



BORDEN COUNTY SHERIFF'S OFFICE

SHERIFF BENNY RAY ALLISON

140 E. Wilbourn
Gail, TX 79738
(806) 756-4311

CITIZEN COMPLAINT FORM

THE IMPORTANCE OF YOUR COMPLAINT

The Borden County Sheriff's Office recognizes that it's employees are responsible for their conduct and accountable to the public. The Agency also acknowledges that sometimes conflicts arise between citizens and employees. It is essential to the safety of our community that the relationship between our officers and citizens is built on confidence and trust. Law enforcement cannot be effective without this vital relationship.

Officers have the authority by law to initiate proper action in a reasonable, lawful, and impartial manner without fear or reprisal. At the same time, they must observe the rights of all people. 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.

The complaint process is designed to deal with each case factually and fairly. Citizens who file complaints are treated respectfully, and their accusations are taken seriously. All complaints are investigated thoroughly, and all findings are based on impartial evidence, gained during the investigation.

COMPLAINT PROCEDURES

Many complaints can be explained satisfactorily by a visit or telephone call to the officer's supervisor. The supervisor will talk to you about your complaint and try to resolve it.

A disagreement over the validity of a traffic violation is not a complaint, and should be directed to the appropriate court having jurisdiction over the matter.

Complaints may be initiated in person, over the phone or in writing. However, the Government Code of the State of Texas requires that in order for a complaint to be considered by the Sheriff, it must be in writing and signed by the person making the complaint. Complaint investigations are also required by law to be completed within 180 days of the occurrence of the alleged misconduct, due to this typically, complaints will not be accepted more than 30 days after the alleged incident occurred. A copy of the signed complaint will be provided to the involved officer before an investigation or disciplinary action may be taken, in accordance with State law.

DISPOSITIONS

After a thorough investigation, the complaint will be classified in one of the following ways:

Unfounded: The incident did not occur, or the affected employee was not involved.

Exonerated: The action complained of was determined to be lawful, proper and in accordance with Agency rules and procedures

Not Sustained: There is insufficient evidence to either prove or disprove the allegation

Cancelled: The investigation cannot be completed because the employee no longer works for the Borden County Sheriff's Office, or the complainant refused to cooperate.

Sustained: The allegation is true and the action of the employee was inconsistent with Agency rules and procedures.



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Complaint Form

Date Reported:		Time Reported:		Officer Receiving Complaint:		Method of Complaint: <input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter	
Complainant's Full Name:			Race:	Sex:	D.O.B:	Driver's License Number:	Other Identification:
Complainant's Home Address:			Home Phone:		Place of Employment:		Business Phone:
Date of Incident:		Time:	Location of Incident:			Was complainant arrested? <input type="checkbox"/> YES <input type="checkbox"/> NO	Complaint / Case #
#1 Witness			Address:			Telephone:	Place of Employment:
#2 Witness			Address:			Telephone:	Place of Employment:
#3 Witness			Address:			Telephone:	Place of Employment:

NAME OR IDENTIFIERS OF MIDLAND POLICE EMPLOYEE(S) AGAINST WHO THE ALLEGATION(S) IS/ARE BEING MADE:	
No. 1 Name or description:	Job Title:
No. 2 Name or description:	Job Title:

NOTICE TO COMPLAINANT

You are informed that a sworn, written statement of fact (an affidavit) will be solicited. Though a sworn affidavit is preferred and requested, you are assured that your complaint will be fully investigated as far as practical in the absence of such an affidavit. (The Texas Government Code, Section 614.022, provides that all complaints to be considered on law enforcement officers must be in writing and signed by the person making the complaint.)

TEXAS GOVERNMENT CODE:

Sec. 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.

Sec. 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.

TEXAS STATE 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 unsworn 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.

Sec. 37.08. False Report To Peace Officer, or Law Enforcement Employee. (a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to: (1) a peace officer or federal special investigator conducting the investigation; or (2) any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation. (b) In this section, "law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure. (c) An offense under this section is a Class B misdemeanor.

***By signing below, the complainant is acknowledging having read and understood the foregoing NOTICE TO COMPLAINANT and understands the penalties for making a false statement.**

Signature of Complainant: _____

COPY PRESENTED TO EMPLOYEE

I have received a copy of this complaint on this date.	Presented by:		
Employee Signature:			
Supervisor Assigned:	Rank		Date:
Investigator Assigned:	Rank	Date Assigned:	Assigned by:

AFFIDAVIT OF COMPLAINT

ON THE FOLLOWING LINES, CLEARLY INDICATE THE NATURE OF YOUR COMPLAINT

The State of Texas

County of Borden

Before me, on this day did personally appear_____who, after being by me duly sworn, on oath disposed and said:

[illegible]

Affiant

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

(SEAL)