

## Minnesota Department of Corrections

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<b>Policy:</b>	<b>107.007</b>	<b>Title: Criminal Investigations</b>
<b>Issue Date:</b>	<b>10/3/06</b>	
<b>Effective Date:</b>	<b>11/7/06</b>	

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**AUTHORITY:** [Policy 107.005, "Office of Special Investigations."](#)

**PURPOSE:** To establish procedures for conducting department criminal investigations.

**APPLICABILITY:** Department-wide

**POLICY:** The OSI will investigate allegations of criminal activity by offenders; and assist law enforcement agencies with the conducting of criminal investigations involving employees, volunteers, contractors and visitors within the department and refer appropriate cases to the Director of Policy and Legal Services or his/her designee. The Director of Policy and Legal Services or his/her designee will refer appropriate cases to the local prosecuting authority. Any intelligence information revealing criminal activity outside of the department will be referred to the appropriate law enforcement agency.

**DEFINITIONS:** None

**PROCEDURES:** OSI staff will

- A. Respond to the scene as applicable and detain witnesses and secure known suspect(s).
- B. Secure and process the scene for evidence.
- C. Secure all evidence with chain of custody documentation and maintain the integrity of the evidence until needed by the prosecuting authority.
- D. Electronically record witness interviews.
- E. Interview suspect(s) and adhere to their legal rights (i.e., Miranda, Scales, Garriety rulings)
- F. Special Investigator will send a draft of the completed investigation, along with an appropriate county attorney cover letter from the Assistant Commissioner Facilities Services Division or Deputy Commissioner of Community Services where applicable, to the Deputy Director of OSI-Investigations for review. After the review, the Deputy Director of OSI-Investigations will forward the report to the Director of Policy and Legal Services or his/her designee for review. After review, the report will be sent to the Assistant Commissioner Facilities Services Division or Deputy Commissioner of Community Services Division for referral to the appropriate county attorney's office for criminal prosecution. The special

investigator will complete additional investigative work if requested during the review process.

- G. Upon approval of above, the special investigator will forward the report to the appropriate county attorney's office, if applicable, and a copy of the report will be given to the appropriate warden/superintendent and discipline supervisor.
- H. The Special Investigator will track all referred cases to conclusion and report dispositions quarterly to the warden and OSI Deputy Director - Investigations.
- I. Secure a case number through the OSI web-based case tracking system as soon as possible in this process.

**REVIEW:** Annually

**REFERENCES:** [Division Directive 107.055, "Evidence Handling."](#)  
State v Scales, 518 N.W.2d 587 (Minn. 1994).  
Garrity v New Jersey, 385 U.S. 93, 875.Ct. 616, 17L. Ed. 2d 562 (1967).  
Miranda v Arizona, 384 U.S. 436, 865 Ct 1602, 16L.Ed.2d 694 (1966).  
ACA Standards 3-JTS-3C-09; 4-4231.

**SUPERSESION:** Policy 107.007, "Criminal Investigations," 10/1/04.  
All unit and facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** None

/s/

Dennis L. Benson, Deputy Commissioner  
Facility Services