

STATE OF TEXAS MODEL POLICY: MISCONDUCT ALLEGATIONS

PURPOSE: To establish guidelines for investigating allegations of misconduct.

1. DEFINITIONS AND REFERENCES

1.1 License Holder: A Texas County Jailer, Peace Officer, or Telecommunicator.

1.2 Allegation of Misconduct: A written complaint of misconduct, as defined in paragraph 1.3, and signed by the complainant.

1.3 Misconduct: Violations of federal or state laws or local ordinances and alleged conduct including: use of excessive force, untruthfulness, unlawful search, unlawful arrest, civil rights violations, racially motivated police actions, discrimination, sexual harassment, or any conduct that seriously degrades the integrity or good order of the organization.

For purposes of this policy, allegations of untruthfulness shall include false, untrue, or misleading statements, either by overt means or by omission. Misconduct does not include minor rule violations of a less serious nature.

1.4 Summary Report: A report providing a description of each allegation of misconduct, the investigative findings of each allegation, including whether sustained or not sustained, and the final disposition of each allegation.

1.5 TCOLE: Texas Commission on Law Enforcement.

2. INVESTIGATION PROCEDURES

2.1 This agency shall investigate allegations of misconduct that may result in suspension, demotion, or termination at the time the agency becomes aware of the alleged misconduct.

2.2 Initiate an appropriate administrative or criminal investigation into alleged misconduct of a license holder employed by this agency at the time the agency becomes aware of the alleged misconduct.

2.3 Complete the investigation within 180 days, absent other applicable laws, provisions of collective bargaining, meet and confer, other agreements, or policies.

2.4 Report to TCOLE an investigation into alleged criminal misconduct for which criminal charges are filed against the license holder within 30 days after the investigation is completed.

2.5 Complete an administrative investigation of alleged misconduct. On a template provided by TCOLE, prepare and submit to TCOLE a summary report of the investigation in a timely manner, but not later than the 30th day after the date of the license holder's separation from the agency, if applicable.

2.6 Include documentation of the completed investigation in the license holder's personnel file maintained by the agency as described by Texas Occupations Code § 1701.4535, or § 1701.4522, as applicable.

2.7 Notify TCOLE if the matter is under appeal. The agency shall notify TCOLE of the disposition of an appeal within 30 days of receipt of the decision.

2.8 If a license holder separates from this agency during the pendency of an investigation of misconduct, the agency shall complete the investigation, and submit a summary report to TCOLE regardless of the findings.