


Idaho Department of Correction  	<b>Standard Operating Procedure</b>	Title: <b>Administrative Investigations</b>		Page: 1 of 15
		Control Number: <b>150.01.01.006</b>	Version: <b>3.0</b>	Adopted: 11/09/2015

**Jeff Zmuda, deputy director, approved this document on 03/25/2019.**

**Open to the public:** ☒ **Yes**

## SCOPE

This Standard Operating Procedure (SOP) applies to all Idaho Department of Correction (IDOC) employees, including Correctional Industries, inmates, offenders, and contractors.

<b>Revision Summary</b>
Revision date (03/25/2019) version 3.0: Added new version of Appendix 6.

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## **BOARD OF CORRECTION IDAPA RULE NUMBER 116**

Custody of Evidence

## **POLICY CONTROL NUMBER 150**

Special Investigations Unit

### **PURPOSE**

The purpose of this SOP is to establish standards for (1) investigating allegations of employee misconduct, and (2) providing assessment and general investigative services for the department.

### **RESPONSIBILITY**

**The manager of Human Resources (HR)** is responsible for:

- Training managers in the department's investigations process
- Reviewing inquiries and completed Special Investigation Unit (SIU) investigations with the management authority to determine what further action, if any, is warranted
- Assuring that all civil rights complaints are addressed in accordance with this SOP
- Tracking all corrective and disciplinary actions department-wide
- Working cooperatively with the SIU in the investigation process

**The Special Investigations Unit** is responsible for:

- Establishing and reviewing procedures for conducting investigations of department matters and complaints or allegations involving department employees
- Developing procedures for investigation evidence handling and storage
- Implementing procedures for report writing and records retention in the SIU
- Providing and maintaining a help line for the safe, secure, and confidential reporting of complaints
- Reviewing inquiries with HR and the management authority to determine whether an investigation is warranted
- Coordinating with the appropriate law enforcement agency when criminal misconduct has occurred
- Coordinating with the management authority on the investigation process and providing details on the progress in each case
- Maintaining management oversight for all administrative and employee investigations
- Conducting investigations
- Tracking investigations done pursuant to this SOP, including identifying early indicators of misconduct or patterns of policy or procedure violations
- Providing a final report of investigations conducted under this SOP to management and HR and to other appropriate authorities as deemed necessary

**The Management Authority** is responsible for:

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- Conducting an inquiry upon receipt of a complaint and consulting with SIU and HR to determine what action, if any, is warranted
- Reporting all staff misconduct complaints to the SIU
- Reporting all corrective or disciplinary action to HR
- Reporting civil rights infractions immediately to HR (See United States Code, Title 42, Chapter 21)
- Requesting administrative leave with pay (ADT) when warranted and notifying the employee when the request is approved
- Reviewing the investigative report and making a finding as to the validity of the allegation
- Disseminating the final decision to all affected parties

The Employees, Contractors, Volunteers are responsible for cooperating fully with investigations and answering all questions truthfully and completely.

## **GENERAL REQUIREMENTS**

### **1. Administrative Investigations**

An investigation occurs when it is alleged or suspected that an employee's conduct or behavior violates any department policy, procedure, rule, or training. The Management Authority is encouraged to conduct an inquiry to determine if sufficient information exists to warrant further investigation. An investigation should be conducted through the SIU when the alleged violation may result in disciplinary action as outlined in:

- SOP 205.07.01.001, Corrective and Disciplinary Action
- Idaho Administrative Procedure Act (IDAPA) 15.04.01.01, Rules of the Division of Human Resources and Personnel Commission, Section 190 and codified at Idaho Code § 67-5309(n)

The objectives of an investigation are to:

- Uncover and preserve all pertinent facts and evidence
- Determine if department personnel were involved in a violation of policy
- Determine if the conduct or behavior was intentional
- Determine if the conduct or behavior was the result of action or inaction by the employer, such as training needs or procedure failure
- Determine the reasonableness and the basis of the employee's actions and evaluate any explanations

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## 2. General Provisions

### ***Confidentiality***

Confidentiality is required to preserve the rights of individuals and the department. Information obtained as a result of a staff investigation will only be distributed internally to people with an official need-to-know, externally in accordance with department manual, *Disclosure of Idaho Department of Correction Records* under the Idaho Public Records Act, or with a law enforcement agency conducting a criminal investigation.

In accordance with policy 110, Media and Public Relations, information regarding a staff investigation shall not be revealed to the news media unless authorized by the director or designee. Unauthorized persons providing such information will be subject to disciplinary or corrective action in accordance with SOP [205.07.01.001](#), *Corrective and Disciplinary Action*.

### ***Privacy***

All department owned offices, desks, lockers, vehicles, cabinets and personally owned vehicles used by staff within or parked upon department facilities or premises may be searched as part of an investigation.

