

The Elgin Police Department is dedicated to providing the best police service possible to the residents and visitors of Elgin. Police employees are carefully selected and given the best training possible in order to provide professional service. However, you may have occasion to lodge a complaint in reference to the actions of a member of the Elgin 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 results.

HOW ARE COMPLAINTS MADE?

The complaint process is designed to deal with each case factually and fairly. Citizens who file complaints are treated respectfully, and your accusations are taken seriously. Many complaints can be addressed with a phone call or visit with a supervisor who will speak to you at your request.

Any person wishing to make a complaint may do so by coming in to the Elgin Police Department located at 202 Depot Street, Elgin, Texas 78621 or by visiting the department's website at:

www.elgintx.com/241/Police-Department.

Complaints can also be reported 24-hours a day to any member of the Department at (512)285-5757, or by email at: policechief@pd.ci.elgin.tx.us

TEXAS STATE LAW (Government Code 614.022) requires that all complaints against police officers 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, police officers must be given copies of complaints before any disciplinary action may be taken. The person who claims to be aggrieved must make the complaint. Other persons involved in the incident may give statements as a witness.

Traffic tickets issued or differences of opinion between police officers and citizens over the issuance of traffic tickets for the guilt or innocence of persons arrested will not be investigated unless there is specific allegation of misconduct against a member(s) of the department.

The Elgin Police Department prohibits its officers from engaging in racial profiling. A person wishing to make a complaint in reference to alleged racial profiling by an Elgin Police Officer should follow the complaint process outlined in this document.

FALSE COMPLAINTS

People who intentionally make false complaints or allegations against police officers violate Chapter 37 of the Texas Penal Code. Texas law provides punishment for an individual adjudged guilty of committing an offense if, with intent to deceive and with knowledge of the statements meaning, he / she 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 who commits an offense under this section can be charged with offenses ranging from a Class B Misdemeanor to a Felony of the Third Degree. Punishments can range from confinement of 180 days in jail to 10 years of imprisonment and a fine not to exceed \$10,000.

This information is not intended to intimidate the complainant or any witness, but is provided to avoid retaliation against police officers or departmental staff.

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 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:

- Reprimand the employee;
- Suspend the employee without pay;
- Demote the employee; or
- Discharge the employee.

WHAT HAPPENS IF THE COMPLAINT IS FOUND NOT TO BE 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 complaint, the officer is notified and continues on duty. If he was removed from duty during the investigation, the employee will be paid for that period.

OFFICER CAN APPEAL THE DECISION

Just as citizens charged with criminal offenses can appeal a court's decision, police employees are afforded the right to appeal the actions taken against them. The City of Elgin has established procedures for employees to follow in their appeals, just as the police department has established procedures for ensuring that complaints by citizens against police employees are thoroughly and impartially investigated.

WHAT IF YOU ARE NOT SATISFIED WITH THE DECISION?

If you are not satisfied with the results of the investigation, you may appeal to:

- The Office of the Chief of Police, located at Elgin Police Department;
- The Office of the City Manager, located in City Hall, 310 North Main Street;

The Elgin Police Department is vitally concerned with the welfare of all residents and visitors to Elgin. The police department will take action where employees have been proven derelict in their duties or are guilty of wrongdoing.

Likewise, if you have occasion to see an employee doing outstanding work, tell the employee or a police supervisor.

**CITY OF ELGIN
POLICE
DEPARTMENT**

**202 DEPOT STREET
ELGIN, TEXAS 78621**

512-285-5757

**PATRICK SOUTH
CHIEF OF POLICE**



**HOW TO FILE A
COMPLAINT**

“COMMUNITY FIRST”