

Northside Independent School District
Police Department



COMPLAINTS OF MISCONDUCT AND/OR **ALLEGATIONS OF RACIAL PROFILING**

NORTHSIDE ISD POLICE DEPARTMENT

5619 Grissom Road

San Antonio, Texas 78238

210-397-5600

The Northside Independent School District Police Department is dedicated to providing the best police services possible to the students, parents, visitors, and citizens of the Northside Independent School District. Police officers are carefully selected and given the best possible training available to provide professional service. However, you may have the occasion to file a complaint in reference to the actions of a member of the Northside ISD Police Department. 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 FILED?

Any person wishing to make a complaint may do so by coming to the NISD Police Department located at 5619 Grissom Road, San Antonio, Texas 78238 or by filling out the complaint form found on the NISD website at www.nisd.net and dropping it off at the NISD Police Department. A complaint may also be made by phone.

Texas Law (Government Code 614.022) requires that all complaints against police 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 can conduct a thorough investigation of a 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.

A person refusing to make a written complaint or who makes an anonymous complaint does not necessarily prevent an investigation from being initiated on facts provided, but it does cause the matter to be more difficult to get effectively resolved.

Complaints alleging misconduct of a police officer will not be accepted more than 30 days after the alleged incident. Exceptions include 1) When the complaint involves a criminal violation of the law, in which case the statute of limitations will determine the time limit 2) When the complainant can show good cause for not making the complaint within the specified time limit and 3) The Chief of Police shall have discretion to investigate or order an investigation of any complaint when necessary to preserve the integrity of the department, regardless of time limit.

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

THE INVESTIGATION PROCESS:

- The complainant will be directed to a police supervisor who will initiate the investigation process. The investigation process shall be completed within 30 business days.
- The complainant and any witnesses will be interviewed. Sworn written statements may be obtained.
- Interviews may be video recorded.
- Photographs of any evidence may be recorded.
- The investigating supervisor will document his investigation.
- The supervisor's investigative report and its findings/recommendations will be forwarded to the Lieutenant for review. If further investigation is required, the Lieutenant will reopen the investigation.
- Upon final review of the investigative report, it will be forwarded to the Chief of Police for final determination of findings.

THE "FINDINGS" OF A COMPLAINT:

The results of your complaint are called "findings." There are four possible "findings":

- Sustained – Allegations true. The officer(s) involved acted improperly and may be disciplined.
- Unfounded – No truth to allegations. The investigation found no basis for the complaint.
- Exonerated – Allegations true but result of adherence to proper and appropriate police procedure and techniques.
- Not Sustained – Unable to verify the truth of the matters under investigation.

NOTE: The Chief of Police will make a final determination of "findings" after the complaint is investigated. The "findings" will be placed in writing, email, and/or by phone and made known to the complainant.

WHAT HAPPENS WHEN A COMPLAINT IS FOUND TO BE SUSTAINED?

When the investigation of a complaint reveals that the complaint is sustained against a police officer, the Chief of Police notifies the employee and may take one of the following actions, depending on the nature of the violation:

- Verbal or written reprimand and/or remedial training
- Suspension
- Demotion
- Discharge from employment

WHAT HAPPENS IF THE COMPLAINT IS NOT SUSTAINED?

Police officers must be afforded certain rights and complaints must be supported by sufficient evidence. If there is not sufficient evidence to sustain the complaint, the officer is notified by the Chief in writing and continues duty. If the officer was removed from duty during the investigation, the officer will be immediately placed back on regular duty.

OFFICER CAN APPEAL THE DECISION

A police officer may respond to the “findings” by submitting a written response to the Chief of Police within 10 business days after the officer is provided the results of the “findings”. The officer’s appeal process will follow school district policy. The Chief may invoke a board of inquiry.

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 contact:

- Northside ISD Police Department, Chief of Police
- Northside ISD Superintendent’s Office
- Bexar County District Attorney’s Office if criminal allegations exist.
- Texas Rangers if criminal allegations exist.

The Northside Independent School District Police Department is vitally concerned with the welfare of all students, parents, visitors, and citizens of the Northside Independent School District. The HISD Police Department will act where employees have been proven derelict in their duties or are guilty of wrongdoing.

COMMEND A POLICE OFFICER

If you see a NISD Police Officer doing outstanding work, tell the officer or a police supervisor, or commend them online by sending an email to police@nisd.net. Your NISD Police Department is made up of individuals who are dedicated to serving our community.

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 the intent to deceive and with knowledge of the statement’s meaning, he/she make 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 witness, but is provided to avoid retaliation against policer officers or departmental staff).*

FALSE STATEMENT WARNING

Government Code, Chapter 614, Subchapter B requires that all complaints against law enforcement officers be placed in writing and signed by the complainants before the complaints may be considered by superiors as a basis for disciplinary action against the officer.

