



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



Subject			Policy Number
COMPLAINT INVESTIGATION			204
Effective Date October 4, 2012	Revision Date February 12, 2019	Reevaluation Date Annually	Number of Pages 14
Reference Standards TPCA: 2.04.1 CALEA: 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.3.1, 26.3.2, 26.3.3, 26.3.5, 26.3.6, 26.3.8 IACLEA: 4.2			Rescinds or Amends Policy Number B-9

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 law enforcement officer or civilian employee of the University of Texas System Police (UTSP) and to insure an impartial and unbiased investigation. This Policy should be read in conjunction with ODOP Policy 208 -Discipline and Appeal Procedure and ODOP Policy 205 - Grievance Procedure.

It is important to note that our philosophy is to train officers 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 or employee and the citizen must be acknowledged and not compromised.

II. POLICY

It is the policy of the University of Texas System Police to accept, investigate and resolve complaints concerning the conduct of law enforcement officers and civilian employees of the University of Texas System Police.

Effective law enforcement depends on a relationship of trust and confidence between the University of Texas System Police 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 the University of Texas System Police 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 counterpart.

III. SCOPE

- A. This procedure is 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 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 other than illegal acts by UTSP police officers or civilian employee 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 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 or civilian employee's Chief shall decide if the administrative complaint investigation should continue. The affected police officer 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 rest with the 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. **Complaint:** An allegation(s) against an employee of the University of Texas System Police, which if proven true, could result in disciplinary action as the result of a Class I or II complaint and that alleges one or more of the following:
 1. An infraction of the University of Texas System Police Code of Conduct, Policies and Procedures issued by the 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.
- C. **Chief or Chief of Police:** The Chief of Police for a University of Texas System institution.
- D. **Class I Complaint:** See Appendix A. All Class I complaints will be investigated by the Internal Affairs investigator.

- E. Class II complaint: See Appendix A. Depending on the complexity of the complaint, a Class II complaint may be investigated by the affected officer's supervisor or the Internal Affairs investigator as determined by the Chief of Police.
- F. Employee: Any full-time, part-time, or temporary paid member of the UTSP, to include police officers, public safety officers, telecommunication officers, 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.
- G. Director of Police: The Director of Police, chief administrative officer for ODOP, the Agency Administrator for the UTSP, and chief law enforcement officer for the University of Texas System.
- H. 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.
- I. Performance Folder: A temporary log of performance issues that have been corrected.

V. COMPLAINT PROCEDURE

- A. Performance Concern: Some concerns are very minor and should be resolved at the minimum supervisory level without requiring DP-42 documentation. Supervisors are encouraged to mediate a minor concern that can be resolved at the initial contact with the complainant when both parties can be satisfied with the outcome. Minor performance concerns will be documented and placed in the employee's performance folder.

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

- B. Class I and Class II Complaints

Personnel Complaint Form DP-42 (Appendix B -hereinafter Form 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 not only the alleged improper action, but will also include 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 Director of Police.

- C. Processing Class I and Class II Complaints

1. In Person

A person desiring to make a complaint will be furnished 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*).

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 through their supervisor to his or her Chief who will determine 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.

5. Complaint Not In Writing

- 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) In instances when a complaint is not received in written form, the initiating supervisor will record the complaint on Form DP-42 and affix his/her signature.

6. Anonymous Complaints

Anonymous complaints will be investigated regardless of the manner in which 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.

D. Documentation

The following information, if available, will be included in the complaint:

1. The complainant's and witnesses' names, addresses, telephone numbers.
2. Date, time, and place of alleged misconduct.
3. Identification of the employee(s) involved.
4. Nature of the complaint.
5. Any action taken in an attempt to resolve the complaint.

E. Routing of Complaints

Class I and II complaints will be forwarded through the chain of command to the affected employee's Chief who will review the allegations and assign the complaint-if warranted-to the appropriate supervisor or Internal Affairs investigator.

