

Complaints and Inquiries

1091.1 PURPOSE AND SCOPE [52.1.1] [PSCA 1.4.1]

Our policy is to accept and investigate all complaints of alleged employee misconduct, to equitably determine whether the allegations are valid or invalid and to take appropriate action.

This policy identifies how a complaint of employee misconduct will be received and processed. It is not a substitute for supervisory intervention in matters of employee performance which are best addressed through coaching and counseling, mentoring, or any component of an employee performance support system.

Our policy also recognizes that inquiries will be accepted and handled in a professional and efficient manner.

1091.2 DEFINITION

- **Complaint** – An allegation of circumstance(s) amounting to a specific act or omission by an employee which, if proven true, would amount to employee misconduct.
- **Inquiry** – A request for an explanation or information, which may include expressions of dissatisfaction with a policy, procedure, practice, philosophy, service level, training, or legal standard directed toward the agency in general.

1091.3 HANDLING AN INQUIRY

1. An inquiry may be initiated by any person, employee or supervisor and communicated by mail, telephone, electronic message, anonymously or in person.
2. Any employee may handle an inquiry.
3. Employees should answer the person making the inquiry to the best of their knowledge and provide a clear explanation or additional information about their concerns.
4. If the person is satisfied with the employee's explanation, then no further action is necessary.
5. If the person is dissatisfied with the employee's explanation, a supervisor will be requested to contact the person.
6. If a person insists on documenting an inquiry, the supervisor will use the HPD-0047, Citizen Complaint/Inquiry Form.
7. In the event a supervisor later determines an inquiry to be a complaint, the supervisor will follow the procedures as outlined under 1091.5, Receiving a Complaint.
8. Regardless of the outcome, if a supervisor handles an inquiry, they will document their interaction and forward it to IAB for tracking purposes.

1091.4 INITIATING COMPLAINTS

1. A complaint may be initiated by any person, employee or supervisor and communicated by mail, telephone, electronic message, anonymously or in person.
2. Any person may be informed that a complaint may also be made to any of the following:
 - a. City of Henderson Human Resources
 - b. Clark County District Attorney's Office
 - c. Nevada State Attorney General's Office
 - d. Federal Bureau of Investigations (FBI)

1091.5 RECEIVING A COMPLAINT [52.2.2] [6.7.5b]

1. Any employee, who receives a complaint on any sworn personnel, will refer the complainant to the Watch Commander or obtain the complainant's name and phone number to forward to the Watch Commander.
2. Any employee, who receives a complaint on any non-sworn personnel, will refer the complainant to the appropriate Administrator or their designee, i.e. Records Administrator, Communications Administrator, Animal Control Administrator, etc. Should the complaint occur after hours, the complainant will be referred to the Watch Commander.
3. Any employee, who receives a complaint on any Fire personnel will:
 - a. During normal business hours, refer the complainant or transfer the call to the Fire Administration office.
 - b. If after hours/weekends/holidays, obtain the complainant's name and phone number and notify the on-duty Battalion Chief.
4. All complaints, with the exception of complaints against Fire personnel, will be documented with the Henderson Police Department Citizen's Complaint / Inquiry package (HPD-0047 and HPD-0155 Witness Statement).
5. **Employee**
 - a. When receiving a citizen complaint, the Watch Commander/designated supervisor will assist the citizen or complete the Citizen's Complaint / Inquiry package (HPD-0047 and a HPD-0155 Witness Statement) for them.
 - b. When the package is complete, the Watch Commander/designated supervisor will obtain an event number and initiate a call for service through dispatch using Code 497 and issue the complainant a Henderson Police Department Case Information Card with the event number or provide the citizen with a copy of the signed Citizen/Inquiry Form. [PSCA 1.4.5]
 - c. The Watch Commander/designated supervisor may allow an officer to assist citizens in preparing the package and to assist the supervisor in obtaining an event number and initiating the call for service.

- d. If a citizen requests anonymity or refuses to provide personal information for the complaint, the watch commander will reflect the complaint as being “anonymous”.
- e. No details will be added into CAD under the initiated call (i.e. alleged officer's name, complainant's name, nature of allegation), except for the supervisor who accepted the complaint and how it was received (letter, email, telephone, in person).
- f. The package is then forward to the Watch Commander by the end of shift.

