



**SHERMAN
POLICE
DEPARTMENT**

CITIZEN

COMPLAINT

PROCESS

The Sherman Police Department is dedicated to providing the best police service possible to all citizens. Police officers are carefully selected and given the best training possible in order to provide this service. However, you may have occasion to lodge a complaint about the actions of a member of the Sherman Police Department. In order to be responsive to you, we are providing the following information about how complaints are made, how they are investigated, and their result.

HOW ARE COMPLAINTS MADE?

When a citizen files a complaint against a member of the Sherman Police Department, if the complaint is of a criminal nature it is sent directly to the Chief of Police. If it is not of a criminal nature it is sent to the employee's immediate supervisor who will conduct an investigation or request an investigation by the Office of Professional Standards.

Citizens wishing to file a complaint may go in person to the Office of Professional Standards to do so. The office is open during normal business hours and located in the Sherman Police Department at 317 South Travis. If the office is closed, you may lodge a complaint with any supervisory officer of the Police Department. If you prefer you may call the office or write a letter to begin the process.

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 a personnel complaint before any disciplinary action may be taken.

Complaints must be made within 90 days of the incident complained about except in special cases (such as criminal misconduct or when the person complaining can show good cause). Complaints must be made by the person who claims to be aggrieved, except that in the case of a minor a guardian may file the complaint. Other persons may give statements as witnesses. After an Internal Affairs Investigation is completed you will be advised of the results.

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 the officer, the Chief of Police notifies the officer and may take one of the following actions depending on the nature of the violation:

1. Counsel or reprimand the employee;
2. Suspend the employee without pay;
3. Demote the employee; or
4. Discharge the employee.

WHAT HAPPENS IF THE COMPLAINT IS NOT SUSTAINED?

Police officers must be accorded 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 complaint, the officer is notified and continues on duty. If he was removed from duty during the investigation, he will be paid for that period. The complainant is also notified by mail of the investigation's results.

OFFICERS CAN APPEAL THE DECISION

Just as a citizen charged with a criminal offense can appeal a court's decision, a police officer can appeal any action taken against him. The City of Sherman has established procedures for officers to follow in their appeals, 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 Sherman Police Department you may appeal to:

1. The Office of the Chief of Police located at 317 South Travis.
2. The Office of the City Manager located in City Hall, 220 West Mulberry.

The Sherman Police Department is vitally interested in the welfare of all citizens and in taking action where its employees have proven derelict in their duties or are guilty of wrongdoing. If it becomes necessary for you to make a complaint, you can be assured that it will be given a fair and thorough investigation.

By the same token, if you have occasion to see a police officer doing outstanding work, tell him or her about it. Your Sherman police officers are individuals who are dedicated to serving you and your community.

FALSE COMPLAINTS

Occasionally persons who are unhappy with a police action or service will attempt to punish the officer or police employee by making false allegations. Persons who file a complaint they know to be false may be in violation of the Texas Penal Code.

The Sherman Police Department desires to provide quality and fair police services. Service issues not associated with employee misconduct should be directed to the office of the Chief of Police for a performance review.

It is the policy of the Sherman Police Department to give equal treatment under the law to all people, regardless of race, color, religion, sex, politics, national origin, lifestyle, or similar characteristics.

The officers of the Sherman Police Department will only stop or detain citizens when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of the law, or for other lawful purposes. Officers of the Sherman Police Department are strictly prohibited from initiating any action that constitutes racial or biased-based profiling. Citizens should file any complaints by following the procedure mentioned in this brochure.



*Sherman Police Department
317 S. Travis
PO Box 1173
Sherman, Texas 75091-1173
Main No. (903) 892-7290*

Tom Watt
Chief of Police
903-892-7280
Fax 903-892-7395
tomw@ci.sherman.tx.us

CONTACT US @

Office of Professional Standards
317 S. Travis
903-892-7337



control # _____

COMPLAINT AGAINST SHERMAN POLICE
DEPARTMENT EMPLOYEE

Before me, the undersigned authority, on this date personally appeared the person whose name is set out below as affiant who, after being by me first duly sworn, upon oath deposed and said:

AFFIDAVIT

My name is _____.

My address is _____.
(street address) (city) (state) (zip code)

My phone number is (home) _____ (work) _____.

My date of birth is _____.

My place of employment is _____.

I make this affidavit voluntarily and from my own personal knowledge for the purpose of complying with the requirements of Article 6252-20 of the Revised Vernon's Annotated Civil Statutes of Texas, so that in order that a complaint against a law enforcement officer of the State of Texas may be considered by the Chief or head of the department involved, the complaint must be in writing and signed by the person making the complaint.

I have read the Penal Code Information Form that was provided and understand Sections 37.02 and 37.03 of the Texas Penal Code. I am aware of the penalties for perjury and aggravated perjury.

I have read all of this affidavit consisting of _____ pages and the statements are true.

AFFIANT

Subscribed and sworn to before me by the affiant the _____ day of _____,

20_____, to certify which, witness my hand and seal of office.

Notary Public in and for the
State of Texas

My commission expires _____.

PENAL CODE INFORMATION FORM

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
 - 2. the statement is required or authorized by law to be made under oath.
- B. An offense under this section is a Class A misdemeanor.

Sec. 12.21 Class A Misdemeanor

- Any individual adjudged guilty of a Class A Misdemeanor shall be punished by:
- A. a fine not to exceed \$2,000;
 - B. confinement in jail for a term not to exceed one year; or
 - C. both such fine and imprisonment.

Sec. 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 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. 12.34 Third-Degree Felony Punishment

- A. An individual adjudged guilty of a felony of the third degree shall be punished by:
 - 1. confinement in the Texas Department of Corrections for any term of not more than 10 years or less than 2 years; or
 - 2. confinement in a community correctional facility for any term of not more than 1 year.
- B. In addition to imprisonment, an individual adjudged guilty of a felony of the third degree may be punished by a fine not to exceed \$10,000.

AFFIANT

DATE