

KILLEEN POLICE DEPARTMENT GENERAL ORDERS, POLICIES AND PROCEDURES

Part A – General Policies and Procedures

Title: **Internal Affairs Unit**

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.01 Purpose

Employees of the Killeen Police Department are held to a higher standard of conduct and discipline in order to preserve the essential relationship of trust and confidence within the community. To preserve this relationship, the department's integrity is maintained through an internal system whereby consistency, objectivity, fairness, and justice are ensured by an impartial review and investigation of complaints. The Internal Affairs Unit also tracks and reviews responses to resistance, grievances and other areas to identify potential issues, training needs and policy changes. The system is balanced to equitably serve the needs of the community, the department, and the employees. Generally, progressive discipline will be utilized except in unusual circumstances.

.02 General Procedures

- A. The public has a right to have misconduct by employees of this department thoroughly investigated and properly adjudicated. Therefore, all complaints against the department or an employee of the department, regardless of form, source, or substance are accepted and appropriate action initiated, to include anonymous complaints. **26.2.1**
- B. Each employee of the department is entitled to a disciplinary process that reasonably protects his responsibility to exercise the proper discharge of duty, as well as a method of disciplinary review and accountability that is timely, fair, and equitable.
- C. This procedure is established to direct the investigation and disposition of complaints against any employee of the department involving alleged or suspected violations of:
 - 1. City or department policies, procedures, and rules;
 - 2. Chapter 143 of the Texas Local Government Code and the [Rules and Regulations of the Civil Service Commission](#);
 - 3. Code of Ordinances of the City of Killeen or any other ordinance enacted by the City; and
 - 4. State or Federal laws.
- D. The Internal Affairs (IA) Unit is responsible for investigation of internal violations.
- E. [All entries into the Administrative Investigation Management System \(AIMS\) that are required under this General Order, will be entered by Lieutenants or Internal Affairs investigators.](#)
- F. A designee of the Chief of Police will conduct criminal investigations. His findings will be forwarded to the Internal Affairs Unit for completion of the internal investigation.
- G. In extreme cases, the Chief of Police can immediately discipline an employee without following the procedures set out in this General Order.
- H. These procedures do not apply to recruits in the Police Academy and probationary employees. Recruits in the Police Academy and probationary employees who are the subject of termination for failure to meet performance standards have a limited right of appeal and will be reviewed based on the City of Killeen [Administrative Policies and Procedures #431](#). Recommendations for termination must be supported by written documentation. [Police Academy and probationary employees](#) will be given the opportunity for a pre-termination hearing with the Chief of Police. A pre-termination hearing allows the affected employee and his supervisory chain of command to present pertinent information that can prove relevant and aid the Chief of Police in making a decision on retention or dismissal.
- I. Grievances – Civil Service employees. **22.4.1a,b**
 - 1. Grievances filed by civil service employees may include but are not limited to, work-related disputes, transfers, and job assignments.
 - 2. For [grievances](#) related to informal discipline (written reprimands):

- a. Within 10 calendar days after the date an officer receives a copy of the disciplinary document, the officer may make a written statement via memorandum concerning the informal discipline. The memorandum shall be placed in the officer's confidential file with the informal disciplinary document.
- 3. [If grievances are reported directly to HR, and if HR provides the grievances to IA, then IA will enter the data into AIMS.](#)
- 4. Civil Service Grievance Procedures.
 - a. The employee shall discuss the matter with his first line supervisor within three business days, informing the supervisor that it is a formal grievance. The supervisor shall respond no later than three business days after this discussion. [22.4.1c,e](#)
 - b. If the grievance remains unresolved, the employee may state the grievance in writing to the next supervisor in the chain of command within three business days. The supervisor shall respond in writing within five business days and send a copy to the Commander. If the supervisor is the Division Commander, he will send a copy to the Assistant Chief. [22.4.1c,e](#)
 - c. If the grievance remains unresolved, the employee may forward the grievance *as originally written*, along with the written responses and [cover memorandum attached, which should be](#) addressed to the Chief of Police within three business days [22.4.1a,b,e](#)
 - d. The Chief will review the documents, conduct any necessary investigation and inform the employee of the final decision no later than 20 calendar days after receipt of the documents. The Chief's decision is final. [22.4.1e](#)
 - e. An employee may have another employee present during meetings with the chain, if the supervisor is notified prior to the meeting. [22.4.1f](#)
- J. Grievances - Non-civil service employees. [26a,b](#)
 Grievances related to a performance evaluation or the meaning application and/or interpretation of a specific work rule or regulation affecting the civilian, will be handled in accordance with City of Killeen [Administrative Policies and Procedures #432](#), Grievance Procedures.
 - 1. For matters regarding the appeal of disciplinary action, refer to City of Killeen [Administrative Policies and Procedures #431](#), Appeals of Disciplinary Action.
 - 2. [If grievances are reported directly to HR and if HR provides the grievances to IA, then IA will enter the data into AIMS.](#)
- K. When grievances reach a level that require written documentation, [employees shall include the following information:](#)
 - 1. The name, division and position of employee submitting the grievance;
 - 2. The date and time when the grievance is being filed.
 - 3. [The date and time of the grievance occurred;](#)
 - 4. [Information identifying the relevant facts for the grievance, including all parties involved and their respective roles.](#) [22.4.1d](#)
- L. The Internal Affairs unit will conduct a documented annual analysis of all grievances filed the previous year. He shall submit a report to the Chief and make recommendations as needed. If through analysis, the Chief observes a trend in filed grievances, steps may be taken to minimize the causes of such grievances in the future. [22.4.3](#)

