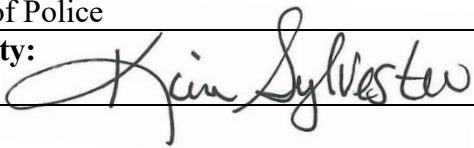
	Richland Hills Police Department		
	Subject: Internal Investigations		Number: 200.3
	Category: Professional Standards and Conduct		
	Effective Date: September 15, 2022	Supersedes: GO 200.3 (03/2019)	Review Date: September 2023
	Issuing Authority: Kimberly L. Sylvester, Chief of Police		
	Signature of Issuing Authority: 		
	References: TBP 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, and 2.10		

NOTE: This General Order is for internal use only and does not enhance an Officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

I. POLICY

The image of the Department depends on the personal integrity and discipline of all Departmental employees. To a large degree, the public image of the Richland Hills Police Department is determined by the professional response of the Department to allegations of misconduct against it or its employees. The Department must competently and professionally investigate all allegations of misfeasance, malfeasance, nonfeasance by employees and complaints bearing on the Department's response to community needs.

II. PURPOSE

This General Order establishes procedures for the filing, investigating, and dispositions of internally and externally originated complaints against employees of the Richland Hills Police Department. These complaints include all alleged or suspected violations of the Department's Code of Conduct, General Orders, the City of Richland Hills Employee Handbook, the Charter or Ordinances of the City of Richland Hills, or the laws of the State of Texas or the United States of America.

III. DEFINITIONS

- A. Complaint - Any allegation of conduct by an employee which is:
1. Unconstitutional;
 2. Unlawful;

3. Immoral;
 4. Unethical; or
 5. In violation of Department policy or City of Richland Hills personnel rules.
- B. Complaint on Police Employee (form RHPD-305) – A civilian complaint form used when a citizen wishes to report alleged violations of rules, laws, or procedures.
- C. Discipline - A method of training or developing any employee by proper supervision and instruction. Discipline may be positive (awards) or negative (punishment).
- D. Discipline (Positive) - Positive discipline is oriented towards seeking voluntary compliance with established policies, procedures, orders. Methods of positive discipline include:
1. Recognition of excellent job performance through rewards or awards.
 - a. When positive feedback concerning an employee’s performance is received from outside the Department, the person who receives the information shall make a record of the comments which will be passed on to the employee and the employee’s supervisor. Normally, when the Chief receives positive comments about an employee, the Chief will write an acknowledgment thanking the citizen. Copies of the citizen’s statement and the Chief’s response are sent to the involved Officer and the supervisor, and, if a significant action, a copy of all correspondence is placed in the employee’s personnel file.
 - b. Truly exceptional acts should be clearly and promptly identified to the Chief of Police. Such acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.
 2. Discussion and Counseling to include Written Warnings
 3. Training
- E. Disciplinary Action - Punitive measures taken against an employee as the result of one or more violations which have been sustained by administrative investigation. These measures include written reprimand, suspension, demotion or termination.
- F. Level I Complaints
1. Crime - Complaint of involvement in criminal conduct, such as bribery, theft, perjury, etc.
 2. Excessive Force - Complaint that the use or threatened use of force against a person was unreasonable or unjustified.

3. Arrest/Detention - Complaint that the restraint of a person's liberty was improper or unjustified.
4. Entry - Complaint that entry into a building or other property was improper and/or that excessive damage was caused to the property to gain entry.
5. Search - Complaint that the search of a person or property was illegal, improper or unjustified.
6. Harassment or Discrimination - Complaint that taking, failing to take, or the method of police action was predicated upon factors that were irrelevant, such as race, attire, sex, age, etc.
7. Serious Rule Infraction – Complaint including, but not limited to disrespect toward a supervisor, intoxication on duty, sleeping on duty, neglect of duty, false statements, malingering, reckless or dangerous driving.
8. Critical Incident Investigation –Administrative investigation into an employee's involvement in a critical incident (use of force incident involving death or serious injury to any person, etc.).

G. Level II Complaints

1. Demeanor - Complaint that an employee's manner, gestures, language or other actions were offensive or inappropriate or gave the appearance of a conflict of interest or misuse of influence.
2. Minor Rule Infraction - Complaint such as tardiness, faulty driving or failure to comply with established Department or City policies and procedures.

