



## OFFICE OF THE DIRECTOR OF POLICE THE UNIVERSITY OF TEXAS SYSTEM POLICY AND PROCEDURE MANUAL



Subject <b>COMPLAINT INVESTIGATION</b>			Policy Number <b>204</b>
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### I. PURPOSE

The purpose of this policy is to provide a specific procedure for processing and resolving a complaint by any person regarding the conduct of a peace officer, telecommunicator, or civilian employee of the University of Texas System Police (UTSP) and to ensure an impartial and unbiased investigation. This Policy should be read in conjunction with the Office of the Director of Police (ODOP) Policy 208 - Discipline and Appeal Procedure and ODOP Policy 205 Grievance Procedure.

It is important to note that our philosophy is to train peace officers, telecommunicators, and civilians to be successful and recognize that mistakes will be made from time to time. Disciplinary sanctions are only one of many alternatives available to UTSP leadership to ensure we have a 21st century gold standard university law enforcement agency.

Throughout these procedures, the rights of the individual police officer, telecommunicator, or employee and the citizen must be acknowledged and not compromised.

### II. POLICY

It is the policy of the UTSP to accept, investigate and resolve complaints concerning the conduct of peace officers, telecommunicators, and civilian employees of UTSP.

Effective law enforcement depends on a relationship of trust and confidence between UTSP and the university; employees must be free to exercise their own judgment and take enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal.

Likewise, it is also important to establish a disciplinary process that enables UTSP to initiate positive, corrective action for improper conduct.

It is the responsibility of the Chief of Police to ensure that this policy and the impact it may have on personnel processes are shared with your respective Human Resources counterparts.

### **III. SCOPE**

- A. This procedure was established to provide an orderly, effective, and efficient process for receiving and investigating complaints and to properly report the results of such investigations. A complaint against a police officer, telecommunicator, or civilian employee may be lodged by any person.
- B. This procedure does not apply to:
  - 1. Routine corrective action by a supervisor that would not result in disciplinary action. Corrective action, counseling, coaching and mentoring are primary duties of a supervisor and are not considered complaints subject to this policy.
  - 2. Concerns regarding quality of service or minor performance shortcomings that would not result in discipline.
- C. The investigation of allegations of improper actions by UTSP police officers, telecommunicators, or civilian employees shall be considered a Class I or Class II complaint investigation. Nothing in this policy shall preclude a separate and completely independent criminal investigation of a police officer, telecommunicator, or civilian employee who is the subject of an administrative complaint investigation. When there is reason to believe that a crime has been committed, the affected police officer, telecommunicator, or civilian employee's Chief shall decide if the administrative complaint investigation should continue. The affected police officer, telecommunicator, or civilian employees' Chief of Police shall notify the Office of the Director of Police (ODOP) and request that a criminal investigation be conducted. The final decision to whether a criminal investigation will be conducted rests with the Executive Director of Police.

### **IV. DEFINITIONS**

For the purposes of this policy, the following definitions apply:

- A. Administrative Leave with Pay: When an employee is the subject of a disciplinary investigation, and it is determined by the Chief of Police that the employee should be relieved from regular duties.
- B. Allegation of Misconduct: A written complaint of misconduct, as defined in this policy, and signed by the person making the complaint. Allegations of misconduct are considered Class I Complaints.
- C. Complaint: An allegation(s) against an employee of UTSP, which, if proven true, could result in disciplinary action and that alleges one or more of the following:
  - 1. An infraction of UTSP Code of Conduct, Policies and Procedures issued by the Executive Director of Police or the rules, regulations, or policies of an institution police department, or the rules, regulations, or policies of an institution's handbook of operating procedures;
  - 2. An illegal act; and/or
  - 3. An infraction of rules and regulations of the Board of Regents of The University of Texas System.
- D. Chief or Chief of Police: The Chief of Police for a University of Texas System institution.
- E. Class I Complaint: See Appendix A. All Class I complaints and allegations of misconduct will be investigated by the Chief of Police or their designee.

