

*Prisoner Requests Referred to Private Counsel*

*Referred Other Law Enforcement*

**Classification 15:** Confidential Investigation (ONLY when case investigation is ACTIVE and approved by CI OPR/DC OPR)

**Incident Type:** **Equal Employment Opportunity**

**Classification:** EEO: Hostile Work Environment

*Disparate Treatment*

*Hostile Working Conditions*

*Race / Gender / National Origin*

*Discrimination Title VII\**

*Text / Social Network / Pictures/E-Mail*

*Graffiti/Postings*

*Verbal*

**Classification:** EEO: Harassment

*Sexual*

*Physical*

*Verbal*

*Discrimination Title VII\**

*Disparate Treatment*

*Text / Social Network / Pictures/E-Mail*

## Appendix 2(a)

*Graffiti/Postings*

**Classification:** EEO: Retaliation

*Physical*

*Verbal*

*Disparate Treatment*

*Remarks/Behavior/Gestures*

*Text / Social Network / Pictures/E-Mail*

*Graffiti/Postings*

*Official Action (ie: reassignment, etc...)*

**\*Title VII – includes discrimination based on race, religion, color, sex, national origin, ethnicity, gender identification, sex orientation, age, disability)**

**Incident Type: FBI Task Force**

**Classification:** Criminal Allegation

*FBI-Corruption*

*FBI-Official Oppression*

*FBI-False Swearing*

**Classification:** Other

**Incident Type: Use of Force Internal**

**Classification:** Force: Taser/CED/ECW

**Classification:** Force: ASP/Baton

**Classification:** Force: OC Spray

## Appendix 2(a)

**Classification:** Force: Other Equipment/Object

**Classification:** Force: Physical Only

*Choke Hold (not “Choked”)*

*Kicked*

*Punched*

*Struck with Foot/Shin/Knee*

*Struck with Hand/Arm/Elbow*

*Choked/Forcibly Grabbed Neck*

*Forcibly Pushed/Slammed*

*Forcibly Pulled/Dragged*

*Forced to Ground*

*Forcibly Grabbed*

*Handcuffed Tightly*

*Threatened with Firearm*

*Threatened with Taser/CED/ECW*

*Threatened Force*

*Bite*

**Classification:** Force: Vehicle

**Classification:** Force: Failure to make necessary notifications

*Force-On Duty*

*Force Off-Duty*

*In Custody Prisoner Hospital Case*

## Appendix 2(b)

### **INVESTIGATIVE FINDINGS LIST: *Specific allegations apply to individual officers***

Civil Rights Complaint-Discriminatory Action/Behavior  
Civil Rights Complaint-Official Oppression  
Civil Rights Complaint-Racial Profiling  
Criminal Allegation-Abuse/Neglect of a Minor  
Criminal Allegation-Arson  
Criminal Allegation-Assault  
Criminal Allegation-Bribery/Extortion  
Criminal Allegation-Burglary  
Criminal Allegation-Contempt of Court  
Criminal Allegation-Conspiracy  
Criminal Allegation-Corruption  
Criminal Allegation-Cruelty to Animals  
Criminal Allegation-D.U.I.  
Criminal Allegation-Disorderly Conduct  
Criminal Allegation-Ethnic Intimidation  
Criminal Allegation-Evidence Tampering (NOT Missing Evidence)  
Criminal Allegation-Fraud/Forgery  
Criminal Allegation-Gambling  
Criminal Allegation-Impersonation  
Criminal Allegation-Kidnapping  
Criminal Allegation-Leaving Accident Scene  
Criminal Allegation-Obstructing Justice/Hindering Apprehension  
Criminal Allegation-Perjury/False Swearing  
Criminal Allegation-Public Intoxication  
Criminal Allegation-Resisting Arrest  
Criminal Allegation-Robbery  
Criminal Allegation-Short Dumping  
Criminal Allegation-Stalking (Not Domestic)  
Criminal Allegation-Theft of Services  
Criminal Allegation-Theft/Retail Theft  
Criminal Allegation-Threats (Not Domestic)  
Criminal Allegation-Trespass  
Criminal Allegation-Underage Drinking  
Criminal Allegation-Unlawful Display of Weapon  
Criminal Allegation-Unlawful Eviction  
Criminal Allegation-Unlawful Sale/Purchase of Firearm  
Criminal Allegation-Vandalism (Not Domestic)  
Criminal Allegation-Violation of City Ordinance  
Criminal Allegation-Violation of Motor Vehicle Code  
Criminal Allegation-Witness Intimidation  
Departmental Violation-Absent from Assignment

## Appendix 2(b)

Departmental Violation-Abuse of Authority  
Departmental Violation-Accepting Gifts On/Off Duty  
Departmental Violation-Alcohol/Intoxication On Duty  
Departmental Violation-Association Drugs  
Departmental Violation-Association Gangs  
Departmental Violation-Association Known Criminal/Felon  
Departmental Violation-Damaged Property Private  
Departmental Violation-Failure to Provide Back-Up  
Departmental Violation-Failure to Report Corruption  
Departmental Violation-Failure to Stop Excessive Force  
Departmental Violation-Failure To Supervise  
Departmental Violation-Improper Arrest  
Departmental Violation-Improper Stop/Detention  
Departmental Violation-Improper Entry to Private Property  
Departmental Violation-Unauthorized Investigation  
Departmental Violation-Strip Search Violation  
Departmental Violation-Improper Search/Seizure  
Departmental Violation-Insubordination  
Departmental Violation-Interfering with Official Investigation  
Departmental Violation-Mishandled Evidence  
Departmental Violation-Missing Property Private (NOT THEFT)  
Departmental Violation-Missing/Damaged City Property  
Departmental Violation-Misuse of City Equipment/Information  
Departmental Violation-Misuse of Sick/IOD/Military/Time  
Departmental Violation-O.T. Abuse  
Departmental Violation-Political Activity  
Departmental Violation-Failure to Activate BWC  
Departmental Violation-PPD Directives Violation (See PPD#)  
Departmental Violation-Refusal to Provide Badge or Name  
Departmental Violation-Release of Confidential Information  
Departmental Violation-Residency Violation  
Departmental Violation-Sleeping On Duty  
Departmental Violation-Soliciting Business/Undue Influence  
Departmental Violation-Special Unit/District S.O.P.  
Departmental Violation-Violation of IOD Policy  
Disciplinary Code Violation-Failure to Cooperate (1-§008-10) ONLY  
Disciplinary Code Violation-Lying (1-§009-10) ONLY  
Domestic-Assault  
Domestic-Child Support Arrears  
Domestic-Contempt of Court  
Domestic-Harassment  
Domestic-Incident (No Crime)  
Domestic-Stalking  
Domestic-Threats  
Domestic-Vandalism

## Appendix 2(b)

Domestic-Violation of PFA  
Drugs-Failure to Enforce  
Drugs-Found drugs  
Drugs-Missing drugs  
Drugs-Other  
Drugs-Sales/Distribution  
Drugs-Use (Illegal)  
Drugs-Use (Prescription Abuse)  
EEO-Hostile Work Environment-by Disparate Treatment  
EEO-Hostile Work Environment-by Discrimination Title VII  
EEO-Hostile Work Environment-by Device  
EEO-Hostile Work Environment-by Verbal  
EEO-Hostile Work Environment-by Graffiti/Postings  
EEO-Harassment-Sexual  
EEO-Harassment-Physical  
EEO-Harassment-Verbal  
EEO-Harassment-Discrimination Title VII  
EEO-Harassment-Disparate Treatment  
EEO-Harassment-by Device  
EEO-Harassment-Graffiti/Postings  
EEO-Retaliation-Physical  
EEO-Retaliation-Verbal  
EEO-Retaliation-by Disparate Treatment  
EEO-Retaliation-by Device  
EEO-Retaliation-Graffiti/Postings  
EEO-Retaliation-by Official Action  
Falsification-Information  
Falsification-Injuries/IOD  
Falsification-Injury Paperwork  
Falsification-Official Documents  
Falsification-Military Orders  
Falsification-Sick Notes  
Falsification-Statements (Not 1-§009-10)  
Harassment-By Authority  
Harassment-By Device  
Harassment-By Social Media  
Harassment-Landlord/Tenant  
Harassment-Of a Minor  
Harassment-Verbal  
Harassment-Written  
Lack of Service-Delayed Response  
Lack of Service-Failed Impartiality  
Lack of Service-Failure to Arrest  
Lack of Service-Failure to Investigate/accurately complete Investigation  
Lack of Service-Failure to prepare/accurately complete report

## Appendix 2(b)

Lack of Service-Failure to provide service/take police action  
Non-Investigatory-Improperly Issued Citation  
Non-Investigatory-Other  
ODA-No Violations  
ODA-Violations  
Other Misconduct-Unspecified  
PFA-Violated  
Physical Abuse-ASP/Baton  
Physical Abuse-Bite  
Physical Abuse-Canine Bite  
Physical Abuse-Choked/Forcibly Grabbed Neck  
Physical Abuse-Forced to Ground  
Physical Abuse-Forcibly Grabbed  
Physical Abuse-Forcibly Pulled/Dragged  
Physical Abuse-Forcibly Pushed/Slammed  
Physical Abuse-Handcuffed Tightly  
Physical Abuse-In Custody Death  
Physical Abuse-Kicked  
Physical Abuse-OC Spray  
Physical Abuse-Punched  
Physical Abuse-Struck with Foot/Shin/Knee  
Physical Abuse-Struck with Hand/Arm/Elbow  
Physical Abuse-Struck with Object  
Physical Abuse-Struck with Vehicle/Abuse with Vehicle  
Physical Abuse-Taser/CED/ECW  
Physical Abuse-Threatened Force  
Physical Abuse-Threatened with Firearm  
Physical Abuse-Threatened with Taser/CED/ECW  
Physical Abuse-Used Choke Hold  
Police Discharge-No Violations  
Police Discharge-Violations  
Sexual Misconduct-Child Pornography  
Sexual Misconduct-Indecent Assault  
Sexual Misconduct-Indecent Contact During Search  
Sexual Misconduct-Indecent Exposure  
Sexual Misconduct-Sexual Activity in City Equipment  
Sexual Misconduct-Sexual Activity on Duty  
Sexual Misconduct-Sexual Assault/Rape  
Sexual Misconduct-Sexual Harassment  
Sexual Misconduct-Sexual Orientation Harassment  
Sexual Misconduct-Solicitation/Prostitution  
Unprofessional Conduct-Failed to pay/repay debt  
Unprofessional Conduct-Quarreling/Fighting On Duty  
Unprofessional Conduct-Rude/Dismissive Behavior  
Unprofessional Conduct-Derogatory/Offensive Communications