It is understood that complaints sometimes consist of intentional fabrications or misrepresentations against law enforcement officers for various reasons.

For this reason the Attorney General of Texas rendered his opinion (No. MV-317, March 31, 1981), concerning perjurious complaints against law enforcement officers.

Under the Texas Penal Code, a person commits perjury if, with intent to deceive, and with knowledge of the statements meaning: (1) he/she 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. (NOTE: This offense is a Class A Misdemeanor.) A person commits Aggravated Perjury if, in addition, the false statement: (1) is made during or in connection with an official proceeding; and (2) is material. (NOTE: This offense is a felony of the third degree.)

A "statement" means "any representation of fact" and "official proceeding" means "any type of administrative, executive, legislative, or judicial proceeding that may be conducted before a public servant authorized by law to take statements under oath." A statement is material if it "could have affected the outcome of an official proceeding."

My signature is to acknowledge that I have read or have had explained to me the contents of this document. I fully understand its explanations of perjury and aggravated perjury pertaining to any fabrication or misrepresentations I may give in a statement concerning a law enforcement officer.

Complainant Name

Signature

Date

Witness Name

Signature

Date

IN ORDER TO CONDUCT A COMPLETE AND THOUROUGH INVESTIGATION OF YOUR COMPLAINT, YOU WILL NEED TO ANSWER THE FOLLOWING QUESTIONS.

DATE OF INCIDENT: _____ TIME OF INCIDENT: _____AM/PM

LOCATION/ADDRESS OF INCIDENT:

NAME, ADDRESS, PHONE NUMBER OF ALL WITNESSES INVOLVED:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

NAME(S), BADGE #, VEHICLE NUMBER, LICENSE PLATE NUMBER OF POLICE OFFICER(S) THIS COMPLAINT IS BEING FILED AGAINST:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

DID YOU SUSTAIN ANY INJURIES? YES OR NO (CIRCLE ONE) IF YES, PLEASE EXPLAIN IN DETAIL:

DID YOU RECEIVE MEDICAL TREATEMENT? YES OR NO (CIRCLE ONE) IF YES, PLEASE EXPLAIN IN DETAIL:

WERE YOU ARRESTED? YES OR NO (CIRCLE ONE) IF YES, WHAT OFFENSE WERE YOU CHARGED WITH:

WERE YOU ISSUED A CITATION? YES OR NO (CIRCLE ONE) IF YES, WHAT OFFENSE WERE YOU CHARGED WITH:

IS THERE A Northside ISD POLICE DEPARTMENT CASE # ASSOCIATED WITH YOUR COMPLAINT?
YES OR NO (CIRCLE ONE) IF YES, WHAT IS THE CASE NUMBER:

IS THERE ANY SUPPORTING EVIDENCE SUCH AS CELL PHONE VIDEO/SURVEILLANCE VIDEO, ETC. THAT YOU
WISH TO PROVIDE? YES OR NO (CIRCLE ONE) IF YES, PLEASE DESCRIBE:

NORTHSIDE ISD POLICE DEPARTMENT

5619 Grissom Road

San Antonio, Texas 78238

210-307-5600

SWORN AFFIDAVIT

My name is: _____ I am _____ years of age

My date of birth is: _____

My address is: _____

City _____ State _____ Zip Code _____

Phone Number: _____ Work Phone Number: _____

I can read, write, and understand the English language. ____ (Initials)

I am giving this statement under oath to the peace officer whose signature appears below. I am voluntarily making this statement of my own free will. I understand that making a false statement could result in the filing of criminal charges against me for making a False Report to a Peace Officer, under Texas Penal Code 37.08. ____ (Initials)

On _____ (DAY) of _____ (MONTH) _____ (YEAR) at
approximately _____: _____ AM/PM the following incident occurred:

Print Name _____ Signature _____

Time: _____ Date: _____

Notary Signature _____

Sworn and subscribe to me _____ day of _____ 20____

Sworn Witness Statement

DATE OF STATEMENT: _____

TIME OF STATEMENT: _____

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_____. I have been promised nothing in return for making this

statement and am doing so because it is the truth. I can read, write, and understand the English language. I would like

to state that: _____

next to any corrections. I swear that this statement is true and correct to the best of my knowledge. I have not been

threatened in any manner, nor have I been promised anything in return for this statement. _____ (Initials)

Printed Name of Peace Officer: _____ Peace Officer Signature: _____

Printed Name of Peace Officer: _____ Peace Officer Signature: _____

Notary Public, Bexar County, Texas _____

Sworn Witness Statement

DATE OF STATEMENT: _____

TIME OF STATEMENT: _____

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COUNTY OF BEXAR §

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