

**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

**Houston Police Department Manpower Allocation Evaluation:
Public Integrity Review Group vs. Internal Affairs Division**

**A Policy Research Project
Submitted in Partial Fulfillment of the
Requirements for the Professional Designation
Graduate Management Institute**

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Houston, Texas
July 1997**

ABSTRACT

The research purpose is to provide information and documentation to validate the position that the manpower allocation for the Public Integrity Review Group (P.I.R.G.) should be increased. This position will be validated by a comparison of manpower assigned to the Houston Police Department Internal Affairs.. Division (I.A.D.) and their areas of investigative responsibility as compared to the P.I.R.G. Unit.

The Public Integrity Review Group (P.I.R.G.) serves to assist the Legal Department and the Chief of Police by providing review and criminal investigative functions on all city employees (except for police) as well as vendors currently under contract with the City of Houston.

The issue to be examined is that the Public Integrity Unit is responsible for investigating the criminal activities of approximately 25,000 city employees and an undetermined number of employees for the numerous vendors currently under contract with the City of Houston, with a staff of seven investigators. While the Houston Police Department currently has approximately 4,000 sworn officers in total, their Internal Affairs Unit is responsible for the same investigative functions on the police, as P.I.R.G. has for the rest of the City of Houston, with their current staff numbering fifty-four investigators.

The intended audience for this research information will first be the command staff of the Houston Police Department along with the necessary elements of city government for the implementation of the increased manpower allocations. The directors of the city departments that will be affected by the eventual increase in manpower of the P.I.R.G. unit will have the opportunity to be appraised of its justification as it relates to their respective areas of responsibility.

The sources of information used to validate this position will be documented investigative records of assignments in the respective divisions of the Houston Police Department. The comparison of additional departments personnel assignments as it relates to their Public Integrity Units responsibilities and their departments assigned personnel to their Internal Affairs divisions. Books, journals, and all valid documentation that relate to manpower allocations for these specific assignments in police departments will be analyzed. (Fletcher 94) The data this researcher will use in this evaluation will be the statistical documentation recorded by the Public Integrity Review Group and the Internal Affairs Division of the Houston Police Department. This documentation is available based on researcher's personal involvement in the compiling of the data for the P. I. R.G. unit and the LAD. data will be provided based on his position and supervisory status in the Houston Police Department.

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INTRODUCTION

The issue in the agency in which this researcher would like to study is one of **increasing the manpower allocation for the public integrity review group.** the problem facing this researcher as a Supervisor in the Houston Police Department, currently assigned to the P.I.R.G. Unit, is founded in the disproportionate number of personnel assigned to the following divisions respectively. The Internal Affairs division has fifty-four investigators to follow-up on allegations of misconduct involving approximately four thousand sworn officers, as compared to our seven person criminal investigative unit, for the additional twenty-five thousand City employees, plus all vendors who are involved in business contracts with the City of Houston. The Public Integrity review Group (P.I.R.G.) serves to assist the Legal department by providing review and investigative functions.

This issue is of vital importance for the City of Houston in that this Unit is the only line of defense against offenses to the Public Administration. These offenses include, but are not limited to, bribery and corrupt influence, perjury and other falsification, obstructing governmental operation, and abuse of office. Our Unit also refers criminal investigations which are not considered offenses against public administration to the proper Police Department investigative division. We review non-criminal allegations of misconduct against city employees (other than police) and refer the allegations to the proper department head for investigation.

The specific investigative functions of the Public Integrity Unit include data/evidence collection and analysis; witness location and interviews; recovery of City funds/property; presentation of criminal cases to the district Attorney or other law enforcement agency; and the identification and arrest of the suspects.

Investigations performed by P.I.R.G. involve establishing whether a crime/event has occurred (or is still occurring) and determining its category/classification. The securing and analyzing of pertinent support documents and other physical evidence as applicable (Grand Jury records, subpoenas, and searches of city premises/vehicles and seizure of evidence are sometimes utilized). We also organize the case data and evidence for presenting same to the District Attorney's Office or other legal authority for the filing of appropriate criminal charges, where the evidence supports this action.

Currently the Public Integrity Unit files criminal charges in every 3.4% cases investigated. All cases are documented and broken down by number of cases for each City Department investigated annually. The City of

Houston has in its employee approximately 25,000 not including the Police Department with an undetermined number of private vendors doing business on a full or part time basis.

