

WHAT HAPPENS WHEN A COMPLAINT IS FOUND TO BE TRUE?

When the investigation of a complaint reveals that the charges are true and should be sustained against a police employee, the Constable notifies the employee and may take one of the following actions, depending on the nature of the violation.

- Verbal Counseling
- Written Reprimand
- Demotion
- Suspension
- Termination

WHAT HAPPENS IF THE COMPLAINT IS NOT TRUE?

Police employees must be afforded certain rights the same as with all citizens and complaints must be supported by sufficient evidence.

If there is not sufficient evidence to sustain the complaints, the officer is notified and continues on duty. If he/she was removed from duty during the investigation he/she will be paid for that time.

CAN THE OFFICER APPEAL THE DECISION?

Yes, just as citizens charged with a criminal offense have the right to appeal the court's decision, police officers, also, have the right to appeal administrative actions taken against them. The Bexar County Constable, Precinct 3 Department has established procedures for officers to follow in their appeals process, just as the Police Department has established procedures for insuring 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 by the Internal Affairs Division you may appeal to the following:

- The Office of Constable Mark S. Vojvodich, located at 320 Interpark Blvd, San Antonio, TX 78216
- Texas Office of the Federal Bureau of Investigation located at 300 E Eighth Street, Suite 215 Austin, Texas 78767



Personnel Complaint Procedure

Please review the information provided on the next two pages.

1. Complete the attached Employee Personnel Complaint form. You will need to provide a written statement of the events about which you wish to file a complaint. Please be as detailed as possible. If you need additional space, you may make a copy of the second page, request a second page from the Bexar County Constables Office, or attach a separate piece of paper.
2. The second and any subsequent pages must be notarized. You may have the form notarized by a notary of your choice or a Bexar County notary can provide this service. Please call before stopping by to ensure a notary is available.
3. The complaint form may be returned to the Constables Office in person or by mail.
4. Once received by the Constable, the complaint will be assigned to the appropriate individual for investigation. This individual will contact you within 10 business days. There may be a need for additional information, clarification of points in your statement, or other need based on the individual circumstances of your complaint.
5. Once the investigation is completed, it is submitted to the Constable for review.
6. You will be informed of the disposition by the Constables office.
7. If you have any questions during the process, please call the individual assigned to the complaint or the Office of the Constable.

Texas State Law Requirements

Texas State Law requires that all 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 the complaint before any disciplinary action may be taken. Complaints must be made by the person aggrieved. Other persons may give statements as witnesses

Traffic citations issued or differences of opinions between police officers over the issuance of traffic citations or the guilt or innocence of persons arrested will not be investigated unless there is a specific allegation of misconduct against officers.

Complaints should be submitted in person or by mail to:

Sgt. Jaime Perales
Bexar County Constables Office Pct3
320 Interpark Blvd
San Antonio TX 78216
210-335-4750

HOW ARE COMPLAINTS MADE?

When a citizen lodges a complaint against a member of the Bexar County Constable, Precinct 3 Department, the complaint goes to the Internal Affairs Division (supervisors) located at 320 Interpark Blvd, San Antonio, TX 18216. You may lodge your complaint with any supervisory officer of the Police Department. Your complaint will be forwarded to the Internal Affairs Division.

TEXAS STATE LAW requires that all 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 the complaint before any disciplinary action may be taken. Complaints must be made by the person aggrieved. Other persons may give statements as witnesses.

The Internal Affairs Division will conduct a thorough investigation of your complaint and you will be advised of the results.

Traffic citations issued or differences of opinions between police officers over the issuance of a traffic citation for the guilt or innocence of persons arrested will not be investigated unless there is specific allegations of misconduct against officers.

FALSE COMPLAINTS

Sometimes people make false complaints against police officers. Citizens should be aware that this is a violation of the Texas Penal Code. Section 37.02 (PERJURY) provides punishment for those individuals adjudged guilty of committing an offense, if with intent to deceive and had knowledge of the statements meaning; 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.

A person convicted under this section can be confined in jail for any term of not more than (1) year and a fine not to exceed \$4,000. This information is not intended to intimidate citizens or prevent them from making valid complaints. It is the intent of the department to persuade individuals from seeking retribution by filling false complaints against police officers.

WHAT HAPPENS WHEN A COMPLAINT IS FOUND TO BE TRUE?

When the investigation of a complaint reveals that the charges are true and should be sustained against a police employee, the Chief Deputy notifies the employee and may take one of the following actions, depending on the nature of the violation.

- Verbal Reprimand
- Written Reprimand
- Demotion
- Suspension
- Termination

WHAT HAPPENS IF THE COMPLAINT IS NOT TRUE?

Police employees must be afforded certain rights the same as with all citizens and complaints must be supported by sufficient evidence.

If there is not sufficient evidence to sustain the complaints, the officer is notified and continues on duty. If he/she was removed from duty during the investigation he/she will be paid for that time.

CAN THE OFFICER APPEAL THE DECISION?

Yes, just as citizens charged with a criminal offense have the right to appeal the court's decision, police officers, also, have the right to appeal administrative actions taken against them. The Bexar County Constable, Precinct 3 Department has established procedures for officers to follow in their appeals process, just as the Police Department has established procedures for insuring 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 by the Internal Affairs Division you may appeal to the following:

- The Office of Constable Mark S. Vojvodich, located at 320 Interpark Blvd San Antonio, TX 78216
- Texas Office of the Federal Bureau of Investigation located at 300 E. Eighth Street, Suite 215 Austin, Texas 78767

TEXAS 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

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 department or local law enforcement agency, the complaint must be:

(1) in writing; and

(2) signed by the person making the complaint.

614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE.

(a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state 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.

(c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:

(1) the complaint is investigated; and

(2) there is evidence to prove the allegation of misconduct.

PERSONNEL COMPLAINT AFFIDAVIT

STATE OF TEXAS

COUNTY OF BEXAR

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. I live at_____ My phone number is_____.

Affidavit of _____
Page ____ 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