

**TYLER POLICE DEPARTMENT
GENERAL ORDER**

INTEGRITY UNIT

03.400

REVISED: 01/12/10

EFFECTIVE 03/01/93

03.401 INTEGRITY UNIT FUNCTION

- A. The Tyler Police Department is charged with the security of the City of Tyler and its citizens. The integrity and reputation of the department depends, to a great extent, upon the manner in which the members of the department perform their varied and difficult duties. The performance of these duties involves employees in all manner of contact and relationships with the public.
- B. It is the policy of the Tyler Police Department to require an appropriate investigation of all complaints, including anonymous complaints, against the department or its employees.
- C. This policy establishes procedures for investigating complaints against all members of the Tyler Police Department for alleged or suspected violations of departmental policies and procedures, Civil Service Law (Local Government Code, Chapter 143), Ordinances of the City of Tyler, Laws of the State of Texas or the United States, and/or City of Tyler Personnel Policies. This section also applies to alleged or suspected violations of the Code of Conduct.
- D. It is the intent of this policy to:
 - 1. Protect the rights of the employee, the community, and the department.
 - 2. To identify patterns and trends of employee behavior and respond accordingly.
 - 3. To identify and remedy procedural problems and to enhance the profession of law enforcement.
- E. To ensure that impartial investigations and review are conducted in a manner conducive to good order and discipline, the following Integrity Unit Procedures are established.
- F. To ensure the effective use of Tyler Police Department and City of Tyler resources, periodic audits will be performed.

03.402 INTEGRITY UNIT

- A. The Integrity Unit will consist of two sworn personnel selected by the Chief of Police who will report directly to the Chief of Police. One will serve as the Internal Affairs investigator and one will serve as the Inspections investigator.
- B. The Integrity Unit will be divided into two separate functions, Internal Affairs and Inspection / Legal.
 - 1. The Internal Affairs investigator will be responsible for:
 - a. Record keeping functions relating to all citizen complaints and internal investigations.
 - b. Recording, registering, and controlling the investigation of citizen complaints against employees or the department.
 - c. Coordinating the investigation of alleged or suspected misconduct within the agency.
 - d. Maintaining the confidentiality of the Integrity Unit investigation and records.
 - 2. The Inspections investigator will be responsible for:

- a. Maintaining confidential records of employee injuries, inoculations, and other medical records.
 - b. Conducting unannounced inspections of work areas and audits of the various units within the department to include, but not limited to, the Property unit, Patrol division, Investigative Services and Data Management.
 - c. Coordinating and scheduling drug screens for investigators assigned to the Vice unit and other personnel as deemed necessary.
 - d. Maintaining the confidentiality of the Integrity Unit inspections records.
 - e. Coordinating the data necessary for monitoring racial profiling within the agency
- C. The confidentiality of these records is important and proper security measures should be taken. This record keeping will be separate and apart from the personnel records or centralized records system. The records maintained by the Integrity Unit will be maintained in the offices assigned to the Internal Affairs investigator and Inspections / Legal investigator with access limited to the Chief and the I.U. investigators.
- D. When possible, complaints of alleged minor misconduct by employees shall be assigned to their immediate supervisor for investigation. Upon completion the results will be submitted through the chain of command to the I. A. Investigator for review.
- E. Cases involving criminal acts *by* employees shall be assigned to the Criminal Investigative Unit, Internal Affairs investigator, or an outside agency for investigation. The case may be assigned to one or all of these entities. The Chief of Police will assign internal cases for investigation, which will best serve the interest of all parties involved while ensuring a fair and unbiased investigation of the complaint.
1. Criminal investigations will remain separate and apart from administrative internal investigations.
 2. The internal administrative investigation will be conducted *by* the I. A. investigator.
 3. The criminal investigation will be conducted *by* a criminal investigator as assigned *by* the Chief of Police. The investigator will maintain liaison with the Smith County District Attorney's Office for assistance with legal advice and case preparation for prosecution.
 4. The I.A. investigator will have access to all information from the criminal investigation and the administrative investigation, but the criminal investigator will not have access to the information in the possession of the I. A. investigator.
- F. The I. A. investigator will provide a monthly written statistical report on complaints and Internal Affairs cases to the Chief of Police. The I. A. investigator will also provide annual statistical summaries, based on the records of I.A. investigations, for dissemination to the public and to agency employees.

