RICHARDSON, TX POLICE DEPARTMENT	GENERAL ORDER 211 Internal Discipline	Issued by: Gary L. Tittle Chief of Police Richardson Police Department Effective: July 2, 1976 Revised: June 1, 2025

I. PURPOSE:

The purpose of this Order is to provide guidance in maintaining integrity consistent with the high level of public trust extended to the Richardson Police Department.

II. POLICY

It is the policy of this Department to properly train and educate all employees as to the laws, rules, regulations and procedures by which they are governed. All alleged incidents of misconduct will be investigated and recorded in a fair and impartial manner. This serves to protect the Department and the public against acts of misconduct by all personnel and affords protection to all employees against invalid allegations. The Chief of Police is ultimately responsible for the promulgation of rules and procedures governing the conduct of police employees.

III. PROCEDURE:

A. Definitions:

1. Complaint – allegation of an act or acts, which if proven true, would be a violation of Departmental regulations or City of Richardson policy, procedure, rule, or a violation of any applicable civil or criminal statute or law.

2. Complaint Number – number assigned Internal Affairs (IA) to investigations classified as complaints.

3. Internal Complaint – alleged violation by a current employee of RPD against another RPD employee.

4. Special Report – a report generated by Department personnel in response to inquiries or complaints. Required anytime an external complaint is received and to initiate internal complaints.

5. External Complaint – alleged violation by an individual not currently employed by RPD against an employee of RPD.

6. Administrative Inquiry – an IA investigation, ordered at the discretion of the Chief of Police.

7. Disciplinary Action – the issuance of a supervisory counseling, written reprimand, suspension, demotion, or dismissal for a sustained violation of Department or Civil Service rules. For the purpose of records retention, formal discipline is action at or above the level of a written reprimand.

8. Performance Concern – an area of the employee's performance that can be addressed through coaching and supervisory documentation and does not rise to the level that necessitates a complaint.

9. Corrective Action

   a. Supervisory Counseling – written documentation of a supervisor's verbal corrective action and consultation with an employee in response to a violation of policy, performance, or expectation. An oral reprimand falls within Supervisory Counseling.

   b. Professional Counseling – treatment by a licensed professional counselor, therapist, or other professional. Professional counseling will not be considered discipline.

10. Culpable Mental State – the level of intent or lack of intent to commit a violation of a departmental rule (Attachment B).

11. Final Classifications – every complaint investigation must be concluded with one of the following dispositions:

   a. Unfounded: indicates the allegation was false or not factual

   b. Exonerated: indicates the incident occurred but was lawful and proper

   c. Not Sustained: indicates there was insufficient evidence to prove or disprove the allegation

   d. Sustained: indicates the allegation was supported by sufficient evidence to justify a reasonable conclusion that a violation did occur

   e. Suspension of Disposition: the Chief may suspend an investigation or final disposition for an indefinite period when deemed appropriate

B. Time Limits

1. Complaints will not be accepted beyond 45 calendar days from the date of the discovery of the alleged incident except in the following:

   a. When the allegation involves a criminal violation, the criminal statute of limitations will prevail. However, such limitations will not prevent disciplinary action deemed necessary to preserve the integrity of the Department.

   b. When the complainant can show good cause for not making the complaint within the specified time limit and provides a written statement if originating externally.

   c. At the direction of the Chief of Police, based on the findings of a preliminary investigation.

2. All investigations should be completed within 60 calendar days from the initiation of the Special Report. The Chief of Police may grant extensions if necessary. The complainant and any employee who is the focus of the investigation will be notified in writing of the extension.

3. An investigation into alleged criminal misconduct for which criminal charges are filed against the employee will be reported to TCOLE within 30 days after the investigation is completed and notify TCOLE if the matter is under appeal.

4. The period of time from the conclusion of the investigation to the notification of the employee of any disciplinary action will not exceed ten days unless so authorized by the Chief of Police.

C. Administrative Inquiry

1. Administrative Inquiries may be initiated by the Chief of Police when information exists that indicates misconduct or negligence may have been exhibited, but either the specific misconduct or the employee(s) responsible have not or cannot be identified.

2. Upon completion of the Inquiry, IA will prepare a report for the Chief of Police. Based on this report, the Chief will either return the Inquiry to IA marked, “NO FURTHER ACTION” or return it for follow-up.