## Appendix 2(b)

Verbal Abuse-Derogatory/Offensive Language  
Verbal Abuse-Intimidating/Threatening Language  
Verbal Abuse-Obscene/Profane Language  
Verbal Abuse-Racial Slurs  
Verbal Abuse-Rude Language/Tone

### **DEPARTMENTAL VIOLATIONS LIST (NEW)**

PPDD 3.1-Vice Enforcement  
PPDD 3.2-Vehicle Law of PA-Vehicle Code Violations  
PPDD 3.3-Reporting Non-Vehicle Accidents When City May be Liable  
PPDD 3.4-D.U.I. Alcohol or Controlled Substances  
PPDD 3.5-Scofflaw  
PPDD 3.6-CVNs  
PPDD 3.7-Temporary No Stopping Signs  
PPDD 3.8-Enforcement of Curfew Ordinance  
PPDD 3.9-Domestic Abuse and Violence  
PPDD 3.10-Schools  
PPDD 3.11-Carnivals, Block Parties, Play Streets  
PPDD 3.12-Processions and Parades  
PPDD 3.13-Complaints and Conditions Affecting other City Departments  
PPDD 3.14-Hospital Cases  
PPDD 3.15-Communicable Diseases  
PPDD 3.16-Police Assistance to Writ Servers and Landlord Tenant Officers  
PPDD 3.17-Self-Help Evictions  
PPDD 3.18-Liquor License and Establishment Checks by Uniformed Officers  
PPDD 3.19-Billiard Parlors/Poolrooms  
PPDD 3.20-Animal Control  
PPDD 3.21-A.T.V.s  
PPDD 3.23-Small Amounts of Marijuana  
PPDD 3.24-Human Trafficking  
PPDD 4.1-Responsibilities at Crime Scenes  
PPDD 4.2-Hazardous Materials Incidents  
PPDD 4.3-Special Hauling Permits  
PPDD 4.4-Obtaining Fuel at City Refueling Stations  
PPDD 4.5-Bomb Scares, Explosive Devices  
PPDD 4.6-Fires, Disasters, Catastrophes  
PPDD 4.7-Barricades and Flares  
PPDD 4.8-Canine Patrol  
PPDD 4.9-Aviation Unit  
PPDD 4.10-Foot Pursuits  
PPDD 4.11-Police Response to Alarms  
PPDD 4.12-Security Checks  
PPDD 4.13-Detainees in Hospitals  
PPDD 4.14-Victime/Witness Services  
PPDD 4.15-Transgender Interactions

## Appendix 2(b)

PPDD 4.16-Media Relations and Release of Info to Public  
PPDD 4.17-District/Unit Reference Materials  
PPDD 4.18-P.S.A. Integrity  
PPDD 4.19-Tourniquet Program  
PPDD 4.20-Ride Along Program  
PPDD 4.21-Body Worn Cameras (BWC)  
PPDD 4.22-Naloxone Administration  
PPDD 4.23-Mounted Patrol Unit  
PPDD 4.24-Unmanned Aircraft Systems (UAS)  
PPDD 5.1-Investigations of Controlled Substances  
PPDD 5.2-F.B.I. Jurisdiction  
PPDD 5.3-Pawnbrokers, Junk Dealers, etc  
PPDD 5.4-Extraordinary Occurrences in Cell Block  
PPDD 5.5-Juveniles in Police Custody  
PPDD 5.6-Intoxicated Persons in Police Custody  
PPDD 5.7-Search Warrants  
PPDD 5.8-Aliens and Military Personnel in Police Custody/Political Requests  
PPDD 5.9-Informants  
PPDD 5.10-Police and Suspect Photographs  
PPDD 5.11-Malicious Damage or Vandalism to City Property  
PPDD 5.12-Stalking  
PPDD 5.13-Criminal Registration  
PPDD 5.14-Investigation and Charging Procedure  
PPDD 5.15-Deaths, Natural and Sudden  
PPDD 5.16-Suspect Confrontations Lineups  
PPDD 5.17-Wanted Persons  
PPDD 5.18-Criminal Records  
PPDD 5.19-Homeless and Unidentified Persons  
PPDD 5.20-Defendants F.T.A.  
PPDD 5.21-Rules of Discovery  
PPDD 5.22-Arrest Warrants  
PPDD 5.23-Interviews and Interrogations-Duties of Law Enforcement  
PPDD 5.24-C.S.U.  
PPDD 5.25-Rape and Other Sex Offenses  
PPDD 5.26-Protected Information Policy  
PPDD 5.27-Firearms  
PPDD 5.28-Suspicious Reporting of Terroristic Activity  
PPDD 5.29-Operation ID Program  
PPDD 5.30-Digital Evidence  
PPDD 6.1-Commendations, Awards and Rewards  
PPDD 6.2-Court Notices and Subpoenas  
PPDD 6.3-Vehicle Registration Data  
PPDD 6.4-School Crossing Guards  
PPDD 6.5-Drug Testing of Sworn Personnel  
PPDD 6.6-Message Deliveries  
PPDD 6.7-Uniforms  
PPDD 6.8-Suggestion Program

## Appendix 2(b)

PPDD 6.9-Selection and Training  
PPDD 6.10-Social Media and Networking  
PPDD 6.11-Outside Employment  
PPDD 6.12-Maintenance of PA Driver's License  
PPDD 6.13-Fitness and Wellness of Employees  
PPDD 6.14-E.A.P.  
PPDD 6.15-Removing Badges from Circulation  
PPDD 6.16-Field Development and Mentorship Program  
PPDD 7.1-Police Radio  
PPDD 7.2-Emergency Management Liaison Officers  
PPDD 7.3-PAB Security  
PPDD 7.4-Materials and Supplies  
PPDD 7.5-Computer Messages  
PPDD 7.6-Telephones  
PPDD 7.7-L.E.P.  
PPDD 7.8-Adult Detainees in Police Custody  
PPDD 7.9-Communications by Persons in Custody  
PPDD 7.10-Corporate Emergency Access System  
PPDD 7.11-Records Retention  
PPDD 7.12-Personal Computers  
PPDD 7.13-Bail Certification and Discharge  
PPDD 7.14-RSAN Public Alerts  
PPDD 7.15-Information Tech Requests  
PPDD 7.16-Department Directives  
PPDD 7.17-D.V.I.C.  
PPDD 7.18-Grant Applications, Processing and Administration  
PPDD 7.19-Dept Organization and Authority  
PPDD 7.20-Deaf and Hard of Hearing Individuals  
PPDD 8.1-Elections  
PPDD 8.2-Civil Suits  
PPDD 8.3-Demonstrations and Labor Disputes  
PPDD 8.4-Reporting and Investigating Bias Incidents  
PPDD 8.5-Departmental Deaths  
PPDD 8.6-Disciplinary Procedure  
PPDD 8.7-Equal Employment Complaint Procedures  
PPDD 8.8-Mental Fitness for Duty Evaluation  
PPDD 8.9-Police Department Counseling Forms  
PPDD 8.10-Prevention of Corruption  
PPDD 8.11-Race, Ethnicity and Policing  
PPDD 8.12-Pictures, Videos, Audios of Police Officers  
PPDD 8.13-Crime Reward Fund  
PPDD 8.14-PA Right to Know Laws  
PPDD 8.15-Overtime Management  
PPDD 8.16-Accreditation  
PPDD 9.1-Building Maintenance  
PPDD 9.2-Safety Review Board  
PPDD 9.3-Police Vehicles Tire Maintenance

## Appendix 2(b)

PPDD 9.4-Vehicle Pursuits  
PPDD 9.5-On/Off-Road Motorcycle Patrol  
PPDD 9.6-Vehicular Accidents  
PPDD 9.7-Safe Operation of Police Vehicles  
PPDD 9.8-Maintenance/Repair of Police Vehicles  
PPDD 9.9-Automated License Plate Readers  
PPDD 10.1-Use of Force Involving Discharge of Firearms  
PPDD 10.2-Use of Moderate/Limited Force-Administrative Violation  
PPDD 10.2-Use of Moderate/Limited Force-Force Violation  
PPDD 10.3-Use of Less Lethal Force: E.C.W.-Administrative Violation  
PPDD 10.3-Use of Less Lethal Force: E.C.W.-Force Violation  
PPDD 10.4-Use of Force Review Board  
PPDD 10.5-Prisoner Constraints  
PPDD 10.6-Firearms Policy On/Off-Duty  
PPDD 10.7-Crisis Response/Critical Incident Notifications  
PPDD 10.8-Police Confrontations  
PPDD 10.9-Severely Mentally Disabled Persons  
PPDD 10.10-Off-Duty Police Actions  
PPDD 11.1-D.A.R.S.  
PPDD 11.2-Vacation  
PPDD 11.3-Sick Leave-Sworn Personnel  
PPDD 11.4-Holidays  
PPDD 11.5-Leaves of Absence and Separations  
PPDD 11.6-A.W.O.L.  
PPDD 11.7-Reimbursable Overtime  
PPDD 11.8-Fiscal Management  
PPDD 11.9-Excused Absences to Attend Organizational Meetings  
PPDD 11.10-O.T. Pay and Comp Time  
PPDD 12.1-Official Format Written Communication  
PPDD 12.2-Change of Personal Information  
PPDD 12.3-Performance Reports  
PPDD 12.4-Personnel Transfer Process  
PPDD 12.5-Police Towing of Vehicles  
PPDD 12.6-Abandoned Vehicle  
PPDD 12.7-Vehicle Theft Investigation  
PPDD 12.8-Vehicle/Pedestrian Investigations  
PPDD 12.9-Inventory of City Property  
PPDD 12.10-Non-Traffic Summary Citations  
PPDD 12.11-75-48s  
PPDD 12.12-75-49s  
PPDD 12.13-Missing Persons  
PPDD 12.14-I.O.D. and Service Connected Disabilities  
PPDD 12.15-Property Taken into Custody  
PPDD 12.16-Assignment Sheets  
PPDD 12.17-Patrol Logs  
PPDD 12.18-C.A.P.S.  
PPDD 12.19-Services of Legal Process

## Appendix 3(a)

### STATEMENT OF CIVILIAN/COMPLAINANT

**STATEMENT OF:** Name, age/race/sex, DOB: xx/xx/xxxx  
Address, city, state and zip  
Phone number  
**Occupation:**

**DATE AND TIME:** of interview

**PLACE:** where/how (via phone) the interview was conducted

**CONCERNING:** Investigation #18-XXXX

**IN THE PRESENCE OF:**

**INTERVIEWED BY:** Name and badge #, IAD

**RECORDED BY:**

Person's name, I am **name of investigator**, IAD, and I will be taking your statement directly onto the computer. I am interviewing you concerning e.g. (a complaint against police that was filed alleging a lack of service on the part of **name of officer/s involved if known and what district they are from on date and location**).

