



DEPARTMENT OF CORRECTIONS
Inspections



Title:	Investigations	DOC Policy: 70.1.4
Effective:	7/1/15	Supersedes: 5/1/14
Applicability:	DOC employees, contractors, volunteer and OCE employees	
Directives Cross-Reference:		
Rules:	Searches (Inmate) Div 041	
Policies:	All Points Bulletin & Arrest Warrants 70.1.2	
	Code of Conduct 20.1.3	
	Criminal Evidence Handling 70.1.3	
	Electronic Mail, Internet Usage and Computer Invest 60.1.2	
	Escape Notification 70.1.1	
	Internal Audit Charter 70.3.1	
	Use of Electronic Surveillance Devices 70.1.5	
	Prison Rape Elimination Act (PREA) 40.1.13	
Procedure:	Drug Detection Canine Procedure (Investigations Unit)	
Attachments: Investigations Decision Chart		

I. PURPOSE

The purpose of this policy is to set forth the criteria for determining the appropriate investigative body to conduct an investigation based on the nature of the complaint/allegation; to establish how investigations are conducted and to ensure that employees assigned to investigative functions utilize approved investigative techniques in accordance with Department of Corrections policies, procedures and rules and state and federal law.

II. DEFINITIONS

- A. **Contraband:** Any article or thing which an inmate is prohibited by statute, rule or order from obtaining or possessing or which the inmate is not specifically authorized to obtain or possess, or which the inmate alters without authorization.
- B. **Controlled Substance:** A drug or its immediate precursor classified in Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. sections 811 to 812 as modified under ORS 475.035.
Note: Marijuana is still considered a controlled substance within the definition of this policy
- C. **Department of Corrections (DOC) Employee:** Any person employed full-time, part-time or under temporary appointment of DOC.
- D. **Department of Corrections (DOC) Contractor:** Any person under contractual arrangement to provide services to the department; any person employed by private or public sector agencies who is serving under department sanctioned assignment to provide services or support to department programs.

- E. **Electronic Surveillance Devices:** Video and/or audio recording devices used in an investigation to monitor the activities of DOC inmates and/or DOC/OCE staff, contractors or volunteers that is not part of the security system of a DOC or OCE institution or facility.
- F. **Functional Unit Manager:** Any person within DOC who reports to the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for delivery of program services or the coordination of program operations.
- G. **High Risk Conduct:** Any act or omission of an act by an employee, contractor, volunteer, or inmate that exposes DOC or OCE and/or its employees or inmates to injury and/or potential criminal or civil penalties, including but not limited to, felony crimes and misdemeanors which threaten the safety and security of DOC institutions and other facilities, its employees or inmates and conduct which opens DOC to liability and the likelihood of legal action.
- H. **Investigation:** A fact finding activity for the specific purpose of addressing complaints or allegations. Investigations may include, but are not limited to interviews, surveillance, review of electronic and paper records, correspondence and other information storage devices of an employee or inmate of DOC or an employee of Oregon Corrections Enterprises (OCE).
- I. **Inmate:** Any person under the supervision of DOC who is not under parole, probation or post-prison supervision status.
- J. **Inmate Informant:** Any inmate in the custody of DOC that provides verified credible information to staff on issues that could affect the security and/or safety of another inmate, staff, institution or facility.
- K. **Offender:** Any person under the supervision of DOC, the local supervisory authority or community corrections who is on probation, parole, or post-prison supervision status.
- L. **Oregon Corrections Enterprises (OCE) Employee:** Any person employed full-time or part-time, or under temporary appointment by OCE.
- M. **Oregon Corrections Enterprises (OCE) Contractor:** Any person under contractual agreement to provide services to OCE; any person employed by private or public sector agencies who is serving under OCE-sanctioned assignment to provide services or support to OCE programs.
- N. **Volunteer:** An approved person who donates time, knowledge, skills and effort to enhance the mission, activities and programs of the department. Volunteers serve at the pleasure of the department and are not considered employees.

III. POLICY

A. Expectations of Employees

Employees, contractors and volunteers are expected to report any conduct which violates state or federal law and DOC rules, policies or procedures in accordance with the DOC **Code of Conduct** policy 20.1.3., Volunteer Statement of Professionalism and Ethics, and contractor statement of conduct and ethics. Based on such a report, an investigation may be initiated in accordance with this policy.

B. Expectations of Persons Assigned to Conduct Investigations

It is the policy of the Department of Corrections that persons authorized to conduct investigations will:

1. Conduct fair and objective investigations regarding complaints alleging misconduct;
2. Exercise professionalism at all times during the course of an investigation; and
3. Employ sound investigative techniques in accordance with state and federal law, DOC rules, policies and procedures, and labor agreements.