H. Misconduct - shall be defined as any non-compliance with any rule or procedure in this or any other General Order, other Departmental or City orders, administrative regulations or the City of Richland Hills Employee Handbook.

I. Non-Disciplinary Action - Oral or written counseling given to employee to bring attention to noted job performance deficiencies or policy infractions in an effort to induce voluntary compliance.

J. Personnel Incident Form – An electronic form used by supervisors to report details of alleged employee misconduct or to report favorable actions of an employee.

K. Preliminary Investigation – An initial investigation to determine if an allegation is valid.

IV. PROCEDURES – GENERAL [TBP 2.04, 2.07]

- A. The Department encourages citizens to bring forward legitimate grievances regarding misconduct by employees. Citizens may complete the Complaint on Police Employee form (RHPD-305) to report alleged violations of rules, laws, or procedures by a Department employee. Department members shall receive complaints courteously and shall handle them efficiently. All officers are obligated to explain the complaint procedures to inquiring citizens.
- B. The Department recognizes that its personnel are often subject to intense pressures in the discharge of their duties. The employee must remain neutral under circumstances that are likely to generate tension, excitement, and emotion. In such situations, actions, and events frequently result in misunderstanding and confusion. It is to the advantage of all employees to have a procedure for the investigation of serious allegations and underlying circumstances so that complaints can be resolved in light of the complicated pressures of police work.
- C. A copy of “How to File a Complaint” (form RHPD-306) will be posted in the public area of the Police Department, provided to media representatives, and may be given to any citizen requesting information on how to make a complaint against the Department or an employee of the Department.
- D. In all cases where a formal complaint is made involving an employee or volunteer of the Richland Hills Police Department by a citizen, the Chief of Police will be notified by way of the Chain of Command.

V. REQUIREMENTS FOR MAKING FORMAL COMPLAINTS

- A. Personnel complaint procedures shall be conducted in accordance with Section 614, Texas Government Code.
- B. Persons wishing to make formal complaints must do so by submitting a written statement of the complaint, accompanied by their signature. A notarized affidavit is preferred, but not required.
- C. A signed letter of complaint may be sufficient after verification that it is not fictitious or signed with a fictitious name. This determination shall be made by the Chief of Police or designee.
- D. An internally originated complaint may be made by any Department supervisor or other employee, by submitting a written statement with signature, an electronically-submitted Personnel Incident Form, or by notarized affidavit.

- E. Personnel assigned to the Professional Standards Unit or a member of the Command Staff may serve as the complainant of an externally originated complaint that cannot or will not be made by the original complainant as outlined in paragraph A of this Subsection. This, however, will only be done upon the showing of substantial evidence that a significant violation has occurred. In such instances, the Professional Standards Unit or Command Staff assigned personnel shall be the complainant of record.

VI. TIME LIMIT ON ACCEPTING COMPLAINTS [TBP 2.05]

- A. Personnel complaints shall not be accepted more than thirty (30) days after the alleged incident except for the following exceptions:
 - 1. When the complaint involves a criminal violation, the criminal statute of limitations will prevail. However, such limitations shall not prevent the Chief of Police from taking disciplinary 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 complaint may be accepted. This determination shall be made by the Chief of Police.
 - 3. When otherwise authorized by the Chief of Police.

VII. ANONYMOUS COMPLAINTS [TBP 2.06]

Anonymous complaints shall be investigated by personnel assigned to the Professional Standards Unit when authorized by the Police Chief. If a preliminary investigation identifies a violation, the formal complaint shall be signed by a member of the Command Staff. In such instances, the staff assigned to the Professional Standards Unit shall be the complainant of record.

VIII. INVESTIGATION RESPONSIBILITY [TBP 2.06]

- A. All Level I complaints may be formally investigated by the Professional Standards Unit unless otherwise authorized by the Chief of Police.
- B. Level II complaints shall be initiated by generating a Personnel Incident Form or memoranda and will be conducted at shift level or by a member of the Command Staff as designated by the Chief of Police.
- C. Level II complaints may be forwarded to the Professional Standards Unit for investigation at the request of a member of the Command Staff, with the approval of the Chief of Police.