Questions pertinent to the complainant's allegations of police misconduct are inserted here.

If there are allegations of injuries, be sure to ask if there was medical treatment.

Request and have ready a medical release to obtain medical records.

If there are witnesses, be sure you request proper contact information and record in interview.

Request any evidence that the complainant/witness may possess. (pictures, videos, damaged property, etc.)

Q. Is there anything else you would like to add to your statement that has not been addressed in this interview?

A.

**STATEMENT CONCLUDED: date and time**

Persons name \_\_\_\_\_

**Appendix 3(a)**

I HAVE READ THE FOREGOING STATEMENT CONSISTING OF (2) PAGES AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

**SIGNATURE:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**DATE & TIME:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

## Appendix 3(b)

### SUMMARY OF GARRITY v NEW JERSEY

In 1967, the US Supreme Court ruled on the case of Garrity v New Jersey. In this ruling, the Court held that an individual is protected by the 14<sup>th</sup> Amendment of the US Constitution against being forced to provide a statement in any subsequent criminal proceedings under threat of removal from his/her job.

A contractual obligation upon police officers which compels them to truthfully cooperate in a criminal investigation or risk termination from their employment would render any statement obtained from the officer in the course of a criminal investigation against the officer as an involuntary confession which would be inadmissible at trial.

**Appendix 3(c)**

**POLICE OFFICER'S INTERVIEW FORMAT (GARRITY WARNINGS)**

**STATEMENT OF:** P/O \_\_\_\_\_ Badge #XXXX, PR#XXXXXX,  
District/Unit of Assignment and Squad  
Appointment date: XXXXX, Assignment date: XXXXX

**DATE AND TIME:** \_\_\_\_\_ of interview

**PLACE:** Internal Affairs Headquarters

**CONCERNING:** IAD #18-XXXX

**IN PRESENCE OF:** \_\_\_\_\_

**INTERVIEWED BY:** Name and Badge #XXXX, IAD

**RECORDED BY:** \_\_\_\_\_

Q. Are you represented by an attorney or the FOP?  
A. Yes/No.

Q. Did you have at least 72 hours notice of this interview so that you had the opportunity to contact an FOP representative or attorney?  
A. Yes/No.

Q. Do you wish to be represented at this time?  
A. Yes/No.

You are reminded that failure to cooperate in a departmental administrative investigation is punishable by 10 days suspension to dismissal under article 1-008-10 of the Disciplinary Code.

You are also reminded that lying or attempting to deceive regarding a material fact during the course of any Departmental investigation is punishable by 10 days suspension to dismissal under Article 1-009-10 of the Disciplinary Code.

Q. Do you understand this?  
A. Yes/No.

Q. Are you willing to cooperate?  
A. Yes/No.

**Questions pertinent to the investigation are inserted and answered here.**

P/O name and badge #, PR#XXXXXX \_\_\_\_\_

**Appendix 3(c)**

Q. Is there anything else that you would like to add to your statement that has not been addressed during this interview?

A. Yes/No.

STATEMENT CONCLUDED: Date and time

I HAVE READ THE FOREGOING STATEMENT CONSISTING OF (4) PAGES AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NAME (print): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

UNIT: \_\_\_\_\_

DATE & TIME: \_\_\_\_\_

**TYPES OF ALLEGATION FINDINGS**

**SUSTAINED:** *AS AN INVESTIGATIVE FINDING:* The investigation demonstrates that the incident/infraction occurred and the action(s) alleged in the complaint were inconsistent with Departmental policy, directives, orders, and/or applicable local, state, or federal laws. *AS A DISPOSITION:* All investigative findings were *SUSTAINED*.

**NOT SUSTAINED:** *AS AN INVESTIGATIVE FINDING:* A thorough investigation can neither prove nor disprove the incident/infraction alleged. *AS A DISPOSITION:* All investigative findings were *NOT SUSTAINED*.

**UNFOUNDED:** *AS AN INVESTIGATIVE FINDING:* The investigation revealed that the incident/infraction alleged did not occur. *AS A DISPOSITION:* All investigative findings were *UNFOUNDED*.

**EXONERATED:** *AS AN INVESTIGATIVE FINDING:* The investigation revealed through a preponderance of the evidence that the officer acted properly. The act(s) alleged did take place but were lawful, proper, and in accordance with Departmental policy. *AS A DISPOSITION:* All investigative findings were *EXONERATED*.

**WITHDRAWN:** *AS AN INVESTIGATIVE FINDING:* The complainant decided to withdraw their complaint on his/her own free will.

**DEPARTMENTAL VIOLATION:** *AS AN INVESTIGATIVE FINDING:* The investigation revealed infractions of Departmental rules, directives, or procedures *ONLY*. *\*This is used as a finding for EEO allegations, off duty action allegations, and use of force internal investigation allegations ONLY.*

**NO DEPARTMENTAL VIOLATION:** *AS AN INVESTIGATIVE FINDING:* The investigation revealed *NO* infractions of Departmental rules, directives, or procedures. *\*This is used as a finding for EEO allegations, off duty action allegations, and use of force allegations ONLY.*

**REFERRED:** *AS AN INVESTIGATIVE FINDING AND OVERALL DISPOSITION:* Internal Affairs has preliminarily conducted an investigation and that information has been referred to another IAD investigation number or another unit or agency (city, state, or federal) for

**INACTIVE:** *AS AN INVESTIGATIVE FINDING AND OVERALL DISPOSITION:* The complainant will not consent to an IAD interview due to a pending court proceeding *OR* the officer is unavailable due to long term IOD status or military leave, etc, and the investigation will be reopened when the court proceedings are concluded or when the officer returns to duty or is able to be interviewed. This finding/disposition can only be used when compliant with OPR Policy #27. (Refer to [OPR Policy #27](#)).

**LACK OF COOPERATION:** *AS AN INVESTIGATIVE FINDING AND OVERALL DISPOSITION:* The complainant does not cooperate with the investigation and the investigator has made all reasonable efforts to obtain the cooperation, and the investigation

### TYPES OF ALLEGATION FINDINGS

cannot proceed further without the cooperation of the complainant. This finding/disposition can only be used when compliant with OPR Policy #28. (Refer to [OPR Policy #28.](#))

**WITHOUT MERIT:** *AS AN INVESTIGATIVE FINDING:* All the facts set forth in a complaint can be accepted as true in all respects and these facts disclose no improper behavior on the part of the officer. This finding/disposition can only be used when compliant with OPR Policy #26. (Refer to [OPR Policy #26.](#)) *AS A DISPOSITION:* All investigative findings were *WITHOUT MERIT.*

**COMPLETE:** *AS AN INVESTIGATIVE FINDING AND OVERALL DISPOSITION:* A “first complaint” of lack of service or verbal abuse that is closed out after a Divisional Inspector conducted an investigation and gave the officer(s) advice, instructions, and other useful feedback regarding the complaint and the officer(s) actual or perceived behavior, demeanor, or conduct to assist the officer in avoiding similar complaints in the future.

**No I.A.D. Investigation:** *AS AN INVESTIGATIVE FINDING AND OVERALL DISPOSITION:* The incident does not require investigation by Internal Affairs and has been referred to an outside unit or agency, such as, a Unit/District C.O., Traffic Court, or Postal Inspector (Only to be used by Intake/Data Ctr Personnel with CO IAD approval).

**UNFOUNDED-Non EEO:** *AS AN INVESTIGATIVE FINDING AND OVERALL DISPOSITION:* The facts set forth in the original EEO complaint do not meet the criteria for an EEO complaint, making the EEO allegation unfounded. *\*This is used as a finding for EEO allegations ONLY.*

**CLOSED WITHOUT FINDINGS:** *AS AN INVESTIGATIVE FINDING AND OVERALL DISPOSITION:* This will only be used upon the approval of the Chief Inspector, Office of Professional Responsibility, or when the investigation conducted by F.B.I. PPCTF and the U.S. Department of Justice has declined prosecution, or the investigation revealed no criminal involvement of a target employee nor any Departmental Violations. Other factors that may be encountered by the PPCTF may also include, but are not limited to: the targeted employee(s) is no longer employed by the PPD, statements from persons originally identified as witnesses cannot be obtained, and/or available physical evidence may be insufficient. *\*This is used as a finding for ISS/FBI allegations ONLY.*

While the above definitions refer to the overall **DISPOSITION** when the individual allegations involve either/both multiple findings and multiple employees. In order to simplify terms when referring to these more complex cases, the definitions below will be used.

**PARTIALLY SUSTAINED:** There are several allegations made against an individual officer and one or more allegations are **SUSTAINED**, but not all the allegations are **SUSTAINED**. In this finding **there is only (1) one officer/employee** involved and (1) or more of the total allegations are **SUSTAINED** and all other allegations are other than sustained.

**MULTIPLE FINDINGS:** More than one officer is involved and the allegations are **SUSTAINED** against one or more officers; **ALL** other allegations will be **UNFOUNDED**, **NOT SUSTAINED**, or officers may be **EXONERATED**. In this finding **there is always more**

## TYPES OF ALLEGATION FINDINGS

**than (1) one officer/employee** involved with multiple allegations where at least (1) allegation or more is SUSTAINED and all other allegations are other than sustained.

**\*\*Note:** if there are more than (1) officer/employee involved and ALL of the allegations are SUSTAINED than the overall disposition is SUSTAINED.

**SEVERAL FINDINGS:** There are one or more officers involved in the incident and all of the allegations are either NOT SUSTAINED, UNFOUNDED, or some officers are EXONERATED. In this finding, **there are always multiple allegations AND differing findings**, however, none of those findings are sustained.

**\*\*Note:** if there are more than (1) officer/employee(s) involved and ALL of the allegations are the same than the overall disposition is the same. IE: 2 officers/employees with 4 allegations and all are UNFOUNDED, the overall finding is UNFOUNDED.