F. 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. When the complaint involves a criminal violation, the criminal statute of limitations will prevail. These limitations will not prevent the department from taking action deemed necessary to preserve the integrity of the department.
2. When the complainant can show good cause for not making the complaint within the specified time limit, the Chief of Police may waive this requirement.
3. When the Chief of Police or the Director of Police deem necessary.

G. 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 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.

2. To Affected Employee:

- a) A copy of the completed Form DP-42 should be provided to the affected employee by his or her supervisor or assigned investigator as soon as practicable after the complaint is received. This must be done before any disciplinary action may be taken against the employee. The employee shall be advised to refrain from contacting the complainant 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 officer.

3. Employee Right to Respond

- a) At the time the employee is furnished a copy of the complaint, the employee may be compelled to respond to the allegations.
- b) If, during the course of 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.

H. Administrative Leave with Pay

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

1. Administrative leave with pay:
 - a) If allegations involve serious misconduct, the affected employee's Chief may immediately place the employee on Administrative Leave with Pay.
 - b) Examples of serious misconduct include, but are not limited to, criminal offenses of the felony grade, Class A or B misdemeanors, direct insubordination, and conduct which would indicate that the employee is no longer fit for duty. Administrative leave may only be imposed by the affected employees' Chief or designee and shall not exceed thirty (30) calendar days in length unless extended as hereinafter provided and such 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 his or her Chief or designee of administrative leave without undue delay. The written notice shall include the reason(s) in sufficient detail to reasonably enable the officer to respond. The notice will also contain an order informing the employee that he or she is prohibited from performing any job related duties during the period of administrative leave.
3. Surrender of Equipment

While on administrative leave, the employee is required to surrender all department issued equipment to include firearms, identification cards, badge(s) keys, computers, cellular telephones, etc.
4. Notification to Director of Police

When an employee is placed on administrative leave, the Director of Police will be notified immediately, utilizing the Personnel Disciplinary Report DP -32.
5. 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 a short notice.
6. Reinstatement of Employee:

An employee who has been placed on administrative leave shall be reinstated if the employee's Chief has exonerated him or her or a finding of non-sustained or unfounded was made.

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.

A. Who Shall Investigate

1. Only the Chief or his designee will investigate Class I complaints and the assigned investigator shall have the ability to report his/her findings directly to the Chief.
2. Class II Complaints may be investigated by the affected employee's supervisor and/or the Internal Affairs investigator.
3. The investigation of alleged misconduct by sworn police officers shall be conducted by a police officer whom the institution Chief has identified or designated as responsible for internal affairs investigations. Any sworn officer 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 institution 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.

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 conduct an investigation in a manner that will prove or disprove the allegations of misconduct 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 crime or 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 accused employee by the investigator, 111 every instance, to fully discuss the allegations.
3. Personal contact when at all possible with all known witnesses.
4. The investigator has the option of recording interviews with the complainant, witness, and/or accused employee for review and preparation in typed form.
5. The investigator should attempt to obtain statements (written and signed) from complainants, accused employee, and/or witnesses as deemed necessary to support or refute the allegations being investigated. Statements shall be taken on a form approved by ODOP.
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 officer's Chief, will be allowed access to all necessary departmental 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. Investigator 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. Interview Techniques

The investigative techniques employed by the internal affairs investigator may include orders to employees to:

1. Conduct a videotape reenactment
2. Be photographed
3. Participate in a physical line-up
4. Submit financial disclosure statements
5. Produce documents reasonably related to an investigation
6. Submit to an instrument for the detection of deception
7. Scientific examinations

