

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

OPERATING INSTRUCTION
NUMBER 60-12

~~October 23, 1997~~
Rescinded July 29, 2011

INVESTIGATION OF COMPLAINTS

PURPOSE: To prescribe procedures for the investigation of complaints regarding adult and juvenile detention facility standard violations.

1. **SCOPE:** Applicable to the Jail Standards Board, the Jail Standards Division Chief and the Facility Examiner/Consultants.
2. **GENERAL:** It is the responsibility of the Jail Standards Board and the Jail Standards Division to respond to complaints concerning local detention facilities compliance with Nebraska Minimum Jail Standards as prescribed by N.R.S. 83-4, 126.:(2).
3. **PROCEDURES:**
 - A. Acceptance of Complaints
 1. All complaints regarding alleged violations of Nebraska Minimum Jail Standards must be received in writing. No verbal complaints will be processed or investigated. All complaints must be signed by the complainant.
 - B. Evaluate the Complaint
 1. If the complaint does not allege a violation of Nebraska Minimum Jail Standards or the complainant has misinterpreted the meaning of a Standard, staff will respond directly to the complainant and take no further action.
 2. If the complaint involves a facility or an agency not falling within the jurisdiction of Jail Standards, staff will respond directly to the complainant and when possible, will forward the complaint to the appropriate agency. Staff will not take any further action on the matter.
 3. If the complaint alleges a violation(s) of Minimum Jail Standards, staff will follow through with the appropriate action necessary to investigate the matter.

- C. Complaints alleging violation of standards relating to life safety and security issues
 - 1. If the complaint alleges a violation of Jail Standards that involves life safety or security issues, staff will immediately notify the Sheriff/Jail Administrator of the situation and forward the complaint to the Chair or Vice-Chair of the Nebraska Jail Standards Board. Staff will notify the complainant of this in writing.
 - 2. Investigation of the complaint will proceed promptly when ordered by the Chair or Vice-Chair of the Nebraska Jail Standards Board.
 - 3. If the detention facility is scheduled for an upcoming annual inspection, staff should notify the Chair or Vice-Chair of this as an option to address the complaint at the time of the inspection.
 - 4. If the Chair or Vice-Chair orders an investigation, staff will promptly contact the jail administrator to schedule and conduct an on-site investigation. Staff will interview the complainant(s) and facility staff, will evaluate detention facility records and procedures, and will coordinate with other governmental agencies when necessary. Staff will prepare a written report for the Chair or Vice-Chair which will include their findings and recommendations.
 - 5. Staff will promptly forward the report to the Executive Director and Chair of the Jail Standards Board. The report will advise the Chair or Vice-Chair that a copy of the findings will be forwarded to the complainant and facility administration after ten (10) working days, unless directed otherwise.
 - 6. The Jail Standards Board will be advised of the investigation at the next Board meeting.

- D. Complaints alleging violation of standards which do not impact on life safety and security issues
 - 1. Staff will attempt to determine if the complainant has utilized the facility's grievance process in order to enable jail officials to address the complaint internally. If the complainant has not followed that process, staff will respond directly to the complainant and instruct the complainant to use the facility's internal grievance process before involving Jail Standards.

2. If the complainant is an inmate and has followed the internal grievance process and continues to allege an unresolved violation of Jail Standards, staff will contact the sheriff or jail administrator to investigate and attempt to resolve the matter. Staff will consider the facility=s documentation, the administration=s response, and examine the facility=s compliance on this issue as determined by recent inspections. Staff will document their actions and inform the Jail Standards Board.
3. Staff will notify the complainant in writing as to the steps taken in an effort to resolve the complaint and will make any recommendation(s) on their findings to the appropriate government officials.
4. If staff believe the complaint is unresolved after following steps one (1) through three (3) of Section C, staff will forward the complaint and a report of staff=s actions to the Chair or Vice-Chair of the Jail Standards Board for his/her review and recommendations.
5. Additional steps to investigate the complaint will only be taken if ordered by the Chair or Vice-Chair of the Jail Standards Board. Otherwise, no further action will be taken by the agency.

Deborah Gilg, Chair
Jail Standards Board

Allen L. Curtis
Executive Director