

LINDALE POLICE DEPARTMENT COMPLAINT PROCEDURES

How citizens can file formal complaints against Lindale law enforcement officers and how those complaints are handled.

THE IMPORTANCE OF YOUR COMPLAINT

The Lindale 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. The proper relationship between police and citizens is necessary to gain confidence and trust, which is essential for effective law enforcement.

Police Officers must be free to exercise their best judgment and initiate action in a reasonable, lawful, impartial manner, without fear of reprisal. At the same time, they must observe the constitutional rights of all people. Law enforcement officers, while responsible for enforcing the law, must not violate the law.

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.

HOW ARE COMPLAINTS MADE?

When a citizen lodges a complaint against a member of the Lindale Police Department, the complaint goes to the Chief of Police. Complaints will then be forwarded to an investigator to complete a thorough investigation. The findings will then be sent back to the Chief of Police. Complainants will be informed in writing the results of that investigation. If a complaint is of a criminal nature, the Chief of Police may contact and request an outside agency to investigate the complaint. If this is done the complainant will be informed of this action. Complainants are initially requested to complete the attached information form and return it either in person or certified mail to the Lindale Police Department at 105 Ballard Drive, Lindale, Texas 75771 or mail to Lindale Police Department: P.O. Box 130, Lindale, Texas 75771. You will be requested at a later date to give a sworn notarized statement concerning the complaint. Any questions are to be directed to the Chief of Police at (903) 882-3313.

Although the employee named in the complaint will, at some point, be required to respond to the specific allegation made, they are not permitted access to cases under investigation. Complainants need not be concerned that they will be subject to retribution or retaliation for legitimately stating a complaint, because procedures are in place to prevent this.

Complainants who have current criminal or traffic charges pending in an incident should be aware that the internal review process deals solely with matters of Departmental policy and the conduct of agency employees and officers. Regardless of the outcome of the internal investigation, existing criminal or traffic charges must be dealt with through the proper courts.

A complaint will not be accepted after thirty (30) days from the alleged incident, unless a waiver is granted by the Chief of Police.

Employees are not permitted access to cases under investigation and all dispositions are final.

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.

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 filing false complaints against police officers.

Dispositions:

- Exonerated: Act was lawful and proper.
- Unfounded: Incident did not occur or affected employee was not involved.
- Not Sustained: Insufficient evidence was found to clearly prove or disprove the allegation.
- Proven: The allegation is supported by sufficient evidence. Violation of policy and procedure did occur and the appropriate administrative action will be taken.

WHAT HAPPENS WHEN A COMPLAINT IS FOUND TO BE TRUE?

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

- Verbal Reprimand
- Written Reprimand
- Time off without compensation
- Demotion
- Termination

WHAT HAPPENS WHEN A 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.

Lindale Police Department Citizen Complaint Form

File complaints about Lindale Police Department employees on this form.

Involved Officer/Employee(s) Information:			
Name:			
Name:			
Person Making the Complaint:			
Name:		Phone:	
Address:		Phone:	
Information: Please provide as much information about the reason you were contacted by the officer/employee. Specific information about the date, time and location will help in locating computer-based information if you do not know the officer/employee's name.			
Date of Contact:		Approximate Time:	AM/PM
Location Contacted:			
Reason for the Complaint: (Attach additional pages as needed)			
Witness Information:			
Name:		Phone:	
Address:		Phone:	
Name:		Phone:	
Address:		Phone:	

Submitted by _____ Date _____