## TYPES OF ALLEGATION FINDINGS

**UNFOUNDED-Non EEO: AS AN INVESTIGATIVE FINDING AND OVERALL**

**DISPOSITION:** The facts set forth in the original EEO complaint do not meet the criteria for an EEO complaint, making the EEO allegation unfounded. *\*This is used as a finding for EEO allegations ONLY.*

**CLOSED WITHOUT FINDINGS: AS AN INVESTIGATIVE FINDING AND OVERALL**

**DISPOSITION:** This will only be used upon the approval of the Chief Inspector, Office of Professional Responsibility, or when the investigation conducted by F.B.I. PPCTF and the U.S. Department of Justice has declined prosecution, or the investigation revealed no criminal involvement of a target employee nor any Departmental Violations. Other factors that may be encountered by the PPCTF may also include, but are not limited to: the targeted employee(s) is no longer employed by the PPD, statements from persons originally identified as witnesses cannot be obtained, and/or available physical evidence may be insufficient. *\*This is used as a finding for ISS/FBI allegations ONLY.*

While the above definitions refer to the overall **DISPOSITION** when the individual allegations involve either/both multiple findings and multiple employees. In order to simplify terms when referring to these more complex cases, the definitions below will be used.

1. **PARTIALLY SUSTAINED:** There are several allegations made against an individual officer and one or more allegations are SUSTAINED, but not all the allegations are SUSTAINED. In this finding **there is only (1) one officer/employee** involved and (1) or more of the total allegations are SUSTAINED and all other allegations are other than sustained.

2. **MULTIPLE FINDINGS:** More than one officer is involved and the allegations are SUSTAINED against one or more officers; ALL other allegations will be UNFOUNDED, NOT SUSTAINED, or officers may be EXONERATED. In this finding **there is always more than (1) one officer/employee** involved with multiple allegations where at least (1) allegation or more is SUSTAINED and all other allegations are other than sustained.

**\*\*Note:** if there are more than (1) officer/employee involved and ALL of the allegations are SUSTAINED then the overall disposition is SUSTAINED.

3. **SEVERAL FINDINGS:** There are one or more officers involved in the incident and all of the allegations are either NOT SUSTAINED, UNFOUNDED, or some officers are EXONERATED. In this finding, **there are always multiple allegations AND differing findings**, however, none of those findings are sustained.

**\*\*Note:** if there are more than (1) officer/employee(s) involved and ALL of the allegations are the same then the overall disposition is the same. IE: 2 officers/employees with 4 allegations and all are UNFOUNDED, the overall finding is UNFOUNDED.

## Appendix 5

### MEMORANDUM

POLICE  
CITY OF PHILADELPHIA

TO : Police Commissioner

DATE: 03/06/08

FROM : Commanding Officer, Internal Affairs Division

SUBJECT: COMPLAINT OF XXXX XXXXXXXXX, IAD #07-593

#### Allegation:

On Monday 10/29/07, a complaint against police was received at Internal Affairs by Lt. Pickard #164. IAD #07-593 was issued.

In the complaint, Mr. XXXX XXXXXXXXX, 5218 Fenway Street, alleged he was falsely arrested by Lt. Thomas Train #86. Mr. XXXXXXXXX stated he went to his mother's house at 2551 N. Tumbleweed Street, because his brother had been shot at that location. Mr. XXXXXXXXX alleged Lt. Train stopped him, confiscated two hands guns from him, and arrested him. Mr. XXXXXXXXX stated that he owned the weapons and had a valid permit to carry.

The computerized personnel file revealed: Lt. Thomas Train #86, Payroll #606060, was appointed on 1/04/91 and assigned to the 33rd District on 12/31/04.

On 11/01/07, this investigation was assigned to Lt. Henry Dugan #198.

#### Investigative Analysis:

This investigation exceeded the 75-day limit as mandated by Mayor's Executive Order 7-11, due to awaiting the outcome of Mr. XXXXXXXXX criminal case. Due to case being continually rescheduled, including a continuation on 2/13/08 for status, Lt. Train was interviewed on 2/19/08 and the investigation proceeded without a criminal outcome.

On 11/20/07, Mr. XXXX XXXXXXXXX was interviewed by Lt. Dugan #198 inside the Internal Affairs Headquarters. In summary Mr. XXXXXXXXX stated on 11/20/07, he was at his home cooking, when his sister called him and informed Mr. XXXXXXXXX that his brother had been shot. Mr. XXXXXXXXX retrieved two handguns from a dresser and proceeded to 2500 Tumbleweed Street. Mr. XXXXXXXXX stated he sometimes carries both weapons and he had a valid permit to carry. Upon arrival at 2500 Tumbleweed, Mr. XXXXXXXXX parked his vehicle behind a police vehicle. A black male police officer told Mr. XXXXXXXXX to park his vehicle straight. Mr. XXXXXXXXX admitted he did not move his vehicle as requested by the officer. Mr. XXXXXXXXX told the officer that his brother had been shot and he was going to check on his mother. Mr. XXXXXXXXX started towards his mother's house at 2551 N. Tumbleweed Street. Lt. Train threw him against a wall,

## Appendix 5

patted him down, and took his two weapons. Mr. XXXXXXXX informed Lt. Train that he had a permit to carry. Mr. XXXXXXXX was placed in a police vehicle and told by Lt. Train that his permit and guns would be checked to see if they were valid.

Lt. Train came back to Mr. XXXXXXXX and told him the permit was ok but he was waiting on information about his weapons. Mr. XXXXXXXX was removed from the police vehicle, placed in a patrol wagon, and transported to Central Detective Division. Upon being taken into Central Detective Division, Mr. XXXXXXXX observed that the transporting officers had Mr. XXXXXXXXXX weapons. Mr. XXXXXXXX asked the officers if the information on his guns came back; he was told they were still waiting for the information. Mr. XXXXXXXX stated he was processed and upon being released, he inquired about his weapons. He was told that guns are not kept in the cellblock area. Mr. XXXXXXXX stated that his permit to carry was also confiscated. In response to questioning, Mr. XXXXXXXX denied going past any crime scene tape, saying that the crime scene tape was around the area of his mother's house. Mr. XXXXXXXX stated he never got near his mother's house; he was stopped about 12 houses from his mother's house. Mr. XXXXXXXX also said that Lt. Train never told him to stop while he headed towards his mother's house. Mr. XXXXXXXX stated he did not have anything to drink prior to coming to the 2500 block of Tumbleweed Street.

A review of Police Department paperwork revealed that on 10/20/07, police responded to 2551 N. Tumbleweed Street for a shooting. Upon arrival, police found Mister Victim, 19 year old black male with a gunshot wound to the abdomen. Mr. Victim told police that a black male, 30 years old, wearing a black hat and shirt, shot him as he was leaving his house. Mr. Victim was transported to Hahnemann Hospital by police. An empty gun holster was recovered from Mr. Victim's waist prior to transportation to the hospital. It should also be noted that Mister Victim has an extensive criminal history. Mr. Victim's criminal history includes arrest for drugs and crimes of violence committed with handguns. Mr. Victim's most recent arrest was on 12/26/07 for a home invasion robbery point of gun.

**On 1/15/08, P/O Maria Lewis #3888, payroll # 059526 and P/O Edwin McBride #5343, payroll #048554 were interviewed by Lt. Dugan #198 inside the Internal Affairs Headquarters. Neither officer had anything of relevance to offer to this investigation.**

**On 1/17/08, P/O Alvin Chipmunk #7777, payroll #528598 was interviewed by Lt. Dugan #198 inside the Internal Affairs Headquarters. P/O Chipmunk responded to a shooting in the 2500 block of Tumbleweed Street. Upon arrival, P/O Chipmunk observed a male (Mister Victim) on the highway with a gunshot wound to the stomach. P/O Chipmunk placed Mr. Victim in his patrol vehicle and transported him to Hahnemann Hospital. Mr. Victim had an empty gun holster on him. P/O Chipmunk stated he heard later that Mr. Victim's brother, XXXX XXXXXXXXX, was arrested for entering the crime scene. Mr. XXXXXXXX also had two handguns on him at the time of his arrest. P/O Chipmunk stated he did hear about someone at the crime scene that was intoxicated but he could not be sure that person was Mr. XXXXXXXX.**

## Appendix 5

On 1/22/08, P/O Kristopher Epes #6939, payroll #259407 was interviewed by Lt. Dugan #198 inside the Internal Affairs Headquarters. P/O Epes stated he was called to the scene to pick up paperwork for damage to a vehicle from a bullet. Upon arrival at the scene, Mr. XXXXXXXX was already in a police vehicle. P/O Epes did observe two weapons on the hood of a vehicle and Lt. Train was removing magazines from those weapons.

On 1/18/08, P/O Brian Apples #9411, payroll #359505, and P/O George Jefferies #1122, payroll #259508, were interviewed by Lt. Dugan #198 inside the Internal Affairs Headquarters. Officers Apples and Jefferies were assigned to 2201 wagon and responded to the original shooting of Mr. Victim but had resumed patrol. Lt. Train requested that 2201 wagon return to the location. Upon arrival, Mr. XXXXXXXX was already in a patrol vehicle. Lt. Train told the officers that Mr. XXXXXXXX had broke through the crime scene tape and was armed with two handguns. Lt. Train requested that Mr. XXXXXXXX be transported to Central Detective Division and gave the officers Mr. XXXXXXXXXXXX two handguns. Prior to transporting Mr. XXXXXXXX, Mr. XXXXXXXX requested the officer to move his vehicle which was parked at Tumbleweed and Huntingdon Streets, hanging off the corner. P/O Apples moved Mr. XXXXXXXXXXXX car up, so the car was no longer hanging over the corner. Mr. XXXXXXXX was taken to Central Detective Division; Mr. XXXXXXXXXXXX weapons were turned over to a detective. At the detective division, Officers Apples and Jefferies were informed that Lt. Train had already called and spoke to a detective. Officers Apples and Jefferies then resumed patrol.

On 1/17/08, P/O Miguel Gomez #3200, payroll #360095, was interviewed by Lt. Dugan #198 inside the Internal Affairs Headquarters. P/O Gomez stated he was on location in the middle of the 2500 block of Tumbleweed Street. Lt. Train was at the top of the block by Huntingdon Street. P/O Gomez observed Mr. XXXXXXXX go past the crime scene tape and enter the crime scene. Lt. Train placed the male against a wall. P/O Gomez observed Lt. Train hold a gun recovered from Mr. XXXXXXXX, behind his back. P/O Gomez ran to Lt. Train's location and took the weapon from him. Lt. Train continued to search Mr. XXXXXXXX and found a second weapon. Mr. XXXXXXXX was placed in the rear of a police vehicle. P/O Gomez stated Mr. XXXXXXXX appeared to be intoxicated; he had glazed eyes and smelled of alcohol. P/O Gomez returned to guarding the crime scene until the arrival of detectives. Mr. XXXXXXXX was transported from the scene prior to the detective's arrival.

