

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT:	PAGE <u>1</u> OF <u>4</u>
Institution Investigator	SECTION: 09-INV-04
RULE/CODE REFERENCE: 5120-9-30	SUPERCEDES: 09-INV-04 dated: 03/10/06
RELATED ACA STANDARDS:	EFFECTIVE DATE: July 8, 2014
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code Section 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide guidance, accountability, and documentation for administrative investigations conducted by institutional investigators within the Department of Rehabilitation and Correction (DRC).

III. APPLICABILITY

This policy applies to all institutional employees, contractors and volunteers with the Department of Rehabilitation and Correction, employees of a private company that operate a correctional institution controlled by the department, and any other DRC employee that has responsibilities that relate to administrative investigations within correctional institutions, particularly institution investigators.

IV. DEFINITIONS

Administrative Investigation - An investigation conducted by an assigned employee into an incident or situation where the Department has jurisdiction, as provided by policy, procedure, and state statute.

Computer Voice Stress Analyzer (“CVSA”) - A device, which electronically detects, measures, and charts the stress in a person’s voice following a preformatted questionnaire.

Computerized Criminal History (“CCH”) - A specific search conducted through the Law Enforcement Automated Data System (LEADS) to obtain information concerning prior arrests and adjudications.

Inmate Telephone Monitoring System (ITMS) - Any electronic equipment that provides the ability to monitor, record, and catalog calls placed by inmates through the “Inmate Call Out Program.”

Institutional Investigator - An employee of the DRC or employee of a private company assigned at a state correctional institution controlled by the Department whose primary duties include the investigations of alleged violations of administrative rules, policies, and procedures.

Law Enforcement Automated Data System (LEADS) - A computerized communication network providing the ability to send messages from one terminal to another and access information stored on databases. These databases are generated by criminal justice agencies and the Bureau of Motor Vehicles; and include criminal history records, vehicle registration information, stolen vehicles, etc.

V. **POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction that all allegations of and other possible incidents of violations of administrative rules, policies, and procedures shall be promptly investigated in a thorough and fair manner.

VI. **PROCEDURES**

A. **General Provisions**

1. Each institution shall have at least one employee identified as the institution investigator. The institution investigator shall report directly to the Managing Officer with functional supervision being maintained by the Chief Inspector or designee. Their duties shall include the investigation of allegations of, or incidents of serious violations of administrative rules, policies and/or procedures. The investigator shall have sufficient authority, clerical support, and unfettered access to all records and areas of the institution required to carry out the duties of the office. The Managing Officer may also assign the investigator additional responsibilities which do not conflict with or detract from their ability to conduct thorough, fair and timely investigations.
2. The institution investigator shall serve as the central clearinghouse for information/intelligence gathered within the institution and shall be responsible for providing regular briefings to the Managing Officer.
3. The institution investigator shall serve on the institution STG committee as specified by DRC Policy 310-SEC-12, Security Threat Groups.
4. The institution investigator shall submit a Monthly Caseload Report (DRC1449) to the Managing Officer, the Chief Inspector and the Office of Prisons by the tenth of each month following the report month.
5. The institution investigator shall be LEADS and CCH certified.
6. The institution investigator shall control the Inmate Telephone Monitoring System as specified by applicable DRC policy.
7. All reports of allegations of sexual misconduct and retaliation, including third-party and anonymous reports, shall be reported to the institutional investigator.

B. Investigations

1. The Managing Officer and/or the Chief Inspector shall evaluate incident reports, allegations, and unusual occurrences to determine if an investigation is warranted.
2. In the event that an investigation becomes necessary, the Managing Officer, or the Chief Inspector in consultation with the Managing Officer, shall identify an appropriate individual to conduct the investigation. Investigations that require special skills, knowledge or expertise should be referred to the institution investigator, such as:
 - Drug Use/Trafficking
 - Staff/Inmate Relationships
 - Inmate Sexual Assault
 - Significant Staff Misconduct
 - Multi-Agency Investigations
3. The institution investigator may also independently initiate investigations in cases where information has been received via monitored inmate telephone calls, “tips”, and other communications that indicate a serious violation of administrative rules, policies or procedures has occurred. All investigations initiated by the institution investigator shall be communicated to the Managing Officer as soon as practicable or reasonable.
4. All investigations, which are conducted by the institution investigator, shall be assigned a case number and logged on an investigation log and maintained for review by the Managing Officer and the chief inspector.
5. When practicable, an investigation shall be initiated within the next business day after the incident is reported or made known. Investigations shall be completed without undue delay. The institution investigator shall conduct a thorough, objective, and confidential investigation. The investigation shall be conducted in compliance with applicable laws, regulations and collective bargaining agreements. The institution investigator shall attempt to resolve issues of fact, consistent with the scope of the investigation. To this purpose, the institution investigator shall:
 - a. Collect relevant physical and documentary evidence from person(s) who possess it and other locations;
 - b. Assess the credibility of person(s) reporting information;
 - c. Assess the reliability of the documentary and/or physical evidence; and
 - d. Draw objective and logical conclusions from the reliable information collected to the extent that conclusions are warranted.
 - e. Ensure that all individuals providing information do so voluntarily without duress, coercion, promise, reward or immunity.
6. During the course of the investigation, the institutional investigator may employ the use of hand writing analysis, photographs, polygraph reports, CVSA reports, electronic surveillance recordings, fingerprints, interviews, interrogations, records or documents, and other forms of lawfully obtained evidence. The use of such devices shall be in

conformity with DRC Policy 09-INV-01, Surveillance, and or any other relevant policies, rules or statutes.

7. At the conclusion of their investigation the institution investigator shall issue a report of their findings to the Managing Officer and/or the Chief Inspector. The report shall include, at a minimum, a summary of the allegation(s), investigation, and a conclusion with respect to all facts of the alleged violation(s).
8. The institution investigator shall collect and preserve any evidence obtained during the investigation in a manner consistent with law enforcement rules of evidence (chain of evidence) and be in accordance with applicable DRC policies and procedures. Investigation files and evidence shall be maintained in a secure location. In addition, each institution investigator, with the authorization of the Managing Officer, shall implement a process, which ensures that information obtained from a confidential source is properly secured and that the identity and safety of the confidential source is protected, even after the investigation is closed. The investigator shall assess both the credibility and reliability of information received from the confidential source. All on-going investigative information is considered to be confidential.
9. The institution investigator shall be the liaison between the institution, the Ohio State Highway Patrol, and other law enforcement agencies.
10. The institution investigator may participate in investigations or joint operations with other agencies, on prison grounds or in the community, with the prior approval of the Managing Officer and/or the Chief Inspector, when such operation is related to the official business of the Department.

Related Department Forms:

Monthly Caseload Report

DRC1449