E. Cooperation

1. Any employee who is the subject of an administrative complaint investigation shall cooperate fully and 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. If an employee refuses to answer the questions of the investigator(s) in an administrative complaint investigation on the grounds that he might incriminate himself, the investigator shall discontinue any questioning and his or her Chief shall be advised of the position taken by the employee. The Chief shall make a determination as to whether the employee shall be required to cooperate and answer the questions posed to him or her. If the Chief determines that the employee shall be required to respond, the Chief or his designee shall so advise the employee in writing.
 - a) Police Officer: utilizing a Garrity Warning (see example in Appendix C) setting out the reasons for the decision and the possible consequences of the officer continuing to refuse to respond to the questions. If, after being advised of his or her rights, the officer thereafter refuses to answer questions pertinent to the investigation he or she may be subject to disciplinary action, including termination from employment for insubordination.
 - b) Civilian Employee: A written order to the employee setting out the reasons for the decision and the possible consequences of the employee continuing to refuse to respond to the questions. If, after being advised of his or her rights, the employee thereafter refuses to answer questions pertinent to the investigation he or she may be subject to disciplinary action, including termination from employment for insubordination.

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. 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.

H. Interview of Accused

1. Personnel who are assigned to investigate complaints involving an employee's non-criminal misconduct shall be required to conduct a detailed, timely, and objective interview with the employee accused of the misconduct. 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 alleged non-criminal misconduct.

I. Polygraph Examination -from Sec. 614.063 *Texas Government Code*

(a) A peace officer may not be suspended, discharged, or subjected to any other form of employment discrimination by the organization employing or appointing the peace officer because the peace officer refuses to submit to a polygraph examination as part of an internal investigation regarding the conduct of the peace officer unless:

- (1) The complainant submits to and passes a polygraph examination; or
- (2) The peace officer is ordered to take an examination under Subsection (d) or (e).

(b) Subsection (a)(I) does not apply if the complainant is physically or mentally incapable of being polygraphed.

(c) For the purposes of this section, a person passes a polygraph examination if, in the opinion of the polygraph examiner, no deception is indicated regarding matters critical to the matter under investigation.

(d) The head of the law enforcement organization that employs or appoints a peace officer may require the peace officer to submit to a polygraph examination under this subsection if:

- (1) the subject matter of the complaint is confined to the internal operations of the organization employing or appointing the peace officer;
- (2) the complainant is an employee or appointee of the organization employing or appointing the peace officer; and

(3) the complaint does not appear to be invalid based on the information available when the polygraph is ordered.

(e) The head of the law enforcement organization that employs or appoints a peace officer may require the peace officer to submit to a polygraph examination under this subsection if the head of the law enforcement organization considers the circumstances to be extraordinary and the head of the law enforcement organization believes that the integrity of a peace officer of the law enforcement organization is in question. The head of the law enforcement organization shall provide the peace officer with a written explanation of the nature of the extraordinary circumstances and how the integrity of a peace officer or the law enforcement organization is in question.

J. Officials Apprised

The Director of Police and the appropriate institution Vice President 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) (Attachment D).
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.

L. False Information

Whenever a complainant deliberately gives false information causing the University of Texas System Police to conduct an investigation, 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 or not 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 or by certified mail, return receipt requested, to the employee's last known address.

B. Determination Notice

The notice to the employee shall contain a final conclusion for each allegation as determined by his or her 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 and what action, if any, was taken.

VIII. Control of Records

- A. All records of investigations of employee misconduct investigated by Internal Affairs or by supervisors at the direction of Internal Affairs will be permanently filed in Internal Affairs. These files will be segregated from all other department files, will be marked as confidential and will be secured at all times within the Internal Affairs Section and will not be released to unauthorized persons.
- B. Access to files is limited to:
 1. Police Chief, Assistant Chief, and Division Commanders;
 2. Attorneys employed by the University of Texas System;
 3. Personnel permanently assigned to 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
- C. Review of files by any other personnel either within or outside the Department will be permitted only with the authority of the Chief of Police or as authorized by the Office of General Counsel.
- D. Employees may obtain a copy of the investigative report maintained by Internal Affairs. Redaction may be appropriate based on privacy concerns.