- F. Class II complaint: See Appendix A. Depending on the complexity of the complaint, a Class II complaint may be investigated by the affected employee's supervisor or an individual determined by the Chief of Police.
- G. Department and Personnel File: As defined in ODOP Policy 502.
- H. Employee: Any full-time, part-time, or temporary paid member of UTSP, to include police officers, public safety officers, telecommunicator, security guards, shuttle drivers, administrative staff, access control personnel, parking personnel, budget analyst, and any and all civilian employees that report to the Chief of Police.
- I. Executive Director of Police: The Chief of Police for UT System/ODOP employees, the Chief Agency Administrator for the UTSP, and chief peace officer for the University of Texas System.
- J. License Holder: A Texas County Jailer, Peace Officer or Telecommunicator.
- K. Performance Concern: Information received from citizens regarding quality of service or minor rules violations that can be addressed through supervisory documentation and does not rise to the level that necessitates a complaint.
- L. Misconduct: a specific group of Class I Complaints, as defined by TCOLE, to include:
  - 1. Violations of federal or state laws or local ordinances
  - 2. Alleged conduct, including:
    - a) Use of excessive force;
    - b) Untruthfulness, including false, untrue, or misleading statements, either by overt means or by omission
    - c) Unlawful search;
    - d) Unlawful arrest;
    - e) Civil rights violations;
    - f) Racially motivated police actions;
    - g) Discrimination;
    - h) Sexual harassment; or
    - i) Any conduct that seriously degrades the integrity or good order of the department
- M. Summary Report: A report providing a description of each allegation of misconduct, the investigative findings of each allegation of misconduct, including whether sustained or not sustained, and the final disposition of each allegation.
- N. TCOLE: Texas Commission on Law Enforcement

## **V. COMPLAINT PROCEDURE**

- A. Performance Concern  
Within 14 days of receipt of the complaint, supervisors will:
  - 1. Evaluate the information.
  - 2. Contact the citizen to discuss the information.

3. Discuss the issue(s) with the affected employee(s).
4. Explain the citizen's perception of the employee(s) behavior.
5. Discuss alternative approaches for improving public satisfaction with service.
6. Document the briefing in the employee's department folder.

B. Class I and Class II Complaints

A DP-42 will be used to record Class I or Class II complaints received and/or initiated by UTSP personnel. Form DP-42 will contain the alleged improper action, and the policy, rule, or regulation allegedly violated. All DP-42 forms will be forwarded through the chain of command to the affected employee's Chief as soon as practicable after initiation and a copy will be forwarded to the Office of the Director of Police.

Processing Class I and Class II Complaints

1. In Person

A person desiring to make a complaint will be furnished with the name and contact information of the person to whom the complaint should be directed.

Individuals filing complaints against commissioned peace officers should be advised that Texas law requires complaints to be submitted in written form with the complainant's signature affixed (*Texas Government Code* Section 614.022).

Allegations of misconduct committed by license holders must be in writing and signed by the person making the complaint.

2. Written Complaint

In the event a complaint is communicated by letter, affidavit or other written document, a supervisor will complete a Form DP-42, specifying the policy, rule, law or regulation at issue and attach the complainant's original written document.

3. By E-Mail

Any department employee receiving a complaint by e-mail shall forward it to their supervisor, who will forward the complaint to the appropriate staff/commander to determine the investigative responsibility.

4. By Telephone

When a complaint is received by phone, the caller will be advised of the statutory requirement as described above and request that the complaint be submitted in writing. See also: Complaint Not In Writing.

5. Complaint Not In Writing

Complaints that are not in writing and/or not signed by the complainant apply only to employees who are not peace officers.

- a) If the complainant refuses to put the complaint in writing, it should be explained that this will not necessarily prevent an investigation from being conducted, but that failure to submit the allegation(s) in writing could cause the complaint to be more difficult to investigate.

- b) The initiating supervisor will record the complaint on Form DP-42 and affix their signature.

6. Anonymous Complaints

Anonymous complaints will be investigated regardless of the way the complaint is received.

7. Complaints Initiated or Received by Supervisor

Supervisory or command personnel will initiate a Form DP-42 when they have firsthand knowledge or reliable information regarding a Class I or Class II violation.

Supervisory or command personnel receiving or initiating a complaint involving an employee not subject to their immediate supervision will initiate and forward a Form DP-42 to the affected employee's supervisor or commander as soon as practical.

C. Documentation

- 1. Class I or Class II complaints shall be documented using ODOP Form DP-42.