At institutional facilities, body searches and searches of staff personal possessions will be conducted in compliance with SOP [510.02.01.001](#), *Facility Access*. Reasonable physical searches will be conducted using guidelines set forth in policy 510, *Searches of Persons/Vehicles Entering Correction Facilities*. Other searches will be conducted in accordance with IDAPA 06.01.01, Rules of the Board of Correction, Section 510.

## 3. Special Investigations Unit (SIU)

The SIU has the director's authority to conduct investigations into allegations of employee misconduct and to track all such complaints for statistical purposes. SIU investigators may initiate and conduct inquiries, audits, and investigations as directed by the SIU chief investigator or designee in consultation with the director, deputy director or division chief. While conducting an authorized investigation, SIU investigators shall have reasonable, unrestricted access to all department facilities, staff, offenders, visitors, records, documents, and equipment. The SIU will be responsible for:

- Issuing a case number and monitoring investigations of department employees
- Ensuring all investigations are complete, objective, and consistent
- Ensuring the investigation is completed within a reasonable amount of time, based on the circumstances of the investigation
- Preparing the final investigative file to submit to the appropriate management authority
- Maintaining the originals of all investigation reports and preserving evidence related to the investigation
- Responding to any records request for investigation records

## 4. Other SIU Responsibilities

The SIU shall conduct, monitor, or review the following investigations:

- Allegations or complaints of staff misconduct
- Escapes in accordance with SOP [105.02.01.001](#), *Reporting and Investigation of*

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*Major Incidents and policy 125, Investigation of Escapes, Serious Crimes, Serious Injury, or Deaths*

- Alleged staff sexual misconduct with offenders in accordance with policy 219, *Sexual Misconduct with Offenders*
- Conducting and assisting in training staff on specialized topics related to investigative techniques and procedures
- Actively pursuing leads, in conjunction with institutional investigator(s), of inmates currently on escape status
- Assisting local law enforcement agencies with investigations pertaining to the department
- Coordinating intelligence and investigations at all correctional facilities

## 5. Complaint

A complaint may originate from any source and contain specific information about the allegation. Complainants can use appendix 1, Voluntary Statement Form, to record their complaint.

Employees may attempt to resolve a complaint by following legitimate procedures but must never dissuade any person from lodging a complaint. In order to protect employees against false allegations, all complainants are encouraged to make complaints in written form. Anonymous complaints, or complaints from persons who wish for their names to be held in confidence, will be accepted. The person(s) filing a complaint shall not be subjected to retaliation.

Offender complaints against staff or the department need to follow SOP 316.02.01.001, *Grievance and Informal Resolution Procedure for Offenders*. When an offender files a grievance reporting staff misconduct and the grievance is resolved, the review authority shall forward a copy of the grievance to the SIU. If an investigation is warranted, the SIU Administrative Assistant shall complete appendix 2, Administrative Allegation / Complaint Form, and obtain the necessary signatures.

Any complaint that relates to a civil rights infraction such as race or gender discrimination, sexual harassment, hostile work environment, etc. (see United States Code, Title 42, Chapter 21), shall be referred to the management authority as outlined in policy 201, *Respectful Workplace*. Potential civil rights violations discovered during an inquiry shall be reported immediately to any management authority. Failure to report civil rights allegations is a violation of policy 201. The management authority shall report all civil rights complaints immediately to HR.

The SIU has established a 'help line' to provide individuals with an effective, secure, and safe method of reporting complaints and misconduct issues within the department. (See appendix 3 for information regarding the 'help line'.)

## 6. Complaint Classification

It is essential that the management authority receiving the complaint initially recognize whether the complaint requires an investigation. If the management authority believes the

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complaint could require an investigation, notification must be immediately made to the SIU. If it appears that no investigation is required, notification must be immediately made to HR.

### ***Staff Misconduct***

Staff misconduct is any violation of department policy, standard operating procedure, division directive, field memorandum, post order, or lawful verbal order of the department, Idaho Administrative Procedure Act (IDAPA) rule, a city, county, state, or federal law or ordinance that include, but are not limited to:

- Dishonesty or any breach of integrity by an employee which reflects discredit on the department
- Sexual misconduct with an offender
- Unauthorized use of weapons
- Failure to conform to a law which would constitute a serious misdemeanor or felony
- Harassment or discrimination involving civil rights violations
- Alcohol or substance abuse
- A serious breach of department rules and regulations
- Insubordination
- Allegations against employees where an outside agency is involved or those which cross division, district, or unit boundaries
- Any similar behavior described in IDAPA 15.04.01.01, Rules of the Division of Human Resources and Personnel Commission, Section 190, and/or Idaho Code 67-5309(n)

Other types of staff misconduct are actions or behaviors that disregard policies, rules, regulations or procedures for which the corrective action would generally be expected to be no greater than a Letter of Instruction, Warning or Reprimand, and/or remedial training or other type of corrective action. However, in some instances, these types of staff misconduct may result in formal disciplinary action, up to and including dismissal. These types of misconduct include, but are not limited to:

- Failure to conform to laws which constitute a misdemeanor
- Discourteous or aggressive behavior
- Misuse of department computers
- Violation of policy 217, which could discredit the department
- Any similar behavior described in IDAPA 15.04.01.01, Rules of the Division of Human Resources and Personnel Commission, Section 190, and/or Idaho Code 67-5309(n)
- Abuse of position by an employee

### ***Other Personnel Actions***

Allegations other than complaints against employees may be investigated by the SIU when an investigation is warranted. When an investigation is unnecessary, but corrective action has been imposed or disciplinary action is recommended, SIU shall communicate this information to HR.

