



CITIZEN COMPLAINT PROCEDURES

LITTLE ELM POLICE DEPARTMENT

100 W. Eldorado Parkway
Little Elm, Texas 75068

214.975.0460

Mission Statement

The department must have a recognizable and agreed upon common purpose. The purpose provides direction for everyone so they are clear about their roles in achieving the organization's objectives. The absence of an agreed purpose contributes to mixed patterns of direction, discipline and low morale. Every employee should agree that our value and beliefs must be held so strongly that they will measure the appropriateness of our entire behavior.

The department is making a statement about our values and beliefs that serve as guiding principles for the proper conduct and behavior of all employees. We must always remember that our higher authority is the public we serve. We will always display responsiveness to our citizens and be held accountable to them.

As Little Elm Police Employees we must, to the best of our ability, always demonstrate:

Honesty & Integrity ~ because our duty is the ultimate public trust, we must exemplify honesty, integrity, truthfulness, and ethical behavior. Being always honest and keeping our word must prevail under all circumstances.

Fairness & Impartiality ~ we will treat all persons fairly. This includes our employees, as well as the citizens we serve. We will enforce all laws impartially.

Respect for the Individual ~ we will treat all people with respect and dignity in all circumstances.

Professionalism ~ we will exemplify professionalism in all that we do holding ourselves accountable to the highest standards in the policing profession.

As Little Elm Police Employees we must, to the best of our ability, be responsible and make non-discriminatory decisions.

Do the Right Thing ~ we must always strive to do what is right and in the right way. Our job is a public trust where rightful ends cannot justify wrongful means.

Responsibility ~ we believe in accepting responsibility and being held accountable for our own actions regardless of the situation or circumstances.

INTERNAL INVESTIGATION PROCEDURES

The department's internal procedures govern the investigation and adjudication of misconduct alleged to have been committed by members of the Little Elm Police Department. The provisions of the department's policy govern both the fact finding and resolution phases of the process necessary to address misconduct allegations. These provisions have been specifically designed to address three areas of concern.

Protection of the Public: The community has the right to receive fair, efficient and impartial law enforcement. Misconduct allegations brought to the department's attention must be thoroughly investigated and properly adjudicated to ensure public confidence in its police department.

Protection of the Department: The department's reputation in the community is reflected in and evaluated by the conduct of its individual members. The department is both praised and condemned for the behavior of its members in individual situations. For the department to maintain an image of professionalism and propriety it must generate confidence that allegations of employee misconduct will be consistently, fairly and honestly investigated.

Protection of the Employee: Employees must be protected as much as possible against false allegations of misconduct. Likewise they deserve to have confidence that the internal investigation and adjudication process is complete, fair and most importantly, consistent through all ranks, shifts, and assignments of this department

TYPES OF COMPLAINTS

The complainant makes a personal appearance at the police department for the purpose of making a complaint...the complaint is to be documented by any available duty supervisor of any rank or assignment and is to include both a personal interview of the complainant and the complaint and completion of the department's Record of Complaint Form. Except in the rarest of circumstances, the Record of Complaint form must be notarized in order to formalize the complaint and allow its investigation.

The complainant forwards a letter of complaint to the department...the Chief of Police or his designee will review the letter and determine whether or not the complaint warrants formal investigation and if so, will assign the complaint for investigation. The member assigned to investigate the case will then be responsible for completing the Record of Complaint Form and having it notarized.

The complainant makes a complaint by telephone to the department...the dispatcher or other person receiving the complaint will forward it to a duty supervisor. If all duty supervisors are in the 'field', the employee should obtain the complainant's phone number, advise him/her that the call will be returned, and then notify the supervisor by radio or telephone as applicable. The supervisor is to return the call as soon as possible, evaluate the complaint, and as necessary make arrangements to meet with the caller to prepare the Record of Complaint Form.

An anonymous complaint is received in any form...the recipient of this type of complaint is to document the details in writing and forward that documentation directly to the Chief of Police for assessment and possible assignment for investigation.

All written complaints shall be accompanied by the State of Texas Penal Code Chapter 27, Perjury and Other Falsification form, along with the complainant's signature.

CLASSIFICATION OF COMPLAINTS

Class 1 Complaint: This is the most serious classification of complaint and typically involves allegations of criminal misconduct or allegations of violation of civil rights statutes, (ex: excessive force) or unlawful arrest.

Class 2 Complaint: This classification is assigned to complaints of a less serious nature, which concern violations of departmental and/or Town policy.