On 2/19/08, Lt. Thomas Train #8600, payroll #112648 was interviewed by Lt. Dugan #198 inside the Internal Affairs Headquarters. Lt. Train responded to the scene of a shooting in the 2500 block of Tumbleweed Street. Lt. Train had an approximately thirty foot area taped off around 2551 N. Tumbleweed Street and also had Tumbleweed Street taped out at Huntingdon Street. While awaiting the arrival of detectives, Mr. XXXXXXXX pulled up to the corner of Tumbleweed and Huntingdon Streets in a vehicle. Mr. XXXXXXXX parked the vehicle in the intersection and Lt. Train informed him, he could not leave his vehicle there. Mr. XXXXXXXX ignored Lt. Train

## Appendix 5

and proceeded towards the crime scene tape at Tumbleweed and Huntingdon. Lt. Train informed Mr. XXXXXXXX that he could not go past the tape; Mr. XXXXXXXX continued to jog southbound past the crime scene tape. Lt. Train observed that Mr. XXXXXXXX was holding his hand at his waistband and believed Mr. XXXXXXXX was possibly armed. Lt. Train stopped Mr. XXXXXXXX, placed him against a wall, patted him down, and recovered two hand guns.

Lt. Train asked Mr. XXXXXXXX where he was going; Mr. XXXXXXXX replied that his brother had just been shot. Lt. Train detected a strong odor of alcohol and believed Mr. XXXXXXXX to be intoxicated. Lt. Train obtained Mr. XXXXXXXX identification and a permit to carry and placed Mr. XXXXXXXX in a patrol vehicle. Lt. Train wanted to investigate further to see if Mr. XXXXXXXX was in any way connected to the earlier shooting. The shooting victim had an empty holster and Lt. Train recovered two hand guns from Mr. XXXXXXXX. Lt. Train had Police Radio run the serial numbers of the weapons and Mr. XXXXXXXX permit to carry through NCIC/PCIC. Mr. XXXXXXXX permit came back as valid but no information was returned on the two handguns.

Lt. Train had Mr. XXXXXXXX transported to Central Detective Division for a charge of criminal trespass for entering the crime scene. Additionally, Lt. Train wanted to make sure Mr. XXXXXXXX did not have any connection to the original shooting. Regardless of his involvement, Lt. Train did not intend to return the weapons to Mr. XXXXXXXX, because Lt. Train believed Mr. XXXXXXXX to be intoxicated. After Mr. XXXXXXXX was arrested, Lt. Train had an officer park Mr. XXXXXXXX car legally. Lt. Train did not recall speaking to any female at the scene, but did speak to a male who said he was Mr. Victim's father. That male inquired about the condition of Mister Victim. Lt. Train also informed Mister Victim's father that Mr. XXXXXXXX had been arrested for entering the crime scene.

Submitted by:

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Henry Dugan  
Lieutenant 198  
Internal Affairs Division

Reviewed and approved by:

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Joseph O'Donnell  
Captain 93  
Internal Affairs Division

## Appendix 5

### Conclusion:

Lt. Thomas Train #8600, payroll #112648 is **EXONERATED** of the allegation of false arrest filed by Mr. XXXX XXXXXXXX.

This investigation did not reveal any evidence that Mr. XXXXXXXXXXXX stop or arrest was improper. Mr. XXXXXXXX entered a crime scene by physically going past crime scene tape. Mr. XXXXXXXX also ignored a request by officers to park his car legally and not to enter their crime scene. Mr. XXXXXXXX was arrested for Criminal Trespass. During this arrest, Mr. XXXXXXXX was patted down for officer safety. Two guns were recovered from Mr. XXXXXXXX. Lt. Train stated Mr. XXXXXXXX had a strong odor of alcohol and he believed Mr. XXXXXXXX to be intoxicated. Although Mr. XXXXXXXX had a valid permit to carry, both his arrest and intoxication are reasons for a revocation of that license to carry a firearm. Lt. Train took prudent action in seizing the weapons. On 12/5/07, based on the information of Mr. XXXXXXXXXXXX arrest, Mr. XXXXXXXXXXXX permit to carry was revoked by the Police Commissioner.

A copy of this report should be forwarded to the Commanding Officer of the 33rd<sup>h</sup> District for review.

---

H. Robert Snyder  
Inspector  
Internal Affairs Division

## Appendix 6

### EXECUTIVE ORDER NO. 5-17

#### PROCESSING OF CIVILIAN COMPLAINTS ALLEGING POLICE MISCONDUCT

WHEREAS, issues relating to public safety are of primary concern to all civilians of the City of Philadelphia;

WHEREAS, it is incumbent upon the government of the City of Philadelphia to ensure that agencies directly responsible for public safety have the proper support from the government and its agencies; and that all civilians have an equal degree of faith in those agencies to deal with their complaints in a fair, equitable and timely manner;

WHEREAS, Executive Orders 1-80, 9-93 and 7-11 established procedures for the prompt and impartial processing of complaints against the Police Department;

WHEREAS, there is a need to broaden and codify the procedures by which civilians of the City of Philadelphia can seek redress of grievances against members of the Police Department and the Police Department can investigate police misconduct;

WHEREAS, the President's Task Force on 21<sup>st</sup> Century Policing and the United State Department of Justice, through its report entitled, *Collaborative Reform Initiative: An Assessment of Deadly Force Policies and Practice in the Philadelphia Police Department*, both recommend that law enforcement agencies should establish and maintain a culture of transparency and accountability to build public trust and legitimacy;

WHEREAS, the City hopes to improve public access to civilian complaint data in a form most accessible to the general public without compromising confidentiality of the parties involved and hindering or otherwise impeding the operations and resources of the Philadelphia Police Department;

WHEREAS, the prompt response to, effective investigation of, and impartial resolution of civilian complaints of police misconduct are essential to the trust that society places in its police;

WHEREAS, numerous complaints of police misconduct have been made by civilians against some members of the Philadelphia Police Department;

WHEREAS, it is the intention of this Executive Order to preserve the autonomy of the Police Commissioner's exercise of duties, while mandating procedures equitable to both civilians and police personnel for resolving civilian complaints of police misconduct.

NOW THEREFORE, by the power vested in me in accordance with Section 3-100(h) of the Philadelphia Home Rule Charter, the following amended guidelines for the processing of complaints of police misconduct by members of the Philadelphia Police Department, and the study, review, and disposition of said complaints, are hereby ordered.

## Appendix 6

### SECTION 1. CIVILIAN COMPLAINTS

- a. All civilian complaints against a police officer ("CCR") shall be received, investigated, and disposed of in accordance with the procedures set forth herein, and complainants shall be notified of actions taken by the Police Commissioner.
- b. A CCR shall be distinguishable from an independent internal investigation initiated from within the Department. For purposes of this Order, a CCR and the subsequent investigation shall only include those complaints originated by one or more civilians, whereby the Department has not otherwise initiated an independent internal investigation. In the event a CCR, or portion thereof, is or becomes the subject of a separate internal investigation, the CCR shall be merged into the internal investigation and shall be classified as an internal investigation and the complainant shall be notified.
- c. Copies of complaint forms entitled "Civilian's Complaint Report," published in English, Spanish, Chinese, Vietnamese, and other language versions as shall be necessary to provide broad and inclusive access to this complaint procedure, shall be made available via the Philadelphia Police Department website and supplied in sufficient quantities to all police districts and units, the Philadelphia Commission on Human Relations, the Police Advisory Commission, (each a "receiving agency"), the District Attorney's Office, and any community-based organization upon request. Complainants may submit completed forms to any of these offices or agencies.

Each of the receiving agencies shall maintain a control log to track the number of forms provided to complainants and collected, as set forth in subsection d of this Section 1. The District Attorney's office is requested to maintain such records as it deems necessary of such CCRs. Interpreters and persons with needed literacy skills shall be made available, as provided in Philadelphia Police Directive No. 7.7 regarding access to police services for individuals with limited English language proficiency, as needed, throughout the complaint and investigation process. Such persons shall not be sworn currently employed police officers.

- d. The CCR form shall contain a statement to the effect that the filing of a complaint will not necessarily result in a criminal investigation, but that an Internal Police Investigation will be initiated. The CCR form shall also include the address and telephone number of the Internal Affairs Division, and a summary of the procedures and timetable established by this Order for the conduct of investigations and notification to the complainant. Each complainant shall receive a copy of the CCR at the time it is filed with the receiving agency. Not later than twenty-four (24) hours after the CCR is filed with the receiving agency, the said agency shall send a copy of the CCR to the Police Department (if received by an agency outside the Department) and to the District Attorney's Office. If a CCR is received by the District Attorney's Office, that office is requested to forward it promptly to the Police Department.

The control log maintained by the receiving agency shall show the name of the complainant (except in the case of anonymous CCRs), the date and time the CCR form was received from the complainant, and whether the complainant left the form with the receiving agency to be officially filed. The log shall not show the name, badge number, or other descriptive information relating to any police officer(s) complained of. The Police Department shall keep a master file of all forms received and the offices or agencies from which they were received. Such control logs and master list shall be available for viewing by the public, subject to redaction as provided in Section 11(a)(4).

## Appendix 6

- e. The Internal Affairs Division of the Police Department shall be designated as the central control agency for all cases of civilian complaints against members of the Police Department.
- f. Police Department personnel shall inform any person who wishes to make a complaint against a police officer of the existence of the formal complaint procedure established by this Executive Order and shall refer such persons to the various locations, including the nearest location, where the CCR may be obtained and filed.
  - 1. Police Department personnel shall accept anonymous CCRs and in such cases shall follow the procedures in Section 3 of this Order.
  - 2. Police Department personnel shall provide a CCR to anyone requesting such forms, without requesting or requiring identification.
  - 3. When dealing with a possible complainant, Police Department personnel shall maintain a professional demeanor and take no actions to intimidate, coerce or otherwise dissuade a complainant from submitting a CCR.
- g. The Police Department shall promulgate specific procedures for the recording and processing of CCRs against members of the Police Department in accordance with this Executive Order by its effective date. The Police Department shall also prepare, publish and distribute CCRs in accordance with this Executive Order by its effective date.