C. Process for Reporting Misconduct

1. Reporting of misconduct by a DOC/OCE employee, contractor or volunteer who is not a functional unit manager, should be made through their immediate supervisor whenever practical.
 - a. If the immediate supervisor is the subject of the alleged misconduct, the employee, contractor, or volunteer may go to the next level supervisor and report.
 - b. An employee, contractor or volunteer may also report directly to the functional unit manager, or to the Office of the Inspector General, if the allegation involves high risk conduct or the employee, contractor or volunteer feels uncomfortable reporting up the chain-of-command.
2. An allegation against an employee, contractor, volunteer or inmate from any source may be verbal or in writing.
 - a. Verbal and written complaints/allegations must contain sufficient information for an investigation to be considered. Information must be detailed to the greatest extent possible and meet the guidelines established in this policy.
 - b. Allegations submitted to the Office of the Inspector General should be documented on the Request for Investigation Form CD1615 or CD1616 (located on the U drive).
3. It is the responsibility of the functional unit manager, Office of the Inspector General, Human Resources, or Internal Audit to determine if initiating an investigation is reasonable and/or if failure to initiate an investigation could compromise security, endanger employees, inmates and/or other persons or create a work environment that is contrary to DOC policy.

D. Investigation Responsibility

Once it has been determined an investigation will be conducted, the responsibility for that investigation will be assigned based on the nature of the complaint/allegation as established in this policy and the Investigations Decision Chart, Exhibit I. When overlapping responsibility for an investigation occurs, the investigative entities involved shall work together to complete the investigation.

1. **Human Resources Division** personnel are responsible for the investigation of issues relating to:
 - a. Labor relations;
 - b. Staff sexual harassment;
 - c. Grievances;
 - d. Employment issues;
 - e. Discrimination;
 - f. Hostile work environment; and
 - g. Respectful workplace.
2. **Functional Unit Managers** or their designees are responsible for investigating issues involving:
 - a. Employee conflict and minor employee misconduct;
 - b. Performance;
 - c. Code of conduct;
 - d. Operational issues within their area of responsibility;
 - e. Initial screening of PREA sex abuse, and
 - f. Sexual harassment allegations that do not rise to criminal prosecution level.
3. **Office of the Inspector General** is responsible for the investigation of:
 - a. Employee misconduct;
 - b. Inmate misconduct, including weapons, drugs and other contraband cases, both administrative and criminal;
 - c. Fugitive apprehension;
 - d. Outside law enforcement agency assists;
 - e. Conduct use of force full reviews; and
 - f. PREA, sex abuse investigations that rise to criminal prosecution, and high risk sexual harassment.
4. **Internal Audit** personnel are responsible for investigating:
 - a. Purchase, sales, and payroll schemes;
 - b. Complex financial fraud;

- c. Invoice kickbacks and legal gratuities;
 - d. Asset and revenue issues;
 - e. Misuse of inventory/assets;
 - f. Internal control issues; and
 - g. Internal Audit personnel issue reports of findings and recommendations to the DOC Director and Deputy Director.
5. The **Oregon State Police** have the primary role in certain types of criminal investigations and are the Department of Corrections' primary law enforcement partner in conducting investigations. The State Police have responsibility for the investigation of:
- a. Homicides and other deaths;
 - b. Felony assaults;
 - c. Sexual assaults;
 - d. Deadly use of force;
 - e. Bomb threats;
 - f. Official misconduct and other employee misconduct constituting criminal behavior; and
 - g. Other criminal cases occurring off DOC property with a link to DOC.

E. Investigative Resources

There are a variety of investigative resources available to investigative entities. Investigators may utilize investigative resources that are appropriate to the type of investigation being conducted.

1. Forensics and Polygraph Examination: The Oregon State Police provide the above listed investigative resources.
 - a. Requests to process evidence must be made in writing. Evidence submitted to the laboratory must be related to an official investigation as authorized by a functional unit manager or designee.
 - b. Evidence to be processed for fingerprints must be secured and preserved in accordance with the department's policy on **Criminal Evidence Handling #70.1.3**.
2. Investigative Electronic Surveillance: The Office of the Inspector General is authorized to use investigative (covert) electronic surveillance for the purpose of conducting investigations in accordance with the department's policy on **Use of**

Electronic Surveillance Devices #70.1.5. No other division or unit of DOC may possess and/or utilize covert electronic surveillance devices.