D. Time Limit on Accepting Complaints

Personnel complaints will not be accepted more than thirty (30) days after the alleged incident, with the following exceptions:

- 1. Allegations of misconduct.
- 2. When the Chief of Police or the Executive Director of Police deem necessary.

E. Notifications Class I and II Complaints

1. To Complainant:

- a) After completing the DP-42, the complainant will be provided a copy of the document which will serve as the complainant's receipt.
- b) The investigating officer will provide the complainant with periodic status reports on the progress of the investigation.
- c) Upon conclusion of the investigation, the complainant will be notified of the results of the investigation in writing by the Chief or their designee.

2. To Affected Employee:

- a) A copy of the completed Form DP-42 should be provided to the affected employee by their supervisor or assigned investigator as soon as practicable after the complaint is received. This must be done before any disciplinary action can be taken against the employee. The employee shall be advised to refrain from contacting the complainant or witnesses involved regarding the complaint or subsequent investigation.
- b) The employee must be advised of and furnished copies of the complaint procedure and the supervisor or assigned investigator must obtain a timed and dated receipt of acknowledgement from the employee.

F. Employee Right to Respond

- a) At the time the employee is furnished with a copy of the complaint, the employee may be compelled to respond to the allegations.
- b) If, during an investigation, additional Class I or Class II violations are discovered, the affected employee will be afforded the opportunity to respond to these allegations in the same manner as the original complaint.

G. Administrative Leave with Pay

In situations involving aggravated or serious circumstances, the affected employee's Chief may immediately place the employee on administrative leave with pay subject to the investigation.

1. Administrative leave may only be imposed by the affected employees' Chief or designee and shall not exceed thirty (30) calendar days in length. The administrative leave can be extended by the Chief or their designee and shall be communicated in writing to the employee. The administrative leave will expire when administrative action is taken against the employee or a finding of exonerated or non-sustained is made.

2. Notification of Administrative Leave

The employee will be notified in writing by their Chief or designee of administrative leave without undue delay. The written notice shall include the reason(s) for the administrative leave and an order informing the employee that they are prohibited from performing any job-related duties during the period of administrative leave.

While on administrative leave, the employee is required to remain readily available by an agreed method to the Chief of Police and may be summoned to the department on short notice.

3. Surrender of Equipment

While on administrative leave, the employee may be required to surrender department issued equipment to include firearms, identification cards, badge(s), keys, computers, cellular telephones, etc. at the discretion of the Chief of Police.

4. Notification to Executive Director of Police

5. When an employee is placed on administrative leave, the Executive Director of Police will be notified immediately.

6. Reinstatement of Employee:

An employee who has been placed on administrative leave shall be reinstated if:

- a. The employee is exonerated by the Institution's Chief of Police
- b. Finding of non-sustained or unfounded
- c. Finding of sustained with sanctions less than separation

## VI. INVESTIGATION

The affected employee's Chief will be responsible for ensuring a complete, objective, and expeditious investigation of any complaint. If a resignation is received from an employee under investigation, the Chief shall determine whether the investigation should continue. All allegations

of misconduct investigations must be completed, even if the employee resigns. Submit a Summary Report to the Executive Director regardless of the findings.

A. Who Shall Investigate

1. Only the Chief or their designee will investigate Class I complaints, and the assigned investigator shall have the ability to report their findings directly to the Chief.
2. Class II Complaints may be investigated by the affected employee's supervisor and/or a person designated by the Chief of Police.
3. The investigation of complaints involving license holders shall be conducted by a current or former police officer at least one rank above the person being investigated or whom the Chief has identified or designated as responsible for internal affairs investigations. Any individual so identified or designated must successfully complete a recognized academic course of instruction on how to conduct such investigations which has been approved by the Police Chief. This ensures the investigation meets the relevant legal requirements and standards, reduces the department's exposure to liability or litigation and protects the rights of the police officer being investigated. The Executive Director of Police may designate a non-sworn person to conduct certain investigations involving license holders.
4. Any investigation of a Chief level position shall be conducted by the Office of the Director of Police.

B. Purpose of Investigation

The purpose of an investigation is to examine the facts associated with a complaint to ascertain the truth. The investigator shall make every attempt to investigate in a manner that will prove or disprove the allegations of the complaint rather than leave them unresolved. There is no presumption of guilt associated with the employee against whom the allegation is made.