.03 Organization of the Internal Affairs Unit

- A. [At least one officer who is](#) a Sergeant or higher. [26.2.3](#)
- B. The Internal Affairs Unit falls under the Administrative Service Division for administrative oversight (timesheets, budget concerns, etc.). Due to the nature of his investigations, [any](#) IA investigator has direct access to the Chief of Police without having to utilize the chain of command. [26.2.3](#)

- C. The Chief of Police or his designee may appoint additional personnel as necessary to assist the Internal Affairs Unit in conducting investigations.
- D. In the absence of the Internal Affairs investigators, the Chief of Police may designate an alternate investigator and the Chief of Staff will assume the administrative duties of the office.

.04 Responsibilities of the Internal Affairs Unit

- A. **Direct and coordinate** the resources of the unit toward its stated objectives in an efficient, fair, and effective manner.
- B. Maintain a records system (electronic database or hard copy files) that includes the following:
 - 1. Recording, registering, and controlling the investigation of complaints against the department and employees; **26.2.2**
 - 2. Supervising and controlling the investigation of alleged or suspected misconduct within the agency;
 - 3. Maintaining the confidentiality and security of internal investigations and the records created from those investigations; and,
 - 4. Performing administrative reviews of any issue or matter assigned. **26.2.2**
- C. **Ensure** the Chief of Police remains informed of all complaints and the accomplishments, concerns, and operations of the unit.
- D. Classifies complaints of misconduct.
- E. Investigates complaints as outlined in these procedures.
- F. Informs the complainant during the investigation (see section .07, Investigation of Complaints.) **26.3.4b**
- G. Prepares a monthly and annual summary of unit activities for the Chief of Police.
- H. The Internal Affairs Lieutenant or his designee coordinates grievance procedures and maintains control of grievance documents in compliance with the approved Records Retention schedule. **22.4.2**

.05 Types of Complaints and Investigative Responsibility

- A. All complaints are classified as **Internal Affairs Complaints, Administrative Reviews (ARs), or Division and/ or Shift Complaints** according to the following guidelines:
 - 1. **Internal Affairs complaints include:** **26.3.1b**
 - a. Allegations of excessive use of force;
 - b. **All Allegations of Harassment, regardless of the type of Harassment;**
 - c. Allegations of criminal activity;
 - d. The death or serious injury of a suspect or of a civilian resulting from police action;
 - e. Incidents in which an employee is killed or seriously injured in the line of duty
 - f. Incidents which result in major property damage or destruction in excess of \$10,000.00;
 - g. **Any complaint which the Chief deems an internal affairs complaint.**
 - 2. **Administrative Reviews include:** **26.3.1a**
 - a. **Any issue or concern the Chief deem necessary to review.**
 - 3. **Division and/or Shift complaints include:**
 - a. **Minor misconduct such as infractions, errors or omission in writing reports, tardiness or misconduct best dealt with by prompt corrective action of a supervisor.**
- B. The Internal Affairs Unit has the primary responsibility for investigation of **Internal Affairs complaints and Administrative Reviews. The immediate supervisor for the employee filing the complaint, or the employee being complained about, has investigative responsibility for division and/or shift complaints, unless that supervisor is also a principle or witness to the complaint.** **26.3.1 a,b**
- C. Minor **misconduct, as defined above,** need not be entered on a Personnel Complaint form, and

may be resolved by means of verbal or written reprimands, training, or any other form of supervisory documentation.

