



Olmos Park Police Department
120 W. El Prado Drive
Olmos Park, Texas 78212
TEL: 210-824-3281
FAX: 210-826-5008

Rene Valenciano
Chief of Police

HOW TO FILE A COMPLAINT

The Olmos Park Police Department is dedicated to providing the best police service possible to the residents and visitors of Olmos Park. 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 Olmos Park 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?

Any person wishing to make a complaint may do so by coming into the Olmos Park Police Department located at 120 W. El Prado Dr., San Antonio, Texas between 8:30 a.m. to 5:00 p.m., or by visiting the department's website at www.olmospark.org.

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 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 a specific allegation of misconduct against a member(s) of the department.

The Olmos Park 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 Olmos Park 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 imprisonment and a fine not to exceed \$10,000.

This information is not intended to intimidate the complainant or nay 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 charges are true and should be sustained against a police employee, the Chief of Police notifies the employee and may take on of the following actions, depending on the nature of the violation:

- Reprimand the employee
- Suspend the employee without pay
- Demote the employee; or
- Terminate the employee

WHAT HAPPENS IF THE COMPLAINT IS NOT 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 Olmos Park has established procedures for employees to follow in their appeals, just as the police department has established procedures for ensuring the 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 by the Olmos Park Police Department, you may appeal to:

- The Office of the Chief of Police
120 W. El Prado Drive
Olmos Park, TX 78212

- The Office of the City Manager
120 W. El Prado Drive
Olmos Park, TX 78212

- Bexar County District Attorney
101 W. Nueva, San Antonio, TX 78205
210-335-2311

- Federal Bureau of Investigation
5740 University Heights Blvd
San Antonio, TX 78249
210-225-6741

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

Likewise, if you have occasion to see an employee doing outstanding work, tell the employee or supervisor. Your Olmos Park Police Department is made up of individuals who are dedicated to serving you and our community.

OLMOS PARK POLICE DEPARTMENT

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. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Except as provided by Subsection (b), this subchapter applies only to a complaint against:

- (1) a law enforcement officer of the State of Texas, including an officer of the Department of Public Safety or of the Texas Alcoholic Beverage Commission;
- (2) a fire fighter who is employed by this state or a political subdivision of this state;
- (3) a peace officer under Article [2.12](#), Code of Criminal Procedure, or other law who is appointed or employed by a political subdivision of this state; or
- (4) a detention officer or county jailer who is appointed or employed by a political subdivision of this state.

(b) This subchapter does not apply to a peace officer or fire fighter appointed or employed by a political subdivision that is covered by a meet and confer or collective bargaining agreement under Chapter [143](#) or [174](#), Local Government Code, if that agreement includes provisions relating to the investigation of, and disciplinary action resulting from, a complaint against a peace officer or fire fighter, as applicable.

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.

Added by Acts 1993, 73rd Leg., Ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2005, 79th Leg., Ch. 507 (H.B. [639](#)), Sec. 1, eff. September 1, 2005.

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.

(c) In addition to the requirement of Subsection

(b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:

- (1) the complaint is investigated; and
- (2) there is evidence to prove the allegation of misconduct.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

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