

Burleson Police Department

Administrative Policy and Procedures

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ISSUING AUTHORITY: _____

I. In order to maintain the integrity, good order and discipline of the Burleson Police Department, matters pertaining to internal affairs shall be investigated within the agency. The Burleson Police Department shall make information available to the public on procedures to be followed in registering complaints against the agency or its employees. [\[52.1.4\]](#)

A. Personnel Complaints

The internal affairs function is established within the duties of the Support Bureau Captain. Those officers within the Department who have received appropriate training may be assigned to the internal affairs section as a part of their duties. The Support Bureau Captain will act as the Internal Affairs Coordinator overseeing all internal affairs operations. They shall serve as the quality control component of the process and insure all complaints against the agency or employees (including anonymous complaints) will be investigated. [\[52.1.1\]](#) They shall ensure that thorough and accurate investigations are completed in a timely fashion. The Support Bureau Captain will report all pertinent information directly to the Chief of Police. [\[52.1.3\]](#)

1. Class II complaints that normally require less time to investigate can be investigated by first line supervisors. These shall be handled as soon as they are brought to their attention. The supervisor will accomplish a memo describing the complaint, the disposition, and the officer's response. The memo will be sent to that supervisor's Bureau Captain, who in turn will forward it to the Internal Affairs Coordinator for filing or further investigation. The following are some of the complaints that may be investigated by line supervisors: [\[52.2.1a\]](#)

- a. Procedural Violations
- b. Discourtesy
- c. Rudeness
- d. Tardiness
- e. Insubordination
- f. Poor service response

2. The Internal Affairs Coordinator, generally, will investigate Class I complaints, such as those allegations involving: [\[52.2.1b\]](#)
 - a. Criminal conduct
 - b. Corruption
 - c. Complex and time-consuming investigations
 - d. Serious allegations such as excessive force, narcotic use, and sexual misconduct
 - e. Breach of civil rights
 - f. Those investigations as assigned by the Chief of Police
3. The Chief of Police shall have the discretion to assign any investigation he deems necessary, whether administrative, internal or criminal, to the most appropriate supervisor, superior or detective or other agency. The aforementioned is not designed to be all-inclusive, but is intended to be utilized as a general guideline for assignment of complaints.
4. The Internal Affairs Coordinator will review all Class I complaints of a serious nature, regardless of the manner received.
 - a. Class I complaints received by Internal Affairs will be assigned by the Support Bureau Captain to an Internal Affairs investigator or investigated by the Support Bureau Captain as necessary.
 - b. Each allegation will be considered on a case-by-case basis to determine proper investigation assignment.
 - c. When criminal allegations involving a member of the police agency are identified, the Chief of Police and the Internal Affairs Coordinator shall be notified immediately. When the crime occurred within the jurisdiction of the police agency, the criminal aspect will be investigated by the Criminal Investigations Section. This investigation should be given high priority and accomplished without delay. [\[52.2.2\]](#)
 - d. Normally, the initiation of a personnel complaint and the start of the internal investigation will proceed concurrently with the criminal investigation. Only when the conduct of the internal investigation would adversely interfere with the criminal investigation, the internal investigation may be delayed. The administrative aspect of the incident is not dependent on the conclusion of the criminal investigation.
5. The Chief of Police will be informed of formal complaints brought against employees of the agency. They will be notified immediately in the event of any of the following: [\[52.2.2\]](#)
 - a. A Class I complaint against a police employee
 - b. Arrest of an employee of the department

- c. An employee is charged with a crime
- d. An employee is found to be under the influence of alcohol or drugs while on duty
- e. An allegation of excessive use of force on a citizen

