SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
LAW ENFORCEMENT DIVISION DIRECTIVE

DIRECTIVE #: D321

PAGE: 1 of 5

SUBJECT: Complaint Procedure

DATE: November 21, 1997

RELATED DIRECTIVES, STANDARDS, ETC.:

LAST REVISION: August 26, 2026

P206.01, P301.01, P704.05, P705.05, D320, D361, D362, D370, NAWLEA 1.06, NAWLEA 8.01, NAWLEA 8.04, NAWLEA 14.01, 23-23-85 (11.1-11.8)

RESPONSIBLE AUTHORITY: DEPUTY DIRECTOR OF LAW ENFORCEMENT

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. PURPOSE

The purpose of this directive is to establish guidelines and procedures for receiving, reporting, investigating, and adjudicating allegations of officer misconduct.

II. STATEMENT

It is essential that both the community and the employees of the Law Enforcement Division possess confidence that allegations of employee misconduct will be fairly and properly investigated. It is also important that the rights of employees always be preserved to ensure an environment where employees are not unfairly restricted in their efforts to perform their professional responsibilities. The South Carolina Department of Natural Resources (SCDNR) Law Enforcement Division is committed to conducting objective and impartial investigations into all concerns, allegations, and complaints to promote community confidence in the agency as well as the cumulative mission of law enforcement.

III. PROCEDURES

A. Authority

1. The primary responsibility for conducting administrative internal investigations rests with the Office of Professional Standards (OPS).
2. The duty of the Office of Professional Standards is to ensure that the integrity of the Law Enforcement Division is maintained through a system that ensures objectivity, fairness, and justice through impartial investigations and review.
3. The Office of Professional Standards is under the direct authority of the Assistant Deputy Director of Law Enforcement / Colonel who reports directly to the Deputy Director of Law Enforcement / Colonel. The Deputy Director of Law Enforcement / Colonel has the authority to report directly to the Director. (11.3)
4. The Office of Professional Standards is responsible for ensuring that the following activities are accomplished:
    a. Recording, registering, and controlling investigations concerning complaints involving employees of the agency; (11.1 (c))
    b. Supervising the investigation of alleged or suspected misconduct within the Law Enforcement Division; (11.1 (c))

c. Maintaining the confidentiality of internal investigations and records. These records must be maintained in a secure area; and, (NAWLEA 8.01 (c)), (11.5)
d. Maintaining a comprehensive central complaint file of citizen complaints, whether the investigation was handled by the employee's supervisor or the Office of Professional Standards. (NAWLEA 8.01 (a)), (NAWLEA 14.01 (a))

5. The Director, Deputy Director of Law Enforcement/ Colonel, or Assistant Deputy Director of Law Enforcement / Colonel may authorize the Office of Professional Standards to interview any member of the agency or review any record or report.
6. The Office of Professional Standards will be responsible for investigations into the following: (11.1 (a))
   a. Discharge of firearms;
   b. Misconduct which adversely reflects upon the employee and/or agency;
   c. Complaints of harassment or discrimination;
   d. Complaints about internal theft;
   e. Review and investigations of use of force complaints;
   f. Any other investigation as directed by the Director, Deputy Director of Law Enforcement/ Colonel or Lieutenant Colonel;
   g. Criminal investigations of non-sworn employees;
   h. Criminal investigations of minor offenses such as traffic violations of sworn employees. All other criminal investigations will be conducted by an external agency.
7. Supervisors with the rank of 1st Sergeant or greater may be assigned to investigate the following types of complaints: (11.b))
   a. Improper employee demeanor;
   b. Minor criminal offenses including traffic violations; and/ or
   c. Violations of agency policy or division directive that are non-criminal or would not constitute willful misconduct.
8. Emergency relief from duty may be imposed by any supervisor upon approval of the Deputy Director of Law Enforcement/ Colonel or Assistant Deputy Director of Law Enforcement / Colonel for any of the following types of conduct: (11.6 (a))
   a. Conduct where the employee's continued presence on the job would be offensive to the community or other employees; and/ or (NAWLEA 1.06), (11.6 (a))
   b. Conduct that directly affects the operational effectiveness of the Law Enforcement Division. (NAWLEA 1.06), (11.6 (a))
9. Employees who are relieved from duty will be considered on administrative leave without pay, unless otherwise directed by the Director, Deputy Director of Law Enforcement/ Colonel, Assistant Deputy Director of Law Enforcement / Colonel. Exemption to this rule is Officer Involved Shooting Incidents. Employees involved will be placed on paid administrative leave.
10. When emergency relief from duty is required, the supervisor will immediately notify the Captain, Major, or Lieutenant Colonel after normal business hours.
11. The Office of Professional Standards will provide the Deputy Director of Law Enforcement/ Colonel with an annual statistical summary of all internal inquiries, which will be available to employees and the community upon request. This report will be completed no later than January 31th of each year. (11.1 (e))