03.403 COMPLAINTS

- A. Complaints of employee misconduct shall be organized into two categories, internal and external complaints.
1. Internal complaints are those allegations made *by* an employee directed at specific misconduct on the part of another employee.
 - a. Any member of the department who has knowledge of any act or information of any misconduct on the part of another employee will immediately bring it to the attention of the person's supervisor.
 - b. If the act or violation involves the reporting employee's supervisor, the information will be related to the next level in the person's Chain of Command.
 - c. If the violation is a Class 1, the supervisor will then fill out a Record of

Investigation / Complaint form with as much information as possible about the alleged misconduct. The Record of Complaint is then forwarded through the Chain of Command to the I. A. investigator. A completed Offense/Incident Report shall accompany complaints that allege criminal acts.

- d. If the violation is an internal Class 2 complaint or a minor violation of the General Orders, the supervisor will complete a Record of Investigation / Summary Violation Form.
 1. The supervisor shall document on the Record of Investigation / summary violation form the facts supporting the violation.
 2. The Record of Investigation / summary violation form may serve as the disciplinary record for these minor violations if the discipline to be given is counseling, or oral reprimand
 - a. The supervisor may initiate counseling, or oral reprimands for these minor violations prior to the chain of command review.
 - b. The disciplinary action shall be administered in accordance with General Order 03.500.
 3. The employee receiving the Record of Investigation / summary violation form may use the form to make comments and respond to the allegation, as well as respond to the disciplinary action
 4. After the chain of command review the I.A. investigator shall make two (2) copies of the completed Record of Investigation / summary violation form. One (1) copy is to be given to the employee. The other copy is to be placed in the employee's departmental file to be used in completing the employee's performance evaluation. The original Record of Investigation / summary violation form shall be placed in the employee's I.A. file.
2. External Complaints are those complaints, regardless of severity, originating from outside the department, which are allegations of employee misconduct or criminal acts.
 - a. The complainant's name shall be required and a written statement of the allegations is required on those complainants that respond to the Police Department, along with other pertinent data that is necessary to complete a Record of Investigation / Complaint and a synopsis of the allegation. The original Record of Investigation / Complaint and the statement will be forwarded to the I.U. investigator for classification and control number assignment. This will be done prior to any investigation.
 - b. In the event that the complaint is made by telephone or letter, the supervisor receiving the complaint will complete the appropriate information for a Record of Investigation / Complaint form and is to include a synopsis of the allegation. The original Record of Investigation / Complaint form will be forwarded to I.A. for classification and control number assignment. This will be done prior to any investigation. The I. A. investigator will obtain a written statement from the complainant, if possible, before returning the complaint to the appropriate division for investigation.
 - c. When the complainant refuses to give a statement, the refusal is to be noted on the Record of Investigation / Complaint form and then sent to I.A. to be handled as an administrative inquiry. An investigation may be ordered at the discretion of the Chief.
3. All complaints shall be recorded on a Record of Investigation / Complaint form and it is the responsibility of the I.A. Investigator to assign the control number and to classify the Record of Complaint. The chain of command review form shall be attached to the

Record of Complaint.

- B. The supervisor involved in the initial investigation of the complaint should attempt to resolve minor incidents or inquiries upon receipt. When complaints of this nature are received by telephone or in person and the explanation or means of clarification are acceptable with the complainant, the matter may be considered resolved with the explanation to the issue in question documented on the Record of Investigation / Complaint form. The Record of Investigation / Complaint form is forwarded through the chain of command to the I.A. Investigator.
- C. The procedure for registering an external complaint will be explained to all citizens by the employee who receives information that may constitute a violation of department policy. In addition, the Public Information Officer and the Community Response Officers will routinely provide this information to the public during community service contacts. The Police department will publish and display pamphlets that provide the community with the necessary information to make a complaint on a department employee. These pamphlets will be displayed in strategic locations throughout the City of Tyler.