1091.6 PROCESSING A COMPLAINT (SWORN PERSONNEL) – The procedure for a Watch Commander or designated supervisor to process a received complaint is:

Watch Commander/ designated supervisor

1. Receives the call for service of a Citizen's Complaint
2. Responds to the citizen's location/desk officer to complete or review Citizen's Complaint package
3. Reviews the complaint to determine if it is criminal or non-criminal in nature.
4. **If criminal:**
 - a. A notification will be made to the Chief of Police via the chain of command.
 - b. The Chief of Police will decide on how the complaint will be handled. The Chief or appointed designee will notify IAB and assign the case to the appropriate investigative authority.
5. **If non-criminal:**
 - a. The Watch Commander may attempt to handle by contacting the complainant. The Watch Commander will complete a memo indicating the nature of the contact (resolved, actions taken, not resolved etc.) and will forward the Citizen's Complaint package and memo to IAB. The Watch Commander shall make a notification to the affected employee's supervisor about the complaint received.
 - b. The Watch Commander may forward the Citizen's Complaint package directly to IAB for review without taking any further action.
6. **Notification through the Chain Of Command** – Supervisors who are advised of a complaint or allegation involving either of the following will immediately bring it to the attention of their chain of command. The Division Commander will determine the need to immediately contact, via the normal chain of command, the Chief of Police for:
 - a. Any criminal offense, excluding minor traffic offenses.
 - b. Administrative/Policy infractions that could result in an employee being dismissed or demoted. [52.2.2]

1091.7 PROCESSING A COMPLAINT (NON-SWORN PERSONNEL) – The procedure for an Administrator or designated supervisor to process a received complaint is:

Administrator/designated supervisor

Henderson Police Department Procedure

Complaints and Inquiries

1. Receives the call for service of a Citizen's Complaint
2. Responds to the desk officer to complete or review Citizen's Complaint package or takes all necessary information over the telephone.
3. Reviews the complaint to determine if it is criminal or non-criminal in nature.
4. **If criminal:**
 - a. A notification will be made to the Chief of Police via the chain of command.
 - b. The Chief of Police will decide on how the complaint will be handled.
5. **If non-criminal:**
 - a. The Administrator or designated supervisor may attempt to handle by contacting the complainant. The Administrator or designated supervisor will complete a memo indicating the nature of the contact (resolved, actions taken, not resolved etc.) and will forward the Citizen's Complaint package and memo to The HR Business Partner. The Administrator or designated supervisor shall make a notification to the affected employee's supervisor about the complaint received.
 - b. The Administrator or designated supervisor may forward the Citizen's Complaint package directly to the HR Business Partner for review without taking any further action.
6. **Notification through the Chain Of Command** – Supervisors who are advised of a complaint or allegation involving either of the following will immediately bring it to the attention of their chain of command. The Division Commander will determine the need to immediately contact, via the normal chain of command, the Chief of Police for:
 - a. Any criminal offense, excluding minor traffic offenses.
 - b. Administrative/Policy infractions that could result in an employee being dismissed or demoted. [PSCA 1.4.3]



Accreditation Standards

CALEA 11.4.5, Notify CEO of Incident with Liability
CALEA 26.1.5, Role and Authority of Supervisors
CALEA 52.1.1, Complaint Investigation
CALEA 52.1.2, Records, Maintenance and Security
CALEA 52.2.1, Complaint Types
CALEA 52.2.2, CEO, Notification
PSCA 1.4.1, Agency/Employee Complaints Investigated
PSCA 1.4.3, Procedures for Notifying CEO
PSCA 1.4.5, Complainant Informed of Status
PSCA 6.7.5b, Recording Category Requirements
NRS 289.055

Henderson Police Department Procedure

Complaints and Inquiries

References

Revision History	
Date effective	Purpose
7-3-13	DM-0301, <i>Complaints and Inquiries</i> , changed to DPM1091. §391.2 Definition – Removed definition for “misconduct”. §391.5 Receiving a Complaint – Added requirement to refer complainant to the Watch Commander or obtain and forward complainant’s contact information. Removed unnecessary information regarding Communications personnel (included in previous requirements) Additional clarifying information. Changed to new format. DM-0301, dated 5-31-11, rescinded.
11-19-14	§1091.3, added item 8. §1091.5.1, added “on any sworn personnel. §1091.5.2, revised to address complaints on non-sworn personnel. §1091.6, added “SWORN PERSONNEL” to title. §1091.7, entire section added for “Processing a Complaint (Non-Sworn Personnel)”.
12-16-15	Section 1091.5 (3), added comments for handling complaints for fire department personnel.

