

LINCOLN POLICE
DEPARTMENT



A GUIDE TO THE
CITIZEN
COMMENDATION
AND
COMPLAINT PROCESS

PROTECTING YOUR RIGHTS
IS OUR BUSINESS.

FOR THE GOOD OF THE PUBLIC

How Nebraska Police Complaint
Processes Fail the Public



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Acknowledgements

Jack Thornton, Grinnell College intern, assisted in creating this report.

The Lincoln Police Department provides their complaint brochure, featured on the cover of this report, on their website. They are the only department surveyed to do so.

Introduction

“For the Good of the Public” is the motto of the Nebraska State Patrol and the governing spirit that should motivate all law enforcement. Yet when the public seeks to make a complaint against law enforcement, there are significant failures in transparency and accessibility.

Imagine that you wish to file a complaint of police misconduct. Perhaps you’ve witnessed an officer driving poorly, using abusive language, or getting free perks at a local business. Perhaps the offense is more serious, such as a charge of racial profiling or using excessive force during an arrest. In this digital age, you may first decide to survey an agency’s website for their complaint policy. You might pick up the phone to call for information.

Unfortunately, if you wish to file a complaint with the majority of agencies examined for this report, you may find yourself discouraged by restrictions on who can file a complaint as well as intimidating conditions on the webpage, hindering the complaint process before it has even begun.

Across the state, civilians encounter great difficulty when attempting to file complaints about police misconduct with their local law enforcement agencies. Complaint procedures promote police accountability, which is vital to the maintenance of public trust in law enforcement.

According to the International Association of Chiefs of Police (IACP),

the unethical work of one officer can severely undermine the work of many his or her ethical colleagues; community trust is “key to effective policing” and the assurance of a department’s “honesty, integrity, legitimacy, and competence.”¹

According to expert guidelines produced by the IACP and the Office of Community Oriented Policing Services (COPS) and published by the Department of Justice, law enforcement agencies should accept complaints from anyone and in any form.² Imposing restrictions on complaints can prevent the filing of valid reports of police misconduct. Additionally, intimidating provisions on complaint forms can quickly deter civilians who are already wary of law enforcement.³

This report examined the websites of the 31 largest law enforcement agencies in Nebraska for alignment with recommendations by the IACP and COPS on the establishment of an accessible and just complaint process.

Experts have produced guidelines for complaint processes to ensure the maintenance of public trust in law enforcement.⁴

- **Welcoming:** Law enforcement agencies should accept anonymous and third-party complaints, as well as complaints from minors.

- **Accessible:** Departments should accept complaints in all forms, especially online forms.
- **Not intimidating:** Complaint policies should not discourage potential complainants through threats of prosecution or deportation.

Of the 31 agencies survey, very few meet the expert guidelines for having an effective complaint process.

The ACLU of Nebraska makes the following recommendations so that local law enforcement agencies meet expert guidelines on complaint processes. The following provisions will not only protect civilians but also

improve the reputations of Nebraskan law enforcement agencies.

- Complaint processes must be **welcoming, accessible, and not intimidating**.
- Policies and procedures should be **publicized online and through brochures** available at police stations to **raise awareness** of complaint processes.
- **Statewide standards** should be implemented, especially regarding law enforcement agencies' online presence, to provide a uniform structure for dealing with incidents of police misconduct.

What the Experts Say: Accountability through Policy

Law enforcement policy organizations such as the Department of Justice's COPS and IACP have produced widely accepted guidelines for handling complaints of police misconduct.⁵

The IACP and the DOJ advise that law enforcement agencies:

- Accept and investigate **anonymous** and **third-party complaints**.⁶
- **Allow complaints to be filed in person, in writing, by telephone, electronically, and through any other means possible** in order to make the process accessible to all civilians.⁷ Online forms are particularly important in an increasingly digital era.
- Refrain from including **intimidating language** in complaint policies and forms that discourages the filing of complaints, such as **warning of prosecution for false statements and threats of deportation for undocumented complainants**.⁸

Law enforcement agencies that fail to adhere to these guidelines and impose unnecessary restrictions or seek to intimidate potential complainants undermine the public trust in the police. Requiring complaints to be made in person or under oath discourages civilians with valid concerns from coming forward out of fear that they may be further harassed for their complaints. Leadership in law enforcement should want to hear from Nebraskans who have observed inappropriate behavior, intimidation, racial profiling or selective enforcement so that chiefs and sheriffs can impose discipline if necessary.

