


TEXAS STATE UNIVERSITY POLICE DEPARTMENT STANDARD OPERATIONS POLICY

	CHAPTER: 04	POLICY: 04.02.01	CALEA STANDARDS:
	TITLE: Complaints to the Chief of Police		STATE STATUTE:

PURPOSE

To provide a written directive that describes the requirements for a complaint to be considered for an Internal Affairs Investigation.


POLICY

For a complaint to be considered for an Internal Affairs Investigation (IA) by the Chief of Police the complaint must:

- A. Be in writing
- B. Be signed by the person making the complaint.
[Texas Government Code Section 614.022](#)
[\(Complaint Against Law Enforcement Officer or Fire Fighter\)](#)

An inquiry to determine if an IA is warranted does not constitute an investigation.

TEXAS STATE UNIVERSITY POLICE DEPARTMENT STANDARD OPERATIONS POLICY

 POLICE TEXAS STATE UNIVERSITY-SAN MARCOS	CHAPTER: 04	POLICY: 04.03.01	CALEA STANDARDS:
	TITLE: General Provisions		STATE STATUTE:

PURPOSE

To provide a written directive that describes the general provisions of a complaint or allegation.

POLICY

The department has an obligation to investigate all allegations of misconduct or complaints made against a police officer or other employee of this department. All allegations will be reviewed.

Supervisory or commanding officers, other officers or employees of this department, citizens and members of the general public or public officials, may present complaints or allegations of misconduct. Anonymous complaints shall be accepted by phone, mail, or in person from the one who receives it. However, such allegations must be reported to the Chief of Police and will only be investigated at the discretion of the Chief of Police.

All allegations or complaints of misconduct shall be accepted and forwarded without unnecessary delay to the Chief of Police. All investigations into alleged employee misconduct require prior approval from the Chief of Police.

A copy of a signed complaint against the employee shall be given to the employee within a reasonable time after the complaint is filed. Employees will be given the opportunity to rebut such allegations and will be provided with the **Garrity Warning**. Disciplinary action may not be taken against the employee unless a copy of the signed complaint is given to the employee. **Texas Government Code Section 614.023 (Copy of Complaint to be given to Officer or Employee)**.

The Chief of Police Admin Assistant will assign a Personnel Investigation number (PI#) to the investigation.

- A. The Chief of Police Admin Assistant shall record and maintain a log of every allegation assigned an investigative number by the Chief of Police.
- B. The control log shall contain the following:

1. A separate control number for each allegation or matter.
2. Name, rank, and identifying number of the employee involved.
3. Date and hour the complaint was received.
4. Name and address of the complainant.
5. Disposition of investigation.
6. Hearing disposition, if any, and
7. Action taken, if any.

The Chief of Police shall verify that any allegations have been recorded and handled in accordance with this policy, within thirty- (30) business days of resolution.

Only personnel authorized by the Chief of Police may receive access to the control log. Logs and all complaint and investigative materials shall be kept confidential.

Depending upon the circumstances, the Chief of Police will also indicate any change in the officer's duty status during the investigation.

The investigation shall be completed within twenty-five (25) business days. However, under unique circumstances, the Chief of Police may grant an extension provided the Captain in charge of the investigation has, in writing, outlined the reasons for the delay.


All employees shall cooperate during the investigation by providing information, statements, and any other assistance that may be required.

The completed investigation will be forwarded to the Chief of Police. The document will include the findings and a recommendation from the employee's supervisor and Captain, outlining the appropriate course of action.

The final decision regarding the outcome of the investigation and action to be taken will be made by the Chief of Police and provided, in writing, to the officer.

Any disciplinary action taken against an officer will comply with the [University Policies and Procedures Statement 04.04.40 \(Disciplining Staff Employees\)](#).

TEXAS STATE UNIVERSITY POLICE DEPARTMENT STANDARD OPERATIONS POLICY

 POLICE TEXAS STATE UNIVERSITY-SAN MARCOS	CHAPTER: 04	POLICY: 04.06.01	CALEA STANDARDS:
	TITLE: Internal Investigations		STATE STATUTE:

PURPOSE

To provide a written directive that describes the activities of an Internal Affairs Investigation.

POLICY

The investigator shall make every effort to interview the complainant, the accused employee, or other persons having knowledge of relevant facts concerning allegations.

Every statement shall be reduced to writing by the investigator.

The Chief of Police may require a departmental employee to submit to a chemical test or tests of that employee's blood, breath, or urine or a preliminary alcohol screening test.

The Chief of Police may require reports, written statements or photographs of the employees as an aid to the investigation.

The Chief of Police may also order the employee to submit to a polygraph examination concerning the matter under investigation.

Any interview of the employee involved shall take place within a reasonable time in relation to the employee's work. However, interviews or telephone conversations conducted outside normal work hours initiated by the subject of the investigation will not be compensated in terms of over-time or compensatory time. The interviewer shall identify his intent and purpose and inform the employee of the nature of the charge. Additionally, the following points should be noted:

- A. Questions are directed and narrowly related to the performance of the employee's duties.
- B. The employee involved is entitled to all rights and privileges guaranteed by the laws and the Constitution of the United States, including the right not to be compelled to incriminate oneself.

- C. Refusal to comply with a department investigation, including answering questions relating to the performance of the employee's duties or fitness for duty, will be subject to departmental disciplinary actions which may result in termination from the police department.**

The interview shall be recorded and/or transcribed.


The Chief of Police may order the employee to answer material and relevant questions specifically, and directly, narrowly relating to the incident.

Upon completion of the investigation, the investigator shall prepare a detailed report of the investigations and conclusions.

All investigations must be completed and the report filed within twenty-five (25) days from receipt of the allegation unless special circumstances warrant an extension.

The Chief of Police shall have the authority, prior to investigation or hearing and after receipt of a complaint which alleges conduct on the part of the employee which is a felony or crime of moral turpitude, to relieve such employee of duty or to restrict duties, for the good of the department which shall not be construed or reported as disciplinary action.

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 POLICE TEXAS STATE UNIVERSITY-SAN MARCOS	CHAPTER: 04	POLICY: 04.07.01	CALEA STANDARDS:
	TITLE: Criminal Internal Investigations		STATE STATUTE:

PURPOSE

To provide a written directive that describes the activities of a Criminal Internal Investigation.

POLICY

If during an Internal Affairs Investigation evidence of misconduct is found, the investigating officer shall notify the Chief of Police of such finding.

The Chief of Police shall make a determination of what type of investigation is to continue.

- A. The Chief of Police may authorize the Internal Affairs Investigation to continue or may authorize a Criminal Internal Investigation to begin or may authorize both.
- B. If both an Internal Affairs Investigation and Criminal Internal Investigation are authorized, they shall be separate and evidence, statements, and information gathered in one is not interchangeable between the two.

Upon receiving a complaint or information that an employee allegedly engaged in criminal conduct, the Chief of Police shall make a determination as to what agency is to conduct the investigation.

The employee is not entitled to know details of the Criminal Internal Investigation if, in the opinion of the Chief of Police or the investigator, such revelation could jeopardize the investigation or prosecution thereof.