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POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) to maintain the integrity of the agency and its members by providing citizens and members with a fair and effective avenue for redress of their legitimate complaints against members of the DCSO and to protect members from false charges of misconduct or wrongdoing. Members will refer to the "Use of Force – Deputy-Involved Incident Investigations" policy for procedures to be followed in the investigation of all Deputy-Involved Incidents. Members will refer to Forensic Services Division (FSD) Quality Manual for procedures regarding complaints related to the FSD Quality Management System.

DEFINITIONS

Commander: For purposes of this policy, a Commander refers to Bureau Captains within the Operations Corps, and the Administration Chief Deputy within the Administration Corps.

Complaint: A written or verbal report alleging misconduct by a member of the DCSO, and/or any expression of dissatisfaction regarding DCSO's policies and procedures.

Private Citizen: For the purpose of this policy a private citizen is any person not employed by the DCSO or under the direction of the Douglas County Sheriff's Office.

PROCEDURE

I. General

A. The DCSO will:

1. Impose appropriate disciplinary action (see the DCSO "Disciplinary System" policy), or remove from employment, any member who violates the policy and procedures of this Office or proves to be unfit for service.
2. Submit a report of the incident to the Douglas County Attorney's Office for review to determine if charges should be filed, if during the course of an internal investigation into a citizen complaint it is determined that probable cause exists to believe that the complainant furnished material information he or she knows to be false with the intent to instigate an investigation.
3. Accept all complaints of member misconduct or wrongdoing from any citizen or office member.
 - a. Following a thorough and impartial review of the factual information, a determination will be reached on whether to proceed with a formal investigation.
 - b. All findings, including the validity of the complaint, will be reported to the Sheriff.
(26.3.2)
4. Remove from operational assignment, pending an administrative review:

- a. Any member whose actions or use of force in an official capacity results in death or serious physical injury. (4.2.3)
 - b. Any member who, based on that member's alleged action or inaction, the Sheriff determines should be removed for the protection of DCSO members and/or the public.
- B. The DCSO will post the procedures for registering a formal complaint or commendation regarding a member of the DCSO on the DCSO website, each physical DCSO location accessible to the public, and other places as directed by the Sheriff. (26.2.4)
- C. The DCSO will not solicit any written citizens' complaints against any member. Solicitation will not be construed to mean any follow-up of the first party complaint.
- D. Complaints will be generally categorized as either Class I or Class II complaints. (26.3.1)
 - 1. Class I complaints are considered minor infractions and may include, but are not limited to, the following:
 - a. Discourtesy.
 - b. Minor procedural violations.
 - c. Minor conduct difficulties.
 - 2. Class II complaints are more serious and include, but are not limited to:
 - a. Excessive force.
 - b. Abuse of authority.
 - c. Workplace or Sexual Harassment. (26.1.3)
 - d. Discrimination.
 - e. Civil rights violations.
 - f. Serious or criminal misconduct.
 - g. Commission of a criminal offense.
- E. Authority to Investigate Complaints
 - 1. Class I complaints may be investigated by the subject member's line Supervisor (26.3.1a).
 - 2. Class II complaints, with the exception of workplace or sexual Harassment complaints, will be investigated by the Internal Affairs Division, designee of the Sheriff, or respective Chief Deputy (26.3.1b).

EXCEPTION: Workplace and sexual harassment complaints will be investigated in accordance with the "Workplace Harassment" policy.

3. All complaints may be investigated by the Internal Affairs Division at the discretion of the Sheriff or respective Chief Deputy.

EXCEPTION: Workplace and sexual harassment complaints will be investigated in accordance with the DCSO "Workplace Harassment" policy.

4. The Internal Affairs Division is responsible for the internal affairs function and has the authority to report directly to the Sheriff on all internal investigation matters. (26.2.3)
- F. In addition to the procedures outlined in this policy, all complaints will be investigated according to the rules of the Civil Service Commission, Sheriff's Merit Commission, Bargaining Unit Contracts, state statutes, and Federal Law.