II. Internal Affairs Investigative Process

- A. Upon receipt of a Class I complaint against a departmental employee, the investigative process will be undertaken in a timely fashion, usually within one working day.
 1. If the investigation is conducted by someone other than the Internal Affairs Coordinator, the investigator shall make verbal progress reports to the Internal Affairs Coordinator on a weekly basis.
 2. It is the responsibility of the Internal Affairs Coordinator to keep the Chief of Police informed of the progress of the investigation.
 3. Generally, all internal affairs investigations are to be completed within sixty (60) days. [\[52.2.3\]](#)
 4. Any exception to the sixty (60) day limit must be requested in writing by the Internal Affairs Coordinator and approved by the Chief of Police. [\[52.2.3\]](#)
 - B. Citizens lodging complaints against the agency or its personnel shall be apprised of the status of their complaint from time of receipt until final disposition. They shall be provided with: [\[52.2.4a\]](#)
 1. A copy of the formal complaint.
 2. A letter to the complainant acknowledging receipt of the complaint, the assigned investigator, and how the complainant may reach that person. [\[52.2.4a\]](#)
 3. Information regarding the status of the investigation at least every thirty (30) days until completion. [\[52.2.4b\]](#)
 4. At the conclusion of the investigation, notice will be given to the complainant advising of the final disposition of the complaint by the Internal Affairs Coordinator. [\[52.2.4c\]](#) The notice shall contain, at a minimum, the findings of the case. The notice shall be in writing, delivered personally or by certified mail.
 - C. Should the complainant request to withdraw their complaint at any time during the course of the investigation, this request cannot be refused. However, the investigation shall be continued as far as possible without the assistance of the complainant.
- ## III. Rights and Responsibilities of the Employee [\[52.2.5\]](#)
- A. Once the need for an internal affairs investigation is recognized, the following shall be accomplished:

1. The employee subject to the investigation shall be informed in writing of the allegations against them.
 2. The employee shall be informed in writing of their rights and responsibilities relative to the investigation.
 3. The employee shall be provided a copy of the written complaint brought against them. This shall be accomplished during the course of the investigation at the discretion of the investigator.
- B. The employee may be required to submit to certain investigative examinations as part of an internal affairs investigation. These examinations may include, but not limited to laboratory testing, medical examinations, photographs of the employee, a live line-up with an employee participating, or disclosure of an employee's financial records or polygraph examinations.
1. Orders for these types of examinations will be issued by the Chief of Police in writing.
 2. The employee shall receive a copy of the written order.
 3. The examination required shall be closely related to the particular internal affairs investigation being conducted by the agency.
 4. The agency shall be responsible for all expenses related to the examinations ordered.
- C. The following conditions concerning required examinations shall apply:
1. Medical examinations must be conducted under the supervision of a licensed physician. These tests may involve the taking of blood samples, body fluids, removal of hairs or fingernail clippings and scrapings. [\[52.2.6a\]](#)
 2. Photographs may be taken of the employee to show to complainant(s) or witness(es). If the photograph is to be used for identification purposes, it must be in accordance with the rules of good evidence. The photograph must be presented with a minimum of five (5) other photographs of persons having similar physical appearance. [\[52.2.6b\]](#)
 3. An employee may be required to participate in a live line-up in front of complainant(s) or witness(es) for the purposes of identification. The employee may also be ordered to speak during the line-up for the purpose of voice identification. If the employee is required to speak, then all others in the line-up will be required to speak. [\[52.2.6c\]](#)
 4. An employee may be required to submit financial disclosure statements when material to the investigation. [\[52.2.6d\]](#)
 5. Instruments for the detection of deception may be used in pursuit of a true and accurate investigation in order to arrive at a true finding of the complaint. An employee may be required to undergo

a polygraph examination during the course of an internal affairs investigation. The polygraph shall be considered a part of an overall investigation in conjunction with other investigative techniques. [52.2.6e]

- a. The polygraph examination shall be primarily used as corroborating evidence.
 - b. The polygraph examination shall be conducted only by a licensed, reputable examiner.
6. After receiving written orders from the Chief of Police, refusal to submit to any legally ordered test may result in termination for insubordination.
- D. Before questioning an employee regarding an alleged violation in which criminal prosecution is not sought, the investigating officer shall administer a "Garrity" warning on the form prescribed by the Department. If the employee is under arrest, or is a suspect in a criminal investigation, and the responses to questions he is asked to make to the investigating officer or information derived from such answers is necessary for use in a criminal trial, the employee shall be informed of their rights in accordance with the Texas Code of Criminal Procedure.

