

THE UNIVERSITY OF TEXAS AT ARLINGTON

POLICE DEPARTMENT

Internal Affairs

2009 - Annual Report

Introduction

This report provides information regarding citizen and internal allegations of police misconduct and the results of those investigations for the year 2009.

Section I of this report describes the Internal Affairs Function and its role in the department. Section II contains a brief description of the complaint process. Section III provides a summary of the complaints received and processed in 2009.

SECTION I

Internal Affairs Function

The mission of Internal Affairs Function is to review officer-involved critical incidents, and investigate complaints received on sworn and non-sworn employees of the Department. Complaints, whether received from citizens or from Department employees, are thoroughly investigated to ensure the integrity of the Department.

The Internal Operations Division Commander supervises and coordinates the Internal Affairs Function. The Internal Operations Division is located at the UTA Police Department (700 S. Davis Street).

SECTION II

Complaint Process

Texas law requires that complaints against police officers must be in writing and must be signed by the person making the complaint. The investigation must be completed within 30 days of the incident in order for any disciplinary action to be taken. Under extenuating circumstances, the 30 day limit can be extended with authorization of the Chief of Police.

The first point of contact for complaints generated from outside the police department is any supervisor. The supervisor can provide the Complaint Form (DP # 42) to any person wishing to submit a complaint on a police employee. The DP # 42 form may be obtained from the UTA Police Department webpage at:

<http://www.uta.edu/police/PersonnelComplaint.pdf>

Complaints may also be submitted via mail, email, phone or anonymously. Once the complaint is filed, the information is reviewed and assigned for investigation. The investigator will interview the concerned parties and witnesses and gather other relevant data. Depending upon the nature of the allegation, investigators may utilize investigative techniques such as a photo line-up, polygraph examinations, photographs, interviews, interrogations, videotaped surveillance, drug testing, checking medical records and consultation with experts.

Once completed, Internal Affairs investigations are reviewed by the Internal Operations Division Commander, and then submitted to the Chief of Police.

Determination of Complaint Classification:

A complaint may contain one or more allegations. Each specific allegation is investigated. The assigned investigator may provide feedback to the Chief of Police regarding the classification of a complaint. An allegation can have one of four classifications or outcomes:

- Sustained: The allegation is supported by sufficient evidence.
- Unfounded: The allegation is false, not factual.
- Exonerated: The incident occurred but was lawful, reasonable, and justified.
- Not Sustained: There is insufficient evidence to prove or disprove the allegation(s).

Chain of Command Recommendations:

If an allegation is sustained, the chain of command of the investigated employee will review the facts pertaining to the investigation and submit a recommendation for discipline. After reviewing the recommendations made by the chain of command, the Chief of Police decides what disciplinary action, if any, will be administered. The employee and the complainant are notified of the final results.

Types of Discipline:

- Written Reprimand. A written reprimand is a formal written memorandum setting forth the infraction or performance issue and indicating that the reprimand has been approved by the Chief of Police. The officer shall be given the original and a copy shall be placed in his or her personnel file.
- Disciplinary Probation. Disciplinary probation is a review period with terms and conditions.
- Suspension without Pay. Suspension without pay is time off without pay for not less than one week for officers in an exempt status and not to exceed thirty (30) days for any other officer.
- Demotion. Demotion is a reduction from one salary group to a lower salary group.
- Termination from Employment. The officer is removed from the payroll.

An officer may choose to appeal the disciplinary decision and follow established departmental procedures in that appeal process.

Performance Issues:

Some incidents may be determined to be performance issues and not misconduct.

Incidents determined to be performance related will be handled by meeting with the employee, identifying the performance issue, and establishing a resolution to the issue.

Employees may receive disciplinary action for performance deficiencies if necessary.

SECTION III

Complaints Investigated

The following data provides information on citizen-initiated and internal complaints reported and investigations completed in 2008. Since a complaint may contain numerous allegations there will always be more allegations than complaints.

Complaints		Outcome of Allegations	
Total Citizen Complaints	3	Performance Issue	
Total Internal Complaints	22	Exonerated	1
Total Complaints	25	Not Sustained	6
		Sustained	11
Total Employees Involved	29	Unfounded	9
		Separated Under Investigation	
		Total Allegations	27

There was a 54% increase in complaints from calendar year 2008 (13). Of the 25 complaints, 3 originated from citizen complaints. This represents a 25% decrease from calendar year 2008 (4).

During 2009, there were zero investigations determined to be performance issues.

The breakdown of corrective action and discipline handed down is as follows:

Corrective Action		Discipline	
Written Counseling	2	Written Reprimand	4
Oral Reprimand	1	Suspension	2
Remedial Training	1	Disciplinary Probation	1
Restitution	0	Demotion	0
		Termination	0

If you have any questions regarding the report, the Internal Affairs process, or to discuss the performance of a UTA Police Department employee, please contact the Internal Operations Division Commander at (817) 272-3381.