1. A supervisor may temporarily relieve from duty an employee under his supervision for a period of not more than one workday on the grounds that the employee is unfit for duty. **26.3.7**
 - a. “Unfit for duty” may include any **temporary** physical or mental condition which might, in the judgment of the supervisor, render the employee incapable of adequately performing his duties, or performing them in such a way as to embarrass or discredit the department, or jeopardize the safety of any person or property.
 - b. The supervisor shall immediately forward a detailed memorandum to the division commander. The supervisor may require the employee to prepare a memorandum explaining the incident.
 - c. A supervisor who relieves an employee from duty under this Section may direct that the employee be carried on sick leave, vacation leave, or other appropriate leave with pay.
 2. It is not intended that any employee be relieved from duty for a full work day under this section for deficiencies such as haircuts, dirty uniforms, etc., but such employees should be relieved from duty long enough to immediately correct those deficiencies and return to duty. **26.3.7**
- D. At times, certain investigations (including covert investigations of employees) will require the assistance of special investigative personnel and/or equipment. When such assistance is required and approved by the Chief of Police, the Internal Affairs Unit will direct the investigation unless the Chief of Police directs otherwise.
- E. The appropriate investigative unit will investigate misconduct that may also constitute a crime. **That criminal investigation is separate and apart from the Internal Affairs investigation.** The decision on the timing to proceed with an internal investigation in relation to a criminal investigation will be made by the Chief of Police.
- F. Administrative Review – I.A. may be requested at the direction of the Chief of Police to conduct an administrative review of a specific situation to determine if sufficient facts are present that would necessitate the initiation of a formal internal affairs **or shift/division** investigation. The review is not a formal complaint. It is simply fact gathering to determine whether formal action is required.
- G. Notification to the Chief. All **internal affairs** complaints will be brought to the immediate attention of the Chief of Police upon submission to the Internal Affairs Unit. Notification to the Chief of Police for **division or shift** complaints can occur during the bi-weekly IA case status update required by .07 (A) (3). **26.3.2**

.06 Case Inception

- A. Any supervisor of the department who is approached for such assistance shall accept complaints courteously and immediately.
1. The supervisor receiving the initial complaint advises the complainant of the department’s procedures for the handling and processing of such complaints. **Division and/or shift** complaints found to be baseless upon initial review by a supervisor do not need to be documented on a Personnel Complaint Form. (For example, a person complains of an employee’s actions, which were in compliance with policy or law that was unknown to the complainant.) **26.2.1**
 2. The supervisor receiving the complaint shall document it as follows:
 - a. **Division and/or shift complaints:** Route the complaint **information** to the Division Commander; if the complaint is against an employee *not* under the receiving supervisor’s chain of command, it shall be forwarded in person, **or if not in person then in a sealed envelope**, to the affected employee’s Division Commander for assignment after entering the information into the AIMS database.

- b. **Internal Affairs** complaints: **Complete a Personnel** Complaint form and **it along with any** related documentation shall be forwarded **in person, or if not in person then** in a sealed envelope to the Internal Affairs Unit. The IA unit will enter the complaint into the AIMS database.
 - c. In the event witnesses or evidence will not be readily available later, the supervisor shall collect the evidence or take the statement at that time and then forward the information.
 - d. **If at any point a supervisor who takes a complaint is unsure whether the complaint is an internal affairs or division and/or shift complaint, then the supervisor shall route the complaint to Internal Affairs unit for review.**
3. When the Internal Affairs Unit receives a **division and/or shift** complaint, it shall be forwarded **or if not in person then** in a sealed envelope, to the affected employee's Division Commander for assignment after entering the information into AIMS. If the complaint is classified as a **Internal Affairs**, it will remain with the Internal Affairs Unit for investigation in accordance with this General Order.
- B. To be considered by the Chief of Police, the complaint must be in writing and must be signed by the complainant. For internal complaints, the complainant will be an employee; external complaints will usually be signed by the citizen bringing the complaint to the department. There may be situations where the department receives information of a possible violation; however, the citizen does not sign a complaint **form**. In those instances, after review of the information, if factual evidence of a violation is found, the complaint may be signed by **IA**. Complaints will not be accepted more than 30 days after the alleged incident unless:
- 1. Acts complained of are a criminal violation, in which case the criminal statute of limitation will prevail, or
 - 2. The complainant can show good cause for not having made the complaint earlier as determined by the Internal Affairs Unit, or
 - 3. The Chief of Police directs the complaint to be accepted.
- C. Every effort will be made to obtain a sworn statement from the complaining party for all **internal affairs** complaints.
- D. Third party complaints, anonymous complaints, complaints from intoxicated persons or complaints from citizens who wish their names to be held in confidence shall be accepted and documented on a Personnel Complaint form. The complaints will be reviewed for validity; however, the complaints shall not be investigated beyond the scope of the Personnel Complaint form unless the merits of the case, as determined by the Chief of Police, dictate otherwise. **26.2.1**
- E. It shall be the policy of this department to file, when possible, appropriate criminal charges against any person who knowingly brings a false complaint against any member of the Killeen Police Department **and for all other criminal actions or misconduct**.
- F. Felony Indictment or misdemeanor complaint:
- 1. A commissioned employee who is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor shall be subject to the provisions of the Texas Local Government Code Section 143.056.
 - 2. A non-commissioned civilian employee who is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor will be subject to the rules and regulations in the City of Killeen **Administrative Policies and Procedures**.