The objective of this research project will be to address this Investigative Supervisor's opinion, that with the Houston Police Department having approximately 3500 sworn officers, and the Internal Affairs Division having 54 investigators following up on Police misconduct, there is a disproportionate number assigned as compared to P.I.R.G.'s seven for the additional 25,000 City employees, plus vendors.

As a veteran investigator with the Houston Police Department, this researcher has previously been assigned as a case agent for Internal Affairs from September '84 thru September '85. My personal hands-on experience relating to the investigations concerning the men and women of the Houston Police Department and my past two years from February '94 to the present investigating the other thousands of employees for the City of Houston substantiate my view that as an organization we need to reevaluate our manpower allocations.

The Houston Police Department is responsible for maintaining accurate records for all investigations that it conducts but especially accurate accounts of investigations relating to alleged wrongdoing by its Officers are maintained. This investigator has access to the Houston Police records relating to Internal Affairs investigations and is required to maintain records of the Public Integrity Unit's cases.

Historical, Legal, and Theoretical Context

Unlike many other professions the broad and sometimes ambiguous role the police officer plays in an organization or in society in general does not lend itself to a simple analysis.

There are literally thousands of functions a police officer is responsible to accomplish. However, there are some basic characteristics of a good police officer that could be applied to any police agency.

The roles of the police officer can be broken down to three basic areas: law enforcer, maintaining order and public servant. Each of these roles have different priorities and sometimes have conflicting goals. How an officer is able to effectively function in each of these roles is good indication of his ability to function as a police officer. (Pugh, 1986.) The role of law enforcer is considered by most police officers as their major responsibility. Law enforcer is the legal function of the police and it has the clearest set of expectations. The role of maintaining order however is a much more difficult task because it involves an undefined condition, "public order". (Pugh, 1986.) The problem when dealing with public order concerns is compounded when one considers that the majority of a police

officer's time is spent on maintaining order. The police officer also spends a good deal of his time in the public servant role. Many times the police find themselves in this role because they are a 24 hour a day service and are able to fill in the gap for other social services.

Establishing which functions to emphasize and which to let go requires the development of a plan for the department. (*schowengerdt.*, 1985.) The plan must have a clear set of measurable comprehensive objectives. Priorities must be made because normally not all of the objectives can be obtained. By establishing priorities a police department can defend why some objectives were achieved and why some were not. The first step in the process is creating the mission statement. The mission statement provides the ideal parameters of departmental operations.

Increasing productivity then requires a consonant organizational framework in the police agency from the top to the bottom. The department goals and objectives should be accepted by all members from the chief on down the chain. Each member should be dedicated to achieving those goals by involving themselves in proactive efforts and performing to an acceptable level regarding reactive functions.

Measuring the performance and productivity of both the individual officer and the department should reflect the achievement of goals and performance standards in an objective manner.

Ultimately, it is the citizens for which the police department serves who are the final and most important judge of the service rendered.

The data this researcher will use in this evaluation will be the statistical documentation recorded by the Public Integrity Review Group and the Internal Affairs Division of the Houston Police Department. This documentation is based on personal involvement in the compiling of the data for the P. I. R.G. unit and the I..A.D. data will be provided based on position and supervisory status in the Houston Police Department. The main problem in acquiring the necessary data will be the concern of the responsible parties about the confidentiality of the cases that represent the statistical data used in this evaluation.

This researcher will only sample the data available for 1995 and 1996 due to the magnitude of the documentation, and the concise evaluation of a specific set of years will best relate the facts as recorded. The numbers as they relate to specific cases for the Houston Police Department will be used as they apply to specific investigators of the LA .D. and the P.I.R.G. Additionally the hypothesis if validated will call into question

management's motives and decision making skills relative to the current manpower allocations of the respective divisions. (H.P.D. S.O.P 89)

The sources of information used to validate the researcher's position will be documented investigative records of assignments in the respective divisions of the Houston Police Department. The comparison of additional departments personnel assignments as it relates to their Public Integrity Units responsibilities and their departments assigned personnel to their Internal Affairs divisions. Books, journals, and all valid documentation that relate to manpower allocations for these specific assignments in police departments will be analyzed.

The importance of the Internal Affairs investigations and the manner in which they are handled departmentally represent a complete and thorough follow-up of all allegations against Houston Police Officers.

