



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #1.014

Investigations

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Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s):	Effective Date: August 16, 2004 Revision/Review History: Summary of Revision/Review: Revises previous WDOC regulations and establishes a uniform WDOC policy and procedure.
Cross Reference of Policy: P&P #1.009, <i>Release of Information</i> ; P&P #1.012, <i>Investigation of Inmate on Inmate Physical Altercations or Assaults to Inmates at WDOC Facilities</i> ; P&P #1.013, <i>Incident Reporting</i> ; P&P # 1.015, <i>Media and Public Relations</i> ; P&P #1.202, <i>Staff Sexual Misconduct Against Offenders</i> , P&P #1.205, <i>Workplace Harassment and Discrimination</i> ; P&P #1.306, <i>Code of Ethics</i> ; P&P #3.009, <i>Custody and Chain of Evidence</i> ; P&P # 3.011, <i>K-9 Operations</i> ; A.R. # 2.501, <i>Inmate Grievance Procedure</i> ; and A.R. # 7.010, <i>Facility Access</i> .	Supersedes Existing Policy : A.R. #7.017, <i>Reporting and Investigation of Major Incidents</i>
Approved: <p style="text-align: center;">/s/ R.O. Lampert 8-06-04 Robert O. Lampert, Director Date</p>	

REFERENCE

1. ATTACHMENTS
 - A. WDOC Form # 101: Garrity Warning
 - B. WDOC Form # 102: Staff Report
 - C. WDOC Form # 103: Confidential Informant Evaluation and Information Form
 - D. WDOC Form # 104: Investigations Report
2. OTHER – None Noted



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I. PURPOSE

- A. **Guidelines and Methods for Investigation.** The purpose of this policy is to establish guidelines and methods for investigations conducted by the Wyoming Department of Corrections (WDOC), other than investigations of inmate physical altercations or assaults to inmates at WDOC facilities that are governed by WDOC Policy and Procedure #1.012, *Investigation of Inmate on Inmate Physical Altercations or Assaults to Inmates at WDOC Facilities*.

II. POLICY

- A. **General Policy.** It is the policy of the WDOC that all incidents of suspected criminal activity, staff misconduct, and serious incidents be adequately addressed through inquiry and/or investigation and that appropriate action be taken to modify and correct misconduct and any applicable rule, policy, or procedure deficiencies.

III. DEFINITIONS

- A. **Canine (K-9):** A dog that is highly trained and certified in the detection of narcotics.
- B. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens/superintendents, district supervisors, adult community corrections coordinator, adult community corrections directors.
- C. **Confidential:** (*For this Policy only.*) Held in confidence; To be shared only with those whose official capacity dictates their absolute need to know, or by order of a court.
- D. **Confidential Informant (CI):** Any individual who provides useful and credible information regarding criminal activities or misconduct by Wyoming Department of Corrections offenders, staff or visitors, and whose identity needs to be protected as a result.
- E. **Facility CI Records Custodian:** An individual assigned to work in a Wyoming Department of Corrections facility, other than the Investigations Unit, who is responsible for keeping and maintaining records associated with confidential informants.



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- F. **Garrity Advisement:** A formal advisement given to a staff member whereby a refusal to cooperate and respond truthfully to questions is deemed to be misconduct. Statements received pursuant to a Garrity Advisement cannot be used in a subsequent criminal proceeding.
- G. **Inmate:** A person who is incarcerated in any Wyoming Department of Corrections correctional facility, county jail, municipal jail or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody or supervision of the Wyoming Department of Corrections.
- H. **Initial Inquiry:** *(For this Policy only.)* A preliminary review of information related to an issue, obtained by asking questions of persons involved and looking at documentation readily available.
- I. **Insubordination:** The failure to obey and comply with a lawful order, given by a supervisor or an Investigations Unit Investigator, which is necessary to carry out the mission of Wyoming Department of Corrections.
- J. **Investigation:** A thorough and systematic examination of all information obtained through interviews, interrogations, research, and analysis/examination of evidence.
- K. **Investigations Major:** The Investigations Unit Investigator responsible for the daily supervision and direction of the Investigations Unit.
- L. **Investigations Unit (IU):** The Wyoming Department of Corrections Central Office unit responsible for providing investigative support and oversight to all Wyoming Department of Corrections facilities.
- M. **Investigator:** Any staff assigned to conduct an investigation affecting or impacting the Wyoming Department of Corrections, or the offenders, staff, and visitors associated with the Wyoming Department of Corrections.
- N. **Investigations Unit Confidential Informant Records Custodian (IU CI Records Custodian):** An individual assigned to work in the Investigations Unit, who is responsible for keeping and maintaining records associated with confidential informants.
- O. **Investigations Unit Investigation (IU Investigation):** An investigation conducted by an Investigations Unit Investigator.
- P. **Investigations Unit Investigator (IU Investigator):** Any individual specifically assigned to work in the Investigations Unit as the Investigations Major, an Investigations Unit Investigator, or an Investigations Unit K-9



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Handler/Investigator.