Internal Investigations

1092.1 POLICY

Our policy is to investigate all complaints of alleged employee misconduct, to equitably determine whether the allegations are valid or invalid, and to take appropriate action.

This policy identifies how a complaint of employee misconduct will be investigated and the responsibilities of supervisors, HR Business Partner, Internal Affairs Bureau (IAB), and the Reviewing Authority.

All investigations will be documented and conducted as expeditiously as possible. Timelines outlined in this policy shall only serve as guidelines for department efficiency and should not be viewed as absolutes.

1092.2 REVIEWING AUTHORITY [52.1.3] [PSCA 1.4.2]

The Chief of Police will designate the Reviewing Authority for an investigation. The Internal Affairs Bureau/HR Business Partner has the authority to contact the Chief of Police directly in those situations that have the need for the immediate notification and/or action of the Chief.

1092.3 EMPLOYEE INVESTIGATIONS Employees assigned to the Police Department who are sworn or non-sworn and non-represented or who are sworn but non-represented will have allegations of misconduct investigated by the HR Business Partner or the Internal Affairs Bureau. All such allegations will be investigated/supervised by an Officer of equal rank or higher.

Teamsters - Allegations of misconduct by personnel represented by Teamsters Local 14 will be investigated by the HR Business Partner in conjunction with the civilian administrator and/or the immediate supervisor. The completed investigation will be forwarded to the Reviewing Authority. Any allegations of misconduct that involve non-sworn and sworn personnel will be jointly investigated by the HR Business Partner and the Internal Affairs Bureau.

1092.4 INITIATING INVESTIGATIONS

Investigations into alleged employee misconduct may be initiated in the following manner:

1. Upon receipt of a complaint
2. Civil Lawsuits
3. By a supervisor, HR Business Partner or IAB
4. At the direction of the Chief of Police into any matter deemed necessary.

Henderson Police Department Procedure

Internal Investigations

1092.5 RECEIVING A COMPLAINT [PSCA 1.4.1]

Upon receipt of a complaint, IAB or the HR Business Partner will take the following actions within five business days following the receipt of the complaint:

1. Review all complaints and, if applicable, make notification to the complainant that the complaint has been received and documents in the case file that contact has been made or attempted. [52.2.4a] [PSCA 1.4.5a]
2. Assigns the complaint an IAB case number.
3. Reviews IAB files for same or similar complaints against the employee.

Takes one of the following actions:

- a. Keep the complaint and investigate further.
 - IAB can investigate any violation of Policy and Procedure determined to be a Class 1 or higher, per DPM1094, based on the totality of the allegation. This applies to all sworn personnel.
 - The HR Business Partner can investigate any violation of Policy and Procedure pursuant to the agreement between the City of Henderson and Teamsters Local 14 contracts, Article 24, based on the totality of the allegation. This applies to non-sworn represented personnel.
 - The HR Business Partner can investigate any violation of Policy and Procedure determined to be a Class 1 or higher, per DPM1094, based on the totality of the allegation. This applies to non-represented, civilian personnel.
- b. Forward the complaint to the employee's Division Commander for assignment of the investigation.
 - Supervisors may investigate any violation of Policy and Procedure determined to be a Class 3 or lower per DPM1094. This applies to all sworn and non-sworn, non-represented personnel.
 - Supervisors may investigate violations of the agreement between the City of Henderson and Teamsters Local 14 contracts, Article 24 determined to be a Class 3 or lower when compared to DPM1094. This applies to all non-sworn, represented personnel.
- c. If criminal, makes notification to the Chief of Police via the chain of command. The Chief will make a determination on how the complaint will be handled. [52.2.2] [PSCA 1.4.3]

1092.6 CIVIL LAWSUITS

In conjunction with the City Attorney's Office, IAB and/or the HR Business Partner will initiate and /or reopen an investigation for every civil lawsuit that is served upon the Department or upon the direction of the Chief of Police into any matter that may pose potential civil liability.

1092.7 SUPERVISOR RESPONSIBILITIES FOR SWORN AND NON-SWORN, NON-REPRESENTED EMPLOYEE INVESTIGATIONS

Supervisors, who initiate an internal investigation or receive a complaint from IAB or the HR Business Partner that requires investigation against a sworn or non-sworn, non-represented employee, will take the following actions within thirty calendar days: [52.2.3]

Supervisor

1. Investigates all potential misconduct identified in the complaint.
2. Prior to an internal interview concerning a complaint, presents the employee under investigation a HPD-0075 Notice of Administrative Investigation, providing at least a two day notice before the expected date and time of the interview. [52.2.5]
3. Reviews Section 1092.13, Employee's Duties and Rights During Investigations.
4. If an investigation extension is needed, the supervisor will consult with their immediate supervisor for approval and then make the extension request to an IAB supervisor or the HR Business Partner. Supervisors will follow procedures as outlined in Section 1092.14, Investigation Time Limits and Extensions. [52.2.3] [PSCA 1.4.4]
5. Completes investigation and forwards, via the chain of command, to IAB or the HR Business Partner for tracking.