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### Complaint Processing / Preliminary Inquiry

Upon receipt of a complaint, the management authority may conduct a preliminary inquiry to determine the complaint category and to assist in deciding whether the matter should be referred to the SIU for investigation. The management authority should consult with the SIU chief investigator or designee during the inquiry to assist in the decision-making process.

It is important to recover evidence before memories fade, witnesses become unavailable, evidence disappears, or conditions change significantly. During the inquiry, if the preliminary inquiry investigator discovers evidence that indicates the allegation may be true, the investigator shall report this to the management authority, who shall notify the SIU chief investigator. The chief investigator, the management authority and the division chief will decide if a full investigation is warranted.

The accused employee is not required to be notified of a preliminary inquiry. This allows time for evidence to be collected and preserved. The accused employee will generally not be interviewed during the initial stages of a preliminary inquiry. The accused employee may be interviewed upon consultation with the management authority and the SIU chief investigator if the investigator feels that the preliminary inquiry can be resolved and closed by doing so. The purpose of a preliminary inquiry is to quickly collect any evidence that may or may not corroborate the allegation.

The preliminary inquiry should normally be completed within 10 business days.

For misconduct allegations that require further investigation, SIU will seek approval from the director and the accused employee shall be notified using appendix 4, Employee Notification of Investigation, which will include a list of the policies or procedures the employee is alleged to have violated, the case number, and the name of the investigator(s). See section 9 and 10 below for additional steps in the process.

## 7. Administrative Leave

### ***With Pay***

The director or designee is authorized to approve requests for administrative leave with pay (ADT) for investigative purposes.

Primary reasons for granting ADT includes, but is not limited to:

- An immediate need to preserve and secure evidence
- Removal to maintain safety and/or the well-being or safeguarding of staff or offenders
- To seek necessary counseling or outside assistance
- Declared emergency situations

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Should the management authority recognize a need to place the accused employee on ADT for investigative purposes, he will request this on appendix 2, Administrative Allegation / Complaint Form.

The SIU will obtain approval from the director or designee, for ADT and will notify the management authority of approval or denial of the request to place the accused employee on ADT.

The management authority will notify the accused employee using appendix 5, Administrative Leave with Pay, that approval for ADT during the investigation is authorized. The employee will sign and date appendix 5 when received. A copy of appendix 5 will be forwarded to HR immediately, and the original will be retained in the investigative file. Should ADT be granted after the notification has been issued, the management authority will issue the written notice to the accused employee with a copy to HR.

#### ***Without Pay***

Administrative leave without pay (LWO) will only be granted for employees who are charged with or convicted of a felony (IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190.04).

## **8. Staff Rights**

Employees under investigation will be informed of the general nature of the investigation as soon as practical, unless notification will hamper the investigation.

An accused employee may request to have an observer or counsel present during an interview, provided:

- The person is available to attend the interview within a reasonable period of time.
- No witness or potential witness in the investigation will be permitted to act as an observer.
- The accused employee and the observer (or counsel) shall be afforded a reasonable amount of time to confer prior to initiating the interview.
- The observer (or counsel) does not interfere with or impede the interview process (Note: The observer (or counsel) may be excluded from the interview if his behavior becomes disruptive).

The role of counsel during the interview is primarily that of observer, but he may also question or illicit statements from the accused employee at the conclusion of the interview.

Interviews will be conducted for reasonable periods of time, allowing for rest periods if necessary.

No staff will be subjected to offensive or foul language or threats during the investigation process. Being advised that failure to answer questions fully and truthfully may result in corrective or disciplinary action, up to and including dismissal, constitutes an advisement of an employee's obligation to the employer and shall not be construed as a threat.

Upon completion of the investigation, the accused employee will be notified, in writing, that the investigation has been completed.

#### ***Civil Rights Investigations***

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The department acknowledges that the federal government has authority to conduct an independent investigation to identify any civil rights violations that may have occurred.

The department will not require any employee to confer with federal investigators without the advice of counsel. The deputy attorney generals (DAGs) who represent the IDOC shall not provide legal advice to employees for civil rights investigations.

## 9. Administrative Investigations

### ***Accused Employee***

An employee accused of misconduct, or who is the focus of the investigation, must be interviewed during the investigation. The employee shall cooperate fully with the investigation and answer all questions truthfully and completely. Failure to cooperate is considered misconduct and will result in disciplinary action, up to and including dismissal.