3. Drug Detection Canines: The Office of the Inspector General and DOC Community Corrections officers are authorized to utilize drug and contraband detection canines.
4. Inmate Informants: Inmate informants provide verified credible information to assist DOC in maintaining the safety and security of its facilities. Information obtained from inmate informants shall be protected to the extent possible to maintain the safety of the informant or other involved persons.
5. Information Technology Services (ITS) Investigations: ITS will assist in an inquiry or an investigation as requested by a functional unit manager/designee or staff from the Office of the Inspector General in accordance with the department's policy on **Electronic Mail, Internet Usage and Computer Investigations 60.1.2.**

F. General Provisions

1. The Human Resources Division, functional unit managers, Office of the Inspector General and Internal Audit shall work with the appropriate DOC investigative entity/entities when an employee is suspected of being involved in high risk conduct. If the high risk conduct is criminal in nature, the Office of the Inspector General will work with the appropriate law enforcement agency.
2. When an allegation involving high risk conduct is made against a DOC/OCE employee, contractor or volunteer, a member of the DOC/OCE executive management team will be notified as soon as practicable.
3. All notifications required under this policy shall be made in a timely manner.
4. Employee/Contractor/Volunteer Investigations:
 - a. Functional unit managers shall forward all requests for employee, contractor or volunteer investigations to the appropriate investigative entity. Requests to Office of the Inspector General will be submitted using the Investigative Request form CD1615 and CD1616.
 - b. Investigations of DOC/OCE employees, contractors or volunteers will be conducted with the knowledge of the supervising functional unit manager unless circumstances dictate otherwise.
 - c. Staff authorized to conduct investigations involving employees, contractors, or volunteers are authorized to interview employees, contractors, volunteers, inmates, and other involved persons regarding administrative matters that could result in discipline.
 - d. Any DOC or OCE employee, contractor or volunteer who is the subject of an investigation will be afforded all rights under state and federal law and DOC/OCE rules, policies, procedures, and labor agreements.
 - e. DOC/OCE employees, contractors, and volunteers may be compelled to answer questions relating to matters under investigation. When an employee,

contractor, or volunteer is compelled to answer questions, the individual shall be informed of his/her rights in accordance with applicable law.

- f. All records, evidence, documents, photographs and files pertaining to employee, contractor or volunteer investigations shall be kept confidential and will only be disclosed in accordance with state or federal law or DOC/OCE rules, policies or procedures.

5. Fugitive Apprehension:

- a. In general, the Office of the Inspector General is the primary liaison with law enforcement and will receive all information regarding escapees, and transitional leave violators from the affected institution or community corrections.
- b. The Office of the Inspector General will coordinate intelligence information regarding escapes and transitional leave violators.
- c. All searches and/or surveillance conducted by the Office of the Inspector General must be approved by an Office of the Inspector General, supervisor or designee in advance. Searches and/or surveillance conducted off DOC property require coordination with the appropriate law enforcement agency in advance
- d. All activity involving the apprehension of fugitives and transitional leave violators will be done in accordance with the department's policies on **Escape Notification** 70.1.1 and **All Points Bulletin and Arrest Warrants** 70.1.2.

6. Drug, Weapon and Contraband Investigations:

- a. Investigations involving drugs, weapons and contraband shall be referred to the Office of the Inspector General when there is any indication of criminal conduct.
- b. When investigations lead to non-DOC facilities and/or persons, the Office of the Inspector General will work with the appropriate law enforcement agency.
- c. Any controlled substances or contraband of a criminal nature found or seized shall be processed in accordance with the department's policy on **Criminal Evidence Handling** 70.1.3.

7. Investigations regarding PREA allegations:

- a. PREA investigations will be forwarded to the appropriate investigating body. Depending on the allegations, and the time between incident and reporting; the investigative body may vary between Oregon State Police, Office of the Inspector General and Operations.
 - 1. PREA Investigations will consist of allegations of sexual abuse, and sexual harassment.
 - 2. All allegations

- b. Each PREA allegation will be investigated, and reported to the state PREA coordinator for proper recording processes.
 - c. Evidence acquired during the investigative process will be processed in accordance with the department policy on **Criminal Evidence Handling** 70.1.3.
 - d. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
8. Requests for Investigative Assistance:
- a. Requests for assistance by non-DOC public safety agencies must be received in writing and include the following: Name of agency and person making the request, date of request and specific details regarding the nature of the request.
 - b. DOC employees will not provide investigative assistance to private sector agencies/organizations, persons, and the general public unless specifically provided for in state or federal law or DOC rules, policies, or procedures.
9. Inmate Investigations:
- a. DOC inmates may be interviewed regarding allegations of criminal misconduct, administrative violations, and/or routine operational issues and intelligence.
 - b. DOC employees shall follow state and federal law when interviewing inmates on criminal matters. An inmate shall not be forced through threat of punishment or coercion to incriminate themselves in a criminal matter.
 - c. Inmates, their cells, work areas, and personal belongings are subject to search without a warrant at any time in accordance with the department's rule on **Searches (Inmate)** (OAR 291-041).
 - d. Evidence of a crime or administrative misconduct shall be handled in accordance with the department's policy on **Criminal Evidence Handling** 70.1.3 and the department's rule on **Searches** (OAR 291-041).

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: signature on file
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Approved: signature on file
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