### SECTION 2. PROCEDURES FOR THE INVESTIGATION OF COMPLAINTS

- a. All CCRs concerning police misconduct which are filed shall be received, investigated, and disposed of in accordance with the procedures set forth in this Section 2, except as provided in Sections 4 (relating to Complaints Lacking Any Merit), 5 (relating to Traffic or Parking Citation Complaints), 6 (relating to Right to Know Complaints), 7 (relating to Verbal Abuse or Lack of Service Complaints) and 8 (relating to Priority of Criminal Investigations) of this Executive Order.
- b. Upon receipt of the CCR, the Commanding Officer of Internal Affairs shall promptly assign it for investigation to a member of Internal Affairs, who shall be responsible for the investigation of the alleged incident. All such investigations shall be initiated by, and insofar as practicable, carried out by the staff of Internal Affairs. The staff of Internal Affairs shall have direct responsibility for all such investigations. No such CCR shall be referred for investigation to the commanding officer of the police officer against whom the CCR has been lodged, or to any other officer of the same command; provided however, that Internal Affairs may refer certain verbal abuse or lack of service complaints to the Inspector of the unit to which the accused officer is attached, where appropriate pursuant to Section 7 hereof. Internal Affairs shall monitor and review such investigations and, where necessary, take appropriate action.
- c. The investigation of the CCR by Internal Affairs shall include, but not be limited to, the following:
  - 1. Interviews with the complaining witness, the alleged victim of police misconduct (if other than the complaining witness), and all other witnesses to the incident who are indicated on the CCR form;
  - 2. Interviews with the police officer(s) against whom the CCR is lodged and all

## Appendix 6

- other police officers witnessing or involved in the alleged incident;
3. Interviews with all other witnesses to the alleged incident who become known to the investigating officer as a result of the investigation;
  4. Examination of the scene of the alleged incident, when appropriate;
  5. Viewing, analysis, and preservation of any and all evidence submitted by the complainant or witnesses or otherwise discovered during the investigation including, but not limited to, photographs, video recordings, medical records, and any reports of property damage;
  6. The gathering of all pertinent Police Department forms, analyses, technical reports, laboratory results, tapes and transcripts of telephone calls, and radio transmissions;
  7. If a criminal complaint has been lodged against any witness or participant in the event, a review and analysis of the investigative file compiled by the Police Department and or the District Attorney's Office in connection with such criminal complaint, when available;
  8. Such other investigative steps as may appear appropriate in the discretion of the assigned investigator, whose responsibility it shall be to record each step in the investigation and the result thereof in an Investigation Report.
- d. The assigned investigator shall attempt to secure written statements from all participants in, and witnesses to, the alleged incident, but where any witness or participant is unwilling to make a signed written statement, the assigned investigator shall provide a summary of the oral statement, if any, provided by such participant or witness. Where a written statement is given and signed by a participant or witness, the assigned investigator shall provide the person making the statement with a copy.
  - e. When a complainant is unable to identify the police officer against whom a complaint is lodged by name or badge number, the assigned investigator shall make every effort to assist the complainant in making a positive identification of the police officer.
  - f. All investigations shall be completed by Internal Affairs and the Investigation Report prepared within ninety (90) days from the date of filing of the CCR, except for extenuating circumstances stated in the Investigation Report and approved by the Police Commissioner or the Commanding Officer of Internal Affairs. The Investigation Report shall include the written recommendation of the investigator regarding the validity of the CCR.
  - g. Within thirty (30) days of the completion of an investigation, the ranking officer of Internal Affairs shall review the Investigation Report and upon giving approval thereof forward the Investigation Report, the entire investigation file and the ranking officer's written conclusion as to the occurrence and nature of the misconduct, if any, to the Police Commissioner. If the Investigation Report is disapproved by the ranking officer of Internal Affairs it will be revised accordingly and resubmitted to such ranking officer until it receives approval.
  - h. If extenuating circumstances necessitate an extension of time, the complainant (as well as the accused police officer) shall be notified of this fact and the reason therefor.

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### SECTION 3. ANONYMOUS COMPLAINTS

- a. When a member of the Police Department is approached by a complainant wishing to make an anonymous complaint concerning allegations of misconduct, the individual receiving the complaint shall notify the anonymous complainant that it is in the best interest of a full and complete investigation for the complainant to be identified and interviewed by the assigned investigator.
- b. If the anonymous complainant nevertheless wishes to remain anonymous, the individual receiving the complaint shall attempt to elicit all facts which the complainant can provide and shall record and process the CCR pursuant to Section 2 hereof, to the extent possible.

### SECTION 4. COMPLAINTS LACKING ANY MERIT

If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the complainant or the alleged victim of police misconduct (if other than the complainant), disclose no improper behavior on part of the police officer against whom the CCR is lodged, the ranking officer of the Internal Affairs Division may terminate the investigation. The Police Commissioner shall cause notice of the determination to be given to the complainant and to the alleged victim of the misconduct (if other than the complainant), or to the representative designated in the CCR.

### SECTION 5. TRAFFIC OR PARKING CITATION COMPLAINTS

If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that a CCR concerns the issuance of a traffic or parking citation, and the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the complainant or the alleged victim of police misconduct, disclose no improper behavior on the part of the officer against whom the CCR was lodged, the ranking officer of the Internal Affairs Division may terminate the investigation. The Police Commissioner shall cause notice of the determination to be given to the complainant with instructions that the proper procedure to dispute a traffic or parking violation is to appeal the citation to the appropriate forum as indicated on the complainant's copy of the citation. If any improper behavior on part of the police officer is disclosed, the CCR will be investigated according to Section 2 of this Executive Order.

### SECTION 6. RIGHT-TO-KNOW COMPLAINTS (65 P.S. § 67.101, *et seq.*)

If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that a CCR concerns the denial of or the delay in responding to a Right-to-Know request authorized under Pennsylvania law, and the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the complainant, disclose no improper behavior on the part of the officer against whom the CCR was lodged, the ranking officer of the Internal Affairs Division may terminate the investigation. The Police Commissioner shall cause notice of the determination to be given to the complainant with instructions that the proper procedure to appeal Right-to-Know disputes is to appeal the Philadelphia Police Department's response, or lack thereof, to the appropriate forum as indicated in the Pennsylvania Right-to-Know Law, 65 P.S. § 67.1101. If any improper behavior on part of the police officer is disclosed, the CCR will be investigated according to Section 2 of this Executive Order.

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### SECTION 7. VERBAL ABUSE OR LACK OF SERVICE COMPLAINTS

- a. If the assigned investigator of Internal Affairs, with the agreement of the ranking officer of the Internal Affairs Division, determines that the facts stated in the CCR, if accepted as true in all respects and interpreted in the light most favorable to the complainant or the alleged victim of police misconduct (if other than the complainant), would constitute verbal abuse or lack of service only, and that it is the "first complaint" of such conduct against the officer(s) named, the ranking officer of the Internal Affairs Division shall refer the CCR to the Inspector of the officer against whom the CCR was lodged.

The goal of the Inspector's investigation shall be to remedy the actual or perceived offensive behavior of the police officer against whom a CCR has been lodged in the most efficient and prompt manner possible. To accomplish this goal, the Police Department shall be prohibited from taking any formal disciplinary action against a police officer for the "first complaint" received for verbal abuse or lack of service in a two (2) year period.

- b. For purposes of this Order, the assigned Internal Affairs investigator shall determine the "first complaint" status by reviewing the Internal Affairs history of the officer during the two (2) years prior to the date of current CCR. If an officer has any CCRs alleging verbal abuse or lack of service during this time period, the current CCR shall be deemed a second or subsequent complaint and shall be investigated and disposed of pursuant to Section 2 of this Executive Order, including possible discipline.

Prior to the execution of this Executive Order, the Police Department has implemented appropriate policies and procedures to ensure that officers subject to allegations of verbal abuse or lack of service receive an in-depth review and such advice, instructions and other useful feedback regarding the complaint as will enable them to avoid similar complaints in the future.

- c. The procedures for disposition of such "first complaints" shall be the following:
  1. Upon receipt of a CCR from the ranking officer of the Internal Affairs Division, the Inspector of the police officer against whom the CCR was lodged shall contact and interview the complainant, and the complainant's witnesses, if possible, to confirm the facts of the case.
    1. If the Inspector determines in the initial investigation that any aspect of the CCR exceeds the scope of verbal abuse or lack of service, the CCR shall be referred back to Internal Affairs to be investigated and disposed of pursuant to Section 2 of this Executive Order. Additionally, if upon review the Inspector determines that the CCR states a claim of verbal abuse or lack of service motivated by animus based on race, color, gender, religion, national origin, age, ancestry, sexual orientation, disability or gender identity, the CCR shall be referred back to Internal Affairs to be investigated and disposed of pursuant to Section 2 of this Executive Order.
  2. The Inspector shall schedule a meeting with the police officer, his or her commanding officer and any other persons the Inspector deems necessary, to discuss the facts of the CCR. At such meeting the officer will be able to convey his or her version of the incident.

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3. At the conclusion of the meeting, the Inspector shall provide the officer with his or her opinion of the incident and the alleged conduct of the police officer. The Inspector shall then offer his or her advice, instructions and other useful feedback regarding the CCR and the officer's actual or perceived behavior, demeanor or conduct, so as to assist the officer in avoiding any similar CCRs in the future.
  4. The complainant shall be notified in writing that a meeting was held with the police officer against whom the CCR was lodged, at which the officer's conduct was discussed, and the case will be closed out.
- d. Second or subsequent CCRs alleging verbal abuse or lack of service against the same officer within the two (2) year period following the date of the complaint amounting to verbal abuse or lack of service as set forth above shall be investigated and disposed of pursuant to Section 2 of this Executive Order, including possible discipline.