IV. Relieving an Employee of Duty [52.2.7]

- A. An employee who is determined to be unfit to perform their assigned tasks shall be relieved from duty. The ultimate responsibility for relieving an employee from duty rests with the office of the Chief of Police.
1. An employee may be relieved from duty, as ordered by the Chief of Police, at any time during the course of an internal affairs investigation if it is deemed to be in the best interest of the employee, department, or the investigation.
- B. A first line supervisor or above may relieve an employee from duty if, in their opinion, the employee is not capable of performing their assigned tasks. An employee may be relieved from duty for, but not limited to, any one of the following reasons:
1. Intoxication
 2. Sleeping while on duty
 3. Consumption of illegal drugs
 4. Commission of any criminal act
 5. Excessive use of force
 6. Physical or psychological disorders/illness
 7. Insubordination

8. Shooting incident
 9. Death of immediate relative
- C. At any time an employee's action results in the death or serious injury of an individual, that employee will be removed from line of duty assignment pending an administrative investigation. [1.3.8]
- D. It is important to note that relieving an employee from duty may not, in and of itself, be a negative sanction.
- V. Dispositions of Internal Affairs Investigation [52.2.8]
- A. The investigator will complete the investigation and submit a report of the findings to the Internal Affairs coordinator within the time limit designated. The investigator's final report will be completed in the following manner:
1. Allegation / Complaint
 2. Investigation
 3. Finding of facts, to be completed in coordination with the Internal Affairs Coordinator. They shall be as follows:
 - a. **Unfounded:** Either the allegation is demonstrably false or there is no credible evidence to support it.
 - b. **Not Sustained/Insufficient Evidence:** There is insufficient evidence to prove or refute the allegation.
 - c. **Sustained/Improper Conduct:** The allegation is true and the action of the agency or the employee was inconsistent with departmental policy and the complainant suffered harm.
 - d. **Exonerated/Proper Conduct:** The allegation is true, but the action of the agency or the employee was consistent with the departmental policy and the complainant suffered no harm.
 - e. **Misconduct Not Based on Complaint:** As a result of the investigation, misconduct other than reported by the complainant was found.
 4. List of persons interviewed.
 5. Attachments, including all internal affairs investigation's forms, statements, photographs, tapes, and any other relevant materials.

Any policy that may have been violated will be reviewed, and any necessary changes to policies or procedure will be made to prevent future problems.

- B. The Internal Affairs Coordinator is responsible for the security of the files maintained by the unit. These files are considered confidential. Access must be restricted to only those persons who have a legitimate right to view any of these materials. [\[52.1.2\]](#)
1. The following files shall be maintained and controlled by the Internal Affairs Coordinator:
 - a. Internal investigations including final reports, case folders and any attached materials.
 - b. Complaint case log.
 2. Access will be limited as follows:
 - a. Members of the public are excluded from Internal Affairs files except as set forth by the Texas Open Records Act.
 - b. Internal Affairs files may be accessed only by the Internal Affairs Coordinator or the Chief of Police.
 - c. Internal Affairs files are locked at all times when not being accessed by authorized personnel.
 - d. Original Internal Affairs files shall remain in the custody of the Internal Affairs Coordinator.
 - e. Persons reviewing completed internal investigations files will be noted in that specific file.
- C. The Internal Affairs Coordinator shall compile statistical summaries of all Internal Affairs investigations conducted for each year. This report shall be made available to the public and agency employees. [\[52.1.5\]](#)