03.404 TAKING OF COMPLAINTS

- A. Walk In or Telephone Complaints - Persons coming to or telephoning the department to file a complaint shall be referred to the involved employee's supervisor.
 - 1. If the employee's supervisor is unavailable or not on duty, then the complainant will be referred to the I.A. Investigator, or to the on-duty supervisor of the employee's Division. If no supervisor is on duty for the employee's Division, the complainant will be referred to an on-duty Patrol Divisions supervisor.
 - 2. The supervisor taking the report shall complete the Record of Investigation / Complaint form and handle according to procedure.
 - 3. A statement will be obtained from the complainant on all walk-in complaints, unless there are extenuating circumstances. If the complainant refuses to give a written statement, it shall be noted on the Record of Investigation / Complaint form. The statement and Record of Complaint are then forwarded to I.A.
- B. Mail In Complaints - Complaints sent to the department via the mail shall be forwarded to the I.A. Investigator, through the chain of command for classification and assignment.
- C. In the event the complaint concerns a department procedure or legal technicality which a supervisor may explain to the satisfaction of the complainant, it will not be necessary to complete a Record of Investigation / Complaint form. However, if there is any doubt as to the satisfaction of the complainant, a complaint shall be taken.
- D. Those incidents that involve a difference of opinion between a police officer and a citizen over the guilt or innocence of a citizen shall not be investigated. Complainants in such cases shall be advised to pursue adjudication through the court system.
- E. Complaints regarding the Chief of Police shall be directed to the City Manager.
- F. Complaints on employees will not be investigated unless they are reported within 60 days of the alleged incident, with the following exceptions:
 - 1. When the complaint involves a criminal violation, the criminal statute of limitation will prevail.
 - 2. When the complainant can show good cause for not making the complaint within the specified time limit.
 - 3. When so ordered by the Chief.

- G. All complainants will be advised that it is a violation of the Texas Penal Code 37.08 to make a False Report to a Peace Officer.

03.405 COMPLAINT CLASSIFICATION

All complaints, both internal and external, shall be classified by the Chief or I. A. investigator. The source of the complaint has no bearing on the classification applied to the complaint.

- 1. Class 1 Complaints include all serious complaints made against department employees. They include but are not limited to:
 - a. Excessive use of force
 - b. False arrest
 - c. Discrimination
 - d. Corruption/extortion
 - e. Violation of any criminal statute (Class B misdemeanor or higher)
 - f. Misuse of police authority
 - g. Civil rights violations
 - h. Use of deadly force with firearm (shooting review)
 - i. Death of any person in police custody.
 - j. Sexual Harassment
 - k. Racial, or other complaints of Profiling
 - l. Others as may be directed by the Chief.
- 2. Class 2 Complaints are all complaints relating to inadequate police service, discourtesy, rudeness, improper procedure, or any other allegation not included under Class 1, or as directed by the Chief.

03.406 COMPLAINT INDEXING

- A. All internal and external complaints shall be directed to the I.A. Investigator through the chain of command for disposition, classification, referral, and assignment of a complaint control number.
- B. The number system shall be designed so as to facilitate quick referral to any complaint, permit statistical tabulation, and provide security against access to the records by unauthorized persons.
- C. No person shall have access to or information from any internal affairs record without the expressed permission of the Chief, or the I.A. investigator.

03.407 COMPLAINT PROCESSING

- A. The I.A. investigator shall maintain administrative control over all internal and external complaints and subsequent investigations.
- B. The appropriate on-duty supervisor shall receive the Record of Investigation / Complaint form to permit preliminary investigation during the supervisor's assigned shift. In any case, at the end of that shift, a copy of all reports will be sent to the I.A. investigator and the Division Commander with the completed investigation on Class 2 complaints to follow.
- C. The Chief has the authority to reclassify any complaint or case, or to redirect that case to any other unit for follow up investigation.
- D. The Integrity Unit shall investigate all Class 1 Complaints except as directed by the Chief. All unintentional and use of force related firearms discharges will be investigated by the I. A. investigator.