II. Receiving Complaints

- A. All complaints, including anonymous complaints, against the DCSO or its members will be accepted from any source and investigated. (26.2.1)
- B. Complaints by Private Citizens (82.2.2b)
 1. The complaint may be made over the telephone, by email, by mail, via the agency website, or by bringing the complaint to the DCSO.
 2. Citizens will be requested to sign and attest a Citizen Complaint Form (ASF-134) specifying the alleged misconduct of the member. If the complainant refuses to sign, wishes to remain anonymous, or is unable to sign, the complaint will still be received and investigated as any other complaint.
 - a. The complainant may take the form and return it at a later date
 - b. If the complaint is taken over the telephone or the person is unable to complete the form (e.g., complainant is located in another state, does not speak or write in English, or is unable to write) a Command Officer will complete the Citizen Complaint Form and process it through the normal channels.
 - (1) DCSO members will comply with the DCSO "Limited English Proficiency" policy when assisting citizens with filing a complaint.
 3. If the complainant is a juvenile or the individual is physically unable (e.g., incapacitated) to file a complaint, a third party may file the complaint on behalf of the minor.
 4. A third party witnessing alleged misconduct or who otherwise wishes to file a complaint may complete a Citizen Complaint Form.
 - a. The alleged victim will be contacted as soon as reasonable.
 - b. Generally, an investigation will only proceed when the alleged victim agrees to participate or assist in the investigation. However, the Sheriff may initiate an investigation regardless of whether the alleged victim agrees to participate.
- C. Complaints by DCSO Members
 1. Complaints by DCSO members will be documented in Blue Team and, with the exceptions listed in sections 2-5 below, submitted to the member's respective Commander (see Definitions Section above).

- a. After an initial review of the complaint, the Bureau Captain/Supervisor will forward the entry to the respective Chief Deputy for a determination of action.
2. If the member is not comfortable reporting the complaint to a Supervisor in their chain of command, members may submit the entry directly to the Internal Affairs Division without reporting the complaint via chain of command.
3. If the person who is the subject of the complaint is assigned to the Internal Affairs Division, the member is authorized to submit the entry directly to the Sheriff or respective Chief Deputy for review.
4. If a Bureau Captain is the subject of the complaint, the entry will be submitted directly to the Operations Chief Deputy for review.
5. If a Chief Deputy is the subject of the complaint, the entry will be submitted directly to the Internal Affairs Division without reporting the complaint via chain of command.
6. If the Sheriff is the subject of the complaint, the following procedures will be followed:
 - a. Sworn members may report complaints to the Internal Affairs Division. If the Internal Affairs Division determines that the allegations arise to harassment, discrimination, or retaliation, procedures in the DCSO "Workplace Harassment" policy will be followed.
 - b. Non-sworn members may report allegations of harassment, discrimination, or retaliation by the Sheriff in accordance with the DCSO "Workplace Harassment" policy. All other complaints will be reported the Internal Affairs Division.
6. Grievances may be submitted in accordance with applicable bargaining agreements and the Civil Service Commission and Merit Commission Rules.
- D. Anonymous Complaints (26.2.1)
 1. While all anonymous complaints will be investigated the investigation of anonymous complaints will necessarily be limited by the reasonable ability to confirm information.
 2. If the complainant is anonymous further contact and notifications will be limited by the reasonable ability to contact the complainant.

III. Investigation of Complaints

- A. The Sheriff or respective Chief Deputy will review Citizen Complaint Forms (SF-134) that have been received and categorize complaints by the severity of the alleged misconduct.
- B. Command Notification Procedures (26.3.2)
 1. Members who become aware of any alleged Class II complaints will immediately notify the Sheriff and respective Chief Deputy, or as soon as circumstances allow.
 - a. Notification will be made through the chain of command unless circumstances dictate otherwise.
 2. The Sheriff and respective Chief Deputy need not be immediately notified regarding the receipt of any Class I complaints.

- a. The subject member's Captain/Manager will make notification at the convenience of the Sheriff.
- C. When investigating a complaint, the assigned investigator will evaluate:
 - 1. The source of the complaint.
 - 2. The severity of the allegation.
 - 3. The time elapsed since the alleged complaint occurred.