The Public Integrity Unit is more selective when assessing the possible investigative follow-up for all other city employees. The irony of the limited number of personnel assigned to conduct the P.I.R.G. investigations is that corruption by elected officials and public employees can be a major source of public dissatisfaction with local government. When officials take money from individuals or firms doing business with or regulated by the city, the costs of government rise, regulations go unenforced, and public health or safety may be endangered. Finally, corruption destroys the accountability of employees to their supervisors and of officials to the citizens they represent.

Official corruption can be as simple as a \$10 payment to avoid a speeding ticket or to "expedite" a building permit, or it can be as complex as schemes to defraud welfare programs and tolerate organized crime. Corruption may involve a single "rotten apple" or an entire department or city council, a single payoff or an ongoing protection network. It can arise in virtually any program or activity conducted by local government. (Lyman, Fletcher, Gardner 78)

Despite this multifaceted quality of local official corruption, many simple and inexpensive steps can be taken to prevent corruption or to reduce its impact when it occurs. Simple diagnostic procedures will identify the areas where corruption is most likely to occur or where it may already be taking place. Ordinances and codes can clarify expectations of official integrity and reduce potential conflicts of interest. Systematic management procedures can increase the ability of supervisors to monitor the activities of their employees and to investigate actual or potential problem areas. Finally, private organizations and individuals can monitor the performance of public agencies. The City of Houston has the Citizen Review Board which has only review powers with the option of making

recommendations only.

The problem of ethics in government is as old as the notion of government itself. Public officials in a representative government have always been given the public's voucher- they are expected to act with only the public interest in mind. Of course, public officials have private lives; the ethics problem generally stems from the shading between public and private interests.

How far can we go in asking public officials to forego a private life? What controls over behavior (if any) are fair? Can ethics be legislated? We have seen a flood of "sunshine" legislation, conflict-of-interest laws, and open-meeting policies enacted. But do they really do any good? (Simmons 97)

In the face of potential corruption problems, many communities have enacted local statutes to promote public integrity. Laws regarding conflicts of interest, financial disclosure, declaration of interest, campaign financing, open meetings and records, and codes of ethics seek to set down in formal fashion what a community expects of its public officials and public employees, and establish what the community intends to do if those expectations are not met. Formal policies and regulations or rules that do not have the force of law still embody a formal statement of expectations.

These policies are enforced by the Internal Affairs Division on all members of the Police Department. The Public Integrity Unit only enforces the criminal statutes as they apply to the respective city employee under their investigative jurisdiction and responsibility.

This difference is the justification used for the disproportionate manpower allocations in comparing these two separate units.

Review of Practice

The mission of the Houston Police Department is to enhance the quality of life in the City of Houston by working cooperatively with the public and within the framework of the U.S. Constitution to enforce the laws, preserve the peace, reduce fear and provide for a safe environment. (H.P.D. S.O.P. 97)

The Houston Police Department is administered by the Office of the Chief of Police and is divided into 12 commands, managed by assistant chiefs of police. Each command is divided into divisions based on area of responsibility and directed by a captain or civilian manager.

Under the chief's direct management are four staff function units: Community Outreach, Legal Services, Media Relations, and Budget and Finance.

The Community Outreach Division is responsible for identifying and addressing problems that may arise between the Houston Police Department and the people it serves.

The Legal Services Unit provides legal guidance on department operations, assists the police chief and his command staff with inquiries on a wide range of legal topics, conducts legal research for special projects as assigned and teaches academy classes.

The Media Relations Office is responsible for the release of police information to the public, news media and other agencies.

The Budget and Finance Division monitors expenditures and revenues, processes purchase requisitions, handles payroll and accounts for grants, conducts audits and performs financial analysis for cost impacts of various programs.

The 12 commands reporting to the assistant chiefs consist of four patrol commands and eight investigative and support groups.

The Patrol Commands are responsible for patrolling the city's streets, responding to calls for service, conducting preliminary criminal investigations, responding to emergencies, enforcing traffic laws, and investigating accidents.

The Tactical Support Command responds to events ranging from traffic accidents to special threat situations.

The Special Division Command consists of four divisions each with a unique assignment. The City Marshal Division is responsible for the identification and arrest of persons with outstanding municipal warrants. The Park Police Division is responsible for enforcing federal, state and local laws on city park property.