When the alleged misconduct could be a criminal violation of federal or state law, the accused employee will receive an administrative investigative warning (commonly referred to as a Garrity Warning), prior to an investigation interview. (Note: Appendix 6, *Administrative Investigation Warning form will be used for the advisement.*)

### ***SIU Investigative Actions***

When a complaint is investigated by the SIU, the SIU chief investigator or designee assigns the case to an investigator.

The chief investigator or designee monitors the investigation to ensure it is completed within a reasonable amount of time and when requested, communicates the status of the investigation to the management authority, the deputy director, or the director.

The investigation will be completed as expeditiously as possible, while providing due consideration for the (1) interviewees' location and distance required to travel, (2) availability of interviewees', (3) complexity of the situation, and (4) number of witnesses. During the course of the investigation, complainants may receive updates from IDOC once per week regarding the status of an investigation related to their complaint, but only to the extent the update will not jeopardize or interfere with the integrity of the investigatory process.

Investigations will be conducted in a professional and unbiased manner. The accused employee will be afforded the presumption of innocence. Duties and responsibilities of the assigned investigator generally include:

- Ensuring the accused employee was provided with notice of an investigation using appendix 4, *Employee Notification of Investigation*.
- Conducting a preliminary case evaluation and developing an investigative plan, which includes:
  - Reviewing the completed appendix 2, Administrative Allegation / Complaint Form, and other documents
  - Examining the accused employee's personnel files and other records to identify relevant patterns or instances of similar conduct
  - Examining the accused employee's training records to identify relevant training
  - Identifying the specific allegations to be addressed, concentrating on those that fall under policy 217, *Ethics and Standards of Conduct*, Division of Human

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Resources and Idaho Personnel Commission IDAPA rules, and other department policies, regulations, and procedures related to the issues

- Determining who should be questioned
- Determining whether a crime may have been committed
- Considering potential motives for both the accused employee and the complainant
- Anticipating possible defenses of the complainant and accused employee
- Deciding what questions to ask of which participants and developing an interview plan
- Determining what evidence may exist
- Identifying potential problems and discrepancies in the information already obtained
- Developing a reasonable time frame to complete the investigation
- Contacting the accused employee, the complainant, and witnesses, which includes:
  - Scheduling interviews with the complainant, accused employee, and witnesses
  - Notifying the affected work unit supervisors of the scheduled interviews to afford the supervisor(s) the ability to schedule work coverage
- Conducting interviews, which includes:
  - Recording all interviews and maintaining the recordings as evidence
  - Scheduling interviews in advance
- Collecting evidence, which includes:
  - Touring the work or incident location, if appropriate
  - Having specialized tests completed as appropriate
  - Collecting any available photographs, audio, or video recordings
  - Collecting any other pertinent evidence
  - Processing and storing evidence pursuant to SOP 116.01.01.001, *Custody of Evidence: Special Investigations Unit*
- Writing an *Investigation Report* (appendix 7), detailing the facts of the case, including all relevant information disclosed during the investigation, and excluding opinions and recommendations for or against disciplinary actions.

Each Investigation Report shall contain the following standardized sections:

- **Case No.:** The two (2) digit year followed by a three (3) digit sequential number (e.g., 92-001)
- **Start Date:** Date the investigation begins
- **Case Overview:** Outlines the issues, the course of the investigation, and the evidence obtained
- **Applicable Laws, Rules, Policies, & Procedures:** A description of the alleged violations of laws, rules, policies, or procedures; (Note: IDOC does not determine that criminal activity has occurred. The proper function of IDOC when it is suspected that criminal activity may have occurred is to refer to the investigation to local law enforcement.)

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- **Subjects:** The subject(s) of the report shall be identified with a workplace address and contact telephone number
- **Witness(es) and Contact Information:** The names of each witness or person interviewed along with their contact information
- **Details:** A chronological narrative of the SIU investigator's investigative efforts and results
- **Evidence:** All evidentiary items referenced in the report. Evidence is generally and item that is collected or produced by the investigator. (Note: Evidentiary items should be identified as an exhibit, followed by an alpha character [e.g., Exhibit A].)
- **Attachments:** Supporting documents
- **Signature Blocks:** The investigator shall sign the report, and then submit it to the chief investigator or designee for approval. The electronic original shall be retained in the primary recordkeeping system (see SOP [150.01.01.005](#), *Recordkeeping: Administrative Investigations*).

## 10. Determination of Findings

At the conclusion of the investigation, a factual report and other pertinent documentation will be disseminated to the Review Team. The Review Team includes the management authority in the chain of command of the accused employee, the department's division chief's and deputy division chief's, deputy attorneys general (DAG) who represent the department, and HR representatives. During the next regularly scheduled SIU meeting, the Review Team appraises the investigation and assigns one of the following dispositions or findings to each alleged violation of policy, rule, regulation, or law: unfounded, exonerated, not sustained, or sustained. A copy of appendix 8, Case Review, will be filled out by the SIU chief investigator or designee to document the finding and retain it in the case file and send a copy to HR.