- D. Unless extenuating circumstances exist and except for situations specifically addressed in this General Order, all internal investigations shall be completed within 30 days of initiation of the investigation; this time period shall also include the dissemination of any discipline associated with a sustained complaint. A complete investigation is essential to the proper resolution of employee misconduct; therefore, the Chief of Police has the authority to extend the time limit, as needed, to complete the internal investigation.

IX. AUTHORITY AND RESPONSIBILITY

A. All Employees

- 1. Non-supervisory personnel shall utilize their chain of command to report infractions. Non-supervisory personnel may report infractions directly to the Professional Standards Unit or the Chief of Police directly, if the infraction involves a person in their immediate chain of command or the infraction is of a Level I classification as defined in this General Order.
- 2. Any employee who gains knowledge of a reported infraction shall immediately notify his or her supervisor of the details of the reported infraction as soon as practical. All employees are responsible for immediately reporting any observed, reported, alleged, or suspected violations of the Department’s Code of Conduct, General Orders, the City of Richland Hills Employee Handbook, the Charter or Ordinances of the City of Richland Hills, or the laws of the State of Texas or the United States of America to their chain of command, personnel assigned to perform Internal Affairs investigations, or the Chief of Police. Failure to report such incidents shall be cause for investigation of that employee for neglect of duty under this General Order.

B. Supervisors

- 1. Supervisory and command personnel shall initiate a Personnel Incident Form or memoranda detailing the nature of the infraction immediately upon becoming aware of a violation by any member of the Department.
- 2. Supervisory personnel shall fully investigate any violations designated as Level II infractions at the shift level.
- 3. Violations designated as Level I infractions shall be forwarded in a detailed Personnel Incident Form or memoranda through their chain of command to the Chief of Police.
- 4. Any employee who initially becomes aware of another employee’s involvement in a Level I incident shall inform the on-duty supervisor. If the violation is of a serious nature, the on-duty supervisor shall notify the Chief of Police by way of the Chain of Command. The Chief of Police or designee will then determine whether to relieve the accused employee from duty.

C. Professional Standards Unit

1. The Professional Standards Unit consists of Professional Standards Investigators who directly report to the Chief of Police or who are selected by the Chief of Police to serve in a specified capacity; these personnel will be tasked with performing Internal Affairs investigations. While the employees may have other duty assignments, the Internal Affairs function shall take priority when an employee is assigned this duty.
2. Professional Standards Investigators shall conduct an internal investigation, upon approval from the Chief of Police, at the request of any employee of the Department, who feels justifiably threatened by a false accusation or contrived situation involving false evidence. An employee, who is the victim of sexual harassment as defined in the City of Richland Hills Employee Handbook, is authorized to report that accusation directly to the Chief of Police, who shall then assign a Professional Standards Investigator to investigate the allegation.
3. Professional Standards Investigators will be responsible for investigating Level I complaints and may investigate Level II complaints as authorized by the Chief of Police.
4. Professional Standards Investigators shall exercise staff supervision over all complaints as outlined in this General Order.

D. Traffic Citations/Arrests

1. Supervisors who initially become aware of complaints from citizens regarding a dispute over points of law regarding their guilt or innocence in the issuance of a traffic citation or subsequent to an arrest shall document such complaints as prescribed by the Chief of Police. However, if a citizen furnishes sufficient evidence that a violation of law or Department policy has occurred, the complaint, at the discretion of the Chief of Police, may be formally investigated.

X. INVESTIGATION OF EXTERNALLY ORIGINATED COMPLAINTS [TBP 2.06]

A. Level I Complaints

1. Citizens who telephone or appear in person during administrative business hours to make a complaint against an employee will be referred to the on-duty supervisor, member of the Command Staff, or personnel within the Professional Standards Unit.
2. When a Level I complaint is received after hours, the on-duty supervisor will immediately notify the Chief of Police through the Command Staff. The Chief of Police shall then direct a staff member to:
 - a. Interview the complainant in person or by telephone to obtain all pertinent information so that the complaint may be documented;