Additionally, threats that false statements could lead to prosecution needlessly unnerve complainants, despite the fact that false complaints are rare.⁹ Law enforcement agencies should not actively discourage the filing of complaints.¹⁰ This creates the perception that police departments wish to cover up misconduct. Instead, law enforcement agencies should actively encourage civilians to file complaints if they believe misconduct has occurred in order to promote accountability and maintain community trust.

Method

The ACLU of Nebraska conducted a preliminary review of websites for the largest law enforcement agencies in Nebraska to gauge the accessibility of police complaint processes.

We surveyed the following municipal police departments: Alliance Police, Ashland Police, Beatrice Police, Bellevue Police, Columbus Police, Falls City Police, Fremont Police, Grand Island Police, Kearney Police, Hastings Police, Lexington Police, Lincoln Police, Norfolk Police, North Platte Police, Omaha Police, Plattsmouth Police, Scottsbluff Police, Seward Police, Wayne Police.

We surveyed the following county sheriffs: Adams County Sheriff, Buffalo County Sheriff, Dodge County Sheriff, Douglas County Sheriff, Gage County Sheriff, Hall County Sheriff, Lancaster

County Sheriff, Madison County Sheriff, Sarpy County Sheriff, Scotts Bluff County Sheriff, Seward County Sheriff. Finally, we surveyed the Nebraska State Patrol.

The ACLU of Nebraska also evaluated whether the websites had a clear complaint policy, whether there was an online complaint form, and whether there was any intimidating language that might discourage complaints.

Finally, ACLU volunteers called a selected few agencies to ask “What is the complaint process for someone with a concern?” to determine how such a caller is treated. The goal of the website review and phone calls was to replicate what the average Nebraskan would experience if she wanted to report a concern.

Findings: Website Survey

After reviewing the websites of the thirty-one departments, we were only able to find information about a complaint process on the websites of eight law enforcement agencies. Each of the policies of these eight agencies was then further evaluated on its level of accessibility and intimidation; these websites were scrutinized for conditions such as the refusal of anonymous, third-party, or minor complaints or threats of prosecution or deportation. The eight agencies with online information for the public are: Alliance Police, Bellevue Police, Douglas County Sheriff, Lincoln Police, Nebraska State Patrol, Omaha Police, Sarpy County Sheriff and Scottsbluff Police. While we enumerate our concerns with some of these agencies below, we also commend these eight agencies for adopting the most accessible modern form of communicating with the public by including complaint information on their websites.

While all of these eight agencies include some way to contact the department on

their websites, five contain little or no information about the agency's complaint policy, and the processes and policies of two departments are intimidating to some extent.

Most of the agencies include multiple means of filing a complaint, and almost all of the agencies accept complaints over the phone. However, only three have forms available that are specifically geared towards filing a complaint. We were unable to find any specific information about filing a complaint on the websites of the twenty-three other agencies evaluated.

Five Agencies: Contact Information without Context

The spectrum of accessibility ranges from a complete walkthrough of the complaint process to a phone number unaccompanied by any sort of complaint policy. The websites of **Nebraska State Patrol** and **Bellevue Police Department** are among the most sparse and uninformative. The Nebraska State Patrol website states "Complaints may

The Internal Affairs Division of the Nebraska State Patrol provides the agency with a means of maintaining professional conduct. The Division is part of the Superintendent's Office and answers to the Colonel and Lieutenant Colonel of the Nebraska State Patrol.

The Internal Affairs Division is responsible for receiving complaints from both the public and from within the Agency and is charged with initiating administrative investigations into complaints that allege misconduct. Having one division responsible for discipline ensures that such actions are uniform, consistent and applied fairly.

Complaints may be made in person, by phone, or mail to any of the following locations:

State Headquarters
1600 Highway 2
P.O. Box 94907
Lincoln, NE-68509
(402) 471-4545

Headquarters Troop-Lincoln
4130 N.W. 37th Street
Lincoln, NE-68524
(402) 471-4680

Troop A-Omaha
4411 South 108th Street
Omaha, NE-68137
(402) 331-3333

Some of the contact information provided by the Nebraska State Patrol

be made in person, by phone, or mail” and provides the contact information for the state headquarters and the department’s six troops, as well as an email address for complaints.¹¹

The “Commendations and Complaints” webpage for the Bellevue Police Department simply offers a phone number while assuring the reader that “Honest, timely responses to citizen concerns regarding the performance and service of Police Department employees is a priority.”¹²

While these two agencies surpass many of their peers by at least providing contact information, the lack of a clear policy leaves civilians unaware of how their complaint will be processed, what information they will need to provide, and if they are protected from any adverse consequences, such as retaliation by police officers.

