# Filing a Complaint

The Gonzales County Sheriff's Office is dedicated to providing the best law enforcement services possible to the residents, businesses, and visitors of Gonzales County. Sheriff's office employees are carefully selected and given the best training available in order to provide professional service. However, you may have occasion to file a complaint in reference to the actions of a member of the Gonzales County Sheriff's Office. In order to be responsive to you, we are providing the following guidelines on how complaints should be made, how they are investigated, and their results.

#### **HOW ARE COMPLAINTS MADE?**

Any person wishing to make a complaint, may do so by coming to the Gonzales County Sheriff's Office located at 1713 E. Sarah Dewitt, Gonzales, TX 78629 or by filling out the form found on our website at <a href="www.gonzalescountysheriff.org">www.gonzalescountysheriff.org</a> under Forms/FAQs, and click on the link 'Administrative Complaint Packet' located at the bottom of the page. The packet may then be downloaded, completed and dropped off at the Gonzales County Sheriff's Office or sent via certified mail.

TEXAS STATE LAW (Government Code 614.022) requires that all complaints against peace officers be in writing and signed by the person making the complaint. Even though there are only two requirements, additional information is requested so that we are able to perform a thorough investigation of your complaint. Just as citizens who are arrested must be notified of the charges against them, peace officers must be given copies of complaints before any disciplinary action may be taken. The Gonzales County Sheriff's Office prohibits its deputy's from engaging in racial profiling. A person wishing to make a complaint in reference to alleged racial profiling by a Gonzales County Sheriff's Office deputy should follow the complaint process outlined in this document.

## 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 sheriff's office employee, the Sheriff notifies the employee and may take one of the following actions, depending on the nature of the violation:

- Verbal or written reprimand the employee;
- Suspend the employee without pay;
- Demote the employee; or
- Discharge the employee

## WHAT HAPPENS IF THE COMPLAINT IS NOT TRUE?

Sheriff's office 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/she was removed from duty during the investigation, the employee will be immediately placed back on regular duty and paid for that period he/she was relieved of his duties.

**DEPUTY'S CAN APPEAL THE DECISION:** Just as citizens charged with criminal offenses can appeal a court's decision, sheriff's office employees are afforded the right to appeal the actions taken against them. The Gonzales County Sheriff's Office has established procedures for ensuring that complaints by citizens against sheriff's office employees are thoroughly and impartially investigated.

## WHAT IF YOU ARE NOT SATISFIED WITH THE DECISION?

You will be notified of the results of the investigation. If you are not satisfied with the results of the investigation, you may appeal to:

- Gonzales County Sheriff Keith Schmidt
- Gonzales County Attorney's Office
- Texas Rangers
- Federal Bureau of Investigation.

The Gonzales County Sheriff's Office is vitally concerned with the welfare of all residents, businesses, and visitors to Gonzales County. The sheriff's office will take action where employees have been proven derelict in their duties or are guilty of wrongdoing.

### **FALSE COMPLAINTS**

People who intentionally make false complaints or allegations against deputies violate Chapter 37 of the Texas Penal Code. Texas law provides punishment for an individual adjudged guilty of committing an offense, if with the intent to deceive and with knowledge of the statement's 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 (Texas State Law, Government Code 602.002). 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 witnesses, but is provided to avoid retaliation against deputies or departmental staff.

#### **COMMEND AN OFFICER**

Likewise, if you see an employee doing outstanding work, tell the employee or a supervisor or commend them online at <a href="www.gonzalescountysheriff.org">www.gonzalescountysheriff.org</a>. Your Gonzales County Sheriff's Office is made up of individuals who are dedicated to serving our community.

The Gonzales County Sheriff's Office is receptive to all complaints involving Department personnel. Persons wishing to make a formal complaint against a Department member must submit this completed affidavit, which will then be sworn to, and notarized. The form may be legibly handwritten or typed.

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 Gonzales County Sheriff's Office. Your completed sworn affidavit will be forwarded to a supervisor assigned by the Sheriff for review and if necessary, investigated. 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. Complaints filed in person do not require Notary service. The deputy taking the statement can swear the complainant to the truthfulness and accuracy of their statement. 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 Sheriff's Office is limited and bound by the Texas Local Government Code to:

Reprimand Suspension Dismissal

Forward your complaint by certified mail or drop off in person to:

Sheriff Keith Schmidt Gonzales County Sheriff's Office 1713 E. Sarah Dewitt P.O. Box 1757

Gonzales, Texas 78629 Office: (830) 672-6524

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)

# GONZALES COUNTY SHERIFF'S OFFICE

# Formal Complaint Form (Incident Details)

Date of Report:		Time of Report: _	a.m.	p.m.		
Date of Incident:		_ Time of Incide	nt:	a.m. p.m.		
Name of Complainant	Age	D.O.B.	Race	Sex		
Home Address	City	State	Zip Code	Phone #		
Business Address	City	State	Zip Code	Phone #		
Driver's License Number  Were you charged with a	State	is incident? YE	Social Security N	lumber		
Charges Filed:	ar oriense in dis	io meident.				
If known, please list the name, badge number and / or assignment of the employee(s) involved in this incident:						
What type of complain Service complaint Rudeness Excessive Force Inappropriate Con Other	– (Dissatisfactio		rcement service)			

# GONZALES COUNTY SHERIFF'S OFFICE

# Formal Complaint Form

## Complaint Affidavit

I,		have been notified that	at Texas Gove	ernment Code
section 614.023 p	provides that a comp	olaint against a Law Enforce	ment Officer	of the State of
Texas or against a	a Fireman, must be 1	placed in writing and signed	by the person	n making the
complaint and the	at a copy is to be fur	rnished to the affected offic	er within a rea	asonable
amount of time a	fter the complaint is	s filed and before any discip	linary action r	may be taken.
On this	day of	, A.D., 20	at	a.m.
birth is	, I live	at		
in the city of		and in the State of		
I do state that the	e following facts occ	curred:		

# Complaint Affidavit (cont'd)

(*Please make additional copies as needed)		
The above statement was given of my own free that its content is true and correct to the best of	will without any threats of my knowledge.	r, promises and
	(Complainant's Signatur	e)
Sworn to and subscribed before me on this	day of	20
	Notary Public in and for	r the State of Texas
(Seal) OR		
Subscribed and sworn before me,	, a peace	e officer in the State of
Texas and pursuant to Section 602.002, Texas C		
of, 20		