



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 303 – Disciplinary Procedures

Office with Primary Responsibility:	COP	Effective Date:	May 8, 2023
		Prior Revision Date:	January 31, 2017
Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, STC, MCC, SSB	Number of Pages:	24
Forms Referenced in Procedure:	SAPD Form #61-LF, SAPD Form #200 OR SAPD Form #6-CR	Related Procedures:	402

.01 INTRODUCTION

- A. This procedure establishes a process to provide for the non-criminal investigation and discipline, when necessary, of sworn members for alleged or suspected violations of department rules, regulations, policies, or procedures, which may regulate the conduct of sworn members.
- B. When a complaint focuses on a civilian member, the non-criminal investigation and discipline, when necessary, is determined by the civilian member's Division Commander or in accordance with any applicable administrative directives of the City.
- C. This procedure does not supersede any criminal investigation for alleged violations of criminal laws or statutes by members of this Department.

.02 POLICY

- A. The Department is accountable for all official acts of its employees. Therefore, the Department holds its members to a high standard of conduct and discipline in order to preserve an essential relationship of trust and confidence with the community they serve.
- B. Furthermore, the Department adheres to and practices progressive discipline. This allows for a range of sanctions that take into account the circumstances of individual matters while ensuring that discipline and other behavior modification schemes are commensurate with continued misconduct.
- C. To achieve the desired degree of effectiveness, disciplinary procedures address considerations and expectations from the following three perspectives:
 - 1. Community or external concerns: An open and positive relationship with the citizens of this community must be preserved. Consequently, the Department accepts all complaints, regardless of form, source, or substance, and initiates investigative action appropriate to the seriousness of the complaint.
 - 2. Departmental or internal concerns: A consistent and fair disciplinary system supports an effective operational environment. The Department provides corrective action for a member who demonstrates a need for behavioral correction and commends proper conduct and judgment.
 - 3. Employee concerns: Members should have a reasonable expectation they may exercise prudent judgment in a fair, lawful, and impartial manner while in the proper discharge of their duties and an expeditious and equitable process of disciplinary review will evaluate their actions.
- D. The Internal Affairs Unit shall coordinate all investigations of alleged non-criminal misconduct by sworn members of the Department in accordance with this procedure.
- E. The Chief of Police shall determine which unit or Department member shall investigate allegations of criminal misconduct made against a member of the Department.

.03 INCIDENTS INVOLVING OFFICERS

- A. Officers will immediately self-report to their immediate supervisor, verbally and in writing on SAPD Form 200-OR, any disturbances that they are involved in that require a law enforcement response or have knowledge or become aware that



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their involvement in a disturbance has the potential to result in a law enforcement response or a complaint. If the officer's immediate supervisor is not available, the officer shall report his involvement in the disturbance, verbally and in writing to any on-duty supervisor. Any supervisor who received a self-report from an officer shall, submit a report and route his report along with the officer's report utilizing Blue Team, through their chain of command to Internal Affairs for an administrative review, by the end of tour of duty upon receiving the report.

- B. On-duty officers handling any disturbance involving another officer (including from other departments) shall immediately notify their supervisor (handling officer's supervisor) prior to departing the location. A supervisor being notified of a disturbance involving an officer from this department shall make the scene. Upon completing their report, the handling officer shall forward a copy of their report to that same supervisor, who will then route the report in accordance with Section .03(A).
- C. When handling a call for service or interacting with a member of the public and a member of that public, including but not limited to a complainant, witness, suspect, reporting person, etc., requests to speak to a supervisor, officers shall immediately contact and inform an on-duty supervisor of such request through the dispatcher. The supervisor may initially communicate with the requesting person over the telephone to determine whether the supervisor's presence is needed. The supervisor will record his/her actions in a written report. Incidents resulting in a complaint (line or formal) will be handled in accordance with this procedure.

.04 LINE COMPLAINTS

- A. Line complaints generally constitute disciplinary matters limited to and involving a minor variance from the routine activities and responsibilities of the sworn member in question.
- B. The sworn member's immediate supervisor initially addresses line complaints, generally resulting in complainant satisfaction from the supervisor's initial contact. The complainant should always be reminded that they may also contact the Internal Affairs Unit if they are not satisfied with the immediate supervisor's response. When appropriate, the Section Commander, with concurrence from the Division Commander, addresses the sworn member's behavior with counseling, a written reprimand, or a suspension of up to five calendar days. (Anything less than a one (1) day suspension is not considered discipline.)
 - 1. All line complaints shall be investigated by the officer's chain of command within twenty-one (21) calendar days from the date of the written complaint.
 - a. The investigation shall be confined strictly to the complaints detailed in the complaint investigation packet.
 - b. If the member does not agree with the contemplated disciplinary action within five (5) calendar days, the case will be forwarded to the Internal Affairs Unit for investigation.
 - c. Complaints investigated through the chain of command do not entitle the officer to have an attorney present during interviews with their commanding officer.
 - d. During the five (5) calendar days' time period nothing prohibits an officer from seeking advice from an attorney or an Association representative.
 - 2. If the sworn member is the rank of Captain or above, or has no Captain in their chain of command, the officer's Division Commander, Bureau Commander or the Chief of Police or his designee as appropriate, will investigate the complaint.
- D. All line complaint disposition reports shall be entered into Blue Team and forwarded up the chain of command for review and disposition, in accordance with Section .19(C).

.05 FORMAL COMPLAINTS



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- A. Formal complaints generally constitute matters involving conduct that exhibits a significant variance from behavioral expectations or practices established through formal training, departmental rules, regulations, policies, or procedures which regulate a sworn member's conduct.
- B. Formal complaints include, but are not limited to, the following:
 - 1. Activities that deal with significant behavioral infractions;
 - 2. Any conduct that if proven would constitute a crime;
 - 3. Any conduct that exhibits the potential to require stringent disciplinary action in the form of a suspension that exceeds five (5) calendar days;
 - 4. Any allegation of harassment/discrimination;
 - 5. Any allegation of racial profiling;
 - 6. Any allegation of unnecessary or excessive force; or
 - 7. Any other incident that may require formal disciplinary proceedings in order to be properly resolved.
- C. Sworn members who receive written complaint notification of a formal complaint from the Internal Affairs Unit may request the complaint be submitted to the expedited disciplinary track method.
 - 1. The request must be made in writing to the Office of Chief with a copy of the formal complaint notification attached.
 - 2. Both the sworn member and the Chief must agree to submit the matter to the expedited disciplinary track for an expedited disciplinary finding.
 - 3. Any disciplinary action must be agreed upon by the sworn member and the Chief, and must be enacted within thirty (30) calendar days of the agreement.
- D. A suspension agreed to by a member may not be appealed or altered by the Civil Service Commission, an arbitrator, or any court.
- E. In no event can the expedited disciplinary track be requested within sixty (60) calendar days of the expiration of the complaint's one-hundred and eighty (180) calendar day timeline in Chapter 143 of the Local Government Code.
- F. The San Antonio Police Department's Complaint Matrix shall be used as a guide when addressing disciplinary action.
- G. All formal preliminary investigations shall be entered into Blue Team and forwarded through the officer's chain of command to Internal Affairs for review and disposition as soon as possible but no later than 15 days after complaint is received.