The Intercontinental Airport Division and the Hobby Airport Division are responsible for enforcing federal, state, and local laws on city airport property at the Intercontinental Airport and Hobby Airport facilities.

The Criminal Investigations Command specializes in follow-up and in-depth criminal investigations. The command includes five divisions: Robbery, Auto Theft, Homicide, Burglary & Theft, and Juvenile.

The Special Investigations Command specializes in follow-up and in-depth criminal undercover investigations and intelligence gathering in organized crime, gang and terrorist activities, vice activities, narcotic activities and major offenders identity and location. The command is made up of four divisions: Vice, Criminal Intelligence, Narcotics and Major Offenders.

The Management Services Command is responsible for accepting complaints against departmental personnel, conducting in-depth reactive and proactive investigations of complaints against departmental personnel and conducting audits of other divisions within the department.. The command consists of three divisions: Internal Affairs, Inspections, and Community Services. The Public Integrity Review Group. is also directed by the assistant chief of this command.

The Professional Development Command is charged with overseeing personnel-related matters ranging from recruiting and personnel development through retirement.. The command oversees five divisions: Recruiting, Personnel, Psychological Services, Civilian Employment and Training. The police chaplain also reports to this command.

The Support Service Command is responsible for: administering and maintaining the department fleet; administering and maintaining department property; supplies and reproduction services; and planning, designing and maintaining department properties and facilities. The division includes two divisions: Fleet Management and Capitol Resources which consists of three sections: Facilities Planning and Design, Facilities and Maintenance Operations, and Property and Supply.

The Technical Services Command provides a broad array of highly specialized and technical services for the department and other agencies within the city. The command is responsible for six divisions: Identification, Crime Lab, Jail, Emergency Communications, Communications Management and Information Services. ¹

These listed commands represent the allocations of manpower for the entire Houston Police Department. The obvious disproportionate manpower allocation of the Public Integrity Unit is hidden within the above listed Management Services Command. The inclusion of the Internal Affairs Division within the same Command allows for the disproportionate manpower allocations between these two units.

Discussion of Relevant Issues

The Public Integrity Review Group (P.I.R.G.) operates both reactively and proactively to review, and when required, investigates allegations of illegal conduct by City Officials or Employees (outside the Police) insofar as those allegations relate to the individual city responsibilities.

Members of the P.I.R.G. unit provide complete investigative services including data/evidence collection and analysis; witness interviews; recovery of city funds/property; presentation of criminal cases to the District Attorney; and the identification and arrest of the suspect(s).

Organizationally, the P.I.R.G. unit reports directly to the Assistant Chief of Management Services Command. A lieutenant assigned to the Management Services Command provides direct supervision of the P.I.R.G. unit.

The Public Integrity Review Group (P.I.R.G.) serves to assist the Legal Department by providing review and investigative functions.

P.I.R.G. operates both reactively and pro-actively to:

- Conduct investigations where the allegations are criminal in nature and are considered OFFENSES AGAINST PUBLIC ADMINISTRATION. These offenses include, but are not limited to, BRIBERY AND CORRUPT INFLUENCE, PERJURY AND OTHER FALSIFICATION, OBSTRUCTING GOVERNMENTAL OPERATION, AND ABUSE OF OFFICE; and
- Refer criminal investigators which are not considered OFFENSES AGAINST PUBLIC ADMINISTRATION to the proper Police Department investigative division; and
- Review non-criminal allegations of misconduct against city employees (other than police) and refer the allegations to the proper department head for investigation.

Specific investigative functions include data/evidence collection and analysis; witness location and interviews; recovery of City funds/property; presentation of criminal cases to the District Attorney or other law enforcement agency; and the identification and arrest of the suspects.

Investigations performed by P.I.R.G. involve:

- Establishing whether a crime/event has occurred (or is still occurring) and determining its category/classification.

- Securing and analyzing pertinent support documents and other physical evidence as applicable (Grand Jury records, subpoenas, and searches of city premises/vehicles and seizure of evidence are sometimes utilized).
- Interviewing of suspects and witnesses.
- Adjusting investigative direction/focus based on the relationship between the crime/event and the evidence, the witness accounts and the suspect(s).
- Organizing the case data and evidence and presenting same to the District Attorney's Office or other legal authority for the filing of appropriate criminal charges, where the evidence supports this action.