Class 3 Complaint: This classification is assigned to informational situations or complaints of an exceedingly minor nature.

DISPOSITION OF COMPLAINTS

An investigation may ultimately have dealt with one or more violations, whether originally specified by the complainant or discovered by the investigator or both. The Chief of Police will review the investigated report, list and classify each misconduct allegation according to the following disposition descriptions:

Unfounded:

The allegation is either false or not factual.

Exonerated:

The allegation is true, but the behavior was lawful and proper.

Not Sustained:

Insufficient evidence exists to prove or disprove the allegation.

Sustained:

Sufficient evidence exists to prove the allegation.

Misconduct Not Alleged in Complaint:

A violation not originally mentioned by the complaint is discovered during the investigation.

Never Formalized:

Not investigated; the complainant chose to not formalize the complaint.

Notice to Complainant

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

DISCIPLINARY PROCEDURES

All completed complaint investigations will be forwarded to the Chief of Police for final review. If a complaint is subsequently judged Sustained (valid), appropriate disciplinary remedies are necessary to effect corrected behavior and as necessary exact restitution and/or punishment to include additional training.

The department does not accept complaints surrounding the disagreement regarding traffic citations. All citation-related disputes should be directed to the court of jurisdiction concerning that matter

Note:

The Little Elm Police Department takes a serious position against those who falsely accuse police employees of alleged misconduct. If determined a false allegation was made against an employee, the department will file perjury charges against the accusing party.



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Record of Complaint Page 1

Control # _____

_____ a.m. _____ p.m.
Date report was made: _____

Report was made by: (circle one) In person / By phone / Letter
Time report was made: _____

Complainant's Full Name _____ DOB _____ Age _____ Race _____ Sex _____

Home Address including City, State & Zip _____ Home Phone # _____

Business Address Including City, State & Zip _____ Work Phone # _____

_____ Was this complainant charged in this incident? YES NO
D.L. # _____ SS# _____

Name of Employee involved in incident (if known) _____ Race, Sex, Age _____ Badge # _____ Assignment _____

Statement of Complainant (must be signed & notarized to activate an investigation) _____

Use additional sheet if necessary...

I solemnly swear and affirm that each allegation I have made in this report is true and correct to the best of my knowledge and that I have been advised verbally and in writing via the attached document of the State of Texas laws governing perjury and other falsifications.

Signed: _____ Subscribed to and sworn before me, this the _____ day of _____,
A.D. 20 _____.

My commission expires _____, in County: _____, State of _____.

Observations and Actions of the Supervisor taking this report: _____

Signature of Supervisor taking this report _____

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Record of Complaint Page 2**

State of Texas Penal Code Chapter 37 regarding Perjury and other Falsifications

This information is presented as a part of the official Record of Complaint alleging improper or illegal behavior by a member of the Little Elm Police Department. Your attesting to having read and understood this information is required before a formal investigation can be undertaken.

I, _____, age _____, date of birth: _____ TDL# _____

address _____, city _____, zip code _____

residence phone _____, business phone _____ hereby certify that I have read the below laws as they relate To perjury in the State of Texas, and that I understand them as written:

Section 37.01 Definitions:

- (1) "Governmental Record" means anything:
 - (A) belonging to, received by, or kept by the government for information; or
 - (B) required by law to be kept by others for information of government.
- (2) "Official Proceeding" means any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant authorized by law to take statements under oath.
- (3) "Statement" means any representation of fact.

Section 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
 - (2) the statement is required or authorized under law to be made under oath.
- (b) An offense under this section is a Class A misdemeanor.

Section 37.03 Aggravated Perjury

- (a) A person commits an offense if he commits perjury as defined in Section 37.02 of this Code, and the false statements
 - (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;

Section 37.06 Inconsistent Statements

An information or indictment of perjury under Section 37.02 of this Code or aggravated perjury under Section 37,03 of this Code that alleges that the declarant has made statements under oath, both of which cannot be true, need not allege which statement is false. At the trial the prosecution need not prove which statement is false.

Section 37.08 False Report to Peace Officer

- (a) A person commits an offense if he:
 - (1) reports to a peace officer an offense or incident within the officer's concern, knowing that the offense or incident did not occur; or
 - (2) makes a report to a peace officer relating to an offense or incident within the officer's concern knowing that he has no information relating to the offense or incident.
- (b) An offense under this section is a Class B misdemeanor

Signed: _____