.06 INFORMATION LOGS AND SERVICE COMPLAINTS

- A. Service complaints constitute citizen dissatisfaction with police services for reasons other than complaints of officer misconduct. Service complaints include, but are not limited to the following:
 - 1. Call response times – Not due to an officer's negligence;
 - 2. Handling of a civil matter – Due to Department policy or civil law;
 - 3. Discretionary call screening;



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4. Unavailability or delay of other police services;
 5. Any other complaint that does not involve officer misconduct.
- B. Supervisors receiving service complaints from citizens shall document the complaint in Blue Team as a Service Complaint and route it through the officer's chain of command, and it is to include complainant contact information, the nature of the complaint, and details specific to the incident that may assist in addressing the dissatisfaction. Supervisors should communicate to citizens making service complaints that their concerns will be documented with the intent of providing feedback on Department policy.
- C. Information Logs consist of any other complaint that does not violate policy or procedure or involve officer misconduct. This documentation shall be forwarded to Internal Affairs through the chain of command utilizing Blue Team.

.07 PARTIES TO A COMPLAINT (COMPLAINANTS)

- A. All complaints of alleged misconduct by sworn members, except complaints initiated by the Department, must identify a principal complainant or aggrieved party from outside the Department.
- B. Complaints of alleged misconduct by sworn members that are initiated from within the Department shall list the "Administration" as the complainant.
- C. Anonymous complaints may receive supervisory review appropriate to the nature or severity of the allegations, and efforts will be made to verify the information to either initiate an investigation or simply log the information in Blue Team and forward through the chain of command to Internal Affairs.

.08 COMPLAINT PROCESSING

- A. The Department receives complaints in a variety of forms and from a number of sources.
- B. Members of the Department shall make every effort to ensure prompt and courteous responses or referrals of any complaint, regardless of the circumstances.
- C. Referring Complaints
 1. Copies of all complaints received or handled by members of the Department shall be entered into Blue Team by supervisory officers and forwarded through the chain of command for proper review and disposition.
 2. The initial receipt of a complaint shall be processed as follows:
 - a. Personal Appearance: A member who receives a complaint through personal contact shall direct the complainant as follows:
 - (1) To the supervisor of the officer who is the subject of the complaint; or
 - (2) If the officer's supervisor is unavailable, to the nearest available supervisor.
 - b. Telephonic: A member who receives a complaint by telephone shall forward the complainant as follows:
 - (1) To the supervisor of the officer who is the subject of the complaint, if readily available, or;
 - (2) To the Communications Unit Supervisor who shall determine the availability of a supervisor in the subject officer's chain of command and dispatch the supervisor to contact the complainant. If the identity



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of the subject officer is unavailable, any supervisor from the Patrol Division is dispatched to contact the complainant.

(3) To the Internal Affairs Unit during business hours, 0745 – 1745 hours.

- c. Correspondence: A member who receives a written or electronic complaint shall route the complaint to his immediate supervisor who shall handle in accordance with this policy.

.09 COMPLAINT INVESTIGATION RESPONSIBILITIES

- A. Each individual officer must realize and accept the responsibility of confidentiality in order to avoid compromising the integrity of the disciplinary process. Officers shall not discuss details of any complaint with persons outside of the disciplinary process.
- B. Supervisory Officers
1. When supervisory officers receive complaints from the Internal Affairs Unit, they shall initiate action appropriate to the type of complaints received.
 2. Supervisory officers handling line complaints shall:
 - a. Contact and interview the complainant in accordance with Section .10;
 - b. Interview the subject officers of the complaints in accordance with Section .10;
 - c. Evaluate the information and address complaints that may require minor disciplinary action;
 - d. Prepare reports upon disposition of the complaint which include the information provided by the complainants, the sworn members, and supervisory evaluation of the complaints, including the methods in which complaints were addressed; and
 - e. Enter the line complaint disposition reports into Blue Team, to include the specific violation(s), and forward these reports, together with any other pertinent information, through their chain of command electronically utilizing Blue Team as soon as possible but no later than 15 days after complaint received.
 - f. Supervisors who receive a complaint in person, on the phone or from a dispatcher, on an officer who is not assigned to his unit, shall handle the complaint in accordance with this Procedure and forward the preliminary investigation reports electronically through Blue Team to the officer's chain of command starting with the officer's Unit Director. The supervisor, who handled the preliminary investigation, shall also carbon copy his Unit Director.
 3. Supervisory officers addressing formal complaints shall:
 - a. Immediately notify the Section Commanders or Unit Directors of any cases where an officer is involved in allegations of suspected criminal activity;
 - b. Contact and interview the complainants in accordance;
 - c. Refer the complainants to the Internal Affairs Unit to initiate formal complaints;
 - d. Interview and obtain written reports from the subject officer and all witness officers;
 - e. Obtain necessary information, which assists in the evaluation of the complaints, in accordance with Section .12 B (2);



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- f. Prepare preliminary complaint investigation including all the information provided by the complainants, the sworn members' reports, and the supervisors' reports;
- g. Supervisors will not enumerate or make recommendations as to the specific rule, regulation, policy, or procedure violated, nor will they make recommendations as to punishment. Supervisors will only recommend either no disciplinary action is necessary or the complaint should be forwarded to the Internal Affairs Unit for further investigation; and;
- h. Enter the preliminary complaint investigation reports into Blue Team and forward through the chain of command.
- i. Supervisors, who receive a formal complaint from another Unit's supervisor via Blue Team, shall follow the procedure outlined above, with the exception of entering the preliminary investigation reports again into Blue Team. Any additional information will be added to the complaint investigation previously entered into Blue Team, prior to being forwarded through the chain of command.
- J Within twenty-four (24) hours, submit all reports of discrimination, harassment, retaliation, inappropriate behavior, and/or sexual harassment which has generated a complaint or has been observed, to the Internal Affairs Unit according to General Manual Procedure 918.

C. Section Commanders/Unit Directors

- 1. Section commanders or unit directors receiving line complaints through Blue Team shall assign supervisory officers to investigate the complaints.
- 2. Section commanders and unit directors receiving disposition reports on line complaints shall:
 - a. Review and evaluate the supervisors' recommendation; and
 - b. Forward the line complaint reports in Blue Team through their chain of command to their Division Commander with recommendation as soon as possible but no later than 15 days after receipt of the complaint.
 - c. Upon concurrence with the Division Commander, if complaint disposition results in a contemplated suspension, present SAPD Form 10 to subject officer. If officer agrees to contemplated suspension, forward reports in Blue Team to Division Commander. If officer does not agree with contemplated suspension, forward reports in Blue Team to Internal Affairs for a Formal Investigation.
 - d. Upon concurrence with the Division Commander, implement disciplinary action less than a suspension to subject officer.
 - e. Forward completed line complaint disposition reports not resulting in a suspension directly to Internal Affairs.
- 3. Section commanders receiving complaint investigation packets on formal complaints shall:
 - a. Review and evaluate the supervisor's preliminary complaint investigation reports in Blue Team;
 - b. Forward the preliminary complaint investigation reports, through Blue Team, to the Division Commander as soon as possible but no later than 15 days after receipt of the complaint;
 - c. Upon receiving concurrence from the ranking officer on duty, temporarily relieve from duty a sworn member accused of serious misconduct or suspected criminal activity; and
 - d. Immediately notify the Division Commander and the Internal Affairs Unit of such action.