B. Receipt of Complaints

1. Procedures for the filing of a complaint will be available to the community via the agency website. (NAWLEA 14.01), (11.2)
2. All complaints against the Law Enforcement Division or its employees will be investigated by the Office of Professional Standards. All employees of the division have the responsibility of courteously and willingly receiving any complaint, including anonymous complaints, that may be lodged against a

division member, to include any complaints made by telephone, in person, social media, electronic media, or received through the mail. (11.1(c))

3. Complaints received after normal working hours that cannot be resolved and need further investigation will be referred to the unit supervisor, who will document the complaint. The supervisor will complete a Law Enforcement Division Administrative Internal Investigation Field Form and will forward it via their chain of command to the Deputy Director of Law Enforcement/ Colonel. The Law Enforcement Division Administrative Internal Investigation Field Form is available on the agency intranet under LE Division forms.
4. If a Complaint is received after hours and the violation is criminal in nature or of gross misconduct, the appropriate Lieutenant Colonel via chain of command will be immediately notified.
5. The complaint, whether handled by the Office of Professional Standards or an employee's supervisor, will receive a compliant number (CFS#) generated by the Communications Center. To request a CFS# contact the Communications Center and provide the following details: (NAWLEA 8.01)
   a. Incident Type – Citizen Compliant on Officer
   b. Complainant – Supervisor requesting CFS#
   c. Location – County in which complaint is originating

   No further information will be provided to the Communications Center regarding the complaint. (NAWLEA 8.01 (c))

6. Complainants will be advised that they will be held responsible for filing false and malicious allegations and that appropriate legal proceedings may be instituted by individual employees for false or malicious allegations.
7. In all cases where complaints are received, an acknowledgement of receipt will be sent to the complainant by the Office of Professional Standards. (11.7)

C. Investigation Procedures

1. Employees of the Law Enforcement Division who are the subject of a citizen's complaint, or are otherwise involved in the complaint, will not conduct the investigation.
2. Employees of the Law Enforcement Division and sworn officers will be notified in writing, as soon as practical, if they are the subject of an internal investigation. Employees will also be notified in writing of the allegations against them and their rights and responsibilities relative to the investigation. Employees must be notified in writing the results of the investigation. (NAWLEA 8.04), (11.8)
3. Upon receipt of a complaint, a member of the Office of Professional Standards will send the complainant a form letter notifying them of the investigative process. The complainant will be sent periodic status reports regarding the investigative process. If the investigation is not completed within thirty days of initiation, a member of the Office of Professional Standards will notify the complainant of the delay. (NAWLEA 14.01), (11.7)
4. Generally, all investigations must be completed within 30 days of initiation. If completion of the inquiry is not possible within 30 days, a time extension may be granted by the Deputy Director of Law Enforcement/ Colonel. (11.1 (d))
5. Upon completion of an investigation by an employee's supervisor with the rank of 1st Sergeant or above, a report summarizing the investigation must be prepared by that supervisor and forwarded to the Office of Professional Standards for review. This report will be in a format approved by the Office of Professional Standards and attached to the report will be any statements of witnesses, complainants, involved officer(s), and any other pertinent documents. (11.1 (c))
6. Any inquiry conducted by the Office of Professional Standards will be documented and retained in the same manner as an investigation conducted by an employee's supervisor. Completed investigations will be forwarded to the Assistant Deputy Director / Colonel.
7. Redacted copies of completed investigations will be available to the Accreditation Unit as needed for accreditation purposes.
8. A written report specifying the final results of the investigation must be forwarded to the Deputy Director of Law Enforcement / Colonel. (11.1 (e))