Note: In disciplinary actions, the department has the burden of proving cause for the discipline by a preponderance of the evidence.

### ***Unfounded***

The investigation revealed that the alleged act or acts complained of did not occur, or the individual named in the complaint was not involved.

### ***Exonerated***

The investigation revealed that the alleged act or acts did occur but were justified, lawful, and/or proper.

### ***Not Sustained***

The investigation failed to discover a preponderance of the evidence to support or disprove the allegation(s) made in the complaint.

### ***Sustained***

The investigation disclosed a preponderance of the evidence to support the allegations made in the complaint.

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## 11. Case Conclusion

The SIU chief investigator or designee records the findings and maintains all reports in the SIU in accordance with internal procedures.

Occasionally, during an investigation, an employee may decide to resign before the investigation has concluded. In that event, the investigation should be completed and documented so the department can substantiate or disprove misconduct and preserve related information.

### ***Sustained Finding***

Upon a finding that the allegation is sustained and that disciplinary action is contemplated, the process outlined in, is implemented.

### ***All other Findings***

For findings other than sustained, the SIU chief investigator or designee, notifies the employee and the management authority of the findings and that the investigation has concluded.

### ***Law Enforcement Relations / Criminal Investigations***

When an alleged crime involving a staff member has occurred, the SIU will be the designated authority for coordinating, requesting, and contacting the appropriate law enforcement agency. The management authority will contact the SIU to notify them of an outside law enforcement need. A referral to law enforcement may suspend the department's preliminary inquiry and/or investigation until further notice, as determined by the SIU chief investigator or designee.

Any related criminal investigation supersedes the administrative investigation. SIU investigators will not participate in an interview of the accused employee during the criminal investigation. The SIU chief investigator and the SIU investigator will monitor the progress of the criminal investigation to determine whether to or when to proceed with a separate administrative investigation.

## 12. Management Authority Debriefing

Before communicating the investigation results to the complainant and/or the accused, the management authority will (1) review the investigation report and (2) prepare a plan to conduct relevant debriefing sessions with the affected parties.

To maintain confidentiality and to preserve individual integrity, management authorities are to ensure that they do not divulge more information than what is required in the debriefing sessions.

Cases impacting several employees may require group or collective debriefing sessions to achieve the needed closure.

## 13. Investigative Files

The investigative file will be maintained in the SIU in accordance with SOP 150.01.01.005 Recordkeeping: Administrative Investigations. The investigative file includes the original copy of the investigation report and any supplemental reports, supporting documents (or copies of such documents, if the original is considered an evidentiary document), photographs or copies of photographs, and the investigator's notes.

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#### 14. Evidence: Collecting, Handling, Processing, and Disposing

Evidence collection, handling, processing, and disposal shall be accomplished as described in SOP 116.01.01.001, *Custody of Evidence: Special Investigations Unit*.

All evidence, including audio and video recordings made during the investigation, will be maintained in the SIU evidence storage facility under the control of the SIU evidence technician.

#### 15. Record Requests

##### **Public Disclosure**

Public records requests for SIU investigative reports will be processed in accordance with IDAPA 06.01.01, *Rules of the Board of Correction*, Section 108, and department manual, *Disclosure of Idaho Department of Correction Records* under the Idaho Public Records Act. (Also see Idaho Code 9-335.)

#### DEFINITIONS

**Appointing Authority:** Pursuant to Idaho Code, the director (1) is the appointing authority for the Department of Correction and is authorized to hire, dismiss, determine salary, or significantly impact the employment status of individuals in any department; (2) delegates appointing authority responsibilities to the following Department managers: division chiefs, wardens, community reentry center (CRC) managers, district managers, deputy chiefs, or equivalents; and (3) can also delegate appointing authority responsibilities to deputy wardens, lieutenants, unit managers, unit supervisors, or district supervisors.

**Board:** The State Board of Correction.

**Chain of Command:** A series of positions in order of authority.

**Complainant:** An individual or entity that makes an accusation, allegation, complaint, or charge against the department or its employee.

**Complaint:** An accusation, allegation, or charge against the Department or its employee.

**Corrective Action:** An administrative action taken to address and correct unacceptable behavior, misconduct, or substandard work performance to include, but not limited to a letter of instruction, warning, reprimand or a performance improvement plan.

**Department:** The Idaho Department of Correction.

**Director:** The director of the Idaho Department of Correction.

**Disciplinary Action:** An administrative action taken to address and correct unacceptable behavior, misconduct, or substandard work performance to include disciplinary suspension without pay, disciplinary demotion, disciplinary reduction in pay, involuntary transfer, and dismissal.

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**Garrity Warning:** The Department's administrative investigation advisement of an employee's rights during an investigation when the employee's conduct could result in criminal charges.