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D. Division Commanders

1. Division commander receiving complaints from the Internal Affairs Unit shall assign Section Commanders or Unit Directors to investigate the complaints through Blue Team.
2. Division Commanders receiving line complaint reports in Blue Team shall review the reports and recommendations, and based on the merits, substance, and gravity of the case:
 - a. Request further investigation, if necessary;
 - b. Concur with recommended disciplinary action, when necessary, up to a five (5) day suspension;
 - c. Forward the line complaint reports through Blue Team to the Deputy Chief of Staff – Administrative (CXA) for preparation of suspension documents if necessary.
3. Division Commanders receiving complaint investigations through Blue Team concerning formal complaints shall review the contents and based on the same criteria mentioned in the preceding paragraph:
 - a. Request further preliminary investigation, if necessary, under exigent circumstances; and
 - b. Forward the formal complaint investigation reports through Blue Team to the Internal Affairs Unit.

E. Internal Affairs Unit

1. The Internal Affairs Unit shall receive line complaint disposition reports and formal complaint investigation packets from Division Commanders through Blue Team.
2. The Internal Affairs Unit shall investigate formal complaints of sworn member misconduct and present the findings to the Complaint and Administrative Review Board (CARB).
 - a. The Internal Affairs Unit shall send Formal Complaint Notices to officers who become the subject of a formal complaint.
 - b. The Internal Affairs Unit shall send Deactivation Notices to officers who's Formal Complaints have been dismissed for cause.
3. Officers under investigation shall be informed twenty-four (24) hours prior to being interrogated or asked to respond to an investigation of the general nature of the investigation and shall be provided with sufficient information to be reasonably apprised of the allegations.
4. Officers shall be allowed to review, but not copy verbatim or photocopy, any information as listed in the current Collective Bargaining Agreement.
5. No part of the information provided to the officer for review may be reproduced, transmitted in any form by any means, electronic, or mechanical, including photocopying, recording or by any information storage and retrieval system. Officers shall not release the provided information to any person other than their attorney or representative.
6. All complainants who provide a signed, written or video/audio recorded statement shall be provided with a copy of same by Internal Affairs staff. A complainant's statement will only be provided to the complainant himself/herself in person on the day such statement is produced. Should a complainant appear to the Internal Affairs office after providing a statement and request an additional copy of their statement, Internal Affairs staff will provide a copy to that complainant upon confirming the complainant's identity.



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F. Homicide Unit

1. Shall investigate police vehicle crashes; and
2. Shall present findings of investigations to the Crash Evaluation and Review Board.

G. Police Legal Advisor

1. The Police Legal Advisor shall review disciplinary cases investigated by the Internal Affairs Unit prior to their submission to the Chief's Complaint and Administrative Review Board; and
2. Functions in an advisory capacity to the Chief's Complaint and Administrative Review Board and Crash Evaluation and Review Board for the purpose of legal interpretation of any source which regulates a sworn member's conduct.

H. The Chief of Police

1. Shall review the Chief's Complaint and Administrative Review Board and Crash Evaluation and Review Board recommendations for discipline and implements such action as he deems appropriate in each individual case; or
2. May implement, at his discretion, immediate administrative, corrective, or disciplinary action without the Chief's Complaint and Administrative Review Board or Crash Evaluation and Review Board participation and has ultimate discretion to decide whether discipline should be implemented against a sworn member.

.10 COMPLAINT INTERVIEWS

A. Supervisory officers who conduct formal complaint interviews with complainants or witnesses adhere to the following process:

1. The interviews shall occur at a time and place reasonable under the circumstances;
2. Complainants shall be advised the Department may not implement formal disciplinary actions against sworn members without signed, sworn complaints, although oral complaints may receive supervisory review appropriate to the nature or severity of the allegations; and
3. Written statements shall be taken only by supervisory officers assigned to the Internal Affairs Unit.

B. Supervisory officers who conduct formal or line complaint interviews with sworn members under investigation for any form of alleged non-criminal misconduct adhere to the following process:

1. The interviews shall occur at a time and place reasonable under the circumstances;
2. Obtain written documentation from subordinates who witnessed, or are the subject of a complaint, utilizing Form #200-OR, *Officer's Response to a Complaint*, to include details regarding all relevant issues such as how, when, where, and why the alleged conduct took place.
3. A sworn member may, at his option, request a supervisory officer accompany him to a complaint interview, if the interview is conducted by the Internal Affairs Unit. This request is not binding on the supervisory officer;
4. A sworn member who is subjected to an interview by a supervisory officer in the course of a non-criminal complaint investigation shall submit a report immediately upon request. The report shall be written on SAPD Form #200-OR, *Officer's Response to a Complaint*, and submitted to the supervisory officer.

C. A sworn member of the Internal Affairs Unit holding the rank of sergeant or above, when conducting a complaint interview with a sworn member, may request, or order if necessary, a sworn member of any rank to:



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1. Submit a written or audio/video report;
2. Answer interrogatories;
3. Provide physical evidence; or
4. Otherwise cooperate in any manner with Internal Affairs Unit personnel during an investigation.

.11 POLYGRAPH USAGES

- A. The Department considers the polygraph a useful investigative resource which may be used as an administrative tool
 1. When the introduction of the polygraph into an investigation of a citizen's complaint appears necessary, the Department will first examine the complainant if the complainant agrees to the administration of a polygraph.
 2. A licensed examiner administers the polygraph test to the sworn member only when the complainant's results indicate truthfulness.
 - a. A non-member administers the polygraph examination to a sworn member to prevent any perception of bias; and
 - b. To avoid any undue embarrassment to an officer or the Department, the polygraph examination shall not be administered to an officer while in uniform or in direct sight.
- B. The Department uses polygraph examination results as follows:
 1. The Complaint and Administrative Review Board and Chief of Police review the complainant's polygraph examination results; and
 2. Only the Chief of Police reviews the sworn member's polygraph examination results.

.12 COMPLAINT DOCUMENTATION RETENTION

- A. Individual Officers
 1. An officer may maintain personal records involving matters of potential disciplinary action which involve him.
 2. The only official disciplinary documentation permitted in any officer's possession is that which the officer personally prepared.
- B. Supervisory Officers
 1. Many supervisory officers maintain informal notes regarding the activity of their personnel. However, the personal retention of any forms, reports, electronic media, or official documentation regarding formal or informal disciplinary investigations of direct subordinates is prohibited.
 2. Supervisory officers involved in disciplinary investigations shall forward all documentation, videos, audio recordings, or photos under seal to the Internal Affairs Unit through their chain of command at the earliest possible time.