9. Final determination and approval of an investigation's status and disposition will be the responsibility of the Deputy Director of Law Enforcement/ Colonel. (11.1 (c)), (11.3)
10. The Deputy Director of Law Enforcement / Colonel periodically will apprise the agency Director of internal investigations and will promptly inform the Director of all serious allegations made against Law Enforcement Division personnel and sworn personnel.
11. Identified complainants will be notified in writing of the investigation disposition by a member of the Office of Professional Standards. Anonymous complaints will be investigated, but due to the nature of the complaint, notification will not be required. (NAWLEA 14.01), (11.7)

D. Internal Investigations

1. Employees who are questioned in reference to an internal investigation will be advised of their Garrity Warning as per the Law Enforcement Division Administrative Internal Investigation Garrity Warning form found on the agency's intranet. (NAWLEA 8.04), (11.8)
2. Employees are required to truthfully answer questions that are related to their duties or employment with the agency. Willful submissions of false, misleading, incomplete, deceitful, or incorrect statements may result in dismissal.
3. Answers provided because of an internal investigation will not be used against an employee in any criminal proceeding except in cases of perjury or obstruction of justice. (NAWLEA 8.04)
4. Answers provided by an employee do not constitute a waiver of the privilege against self-incrimination as it does in criminal matters. (NAWLEA 8.04)
5. Attorneys will not be permitted to be present during interviews related to internal investigations. (NAWLEA 8.04)
6. If drug or alcohol use is suspected while on duty, the employee will be required to submit to an alcohol or drug test. Refusal to submit to an examination will be grounds for dismissal. Examinations for drug or alcohol will be performed within the guidelines of the SCDNR Drug and Alcohol Testing Policy (705.05). Copies of the SCDNR Drug and Alcohol Testing Policy may be obtained from the Human Resources Department or agency intranet policy page. Procedures for drug and alcohol testing will be as follows: (11.4 (a))
    a. If there is reasonable suspicion to believe that an employee is under the influence of drugs or alcohol, their immediate supervisor will contact the Office of Professional Standards.
    b. The Office of Professional Standards will provide the supervisor with guidance on drug and/ or alcohol testing in accordance with the SCDNR Drug and Alcohol Testing Policy (705.05).
    c. The supervisor will escort the employee to the certified laboratory designated by SCDNR for blood and/ or urine testing. The supervisor will remain with the employee during the testing procedure.
    d. If the employee's test indicates a positive reading for alcohol or drugs, the employee will be relieved of duty and will relinquish their badge, credentials, issued weapons, and department vehicle. Per SCDNR Drug and Alcohol Testing Policy (705.05), if an alcohol concentration is discovered at less than .02, the test will be considered negative. Upon completion, the escorting supervisor will transport the employee to their residence.
    (11.6 (a))
    e. The immediate supervisor of the employee who has been relieved of duty will immediately notify their Captain, Major, or Lieutenant Colonel of the test results.
7. A photo identification book of department employees will be maintained by the Office of Professional Standards for the purpose of identification by citizens of an employee accused of misconduct.
8. Photographs or videotaped pictures of employees may be taken for the purpose of internal inquiries when it relates to the employee's job or if the employee is suspected of misconduct. (11.4 (b))
9. An employee may be required to provide financial disclosure statements when it is directly related to allegations of misconduct involving any unlawful financial gain. (11.4 (d))
10. An employee who is a witness or the subject of an internal investigation may be required to submit to a polygraph examination. The questions asked in such an examination will be narrow, specific in scope, and only relate to the investigation. (11.4 (e))

11. Employees will not be required to participate in physical line-ups for viewing by citizens for the purpose of identifying an employee accused of misconduct. (11.4 (c))

E. Confidentiality of Inquiries
   1. The progress and details of investigations conducted by the Office of Professional Standards are considered confidential information. This confidentiality is required to protect both the accused employee and the complainant.
   2. The confidentiality requirement does not preclude the Office of Professional Standards from reporting statistical information on the processing of complaints and inquiries that were received and processed by the department.
   3. The Director or designee has the sole authority and discretion to release information regarding internal investigations to the community.
   4. Internal investigation case files will be retained by the Office of Professional Standards for a period of five years from the final disposition of the investigation and appeal process. At the end of the 5-year period, the files will be destroyed. (NAWLEA 8.01 (c)), (11.5)
   5. All substantiated complaints must be reported to the South Carolina Criminal Justice Academy via designated online forms. Substantiated complaints include those offenses where an officer was suspended or meets any of the other criteria as stated in South Carolina Code of Regulations 37-025. (11.6 (b))

APPROVED: A C Frampton

A.C. Frampton, Colonel