.07 Timing of Investigating Complaints

- A. All investigations are to be conducted expeditiously. **26.3.3**
- 1. **After the complaint is filed**, the affected employee will be notified of the complaint at a reasonable time.
 - 2. **After the receipt of the complaint, if the investigation is not concluded by the 45th day, then the affected employee will be notified of the status of the investigation on that 45th day, unless the notification would jeopardize the investigation.** This does not apply to employees on Administrative Leave with Pay. **The 45-day investigative**

- status reports may be in writing or done verbally. The notification or lack thereof will be documented in the investigative packet.
3. A status report on the open investigation is due to the Chief every 14 days. **26.3.2**
 4. The investigator shall notify the complainant that the complaint was received and document the notification in the investigation notes. **26.3.4a**
 5. **After the receipt of the complaint, if the investigation is not concluded by the 45th day, then the complainant will be notified of the status of the investigation on that 45th day, unless the notification would jeopardize the investigation.** **26.3.4b**
 6. The investigator will notify the complainant in writing of the results of the investigation. **as soon as practicable.** **26.3.4c**
- B. Any employee having knowledge of an investigation and possessing information relevant to the investigation, shall present the information to the person conducting the investigation.
- C. An investigator conducting an internal investigation will make every effort to interview the complainant. The investigator will interview any person whose statement could assist in the just resolution of the case.
- D. If during an investigation of the initial allegation, it is disclosed that misconduct, not originally alleged may have taken place, this misconduct shall also be investigated. The employee shall be notified by means of a supplemental Personnel Complaint form signed by the complaint investigator.
- E. Any supervisor receiving a completed investigation from Internal Affairs will accept the investigation as complete. A supervisor will not re-investigate any part of the complaint without approval of the Chief of Police. The Internal Affairs Unit will be available to answer questions concerning the investigation or recommendation.

.08 Confidentiality of Information**26.2.2**

- A. All information relating to an Internal Affairs investigation is confidential. Employees will not disclose or discuss details of a case with anyone, except:
1. The Internal Affairs Unit investigator assigned to the case and his or her designee(s);
 2. The employee's attorney.
 3. **The City's attorney;**
 4. The employee's chain-of-command.
 5. Other persons specifically designated by the Chief of Police.
- B. No Internal Affairs personnel, including administrative staff, will disclose or discuss information about any investigation with anyone who does not have a legitimate need-to-know.

.09 Internal Affairs Complaint Procedures

- A. General
1. The Internal Affairs Unit investigates each complaint that falls within the scope of its responsibility and compiles detailed written reports setting out a complete and impartial description of the facts and circumstances of the case.
 2. When indicated, the Internal Affairs Unit prepares and conducts both photographic and stand up line-ups adhering to established department procedures, as required, and arranges for other investigative tests including; but not limited to: blood, breath, urine, fingerprints, polygraph, and psychological.
 3. The Internal Affairs Unit will assist with the presentation of the case to the **to the Civil Service Commission, Independent hearing examiner,** or to any other appellate body.
- B. Procedures for investigation of **Internal Affairs** complaints;
1. IA receives a Personnel Complaint form or prepares one if **the investigator is receiving the initial complaint.**
 - a. External complaints must have a written statement signed by the complainant **unless the situation is described as above in .06(D);**