**Management Authority:** The appointed facility or unit manager having the authority and responsibility for the day-to-day management, control, and responsibility for a designated administrative unit within the Department. This includes the director, division chief, deputy chief, warden, deputy warden, probation and parole district manager, or community work center manager in the employee's chain of command. It also includes a designated acting manager, someone delegated to act on behalf of the manager, or someone temporarily appointed as manager while the manager is on leave or is unavailable.

**Staff Misconduct:** Any violation of department policy, standard operating procedure, division directive, field memorandum, post order, or lawful verbal order of the department, Idaho Administrative Procedure Act (IDAPA) rule, a city, county, state, or federal law or ordinance.

**Offender:** A person under the legal care, custody, supervision, or authority of the Board of Correction, including a person within or without the State of Idaho pursuant to agreement with another state or contractor.

**Preponderance of the Evidence:** The general standard of proof in most civil cases, which is the degree of proof that will lead the investigator to conclude that the existence of the fact is more probable than not.

**Probable Cause:** An apparent state of facts, which would include a reasonably intelligent and prudent person to believe, in a criminal case, that the accused person committed the crime charged, or in a civil case, that the cause of action existed.

**Reasonable Suspicion:** A belief drawn from specific objective and articulable facts and the reasonable inferences drawn from those facts.

**Special Investigations Unit:** The designated unit under the Director's Office with primary responsibility for conducting administrative and criminal investigations involving allegations of staff misconduct, offenders who have absconded from probation or parole, investigate escapes and assist in the recapture of offenders, pre-employment background checks, gather intelligence and coordinate facility investigations.

## REFERENCES

- Appendix 1, Voluntary Statement Form
- Appendix 2, Administrative Allegation / Complaint Form
- Appendix 3, SIU Help Line Information
- Appendix 4, Employee Notification of Investigation
- Appendix 5, Administrative Leave with Pay (ADT)
- Appendix 6, Administrative Investigation Warning

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Appendix 7, Investigation Report

Appendix 8, Case Review

Department Manual, [Public Records Manual](#)

Department Policy [110](#), *Media and Public Relations*

Department Policy [125](#), *Investigation of Escapes, Serious Crimes, Serious Injury, or Deaths*

Department Policy [201](#), *Respectful Workplace*

Department Policy [217](#), *Ethics and Standards of Conduct* Department

Department Policy [218](#), *Non-fraternization with Offenders*

Department Policy [219](#), *Sexual Misconduct with Offenders*

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**IDAHO DEPARTMENT OF CORRECTION**  
**Special Investigations Unit**  
**Administrative Allegation / Complaint Form**

DATE		TIME	
TO: SPECIAL INVESTIGATIONS UNIT (SIU)		Fax No.: (208) 327-7433 Email: <a href="mailto:ops@idoc.idaho.gov">ops@idoc.idaho.gov</a>	
FROM		WORK LOCATION	
	(Facility Head)		
<b>Allegation / Complaint Against:</b>		<b>Brief Description of Allegation/Complaint and Related Policies:</b>	
Name			
Position			
Work Location			
<b>A. COMPLAINT / ALLEGATION INQUIRY INFORMATION</b>			
Conducted By:			
<input type="checkbox"/> Inquiry Documents Attached <input type="checkbox"/> Inquiry Documents Forthcoming <input type="checkbox"/> No Inquiry Documents			
Outcome/Comments:		Action Taken, if any: <input type="checkbox"/> Unfounded or Exonerated <input type="checkbox"/> Coaching / Corrective Action <input type="checkbox"/> Letter of Instruction or Reprimand <input type="checkbox"/> Disciplinary Action (Describe at left) <input type="checkbox"/> Other (Describe at left)	
<b>B. INVESTIGATION REQUEST</b>			
		<input type="checkbox"/> Recommend Investigation <input type="checkbox"/> Do Not Recommend Investigation	
X _____ Management Authority Signature     Date		Administrative Leave with Pay Requested <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. INVESTIGATION APPROVAL</b>			
X _____ Division Chief Signature     Date		Administrative Leave with Pay Requested <input type="checkbox"/> Yes <input type="checkbox"/> No	
X _____ Director Signature     Date		Administrative Leave with Pay Authorized <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>D. INVESTIGATION ASSIGNMENT</b>			
<input type="checkbox"/> Internal <input type="checkbox"/> Delegated <input type="checkbox"/> Criminal			
Investigator Assigned:		Case #	
SIU Signature		Date:	



**IDAHO DEPARTMENT OF CORRECTION**  
**Special Investigations Unit**  
**Help Line Information**

**Help Line # (800) 361-6286**

**Purpose:** To provide department employees with an effective, secure, and safe method of reporting complaints and staff misconduct issues within the department.

**Who can use it:** While it is established for department employee use, anyone can utilize the service.

**What is a complaint:** An accusation, allegation, or charge against the department or its employees.

**What is misconduct:** A violation of any (1) departmental policy, standard operating procedure, division directive, field memorandum, post order, or lawful verbal order of the department, (2) Division of Human Resources and Idaho Personnel Commission Idaho Administrative Procedure Act (IDAPA) rule, or (3) city, county, state, or federal law or ordinances. Failure to report employee misconduct is employee misconduct.