- E. In order to assure a fair and impartial review and/or investigation of the allegation, the person receiving the initial complaint and the supervisor taking the complaint shall not discuss the incident or the complaint with anyone other than the Chief, the employee's chain of command, or the I. A. investigator.
- F. The Chief of Police will be notified immediately on all Class I complaints by the supervisor taking the complaint, or the I.A. investigator taking the complaint. This notification may be verbal but will be followed up by a written report as soon as practicable. The Chief of Police is to be notified of all Class 2 violations by the I.A. investigator upon classification.
- G. Any employee who is advised of a complaint or allegation involving either of the following shall immediately bring it to the direct attention of the Chief of Police through the chain of command, or the I.A. investigator who will immediately notify the Chief of Police.
 - 1. Any criminal offense, felony or misdemeanor.
 - 2. Administrative infractions that could result in an employee being suspended (temporary or indefinite) or demoted.

03.408 NOTIFICATION OF EMPLOYEE

- A. Employees involved in Class 1 complaints will be given written notice of the allegations, the investigation as well as their rights and responsibilities. Under normal circumstances, the employee will be notified within three days, excluding weekends and holidays, except in cases when the employee cannot be located. The Chief may authorize an investigation without the employee's knowledge if the Chief feels it is necessary to gather sufficient information and evidence if such notification would jeopardize the investigation.
- B. If a Class 2 complaint escalates to a Class 1 complaint then 03.408 A will be the policy followed.

03.409 EMPLOYEE RESPONSIBILITY DURING INVESTIGATIONS

- A. Each employee will cooperate fully with personnel of the Integrity Unit or any employee or supervisor conducting an investigation.
- B. Administrative investigations into the actions of other employees will only be conducted by the Internal Affairs investigator or authorized employee selected by the Chief of Police.
- C. The following rights are afforded employees in internal investigations.
 - 1. Employees will be issued a written Integrity Unit Warning (Garrity) prior to any interview or request for an Internal Statement.
 - 2. The interview of an employee other than in the initial stage of an investigation shall be scheduled at a reasonable time, preferably while the employee is on duty, or if possible, during daylight hours.
 - 3. The length of the interview will be reasonable, with interruptions permitted for personal necessities, meals, telephone calls, and rest.
 - 4. Employees will be allowed to have a non-participating representative of their choice present at the time they are providing statements during an internal investigation. It is the responsibility of the employee to ensure a personal representative is present on the date and time, and at the place of the interview. The interview will not be delayed because of a representative's failure to show.
 - 5. The I.A. investigator will attempt to notify the employee at least 24 hours in advance of the interview.

Advanced notice may be waived only by the Chief.

6. The interview may be audio or video recorded and transcribed at the discretion of the I.A. investigator, but then only after advising the affected employee.
 7. Any employee with knowledge or information of the incident under investigation will be contacted, and at the request of the I.A. investigator be required to give a sworn written statement. Refusal by employees to make a written statement will be grounds for disciplinary action up to and including indefinite suspension.
- D. The employee shall answer truthfully all questions concerning the investigation that are asked by the interviewing investigator. When the employee refuses to answer questions, the employee will be informed that their refusal to answer can become the subject of disciplinary action up to and including indefinite suspension from the Police Department.
- E. Polygraph Examinations - All polygraph examinations for internal investigation purposes must be approved by the Police Chief.
1. The Department recognizes that, for the purposes of criminal prosecution, employees do not automatically waive any constitutional privileges concerning questioning pursuant to this policy.
 2. Employees may be required to submit to a polygraph examination when the employee is suspected of:
 - a. Committing a criminal offense.
 - b. Misconduct that would be grounds for termination, suspension, or other disciplinary action.
 - c. Concealing information regarding their qualifications for continued employment with the Department.
 - d. Withholding or concealing pertinent information regarding any matter under official investigation by the Department.
 3. Testing - Questions used in polygraph examination will be pertinent to the subject of the inquiry except that the polygraph examiner may utilize control questions as may be necessary to validate an examination within the scope of acceptable polygraph procedures.
 4. In non-criminal matters under investigation the employee can be ordered to submit to a polygraph examination. The employee will be informed that the results of the polygraph examination or any information derived from the examination may be used by the Department in administrative investigations and hearings. However, when an uncorroborated citizen's complaint for a non-criminal infraction is the basis for an investigation, the employee shall not normally be required to submit to a polygraph examination unless the complaining citizen first submits to such an examination.
 5. Polygraph examinations will be performed within a reasonable time of the request and by qualified examiners.
 6. Appropriate questions will be formulated by the polygraph examiner based on the facts of the investigation provided to him by the person directly in charge of the investigation.
 7. Employees will tell the truth at all times and will answer pertinent questions and will not refuse to answer or knowingly give a false or misleading answer to any question before, during, or after a polygraph examination.
 8. Employees will cooperate with supervisors and investigators when involved in any incident requiring the use of the polygraph.
 9. When serious allegations are made against an employee, the employee may request a polygraph examination. Such request will be documented in the case report.
- F. Refusal to Take Polygraph Test
1. The guidelines set forth in Chapter 614.063, Government Code, govern when a sworn employee may be ordered to submit to a polygraph.