.13 CORRECTIVE ACTION IMPLEMENTATION

- A. Field Counseling



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1. A field counseling is a form of corrective action used to document any on-duty, sub-standard performance, a deficiency (uniform, tardiness, etc.), or behavior(s) that negatively impacts an officer's ability to perform to established standards. A field counseling is not used as a disciplinary measure, but used as supporting documentation for evaluation purposes. A field counseling may be used to support disciplinary measures.
2. A field counseling is issued to an officer by his immediate supervisor using SAPD Form 6-CR with the approval of his/her supervisor. (*i.e., A Lieutenant would approve a Sergeant's issuance of a field counseling.*)
3. A copy of a field counseling is provided to the officer and a copy is attached to the Blue Teamentry. The original field counseling is kept in the officer's field file.

B. Written Counseling/Reprimand

1. A written counseling/reprimand is used as documentation in the progressive discipline process the department uses although a written counseling/reprimand is not considered discipline. A written counseling/reprimand is issued in the resolution of a line complaint, but can also be issued with the recommendation of the Complaint and Administrative Review Board or the Crash Evaluation and Review Board.
2. A Captain or above ensures that a written counseling/reprimand is issued to an officer using SAPD Form 6-CR. The written counseling/reprimand must be approved by the Officer's Division Commander.
3. The actual preparation and issuance of a written counseling/reprimand may be delegated to a supervisor of any rank within the officer's chain of command, but a Lieutenant or higher must sign the written counseling and a Captain or higher must sign the written reprimand.
4. The signed written counseling/reprimand will then be attached to the Blue Teamentry and forwarded to Internal Affairs.

.14 COMPLAINT AND ADMINISTRATIVE REVIEW BOARD

- A. The Chief's Complaint and Administrative Review Board, hereafter referred to as the CCARB, means the combined Citizen portion and Police portion of the CCARB.
 1. Citizen portion of CCARB:
 - a. Consists of members selected in accordance with the current Collective Bargaining Agreement;
 - b. A quorum consists of three members (provided there are at least six (6) active/participating appointed members);
 - c. Each member has one (1) vote; and
 - d. Citizen members must be present to hear the following types of cases:
 - (1) Cases involving the use of force, bodily injury, and unlawful search and seizure; and
 - (2) Any case in which the officer who is the subject of a complaint or a complainant requests citizen member participation, if it is reasonably possible based on the workload and availability of the citizen members.
 - e. Cases not meeting the above criteria may be heard without citizen member's participation.



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2. Police portion of CCARB:
 - a. Consists of sworn members as specified in the current Collective Bargaining Agreement.
 - b. Membership is open to any officer who has completed his initial probationary period and has not incurred a suspension during the previous twelve months.
 - c. A quorum consists of five (5) members.
 - d. Each sworn member has one vote.
 - e. All sworn members vote regardless of the rank of the respondent.
 - f. A sworn member excuses his participation in any case in which he is a respondent, has participated in, or has witnessed.
 - g. The Chief of Police may allow the following to attend the Chief's Complaint and Administrative Review Board meeting:
 - (1) A San Antonio Police Officers' Association representative;
 - (2) The Police Legal Advisor; and
 - (3) Internal Affairs Unit representatives.
- B. The Chief's Complaint and Administrative Review Board is designed to evaluate complaints against officers as equitably as possible in pursuit of the following objectives:
 1. Correct the behavior of an individual sworn member who is not in conformance with departmental rules, regulations, policies, practices, standards or objectives;
 2. Instill a preventive affect for any other sworn member who may be engaged in or contemplating similar misconduct;
 3. Demonstrate that compliance with departmental mandates is uniformly required of each sworn member;
 4. Promote making the disciplinary process transparent and stress the importance of community involvement; and
 5. Promote trust and legitimacy by requiring officers to act in procedurally just ways.
- C. All members of the Chief's Complaint and Administrative Review Board shall sign a pledge of confidentiality agreeing to maintain the right of privacy for the accused sworn member and hold in confidence all allegations, facts, testimony, and evidence brought before CCARB.
- D. The effectiveness of the CCARB requires maintaining the integrity of the process, which is contingent on the following responsibilities.
 1. CCARB Chairman:
 - a. Serves as the custodian of all information concerning disciplinary cases CCARB reviews;
 - b. Confines reviews of case jackets or confidential material to a designated area;
 - c. Provides orientation for new CCARB members;



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- d. Reviews published agendas at least seven days prior to each meeting; and
 - e. Ensures proper rules of order and decorum are followed at meetings.
2. Each CCARB Member:
- a. Protects the rights of the sworn member whose conduct is the subject of review by maintaining confidentiality relating to any discussions, correspondences, or proceedings;
 - b. Preserves the dignity and confidentiality rights of the complainant before, during, and after CCARB proceedings, and avoids conduct during proceedings that are detrimental to CCARB integrity and cohesion; and
 - c. Avoids any bias in the fulfillment of their obligations.
- E. Cases presented to CCARB for consideration are derived from the following sources:
1. The Internal Affairs Unit as a formal complaint; or
 2. The Chief of Police, who may wish CCARB to consider a matter.

.15 CHIEF'S COMPLAINT AND ADMINISTRATIVE REVIEW BOARD PROCEDURES

- A. Although a need to adhere to the following disciplinary hearing procedures exists, the Chief of Police reserves the right to exercise administrative discretion in the event of exceptional circumstances falling outside the limit, purpose, or scope of this process.
- B. CCARB Procedures
1. The Chairman makes a declaratory announcement about security for the protection of each respondent's privacy.
 2. The Chairman announces each case prepared for review by CCARB. The Chairman may reset a case at the respondent's request, if sufficient cause exists.
 3. An Internal Affairs Unit representative outlines misconduct cases.
 4. CCARB may then ask questions of the Internal Affairs Unit representative presenting the brief.
 5. The respondent is allowed the opportunity to speak before CCARB by CCARB Chairman. A respondent's absence at a hearing is not considered in the final deliberations and has no bearing on the outcome. The respondent's right to be heard is subject to the following limitations:
 - a. The respondent may not have an attorney present or any other person as a representative;
(add space)
 - b. The respondent may not introduce references or character witnesses; and
 - c. The respondent may request to have a supervisor present who may provide input if requested by CCARB. The sworn member directs such requests to their commanding officer, who then notifies the supervisor requested to appear. All such appearances are made on a voluntary, non-remunerated basis.
 6. The respondent may not grieve the failure to receive notice of a hearing by CCARB, unless the failure is alleged to have been intentional.
 7. The Chairman shall advise the respondent of the following:



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- a. Testimony is voluntary;
 - b. Rules and decorum of the proceedings;
 - c. Questions may be asked by Board members; and
 - d. Their decision to speak or answer questions may be withdrawn at any time without inference or penalty.
8. Questions directed towards the respondent are restricted to those pertinent to the facts of the case and should avoid any form of accusation or debate.
 9. Upon completion of the testimony, the Chairman excuses the respondent after being advised any recommendations from CCARB regarding the case are in an advisory capacity and the Chief of Police makes the final determination.
 10. The Chairman may elect to hear testimony from a complainant. Any testimony provided is strictly voluntary.
 11. The complainant may not have an attorney present or any other person as a representative. However, at the Chairman's discretion, they should be afforded the opportunity to have a non-legal representative present. This person's role should be to provide support to the complainant or witness and not be disruptive or an active participant.
 12. CCARB will discuss the case, generally using the following guidelines:
 - a. The discussion process will be informal.
 - b. All dialogue shall be confined to the facts of the case and information presented as a result of the Internal Affairs Unit investigation or the testimony provided.
 - c. Discussion regarding the respondent's character is not permitted.
 - d. Discussion is directed toward the determination of whether the action of the respondent violates or does not violate an applicable standard.
 13. One of two determinations follows the discussion:
 - a. Ready to vote; or
 - b. Further investigation is required and the case is returned to the investigative source.
 14. On determination of "ready to vote," the Chairman calls for a finding in the case.