- b. Advise the complainant that the complaint must be made in writing and signed by the complainant per Texas Government Code Section 614, if it is to be formally investigated. If the complainant is contacted by telephone and desires to sign the complaint, the investigator shall advise him to appear in person or arrange to meet at another location so that an affidavit may be obtained. When possible, the investigator should use the Complaint on Police Employee form (RHPD-305) to obtain the citizen's complaint. If the complainant cannot appear in person, the investigator shall advise the complainant to send a signed and dated letter, addressed directly to the Chief of Police;
 - c. Provide a Richland Hills Police Department "How to File a Complaint" brochure (RHPD-306) to the complainant.
3. The Chief of Police or designee shall examine the content of the complaint to determine if it meets the requirements of a Level I complaint (i.e. the complaint alleges a violation of the law or the regulations of the Department and/or the City of Richland Hills).
4. After review of the complaint and determination that an investigation is warranted, the Chief of Police or designee will assign personnel to the case and issue a control number for the investigation.
5. The accused employee may be required to report to the Professional Standards Unit at the onset of an investigation, if the Police Chief or designee deems it necessary, and will be required to respond, both orally and in writing, to the complaint.

B. Level II Complaints

1. Citizens who telephone or appear in person during administrative business hours wishing to make a complaint against an employee will be referred to the on-duty supervisor who will:
 - a. Interview the complainant in person or by telephone to obtain all pertinent information. The complaint may be placed on a Personnel Incident Form if the complaint is over the telephone or a Complaint on Police Employee form (RHPD-305) if the complaint is in person, or it may be documented in a memorandum upon approval by the Chief of Police (when a Complaint on Police Employee or memorandum form are used for the complaint, the supervisor must still complete a Personnel Incident Form to forward to the Chain of Command);
 - b. Forward the original Personnel Incident Form and all related documentation (if any) to the Chief of Police by way of the Chain of Command for recommendations; and
 - c. File the documentation and complaint forms in a designated Internal Affairs file maintained by the Professional Standards Unit for that employee.

2. When a Level II complaint is received by and the infraction is to be handled at the shift level, the documentation will be delivered to the appropriate shift supervisor who shall investigate the allegation. The infraction will be properly documented on a Personnel Incident Form, submitted electronically through the Chain of Command.
3. An accused employee will be required to respond, both orally and in writing, to the complaint.

XI. INVESTIGATION OF INTERNALLY ORIGINATED COMPLAINTS [TBP 2.06]

- A. The supervisor who initially becomes aware of an alleged or suspected Level I violation shall immediately notify the Chief of Police by way of the Chain of Command and shall submit a memorandum or Personnel Incident Form detailing the allegation.
- B. The Chief of Police will assign a staff member to review the allegation(s), to determine if the requirements of a complaint, i.e. allegations of a violation of law, General Orders of the Department, or the City of Richland Hills Employee Handbook, are stipulated.
- C. The Chief of Police or designee will determine who will be assigned to the case, at which time a control number will be issued to the investigation.
- D. At the discretion of the Chief of Police, if the investigation is to be conducted at the shift level, the investigative file shall be set up by the originating staff member and delivered to the appropriate supervisor assigned to the investigation.
- E. At the conclusion of the investigation, the investigating officer shall forward the entire contents and findings of the investigation to the Chief of Police. The staff member assigned to investigate a complaint serves only in a fact finding role and shall include a finding as to classification of the complaint, i.e. sustained, not sustained, unfounded, etc., but shall not make a recommendation as to discipline. Discipline is to be determined by the Chief of Police. No copies of investigatory documentation shall be retained or forwarded to any other individual(s).
- F. The accused employee may be required to report to the assigned staff member at the onset of an investigation, if deemed necessary, and will be required to respond, both orally and in writing, to the complaint

XII. EMPLOYEE’S RIGHTS DURING INTERNAL INVESTIGATION

- A. Requirement to Answer Questions
 1. An employee shall be required to answer questions relating to his duties and can be disciplined for refusal to answer such questions (See *Garrity v. New Jersey*, 385 U.S. 483 and *Gardner v. Broderick*, 392 U.S. 273.).

2. Any such required statements could be used against the employee in a disciplinary action or civil proceeding. The statements would not be admissible in subsequent criminal action.

B. Supervisor's Presence During Interview

1. An accused employee may request that his immediate supervisor or other member of his chain of command be permitted to attend an interview regarding an investigation of non-criminal conduct. The supervisor may attend in an observation capacity only and shall not take an active part in the interview. An employee's supervisor shall not be permitted to attend an interview regarding an investigation of criminal conduct.

