

## Complaints Against an Officer

### HOW TO MAKE A COMPLAINT ABOUT AN OFFICER

A complaint can be made on an official Complaint Form that can be obtained in person at the Hondo Police Department located at 1101 16<sup>th</sup> Street, Hondo, Texas 78861.

When filling out the complaint form, please be sure to supply as much information as possible. The complaint will need to be signed and notarized. **Do not sign the complaint form until you are physically before a Notary Public.** Information included with the complaint form are applicable Department policies regarding complaints, the State of Texas statutes regarding the requirements of filing complaints on police officers, Perjury and Aggravated Perjury as well as various definitions, you will need to sign the documentation indicating that you have received and read the information. These documents do not need to be notarized.

**Remember, state law says that in order for the Chief of Police to take disciplinary action:**

1. The complaint must be in writing and signed by the complainant.
2. The officer who is the subject of the complaint must receive a copy of the complaint.

If you would rather make an informal or oral complaint you will need to call the Department at 830-426-5353 and speak with the officer's immediate supervisor who is a Sergeant. He or she will make every effort to resolve the situation at his or her level.

When requested, employees shall provide information on how to obtain a complaint form and how to file a complaint on an officer. Employees are also required to immediately provide all necessary information and forms to any person that has come to the Department and requested it. However, only a supervisor may take the complaint from you and forward the complaint to the proper authority. You may call the Department at 830-426-5353 to insure that a supervisor will be available when you arrive to turn in a complaint or you may mail the completed notarized complaint packet in its entirety to the Department, bringing it to the attention of the proper supervisor. **Only complaints that are completed, signed, and notarized will be accepted. The complaint must be originals. Photocopies will not be accepted.**

If your inquiry or complaint appears to be based on a lack of knowledge or a misunderstanding, the employee may be called upon to offer an explanation. If you are not satisfied your inquiry or complaint will be forwarded to the proper authority.

In no case will a citizen be denied an opportunity to file a complaint either oral or written against a Department employee.

### INVESTIGATION PROCEDURE

Once your complaint has been received, it will be thoroughly investigated by an officer designated by the Chief of Police. The investigation will usually include a review of all applicable reports, policies and procedures, examination of any evidence or medical records and interviews with all parties and witnesses involved. A simple inquiry may take only a day or two to complete, while a complex complaint may take several months to complete.

The Chief of Police reviews every formal complaint as well as the outcome of the investigation with the employee's supervisor. If the investigation determines that an employee violated Department policies or procedures, appropriate corrective action will be taken. The Chief's review will also include looking for ways to improve policies, procedures and training if necessary.

### Findings

You will receive written notification at the conclusion of an internal investigation regarding a formal complaint. There are four possible findings.

1. **Unfounded:** Allegation is false or not factual.
2. **Exonerated:** Incident occurred but was lawful or proper.
3. **Not Sustained:** Insufficient evidence to prove or disprove allegation.
4. **Sustained:** Allegation is supported by sufficient fact or evidence.

## Definitions - Types of Complaints

Class I	-	Oral Complaint
Class II	-	Formal Complaint without allegation of criminal misconduct.
Class III	-	Formal Complaint with allegation of criminal conduct.

### Complaint Form:

The Department and its employees shall immediately provide to any interested person who comes to the Department and request, the procedures for and the official Department form for filing any Class II or III Internal Affairs Complaint.

### Who May Take Complaint:

Any supervisor may take complaint.

### Time Limit:

Complaints against employees will not be accepted more than thirty (30) days after the alleged incident unless:

- a. The act complained of is a criminal violation in which case the criminal statute of limitations will prevail; or,
- b. The complainant can show good cause for the delay.

### Findings:

1. **Unfounded:** Allegation is false or not factual.
2. **Exonerated:** Incident occurred but was lawful or proper.
3. **Not Sustained:** Insufficient evidence to prove or disprove allegation.
4. **Sustained:** Allegation is supported by sufficient fact or evidence.

### Notification:

Within ten (10) business days of the completion of the investigation of a formal complaint, the Chief of Police shall mail the complainant written notification of the findings.

## SUBCHAPTER B. COMPLAINT AGAINST LAW ENFORCEMENT OFFICER OR FIRE FIGHTER

**§ 614.021. APPLICABILITY OF SUBCHAPTER.** This subchapter applies only to a complaint against:

- (1) a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;
- (2) a fire fighter who is not covered by a civil service statute; or
- (3) a police officer who is not covered by a civil service statute.

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

**§ 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.

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

**§ 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.

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

I certify I have received, and read the information provided.

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Signature

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Date

§ 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 unsworn declaration under Chapter 132, Civil Practice and Remedies Code.

(b) An offense under this section is a Class A misdemeanor.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974.  
Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

§ 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.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974.  
Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

I certify I have received and read the information provided.

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Signature

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Date



# Hondo Police Department

## CITIZEN COMPLAINT FORM

Instructions: 1. Complete with as many details as possible.  
2. The form must be notarized.  
3. Return the completed form to the Hondo Police Department Administration.

1101 16<sup>th</sup> Street  
Hondo, Tx 78861

Office: 830-426-5353  
Fax: 830-741-5814

### COMPLAINANT INFORMATION

This form is to be completed by the person making the complaint.

LAST NAME	FIRST NAME	M.I.	DATE OF BIRTH
HOME PHONE	WORK PHONE & EXTENSION	OTHER CONTACT NUMBER	
ADDRESS	TOWN / CITY	STATE	ZIP

### OFFICER(s) INVOLVED

OFFICER'S NAME	BADGE #	CAR #	OFFICER'S NAME	BADGE #	CAR #
OFFICER'S NAME	BADGE #	CAR #	OFFICER'S NAME	BADGE #	CAR #
OFFICER'S NAME	BADGE #	CAR #	OFFICER'S NAME	BADGE #	CAR #

### WITNESS INFORMATION

LAST NAME	FIRST NAME	M.I.	PHONE
ADDRESS	TOWN / CITY	STATE	ZIP

LAST NAME	FIRST NAME	M.I.	PHONE
ADDRESS	TOWN / CITY	STATE	ZIP

LAST NAME	FIRST NAME	M.I.	PHONE
ADDRESS	TOWN / CITY	STATE	ZIP

LAST NAME	FIRST NAME	M.I.	PHONE
ADDRESS	TOWN / CITY	STATE	ZIP

### INCIDENT DETAILS

Please be as specific and detailed as possible.

DATE OF INCIDENT	TIME OF INCIDENT	HONDO PD CASE # (S) (IF KNOWN)
LOCATION OF INCIDENT		

### NATURE OF COMPLAINT

Continue on the reverse side. Be sure to sign the complaint and have it notarized.

I have read this statement consisting of \_\_\_\_\_ page(s). I do affirm that the facts and statements contained herein are true and correct to the best of my knowledge and recollection. I have given this statement of my own free will and have not been coerced or promised anything in return.

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**Complainant**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
*[Signature]*

**Notary Public in and for  
The State of Texas**