1092.8 SUPERVISOR RESPONSIBILITIES FOR NON-SWORN, REPRESENTED EMPLOYEE INVESTIGATIONS

Supervisors, who initiate an internal investigation or receive a complaint from the HR Business Partner that requires investigation against a non-sworn, represented employee, will take the following actions within fourteen (14) calendar days of the initial, subject employee interview: [PSCA 1.4.4]

Supervisor

1. Investigates all potential misconduct identified in the complaint.
2. Prior to an internal interview concerning a complaint, sends the employee under investigation an email identifying the allegation, date and time of the interview, providing at least a two day notice before the expected date and time of the interview. [PSCA1.4.6]
3. Reviews Section 1092.13, Employee's Duties and Rights During Investigations.
For this purpose, an investigation is anything that could result in formal discipline. Formal discipline is defined in the agreement between the City of Henderson and the Teamsters Local 14.
4. If an investigation extension is needed, the supervisor will consult with their immediate supervisor for approval and then make the extension request to the HR Business Partner. Supervisors will follow procedures as outlined in Section 1092.15, Investigation Time Limits and Extensions. [PSCA 1.4.4]
5. Completes investigation and forwards, via the chain of command, to the HR Business Partner for tracking.

1092.9 IAB RESPONSIBILITIES

If IAB initiates an internal investigation or receives a complaint that requires investigation against a sworn employee, IAB will take the following actions within sixty calendar days of the employee's service of the Notice of Administrative Investigation, HPD-0075. [52.2.3]

Internal Affairs

1. Investigates all potential misconduct identified in the complaint.
2. Prior to an internal interview concerning a complaint, presents the employee under investigation a HPD-0075, Notice of Administrative Investigation, providing at least a two day notice before the expected date and time of the interview. The notice will also be sent to the employee's division commander via the chain-of-command.
3. Reviews Section 1092.13. Employee's Duties and Rights During Investigations.
4. Completes investigation as expeditiously as possible and forwards it to the Reviewing Authority. Documents completion of, and forwards to, the Reviewing Authority, any investigation completed by an investigative authority other than IAB upon receipt.
5. Provides updates to the complainant when there is a significant change in the investigation. [52.2.4b]

NOTE: If an investigation extension is needed, the IAB investigator will make a request to an IAB supervisor. In cases where an IAB supervisor is conducting the investigation, the supervisor will make the request through the Reviewing Authority. IAB will follow the procedures as outlined in Section 1092.14, Investigation Time Limits and Extensions. [52.2.3]

1092.10 HR BUSINESS PARTNER RESPONSIBILITIES

If the HR Business Partner initiates an internal investigation or receives a complaint that requires investigation against a non-sworn employee, the HR Business Partner will take the following actions within fourteen (14) calendar days of the initial, subject employee interview: [PSCA 1.4.4]

HR Business Partner

1. Investigates all potential misconduct identified in the complaint.
2. Prior to an internal interview concerning a complaint, sends the employee under investigation an email identifying the allegation, date and time of the interview, providing at least a two day notice before the expected date and time of the interview. The notice will also be sent to the employee's Administrator. [PSCA 1.4.6]
3. Reviews Section 1092.13. Employee's Duties and Rights During Investigations.
4. Completes investigation as expeditiously as possible and forwards it to the Reviewing Authority.
5. Provides updates to the complainant when there is a significant change in the investigation.

NOTE: If an investigation extension is needed, the HR Business Partner will notify Local 14 and provide an estimate for completing the investigation and documents this request in the case file. [PSCA 1.4.4]

Henderson Police Department Procedure

Internal Investigations

1092.11 REVIEWING AUTHORITY RESPONSIBILITIES FOR EMPLOYEE INVESTIGATIONS

Upon receipt, the Reviewing Authority will review the completed investigation from IAB or the HR Business Partner. The Reviewing Authority will take one of the following actions:

For Non-Sworn, Represented Employee Investigations

1. Identify expected completion date from the HR Business Partner ensure that timelines are met.
2. Refer case back to the HR Business Partner for additional investigation.
3. Refer back for investigation of potential misconduct not alleged in the initial complaint and treat it as a new complaint in accordance with this policy.
4. If necessary, request an extension through the HR Business Partner.
5. Make a decision regarding disposition of the complaint. If sustained, forward to the Chief of Police for recommendation. If not sustained, send back to the HR Business Partner.