2. A non-sworn employee who refuses to take a polygraph, when so ordered by a superior, is subject to disciplinary action up to and including indefinite suspension at the direction of the Police Chief.
 3. Prior to an employee being ordered to take a polygraph, the employee will first be advised that:
 - a. There is no state or federal constitutional right to refuse to take a polygraph.
 - b. There is no state or federal constitutional right to the assistance of counsel during the testing process in a non-criminal investigation.
 - c. The questions will relate specifically to the subject of the investigation.
- G. Medical or Laboratory Exams (All testing will be in compliance with the Americans with Disability Act)
1. At the direction of the Chief of Police, a laboratory or medical exam may be conducted for administrative purposes only. The scope of the exam will be confined to the acquisition of relevant facts pertaining only to the investigation at hand.
 2. At the direction of the Chief of Police the employee may be required to submit to other diagnostic tests. The scope of the test must be relevant to the investigation.
- H. Participation in a Line Up
- At the direction of the investigating Officer, with the approval of the Chief of Police, the employee may be required to participate in a line up. The use of a line up must be relevant to the investigation.
- I. Photographing of Employee
- At the direction of the investigating Officer the employee may be photographed. The photograph must be reasonable (not degrading or compromising) and its use relevant to the investigation. Prior to using the photograph in a line up or viewing by a complainant, approval must be obtained from the Chief of Police.
- J. Financial Disclosure Statements
- At the discretion of the investigating Officer, with the approval of the Chief of Police, the employee may be required to submit a financial disclosure statement. The request for and use of the statement must be directly related to the investigation.

03.410 NOTIFICATION OF THE COMPLAINANT

On all complaints the I.A. investigator will provide the complainant with a complaint receipt letter indicating the complaint has been received for processing (if complainant is known). The complainant shall also be informed that they will be contacted again and advised of the disposition of the case upon its conclusion. Upon completion of the investigation and the chain of command review the I.A. investigator will, by letter, notify the complainant of the following:

1. The general findings and conclusion of the investigation.
2. That the investigation is officially closed.

03.411 INVESTIGATION OF THE ALLEGATION

- A. Class 2 Complaints and Summary Violations will be investigated by the affected employee's first line supervisor. If the First Line Supervisor is unavailable or special circumstances exist, the Unit Commander may assign the complaint to another supervisor in the same Unit or conduct the investigation personally.