The Department of Justice advises that law enforcement agencies provide complaint forms on their websites and allow for electronic submission.¹³ The **Douglas County Sheriff’s** website includes only a generic online form for citizen complaints that requires personal information such as name and address, effectively denying anonymity to civilians who may fear repercussions from police officers, and does not list alternative means for complainants to contact the department.¹⁴

The formal complaint form for the **Sarpy County Sheriff’s Office** is available online, and may be mailed, faxed, emailed, or delivered in person, which offers great flexibility.¹⁵ However, the form contains an arbitrary time limit of 30 days for filing a complaint about an incident and requires that complainants provide personal information.¹⁶ The department provides no details about its complaint process or policy on their website.

COMMENDATIONS AND COMPLAINTS

As a Department, we are proud to recognize employees that perform commendable actions and their extra efforts that assist the Department in maintaining superior service to the Bellevue community.

Honest, timely responses to citizen concerns regarding the performance and service of Police Department employees is a priority.

To report information regarding the service of the Police Department, please contact the Office of Professional Standards at (402) 293-3106.

The Bellevue Police Department provides no details about their policy

Complaints

The public has the right to expect fair and competent law enforcement. Any misconduct by Department personnel must be detected, thoroughly investigated, and properly adjudicated to assure the maintenance of these qualities.

To make a complaint, call (308) 762-4955 or [email](#) the Department. It is our policy to:

- Provide thorough, fair, and expeditious dispositions to complaints
- Invite citizens to bring to our attention complaints about the conduct of its employees whenever that citizen believes the employee acted improperly
- Receive complaints courteously
- Make an effort to ensure that no adverse consequences occur to anyone as a result of their complaint
- Investigate complaints in accordance with the procedures described in Chapter 25 (the procedures outlined in these policies apply to allegations of misconduct both on-duty and off-duty)

The inadequate policy of the Alliance Police Department

While the website for the **Alliance Police Department** has no online form, just a phone number and email address for complaints, the “Officer Conduct” page does include a provision that the department will “make an effort to ensure that no adverse consequences occur to anyone as a result of their complaint.”¹⁷

However, the website fails to provide any specifics as to the agency’s complaint policy and procedure in regards to anonymity, complaints from third-parties and minors, or the process in general.

Omaha & Scottsbluff: Clear Policy, But Guilty of Intimidation

Two police departments, Omaha and Scottsbluff, provide relatively clear explanations of their complaint procedures, but neither of these agencies succeed in crafting a process that is both completely accessible and free of intimidation. Of all eight agencies, only the **Omaha Police Department** provides complaint forms

and instructions in both English and Spanish on their webpage, which deserves commendation.¹⁸

However, the Omaha webpage is one of two agencies that includes an intimidating provision about filing a false complaint. Following the word “Warning” in bold letters, the website informs readers that “False complaints are forwarded to the City Prosecutor’s Office so filing criminal charges can be considered.”¹⁹

Additionally, complainants are required to appear in person before an Internal Affairs investigator for an interview, though they are permitted to “bring a personal representative or associate with [them] to the interview.”²⁰

The complaints webpage for the **Scottsbluff Police Department** contains similarly intimidating clauses, but succeeds on some fronts in regards to accessibility. The webpage starts off strong with a statement that “The department will take complaints in any form, and complaints may be made

Warning Filing a false complaint is a crime. False complaints are forwarded to the City Prosecutor’s Office so filing criminal charges can be considered.

The Omaha Police Department’s intimidating warning

Our Policy

It is the policy of the Scottsbluff Police Department to investigate all complaints, alleged or suspected, against the department or its employees. This ensures the integrity of the department while protecting the rights and interest of both citizens and department employees.

The department will take complaints in any form, and complaints may be made anonymously.

The following is a brief synopsis of what you may expect to happen.

The Scottsbluff Police Department's accessible policy

anonymously," which is in line with expert guidelines for complaint processes.²¹

Affirming that they will accept and investigate all complaints, Scottsbluff seems to suggest that they will take third-party and minor complaints as well, though this is not explicitly mentioned. The Scottsbluff Police Department website also states that the agency will not tolerate police harassment of complainants, which could be reassuring to victims of misconduct.²²

However, complainants are informed that they will be interviewed at the police station and "may expect to be audio or videotaped during the interview."²³ The website also contains a warning that false complaints will lead to prosecution.²⁴ Though Scottsbluff succeeds in being the only agency to plainly state that they will take

anonymous complaints, these intimidating components of the webpage diminish the positive aspects of the department's complaint policy.