D. Special Report Origination

1. Internally Originated Special Report

a. The supervisor who first becomes aware of an alleged or suspected violation by an employee of the Department will complete a Special Report and all associated documentation of the alleged violation. If after a preliminary investigation, the initiating supervisor believes the investigation into the allegation can be completed in a reasonable time, the supervisor will complete the investigation.

b. If the supervisor determines a more in-depth investigation must be completed, the supervisor will forward all original associated documentation to the appropriate Assistant Chief through their chain of command. The Assistant Chief will review the Special Report to confirm disposition or forward the Special Report to IA through the BlueTeam database for further investigation.

c. As the Special Report is reviewed, classification recommendations should be made through discussions within the chain of command. The Chief will have the final decision on the matter.

d. Minor performance concerns may be documented on a Special Report and placed in the employee’s performance file.

e. If the supervisor believes supervisory counseling is appropriate, this will be documented on a Special Report. The supervisory counseling will be in written form with the narrative and attached to the accompanying BlueTeam report after being signed by both the supervisor and employee.

f. If the subject of a complaint is recorded on video, a copy of the video will be requested by the initiating supervisor and attached to the accompanying BlueTeam report.

g. All internal complaints must be concluded with the final disposition of Unfounded, Exonerated, Not Sustained, Sustained or Suspension of Disposition.

2. Externally Originated Special Report

a. Citizens wishing to make a complaint against any member of the Department will be referred to the employee's immediate supervisor. In the absence of the supervisor, the citizen will be referred to any available supervisor. Citizens may also file a complaint directly with IA.

b. All external complaints will be documented on a Special Report.

c. Upon receiving a complaint, the supervisor will do the following:

1) Interview the complainant, in person or by telephone, to obtain all pertinent information.

2) If the person making the complaint is intoxicated or otherwise impaired, the supervisor will take the initial information and complete a Special Report.

3) Advise the complainant for a formal complaint to be taken the complaint must be made in writing and signed by the person making the complaint (Texas Government Code 614.022). A copy of the signed complaint shall be given to the employee within a reasonable time after the complaint is filed (Texas Government Code 614.023). If no written complaint is obtained, a Special Report may still be initiated.

4) The reporting supervisor may recommend a determination of mental culpability.

5) If the initiating supervisor believes the investigation into the allegation can be completed in a reasonable time the supervisor will complete the investigation. If during the investigation the supervisor determines a more in-depth investigation must be completed the supervisor will forward all original associated paperwork to the appropriate Assistant Chief through their chain of command. The Assistant Chief will review the Special Report to confirm disposition or forward the Special Report to IA through the BlueTeam database for further investigation.

6) As the Special Report is reviewed classification recommendations should be made through discussions within the chain of command. The Chief will have the final decision on the matter.

7) If the supervisor believes supervisory counseling is appropriate, this will be documented on a Special Report. The supervisory counseling will be in written form with the narrative attached to the Special Report and signed by both the supervisor and employee. The original Special Report will remain in the

employee's performance file and a copy of the Special Report will be forwarded to IA through the BlueTeam database.

8) If the subject of a complaint is recorded on video, a copy of the video will be requested by the initiating supervisor and attached to the accompanying BlueTeam report.

9) All external complaints must be concluded with the final disposition of Unfounded, Exonerated, Not Sustained, Sustained or Suspension of Disposition.

E. Special Reports Classified as Complaints

1. The Assistant Chief will examine the content of the Special Report to determine if it meets the requirements of a complaint.

2. The Assistant Chief will make one of the following determinations:

a. Confirm the Special Report meets the requirements of a complaint and forward the Special Report and attachments to IA for investigation. A copy of the Special Report will be forwarded to the Chief of Police**.**

b. Concur with the completed investigation and forward the Report and attachments to IA for filing.

c. Return the Special Report to be handled by a supervisor as a performance concern.

3. If no written statement from the complainant accompanies the Special Report but it appears that further investigation is warranted, it will be forwarded by the Assistant Chief to IA as a complaint for investigation.

4. IA will have the following responsibilities:

a. assign Complaint Numbers and maintain the BlueTeam database,

b. conduct a thorough and objective investigation,

c. notify the affected employee(s) in writing as soon as appropriate,

d. determine if an Order of Confidentiality (GO 211-02) is needed,

e. conduct interviews as required,

f. classify the employee's violation(s) using the most appropriate category listed on the Corrective & Disciplinary Action Matrix (Attachment A),

g. recommend the employee's culpable mental state,

h. make a recommendation to classify the complaint as: Unfounded, Exonerated, Not Sustained, Sustained, or Suspension of Disposition,

i. document the investigation in the BlueTeam database,

j. compile a summary of corrective action on similar previous incidents, for comparison purposes,
k. compile the employee's discipline history,
l. forward the completed investigation to the Chief of Police through the chain of command,

m. notify the complainant, and

n. notify other affected employees via the Chief's Memo of Final Determination which is distributed to the employee's chain of command.