**What should be reported (to include but not limited to):**

1. Criminal acts or plans to commit criminal acts.
2. Violations of department policy by commission or omission.
3. Any sexual harassment issue, including illegal hostile work environment.
4. Any civil rights issue, including discrimination, harassment, and retaliation.
5. Substantial and specific danger to health and/or safety of others.
6. Instances of mismanagement.
7. Neglect of duty, dishonesty, stealing, or untruthfulness.

**How do I report a complaint:**

1. **E-mail:** [ops@idoc.idaho.gov](mailto:ops@idoc.idaho.gov). (Your name will appear but will remain confidential.)
2. **Call:** 1-800-361-6286. (You may choose to be identified or remain anonymous.)
3. **Write:** Department of Correction

**Special Investigations Unit**  
**1299 N Orchard St., Ste. 110**  
**Boise, Idaho 83706**

**What information do I include:**

1. **Who:** The subject of the report, name, work location, and other identifying information, such as gender, etc.
2. **What:** A description of the alleged violation or misconduct that occurred.
3. **When:** Specific dates and times of the occurrence.
4. **Where:** Exact location of the occurrence.
5. **Why:** The reason(s) you believe the individual committed the violation.
6. **How:** A description of how the alleged violation took place.
7. **Facts:** A description of the facts you have that the violation took place.

**What happens then:** SIU will assess the information and make a determination regarding processing. The information may be:

1. Stored in the SIU database.
2. Used as evidence in an ongoing investigation.
3. Used as evidence in a new investigation.
4. Used as culture analysis information.
5. Used as an early identification indicator of a growing problem.



**IDAHO DEPARTMENT OF CORRECTION**  
**Special Investigations Unit**  
**Administrative Leave with Pay (ADT)**

Date:

To:

From: Special Investigations Unit

RE: **Notice of Administrative Investigation**

The Department is investigating a complaint or allegation lodged against you that alleges you have .

If proven true, this conduct would violate Idaho Department of Correction policy and procedure, .

The Special Investigations Unit has been assigned the responsibility of investigating this allegation as detailed in policy 150, *Administrative Investigations*. Upon completion, it will be forwarded to a review team and the director of the Idaho Department of Correction for disposition. We will endeavor to ensure the investigation is thorough and objective.

The Special Investigations Unit intends to interview you in the near future. The assigned investigator, , will contact you for scheduling purposes. You are directed to cooperate fully with this investigation, and answer questions truthfully and completely. You are not to discuss matters pertaining to the investigation with anyone other than the people listed below or your attorney. We expect this matter to be resolved promptly.

You will be notified in writing of the disposition of the allegation. If you have any questions or concerns regarding this matter, contact the investigator at (208)  or your management authority, .

Special instructions include: ☐ None ☐ .

\_\_\_\_\_  
Issuing Authority Name & Signature

\_\_\_\_\_  
Date

***I acknowledge receipt of this notice:***

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Cell Phone

(Note: Return the signed original to SIU and give the employee a copy. **Mail original to:** Idaho Department of Correction, Attn: SIU, 1299 N Orchard St, Suite 110, Boise, ID 83706.)



**IDAHO DEPARTMENT OF CORRECTION  
Special Investigations Unit  
Administrative Leave with Pay (ADT)**

Date:

To:

From: Special Investigations Unit

RE: **Administrative Leave with Pay (ADT)**

The director has approved your placement on administrative leave with pay (ADT) status, pending results of an investigation, in accordance with policy 150, *Administrative Investigations*.

This status is effective immediately and will continue until you are notified otherwise. Your duty hours will be 8:00 a.m. to 5:00 p.m., Monday through Friday, and your time records for this period will reflect eight (8) hours of time coded as "ADT". You are expected to be available during these hours for contact by the Department. Please provide a telephone number where you can be contacted: \_\_\_\_\_.

While you are on administrative leave, you remain an employee of the State of Idaho and must continue to observe all rules and regulations regarding conduct of Department employees. You are restricted from Department facilities unless otherwise instructed by your management authority, division chief, or the investigator conducting the investigation.

If you have any questions, you can call your management authority, \_\_\_\_\_; your division chief, \_\_\_\_\_; or the investigator conducting the investigation, \_\_\_\_\_, at (208) \_\_\_\_\_.

***I acknowledge receipt of this notice:***

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

(Note: Return the signed original to SIU and give the employee a copy. **Mail original to:** Idaho Department of Correction, Attn: SIU, 1299 N Orchard St, Suite 110, Boise, ID 83706. OPS shall provide a copy to HRS.)