- b. Internal complaints may use the personnel complaint form signed by the complainant.
2. IA ensures the complaint is entered into AIMS and a case number assigned.
3. IA provides the involved employee(s) confidential written notification of the complaint, a copy of the signed complaint form and signed written statement, if one exists. The investigator informs the employee(s) of his rights and responsibilities.
26.3.5
4. If the Internal Affairs Unit recommends that the complaint is Not Sustained, Unfounded or Exonerated, and the Chief agrees with this recommendation, then IA shall notify the employee, in writing not more than three working days after the case is closed.
5. If the Internal Affairs Unit sustains an internal affairs complaint and the Chief of Police concurs, the Chief may consider all of the circumstances surrounding the incident, the employee's past work history, and the discipline that has been applied to the employee in the past five years.
6. The Internal Affairs Unit will not recommend specific disciplinary action for any sustained complaint.
7. If there is a possibility that discipline could result in suspension, demotion, or indefinite suspension, then the Internal Affairs investigator shall prepare a Discipline Letter.
 - a. The Discipline Letter shall include the following:
 - (i) The name of employee;
 - (ii) All rules and/or policy violations sustained by the Chief;
 - (iii) Facts which support these sustained violations;
 - (iv) Any formal or informal discipline received by the employee in the prior five (5) years;
 - (v) The date of the employee's meeting with the Chief;
 - (vi) Certificate of Service; and
 - (vii) Signature lines for both the Chief and the Employee to include date and time the Discipline Letter was signed.
8. If there is a possibility that the discipline could result in suspension, demotion, or indefinite suspension, Internal Affairs shall prepare a Sustained Violation Notification.
 - a. The Sustained Violation Notification shall include the following:
 - (i) The name of the employee;
 - (ii) The policy(ies) and/or rule(s) violated and sustained by the Chief;
 - (iii) The date, time and location of employees meeting with the Chief.
9. The Discipline Letter and Sustain Violation Notification shall then be sent to the legal adviser for review of format and legal sufficiency.
10. The Internal Affairs investigator will personally deliver the finalized Sustained Violation Notification to the employee and have them sign, date and time their receipt of the document, or if the employee is unavailable, send it by certified mail to the employee's last known address as recorded in the Office of the Chief of Police. The Internal Affairs investigator will then make the employee aware of the date, time and location of his or her name clearing meeting with the Chief of Police.

.10 Administrative Reviews (AR)

- A. An Administrative Review is a brief look at a situation, as directed by the Chief of Police, to determine if there are any violations or a need for a full investigation into a situation.
- B. Upon notification of an Administrative Review, the IA Unit will gather all relevant information pertaining to the situation. This may include video and audio recordings, statements and the incident report, if applicable. Once the information is obtained, the IA investigator shall review the data to ascertain if any policy violations occurred that would require further investigation. IA will submit the review to the Chief of Police with recommendations as to

further investigation. Recommendations may include:

1. Initiate a Internal Affairs complaint
2. Initiate a [Division or Shift complaint](#).
3. Close the Administrative Review with no further action recommended [because there was no violation](#)).
4. Close the Administrative Review with recommendations for policy or training changes.

.11 Division and Shift Complaints

- A. The lieutenant or division commander of the affected employee shall assign a supervisor to investigate the complaint.
- B. The supervisor begins an investigation by questioning the employee, all witnesses, and gathering all relevant information. In conducting the investigation, the supervisor shall comply with sections .06 and .07 of this General Order.
- C. If during the investigation [of the complaint the supervisor finds that the complaint should be deemed an Internal Affairs complaint, then](#) the Internal Affairs Unit shall be notified immediately.
- D. If during the investigation, investigative tests or guidance is needed, the supervisor may contact the Internal Affairs Unit for assistance.
- E. Based upon the investigation, the supervisor recommends the classification of the complaint as sustained, not sustained, unfounded, or exonerated. [26.3.8](#)
- F. If the complaint is sustained, the [supervisor will](#) ensure appropriate discipline is imposed on the employee. The [supervisor may consider](#) all the circumstances surrounding the incident, the employee's past work history, and the discipline that the employee has received in the past five (5) years. The Internal Affairs Unit will assist the Division Commander with the employee's discipline history [if necessary](#).
- G. [If the supervisor finds that the employee has repeated misconduct, then the supervisor may refer the complaint to IA for review of progressive discipline.](#)
- H. The [Lieutenant](#) shall close out the complaint in AIMS.