5. Investigation of Criminal Activity

a. All incidents of alleged criminal conduct on the part of an employee in the City of Richardson will be investigated by the Criminal Investigations Division (CID) or another law enforcement agency as determined by the Chief of Police.

b. The employee will be afforded all constitutional rights and legal guarantees normally provided to any citizen.

c. CID will determine if criminal charges are to be filed.

d. IA will conduct a separate investigation into policy violations.

6. Employees will have the following rights and responsibilities during a non-criminal investigation:

a. Employee Rights:

1) Employees shall be presumed innocent of all allegations until sufficient evidence exists to prove the allegation occurred.

2) Employees shall be treated fairly and respectfully, and not intentionally embarrassed, demeaned, or otherwise abused, under any circumstances.

3) Employees should be interviewed during their normal duty hours, and interviews should be held to reasonable lengths. If this is not practical, the employee will be given as much advance notice as possible. Special considerations should be made if an employee has already worked a duty shift immediately prior to the interview.

4) Employees have the right to read or hear the charge and to know the accuser's identity (if known) prior to being interviewed.

5) Employees may assume, unless advised otherwise, the IA investigation of allegations is an administrative, not criminal, investigation. When an employee is questioned in reference to an IA investigation, the rules under Garrity automatically apply, regardless of whether the employee has received a formal written Garrity statement (GO 211-03).

6) Employees have the right to audio record all IA proceedings in which they are present and/or obtain written transcripts of those IA proceedings from the Department (if created). The employee will advise the IA investigator if they are recording the interview. Recordings will be subject to any active Order of Confidentiality.

7) As a matter of practice, employees will not be interviewed by more than two people at one time. However, based on the magnitude of the investigation, it may be necessary to involve more than two investigators in an interview.

8) Polygraph examinations will only be conducted in compliance with Texas Government Code 614.063.

9) No order shall be construed as to prohibit communications between an employee's spouse, legal counsel or any other communications recognized by law as privileged.

10) If the investigation involves a critical incident, employees may discuss the proceedings with a Peer Support member if that member consents and is not involved in the investigation. The Peer Support member will follow GO 316, Peer Support. An Order of Confidentiality will not interfere with this communication.

11) The enumeration of these certain rights shall not be construed to deny others retained by law.

b. Employee Responsibilities:

1) Each employee is obligated to report violations committed by other employees to a supervisor. Violations include disobedience to laws, directives, policies, procedures, and orders.

2) When ordered by a supervisor or IA, an employee involved in an investigation shall submit a written statement concerning all facts pertaining to the allegation.

3) If an employee refuses to answer questions**,** is untruthful, or withholds information, the employee may be subject to disciplinary action up to and including termination.

F. Determination of Discipline and/or Corrective Action

1. The division commander or manager in the employee's chain of command will meet with the employee's supervisors to determine the appropriate discipline and/or corrective action if warranted.

a. Discipline and corrective action will be based upon the employee's culpable mental state, discipline history, a comparison of similar incidents by other employees, and the discipline action matrix.

b. Any recommendation for corrective action or discipline that deviates from the discipline action matrix will be made in writing and submitted to the Chief of Police.

2. If a consensus is not reached, each supervisor will prepare a separate memo recommending a discipline and/or corrective action. These memos will be forwarded to the Chief of Police for final determination of discipline and/or corrective action.

3. Supervisory Counseling or a Written Reprimand may be administered by any supervisor.

4. Any corrective action or discipline involving professional counseling or suspension will require the approval of the Chief of Police.

5. The employee will be notified upon determination of discipline or corrective action.

6. The affected employee's supervisor will complete the necessary Civil Service paperwork and prepare all Personnel Orders for appropriate signatures.

G. Appeals

1. After receiving notification of suspension, demotion, or dismissal, any appeal to the Civil Service Board shall be in writing and submitted within 10 days (excluding Sundays and Holidays).

2. After receiving notification of a Written Reprimand, any appeal to the Chief of Police shall be made within 10 days (excluding Sundays and Holidays).

a. The appeal will be submitted in writing via a memorandum through the chain of command and must include a detailed explanation as to the reason for appeal.

b. Acceptance of the appeal will be at the discretion of the Chief of Police.

3. There is no Civil Service appeal process for an employee who receives supervisory counseling, a written reprimand, an order for additional training or professional counseling.