-AND-

 - 4. Any other aggravating or mitigating circumstances surrounding the complaint.
- NOTE:** Fairness to both the complainant and member is of primary concern and will serve as a guiding principal during the investigation of the complaint.
- D. All letters of correspondence to the complainant will be sent via certified mail with a return receipt requested. Copies of all correspondence will be maintained in the case file and documented in Blue Team/IA Pro, as will all original certified mail documentation (see Section IV below).
- E. Investigation Time Limits (26.3.3)
 - 1. Investigative time limits in bargaining unit contracts will be observed. For employees who do not belong to a bargaining unit, or where not otherwise controlled in bargaining unit contracts the following timelines will be established:
 - a. Investigation of Class I complaints will be completed within 10 working days after the assignment of the complaint.
 - b. Investigation of Class II complaints will be completed within 30 working days after the assignment of the complaint.
 - 2. Extensions
 - a. If procedures and requirements for extending the investigative timeline are defined in the applicable bargaining agreement, extensions will be granted in accordance with the applicable bargaining agreement.
 - c. If procedures and requirements for extending the investigative timeline are not defined in the applicable bargaining agreement, the following procedures will be followed:
 - (1) If the investigation will not be completed within the prescribed time limit, the investigating Deputy may request an extension in writing, stating the reason(s) for prolonging the investigation.
 - (a) The request for the extension will be submitted within the investigative time limits listed in Section 1 above.
 - (2) Extension requests will be reviewed as follows:

- (a) Class I investigation extensions may be approved by the respective Bureau Captain or Chief Deputy.
 - (b) Class II investigation extensions may be approved by the Sheriff or respective Chief Deputy.
 - (c) The extension request, review, and approval/denial will occur within the investigative time limit listed in Section 1 above.
- (3) If the extension is granted, both the complainant and the member will be notified and given a status report.
 - (a) The status report will not provide interim determinations.
 - (b) The notification will merely state the investigation continues and that the complainant and the member will be contacted upon completion.
 - (c) Every reasonable effort will be made to notify the complainant, member(s), or affected collective bargaining representative of the extension within a timeframe that is reasonable and in balance with the tier/level of investigation.
- (4) The extension request and response will be maintained in the case file.
- 3. The time limitations listed above will not affect management rights or the discretion of the Sheriff to investigate internal complaints or act upon his/her own initiative. The listed time limitations on the investigation of complaints apply exclusively to complaints received from the public.

F. Notification of Receipt of Complaint

- 1. Upon assignment of a complaint, the assigned investigator will send a letter to the complainant acknowledging receipt of the complaint. (26.3.4a)
 - a. A copy of the complaint will be sent to the complainant.
 - b. The complainant will be asked to sign a Citizen Complaint Receipt (ASF 134A 2005), which includes an attached explanation of the general investigative process. This will verify that the complaint was received for processing.
 - (1) A citizen may refuse to sign the form and does not have to sign the form to have their complaint investigated.
 - c. The complainant will also be furnished with a Citizen Complaint FAQ brochure.
- 2. Members who are the subject of a complaint will be notified that they have become the subject of an investigation and will be provided with a written explanation of the allegations and the employee's rights and responsibilities relative to the investigation. (26.3.5)
- 3. The assigned investigator will notify the member's Commander, that an internal investigation involving the subject member has been initiated.

- a. If a Bureau Captain is a subject of the complaint, the Operations Chief Deputy will be notified if they did not directly receive the complaint.
- b. The notification will be made by Inter-Bureau Communication (ASF 118) and include:
 - (1) The type of complaint (Citizen, Internal, etc.).
 - (2) Name of the member.
 - (3) Internal Affairs report number.
 - (4) Allegation(s).
 - (5) Name of complainant (if available).
 - AND-
 - (6) Location and date of occurrence.
- c. If a private citizen brings forth the complaint, a copy of the Citizen Complaint Form will be attached to the notification. The subject member will endorse the notification. The member's Commander or designee will witness the signature.
- d. If a member brings forth the complaint, the original complaint will not accompany the notification.
- e. The subject member's Commander or designee will return the original notification (after the appropriate endorsements) to the Internal Affairs Division in a sealed envelope.
 - (1) The subject member may retain a copy of the notification.
 - (2) If applicable, the subject member may retain a copy of the Citizen Complaint Form.