.12 Disposition of Complaints

- A. Complaints are disposed of as being:
 1. Sustained - the allegation is true and the action of the employee's [actions were](#) inconsistent with department rules and procedures, civil service rules, State law, etc.
 2. Not Sustained - there is insufficient evidence to prove or disprove the allegation;
 3. Unfounded - either the allegation is demonstrably false or there is no credible evidence to support it;
 4. Exonerated - This classification includes complaints based on a valid concern of the complainant, but actions of the employee(s) [actions](#) were consistent with department rules and procedures. [26.3.8](#)
- B. Discipline is defined as those actions taken to modify behavior. Discipline can be applied in following forms:
 1. The following actions may be recommended or imposed by any supervisor in compliance with Local Government Code Chapter 143 or the City of Killeen [Administrative Policies and Procedures](#):
 - a. Individual or group training – Training focused on specific deficiencies to ensure compliance and reinforce standards for expected behavior or job practices [and performance](#). [26.1.4a](#)
 - b. Administrative Counseling – Counseling designed to focus employees and establish a planned direction to achieve career or job goals. [26.1.4b](#)
 - c. Verbal Reprimand – Verbal counseling designed to address specific minor infractions before they elevate to more serious issues. A record of a verbal reprimand must be kept in writing for the purpose of performance

- evaluations and documentation in the event the infraction is repeated and requires progressive disciplinary action.
- d. Written Reprimands – A written reprimand designed to address specific infractions. It will contain a clearly stated expectation for correction of behavior and that future violations will result in progressive discipline.
2. The following actions may be recommended at any supervisory level, but may only be imposed at the direction of the Chief of Police:
 - a. Assignment change – The movement of personnel from one assignment to another ;
 - b. Special assignment – The temporary movement of an employee from one job assignment ; **26.1.4c**
 - c. Professional therapy – The requirement for an individual to undergo therapy to correct specific behavioral issues.
 - d. Suspension without pay – The temporary removal from paid status in compliance with Local Government Code Chapter 143 or the City of Killeen **Policies and Procedures;**
 - e. Demotion – The demotion in rank of an individual in compliance with Local Government Code Chapter 143 or the City of Killeen **Policies and Procedures;**
 - f. Indefinite suspension – The indefinite removal of an employee from paid status in compliance with Local Government Code Chapter 143.
 - g. Termination – The permanent removal of an employee from paid status in compliance with the City of Killeen **Policies and Procedures;**
26.1.4d, 26.1.5
 - C. Formal discipline suspension without pay, demotion, termination, and indefinite suspension, may not be imposed upon an officer or employee unless the officer or employee receives a copy of the written, signed complaint.
 - D. If the Chief is satisfied that all the information has been reviewed and that an employee should receive **formal discipline, then the procedures in.09(B) will follow.** **26.1.7a,26.3.4c**
 - E. When the Chief of Police meets with the employee to administer the discipline, the employee **can** explain why the discipline should not be imposed. If the Chief decides to proceed, he informs the employee of the discipline and the **employees right to** appeal.
 1. If a Civil Service Employee receives formal discipline, then he or she has the right to appeal to the Killeen Civil Service Commission or a third party hearing examiner as allowed by Chapter 143 of the Local Government Code. **26.1.7b,c**
 2. **If a Non-Civil Service Employee receives formal discipline, he or she** shall have the right to appeal as defined in the City of Killeen **Administrative Policies and Procedures #431.** **26.1.6**
 - F. If the Chief is of the opinion that insufficient evidence exists for discipline, he may either dismiss the complaint or send it back to the Internal Affairs Unit for further investigation.
 - G. The previous five-(5) years of disciplinary and performance records will be considered in determining the nature and severity of discipline to be imposed.