### SECTION 8. PRIORITY OF CRIMINAL INVESTIGATIONS

- a. In the event that the complainant or alleged victim of police misconduct (if other than the complainant) has been arrested and charged with a criminal offense or offenses based upon the events on which the CCR is founded, the investigation and disposition of the CCR shall conform to the procedures established in this Order. However, the complainant or the alleged victim of police misconduct may elect not to give a written or oral statement either to the assigned investigator or before the Police Board of Inquiry, or both, until final disposition, including appeal, of all such criminal charges. In the event of such an election, the investigation shall remain open until such criminal charges have reached a final disposition, including appeal, and a new opportunity has been given to the complainant or alleged victim to make such a statement.
- b. In the event that a prosecutorial agency notifies the Police Commissioner that the officer who is the subject of the CCR is under criminal investigation for the offense complained of in the CCR, or in the event that a police officer is arrested for the offense complained of in the CCR, the investigation and disposition of the CCR shall conform to the procedures established by this Order. Where criminal charges are not resolved or the criminal investigation is not complete prior to the Commissioner or his appointed delegate's final determination of the CCR, the Commissioner shall reevaluate such final determination within fifteen (15) days of the resolution of the criminal charges or the closing of the criminal investigation. A criminal investigation shall be deemed closed upon written notice from the prosecutorial agency. The Commissioner may affirm, modify or reverse the prior determination in light of the outcome of the criminal charges or criminal investigation, or may reopen the departmental investigation which shall conform to the procedures set forth in this Executive Order. A brief statement by the Commissioner supporting the decision upon reevaluation shall be transmitted to the complainant or alleged victim of police misconduct (if other than the complainant), in the manner prescribed by Section 9(d) hereof.
- c. If the initiation or completion of an investigation is delayed due to possible or pending criminal charges as detailed in Sections 8(a) or (b) hereof, the time period mandated by this Executive Order for the completion and disposition of the investigation may be extended for the period of the delay.

## Appendix 6

### SECTION 9. REVIEW AND DISPOSITION OF COMPLAINTS

Except for those CCRs handled solely pursuant to the provisions of Sections 4 (relating to Complaints Lacking Any Merit), 5 (relating to Traffic or Parking Citation Complaints), 6 (relating to Right to Know Complaints), or 7 (relating to Verbal Abuse or Lack of Service Complaints), and not the provisions of Section 2, upon receipt of the file and the findings and conclusions of the ranking officer of the Internal Affairs Division, the Police Commissioner or a Deputy Commissioner assigned by the Commissioner shall review the entire file and determine the appropriate disposition of the CCR in accordance with the following provisions:

a. Criminal Misconduct.

In every case in which the Commissioner or his appointed delegate determines that there are reasonable grounds to believe that misconduct rising to the level of a crime has occurred, without regard to any person's credibility, the Commissioner shall refer the matter to the District Attorney or the U.S. Attorney for consideration and prosecution unless prosecution has been previously initiated. Whether misconduct rises to the level of a crime shall be determined by reference to the Pennsylvania Crimes Code, Federal criminal statutes, and or regulations. Regardless of whether the District Attorney or U.S. Attorney initiates or declines prosecution, the Commissioner or his appointed delegate shall impose such sanctions as the Commissioner deems appropriate.

b. Non-Criminal Misconduct.

In every case in which the Police Commissioner or his appointed delegate determines that there are no reasonable grounds to believe that misconduct rising to the level of a crime has occurred, the Commissioner shall, in his discretion, (i) make a finding that noncriminal misconduct has occurred, and impose such sanctions as the Commissioner shall deem appropriate; (ii) refer the CCR to the Police Board of Inquiry for a hearing; or (iii) make a finding that no misconduct has occurred and close the file.

c. Disciplinary Action.

In every case in which the Police Commissioner or his appointed delegate determines that misconduct has occurred, the Commissioner shall impose sanctions which are commensurate with the seriousness of the misconduct, taking into account the prior history of the officer in question. Sanctions shall range from a reprimand to dismissal from service.

d. Notice

The disposition of the CCR, including any disciplinary action, shall be communicated in writing, by certified mail, to the officer against whom the CCR was lodged, the complainant and the alleged victim of police misconduct (if other than the complainant), or such person's representative as may be designated in the CCR; and a copy shall be delivered to the District Attorney's Office. The notification shall inform the person to whom it is given that the entire file is available for review, subject to redaction in accordance with Section 11(a)(4).

e. Except for extenuating circumstances stated in the file, the determination of the Police Commissioner and the notice prescribed in Section 9(d) shall be made within forty-five (45) days from the receipt of the file by the Police Commissioner.

## Appendix 6

- i. In those instances in which the Police Commissioner determines that no misconduct has occurred, the notice to the complainant and the alleged victim (if other than the complainant) shall include a summary of the investigative findings and the reason for the Police Commissioner's actions.

### SECTION 10. THE POLICE BOARD OF INQUIRY

- a. Upon referral by the Commissioner of a CCR to the Police Board of Inquiry (the "Board") for hearing, the following procedures shall apply:

The Board shall schedule a hearing to be held at the earliest possible date, but not to exceed ninety (90) days from the referral of the CCR ("Civilian Complaint Hearing"). Not less than thirty (30) days' written notice of the time and place of the hearing shall be given by certified mail, return receipt requested, to the complainant and the alleged victim of police misconduct (if other than the complainant) or to his or her attorney or other representative designated in the CCR; to material witnesses identified in the investigation; to the police officer or employee charged with misconduct; and to all witnesses and participants whom the Commissioner or the Board believes may be helpful in resolving the question before the Board.
- b. The Board may grant a continuance of the scheduled hearing only upon written request by a member of the Board or the Department Advocate. If a continuance is granted, the hearing will be rescheduled to be held at the earliest date possible but not to exceed thirty (30) days from the date of the first scheduled hearing, and notice shall be given to the accused officer or employee and any witnesses by certified mail, return receipt requested.
- c. Hearings shall be informal and strict rules of evidence shall not apply. The assigned investigator and any officer or employee against whom charges have been placed shall attend. Testimony under oath shall be received from all persons who appear and purport to have information which is material to the CCR. Any accused Police Department officer or employee may be represented by counsel or other representative and shall have the right to present evidence and to examine and cross examine witnesses. An audio recording and transcript of the hearing shall be made. For those hearings that are open to the public, such transcripts shall be made available to the public upon request and payment of cost. All Civilian Complaint Hearings, shall be open to the public provided that hearings that involve minor victims or allegations of sexual misconduct shall not be open to the public unless a public hearing is requested by the victim in writing. If the victim is a minor, the hearing shall not be open to the public unless the written consent of a parent with legal custody or the minor's legal guardian is also provided.
- d. The Board shall forward to the Police Commissioner or to the Commissioner's appointed delegate written findings of ultimate facts based on all of the evidence presented at the hearing. If the Board finds that a police officer engaged in misconduct, it shall also make a recommendation for disciplinary action against the police officer. If the Board finds that misconduct rising to the level of a crime has occurred, determined by reference to the Pennsylvania Crimes Code, federal statutes or regulations, it shall refer the matter to the District Attorney or the U.S. Attorney for consideration of prosecution, unless prosecution has been previously initiated. A copy of the Board's findings and recommendations, if any, shall be kept on file by the Department Advocate.
- e. Upon consideration of the Board's findings and recommendation, if any, the Police Commissioner shall make a final determination of the CCR, which, together with a brief statement of reasons in support of or in disagreement with the findings and recommendations of the Board, shall be transmitted to the appropriate parties, in the manner provided by Section 9(d) hereof.

## Appendix 6

### SECTION 11. PUBLIC ACCESS TO AND MAINTENANCE OF RECORDS

Records relating to or resulting in criminal investigations and records relating to a non-criminal investigation are exempt from public disclosure pursuant to the Pennsylvania Right to Know Law (65 P.S. §67.708(16) and (17)). Therefore, public access to and maintenance of these records shall be governed by this Order.

- a. General procedure following the disposition of a CCR.
  1. Redacted copies, as defined in subparagraph 4 below, of the complete investigation, the written findings and recommendations of the Board, if any, and the Police Commissioner's final determination shall be given by certified mail, return receipt requested, or other such manner as requested, to the Complainant or authorized representative, and victim if other than the complainant, within forty-five (45) days of the Police Commissioner's final determination.
  2. To ensure openness and transparency, on a monthly basis, the Police Department shall post on the Department's website the relevant identifying information, classifications and outcomes in a format consistent with the Open Data Philly Initiative. This posting shall include a brief narrative of the complaint, investigation, investigative outcome, Police Board of Inquiry determinations. Relevant identifying information shall include district, complaint classification, finding, and reference numbers, and any other information determined by the Commissioner or his designee to be appropriate, but no portion of the posting shall include information removed from redacted copies of CCR records pursuant to subparagraph 4 below. All information posted on the Department's website shall be maintained on the website for a period of five (5) years beyond the calendar year of the disposition of the CCR.
  3. The officer against whom CCR is lodged shall receive notification of the outcome of any CCR and upon request will be provided an entire, completed CCR investigative file.
  4. For purposes of this Order, a "redacted copy" of any record is a record whereby certain personal information, medical/treatment information, and information that would compromise public safety or officer safety has been obscured, masked, or otherwise concealed from view. Such information shall include, but is not limited to, the following information:

## Appendix 6

### A. Personal Information Redactions:

1. First and last names of complainants, witnesses, victims and Police Officers, except for initials.
2. Other names that could be used to identify witness or officers.
3. Unique information which could identify a witness or officer.
4. Home addresses or other specific non-business addresses.
5. License plate numbers and vehicle identification numbers.
6. Social Security Numbers.
7. Driver's license numbers.
8. Certified mail numbers.
9. Actual birth dates (age is acceptable).
10. District Control numbers.
11. Property receipt numbers.
12. Warrant numbers
13. Ticket or citation numbers.
14. Firearms serial numbers.

### B. Public/Police Officer Safety Information Redactions:

1. Undercover and otherwise sensitive officer assignments.
2. Police Department assigned vehicle numbers, license numbers and vehicle identification numbers (VIN).
3. Officer payroll numbers.
4. Officer shift hours.
5. Location or lack of surveillance cameras in an area.
6. Information regarding police tactics that would endanger officer or public safety if released.
7. Any other portion of the investigative file that the Police Commissioner determines must be kept confidential in order to protect the integrity of the investigative process.

### C. Medical, psychiatric and other confidential information.

In order to protect the privacy interest of all parties involved in the investigations, records or information obtained in the course of an investigation which would operate to prejudice or impair a person's reputation or security shall not be included in the investigative report or made available to the complainant or public under this section. Such information includes but is not limited to the following:

1. Medical information.
2. Psychiatric information
3. Drug and alcohol treatment information
4. Information supplied to police with the express expectation of confidentiality or anonymity.
5. Any other portion of an investigative file that the Police Commissioner determines must be kept confidential in order to protect the integrity of the investigative process.

- b. Procedures when a CCR is being reviewed by any prosecutorial agency.

## Appendix 6

1. The Police Department shall provide a copy of the entire, completed civilian's complainant investigative file to any local, state or federal prosecutorial agency within seventy-two (72) hours following receipt of a written request from the agency.