G. Investigation of Member

- 1. At the time of the notification, or as soon as reasonable thereafter, the assigned investigator will arrange, using official DCSO letterhead correspondence, an interview, if needed, with the subject member within ten working days, but not within the first 24 hours after notification. The 24-hour time period may be waived if the complaint alleges intoxication or drug incapacitation during "on duty" status.
 - a. The official letter requesting an interview will include: (26.3.5)
 - (1) A brief explanation of the allegation(s).
 - (2) Information that the subject member is entitled to protections afforded by the *Police Officers Bill of Rights*, and that they may have union representation or legal counsel present during the interview.
 - (a) It is the subject member's responsibility to arrange for representation.

- b. The subject member may be required to complete a Blue Team entry responding to the complaint / allegation(s) prior to an interview.
 - c. Involved members and their observer/ representative will not be armed during interviews with investigators, during the Investigative Review Process, or during pre-disciplinary/disciplinary hearings with the Sheriff or designee.
 - d. The assigned investigator will provide the member with the Garrity Warning via the "Garrity Warning" form and review it with them prior to the interview (see "Garrity Warning" template on the X-Drive in the Templates/IA Forms folder).
 - e. All interviews of subject members, including the Garrity Advisement, will be recorded.
2. For Class I complaints an interview may be conducted at the discretion of the assigned investigator.
- a. If an interview is conducted the assigned investigator will adhere to the procedures for Class II complaints.
3. Upon the order of the Sheriff or the Sheriff's designee, a member under internal investigation will submit to:
- a. Medical or laboratory examination. (26.3.6a)
 - b. Ballistics test.
 - c. Chemical, or other test.
 - d. Photographs. (26.3.6b)
 - e. Audio or video recordings. (26.3.6c)
 - (1) All interviews will be recorded.
 - f. Lineups. (26.3.6d)
 - g. Submission of financial disclosure statements. (26.3.6e)
 - (1) Financial records or disclosure statements may be required only with a search warrant or subpoena.
 - h. Polygraph examination. (26.3.6f)
 - (1) The examination will be specifically directed and narrowly related to the particular internal investigation being conducted by the agency.
 - (2) Whenever a complaint from a citizen is the basis for the investigation, the matter is non-criminal, and no corroborating information has been discovered, a member will not be required to submit to a polygraph examination unless the citizen also submits to a polygraph examination that is specifically directed and narrowly related to the complaint.
 - (3) Failure to submit to a polygraph examination may result in disciplinary action up to and including dismissal.

4. All procedures associated with such tests, photos or lineups will be specifically directed and narrowly related to the particular internal investigation being conducted by the agency.
5. A member who refuses to make a written or verbal statement to a Supervisor/Investigator or refuses to prepare a required report will not be disciplined for such refusal, provided that the member asserts and reasonably believes that he/she will be implicated in a criminal act.
 - a. Should a member refuse in such matters, the Supervisor will provide the member with an administrative warning, per *Garrity*, which guarantees the member's constitutional protection.
 - b. Any member who refuses to make a statement to a Supervisor or prepare a required report after being informed of the administrative warning may be subject to discipline up to and including termination.
6. When required to complete a Blue Team entry regarding an investigation that, in the judgment of the member, could result in a criminal inquiry, a member may complete a statement explaining that the statement is being given at the direction of a Supervisor.

H. Duty Status During the Investigation of a Member

1. There are four duty statuses when a member is the subject of an investigation:
 - a. Normal Duty.
 - (1) The member will continue their normal job assignment and no personnel order will be issued. The member will not be notified of the normal duty status as their status has not changed.
 - b. Administrative Duty.
 - (1) The Sheriff or respective Chief Deputy may place a member on Administrative Duty status pending the outcome of an investigation. The member will be notified of this status change by the Sheriff or designee. While on Administrative Duty status the member will:
 - (a) Wear professional business attire as specified in the Uniforms and Equipment policy.
 - (b) Not publically display equipment, including firearms, symbols, or other markings that may identify the Deputy to the public as a member, but will carry their credentials on their person. Deputies may carry their weapon concealed on their person as long as they carry their credentials in the same manner as Deputies working in an undercover capacity.
 - (c) Not work extra duty assignments without approval from the Sheriff.
 - (2) As determined by the Sheriff or designee, members on administrative duty status may be assigned to work in another bureau with hours and

days off adjusted for the assignment on a case-by-case basis as the investigation dictates.