Organizationally, the P.I.R.G. unit reports directly to the Assistant Chief Of Management Services Command and is currently comprised of one Lieutenant, two Sergeants and four Officers. Requests for review of allegations or complaints may be received directly from city departments, city employees, citizens, outside public agencies and from telephone calls via the designated "hot line". P.I.R.G.'s reports and findings that are criminal are immediately presented to the District Attorney, or his designee, for review and disposition.

All subsequent administrative violations that are validated during the investigative process, are referred to the City Legal Department for review and processing through the Directors of the Department concerned.(Fletcher 94.)

The Internal Affairs Division is responsible for investigating all complaints of serious misconduct, criminal activity and the discharging of firearms by the employees of the department. The division also is responsible for initiating proactive investigations involving serious misconduct by employees of the department.

The Houston Police Department will investigate all incidents of alleged misconduct brought to its attention. It is the Department's responsibility, through its disciplinary process, to protect and serve the public, to insure the integrity of the Department and to develop and protect its employees. In addition, all officers and employees, regardless of rank, assignment or function are required to cooperate in the investigation of complaints. (H.P.D. I.A.D. S.O.P)

- Formal Complaints Complaints in writing, signed and notarized by a complainant or complaint made by a peace officer.
- Informal Complaints Oral or written complaints that are not signed by the complainant, or if signed are not notarized.

Classes of Complaints

- a. Class I Complaints that allege violations of federal or state laws or local ordinances, as well as allegations involving the use of force (Ex. Allegations of being hit, slapped, kicked or struck with any object, causing pain and/or visible signs of bodily injury).
- b. Class II Complaints that include allegations of a less serious nature but which concern violations of departmental policy.

Inquiry Complaint Minor policy infractions that can and should be handled at the divisional level. The division commander is given wide latitude and discretion in using positive forms of discipline (Ex. Counseling, education and training). In any event, no matter what action is taken, it must be documented. "Documentation" does not necessarily mean correspondence.

Conclusion

Based upon the research completed in this evaluation, this researcher has determined that disproportionate manpower allocation *for* the Public Integrity Review Group as compared to the Internal Affairs Division is based on at least to variables. The first being the political ramifications of allegations of any type of misconduct by the police whether it be criminal or administrative in nature. The second and most important being the fact that as a Unit the P.I.R.G. supervisor's are allowed to be selective when reviewing and assigning cases *for* investigation. The I.A.D. personnel are required by departmental decree to investigate all allegations of any type of wrongdoing raised against the personnel of the Houston Police Department.

Supervisor's with the assignment responsibility *for* investigations within the Internal Affairs Division should be much more selective in assigning any and all cases received. The discretion exercised from within the Public Integrity Unit should be permissible in the LAD. Unit.

This researcher would suggest that the personnel be more evenly distributed between the two units, with the express purpose of allowing the Supervisor's more flexibility in selecting investigative priorities. The P.I.R.G. unit needs more personnel to facilitate the investigations of the disproportionate number of city personnel they are responsible for overseeing, while the LAD. unit could use its newly authorized selectivity to follow-up on the important cases only. This researcher feels that the propensity for honesty and integrity associated with the rank and file officers of the Houston Police Department justifies this discretion.

Based on the research conducted in this evaluation of the hypothesis that there is a disproportionate manpower allocation of personnel within the Public Integrity Review Group as compared to the Internal Affairs Division of the Houston Police Department, this researcher found: The perceived disproportionate manpower allocations of each of these units is based on appearance of numbers alone without the divisional activities being known.

The mere fact that the P.I.R.G. unit has only seven personnel assigned with the responsibility of overseeing and investigating some 25,000 city employees and untold thousands of vendors who do business with the City of Houston, would appear to be out of line when compared to I.A.D.'s fifty-four investigators with the responsibility of investigating approximately 3500 sworn officers.

This researcher learned that the Internal Affairs Unit is not allowed to use discretion when assigning and accepting allegations of wrongdoing against Houston Police officers as compared to Public Integrity Units use of discretion.

The totality of Internal Affairs investigative requirements on their departmental investigations causes this researchers hypothesis to fail. The manpower allocations maybe disproportionate but so is the requirement to investigate all allegations without exception against members of the Houston Police Department.

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