

COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIREFIGHTER (TEXAS GOVT. SEC. 614)

SOUTHSIDE PLACE POLICE DEPARTMENT

HOW CITIZENS MAY FILE COMPLAINTS ON SOUTHSIDE PLACE POLICE OFFICERS OR
EMPLOYEES AND HOW THOSE COMPLAINTS ARE HANDLED.

THE IMPORTANCE OF YOUR COMPLAINT

The Southside Place Police Department recognizes that its employees are responsible for their conduct where the public is concerned. The department also acknowledges that, at certain times, conflicts between citizens and agency employees can arise. It is essential to the safety of our community that the relationship between police and citizens be built on confidence and trust. Law enforcement cannot be effective without this vital conviction by both entities.

Police officers must be free to exercise their best judgment and initiate proper action in a reasonable, lawful, impartial manner, without fear of reprisal. At the same time, they must observe the rights of all people. The complaint process and appropriate disciplinary procedures not only subject agency members to corrective action when they conduct themselves improperly, the guidelines also protect them from unwarranted criticism when they discharge their duties properly.

A disagreement over the validity of a traffic citation is not a complaint. Such disagreements should be directed to the court that has jurisdiction in the matter.

It is the policy of the Southside Place Police Department that officers are PROHIBITED from engaging in bias based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

The Police Department realizes the confusion, different perceptions, or the timeliness of information sometimes will result in descriptions that produce different versions of the same incident. Beyond legitimate error, however, the deliberate making of a report that the complainant knows to be false or misleading could constitute a violation of state law.

COMPLAINT PROCEDURES

The complaint process is designed to deal with each case factually and fairly. Citizens who file complaints are treated respectfully, and their accusations are taken seriously. All complaints are investigated thoroughly and all findings are based on impartial evidence gained during the investigation.

However, many complaints can be explained satisfactorily by a visit or telephone call to the employee's supervisor. The supervisor will talk to you about your complaint and try to resolve it.

There are two classes of complaints. The first and most serious, a "Class I" complaint alleges the violation of a law or such other allegations as excessive force (being hit, slapped, kicked or struck by an object) causing pain or visible signs of bodily injury. The second, a "Class II" complaint, includes allegations of a less serious nature and may concern violations of departmental policy.

Either class of complaints may be lodged as a Formal or Informal Complaint. The Formal Complaint must be in writing, signed by the complainant and be notarized. The Informal Complaint may be written or oral.

All complaints will be dealt with in the same manner. Formal Complaints will be responded to in writing once the investigation is completed.

PENAL CODE

Sec. 37.02 Perjury

- (a) A person commits an offense, if with intent to deceive and with knowledge of the statement's meaning:
 - (1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or
 - (2) he makes a false sworn declaration under Chapter 132, Civil Practice and Remedies Code.
- b. An offense under this section is a Class A misdemeanor.

Sec. 37.03 Aggravated Perjury

- (a) A person commits an offense if he commits perjury as defined in Section 37.02 and the false statement:
 - (1) is made during or in connection with an official proceeding; and
 - (2) is material.
- b. An offense under this section is a felony of the third degree.

TEXAS GOVERNMENT CODE

Complaint Against Law Enforcement Officer or Firefighter

Sec. 614.022 Complaint to be in Writing and Signed by Complaint. To be considered by the head of a state agency or by the head of a fire or police department, the complaint must be:

- (1) in writing, and
- (2) signed by the person making the complaint.

Sec. 614.023 Copy of Complaint to be given to officer or employee.

- (a) A copy of a signed complaint against a law enforcement officer, fire fighter, or police officer shall be given to the officer or employee within a reasonable time after the complaint is filed.
- (b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.

PERSONNEL COMPLAINT AFFIDAVIT

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority in and for the State of Texas, on this day personally appeared _____, who, after being by me duly sworn, deposed and said:

My name is _____. I am of sound mind, 18 years of age or older, and competent to give this affidavit.

Affidavit of _____ I have read the above statement consisting of ___ page(s), which is based on my personal knowledge, and it is true and correct.

Subscribed and sworn to before me, the undersigned authority, on this the _____ day of _____, A.D. _____.

Notary