C. Counsel's Presence During Interview

1. The accused employee will not be permitted to have counsel present during an interview concerning an internal investigation. The Fifth Amendment right to counsel does not apply to administrative matters (Refer to *Garrity v. New Jersey*, 385 U.S. 483 and *Gardner v. Broderick*, 392 U.S. 273).
2. An accused employee is not entitled to receive the Miranda warning during an administrative investigation. The employee shall be directed to read and sign the Administrative/Investigative Warning (RHPD-294) and shall be provided with a copy of the signed warning.

D. Search of Equipment

1. Personnel acting under the authority of the Chief of Police may, at the direction of the Police Chief or designee, conduct reasonable searches of Departmental equipment (lockers, desks, vehicles, etc.) and facilities for the purpose of identifying and securing evidence that may be utilized as part of an administrative investigation. This type of search may also be conducted by supervisory personnel when Command Staff members are unavailable and the need for an immediate search exists. The search must be approved in advance by the Chief of Police or designee and the circumstances shall be documented by the supervisor, in a memorandum to the Chief of Police, through the Chain of Command.
2. Employees of the Department have no right to or expectation of privacy with Department-owned or operated equipment including lockers, desks, and vehicles, or with personal equipment utilized while on duty or to provide police services.

E. Special Examinations

1. An accused employee may request, by memorandum to the Chief of Police, to undergo a behavioral cause investigation, blood test, or polygraph examination, if he believes such would be beneficial to his defense. The Chief of Police shall authorize or deny all such requests.

2. The Department may require an accused employee to submit to a behavioral cause investigation, polygraph examination, medical or laboratory examination. The results of such examination would be limited to administrative use, except as provided by law.
 - a. Should the accused employee refuse to take the exam, after being ordered by the Chief of Police or other competent authority, the accused employee may be subject to disciplinary action up to and including termination for insubordination and refusal to obey a lawful order.
3. In some cases, a complainant may be requested to undergo a polygraph test to substantiate allegations made against an employee in an affidavit.

F. Medical and Laboratory Examination

1. The Chief of Police or designee may, based on personal observation, require a Department employee to submit to a test for alcohol or drug use while on duty. The results may be used in the disciplinary process. Refusal to submit to the examination will be grounds for disciplinary action, up to and including termination.
2. If the employee is believed to be under the influence of alcohol, an on-duty Supervisor or assigned Internal Affairs investigator shall administer the test. The highest ranking officer available shall witness the test and sign the report. The portable breath testing instrument (PBT) will be used to perform this test.
3. If the employee has a reading of .01 or higher or there is other competent evidence of impaired abilities to perform duties, the employee may be relieved of duty by the Chief of Police or designee.
4. If the employee is believed to be under the influence of self-administered drugs, he may be compelled to submit to a blood and/or urine test. The test shall be administered under medical supervision where hygienic safeguards are met. The sample will be handled using the same safeguards as evidence in a criminal process.
5. If the test shows positive results or there is other competent evidence of impaired abilities to perform duties, the employee shall be relieved of duty as soon as possible by the Chief of Police or designee.
6. If an employee refuses to submit to any test, the supervisor may relieve the employee from duty for failure to cooperate in an administrative investigation.

G. Photograph and Lineup Identification Procedures

1. Employees may be required to stand in a lineup for viewing by citizens, for the purpose of identifying an employee accused of misconduct. Refusal to stand in a properly conducted lineup is grounds for disciplinary action, up to and including termination.
2. A photograph identification book or electronic photograph file of Department employees may be maintained for the purpose of identification, by citizens, of an employee accused of misconduct and shall be used when narrowly related to the employee's job.
3. Photographs or video footage of employees, with or without an employee's consent, may be taken for the purpose of internal investigations as related to the employee's job when the employee is suspected of misconduct.

XIII. COMPLETION OF COMPLAINT INVESTIGATION [TBP 2.10]

- A. Upon conclusion of a formal investigation, complaints will be classified as:
 1. Unfounded - Allegation is false or not factual.
 2. Exonerated - Incident complained of did occur but was lawful and proper.
 3. Not sustained - Insufficient evidence either to prove or disprove the allegation.
 4. Sustained - Allegation is supported by sufficient evidence.
 5. VNR - Violation not related to initial complaint.
- B. Upon completion of the investigation, personnel shall forward the file to the Chief of Police for review.
- C. The Chief of Police or designee will notify the complainant of the final disposition, except when a pending criminal case might be compromised by disclosure of this information.
- D. Regardless of disposition, all complaints that are investigated shall be submitted to the Chief of Police for review. The Chief of Police may forward the investigation to the appropriate Command Staff member or supervisor so that preventive measures can be taken to avoid similar complaints in the future.