- E. Copies of the DP-42 and all documents pertaining to the investigation will be kept in the affected employee's personnel files in the Internal Affairs Office.
- F. Concerns informally disposed of by supervisors that did not require a Personnel Complaint shall be documented in the employee's performance folder and should be available to the employee. These files are subject to the same confidentiality and access rules as the files specified above. No copies of these records will be placed in an employee's personnel file.
- G. Documents in the files maintained in Internal Affairs above will not be purged except on written authorization of the Police Chief, Office of General Counselor the Director of Police.
- H. Internal Affairs shall have the responsibility of recording, registering and maintaining all complaints against the department and its employees.
- I. The Internal Affairs Investigator and Chief of Police will maintain keys to the Internal Affairs files located in the Internal Affairs Investigator's office.

IX. Notification to Director of Police

A copy of the results of the investigation of the complaint, including any disciplinary action (detailed on Form DP-32), will be forwarded to the Director of Police and will become a part of the employee's personnel file.

X. Complaint Conference

To ensure uniformity in the treatment of complaints, the Chiefs of Police and Director of Police will meet periodically to review disciplinary action(s) taken on complaints.

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 general public if so requested.



Michael J. Heidingsfield
Director of Police

Changes/Amendments since last publication:

Addition of language to Paragraph VI. F. to clarify prohibitions regarding disclosure of or interference with an administrative investigation. October 8, 2018

Changes throughout to clarify the applicability of this policy to both sworn officers and civilian police employees. July 18, 2013

Addition of language to Paragraph II to make it the responsibility of the Chief of Police to share this policy with their respective Human Resources counterpart. July 18, 2013

Renumbering of Paragraphs to make INVESTIGATION, Paragraph VI. March 25, 2013

Addition of Paragraph VI. A. 3 to mandate that sworn officers identified or designated as responsible for internal affairs investigations complete a recognized academic course on how to conduct investigations that has been approved by the Institution police chief. March 25, 2013

APPENDIX A

Class I Complaints

(Include, but are not limited to)

<u>General Categories</u>	
Abuse of Authority	Fitness for Duty
Criminal activity	Fraudulent Employment
Death of any person in police custody	Harassment
Excessive use of force	Immoral Conduct
Serious misconduct	Insubordination
<u>Specific Standards</u>	
Abuse of Position	Interference with Cases
Abuse of Process/Withholding Evidence	Interference with Judicial Process
Failure to Aid Fellow Officer	Personal Involvement in Cases
Association	Sexual Harassment
Attempts and Conspiracy	Theft/Unauthorized Use
Conformance to Laws	Treatment of Persons in Custody
Departmental Reports, Truthfulness	Unauthorized Arrest or Search
Dereliction of Duty	Unbecoming Conduct/Conduct Prejudicial to Good Order
Detectable Level of Drugs	Inappropriate use of computers
Disclosure of Information	Use of Force
Discrimination	Inappropriate use of Information Systems
Evidence/Property	Unlawful use or Possession of Drugs
	Unauthorized Membership
	Truthfulness

APPENDIX A (cont.)

Class II Complaints

(Include, but are not limited to)

<u>General Categories</u>	
Discourtesy	Gambling
Failure to Take Prompt and/or Effective Police Action	Horseplay/Rough Play
Improper Police Procedures	Identification
Inappropriate Behavior	Officer in Charge
Specific Standards	
Alcohol on University of Texas Premises	Payment of Debts
Attention to Duty	Personal Appearance
Citizen Complaints	Personal Business
Conflicting Orders	Reporting Absence
Courtesy	Reporting for Work
Criticism	Requests for Assistance
Employment Outside Department	Responding to Calls for Service
Failure to Respond	Telephone and Address
Fictitious Illness or Injury Reports	Unauthorized Absence
Financial disclosure	Use of Alcohol on duty
	Use of Alcohol off Duty
	Violation of Rules
	Visiting Prohibited Establishment

