

**District Police
Department**

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a District police department and shall employ and commission police officers.

Supervisory
Authority

The chief of police shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

Jurisdiction

The jurisdiction of police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Police Authority

Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. District police officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in administrative hearings concerning the alleged violations.
7. Carry weapons as directed by the chief of police.
8. Carry out all other duties as directed by the chief of police or Superintendent.

<i>Temporary Assignment</i>	District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.
Limitations on Nonschool Employment	No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police and administrative approval (human resources).
Relationship with Outside Agencies	The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The chief of police shall review the memorandum of understanding at least once every year and report findings to the Superintendent. The memorandum of understanding shall be approved by the Board.
Video Monitoring	The chief of police shall develop and implement regulations for the use of mobile and portable audio/video recording devices for members of the police department while in the performance of duty.
<i>Access to Recordings</i>	Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LLEGAL)]
Training	All District officers shall receive at least the minimum amount of education and training required by law.
Department Regulations Manual	To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police shall review the manual annually, make any appropriate revisions, and report to the Superintendent the findings and revisions that were made to the manual.
<i>Racial Profiling</i>	The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Police officers employed by the District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.

<i>Use of Force</i>	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.
<i>High-Speed Pursuit</i>	Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.
Complaints Against a Police Officer	All complaints alleging a violation of the law, District policy, or regulations shall be investigated. Complaints regarding law enforcement operations shall usually be handled through the chain of command, beginning with the first-line supervisor. Complaints involving how law enforcement service is provided or a failure to provide service or improper attitude or behavior may be investigated by an assigned supervisor or by the chief of police. Depending on the nature of the complaint, the chief of police may request another agency or the Texas Department of Public Safety to undertake the investigation.
General Provisions	
Filing	All initial complaints, regardless of the nature, may be filed in person, by U.S. Mail, by e-mail, or by phone at any time; however, an official complaint form must be completed prior to the scheduled conference. Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings, e-mails, and phone complaints shall be considered timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
Response	At Levels One and Two, "response" shall mean a written communication to the complainant from the appropriate supervisor. Responses may be hand-delivered or sent by U.S. Mail to the complaint's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean District business days as specified on the District's instructional calendar. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one." District business hours shall be from 8:00 a.m. until 4:00 p.m.

Representative

“Representative” shall mean any person who or organization that is designated by the complainant to represent the complainant in the complaint process.

The complainant may designate a representative through written notice to the District at any level of this process. If the complainant designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A complainant shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the complainant, at any point during the formal process. The complainant may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint process.

Complaint Form

Complaints under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the complainant does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the complainant unless the complainant did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiled is within the designated time for filing a complaint.

Level One

Complaints shall be filed with the chief of police. If the complaint is not filed with the chief of police, the individual receiving the complaint form must note the date and time the form was received,

place the complaint in a sealed envelope, and immediately forward the complaint to the chief of police. Complaints received verbally shall be referred to the supervisor or the chief of police. If unavailable, the employee receiving the verbal complaint shall record the name and phone number of the complainant and direct the individual to this policy and the forms at CKE(EXHIBIT).

The chief of police shall be notified as soon as possible or upon commencement of the next workday. In the case of a complaint alleging a violation of law, the chief of police shall be notified immediately regardless of the time of day.

The chief of police shall assign a Level One complaint to the lowest level administrator who has the authority to remedy the alleged problem. In the case of a complaint against a police officer, the police officer's immediate supervisor shall be assigned.

Violation of Law

A complaint alleging a violation of law must be filed within the time frame established by the statute of limitations based on the action giving rise to the complaint.

In such cases, the supervisor shall hold a conference with the complainant within ten days after receipt of the written complaint. The supervisor may set reasonable time limits for the conference. The supervisor shall conduct an investigation in a timely manner but shall not exceed 90 days from receipt of the written complaint. The supervisor shall also provide the complainant a written response within 90 days from receipt of the written complaint. The written response shall set forth the basis of the decision. In reaching a decision, the supervisor may consider information provided at the Level One conference and any relevant documents or information the supervisor believes will help resolve the complaint.

No Violation of Law

A complaint must be filed within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint regarding a police officer or law enforcement operation that is not a violation of the law.

In such cases, the appropriate supervisor shall investigate as necessary and hold a conference with the complainant within ten days after receipt of the written complaint. The supervisor may set reasonable time limits for the conference. The supervisor shall provide the complainant a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the supervisor may consider information provided at the Level One conference and any relevant documents or information the supervisor believes will help resolve the complaint.

Level Two

If the complainant did not receive the relief requested at Level One or if the time for a response has expired based on the type of complaint filed (violation of law or no violation of law), the complainant may request a conference with the chief of police to appeal the Level One decision regarding a complaint.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One supervisor shall prepare and forward a record of the Level One complaint to the chief of police. The complainant may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the complainant at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One supervisor in reaching the Level One decision.

The chief of police shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the complainant at Level One and identified in the Level Two appeal notice. At the conference, the complainant may provide information concerning any documents or information relied on by the administration for the Level One decision. The chief of police may set reasonable time limits for the conference.

The chief of police shall provide the complainant a written response within ten days following the conference. The written response shall set forth the basis of the decision regarding the complaint. In reaching a decision, the chief of police may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the chief of police believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the complainant did not receive the relief requested at Level Two or if the time for a response has expired, the complainant may appeal the decision regarding the complaint to the Board.

The appeal notice of the complaint must be filed in writing, on a form provided by the District, within ten days of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The assistant superintendent for administration, governance, and legal affairs or designee shall inform the complainant of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The assistant superintendent for administration, governance, and legal affairs or designee shall provide the Board the record of the Level Two complaint. The complainant may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If, at the Level Three hearing, the administration intends to rely on evidence not included in the records, the administration shall provide the complainant notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the complainant and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the complainant or the complainant's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the

next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two. [See COMPLAINTS AGAINST PEACE OFFICERS at CKE(LLEGAL)]