H. Record Retention

1. All Special Reports and Complaints will be maintained in a secure manner by IA.

2. Special Reports will be maintained in such a way to differentiate from an employee complaint.

3. All discipline/complaint records will be maintained in accordance with state law minimums. All discipline/complaint records and all references to those records and recordings maintained in summary sheets and personnel files will be destroyed at the minimum retention date~~s~~. The Chief of Police may retain discipline/complaint records beyond state law minimums. The employee will be notified when this occurs and when the record is later destroyed.

I. Confidentiality

1. Any supervisor or IA investigator may issue an Order of Confidentiality. The intent of this order is to ensure and preserve the integrity and confidentiality of administrative matters under investigation.

2. When a Final Disposition Classification has been determined, all Orders of Confidentiality will automatically expire, unless directed by the Chief of Police.

3. All IA investigations are classified as confidential, and no portion of the investigation is reproduced without permission of the Chief of Police.

4. IA investigative reports will not be released to unauthorized persons. If an outside agency investigates the complaint, the employee's Special Report/Complaint will only be released in accordance with applicable state or federal laws.

   a. Sustained complaints that fall under the reporting guidelines of *Brady v. Maryland,* 373 U.S. 83, 87 (1963) or the Michael Morton Act (Texas Code of Criminal Procedure Article 39.14) will be disclosed to the appropriate District Attorney's Office (Collin or Dallas).

   b. The Chief of Police will have the final determination if Brady/Morton applies and if the sustained complaint will be disclosed.

   c. If disclosed, Internal Affairs will be responsible for providing all necessary documentation to the District Attorney's Office for review.

5. The Department will respond to any court subpoena for IA records; however, it is the practice of the Department to contest all such subpoenas. If the court then orders the Department to produce the records, the order will be honored.

ATTACHMENTS:
A – Corrective & Disciplinary Action Matrix
B – Culpable Mental States – Definitions

FORMS ORIGINATING FROM THIS POLICY:
GO 211-01 – Special Report
GO 211-02 – Order of Confidentiality
GO 211-03 – Garrity Statement

Corrective & Disciplinary Action Matrix

Attachment A

Integrity	Corrective Action					Professionalism	Corrective Action					Protection of Public or Private Property	Corrective Action					Protection of People	Corrective Action					Individual Liberty	Corrective Action				
	A	B	C	D	E		A	B	C	D	E		A	B	C	D	E		A	B	C	D	E		A	B	C	D	E
Truthfulness (including not providing the complete truth)					X	Attendance	X	X				Lost: Negligence	X	X				Sexual harassment	X	X	X	X	X	Civil right, racial profiling, discrimination	X	X	X	X	X
Gratuity violation		X	X			Insubordination	X	X	X	X	X	Lost: Reckless		X	X	X		Pursuit violation	X	X	X			Confidentiality	X	X	X	X	X
Criminal Activity, M/B or above including M/C theft or assault			X	X	X	Perform required duty: Substandard	X	X				Damage: Negligence	X	X				Use of force: Unnecessary	X	X	X								
						Perform required duty: Dereliction		X	X	X	X	Damage: Reckless		X	X	X		Use of force: Excessive				X	X						
Minor traffic violations	X	X				Conduct bringing disrepute to the Department	X	X	X	X	X							Prisoner Care		X	X	X	X						
Tampering with evidence					X	Uniform equipment, grooming, and appearance	X																						
Corruption					X	All other policy violations not included in the matrix	X	X	X	X	X																		
						Respectful of citizens and co-workers	X	X																					

Corrective & Disciplinary Action:

A. Training/re-education through supervisory counseling
B. Written Reprimand
C. Suspension: 1-4 days off
D. Suspension: 5-9 days off
E. Suspension: 10-15 days off or demotion, termination
("X" indicates corrective actions that can be taken")

Exempt employees refer to Civil Service Rules
Re-education/training can be mandated in addition to any category

2nd and subsequent similar violations can be enhanced to the next highest category in a 24 month period

Culpable mental state should be determined before corrective and/or disciplinary action is chosen

Attachment A

Attachment B

CULPABLE MENTAL STATES

Prior to deciding on an appropriate corrective disciplinary option, the following culpable mental state of the employee will be considered at the time of the violation.

1. Inexperience – An employee is unaware of or fails to perceive a risk or violation due to new and special assignments (this includes positions such as CID Detective, Community Relations Officer, etc.).

2. Negligence – An employee is unaware of, or should have been aware of, or fails to perceive a risk through lack of due care or caution.

3. Reckless – An employee perceives a risk or should have perceived a risk, but disregards that risk in an effort to carry out a police mission.

4. Intentional – An employee is aware of a violation and the employee's objective is to commit that violation.

5. Malicious – An employee is aware of a violation and the employee's intent is to cause harm to another person or to any organization. (misleading an investigation is considered harmful to the organization).