For all other Investigations – Within thirty days

1. Refer case back to IAB for additional investigation.
2. Refer back for investigation of potential misconduct not alleged in the initial complaint and treat it as a new complaint in accordance with this policy.
3. If necessary, request an extension through the Chief's Office.

Make decision regarding disposition of the complaint. If sustained, forward to the Chief of Police for recommendation. If not sustained, send back to IAB.

1092.12 CASE DISPOSITIONS

The following are the possible case dispositions regarding internal investigations:

1. **Exonerated** – There is sufficient evidence to find that the accused employee committed the act they were accused of, but that the employee's actions were consistent with policy and training.
2. **Not Sustained** – There is insufficient evidence to prove or disprove the allegation.
3. **Sustained** – There exists sufficient proof to find the accused employee committed the violation.
4. **Unfounded** – There exists, as a result of the investigation, no evidence to prove that the accused employee committed the alleged violation.
5. **Policy/Procedure Failure** – There exists, as a result of the investigation, a discovered flaw in policy and/or procedure that caused the incident.
6. **Referred to Supervisor for Coaching/Counseling/Training** – The case is sustained but formal discipline is not imposed. Case is referred to Supervisor for documented Coaching/Counseling. This may include additional training as required by the Supervisor or the Chief of Police.

Henderson Police Department Procedure

Internal Investigations

1092.13 EMPLOYEE'S DUTIES AND RIGHTS DURING INVESTIGATIONS

During the investigation, any employee may be required to:

1. Participate in a Photo and/or Physical Lineup

Depending upon the circumstances of the investigation, the employee may be required, by the Chief of Police or designee, to submit to being photographed and/or participating in a line-up. Refusal to submit will be grounds for disciplinary action and may result in the employee's dismissal. [52.2.6b] [52.2.6c] [PSCA 1.4.7b]

2. Submit a Written and/or Electronically Recorded Statement

The employee may be required to submit a written and/or electronically recorded statement concerning the allegations outlined in the complaint. Any evidence gained during the investigation of an administrative matter cannot be used in any criminal proceeding.

3. Submit a Financial Disclosure within N.R.S. Chapter 289

An employee may be compelled to make financial disclosure statements when it is directly and narrowly related to allegations of misconduct involving any unlawful financial gain. [52.2.6d] [PSCA 1.4.7c]

4. Scope of Questioning During Interview (Subject Employee)

Prior to an internal interview concerning a complaint, an employee not represented by Teamsters Local 14 and under investigation shall be presented with a HPD-0075, Notice of Administrative Investigation, providing at least two days' notice before the expected date and time of the interview. All rights extended to officers under NRS Chapter 289 shall be strictly adhered to during the course of the investigation. [52.2.5]

An employee, represented by Teamsters Local 14 and under investigation, shall receive an email identifying the allegation, date and time of the interview and providing at least two days' notice before the expected date and time of the interview. [PSCA 1.4.6]

The employee under investigation is required to answer all questions truthfully, specifically, narrowly, and directly related to the alleged misconduct.

5. Representation at Interview

In compliance with N.R.S. 289, the subject employee will be permitted to have two representatives with them in the room during any interview concerning allegations of misconduct.

At the conclusion of the initial interview, the employee's representative(s) will be allowed to refute a negative implication or explain an answer.

The employee, or their representative, may make an audio recording of the interview.

6. Non-Subject Employee

Employees who are not the subject of the investigation, but are deemed to be a witness or have knowledge of the incident, may be interviewed.

The witness employee shall be read a warning indicating that if during the interview, IAB or the HR Business Partner believes the witness employee may become a subject of the investigation, the interview will be stopped and a subsequent notice, HPD-0075 Notice of Administrative Investigation, will be given to the now subject employee.

Henderson Police Department Procedure

Internal Investigations

Any required self-incriminating admissions made during the interview may not be used in any subsequent criminal proceedings.

7. Polygraph

Employees will not be ordered or directed to submit to a polygraph examination on any matter under investigation by the internal investigation authority. No disciplinary action may be taken against any employee for refusing to submit to a polygraph examination.