- (3) Members may be removed from specialty positions by the Sheriff or respective Chief Deputy while on this status and cease receiving assignment based pay for the specialty assignment.

c. Administrative Leave.

- (1) The Sheriff or respective Chief Deputy may place a member on Administrative Leave Status pending the outcome of an investigation.
- (2) During Administrative Leave Status a member will not report to their normal work assignment but will be available by telephone during normal business hours (M-F, 0800-1600 hrs). Additionally, the member may be required to meet with a command officer during the investigation.
- (3) Members on Administrative Leave Status are not authorized to work extra duty assignments.

d. Relieved of Duty With Pay.

- (1) Members may be relieved of duty pending the outcome of an investigation who have allegedly committed a violation necessitating immediate suspension or who are physically or emotionally unable to discharge their duties. (26.3.7)
- (2) In the event that a Supervisor relieves one of his/her subordinates from duty, the Supervisor will immediately contact his/her Command Officer/Manager. The Supervisor will complete a Blue Team entry documenting the reason(s) for the action.
- (3) A member relieved of duty will be officially notified of the decision by the Sheriff or respective Chief Deputy.
- (4) A Personnel Order will be issued to advise other members of the status and restrictions placed on the member.
- (5) A member who is relieved of duty will be accompanied by two members with the rank of supervisors/sergeants or higher to obtain their equipment.
- (6) The Sheriff or respective Chief Deputy may require a member who is relieved of duty to:
 - (a) Turn in all agency equipment.
 - (b) Be excluded from secure areas of DCSO locations without escort by a member with the rank of sergeant or higher.
 - (c) Assume working hours of 0800-1600 Monday through Friday and be available at their residence during those hours.
 - (d) Contact the Internal Affairs Division if they must leave their residence for any reason during their duty time.

- (e) Be removed from all specialty positions by the Sheriff or respective Chief Deputy while on this status and cease receiving assignment based pay for the specialty assignment.
 - (f) Contact the Internal Affairs Division by 1000 hours each work day.
 - i. If due to an appointment or other commitment the member is unable to telephone the Internal Affairs Division by 1000, the member will telephone as soon as reasonably possible.
- 2. If a member is placed on other than normal duty status pending an investigation, the decision will be made by the Sheriff or respective Chief Deputy and the member will be notified of their status.
- 3. The Sheriff will determine the duration of this status and if the member will be returned to full duty or an administrative status.
- I. Schedule for Status Notification to the Complainant (26.3.4b)
 - 1. Complainants will receive periodic status reports in the event the investigation extends beyond the required time limits as noted in Section III, E above.
 - 2. Status reports will be mailed to the complainant every 30 working days after the initial notification of extension.
 - a. A copy of this report will also be given to the member(s) who is the subject of the complaint and a copy will be retained in the Blue Team/IA Pro file.
 - b. The status report will not provide any preliminary conclusions, but simply inform the complainant that the investigation is continuing.
- J. Conclusion
 - 1. A 'Conclusion of Fact' will be prepared upon investigative conclusion of each allegation of misconduct. (26.3.8)
 - 2. The assigned investigator will complete a Conclusion of Fact summarizing individual interviews, reports, supporting evidence, and records. The report will include a detailed analysis and a conclusion recommending one of the following dispositions:
 - a. Sustained: The investigation supported the conclusion that the member engaged in the alleged conduct and violated agency policy by doing so.
 - b. Sustained on Policy: The investigation disclosed a lapse in the agency's policies rather than misconduct by the member.
 - c. Not Sustained: The investigation did not prove or disprove the alleged conduct.
 - d. Unfounded: The investigation supported the conclusion that the member did not engage in the alleged misconduct and did not violate policy.
 - e. Exonerated: The investigation supported the conclusion that the incident did occur, but the actions were legal, proper and reasonable.

