

**Fort Worth Police Department
Internal Affairs Section**

OVERVIEW

The Internal Affairs Section of the Fort Worth Police Department is the investigative arm of the Department tasked with conducting administrative investigations of Department employees' potential misconduct. The function of Internal Affairs is to provide oversight and ensure integrity of the Department.

Because Internal Affairs conducts administrative investigations into employees' conduct, the criminal rules of evidence do not apply. Since the investigations are not criminal in nature, several items of evidence which can be sought in a criminal case may not be available in an administrative investigation. While officers can be compelled to cooperate with an administrative investigation as a requirement of their employment, members of the public cannot be compelled to cooperate with an internal investigation. This can affect what information is included in the case.

In addition to respecting the rights of all persons established in the United States Constitution, Internal Affairs investigators must adhere to several bodies of law and established policy. These laws and established policies include the Texas Local Government Code, Texas Penal Code, Texas Code of Criminal Procedure, Fort Worth Police Meet and Confer Agreement, Fort Worth Police Officers' Bill of Rights, Fort Worth Police Department General Orders, City of Fort Worth Code and Charter, City of Fort Worth Personnel Rules and Regulations that are applicable to Department employees, and Internal Affairs Section Standard Operating Procedure.

INVESTIGATIVE PROCEDURE

When a formal administrative investigation is initiated, written statements and/or recorded, oral interviews should be obtained from the complaining party and witnesses. Internal Affairs investigators strive to gather, process and evaluate the merits of all information relevant to the case. These pieces of information may include audio and video media, interviews with involved persons or witnesses, medical reports, and other items. Sometimes these items cannot be utilized in an administrative case until any associated criminal action has reached its final disposition.

Typically, an investigation is conducted prior to an Internal Affairs investigator interviewing an involved officer. Forty-eight (48) hours prior to interviewing an involved officer, that officer must be served with a Personnel Complaint and/or be provided a copy of the signed, sworn statement of a non – police officer complainant, informing the officer of the allegations against him or her. A Personnel Complaint is an allegation of misconduct by a Department employee.

A comprehensive report shall be prepared by an Internal Affairs investigator containing only known facts and information provided by the complainant(s), witnesses, and involved employee(s). The investigator shall make no conclusions in the report as to the guilt or innocence of the employee against whom the complaint was made. The Internal Affairs Lieutenant and/or the Captain of Professional Standards and Accountability Division shall review all completed administrative investigations prior to their release to the appropriate chain of command.

Upon notification by the Internal Affairs Section, the appropriate chain of command shall conduct a thorough review of the administrative investigation and classify each specific act of misconduct as one of the following:

1. Unfounded: The investigation reveals sufficient evidence to believe the complained of act did not occur.
2. Exonerated: The investigation reveals the complained of act occurred but was legal, proper, and justified.
3. Not-Sustained: The investigation discloses insufficient evidence to believe the complained of act either did or did not occur.
4. Sustained: The investigation discloses sufficient evidence to conclude the complained of act occurred.

If any allegation of misconduct is sustained, the employee's first-line supervisor at the time the incident occurred shall:

1. Prepare the summary report with the supervisor's recommendation for disciplinary action.
2. Discuss the findings and recommendation for disciplinary action with the involved employee in person, documenting the meeting in the summary report.
3. Forward the completed investigation and summary report for review by the employee's chain of command.

When a completed administrative investigation is forwarded for review, each ascending level of the chain of command shall endorse the investigation indicating either approval or disapproval for the conclusions and recommendations of the previous review level. Generally, any level of the chain of command disapproving the recommendations or recommending some other form of disciplinary action of the previous review level shall personally discuss their recommendations with the involved employee, documenting the meeting in the report.

In those cases where the final disciplinary recommendation from the chain of command involves discipline in the form of a suspension of a day off or more, Internal Affairs shall forward the case to the Chief of Police for review and disciplinary determination. A pre-disciplinary hearing will be scheduled for the officer to meet with the Chief, be advised of the sustained allegations, and have an opportunity to address those allegations with the Chief before the Chief's final decision

is made. If the Chief determines that discipline should be imposed, the Chief's discipline must be in conformance with Section 143.052(b) of the Texas Local Government Code, which allows a police officer to be suspended for a period of no more than fifteen days, or indefinitely suspended.

If an officer receives discipline in the form of a suspension of a day off or more and wishes to appeal that suspension, the officer must submit a written appeal to the Director of Civil Service within ten (10) calendar days from the date on which he or she receives the order of suspension. Also, the appeal must state the officer's election either to appeal to the City of Fort Worth Firefighters' and Police Officers' Civil Service Commission, or to an independent, third-party hearing examiner. If the officer chooses to appeal to a hearing examiner, he or she waives all rights of appeal to District Court, except as provided by Section 143.057(j) of the Texas Local Government Code.

In most cases, Civil Service law requires that disciplinary measures for administrative policy violations be initiated and completed within 180 days of an event. It is the desire of the Chief of Police and the intent of the Internal Affairs Section that administrative investigations be completed in a timely manner with full consideration given to the integrity of the process, the concern of all parties involved, and the best interest of the community. Information related to administrative investigations conducted by Internal Affairs is released in accordance with the Texas Public Information Act and any other applicable laws.

In closing, the role of Internal Affairs is to conduct impartial, fact-based investigations while adhering to the rights of all persons involved in an effort to ensure the integrity of all members of the Fort Worth Police Department.