Nothing in this policy is intended to deny personnel the privilege of requesting a polygraph examination when they feel that it is in their best interest. [52.2.6e] [PSCA 1.4.7d]

1092.14 INVESTIGATION TIME LIMITS AND EXTENSIONS [52.2.3] [PSCA 1.4.4]

All investigations should be completed within the specified time frames as outlined under Section 1092.7, Supervisor Responsibilities for Sworn and Non-Sworn , Non-Represented Employee Investigations, Section 1092.8, Supervisor Responsibilities for Non-Sworn, Represented Employee Investigations, 1092.9, IAB Responsibilities, and 1092.10 HR Business Partner Responsibilities.

As soon as it becomes evident the investigation timeline cannot be met, an extension will be requested before the deadline using the following procedures:

1. Sworn Supervisors/Non-Sworn Supervisors/IAB Investigators (Requestor)

- a. Consults with their immediate supervisor for approval and then makes the extension request to appropriate investigative authority (HR Business Partner or an IAB supervisor).
- b. Provides the appropriate investigative authority with the reason why the investigation can't be completed and the tentative time needed to properly finish the investigation.

2. IAB Supervisor

- a. Requests an extension through the Professional Standards Lieutenant.
- b. Provides the Reviewing Authority with the reason why the investigation can't be completed and the tentative time needed to properly finish the investigation.
- c. Makes notation in the IAB case file.

3. HR Business Partner (Requestor)

- a. Notifies Local 14 and provides an estimate for completing the investigation and documents this request in the case file.

4. Professional Standards Lieutenant (Requestor)

- a. Requests an extension to the Reviewing Authority.
- b. Provides the Reviewing Authority with the reason why the investigation can't be completed and the tentative time needed to properly finish the investigation.

5. Reviewing Authority

- a. Provides IAB supervisor with new due date
- b. Advises IAB supervisor to make notation in the IAB case file.

6. Reviewing Authority (Requestor)

- a. The Reviewing Authority will make an extension request to the Chief of Police.
- b. Provides the reason why the recommendation can't be completed and the tentative time needed to finish the recommendation.

7. Chief of Police

- a. Provides the Reviewing Authority with a new due date.
- b. Requests Reviewing Authority to contact IAB to make notation in IAB case file.

8. Notification of Extension [52.2.4b]

- a. In any case where an extension is granted, the IAB supervisor or HR Business Partner will provide written notification or an electronic mail of such extension and new due date to the involved employee, respective labor group, and complainant, if applicable.

1092.15 INVESTIGATION CONCLUSION [52.2.8] [PSCA 1.4.9]

Upon return of a case from the Reviewing Authority or Chief of Police IAB/HR Business Partner will do the following:

1. If exonerated, not sustained, unfounded, or policy failures; notify the employee of the recommendation(s) in the form of a memo/letter within four working days.
2. If determined to be a policy failure, IAB/HR Business Partner will notify the Accreditation Supervisor with a recommendation for a policy change.

If sustained by the Chief of Police, on a Sworn employee, IAB will refer to procedures outlined in DPM1093, Disciplinary Process.

If sustained by the Chief of Police, on a Non-Sworn, Non-Represented employee or an employee represented by Teamster Local 14, the HR Business Partner will refer to the applicable Civil Service Rules or labor agreement.

1092.16 NOTIFICATION TO COMPLAINANT

At the close of any Citizen's Complaint case, IAB/HR Business Partner will notify the complainant of the results of the investigation to include only that the case is closed and whether it was Exonerated, Policy/Procedure Failure, Sustained, Not Sustained, or Unfounded. [52.2.4c] [1.4.5b]

No information regarding discipline administered, if any, will be given to the complainant.

1092.17 RETAINING ADMINISTRATIVE INVESTIGATION FILES [52.1.2]

File Retention – All complaints and investigative material shall be retained in a secure location by the Internal Affairs Bureau. No other record of a complaint shall be retained in any other file. [52.1.2] [PSCA 1.4.10]

Henderson Police Department Procedure

Internal Investigations

1092.18 MEDIA REQUESTS

All Internal Affairs records are to be kept confidential and under the control of IAB. Information related to an administrative investigation may only be released to the media or outside interests at the direction of the Chief of Police.