XIV. CONFIDENTIALITY OF INVESTIGATIONS [TBP 2.09]

- A. All complaint investigations shall be considered confidential and, except as provided below, no portion of the investigations may be reproduced without the expressed authority of the Chief of Police.

1. All complaint and investigation records shall be held in a secure area under control of the Professional Standards Unit.
- B. Any employee or external complainant, upon written request, shall be provided with a copy of his own work product. All copies, when the original has become part of the investigative file, must be marked as “confidential” and issued by personnel of the Professional Standards Unit.
- C. Investigative reports shall not be released, except that which is required by law under open records statutes or that which is authorized by the employee in writing.
- D. Information that is considered public under open records statutes includes:
 1. Name of the complainant;
 2. Name(s) of the employee(s) complained on;
 3. Brief synopsis of the complaint including date, time, and location;
 4. Disposition of the complaint including disciplinary action, if any.
- E. The Department must respond to any subpoena for records. However, it is the policy of this Department to contest all such subpoenas. If a court of competent jurisdiction orders the Department to produce the records, the order will be complied with, after consultation with the City Attorney.
- F. In accordance with Texas Government Code Chapter 552, all complaint and investigation records shall be kept secure, consistent with Public Information Act requirements. This General Order requires such records to be maintained in a secure area and within a locked cabinet, filing system, or drawer to prevent unauthorized access.

XV. RECOMMENDATIONS OF DISCIPLINE – SUSTAINED COMPLAINTS

- A. When the investigation of a sustained complaint has been completed and it has been reviewed by the legal staff, the completed case file will be forwarded to the Chief of Police for review.
- B. The Chief of Police or designee may solicit recommendations for disciplinary action from the involved employee’s Chain of Command.
 1. For purposes of this General Order, the term “immediate supervisor” shall include only those holding the rank of Police Sergeant or above.
- C. All recommendations of discipline will address the following areas:
 1. Seriousness of the offense;

2. Previous history of the involved employee(s);
 3. Review of prior performance evaluations for the involved employee(s);
 4. Identification of any previous disciplinary action administered for violations which are the same or similar in nature so as to ensure consistency in discipline; and
 5. The final recommendation for discipline.
- D. All proposed or initial drafts of disciplinary recommendations shall be reviewed by the City Attorney.
- E. When all recommendations have been received by the Chief of Police, a meeting will be held, with all personnel involved in the recommendation process, to conduct a final review and analysis of all recommendations received.
- F. A final decision will then be rendered by the Chief of Police.
1. If the seriousness of the sustained complaint may involve termination or demotion, the Chief of Police will solicit recommendations from the Command Staff and the employee’s Chain of Command.
 2. A final decision will be rendered by the Chief of Police.

XVI. TYPES OF DISCIPLINARY ACTIONS

- A. All disciplinary action will be based on substantial evidence. Proof beyond a reasonable doubt or a preponderance of the evidence is not required (See *Edmonds v. McNeal*, 596 S.W. 2d 403).
1. Substantial evidence is defined as such evidence that a reasonable mind might accept as adequate to support a conclusion. It is that quality of evidence necessary for a court to affirm a decision of an administrative board.
 2. Proof beyond a reasonable doubt is defined as such proof as precludes every reasonable hypothesis except that which it tends to support and which is wholly consistent with the defendant’s guilt and inconsistent with any other rational conclusion.
 3. Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it.
- B. Non-Disciplinary Action

The following types of non-disciplinary action can be assessed by the employee’s Chain of Command:

1. Verbal Warning - The purpose of a verbal warning is to allow a supervisor to bring to the employee's attention the need to improve work performance, work habits, behavior, or attitude, and to serve as a warning against further unsatisfactory conduct. The supervisor shall utilize the occasion to identify and define the area needing improvement and inform the employee as to how such improvement can be realistically achieved. The supervisor shall document the verbal warning on a Personnel Incident Form and forward it through the chain of command.
 - a. Upon request of the employee and approval from their chain of command, the documentation of the verbal warning may be removed from the file and destroyed after a period of one year.
2. Written Warning - The purpose of a written warning is to bring to the employee's attention the need to improve his performance, work habits, behavior or attitude, where a verbal warning has not resulted in expected improvement or when action more serious than a verbal warning is warranted. The supervisor shall document the violation on a Personnel Incident Form and forward same through the Chain of Command, with a recommendation for a written warning. Upon approval from the Chief of Police or designee, the form and the written warning issued by the supervisor shall be placed in the employee's Departmental file. If not approved, the supervisor shall retain the option to issue a verbal warning, unless otherwise directed.
 - a. Upon request of the employee and approval from their chain of command, the written warning may be removed from the file and destroyed after a period of one year.
3. Training - When additional training is warranted and approved by the Chief of Police or designee.

C. Disciplinary Actions

1. Suspensions and written reprimands can be assessed by the Command Staff or Chief of Police.
2. Demotions and Terminations will only be administered by the Chief of Police.
3. Disciplinary action involving potential monetary loss by the employee, including suspension, demotion or termination, shall only be assessed subsequent to the completion of a formal internal investigation.

XVII. SPECIAL PROCEDURES**A. Complaints Involving Alleged Criminal Violations**

1. All criminal investigations involving Departmental employees shall be conducted by personnel of the Criminal Investigation Division, unless otherwise directed the Chief of Police. The Chief of Police may, at their discretion, direct an outside law enforcement agency to conduct a criminal investigation involving a Department employee.
2. When an employee of the Department is apprehended in the act of committing a criminal violation, the employees' chain of command shall be notified immediately.
3. Any time an employee of the Department learns that a law enforcement agency, other than the Richland Hills Police Department, has arrested or issued an arrest warrant for an employee of this Department, the employee shall immediately report the information concerning the arrest and/or the warrant to the Chief of Police by way of the Chain of Command. The Chief of Police may then assign personnel to initiate an Internal Affairs investigation.

B. Departmental Vehicle Accidents

1. When the investigation of an accident involving a Departmental vehicle reveals misconduct of a Department employee, the act shall be investigated in accordance with the provisions of this General Order and General Order 700.14, Vehicle Operations.

C. Emergency Relief from Duty, Suspension or Discharge

1. Any supervisor has the authority to impose emergency relief from duty for an employee until the next business day when it appears that such action is in the best interest of the Department and / or the employee. Whenever an employee is relieved from duty, the Chief of Police shall be immediately notified through the chain of command.
2. Only the Chief of Police or their designee has the authority to place an employee on administrative leave with pay. Whenever this occurs, a Professional Standards Investigator shall be designated and the employee shall be assigned to the designated Professional Standards Investigator, pending the outcome of the administrative investigation or termination of administrative leave.

3. When an employee is temporarily relieved from duty, his supervisor, member of the Command Staff, or Chief of Police shall collect the employee's badge(s), Department issued weapon, and police identification card. When an employee is discharged, the former employee's supervisor or other person as designated by the Chief of Police shall ensure that all city-issued property and equipment used by the employee is turned in. In either case, the person charged with collecting City-issued property shall forward a written report detailing the items that have been collected to the Chief of Police by way of the Chain of Command. If an employee is placed on administrative assignment, designated personnel from the Professional Standards Unit shall seize the above stated items from the employee.

XVIII. APPEALS AND GRIEVANCES [TBP 2.08]

- A. When discipline is administered by a member of the Command Staff other than the Chief of Police, appeals and grievances may be filed by the employee within five (5) business days by submitting a memorandum to the Chief of Police. The definition of "business day" shall have the meaning assigned to it in the City of Richland Hills Employee Handbook Section 7.14, Employee Appeals/Grievance Policy. The appeal must be in writing and must state the specific reason(s) for the appeal and/or grievance.
- B. When discipline is administered by the Chief of Police, appeals and grievances may be filed by any employee directly with the City Manager in accordance with the City of Richland Hills Employee Handbook Section 7.14, Employee Appeals/Grievance Policy.
- C. If, after the Chief of Police has returned a decision on an appeal, the employee wishes to challenge the findings of the Chief's conclusions, the employee may file a second level of appeal with the City Manager. However, if the first level of appeal was directly to the City Manager (such as in cases where the initial disciplinary action was issued by the Chief of Police), there is no second level of appeal. The decision of the City Manager, whether at the first or second level of appeal, is final and may not be further appealed. If a second level of appeal is available, the employee must file the appeal with the City Manager's office within five business days of the employee's receipt of the Department Director's first level appeal decision. The second level of appeal is made using the City's appeal form. The City Manager's office will attempt to schedule the appeal hearing within ten business days of receiving notice of the employee's appeal. The employee may choose to have the second level appeal heard informally in a meeting, or alternatively, may elect to have a formal appeal hearing (see below). If the employee elects an informal appeal, the City Manager will follow the protocol of first level appeals.
- D. Detailed information related to the City of Richland Hills appeals and grievance procedures is found in the City of Richland Hills Handbook Section 7.14, Employee Appeals/Grievance Policy.