- Q. K-9 Handler:** A staff member assigned to the Wyoming Department of Corrections Investigations Unit who is responsible for training, handling, controlling and directing a canine in the performance of narcotics detection.
- R. K-9 Team:** A team comprised of one canine handler and one canine that work together for the purpose of detecting the presence of narcotics.
- S. Law Enforcement Agency of Jurisdiction (LEAOJ):** A law enforcement agency with legal authority to investigate and take action regarding matters or incidents of actual or suspected criminal activity.
- T. Minor Staff Misconduct:** Misconduct for which disciplinary action would be expected to be no greater than a letter of reprimand and/or remedial training.
- U. Misconduct:** A violation of State or Wyoming Department of Corrections policy, procedure, regulations or executive directives, and/or behavior that would bring discredit to the Wyoming Department of Corrections or otherwise undermine the public trust.
- V. Offender:** A person who has entered a plea of guilty or has been convicted of a misdemeanor or a felony and is committed to the custody or supervision of Wyoming Department of Corrections.
- W. Reasonable Suspicion:** A belief based on specific, objective facts that can be articulated and reasonable inferences drawn from facts sufficient to lead a prudent person to suspect that a staff member is under the influence of a substance.
- X. Report of Inquiry:** An investigative report presenting the information obtained during an initial inquiry conducted by staff.
- Y. Reporting Party:** The individual that reported the alleged/suspected criminal activity and/or staff misconduct.
- Z. Serious Incident Review (SIR):** A formal review by a three-member panel not associated with the facility where the incident took place.
- AA. Serious Injury:** Bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.



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- BB. Staff:** (*For this Policy only.*) Wyoming Department of Corrections employees (temporary or permanent), contractors, volunteers, on-site vendors, and persons from other agencies, organizations, and businesses whose work is performed primarily on or within Wyoming Department of Corrections facilities.
- CC. Staff Misconduct:** Actions contrary to policy or law, impacting the Wyoming Department of Corrections, including, but not limited to violation of: Wyoming Department of Corrections policy, procedure, Director's Executive Order, Administrative Regulation, post order, or unit plan; Wyoming State personnel rules; and all Federal, State, and local laws.
- DD. Subject:** The person that is the subject of the allegations/accusations under investigation.
- EE. Visitor:** Any non-staff individual visiting a Wyoming Department of Corrections facility.
- FF. WDOC Facility:** (*For this Policy only.*) All buildings, grounds, property, sites, and inmate work crew locations that are owned, leased, rented, or operated by the Wyoming Department of Corrections, as well as all county jail, municipal jail, or in-state/out-of-state contract facility used to house Wyoming Department of Corrections inmates.

IV. PROCEDURE

A. General Provisions.

1. Only those staff authorized in accordance with WDOC Policy and Procedure #1.015, *Media and Public Relations*, shall discuss matters under investigation within the WDOC, with the news media or the public.
 - i. Information on a staff investigation shall not be revealed to the news media unless authorized by the WDOC Director or his/her designee.
 - ii. Unauthorized persons providing such information may be subject to disciplinary or corrective action, under the provisions of WDOC Administrative Regulation #1.306, *Code of Ethics*.
2. Evidence collection, handling and processing shall be accomplished as prescribed in WDOC Policy & Procedure #3.009, *Custody and Chain of Evidence*, except as otherwise outlined in paragraph IV.C.5 of this policy and procedure.