Accreditation Standards

CALEA 1.2.9, Bias Based Policing
CALEA 26.1.5, Role and Authority of Supervisors
CALEA 52.1.2, Records, Maintenance, and Security
CALEA 52.1.3, CEO, Direct Accessibility
CALEA 52.2.1, Complaint Types
CALEA 52.2.2, CEO, Notification
CALEA 52.2.3, Investigation Time Limits
CALEA 52.2.4, Informing Complainant
CALEA 52.2.5, Statement of Allegations/Rights
CALEA 52.2.6, Submission to Tests, Procedures (b, c, d, e)
CALEA 52.2.8, Conclusion of Fact
PSCA 1.4.1, Agency/Employee Complaints Investigated
PSCA 1.4.2, Report Directly to CEO
PSCA 1.4.3, Procedures for Notifying CEO
PSCA 1.4.4, Time Limit for Investigation
PSCA 1.4.5, Complainant Informed of Status
PSCA 1.4.6, Employee Notified of Investigation
PSCA 1.4.7, Conditions of Investigation
PSCA 1.4.9, "Conclusion of Fact"
PSCA 1.4.10, Record of Complaints

Reference(s)

NRS Chapter 289 Rights of Police Officers

Revision History

Effective Date	Purpose
9-7-11	Requirement for IAB to forward complaint to employee's Division Commander for assignment of investigation. Changed to new format.
2-29-12	§302.16 change "DM-0303" to "DM-0304" and "Disciplinary Process" to Code of Conduct".
7-3-13	DM-0302 <i>Internal Investigations</i> changed to DPM1092, same title. §1092.5 Receiving a Complaint – changes to notification procedures. §1092.7 Supervisor Responsibilities for Non-sown Employee Investigations –

Henderson Police Department Procedure

Internal Investigations

	HR Business Partner information included. Additional changes in the following sections: §1092.8.3 Supervisor Responsibilities for Sworn Employee Investigations §1092.9 IAB Responsibilities §1092.10 Reviewing Authority Responsibilities for Employee Investigations §1092.14 Investigation Time Limits and Extensions DM-0302 Internal Investigations, 2-29-12, rescinded.
11-06-13	§1092.10 Replaced "DM-0304, Code of Conduct" with "this policy". §1092.11.3 Deleted "by the preponderance of the evidence". DM-0304, Code of Conduct replaced with DPM1094, Code of Conduct. §1092.17 Added "in a secure location" and changed Unit to Bureau.
11-13-13	§1092.11 – Added Item 6: Referred to Supervisor for Coaching/Counseling/Training.
11-19-14	"HR Business Partner" and "Non-Sworn" added throughout procedure where applicable. §1092.3, added "Non-Represented" Sworn employee. Updated entire section to address Non-Sworn and Non-Represented and Sworn Non-Represented and added a separate section for Teamsters Personnel. §1092.5, changed required actions from three to five. §1092.5.3, added HR Business Partner's ability to keep the complaint and conduct the investigation and supervisor's assignment of the investigation. §1092.7, deleted and replaced with "Supervisor Responsibilities for Sworn and Non-Sworn, non-represented employee Investigations". §1092.8, added "Supervisor Responsibilities for Non-Sworn, Represented Employee Investigations". §1092.9.3, added "Non-Sworn" to employee's duties and rights. §1092.10, added new section "HR Business Partner Responsibilities" §1092.15, added subsection 3, HR Business Partner (Requestor), changed IAB Supervisor to Professional Standards Lieutenant. §1092.16, added non-sworn, non-represented and Teamsters to Investigation Conclusion.
05-06-15	Removal of reference to form HPD0075 under Section 1092.8

Disciplinary Process

1093.1 PURPOSE AND SCOPE

Our policy is to hold our employees to high professional standards and develop a uniform disciplinary process for employees in an effort to maintain fair, consistent and proper disciplinary standards.

Employees assigned to the Police Department who are non-sworn are either represented by Teamsters Local 14 or fall under the City of Henderson Civil Service Rules. In such cases, these employees will have any disciplinary actions taken in accordance with the applicable agreement or Civil Service Rules.

1093.2 INVESTIGATION CONCLUSION, SUSTAINED

1. **IAB will** present the employee, via email, with the recommended discipline and the recommended class violation.
 - a. If the recommended discipline is Termination, a Pre-Disciplinary hearing will automatically be scheduled within the next thirty (30) calendar days.
2. The employee will notify IAB within three (3) workdays if they wish to have a Pre-Disciplinary hearing with the Chief of Police or designee. A workday shall be considered Monday through Thursday.
 - a. If the employee chooses a Pre-Disciplinary hearing, IAB will provide the employee with a date and time for the hearing. Every effort will be made to have the hearing date be within the next ten (10) workdays.
 - b. If the employee fails to attend the hearing, or does not arrive within fifteen minutes of the scheduled start time, absent exigent circumstances, the employee shall be deemed to have waived their requested Pre-Disciplinary hearing and the recommended discipline will be imposed.
3. If an employee does not notify IAB of their desire for Pre-Disciplinary hearing within three (3) workdays, IAB will present the employee with the formal documentation of discipline.