XIX. BEHAVIORAL CAUSE INVESTIGATION

- A. A Behavioral Cause Investigation is an administrative investigation which is conducted when an employee exhibits unusual or abnormal behavior. This may either be observed behavior by the employee's supervisor(s) or a perceived behavioral deficiency which is claimed by the employee. The employee may be referred, at the City's expense, to a licensed psychologist who will examine the employee and make a determination as to the employee's fitness for duty, in light of the observed/claimed behavior.
- B. Authority and Responsibility
1. The Chief of Police may initiate a Behavioral Cause Investigation whenever he believes it is in the best interest of the employee and/or the Department.
 2. The employee's supervisor may recommend to the Chief of Police a Behavioral Cause Investigation based upon the nature of the complaint and/or the accused employee's disciplinary record.
 3. An employee, who is the subject of a Behavioral Cause Investigation, will be referred to the designated Departmental Psychologist.
- C. Who May be subjected to a Behavioral Cause Investigation
1. Any Department employee who exhibits unusual or abnormal behavior, which can reasonably be expected to prevent that employee from accomplishing his assigned duties.
 2. Any Department employee who exhibits unusual or abnormal behavior which, if not restricted, can reasonably be expected to place that employee or another person in danger.
 3. Any employee who perceives a personal behavioral deficiency and requests such an investigation and such request is approved by the Chief of Police.
- D. Self-Injection into a Behavioral Cause Investigation
1. If an employee feels that he has an emotional, stress related, or other similar problem that has resulted in a complaint, he may request a Behavioral Cause Investigation by contacting the Chief of Police.
 2. The purpose of self-injection into a Behavioral Cause Investigation is to identify the cause of the unusual or abnormal behavior on the part of the employee and to provide him with professional assistance in redirecting or changing his behavior.
 3. The final diagnostic evaluation will be presented to the Chief of Police for consideration in determining what action is to be taken, as a result of the original complaint.

E. Interview with Psychologist

1. All employees entering a Behavioral Cause Investigation shall be interviewed by a Psychologist licensed to practice in the State of Texas, who may be provided with the biographical and Departmental history of the employee, as well as any profile resulting from the applicant-level psychometric testing.
2. Any information obtained by the Psychologist, which does not relate to the specific incident or problem under investigation, will be considered privileged communication and shall not be entered into any Departmental file or history on the employee.

F. Handling of Mentally Disturbed Employees

1. When a supervisor becomes aware that an employee has reported for duty exhibiting questionable behavior, or while on duty exhibits questionable behavior, the employee shall be removed from any assignment which necessitates contact with the public. If necessary, the employee may be temporarily relieved of duty by his supervisor and referred to the Professional Standards Unit for immediate action and possible investigation by assigned Internal Affairs personnel.
2. When a supervisor becomes aware of a suspected behavioral problem and/or any of the administrative actions have taken place as described in Subsection XIX.F.1., that supervisor shall submit a confidential memorandum to the Chief of Police, through the supervisor's chain of command, for consideration.

XX. OFFICER INVOLVED CRITICAL INCIDENT INTERNAL INVESTIGATIONS

- A. Unless otherwise waived by the Chief of Police, employees who are directly involved in a critical incident will be required to participate in, and successfully complete, a psychological return-to-duty assessment prior to returning to normal duty status. Personnel who are indirectly involved may be required to participate in a psychological return-to-duty assessment as well, at the discretion of the Chief of Police.
- B. Officer-Involved Shooting critical incidents will be investigated in accordance with this General Order and General Order 600.4, Officer Involved Shooting Investigations.