APPENDIX B
University of Texas System Police

DP Form #42
(Rev. 10/18)

Personnel Complaint

Date: Category of Complaint (check one box)
Class I Class II

Police Department Name:		Internal Complaint Number:	
Complainant's Full Name (Print or Type):		Telephone No.:	Date of Birth:
Complainant's Address:			
Day & Date of alleged incident(s):		Approximate time of alleged incident(s):	
Location where incident occurred:			
If a person was arrested print name of arrested person:		Arrested person's address:	Telephone No.:
Name of other identifying information relating to the employee against whom the allegation(s) is/are being made:			
-Witness or Witnesses (if any)-			
Name of witness:	Address of witness:		Telephone No.:
Nature of Complaint(s) Clearly indicate the nature of your complaint. (Use reverse side of the form if more space is needed.)			

APPENDIX B (cont.)
University of Texas System Police

DP Form #42
(Rev. 10/18)

List Specific Violation(s):

Complainant Signature Witnessed by:

Copy Received:	Signature of Complainant	Date
Employee Signature	Date	<input type="checkbox"/> Complainant refused to affix signature <input type="checkbox"/> Other (explain)
Response Waived:		
Employee Signature	Date	

By signing the above, I acknowledge receipt of this complaint as well as the guiding policy regarding the confidentiality of this administrative investigation:

ODOP Policy 204, Complaint Investigations, VI. Investigation, F:

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.

Government Code

Section 614.022. Complaint to be in Writing and Signed by Complainant

To be considered by the head of a state agency or by the head of a fire department or local law enforcement agency, the complaint must be:

- (1) in writing; and
- (2) signed by the person making the complaint.

Section 614.023. Copy of Complaint to be Given to Officer or Employee

(a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.

(b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.
(c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:

- (1) the complaint is investigated; and
- (2) there is evidence to prove the allegation of misconduct

APPENDIX C

GARRITY WARNING

You are required to respond to all questions asked of you in this administrative investigation. Further, you are required to assist investigators with any information they should request. If you fail or refuse to forthrightly answer any and all questions asked, you may be subject to disciplinary action up to and including termination from employment with the University of Texas System Police.

However, in accordance with the United States Supreme Court's decision in *Garrity v. New Jersey*, 385 U.S. 493 (1967); your statement, as well as any information gained through your statement cannot be used against you in any criminal proceeding.

You are further ordered not to discuss this internal investigation with anyone other than your chain of command or attorney, including but not limited to witnesses or prospective witnesses. A violation of this order will be considered an act of insubordination, which could result in disciplinary action against you up to and including termination from employment with the University of Texas System Police.

Your signature below declares that you have read and understood this warning prior to the initiation of any investigatory interrogation.

Signed this ____ day of _____, 20____

Officer's Signature

Officer's Printed Name

Witness

Witness

APPENDIX D

DP Form #43

UNIVERSITY OF TEXAS SYSTEM POLICE

COMPLAINT WAIVER REQUEST

DATE: / /

To: Chief _____

I, _____ a resident of _____, Texas,

_____ County, respectfully request that the allegations of misconduct directed by me toward University of Texas System Police Officer _____ be withdrawn. I do not desire to further pursue the matter.

Signature of Complainant

Reasons (if any) for this complaint waiver:

APPENDIX E
THE UNIVERSITY OF TEXAS SYSTEM POLICE

DP Form #32

AT _____

PERSONNEL DISCIPLINARY REPORT

Name:

Date and Time of Incident:

Date and Time Reported:

Complete Statement of Facts Concerning Misconduct:

Use Extra Sheet If Necessary

Employee's Comments:

Use Extra Sheet If Necessary

Section, Memorandum Number or Common Name of Infraction:

Penalty Imposed or Recommended:

Signature of Person Disciplined

Supervisor's Signature

Reviewed By

Chief of Police