

## 902 Administrative Investigations

### 902.1.2 DEFINITIONS

- (a) **Administrative Investigation** - An investigation of alleged misconduct by an APD employee that could result in disciplinary action. These may be conducted by:
1. APD Internal Affairs (IA).
  2. Employee's chain-of-command.
  3. APD-Human Resources (APD-HR) or City-Human Resources (City-HR).
  4. The City Auditor's Office.
  5. An independent investigator appointed by the Chief of Police or their designee and/or the City Manager.
- (b) **Anonymous Complaint** - Any complaint in which the Complainant does not identify him or herself or does not wish to be identified. There shall be no duty to determine or reveal the identity of an anonymous Complainant.
- (c) **Classification** - Level of designation for a complaint to determine how it is investigated (e.g. "Class A", "Class B", "Supervisor Referral").
- (d) **Commander in Charge** - Generally, the commander over the employee who is the subject of an investigation. In Class B OFCA eligible complaints, the commander in charge shall designate the investigative supervisor, determine the final disposition of a complaint and recommend discipline for "Sustained" complaints.
- (e) **Complainant** - A person, including an officer, claiming to be a witness to or the victim of misconduct by an officer. "Complainant" does not include the Department designee in the case of an Administrative Referral, except that the Office of Police Oversight (OPO) may act as the Complainant in any allegation on its own initiative, and in the case of an anonymous complaint, the OPO or whichever entity that receives an anonymous complaint may act as the Complainant. If the OPO acts as the Complainant, the Director of OPO shall document the source of the complaint.
- (f) **Complaint** - Either (1) an affidavit or (2) any other written or verbal communication setting forth allegations or facts that may form the basis of future allegations of misconduct that violate policy against an officer and which serves as the basis for initiating an investigation. Anonymous written or verbal communications meet this definition of "Complaint".
- (g) **Criminal Investigation** - An investigation of alleged criminal conduct by an APD employee. These investigations are generally conducted internally by SIU. When there is an allegation of criminal conduct, a concurrent administrative investigation shall also be conducted by IA.
- (h) **Critical Incident** - For purposes of administrative investigations, the term "Critical Incident" shall have the meaning as agreed upon in the Meet and Confer Agreement. "Critical Incident" means:
1. Any force resulting in death.
  2. Any force that resulted in a substantial risk of death.
  3. Any intentional firearm discharge at a person, vehicle, or structure regardless of injury.
  4. Any unintentional firearm discharge resulting in another person's injury or death.
  5. Any force that resulted in serious bodily injury requiring admittance to the hospital, beyond emergency room treatment and release (e.g. serious disfigurement, disability, or protracted loss or impairment of the functioning of any body part or organ).
  6. Use of an impact weapon, including kinetic energy projectiles, and improvised weapons that strikes the head of a subject resulting in serious bodily injury or death.
  7. In custody deaths: For inquiry, reporting, and review purposes, all in-custody deaths occurring prior to or within 24 hours after booking shall be treated as critical incidents and require concurrent inquiries conducted by SIU and IA, regardless of whether force was used on the subject.
  8. The utilization of the Precision Immobilization Technique when serious bodily injury or death occurs.
  9. Note: The definition of "serious bodily injury" found in the Texas Penal Code, Section 1.07(a)(46) will apply.

- (i) **Disciplinary Action** - A temporary suspension, indefinite suspension, demotion in rank, reprimand, or any combination of those actions.
- (j) **Discipline Meeting (DM)** - A meeting generally conducted by an employee's chain-of-command on "Sustained" complaints to determine the level of discipline an employee is going to receive. A Discipline Meeting is only held for discipline not to exceed a 15 day suspension.
- (k) **Dismissal Review Hearing (DRH)** - A meeting generally conducted by the Chief of Police or designee on allegations that have been recommended to be "sustained" to determine the amount of discipline, if any, the employee is going to receive. A Dismissal Review Hearing is only held when discipline may exceed 15 days, up to and including indefinite suspension, and/or demotion in rank.
- (l) **Disposition** - The final determination of how a complaint is closed (e.g. "Sustained", "Unfounded", "Administratively Closed").
- (m) **Evidence** - Any statements, reports, records, recordings, documents, computer data, text, graphics, videotape, photographs, or other tangible forms of information, including a complaint.
- (n) **Formal Discipline** – A discipline action at or above the level of a written reprimand, including temporary suspension, reduction in rank, and/or termination.
- (o) **IA External Complainant Contact Form (PD0084)** - A form used to document an external complaint on an employee. This is generally used by supervisors who are attempting to handle minor complaints prior to notifying Internal Affairs.
- (p) **IA Internal Complaint Memorandum (PD0081)** - A form used to initiate an internal complaint on an employee.
- (q) **Independent Investigation** - An administrative investigation or inquiry of alleged or potential misconduct by an officer, authorized by the Chief of Police or City Manager and conducted by a person(s) who is not:
  1. An employee of the City of Austin; or
  2. An employee of the Office of Police Oversight.
  3. An "Independent Investigation" does not include attorney-client work product or privileged material related to the defense of claims or suits against the City of Austin.
- (r) **Informal Discipline** - A discipline action at or below the level of an oral reprimand, including a Conduct Counseling Memorandum, Employee Success Plan, or training.
- (s) **Internal Affairs Case Management System (ICMS)** - The electronic system used to enter and track all complaints received by Internal Affairs and the Office of Police Oversight.
- (t) **Investigator** - An agent or employee of the Department or an Independent Investigator who participates in conducting an investigation.
- (u) **Minor Policy Violation** – Violations that may not normally result in formal discipline, including, but not limited to, tobacco use, operation of police vehicles ~~(non-collisions)~~, equipment violations, language use, etc.
- (v) **Statement** - Any oral or written communication setting forth particulars or facts regarding the alleged misconduct under investigation.
- (w) **Supervisor** - References made to a supervisor in this order do not include the rank of corporal unless they are the acting sergeant.