.13 Rights and Responsibilities of Employees

- A. All employees are required to answer all questions specifically, narrowly, and directly related to the investigation. Refusal to comply with an order to answer such questions is a violation of departmental rules, which may subject the employee to further discipline including dismissal.
- B. Statements - The Internal Affairs Unit Investigator **shall require the employees involved in the investigation to give a written and verbal statement.**
 1. Memoranda requested by IA will be addressed to the Chief of Police and delivered directly to IA. These memos become part of the investigative packet, which will be presented to the Chief of Police upon completion of the investigation.
 2. An employee will be made aware of the *Garrity* Warning before being required to

- give a statement.
- 3 Upon request, an employee under investigation will be provided, without unnecessary delay, a copy of his written statement.
- C. Interviews
1. Employees will not be **allowed to have anyone present, including an attorney**, during an **internal affairs** interview. **However**, the immediate supervisor or other necessary personnel may be required to attend at the request of the Internal Affairs Unit.
 2. **If criminal misconduct is involved or discovered during an internal affairs investigation**, the *Garrity* Rule will be observed. Any required self-incriminatory admission made during an **internal affairs investigation**, interview may **only** be used in subsequent administrative proceedings and shall not be used against the employee in subsequent criminal proceedings **arise separate and apart from the internal affairs investigation**.
 3. **All interviews conducted by IA must be recorded via audio and/or video and may be recorded if conducted by a supervisor for a division and/or shift complaint**. Any interruptions will be noted, and any relevant discussions transpiring during breaks will be summarized on the recording and verified for accuracy by the employee. A copy of the recording is provided to the employee upon request. The employee, **including supervisors, under investigation** shall not record. **the interview either audio or video**.
 4. All interviews are conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
 5. The interviews will be held at the Internal Affairs Unit office, **or the supervisor's office**, in the main police department building, or if this is found impractical, at a location agreeable to both parties.
 6. An interview may not be unreasonably long. In determining the reasonableness of the duration of the interview, the gravity and complexity of the interview must be considered. The investigating officer shall allow reasonable interruptions of the interview to allow the employee to attend to personal physical necessities.
 7. An employee under investigation shall not be subjected to offensive language, threatened, or made promises or rewards as an inducement to answer any questions.
- D. Special examinations of records and searches **26.3.6a,b,d,e,f**
1. A supervisor shall direct an employee to submit to a blood or urine test when alcohol or drug usage is believed to be a factor in a suspected **misconduct that is** then occurring or **that** just occurred.
 2. An employee under investigation may request a blood, urine, psychological, polygraph, voiceprint, breath test, handwriting examination, physical examination, etc., if it is believed that such an examination would be beneficial to his defense. Generally, the employee will pay the cost incurred for examinations/tests requested by the employee. The employee may submit a written request for the department to pay for the examination/test to the Office of the Chief of Police for consideration based on the totality of the investigation. The department may require such examinations by written directive of the Chief or his designee. If the department requires the examination/test, the department will pay the cost for examination/test. **22.2.1**
 3. Upon recommendation from the Internal Affairs Unit, the Chief of Police or his designee may order an employee to submit to a polygraph examination for administrative purposes concerning the administrative case. Employees shall not be required to submit to a polygraph examination unless the complainant has signed a sworn complaint (affidavit) and has already submitted to and passed a polygraph examination, except where the Chief considers the circumstances extraordinary and believes that the integrity of an employee or the department is in question. All polygraph examinations will be conducted in accordance with the Texas Government Code Chapter 614.
 4. An employee may also be required to be photographed, to participate in a line-up, to

- submit a financial disclosure statement, or any other personal record when such information may be needed in a particular Internal Affairs investigation.
5. Orders for special examinations or to produce personal records will be in writing signed by the Chief, and will set forth the basis for the examination and/or production. The original order will be provided to the employee and a copy will be forwarded to the Internal Affairs Unit.
 6. An employee's personal property will not be routinely subjected to search or seizure without proper approval. Such approval must be authorized in accordance with state and federal law, and by procedures outlined in the City of Killeen Administrative Policies and Procedures.
 7. Department property including, but not limited to: lockers, desks, vehicles, facilities assigned to the exclusive use of an employee, may be searched, at any time, by a supervisor whether it is routine, for maintaining discipline, or for security purposes, or as otherwise allowed by the City of Killeen Administrative Policies and Procedures.
 8. Departmental communications may be monitored at any time, under conditions permitted by law. Other communications or conversations, such as those received via the department's security cameras and recording devices, etc., may be monitored at any time, under conditions permitted by law or any applicable provision of the City of Killeen Administrative Policies and Procedures. **26.3.6c**
- E. Criminal investigations
1. Notwithstanding any provision in this General Order, if an employee is under investigation for a criminal allegation, and a criminal investigation is being conducted in a department separate from internal affairs, then the employee shall have all the rights afforded under the law, including having an attorney present during any criminal interviews.