Appendix 5  
150.01.01.006  
(Appendix last updated 04/2015)



IDAHO DEPARTMENT OF CORRECTION  
Special Investigations Unit  
Administrative Investigation Warning

Date: \_\_\_\_\_ Time: \_\_\_\_\_ SIU Case Number: \_\_\_\_\_

Location of Interview: \_\_\_\_\_

Name of Interviewer: \_\_\_\_\_, of the Idaho Department of Correction.

Name of Person being Interviewed: \_\_\_\_\_

Allegations being Investigated: \_\_\_\_\_

Others Present during Interview/Purpose: \_\_\_\_\_

You have been involved in an incident or you have personal knowledge of an incident, which is under administrative investigation. In accordance with Garrity v. New Jersey, please read the following:

1. In an administrative investigation you are required to truthfully answer all questions directed to you, both orally and when requested in writing, which are specifically, directly, and narrowly related to the performance of duty or fitness of office. Therefore, you do not have the right to remain silent. You are advised that your statements or responses constitute an official report.
2. In addition, you are directed to disclose to the assigned investigator any and all information and materials, which may pertain to this investigation. This includes the existence of any possible witnesses as well as recordings, photographs, notes, documents, records, statements, etc.
3. You are required to answer all questions directed to you. You do not retain the right to refuse any question. In addition, you are required to be truthful in all your responses.
4. While this incident is under investigation you are directed not to discuss or make known any information concerning this investigation with anyone other than your direct Chain of Command, your attorney or the investigator assigned to the investigation. This investigation will be considered an open investigation until you receive written notification from IDOC that is completed.
5. Your failure to disclose all information and materials that pertain to this investigation or participate in the investigation, or providing false or untruthful information in your responses or otherwise compromising the investigation constitutes a violation of IDOC Policy 217 Ethics and Standards of Conduct and IDOC SOP 150.01.01.001 Administrative Investigations and may serve as a basis for corrective or disciplinary action up to and including termination in accordance with IDOC SOP 205.07.01.001 Corrective and Disciplinary Action.
6. **Your statement as well as an information or evidence which is gained through your statement cannot be used against you in any criminal proceeding, except that you may be subject to criminal prosecution for any false statements you provide.**

Do you understand this? ☐ Yes ☐ No

***I have read this form and understand its contents.***

Interviewee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witnesses' Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Appendix 6  
150.01.01.006  
(Appendix last updated 02/2019)

DEPARTMENT OF CORRECTION

**INVESTIGATION REPORT**

**CASE NO.**

**DATE**

**CASE OVERVIEW:**

**ALLEGATIONS:**

**SUBJECTS:**

**WITNESS AND/OR PERSONS INTERVIEWED:**

**DETAILS:**

**EXHIBITS:**

**ATTACHMENTS:**

**NAME OF INVESTIGATOR (PRINTED):**

**INVESTIGATOR'S SIGNATURE:**

**DATE:**



# IDAHO DEPARTMENT OF CORRECTION

## Special Investigations Unit

### Case Review

Date:	Accused Employee:	Case Number:
Division/Location:		
<p>Possible findings for policy violations</p> <p><b>Sustained:</b> A finding that the investigation disclosed a preponderance of the evidence to support the allegation(s) made in the complaint.</p> <p><b>Not Sustained:</b> A finding that the investigation failed to discover a preponderance of the evidence to support or disprove the allegation(s) made in the complaint.</p> <p><b>Exonerated:</b> A finding that the investigation revealed that the alleged act or acts did occur but were justified, lawful and proper.</p> <p><b>Unfounded:</b> A finding that the investigation revealed that the alleged act or acts complained of did not occur, or the individual named in the complaint was not involved.</p>		
<b>Possible Policy Violations</b>		<b>Findings</b>
<input type="checkbox"/> Sustained for all policy violations		<input type="checkbox"/> Not sustained for all policy violations
1.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
2.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
3.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
4.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
Prisons Division Chief:		Date:
<input type="checkbox"/> Sustained for all policy violations		<input type="checkbox"/> Not sustained for all policy violations
1.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
2.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
3.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
4.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained <input type="checkbox"/> Exonerated
Management Services Division Chief:		Date:

Appendix 8  
 150.01.01.006  
 (Appendix last updated 04/2015)



# IDAHO DEPARTMENT OF CORRECTION

## Special Investigations Unit

### Case Review

<input type="checkbox"/> Sustained for all policy violations		<input type="checkbox"/> Not sustained for all policy violations	
1.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
2.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
3.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
4.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
Probation and Parole Division Chief:		Date:	

<input type="checkbox"/> Sustained for all policy violations		<input type="checkbox"/> Not sustained for all policy violations	
1.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
2.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
3.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
4.	<input type="checkbox"/> Sustained <input type="checkbox"/> Unfounded	<input type="checkbox"/> Not Sustained	<input type="checkbox"/> Exonerated
Human Resources Manager:		Date:	

☐ Legal Review

\_\_\_\_\_  
Chief Investigator

\_\_\_\_\_  
Date

Appendix 8  
150.01.01.006  
(Appendix last updated 04/2015)