Lincoln: Most Accessible & Free of Intimidation

The [Lincoln Police Department](#), which allows civilians to file complaints via mail, phone, or email and in person, has one of the most accessible and least intimidating websites of the eight agencies that have identifiable complaint webpages at all.

Although there is no online form for filing a complaint, no other agency provides a copy of their complaint brochure on their website for civilians to print out. Moreover, the website states, "Any person who witnesses or has direct knowledge of police employee misconduct may make a complaint with the Lincoln Police Department."²⁵ This

The Interview

A police supervisor will interview you about your complaint. The supervisor will ask you about what happened. It is possible that the supervisor may be able to explain the employee's action(s) to your satisfaction.

Normally you will be interviewed at the Scottsbluff Police Department. You may expect to be audio or videotaped during the interview.

The supervisor will ask you for the names of all witnesses and other police department employees that may know facts about your complaint. It is important to have as much information as possible.

Evidence processing may take place as related to your complaint.

The Scottsbluff Police Department's intimidating interview process

Filing a Complaint

Who may make a complaint?

Any person who witnesses or has direct knowledge of police employee misconduct may make a complaint with the Lincoln Police Department. The Lincoln Police Department will investigate any employee action that is contrary to department policy, is a violation of city, state, or federal law, or involves the use of excessive force or discourteous treatment.

The Lincoln Police Department's accessible complaint policy

statement implicitly captures anonymous, third-party, and minor complaints and is accompanied by a promise of disciplinary action for officers against whom a complaint is sustained.²⁶

In addition, the website contains no provisions about prosecution for false complaints or requirements that

complainants appear in person. Unfortunately, there is an arbitrary time limit of 45 days to file a complaint after an incident.²⁷ Although the details about the agency's policy are largely implied, the Lincoln Police Department has created a complaint webpage that is largely accessible and free of intimidation.

Findings: Telephone Survey

ACLU volunteers phoned another selected group of agencies to ask a simple question: “How can someone file a complaint against an officer?” The volunteers were trained to not imply they had a complaint, and if asked, openly stated they had no complaint in order to ensure there was no misunderstanding.

The same barriers that might discourage someone reviewing police websites were repeated in the phone survey experience. One rural agency informed our volunteer “You can’t file this by mail, you’ll have to come in during business hours,” which would prevent most working Nebraskans from being able to follow up.

Another agency indicated that complainants could come in any time, even after hours, but the complaint process still had to be initiated in person. As described above, the Department of Justice and policing experts do not recommend in person requirements because it can be very intimidating and immediately discourage the complainant from following through with concerns.

Our volunteer rated Bellevue Police as the friendliest and most transparent on the phone, having received a clear explanation of the complaint process right away. The Bellevue Police also expressed a willingness to take the

complaint by mail, by phone or by email, as well as indicating that anonymous complaints were acceptable as well, making it one of the most accessible agencies surveyed.

Seward County Sheriff was also highly rated by our volunteer since the representative was friendly, helpful and even identified the appropriate staff person by name who would personally review any complaints. While Seward did not offer an online complaint process, phone complaints would be accepted.

Some agencies wouldn’t even discuss what the process was once the volunteer explained there was no current complaint. The representatives for Fremont Police and Buffalo County Sheriff representative couldn’t answer some of the questions and refused to transfer to someone who could answer the questions unless there was an actual complaint.

The average person seeking information from agencies might feel uncertain about proceeding with a complaint process if the first person they spoke to could not explain the department’s policy and refused to give an explanation of the process. Learning complaints can be limited to certain hours and certain formats for submission would also be daunting to many complainants.

Recommendations

The vast majority of departments originally examined contained no apparent references to the complaint process on their websites.

In order to protect civilians from police misconduct and maintain public trust in law enforcement, agencies need to establish and publicize clear policies and procedures for addressing civilian complaints. While the agencies with website information succeeded in at least posting some information about the complaint process, every agency that was examined for this report must improve their internal affairs policies in order to adhere to national best practice standards.

All Nebraskans deserve to feel safe and protected by law enforcement, and accountability is essential to a sense of public trust in the police. We suggest that every law enforcement agency in Nebraska adopt the following recommendations to improve their complaint processes.

