

# Howe Police Department

## Police Department - Complaint Process

The Howe Police Department is dedicated to providing the best police service possible to all citizens. Police personnel are carefully selected and given the best training possible in order to provide this service. Police officers have a difficult job to do. They are asked to exercise their best judgment under stressful, tense situations and often with limited information and time constraints. However, officers must also be professional and observe the rights of all citizens while performing their duties. If a citizen believes an officer or an employee has engaged in misconduct, they have the right to file a complaint.

### HOW FORMAL COMPLAINTS ARE MADE

Formal Complaints (Internal Affairs Investigations): When a citizen makes a formal complaint against a member of the Howe Police Department, the complaint goes to the Chief of Police. An investigator will be assigned to review and investigate the complaint. Texas Government Code, Chapter 614.022, requires that all formal complaints against police officers must be in writing and signed by the person making the complaint. Just as citizens who are arrested must be notified of the charges against them, the police officer must be given a copy of a personnel complaint before any disciplinary action may be taken. Complaints must be made within 60 days of the act unless good cause can be shown. Formal complaints must be made by the person who claims to be aggrieved. Other persons may give statements as witnesses. Investigators will conduct a thorough investigation of the incident, and the complainant will be advised of the result and action taken.

### FORMAL COMPLAINT PROCESSING

How are complaints investigated? The Chief of Police assigned an investigator to conduct a thorough investigation of the complaint. Witnesses and officers will be contacted and asked to give statements. Records and other evidence will be collected and examined. Unless exceptional circumstances are prevented, investigations are normally completed within 30 days of receipt of the complaint.

What happens when a complaint is found to be true: When the investigation of a complaint reveals that the allegations are true and should be sustained against the employee, the investigator notifies the Chief of Police. The employee is notified, and the department may, depending on the nature of the violation, reprimand, suspend without pay, demote, or discharge the employee. Corrective action in the form of advice and instruction, counseling, training, and re-training may be incorporated in any disciplinary action. The complainant will be notified in writing of the investigation's results.

What happens if the complaint is found to be not true or yields insufficient information to prove or disprove the allegation of misconduct? Police officers and employees have the same rights as all citizens. Complaints must be supported by sufficient evidence. If there is not sufficient evidence to sustain the complaint, the employee is notified and continues on duty. The complainant will be notified in writing of the investigation's results.

Can an employee appeal the decision? Just as a citizen charged with a criminal offense can appeal a court's decision, an employee can appeal the action taken against them. The City of Howe has established procedures for employees to follow in their appeals, just as the Police Department has established procedures for ensuring that complaints by citizens against officers are thoroughly and honestly investigated.

What if you are not satisfied with the decision: If you are not satisfied with the results of the investigation, you may request an investigation for certain acts by the Federal Bureau of Investigation if civil rights violations are alleged or the Grayson County District Attorney's Office if criminal violations are alleged. The Howe Police Department is vitally interested in the welfare of all citizens and in taking action where its employees have been proven to have engaged in misconduct.

How are criminal complaint charges made against police employees: Citizens who wish to make criminal charges against police personnel may file a criminal complaint with the Howe Police Department, the Grayson County District Attorney's Office, or the Federal Bureau of Investigation. Criminal complaints made with the Howe Police Department against an employee may be referred to by an outside agency.

## CONCLUSION

If it becomes necessary for you to make a complaint, you can be assured that it will be given fair and thorough investigation. For the same reason, if you have an opportunity to see a police employee doing outstanding work, tell us about it. The employees of the Howe Police Department are individuals who are dedicated to serving you and the community.

## TEXAS GOVERNMENT CODE

### Complaints Against Law Enforcement Officers

Sec. 614.022. Complaint to be in Writing and Signed by Complainant. 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.

### Texas Penal Code, Section 37.08 False Report to a Peace Officer

- (a) A person commits an offense, if, with intent to deceive, he/she knowingly makes a false statement that is material to a criminal investigation and makes the statement to:
  - (1) A peace officer conducting the investigation; or
  - (2) Any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation;
  - (3) In this section, "law enforcement agency" and the meaning assigned by Article 59.01, Code of Criminal Procedure.
  - (4) An offense under this section is a Class B misdemeanor.

"I affirm that I have read and understand Texas Government Code, Section 614.022 and 614.023 (complaints against law enforcement officers) and Texas Penal Code, Section 37.08 (false report to a peace officer or law enforcement employee)."

Signature of Complaining Person\_\_\_\_\_

Date\_\_\_\_\_ Time\_\_\_\_\_

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

(Seal) \_\_\_\_\_ Notary Public, State of Texas