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## POLICY STATEMENT

The Crowley Police Department is dedicated to providing the most competent and professional service possible to all the citizens of Crowley. Police Department members are carefully selected and trained in order to provide the level of service that is expected.

At times, a customer may be displeased with the level of service provided or the conduct of a Crowley Police Department member and wishes to file a complaint. In order to be responsive to the complaint, the Police Department is providing the following information about how complaints are filed, how they are investigated, and how they are resolved.

## HOW ARE COMPLAINTS MADE?

**Time Limits to File Complaint.** Barring extenuating circumstances, complaints against Police Department members must be made within 30 days of the alleged misconduct.

**Processing Complaint.** Any person in the Police Department may receive a complaint. The complaint will be forwarded to the Police Department administration. The administration will classify the complaint into one or both of the following categories: "administrative," if the alleged misconduct is not a criminal act; or "criminal," if the alleged misconduct includes a criminal act.

**Form of Complaint.** Under Texas state law, a complaint against a police officer must be made under oath, in writing, and signed by the complainant before the investigation can be

proceed. The Police Department will not investigate any complaint against any member of the department unless the complaint is in writing, signed, and sworn to under oath by the complainant.

## INVESTIGATION OF COMPLAINT

**Assignment of Complaint.** Administrative investigations (non-criminal) will be assigned to either the accused member's supervisor or to an Internal Affairs investigator, depending on the allegation. Allegations involving a criminal act will be assigned to the Criminal Investigations Division.

**Member's Rights During Investigation.** The member against whom the complaint is being lodged:

- will receive a copy of the complaint and will be given an opportunity to respond to the complaint;
- will be accorded all federal and state Constitutional and statutory rights and privileges;
- may not be required to submit to a polygraph examination unless: (05-26-97, §614.061-.063, Government Code)
  - the classification of the complaint is "administrative";
  - the complainant is a Police Department member, and the complainant submits to and passes a polygraph examination; and
  - the Police Chief considers the circumstances to be extraordinary and the integrity of the accused member and the Police Department is in question.

## FINDINGS OF COMPLAINT

A complaint finding will be classified into one of the following general categories:

- **Sustained** - the evidence is sufficient to support the allegation.
- **Unfounded** - the alleged misconduct, if committed, did not constitute a violation of policy or law.
- **Exonerated** - the evidence indicates the member's conduct was justified by policy, by law, or by the circumstances that were present at the time of the alleged conduct.
- **Not Sustained** - the evidence is insufficient to prove or disprove the allegation.
- **Policy Failure** - the member committed the alleged misconduct, but a policy did not adequately address the conduct.
- **False or Untrue** - the alleged misconduct never occurred. (See **FALSE COMPLAINTS**)

## VALID COMPLAINTS

When the investigation of the complaint reveals that the allegation is valid and the complaint should be sustained, the accused member may be assessed any of the following forms of disciplinary action:

- Remedial training
- Counseling
- Reprimand
- Suspension
- Demotion
- Termination

The City of Crowley Personnel Manual and the Crowley Police Department General Orders provide for an appeal process if the member is adversely affected by the findings of the investigation.

## **FALSE COMPLAINTS**

Sometimes people make false complaints against police department members for a variety of reasons. Making a false complaint against a department member, however, is a violation under Texas Penal Code, Section 37.02, which states that a person commits an offense if the person "...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 punished by a fine of up to \$4,000, confinement in jail for up to one year, or both.

A falsely-accused member may also have civil recourse against a person making a false complaint.

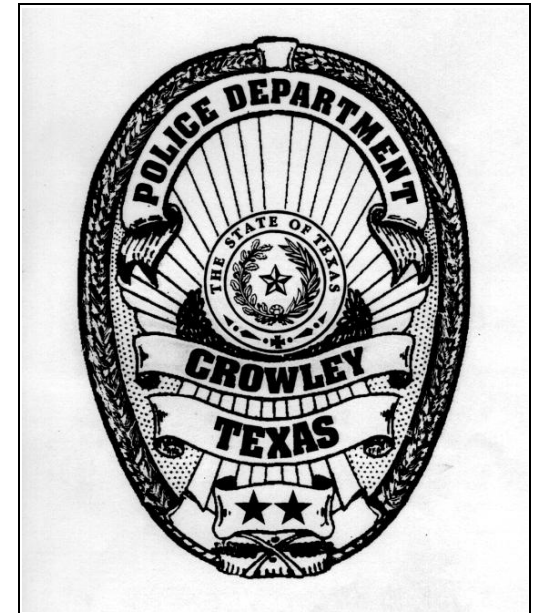
## **COMPLAINANT NOT SATISFIED WITH INVESTIGATION OR ITS FINDINGS**

If a complainant is not satisfied with the investigation, with its findings, or with the results, the complainant may appeal to the police chief, to the city administrator, or may pursue the matter in court.

# *In Service to the Community*

## **Citizen Complaints Against Crowley Police Department Members**

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