1. These investigations should be completed within fifteen (15) working days. Any extension must be approved by the appropriate Division Commander and the I. A. investigator will be advised of all extensions.
 2. Upon completion of the investigation, the investigative report, the Record of Complaint, the Chain of Command Review form or the Summary Violation, and the Interoffice Correspondence form (which is not required with the Summary Violation) shall be submitted through the chain of command with the disposition and recommended disciplinary action if any.
- B. Class 1 Complaints will be investigated by the I.A. investigator or the Chief's designee.
1. These investigations will be completed within thirty (30) days of initiation. The Chief of Police will be notified as soon as possible of all Class I Complaints. Any extension of the (30) daytime period must be approved by the Chief of Police.
 2. Progress reports will be given to the Chief on a daily basis during critical investigations.
 3. The I.A. investigator will submit a report containing a conclusion of fact synopsis of the investigation to the Chief of Police. This report is a summary listing of all the facts determined in the investigation and includes a recommended disposition. This report is in memo form with the complaint allegations defined in the first section. The summary of the investigation is in the next section. The final section details the conclusion of facts of the investigation and a disposition is listed therein. The report will list any possible Policy, Procedure, or Statutory violations.
 4. After review and approval by the Chief, if necessary, the entire investigation will be sent through the employee's chain of command for review. The chain of command will make note of any policy violations and make recommendations as to appropriate disciplinary action for consideration by the Chief.

03.412 DISPOSITION OF COMPLAINTS

- A. Upon completion of an investigation, the Chief of Police or the I. A. investigator shall classify the case with one of the following dispositions:
1. Unfounded - the allegation is false or not factual.
 2. Exonerated - the incident complained of occurred but the actions of the employee were lawful and proper.
 3. Sustained - the allegation is supported by sufficient evidence.
 4. Not Sustained - there is insufficient evidence to prove or disprove the allegation.
 5. Policy Failure - flaw in policy caused incident.
 6. Administrative Inquiry - Complainant refused to give a statement, the complainant cannot be located, or time exceeds limitations for complaint acceptance.
 7. Misconduct not alleged in the complaint.
- B. The final classification shall be indicated on the Record of Record of Investigation / Complaint form.

03.413 RECOMMENDATIONS FOR DISCIPLINARY ACTION

The Chief of Police will review all recommendations from the chain of command, and will follow General Order 03.500 to set the appropriate disciplinary action.

03.414 INSPECTIONS

- A. The Inspections / Legal investigator will be responsible for performing inspections and audits of various units in the department. These unannounced inspections shall include inspections of work areas and audits of the various units within the department to include, but not limited to, the

Property unit, Patrol division, Investigative Services and Data Management.

Audits of the cash activities will be completed on a quarterly basis.

- B. Coordinating and scheduling random drug screens for investigators assigned to the Vice / Narcotics unit and other personnel as deemed necessary.

Random drug screens of all Vice / Narcotics investigators should be conducted a minimum of once per calendar year or at the discretion of the Chief of Police.

03.415 EMPLOYEE RESPONSIBILITIES DURING INSPECTIONS / AUDITS

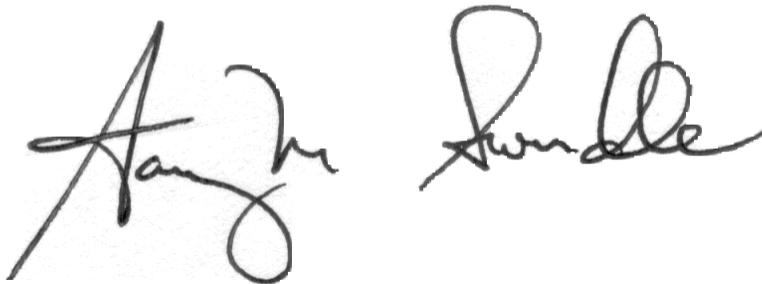
- A. Each employee will cooperate fully with personnel of the Inspections / Legal investigator or any employee or supervisor conducting an inspection.
- B. Administrative inspections will be conducted by the Inspections / Legal investigator or authorized employee/supervisor.

03.416 REPORTS OF INSPECTIONS

The Inspections / Legal investigator will submit a report containing a complete account of the inspection to the Chief of Police.

- 1. The report will include any problems or deficiencies detected during the inspection and recommendations.
- 2. Any inspections reports that reveal criminal behavior or Class 1 violations of policy shall be handled in accordance with general order 3.403 (A) (1).

Approved: 01/12/10

Two handwritten signatures in black ink. The signature on the left is written in a cursive style and appears to be 'Angie'. The signature on the right is also in cursive and appears to be 'Sundell'.