Summary of the Police Administrative Investigation for Public Dissemination

West Vincent Township recently received two citizen complaints stemming from an incident which occurred in West Vincent Township on June 6, 2015, involving West Vincent Township citizens, West Vincent Township Police and a local tree service. The complainants alleged that the conduct of certain West Vincent Township Police Officers constituted conduct unbecoming an officer; an abuse of authority and violation of the citizens' due process rights. Specifically, the citizens complained that the local tree service, without the appropriate permits or approvals, attempted to cut and/or trim a tree on their property, located within a West Vincent Township easement.

West Vincent Township police officers were dispatched to the scene due to a report that the tree service foreman was being harassed and threatened by the complainant property owner. The property owner also sought police assistance to interrupt any further cutting or trimming of the tree. Two officers of West Vincent Township responded to the scene, and had extensive discussions with the tree service personnel and the complainant property owners, over a two and one-half hour time frame. The police officers also had brief conversations with witnesses who had gathered at the scene, following the complainant property owner's advising the officers that they would sit under the tree, and risk arrest, to further protect the tree. The complainants also asserted that the Chief of Police, who was off duty and not on scene, abused his authority.

After receipt of the citizens' complaints alleging officer wrongdoing and demanding an investigation and potential disciplinary action, the West Vincent Township Board of Supervisors promptly authorized an Administrative Investigation. Directly at issue was whether the officers' conduct violated the policies and procedures of West Vincent Township, the laws of the State, or the complainant's due process rights. The Administrative Investigation encompassed Administrative Interviews of the complainants, witnesses and police officers, all conducted under oath; a review of relevant exhibits consisting of emails, a five page complaint, reports and work orders; analysis of Mobile Video Audio Recording of the Incident; and review and analysis of the West Vincent Township Police Department Policies and Procedures, the Police Tenure Act and all applicable laws.

An Administrative Investigation Report was prepared and submitted to the West Vincent Township Board of Supervisors addressing those aspects of the citizens' complaints. The analysis included approximately six and one-half hours of witness interviews; a review of of the complete police mobile video audio recordings; analysis of various exhibits; and the West Vincent Township Standard Operating Procedures along with state and federal laws. The following Analysis and Recommendations were made:

1. The complaints regarding Officer Nicholas Rubino were unfounded as he was wrongly named as the complainants failed to allege any purported wrongdoing against him. The complainants, during the course of their interviews, agreed that no wrongdoing was alleged against Officer Rubino despite their generalized allegations against the "officers".

2. The complaints against Sgt. Austin Russell were likewise unfounded. Sgt. Russell was viewed as being in compliance with all applicable standards for police conduct, with no evidence supporting conduct unbecoming an officer; an abuse of his authority; or a violation of the complainant's due process rights. Because the complaints were deemed to be unfounded, no disciplinary action was recommended. Conversely, the evidence supported that Sgt. Russell acted professionally, remaining polite and calm despite highly emotional conditions. Further calling into question the complainants' version of events were various statements from the complainants and witnesses which proved to be untrue. Finally, the Mobile Video Audio Recording supported that Sgt. Russell's conduct was in compliance with all applicable standards of police conduct.

3. The complaints against Chief Swininger were also unfounded as the conduct of Chief Michael Swininger, off duty at the time of the incident, was also viewed as being in compliance with all applicable standards of police conduct. Because the complaints were deemed to be unfounded, no disciplinary action was recommended. Although Chief Swininger was off duty and not at the site of the incident, he undertook extensive efforts to assist the highly emotional situation, coordinating with both township personnel and third parties to effectuate the result the complainants sought. The evidence revealed that Chief Swininger utilized his training and experience to pursue all avenues of resolution, ultimately obtaining the result requested by the complainant property owners – the utility company's agreement to postpone any further cutting or trimming of the tree. Also calling into question the complainants' allegations that Chief Swininger used poor judgment were various statements of the complainants and witnesses which proved to be untrue. Additionally, the complainants were unaware of the extensive off-duty efforts taken by Chief Swininger on the day of the incident.

Because the complaints were deemed to be unfounded, the Investigator did not recommend that any action be taken against the subject officers. The Investigator determined that the no actions of Chief Swininger or Sgt. Russell would be viewed by any court, arbitrator, or administrative fact finder as conduct unbecoming an officer, an abuse of power, or, violation of the complainants' due process rights. The West Vincent Township Board of Supervisors accepts and adopts the findings and determination of the Investigator and confirms its position, as announced publicly during the July 13, 2015 Township Meeting, that the police officers acted in an appropriate and professional manner.