



Lexington Police Department Formal Complaint Affidavit (Instructions)

The Lexington Police Department is receptive to all complaints involving Department personnel. Persons wishing to make a formal complaint against a Police Department member must submit this completed affidavit, which will then be sworn to, and notarized. The form may be legibly handwritten.

Complaints should include as much relevant known information as possible, such as:

- Date and time of the incident _____
- Location of the incident
- If known, the names, badge numbers of the involved officer(s).
- Names and contact information of witnesses and their relationship to the incident.
- Any action you reasonably believe amounts to officer / employee misconduct.

This Formal Complaint Affidavit is an official document to be used by the Lexington Police Department.

Your completed sworn affidavit will be forwarded to the Chief of Police for review and if necessary, investigation. The complainant (you) must swear to the truthfulness and accuracy of your complaint affidavit before a Notary Public. Intentional falsifications of this sworn affidavit could result in criminal prosecution under statutes of the Texas Penal Code.

If an internal investigation is merited, the affected Department member(s) will be provided a copy of this sworn affidavit to afford him / her an opportunity to respond to the complaint. Upon completion of an internal investigation, one of the following dispositions will be prescribed.

- Sustained: The allegation is supported by sufficient evidence.
Not sustained: The available evidence was insufficient to either prove or disprove the allegation.
Exonerated: The incident being complained did occur, but Officer's actions were lawful or proper.
Unfounded: The incident did not occur.

Appropriate disciplinary action, when applicable, will be taken based upon the results of the investigation. The action taken can vary according to the severity of the misconduct, etc. All administrative action taken by the Police Department is limited and bound by the Texas Local Government Code to:

Reprimand

Suspension

Dismissal

Please have complaint notarized, return to City Hall or Police Department.

Tina Biehle

City Secretary 979-773-2221

604 Wheatley, Lexington, TX 78947

Or

Farah Garza

Chief of Police 979-773-4844

650 Main Street, Lexington, TX 78947

You will be notified of the results of the investigation when completed.

Please acknowledge that you have been informed of this procedure by signing and dating below.

(Signature of Person Completing Affidavit)

(Date)

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.

TEXAS GOVERNMENT CODE

Complaint Against Law Enforcement Officer or Firefighter

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.

Formal Complaint Form Affidavit

I, _____ have been notified that Texas Government Code section 614.023 provides that a complaint against a Law Enforcement Officer of the State of Texas or against a Fireman, must be placed in writing and signed by the person making the complaint and that a copy is to be furnished to the affected officer within a reasonable amount of time after the complaint is filed and before any disciplinary action maybe taken.

On this _____ day of _____, A.D., 20____ at _____ a.m. /p.m., state that my name is, _____, my date of birth is _____, I live at _____ in the city of _____ and in the State of _____.

I do state that the following facts occurred:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface. There is no handwriting or other markings on the paper.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Lined area for the statement.

The above statement was given of my own free will without any threats or, promises and that its content is true and correct to the best of my knowledge.

(Complainant's Signature)

Subscribed and sworn before me, the undersigned authority, on this the _____ day
of _____, 20 ____.

Notary Public in and for _____
County, Texas
My Commission Expires: _____