- a. Ongoing Investigations

During the investigation of any CCR and upon receipt of a written request from any local, state or federal prosecutorial agency, the assigned police department investigator shall provide to the prosecutorial agency any requested information within twenty-four (24) hours after receipt of the request.

1. If the incident which is subject of the CCR has resulted in a criminal investigation conducted by a prosecutorial agency or a criminal prosecution for any of the parties, the record of the complaint shall not be posted on the Departmental website until such time as the criminal charges have been resolved by verdict in the trial court or the prosecutorial agencies involved in the investigation have notified the Police Commissioner that the criminal investigation is closed. However, upon request, records will be provided to any other prosecutorial agency, the police officer against whom the CCR is lodged, the complainant, and the victim, if other than the complainant.

- c. Procedures involving anonymous CCRs.

The records of anonymous CCRs received pursuant to Section 3(b) above, including those for which an investigation has found no corroboration of the complainant's version of the facts shall be posted on the Departmental website as described in Section 11(a)(2) above. However, records will be provided, upon request, to the complainant, if later identified, and the victim, if other than the complainant, pursuant to Section 11(a)(1).

- d. Procedures involving verbal abuse or lack of service CCRs.

The records of "first complaints" of verbal abuse or lack of service received pursuant to Section 7 shall be posted on the Departmental website as described in Section 11(a)(2) above and the disposition shall be recorded as "Officer Counseled."

- e. A copy of the final determination of the Police Commissioner shall be placed in the personnel file of the officer or officers involved, together with the findings and recommendations of the Board, if any. In those instances in which a CCR is terminated prior to a hearing, a copy of the CCR and final determination of the Police Commissioner shall be placed in the personnel file of the officer or officers involved.

SECTION 12. The procedures provided in this Executive Order shall be in addition to and not in derogation of:

- a. The procedures provided for preservation of the rights of police officers pursuant to the Civil Service Regulations of the City of Philadelphia; and
  - b. The responsibility of the Police Department to investigate crimes or refer cases to the proper authorities.

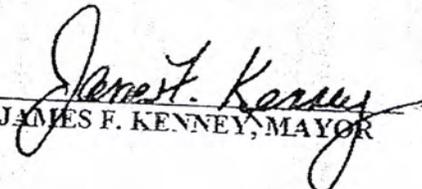
## Appendix 6

SECTION 13. If any section of this Order is declared to be unconstitutional or illegal, the remaining sections shall remain valid and unaffected.

SECTION 14. Executive Order No. 7-11 is hereby rescinded.

SECTION 15. This Executive Order shall be effective in sixty (60) days, provided that all preparatory steps, including those set forth in Section 1(f), shall begin immediately.

8/1/17  
DATE

  
JAMES F. KENNEY, MAYOR

Tracking Number CPOC-231109-459316

Created by Not specified - November 09, 2023

Edited version

AUDIT

## CITY OF PHILADELPHIA CITIZENS POLICE OVERSIGHT COMMISSION

**CLOSED CASE AUDIT:** The purpose of this document is to collect data regarding closed cases selected for assessment and to provide guidance to Auditors during the inspection of closed Internal Affairs investigations. The questions are designed to assess the closed investigation for any material deficiency, as well as gather data on Internal Affairs investigations. If this assessment reveals multiple deficiencies or any areas of concern, the investigation will be further assessed in an expanded audit.

Auditor

Date of Audit

## INVESTIGATION INFORMATION

IAD Case Number

Investigating Agency

Incident Classification

Incident Subclassification

## Appendix 7

Case Type\*

Sustained Findings?

Resolved via Mediation?

Police Encounter Type

District of Occurrence

Incident Date

Date IAD Was Notified of the Complaint

Investigation Opened Date

Date of Last Interview

Investigation Completed Date/Date on PC memo

Inspector Signed Date

## Appendix 7

Approving Inspector Name

Investigator Name

Investigator Rank

### COMPLAINANT / REPORTING PARTY INFORMATION

Complainant Name (First Name Last Name)

Complainant/Reporting Party Age

Complainant/Reporting Party Sex

Complainant/Reporting Party Race

Complainant/Reporting Party Ethnicity

Complainant/Reporting Party District of Residence

Complainant/Reporting Party Cooperate with Investigation?

## Appendix 7

Complainant/Reporting Party a member of PPD?

Additional Complainant(s)?

**VICTIM OF MISCONDUCT, IF DIFFERENT THAN COMPLAINANT - Complete this section only if the victim is different than the complainant. Leave this section blank if the complainant/reporting party is the only victim.**

Victim Name (First Name Last Name)    Victim Age    Victim Sex    Victim Race

Victim Ethnicity    Victim District of Residence    Victim Cooperate with Investigation?

Is victim a PPD Member?

Additional Victim(s)?

### SUPPLEMENTAL COVER SHEET - ADDITIONAL INVOLVED PARTIES

Complete these questions only if there were multiple investigators, complainants/report parties, or victims involved in the complaint. Otherwise, leave them blank.

### INVESTIGATORS

Additional Investigator Name    Title/Rank    More than 2 investigators?

### COMPLAINANTS/REPORTING PARTIES

Complainant/Reporting Party #2 Name    Complainant/Reporting Party #2 Age

Complainant/Reporting Party #2 Sex    Complainant/Reporting Party #2 Race

Complainant/Reporting Party #2 Ethnicity    Complainant/Reporting Party #2 District of Residence

Complainant/Reporting Party #2 Cooperate with investigation?

Is Complainant/Reporting Party #2 a PPD member?    Additional Complainants/Reporting Parties?

### VICTIMS

Victim #2 Name    Victim #2 Age    Victim #2 Sex    Victim #2 Race    Victim #2 Ethnicity

Victim #2 District of Residence    Victim #2 Cooperate with Investigation?

Is this victim a PPD Member?    Victim #3 Name    Victim #3 Age    Victim #3 Sex    Victim #3 Race

Victim #3 Ethnicity    Victim #3 District of Residence    Victim #3 Cooperate with Investigation?

Victim #3 PPD Member?    More than 3 victims?

## Appendix 8

### Current Auditing Questions

#### **Timeliness**

Was the investigation completed in 90 business days?

If not, was an explanation provided in the PC memo?

Are significant caps in the investigation sufficiently explained?

#### **Professional Standard of Care**

Does the selected classification and subclassification most accurately fit the substance of the original complaint on the white paper?

Did the investigator make required attempts to identify, locate, and contact all civilian/non-PPD parties, including all potential witnesses? contact attempts will include e-mail, at least one documented telephone call, a 75-48 message with DC numbers, when location is within Philadelphia... as well as IAD form letters sent by certified and 1st class U.S. Mail." -OPR Policy 28

Did investigator exhaust all resources to identify the officers accused of misconduct?

Does the PC memo clearly articulate the incident that occurred and give the reader a clear picture of what happened?

Does any language in the PC memo come across as not neutral or as favoring one perspective over another?

#### **Evidence Collections**

Does the PC memo and index indicate the investigator checked for existence of all potential audio recordings and video recordings including BWC?

If applicable, did the investigator accurately summarize all audio and video recordings reviewed by CPOC?

If video recordings were included, were any additional allegations present in the footage that were not addressed in the PC memo?

If applicable, did the investigator obtain audio and/or video evidence while it was still available/before it got deleted?

If applicable, were medical records in the case file accurately summarized?

Do the PC memo and case index indicate the investigator identified, located, and collected all other foreseeable evidence related to the investigation (police documents, medical records, etc.)?

Are details of all OTHER evidence (PPD documents, other documents) in the case file accurately represented in the PC memo?

If applicable, did the investigator appropriately consider the independence of civilian witnesses and their testimony?

## Appendix 8

### Interviews

Did the investigator complete a report documenting every interview conducted with an involved party? This includes all complainants, reporting parties, victims, witnesses, and accused members.

Did the investigator interview all PPD witnesses or explain why PPD witnesses were not interviewed?

Were any officers re-interviewed?

Do the officer interview memos address all of the allegations raised by the complainant?

Did the investigator ask appropriate follow-up questions in officer interviews?

Did the investigator ask appropriate follow-up questions in civilian interviews?

Do any of the interview memos (civilian or PPD) indicate the existence of additional evidence or witnesses that the investigator failed to obtain/contact?

Are all relevant details from interview memos included in the PC memo?

### Conclusions and Case Dispositions

Are the allegation findings on the conclusions page logical and reasonable based on the analysis of the evidence presented in the PC memo?

Was the analysis on the conclusions page inclusive of all relevant evidence and information presented elsewhere in the PC memo and case file?

Did the PC memo include a clear and concise statement of applicable law, rule, or regulation, that was allegedly violated for each allegation?

If there are sustained allegations, did the investigation sustain ONLY administrative violations? (Administrative violations are those not raised by a complainant/victim, and relate to paperwork, BWC violations, radio usage, etc.)

Do case file materials indicate the allegations are listed against the correct officers?

Were ALL allegations and violations identified during the course of the investigation addressed on the conclusions page?

Select all allegations that were missing from the conclusions page (multi-select list).

**CITY OF PHILADELPHIA  
CITIZEN POLICE OVERSIGHT COMMISSION  
CASE AUDIT MEMO**



**IAD case #:**  
24-0077

**CPOC Auditor:**  
NAME, Auditor / Monitor  
Janine Zajac, Director of Auditing and Monitoring

On DATE, CPOC Auditor NAME reviewed digital case file materials for CAP #FILE NUMBER and identified the following items to be addressed:

**Timeliness issues**

Describe issue

**Recommendation: Make a clear recommendation that the investigator should take in order to fix the issue. Using active voice.**

**Professional Standard of Care Issues**

**Evidence Collection and Interviews Issues**

**Conclusions and Case Disposition Issues**

**Missing Allegations (if applicable)**

CPOC identified the following allegations present in the complaint that were not addressed on the conclusions page of the PC memo:

1. List missing allegation #1
2. List missing allegation #2 (cite directive if it's a Departmental Violation-PPD Directives Violation)

*Auditor / Monitor*

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**CITY OF PHILADELPHIA  
CITIZEN POLICE OVERSIGHT COMMISSION  
CASE AUDIT MEMO**



**IAD case #:**

**CPOC Auditor:**

NAME, Auditor/Monitor

Janine Zajac, Director of Auditing and Monitoring

On (DATE), CPOC reviewed digital case file materials for IAD file #XX-XXXX.

CPOC reviewed only the documents provided by PPD and has no feedback at this time.

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*Auditor / Monitor:* (NAME), Janine Zajac

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