C. Procedure for Investigation

If the alleged improper act could be a Class I or Class II violation, the investigation shall include:

1. Personal contact with the complainant by the investigator (when at all possible) to fully discuss the complaint.
2. Personal contact with the employee accused by the investigator to fully discuss the allegations.
3. Personal contact, when possible, with all known witnesses.
4. The investigator has the option of using audio and/or video recording devices to document interviews with the complainant, witness, and/or accused employee for review and preparation in typed form.
5. The investigator has the option to obtain written sworn statements from complainants, accused employees, and/or witnesses to support or refute the allegations being investigated.

6. Obtaining all known relevant legal evidence and/or other documents to support or refute the allegations being investigated. The investigator, with specific authorization by the affected employee's Chief, will be allowed access to all necessary personnel and department records.
7. Implementation of scientific investigative aids (laboratory services, polygraph, etc.) as deemed necessary by the investigator to support the integrity of the investigation.
8. Submission of a detailed investigation report fully addressing all allegations made, setting forth the facts as determined, including all statements, pertinent matters or items of legal evidence, supporting documentation, and a summary or synopsis of the case including a clear indication of the seriousness of the case and a finding of fact.

D. Submission to Tests and Procedures

1. An employee may, during an internal affairs investigation, be required to submit to any of the following:
  - a. medical or laboratory examinations;
  - b. photographs;
  - c. audio or video recordings;
  - d. participate in a line-up;
  - e. submit financial disclosure statements; and
  - f. instruments for the detection of deception.
2. Employees may be required to participate in investigative procedures such as those listed above under the following conditions:
  - a. The procedure must be narrowly related to a specific internal affairs investigation in which the action is material to resolving the allegation(s).
  - b. The request must be legally permissible and consistent with applicable laws, constitutional protections, and agency policies.
  - c. Medical or laboratory tests ordered as part of an investigation shall be conducted at the agency's expense.
  - d. Employees will be advised of their obligations and rights, including the nature of the investigative procedure and whether the results will be used in an administrative or criminal context.

E. Cooperation

1. Any employee who is the subject of an administrative complaint investigation shall cooperate fully and truthfully answer all questions posed by authorized representatives of the department during the investigation. All department employees questioned concerning their knowledge of a complaint will cooperate fully and truthfully answer all questions.
2. Any employee who refuses to cooperate or answer all questions concerning the administrative complaint investigation shall be subject to disciplinary action up to and including termination for insubordination. If an employee refuses to answer the questions of the investigator(s) in an administrative complaint investigation on the grounds that they might incriminate



themselves, the investigator shall discontinue any questioning until a Garrity Warning has been issued, unless that has already occurred. The Chief shall be advised of the position taken by the employee.

F. Confidentiality

It is prohibited for any departmental employee having knowledge of or engaged in an administrative complaint investigation involving a University of Texas System Police employee to divulge to any person any information regarding the current investigations. The only exceptions will be talking to assigned investigators, supervisory command, clergy, attorney, licensed counselor or physician. No employee shall by writing, speaking, utterance, or any other means commit an act, or cause another person to commit an act, which would hinder or obstruct an administrative investigation.

G. Timeline and Length of Investigation

Complaint investigations shall be completed, reviewed, and submitted to the affected employee's Chief not later than 30 calendar days following the receipt of such complaint unless additional time is granted by the Chief. If additional time is granted, the Chief of Police will notify ODOP of the extension.

All allegations of misconduct committed by license holders shall be investigated. The investigation shall be initiated at the time the department becomes aware of the alleged misconduct and will be completed within 180 days of receipt of the allegation absent other applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

H. Interview of Accused

1. Personnel who are assigned to investigate complaints involving an employee's alleged violation shall be required to conduct a detailed, timely, and objective interview with the employee accused of the complaint. The purpose of this interview is to secure from the employee a comprehensive and factual response to the complaint.
2. The results of the interview will be reduced to writing and any statement obtained during this interview will be obtained under oath. Any further response or rebuttal the employee desires to make will be provided to the investigator within five (5) calendar days and included in the investigative report. The accused employee will not be permitted to have counsel present during an interview regarding non-criminal allegations.

