

# CHINA GROVE POLICE DEPARTMENT

## Complaint and Racial Profiling Complaint Process



2412 FM 1516 S

China Grove, Texas 78263

210-648-4923

If you are in need of police services:

**Dial 911**

### COMPLAINTS:

How to make a complaint: When a citizen has a complaint against a police department employee (sworn or civilian), the complaint is directed to the department's Chief of Police, located at 2412 FM 1516S, China Grove, Texas 78263. Office hours are 8:00 am to 3:00 pm, Monday through Thursday.

Texas law requires that all complaints against peace officers be in writing and signed by the person making the complaint. Complaints must be made within (30) days of the incident unless special circumstances exist. The person who was wronged must file the complaint on a prescribed form; other persons may give statements as witnesses. *Forms may be picked up at the office during regular business hours.* Investigators will ensure that a thorough investigation of your complaint is conducted. Just as citizens who are arrested must be told the charges against them, a police employee must be given a copy of the complaint before any disciplinary action is taken. When the investigation is completed, you will be notified of the results and action taken.

### FALSE COMPLAINTS:

Filing a false complaint against a police employee is a violation of the Texas Penal Code, Section 37.02. If a person knowingly and intentionally makes a false statement under oath,

or swears to the truth of a false statement previously made under oath, a person may be found guilty and punished by a fine up to \$4,000.00, confinement in jail up to one year, or both fine and confinement.

The China Grove Police Department does not investigate the issuance of citations or arrests unless some form of misconduct is alleged. If you received a citation or were arrested and disagree with the charge, you must address this issue in court.



The China Grove Police Department's mission is to serve and protect the citizens of China Grove in a courteous and professional manner, and strive to create a safe and secure community.

Chief Ralph Sramek  
chinagrovepd@usacops.com

Rev. 02/27/2019

## CITY OF CHINA GROVE POLICE DEPARTMENT

### PERSONNEL COMPLAINT PROCEDURE

Please review the information provided on the next two pages.

1. Complete the attached Personnel Complaint Affidavit form. You will need to provide a written statement of the events about which you wish to file a complaint. Please be as detailed as possible. If you need additional space, you may make a copy of the third page or attach a separate piece of paper.
2. The third and any subsequent pages **must** be notarized.
3. The complaint form may be returned to the City of China Grove in person or by mail.
4. Once received by the Chief of Police, the complaint will be assigned to the appropriate individual for investigation. This individual will contact you within (10) business days. There may be a need for additional information, clarification of points in your statement, or other need based on the individual circumstances of your complaint.
5. Once the investigation is completed, it is submitted to the chief of police for review.
6. You will be informed of the disposition by the chief's office.
7. If you have any questions during the process, please call the individual assigned to the complaint or the city office.

### TEXAS STATE LAW REQUIREMENTS

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 the complaint before any disciplinary action may be taken. **Complaints must be made by the person aggrieved.** Other persons may give statements as witnesses.

Complaints should be submitted in person or by mail to:

City of China Grove Police Department  
2412 FM 1516 S  
China Grove, TX 78263  
210/648-4923

## 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/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; or (2) he/she 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/she 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.

# PERSONNEL COMPLAINT AFFIDAVIT

STATE OF TEXAS  
COUNTY OF BEXAR

Before me, the undersigned authority in and for the State of Texas, on this day personally appeared \_\_\_\_\_, who, after being by me duly sworn, deposed and said:

My name is \_\_\_\_\_. I am of sound mind, (18) years of age or older, and competent to give this statement.

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I have read the above statement consisting of \_\_\_\_\_ page(s), which is based on my personal knowledge, and it is true and correct.

\_\_\_\_\_

Subscribed and sworn to before me, the undersigned authority, on this the \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_.

\_\_\_\_\_  
Notary