.16 MISCONDUCT CASE FINDINGS

- A. The first vote is directed towards determining a finding in the case. This finding is determined to be one of the following:
 1. "Unfounded" means the allegations reported did not occur.
 2. "Inconclusive" means the allegations could not be proved or disproved.
 3. "Sustained" means the allegations reported are found to have occurred.



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4. “Justified” means the conduct complained of did occur, but was necessary and appropriate to accomplish a valid law enforcement objective.
- B. A majority vote must exist to determine any finding. If a majority vote cannot be obtained after subsequent discussion and votes, the Chairman will make the final decision.
- C. Following a finding of "Sustained," a discussion shall be held to determine a recommendation for disciplinary action or other remedy. The discussion should include:
 1. Past practices or similar issues;
 2. Legal aspects of issues involved;
 3. Established guidelines or policies concerning escalating discipline affecting the issue; and
 4. Past disciplinary record of the respondent involving similar regulation/procedure violation(s).
 5. Other remedies or alternative courses of action directed towards a behavior adjustment or awareness on the part of the officer include, but are not limited to:
 - a. Retraining courses, especially for pattern violations;
 - b. Job relocation, either temporary or permanent; or
 - c. Psychological and/or fit for duty evaluation and recommendation.
- D. The Chairman shall call for a vote by written secret ballot on the form provided for that purpose. The voting process adheres to the following guidelines:
 1. Each Board member lists a recommendation without influence from the others;
 - a. Written Counseling
 - b. Written Reprimand
 - c. Suspension
 - d. Indefinite Suspension
 - e. Non-Disciplinary Action
 2. A majority vote controls;
 3. Subsequent discussion and votes are conducted as necessary; and
 4. Failure to achieve a majority decision is reflected on the record and submitted to the Chief of Police.
- E. The Chairman shall record the results and the recommendation of each Board separately and submits the necessary reports to the Chief of Police for final approval. The recommendations of each Board are advisory in nature and non-binding on the Chief of Police.

.17 CRASH EVALUATION AND REVIEW BOARD

- A. The Crash Evaluation and Review Board (CERB) is designed to review all cases involving city (police) motor vehicle crashes involving sworn members.



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- B. The Crash Evaluation and Review Board shall consist of sworn members, as specified in the current Collective Bargaining Agreement.
- C. Membership is open to any officer that has completed their initial probationary period and has not incurred a suspension during the previous twelve months.
- D. A quorum consists of three (3) members.
- E. Each member has one (1) vote.
- F. All sworn members vote regardless of the rank of the respondent.
- G. A sworn member is excused from voting on any case in which he is a respondent, has participated in, or has witnessed.
- H. The Chief of Police may allow the follow to attend the Crash Evaluation and Review Board meeting:
 - 1. A San Antonio Police Officer's Association representative;
 - 2. The Police Legal Advisor;
 - 3. A Homicide Unit representative; and
 - 4. City of San Antonio Risk Management Representative.
- I. Each sworn member of the Crash Evaluation and Review Board and attendees shall sign a pledge of confidentiality agreeing to maintain the right of privacy for the accused sworn member and hold in confidence all allegations, facts, testimony, and evidence brought before CERB. However, an attending SAPOA representative retains the right to discuss the matters of the CERB meeting with the SAPOA executive board, with the expressed purpose and only to the extent a grievance issue comes into question.
- J. The responsibilities of all members of the Crash Evaluation and Review Board shall be the same as those of the Chief's Complaint and Administrative Review Board.

.18 CITY VEHICLE ACCIDENT CASE FINDINGS

- A. A vote shall be taken to determine a finding in the case. This finding is to be either non-chargeable or chargeable
 - 1. "Non-chargeable" means the sworn member exercised reasonable care and caution, the same care and caution that would be exercised by an ordinary and prudent person in the same circumstances as the sworn member, in the operation of the city vehicle.
 - 2. "Chargeable" means the sworn member failed to exercise reasonable care in the operation of the city vehicle, deviated from established driving practices, and was the major cause of the crash.
- B. A majority vote must determine any finding. If a majority vote cannot be obtained after subsequent discussion and votes, the Chairman will make the final decision.
- C. Following a finding of "Chargeable" a discussion is held and information is presented to assign a point value to the crash.
- D. Point assessment for sworn members involved in police vehicle crashes is based on the following criteria:
 - 1. Non-chargeable (0 points)



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2. Chargeable (2 points)
- E. Additional points are added to all "Chargeable" crashes based on the severity of the crash as follows:
1. Damage to the city vehicle that is above \$15,000 or renders the vehicle a total loss. (2 points) The damage is based on documentation provided by the Police Garage.
 2. Damage to the city vehicle that exceeds \$5,000 but not \$15,000 in repair costs but does not render the vehicle a total loss. The damage is based on documentation provided by the Police Garage. (1 point)
 3. The crash resulted in serious bodily injury, excluding death, to any person(s). (minimum 2 points) "Serious Bodily Injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
 4. The crash resulted in bodily injury to any person(s). (1 point) "Bodily Injury" means physical pain, illness, or any impairment of physical condition.
 5. If unsafe speed and/or operation is determined to be a contributing factors. are found (minimum 1 point) (Unsafe speed and/or operation are determined by the investigating supervisor's crash investigation, from the findings of a Traffic Investigation Detail investigation, and/or on recommendation from the findings of the Crash Evaluation and Review Board).
 6. If a Chargeable crash results in a death, no point value is assessed. The Chief of Police administers discipline he deems appropriate.
- F. Following the assessment of a point value to the crash:
1. The Homicide Unit representative shall give the point assessment for each Chargeable -crash the sworn member was involved in during the preceding twenty-four (24) months (each crash not exceeding two (2) points total will be removed from consideration for the sworn member's cumulative point assessment total after twelve (12) months).
 2. The CERB shall then calculate the total point assessment for the sworn member. This total is derived by adding the point assessment for the crash under review and the point assessment for crashes the sworn member was charged with as reported by the Homicide Unit representative.
 3. Calculations are based on the date of the crash, not CERB ruling date.
- G. Based on the sworn member's cumulative point assessment total, CERB recommends disciplinary action to the Chief of Police as follows:
1. 1 to 2 points - Written Counseling
 2. 3 points - Written Reprimand
 3. 4 points - One (1) day suspension
 4. 5 points - Three (3) day suspension
 5. 6 points - Five (5) day suspension
 6. 7 points - Ten (10) day suspension
 7. 8 points or more - A minimum fifteen (15) day suspension with the possibility of an indefinite suspension or job reassignment for numerous crashes within the twenty-four (24) month period.