I. Polygraph Examination shall be conducted in accordance with Sec. 614.063 *Texas Government Code*.

J. Officials Apprised

The Executive Director of Police will be kept apprised regarding complaint investigations of a very serious nature when:

1. Dismissal of the accused employee appears imminent;
2. Criminal prosecution of the accused employee appears justified;
3. The reputation of the Department is in jeopardy as a result of the action of the accused employee;
4. Publicity may result.

K. Withdrawal of Complaints

1. If a complainant expresses the desire to withdraw a complaint and has no desire for the complaint to be pursued further, the complainant, in the presence of a supervisor, shall be requested to sign a Complaint Waiver Request Form (DP-43).
2. All Complaint Waiver Request Forms shall be forwarded to the affected employee's Chief as soon as practicable.
3. The fact that a complainant has withdrawn a complaint does not necessarily terminate the investigation. The decision to terminate the investigation rests with the affected employee's Chief, except investigations related to allegations of misconduct which shall be completed.

L. False Information

Whenever a complainant deliberately gives false information causing UTSP to investigate, this information should be presented to the appropriate prosecutor under the appropriate Texas statutes.

**VII. DETERMINATION, NOTICE AND DISCIPLINARY ACTION**

A. Investigation Review

1. The affected employee's Chief shall be responsible for reviewing the investigation and providing written notification to the employee advising the employee of the findings and whether disciplinary action is forthcoming in the case. This notification must be prior to any disciplinary action.
2. The notification should be delivered to the affected employee in person, by department email, or by certified mail, return receipt requested, to the employee's last known address. If the notification was delivered by email, the employee must acknowledge receipt of the notification. If no acknowledgement is received within seven (7) days, the notification shall be delivered in person or by certified mail

B. Determination Notice

The notice to the employee shall contain a final conclusion regarding each allegation as determined by their Chief. One of the following conclusions will apply:

1. Unfounded: The allegation is false, not factual.
2. Exonerated: The incident occurred but was lawful and proper or was justified.
3. Not sustained: There is insufficient evidence to prove or disprove the allegations.
4. Sustained: The allegation is supported by sufficient evidence.

C. Disciplinary Action

In instances when the affected employee's Chief or designee determines that the complaint is sustained and that disciplinary action resulting in the termination, demotion, or suspension without pay of an employee is appropriate, the procedures outlined in the Discipline and Appeal Procedure, Policy 208 shall be followed.

D. Closing the Complaint Process

The case shall be considered closed upon a determination by the affected employee's Chief that the allegation is unfounded or not sustained or the employee is exonerated or if the complaint is sustained and disciplinary action is imposed on the employee.

E. Complainant Notification

After the investigation is completed and final action taken, it will be the responsibility of the Chief to notify the complainant in writing within ten (10) calendar days of the final results of the investigation.

If the investigation includes allegations of misconduct, a Summary Report shall be completed at the conclusion of the investigation or the employee's separation from the agency, utilizing the appropriate ODOP form, and submitted to the Executive Director. The Executive Director will submit the Summary Report to TCOLE, in the manner outlined by the Commission, within 30 days of the conclusion of the investigation or the employee's separation from the agency.

**VIII. Control of Records**

- A. Files related to Allegations of Misconduct that resulted in disciplinary action shall be maintained in the individual's Personnel File (See ODOP Policy 502).
- B. All other Internal Affairs documents/investigation not involving allegations of misconduct resulting in disciplinary action shall be maintained in the individual's Department File (See ODOP Policy 502). These include, but are not limited to:
  - 1. Ongoing investigation reports
  - 2. Completed investigation with unfounded, not sustained, exonerated, or no disciplinary action recommended
  - 3. Investigations of Class II Complaints conducted by supervisors
  - 4. Any information related to a complaint regarding the license holder
- C. Access to files related to Internal Affairs investigations is limited to:
  - 1. Police Chief, Assistant Chief, and Division Commanders;
  - 2. Attorneys employed by the University of Texas System or component institution;
  - 3. Personnel whose primary role is Internal Affairs;
  - 4. Temporarily assigned investigators may have that access necessary to accomplish their purpose during the time of their temporary assignment only;
  - 5. The Office of the Director of Police;
  - 6. TCOLE.
  - 7. As provided by Texas Occupations Code § 1701.451, a law enforcement agency hiring a license holder is entitled to view the contents of the license holder's department file.
- D. Review of files by any other personnel will be permitted only with the permission of the Chief of Police, as authorized by the Office of General Counsel, or by written permission of the employee.
- E. Employees who are the subject of an investigation may obtain a copy of that investigative report maintained by Internal Affairs. Redaction may be appropriate, based on privacy concerns, for items in the Personnel or Department File.
- F. Personnel complaint documents will not be purged except on written authorization of the Police Chief, Office of General Counselor, or the Executive Director of Police, or when the applicable records retention period has passed