3. The assigned investigator will make no recommendations regarding discipline of any member of the classified service.
 - a. The authority to suspend without pay, demote, or discharge is vested solely in the Sheriff or Sheriff's designee (see the DCSO "Disciplinary System" policy).
 - b. The Sheriff or Sheriff's designee will make all final agency decisions in any case necessitating disciplinary action.
 - (1) Any disciplinary action resulting from the investigative findings will be accomplished according to the rules of Civil Service Commission, the Sheriff's Merit Commission, Bargaining Unit Contracts, and State and Federal Law.
4. If the investigative conclusions determine a lapse in DCSO policy or training, the assigned investigator may make recommendations regarding policy, procedure, or the modification/expansion of member training. The recommendations will be included in the investigative report.
5. With the exception of certain workplace or sexual harassment investigations, the investigative report will be forwarded to the respective Chief Deputy, who may approve the disposition, recommend a different judgment, or prescribe additional investigation.
 - a. Members will refer to the DCSO "Workplace Harassment" policy for specific procedures for the investigation of workplace or sexual harassment complaints.
 - b. Reports not completed by the Internal Affairs Division will be automatically forwarded to the Internal Affairs Division as well as the respective Chief Deputy at the conclusion of the investigation for the collection of statistical information.
6. Upon conclusion of the investigation, the complainant will be notified, in writing, and informed of the results of the inquiry. (26.3.4c)
 - a. The notification will occur within ten working days after the respective Chief Deputy has received the investigative report.
 - b. The letter will be sent by the Sheriff or designee.
7. The subject member will be notified of the disposition in writing within ten working days after the respective Chief Deputy has received the investigative report. The member's Bureau Captain or Supervisor will also be notified of the disposition.

IV. Records Management (26.2.2)

- A. The DCSO will maintain a record of all complaints against the agency or members via the agency's secure complaints management system.
- B. A copy of all documentation related to complaint investigations will be scanned and attached to the respective Blue Team/IA Pro file by the assigned investigator at the conclusion of the investigation. Such documentation includes, but is not limited to:
 1. Completed Forms.
 2. Correspondence, to include emails.

3. Reports.

- C. Hardcopy complaints and Internal Affairs files will be securely maintained in the office of the Sheriff's Administrative Coordinator.
- D. The Internal Affairs Division will maintain any assigned complaints pending or undergoing investigation in a secure file cabinet.
- E. When unattended, all investigative files will be secured.
- F. All evidence, to include audio and video recordings, related to investigations will be secured when not in use.
- G. In compliance with NSS §84-712.05, Internal Affairs files, records, and investigative reports are for the internal administrative purposes of the agency and will not be released, or maintained outside the agency, including to the news/press media or for any public disclosure request except when being released to another law enforcement agency in accordance with NSS §81-1457.
 - 1. The Douglas County Attorney's Office – Civil Division will be made aware of any public information requests so that a proper response to the request may be made.
- H. Access to Internal Affairs files within the agency will be restricted to those individuals on a need to know basis.
 - 1. The Sheriff will approve access.
 - 2. This stipulation does not pertain to Internal Affairs reports that are completed for purposes other than internal investigation.
- I. Upon completion of an investigation, the member involved may obtain a copy of the statements/transcripts, or have a right of access to the recorded interview according to the rights stated within labor agreements.
- J. The County Attorney-Civil Division will be contacted regarding any court order for the release of Internal Affairs information.

V. Annual Summary and Analysis

- A. The DCSO will compile annual statistical summaries of complaints and internal affairs investigations and make them available to the public and DCSO members on the agency website. (26.2.5)
- B. The Internal Affairs Division will provide a detailed annual analysis to the Sheriff, which identifies any trends or patterns that may indicate department training needs, equipment upgrades, or policy modifications. (26.3.2)

REFERENCES

I. DCSO Orders

- A. Previous DCSO General Orders include: #12-2023, #31-2021, #7-2020, #19-2019, #93-2018, #78-2018, #28-2018, #8-2014, #14-2013, and #27-2008.

II. Accreditation Standards

- A. Applicable CALEA Accreditation standards include: 4.2.3, 26.1.3, 26.2.1, 26.2.2, 26.2.3, 26.2.4, 26.2.5, 26.3.1, 26.3.2, 26.3.3, 26.3.4, 26.3.5, 26.3.6, 26.3.7, 26.3.8, and 82.2.2.

III. Review Schedule

- A. Quadrennial.