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If the sworn member is charged with Manslaughter, Intoxicated Manslaughter, Intoxicated Assault, Criminal Negligent Homicide, Failure to Stop and Render Aid, or Driving While Intoxicated as a result of the crash, the recommended disciplinary action shall be "temporary suspension" until the disposition of the charge.

- H. The Homicide Unit representative shall record the findings and point assessments in the sworn member's departmental driving record file within the Crash Board program.
- I. The Chairman shall record the results and the recommendation of the CERB and submits the necessary reports to the Chief of Police via the Crash Board program. The recommendations of CERB are advisory in nature and are non-binding on the Chief of Police.
- J. Any crash that results in a death, regardless of the CERB ruling, is forwarded to the District Attorney's Office for review.

.19 DISCIPLINARY IMPLEMENTATION

- A. Upon completing a review of the recommendations presented by each Board, the Chief of Police shall render a decision as to what disciplinary action, if any, is to be taken.
- B. With regard to any action other than suspension, the respondent's Division Commander shall ensure proper implementation of the member's disposition upon notification in Blue Team.
- C. Officers involved in two crashes (Chargeable or Chargeable due to Contributory Factors) within a twelve (12) month period will either be placed on special assignment or required to ride double with another officer until they pass a remedial driving course at the Training Academy. The assignment is made by the Chief of Police.
- D. With regard to suspension, the sworn member shall be given notice of the contemplated disciplinary action in accordance with the current Collective Bargaining Agreement.
- E. The Chief of Police, after hearing the sworn member's rebuttal, may decide that a change in discipline from the contemplated discipline is proper and implement an alternative form of discipline which may include a suspension.
- F. A record of any type of disciplinary action taken against a member shall be placed in the member's departmental personnel file and maintained in Internal Affairs database according to current records retention schedule.
- G. Any sworn member facing disciplinary action should refer to the current Collective Bargaining Agreement for details related to the initiation of an appeal, time frames, forfeiture of accumulated leave, and scope of the appeal process.



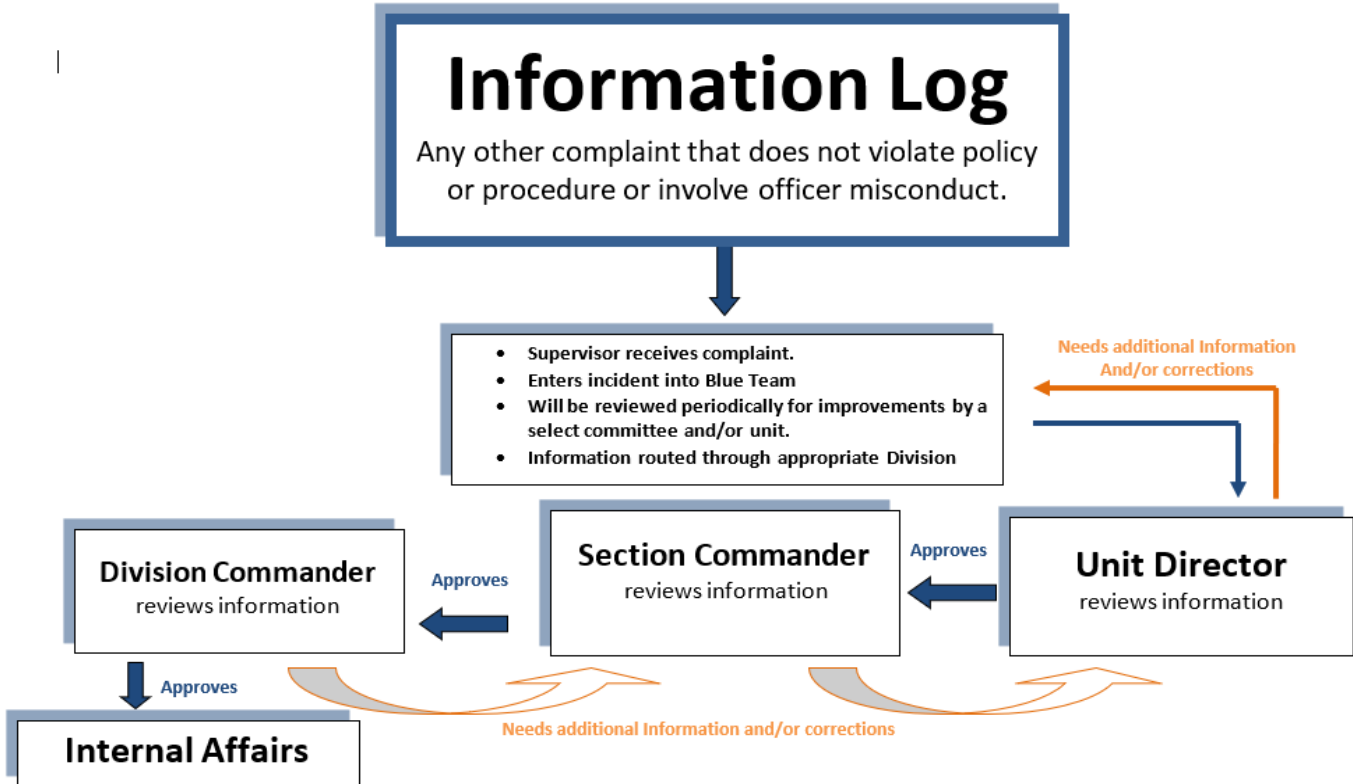
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.20 FLOW CHARTS