- **Accept complaints from anyone.** Experts on law enforcement stress the importance of accepting anonymous and third-party complaints, as well as complaints from minors, in order to ensure that any incidents of misconduct are investigated. Additionally, law enforcement agencies should refrain from imposing arbitrary time limits on complaint submissions.
- **Allow complaints to be submitted in any form.** Requiring complaints to be filed in person can quickly discourage potential complainants. Accepting complaints via email, mail, phone, or fax enables civilians to submit their complaints in the manner they find most appropriate.
- **Refrain from intimidating potential complainants.** Complainants, who may already be wary of law enforcement, may be deterred by unnecessary threats of prosecution for false statements or deportation for undocumented immigrants. Fear of retaliation can influence civilians who may have valid concerns about police misconduct to not file their complaints.
- **Improve agencies' online presence regarding complaints.** Searching the website of a police department for a complaint form may be the first step taken by potential complainants and perhaps the last if they find themselves intimidated or simply left uninformed. Additionally, web-based forms can allow for the straightforward submission of complaints, and the online

- publication of complaint policies promotes transparency.
- **Ensure that complaint processes are well publicized.** Law enforcement agencies should make information on complaint procedures and policies easy to find on their websites as well as through brochures available in public places.

References

¹ International Association of Chiefs of Police, National Law Enforcement Policy Center, Investigation of Employee Misconduct 1 (1990, rev. Jan 2007), *reprinted in* US Department of Justice Office of Community Oriented Policing Services, *Building trust between the police and the citizens they serve: An internal affairs promising practices guide for local law enforcement*, App. F., at 80, (2010) *available at* <http://www.theiacp.org/portals/0/pdfs/buildingtrust.pdf>.

² *Id.* at 86.

³ *Id.* at 86-87.

⁴ US Department of Justice, Office of Community Oriented Policing Services, *Building trust between the police and the citizens they serve: An internal affairs promising practices guide for local law enforcement*, 21, (2010) *available at* <http://www.theiacp.org/portals/0/pdfs/buildingtrust.pdf>.

⁵ *Id.*

⁶ U.S. Department of Justice, Office of Community Oriented Policing Service, *Standards and guidelines for internal affairs: Recommendations from a community of practice*, 62-72, (2009) *available at* <http://www.cops.usdoj.gov/publications/e060930210-InternalAffairs.pdf>.

⁷ US Department of Justice, Office of COPS, *Building trust between the police and the citizens they serve: An internal affairs promising practices guide for local law enforcement*, *supra*, at 21.

⁸ U.S. Department of Justice, Office of COPS, *Standards and guidelines for internal affairs: Recommendations from a community of practice*, *supra*, at 17.

⁹ International Association of Chiefs of Police, *supra*, at 86-87.

¹⁰ U.S. Department of Justice, Office of COPS, *Standards and guidelines for internal affairs: Recommendations from a community of practice*, *supra*, at 17.

¹¹ Nebraska State Patrol. *Internal affairs*, (2009), *available at* <https://statepatrol.nebraska.gov/internalaffairs.aspx>

¹² Bellevue Police Department, *Commendations and complaints*, *available at* <http://www.bellevuepd.com/index.php/commendations-and-complaints>.

¹³ U.S. Department of Justice, *supra*, at 16.

¹⁴ Douglas County Sheriff. (2013). *Citizen complaints*. Retrieved from: <http://www.douglascounty-ne.gov/sheriff/contact-us/complaints>.

¹⁵ Sarpy County Sheriff's Office, *Formal complaint*, (2012),

http://www.sarpy.com/sheriff/forms/qa_FormalComplaints.pdf.

¹⁶ *Id.*

¹⁷ City of Alliance, *Officer conduct*, (2014) <http://www.cityofalliance.net/index.aspx?NID=229>.

¹⁸ City of Omaha Police Department. *The citizen complaint process*, (2013), *available at* <http://opd.ci.omaha.ne.us/reporting-incidents/citizen-complaints>

¹⁹ *Id.*

²⁰ *Id.*

²¹ City of Scottsbluff, Nebraska, *How to file a commendation or complaint*, (2014), *available at* http://www.scottsbluff.org/departments/police_and_emergency_management/how_to_file_a_commendation_or_complaint.php.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Lincoln Police Department, *Commendation & complaint process*. (2014), *available at* <http://lincoln.ne.gov/city/police/stats/internalaffairs.htm>.

²⁶ *Id.*

²⁷ *Id.*