A copy of all correspondence and notifications will be placed in the IAB case file. Any scheduled hearing may be rescheduled upon the mutual consent of the involved parties.

4. **Pre-Disciplinary Hearing notification** – Once the date for the pre-disciplinary hearing is determined, IAB will notify the employee of the hearing in the form of a letter/memo. The letter/memo will include:
 - a. The date, time and location of the hearing.
 - b. The policies, procedures, or contract violations that were sustained.
 - c. The recommended discipline.
 - d. How to obtain a copy of the HPD0076 or case file, on CD, upon request.

Henderson Police Department Procedure

Disciplinary Process

The IAB supervisor will email the employee's supervisor of the date and time of the appointment so the employee will be released from duty in order to attend.

5. **Chief of Police or Designee** - If the employee chooses to attend a pre-disciplinary hearing the Chief of Police or designee will:
 - a. Review the entire investigative file.
 - b. Hold the pre-disciplinary hearing with the employee.
 - c. Implement, modify or dismiss the discipline and notify IAB.

1093.3 INVESTIGATION CONCLUSION, NOT SUSTAINED

If not sustained, IAB will notify the employee of the recommendation(s) in the form of a memo/letter within four working days. (DPM1092.15)

1093.4 RIGHT TO RECORDS

In accordance with NRS Chapter 289, Rights of Police Officers, an employee is entitled to a copy of the entire investigative file, including all information used to make an adverse finding against the employee.

A copy of the entire file may be released to the Director of Human Resources, and/or the City Attorney as needed for official use.

1093.5 PRE-DISCIPLINARY HEARING

1. **Hearing attendance** - The following may be present at the hearing. However, with the exception of the accused and his representatives, who ultimately attends the hearing is at the discretion of the Chief of Police or designee. Attendees may include but are not limited to:
 - a. The Chief of Police.
 - b. Legal counsel for the Police Department.
 - c. IAB representatives.
 - d. The investigator of the case.
 - e. Human Resources Director or designee.
 - f. The accused officer.
 - g. Up to 2 representatives of the employee's choosing.
2. **Pre-disciplinary process** – The Chief of Police or designee will conduct the pre-disciplinary hearing. At the hearing, the employee may present evidence and arguments relevant to the disposition of the complaint and imposition of discipline. The employee's representative(s) may make a statement at the end of the hearing. Witnesses will not be called.

Henderson Police Department Procedure

Disciplinary Process

The Chief of Police or designee will consider only the evidence in the investigative file and presented at the hearing in making the decision as to the disposition of the complaint.

The Chief of Police or designee may permit the submission of additional evidence after the hearing by either the involved employee or the investigative officer; however, the employee shall be given reasonable opportunity to provide a written response to any additional evidence submitted by the investigative officer.

1093.6 IMPLEMENTATION OF DISCIPLINE

Barring any unforeseen circumstances, upon conclusion of a pre-disciplinary hearing, the Chief of Police or designee will make every reasonable effort to communicate the decision to IAB within three workdays. Upon receipt of the decision, IAB will forward the discipline decision and the determined implementation of that discipline, if applicable, to the employee's Division Commander.

Within two workdays of receipt of the disciplinary decision, IAB will notify the employee and provide them with the discipline decision and the implementation of that discipline, if applicable.



Accreditation Standards

CALEA 26.1.4, Disciplinary System

Reference(s)

NRS Chapter 289 Rights of Police Officers

Revision History

Effective Date	Purpose
9-7-11	Added requirement to notify Division Commander of discipline decision. Minor typo and syntax corrections. Changed to new format.
7-3-13	DM-0303 Disciplinary Process changed to DPM1093, same title. §1093.2.1 Investigation Conclusion, Sustained – added “the recommended class violation” to information provided by IAB to the employee. Additional changes to §1093.2.2, §1093.2.3, §1093.4, §1093.5, and §1093.6. DM-0303 Disciplinary Process, dated 9-7-11, rescinded.
03-02-15	Major revisions to 1093.2 Investigation Conclusion- Sustained in relation to pre-disciplinary hearings and notifications.