A. Information Log – (REVISIONS MADE TO FLOW CHART)



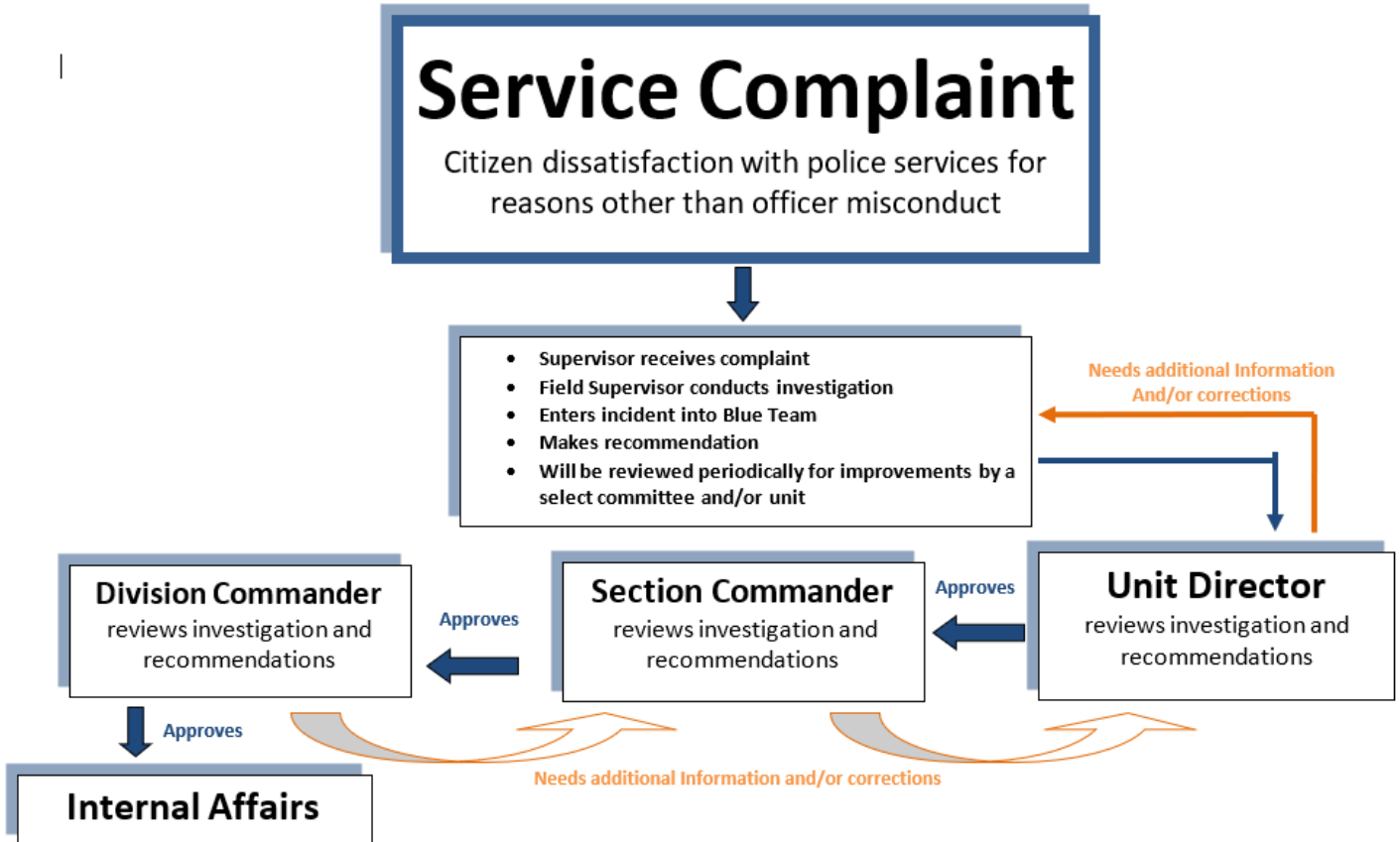


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B. Service Complaint — (REVISIONS MADE TO FLOW CHART)



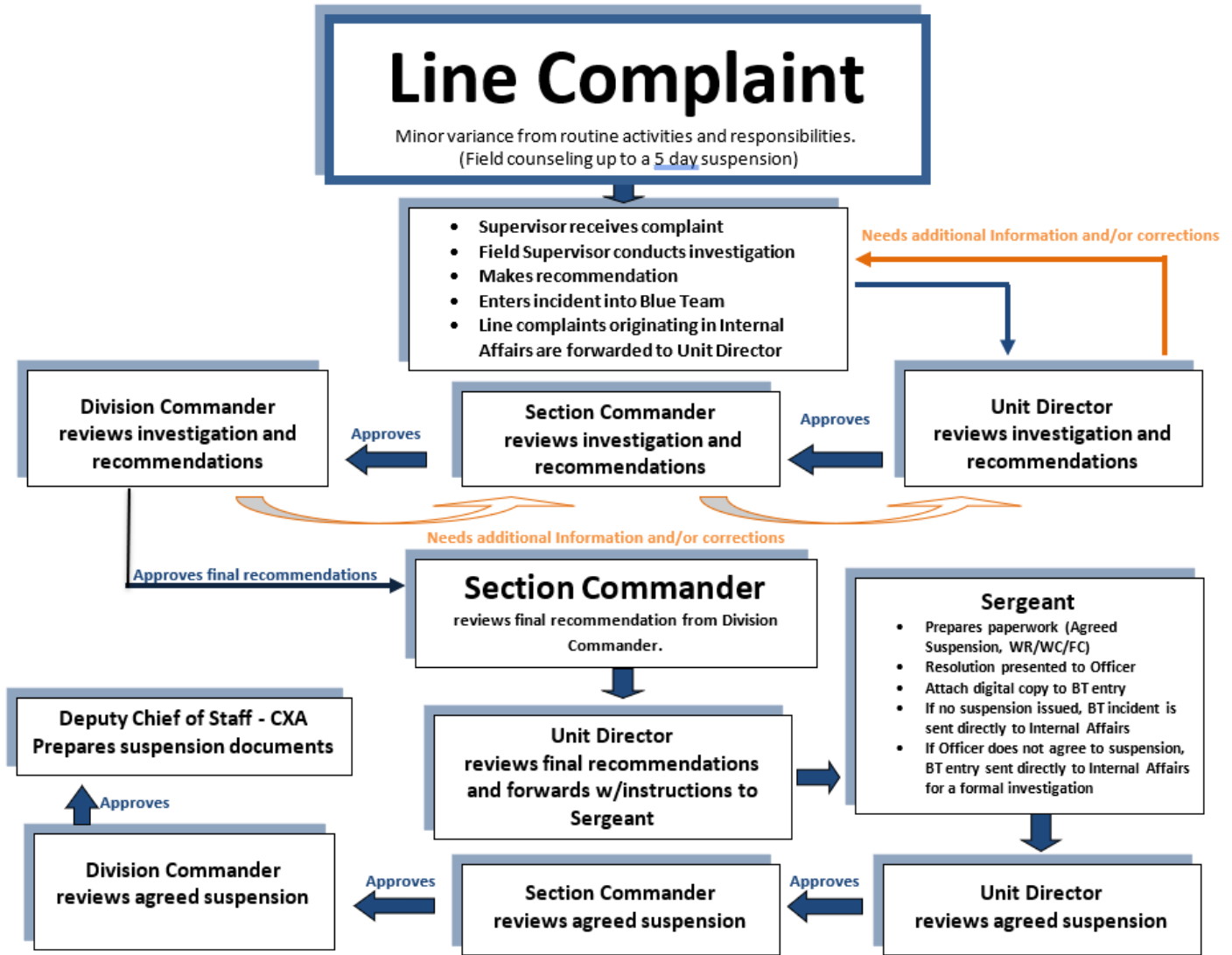


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C. Line Complaint – (REVISIONS MADE TO FLOW CHART)