.14 Records

- A. An employee may make a written request to view the contents of a closed Internal Affairs Investigation. Release of this information will be subject to the Texas Public Information Act.
- B. Access to the files, records, and their storage area is strictly limited to:
 1. Chief of Police
 2. Assistant Chief
 3. Chief of Staff
 4. Internal Affairs
 5. Legal Advisor
 6. The affected employee's chain of command when authorized by IA.
- C. Except as provided elsewhere herein, possession of copies of documents relating to any internal investigation shall be a violation of this General Order, and the offending employee will be subject to disciplinary action.
- D. Informal discipline will be sent through the affected employee's chain of command to the Chief of Police, and a copy routed to Internal Affairs for storage in the IA files. A copy of informal discipline will be placed in the employee's confidential "G" file.
- E. All formal disciplinary documents shall be returned to IA.
 1. The original closed IA investigation and the disciplinary document will remain in IA and a copy will be sent to Human Resources for inclusion in the personnel file.

.15 Early Identification System

- A. An Early Identification System has been implemented utilizing the Administrative Investigation Management System (AIMS).
- B. The purpose of the system is to:
 1. Compile accurate statistical information on complaints, fleet accidents, disciplinary action, grievances, and use of force reports; and

2. Provide a way to identify patterns so that supervisors can address training needs or policy change requirements at an early stage to improve performance. **35.1.9a,c**
- C. All complaints received by either the Internal Affairs Unit or a department supervisor will be placed in the AIMS database.
- D. All documented disciplinary actions shall be entered into AIMS.
- E. All fleet accidents shall be entered into AIMS.
- F. All grievances shall be entered into AIMS.
- G. All Use of Force Reports shall be entered into AIMS.
- H. The AIMS Early Identification System will activate when an officer receives:
 1. Three or more IA complaints within a 12-month period, or
 2. Two or more sustained IA complaints within a 12-month period, or
 3. Three or more IA complaints of the same nature in a three-year period; **or**
 4. Three or more preventable fleet accidents within a two-year period.
 5. Two or more Written Reprimands within a 12-month period.
 6. Three or more Use of Force reports filed within a six-month period.
 7. Three or more Rudeness/Discourtesy complaints within a 12-month period.
 8. Any Road Block incidents.
 9. Three or more Pursuits within a 12-month period.
 10. Two or more Grievances within a two-year period. **35.1.9b,d**
- I. The Internal Affairs Unit will notify the employee's division commander, advising that the Early Identification System has activated for that employee. The notification will include:
 1. The dates of the complaints;
 2. The type of complaint;
 3. Whether the cases are active or closed;
 4. The final classification of the complaints if the cases are closed;
 5. Discipline administered, if any.
- J. Upon receipt of the intervention notification, the commander shall assign one of the affected employee's supervisors to review the information. The supervisor shall review all relevant information (which may include: AIMS entries, unit file, interviews with other supervisors or co-workers, policies, etc.) to determine if any action is required.
- K. The review shall be completed within 30 days of receipt of notification and will include a memorandum directed to the Division Commander outlining the finding and any recommendations for the employee, if appropriate. Depending upon the needs of the department and the needs of the employee, recommendations can include, but are not limited to:
 1. A Performance Improvement Plan
 2. A Training Plan
 3. Disciplinary Action
 4. Referral to Employee Assistance Program
 5. Referral to outside Assistance Agency
 6. Policy review/change
 7. No action necessary. **35.1.9h**
- L. The Division Commander will review the recommendations. If no action is recommended, the Division Commander shall forward the information to the IA Unit to close out the Early Warning Notification.
- M. If applicable, the action indicated will be presented to the affected employee. The plan of action will be presented to the affected employee along with an agreed upon time frame for successful completion.
- N. Within ten days after receiving the early identification notification, the employee's division commander will forward the results of the review to the Internal Affairs Unit. If no action is indicated, IA will close out the AIMS notification.
- O. Upon successful completion of any plan of action implemented, the employee's division commander will forward the file to the Internal Affairs Unit within ten days to close out the AIMS notification. **35.1.9f,g**
- P. All records related to the Early Identification System will be retained by the Internal Affairs

Unit.

- Q. The Early Identification System will be reviewed annually by the Internal Affairs Unit in consultation with the Chief of Police, in order to assess the system's effectiveness and make any necessary changes. **35.1.9e**

.16 Purging Files

All Internal Affairs records are retained and destroyed according to the approved Records Retention Schedule in effect for the department and the City of Killeen, per state law. **26.1.8**

END OF DOCUMENT