- G. The Chief of Police or designee shall have the responsibility of recording, registering and maintaining all complaints against the department and its employees.

The Chief of Police or designee will control access to all Internal Affairs files.

**IX. Notification to the Executive Director of Police**

A copy of the results of the investigation of the complaint, including any disciplinary action against licensed personnel, will be forwarded to the Executive Director of Police and will become a part of the employee's personnel and/or department file maintained at the individual police departments. Complaints involving civilian personnel will be stored in the employee's personnel files at each individual police department.

**X. Notification to ODOP and TCOLE**

The Chief of Police or their designee will notify the Executive Director of Police, utilizing the ODOP provided form and timeline, of investigations into alleged criminal misconduct for which criminal charges are filed against the license holder. The Executive Director or designee will notify TCOLE of investigations into alleged criminal misconduct for which criminal charges are filed against the license holder within 30 days after the investigation is completed.

If a license holder separates from the agency during the investigation of misconduct, the Chief or their designee will submit a Summary Report to the Executive Director of Police, using the appropriate ODOP form. ODOP will notify TCOLE within 30 days from the date of separation, regardless of the findings of the investigation.

The Chief of Police or designee will provide the above information to the Executive Director of Police utilizing the appropriate forms within the timeframes outlined on the form.

**XI. Annual Statistical Summaries**

Each UT System Police Department will compile an annual statistical summary based on its records of internal affairs investigations. These summaries will be made available to agency employees and the public, if so requested.



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Michael Parks  
Executive Director of Police

Changes/Amendments since last publication:

Revisions to VI. D. Submission to Tests and Procedures to align with CALEA accreditation standards. June 9, 2025

Significant changes throughout to meet TCOLE Model Policy and general policy review. June 1, 2025

## **APPENDIX A**

### **Class I Complaints**

**(Include, but are not limited to)**

#### **General Categories**

Abuse of Authority

Criminal activity

Death of any person in police custody

Excessive use of force

Allegations of misconduct

#### **Specific Standards**

Abuse of Position

Abuse of Process/Withholding Evidence

Failure to Aid Fellow Officer

Association

Attempts and Conspiracy

Conformance to Laws

Departmental Reports, Truthfulness

Dereliction of Duty

Detectable Level of Drugs

Disclosure of Information

Discrimination

Evidence/Property

Fitness for Duty

Fraudulent Employment

Harassment

Immoral Conduct

Insubordination

Interference with Cases

Interference with Judicial Process

Personal Involvement in Cases

Sexual Harassment

Theft/Unauthorized Use

Treatment of Persons in Custody

Unauthorized Arrest or Search

Unbecoming Conduct/Conduct Prejudicial to  
Good Order

Inappropriate use of computers

Use of Force

Inappropriate use of Information Systems

Unlawful use or Possession of Drugs

Unauthorized Membership

Truthfulness

## **APPENDIX A (cont.)**

### **Class II Complaints**

**(Include, but are not limited to)**

#### **General Categories**

Discourtesy

Failure to Take Prompt and/or Effective Police Action

Improper Police Procedures

Inappropriate Behavior

#### **Specific Standards**

Alcohol on University of Texas Premises

Attention to Duty

Citizen Complaints

Conflicting Orders

Courtesy

Criticism

Employment Outside Department

Failure to Respond

Fictitious Illness or Injury Reports

Financial disclosure

Gambling

Horseplay/Rough Play

Identification

Officer in Charge

Payment of Debts

Personal Appearance

Personal Business

Reporting Absence

Reporting for Work

Requests for Assistance

Responding to Calls for Service

Telephone and Address

Unauthorized Absence

Use of Alcohol on duty

Use of Alcohol off Duty

Violation of Rules

Visiting Prohibited Establishment