

THE UNIVERSITY OF TEXAS AT ARLINGTON POLICE DEPARTMENT



INTERNAL AFFAIRS ANNUAL REPORT 2020

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Introduction

This report provides information regarding citizen and internal allegations of police misconduct and the results of those investigations for the UT Arlington Police Department (UTAPD) in the year 2020.

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 2020.

Section I

INTERNAL AFFAIRS FUNCTION

The mission of the 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 Support Operations Division Assistant Chief supervises and coordinates the Internal Affairs function. The Support Operations Division is located within the UTAPD administrative offices located at 700 S. Davis Street.

Section II

COMPLAINT PROCESS

Texas law requires complaints against police officers must be in writing and must be signed by the person making the complaint. According to UT System Office of the Director of Police policy, the investigation must be completed within 28 days of the incident in order for any disciplinary action to be taken. Under extenuating circumstances, the 28-day limit can be extended with authorization of the component 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 UT System Police webpage at:

<https://utsystem.edu/offices/police/forms>

Complaints may also be submitted via mail, email, phone, or anonymously.

Once a complaint has been received, the information is reviewed and assigned for investigation. The investigator will interview 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 Support Operations Assistant Chief; and routed to the chain of command for review.

Complaint Classifications:

Complaints will be classified based upon the severity of the allegations as either a Class 1 or Class 2 complaint. Class 1 complaints will be investigated by the Internal Affairs investigator. Depending on the complexity of the complaint, Class 2 complaints may be investigated by the affected officer’s supervisor or the Internal Affairs investigator as determined by the Chief of Police.

Class 1 Complaints
<u>General Categories</u>
Abuse of Authority
Criminal activity
Death of any person in police custody
Excessive Use of Force
Serious misconduct
<u>Specific Standards</u>
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

Class 2 Complaints
<u>General Categories</u>
Discourtesy
Failure to Take Prompt and/or Effective Police Action
Improper Police Procedures
Inappropriate Behavior
<u>Specific Standards</u>
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 Repots
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

Determination of Complaint Conclusion:

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 conclusion on each allegation in a complaint. An allegation can have one of four conclusions:

- 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 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 their personnel file.
- Disciplinary Probation. A review period with terms and conditions.
- Suspension without Pay. Time off without pay for not less than one week for officers in an exempt status and not to exceed 30 days for any other officer.
- Demotion. 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 by UTAPD in 2020. Since a complaint may contain numerous allegations there will always be more allegations than complaints.

<u>Complaints (Both Summary Discipline & Administrative Investigations)</u>		<u>Outcome of Class 1 Allegations</u>	
Total Citizen Complaints	3	Exonerated	2
Total Internal Complaints	6	Not Sustained	0
Total Complaints	9	Sustained	4
		Unfounded	0
Total Employees Involved	9	Administratively Closed	0
		Total Allegations	6

The breakdown of complaint classifications is as follows:

<u>Complaint Classifications</u>	
Type 1	5
Type 2	1

The breakdown of discipline assigned to sustained allegations is as follows:

<u>Cumulative Disciplines Assigned</u>	
Written Reprimand	0
Suspensions	3
Termination	1

If you have any questions regarding this report, the Internal Affairs process, or to discuss the performance of a UTAPD employee, please contact the Support Operations Assistant Chief at (817) 272-3381.