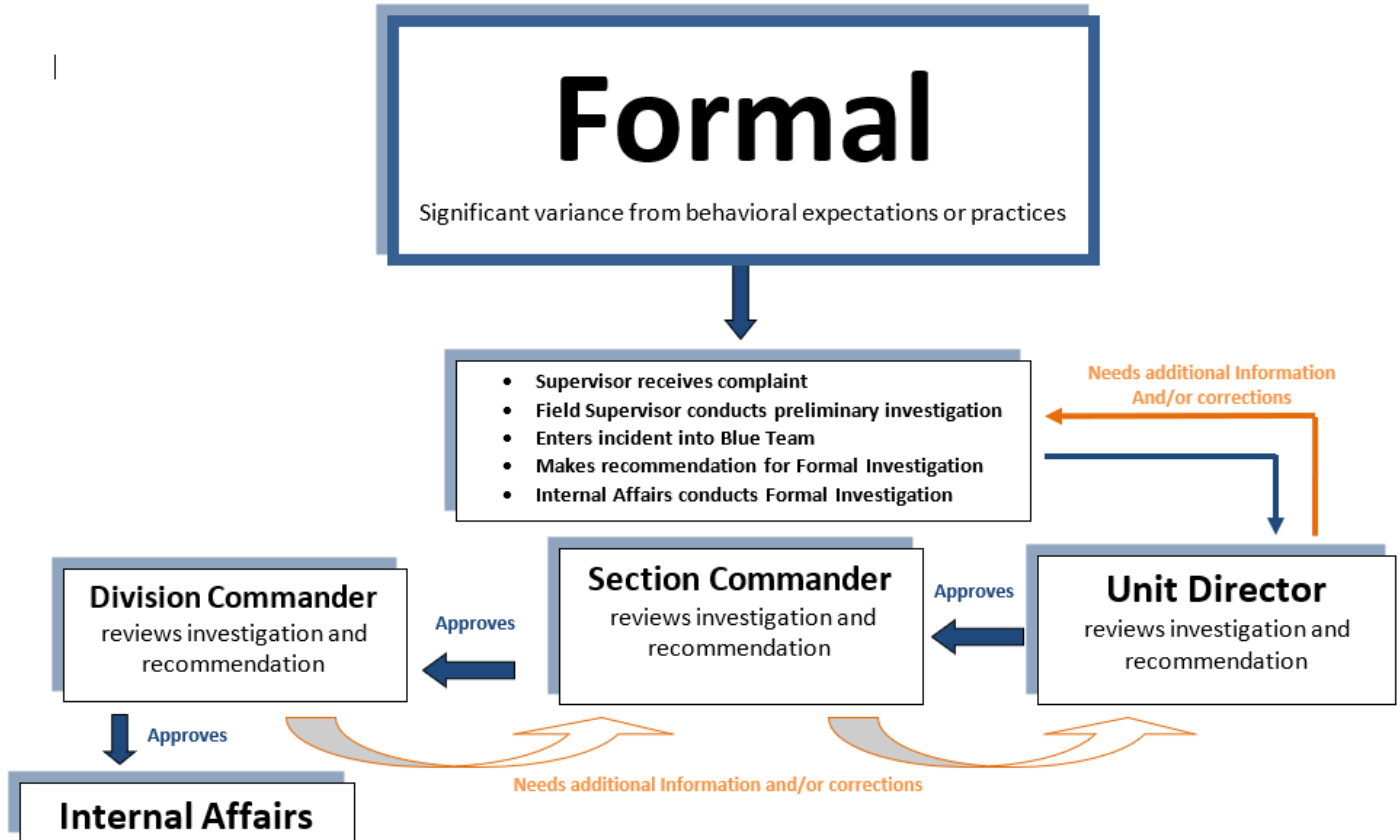


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D. Formal Complaint — (REVISIONS MADE TO FLOW CHART)





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LINE COMPLAINTS	FORMAL COMPLAINTS
Suspensions – 5 Days or Less	Suspensions – More than 5 Days
Investigated via Chain of Command to Captains	Investigated via Internal Affairs to CCARB
<p><i>Line complaints generally constitute disciplinary matters limited to and involving a minor variance from the routine activities and responsibilities of the sworn member.</i></p>	<p><i>Formal complaints generally constitute matters involving conduct that exhibits a significant variance from behavioral expectations. Formal complaints include, but are not limited to:</i></p> <ul style="list-style-type: none"> ○ <i>Significant behavioral infractions;</i> ○ <i>Potential to require a suspension beyond 5 days;</i> ○ <i>All allegations of unnecessary force; or</i> ○ <i>Any other incident that may require formal disciplinary proceedings in order to be properly resolved.</i>

“These are General Guidelines only – Disciplinary Actions may vary based on actual circumstances”
Captains should consult with a Deputy Chief, where any indications of questionable issues arise.

RULES AND REGULATIONS		RULES AND REGULATIONS	
Section	Title	Section	Title
		3.01 A.	Abide by Laws
		3.02	Truthfulness of Members
		3.03 A.	Obey Lawful Orders: Insubordination
		3.04 C.	Responsibility to Serve the Public: Conduct and Behavior
		3.05 A. – E.	Chemical Dependence
		3.07 B. – F.	
		3.08 A. – F.	
		3.11 A. – D.	Use of Intoxicants
		3.15 A. – C.	Gratuities, Loans, and Solicitations
		3.16	Accepting Rewards
		3.17 A., B.	
		3.18 A.	
		3.18 D.	
		3.18 E.	
		3.19	Unauthorized Expenditures
		3.24 A., B.	Negotiations on behalf of Suspect
		3.26	
		3.27 A., B.	Giving Information in Internal Investigations
		3.29 A., B.	Soliciting Special Privileges
		3.30	
		3.31 C.	
		3.32 A. – B.	
		3.33	Arrest in Personal Quarrels
		3.35	Report an Arrest, Criminal Charge, or Indictment
		4.06	On Duty Activities
		4.15 A. – C.	Responsibility for Internal Investigations



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PROCEDURES		PROCEDURES	
Section	Title	Section	Title
		313.04 A.	Use of City Vehicles: Authorized Use
		314.04 B. 2	Command Notification: Officer is Detained or Arrested
		501.05 B.	Use of Force: Application of Force
		601.07 C. – E.	Prisoners: Security of Prisoners – Escape Prevention
		604.10. E. F.	Family Disturbance/Violence: Family/Dating Violence/Disturbance Calls Involving a Sworn Member
		618	Racial/Bias Profiling
		701.05 B. 4b	
		705	Officer Involved Shootings
		902.07C	
		918	Harassment and Discrimination in the Workplace

LINE COMPLAINTS	FORMAL COMPLAINTS
Suspensions – 5 Days or Less	Suspensions – More than 5 Days
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<p><i>Line complaints generally constitute disciplinary matters limited to and involving a minor variance from the routine activities and responsibilities of the sworn member.</i></p>	<p><i>Formal complaints generally constitute matters involving conduct that exhibits a significant variance from behavioral expectations. Formal complaints include, but are not limited to:</i></p> <ul style="list-style-type: none"> ○ <i>Significant behavioral infractions;</i> ○ <i>Potential to require a suspension beyond 5 days;</i> ○ <i>All allegations of unnecessary force; or</i> ○ <i>Any other incident that may require formal disciplinary proceedings in order to be properly resolved.</i>

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