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3. Information obtained as a result of a staff investigation will only be distributed internally to persons with an official need to know, and externally in accordance with WDOC Policy & Procedure #1.009, *Release of Information*.
4. All desks, lockers, and cabinets used by staff within WDOC facilities may be searched as part of an official investigation.
 - i. No personal locks, or other devices, shall be attached to any WDOC property without the knowledge and consent of a CEO. Should a CEO allow for personal locks on WDOC property, said locks may be cut or otherwise disabled in order to conduct an official investigation.
 - ii. Staff responsible for or using the desk, locker, or cabinet to be searched should be present for the search if possible.
5. All physical searches of staff, staff personal property, or visitors will be accomplished in accordance with WDOC Administrative Regulation #7.010, *Facility Access*.
6. WDOC has a zero tolerance policy on illegal drug use and alcohol consumption that impairs an employee's ability to perform his/her duties.
 - i. In accordance with the State of Wyoming Personnel Rules, staff may be deemed to be under the influence of an illegal drug or alcohol based on eyewitness testimony and/or evidence of unusual behavior and symptoms characteristic of illegal drug or alcohol use.
 - a. Where there is a reasonable suspicion, a staff member may be ordered to submit to a chemical or mechanical test to determine the presence of alcohol or illegal drugs in his/her system. Such testing shall be conducted in accordance with WDOC policy.
 - b. Failure to submit to such tests may be cause for corrective or disciplinary action, as deemed appropriate under the State of Wyoming Personnel Rules.
7. The Investigations Major is responsible for reviewing this policy annually, and updating it as necessary.



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B. Investigations Not Conducted by the Investigations Unit.

1. Supervisors are responsible for conducting and documenting inquiries and investigations pertaining to minor staff misconduct in accordance with the State of Wyoming Personnel Rules.
2. Inquiries and investigations concerning minor staff misconduct should be coordinated with the WDOC human resources staff.
3. Investigations of accidents/incidents related to WDOC Policy and Procedure #6.010, *Comprehensive Safety and Health Program for Central Office and Correctional Facilities*, which result in staff injury shall be investigated by the safety manager unless criminal activity or more than minor staff misconduct is involved.
4. Investigations of equal employment opportunity or harassment claims shall be handled in accordance with WDOC Policy and Procedure #1.205, *Workplace Harassment and Discrimination*, unless referred to the Investigations Unit in accordance with paragraph IV.F.1 or IV.F.2 of this policy and procedure.
5. Alleged staff sexual misconduct against offenders shall be investigated in compliance with WDOC Policy and Procedure #1.202, *Staff Sexual Misconduct Against Offenders*. Such investigations may involve the Investigations Unit at the request of the CEO or Director.

C. Investigations Conducted by the Investigations Unit.

1. An Investigations Unit (IU) is established and maintained to provide investigative support to the WDOC. IU investigators will be utilized to:
 - i. Conduct investigations of alleged/suspected criminal activity of offenders, staff and visitors impacting the WDOC; investigations of staff, inmate and visitor misconduct; and K-9 drug detection operations;
 - ii. Assist in the training of WDOC staff on specialized topics that are related to investigative techniques, matters and issues;
 - iii. Actively pursue leads on inmates who are currently on escape status;
 - iv. Assist local law enforcement agencies with investigations pertaining to the WDOC; and
 - v. Other security-related investigative work as deemed necessary by



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the Director.

2. The IU is under the direct supervision of the Director, and as such, all investigators assigned to the IU shall have unrestricted access to all WDOC facilities, staff, offenders, visitors, records, documents, and equipment.
3. Staff contacted in regard to any authorized IU inquiry or investigation shall cooperate fully, and truthfully relate their knowledge of all issues pertaining to the alleged conduct under investigation.
 - i. Failure of any staff member to cooperate and give truthful information may be cause for corrective and/or disciplinary action.
4. Staff (Subject) under investigation for misconduct by the IU shall be given a Garrity advisement if they initially refuse to answer questions in the course of an investigation.
 - i. When staff are given Garrity advisement, a Garrity advisement statement (WDOC Form #101, *Garrity Warning*) will be used.
 - a. Each staff member receiving such advisement will be asked to acknowledge the advisement by signing and dating the Garrity advisement statement (WDOC Form #101, *Garrity Warning*).
 - ii. When given Garrity advisement, staff must answer all questions fully and truthfully.
 - iii. Garrity advisement shall not be construed to mean the person has broken any law or violated any regulation.
5. Evidence associated with IU investigations involving inmate, visitor or staff misconduct will be secured in evidence lockers located in the IU until completion of the applicable investigation.
 - i. Upon completion of a staff or visitor misconduct investigation, the IU investigator responsible for the investigation will turn the evidence over to the applicable WDOC facility's Chief Executive Officer (CEO), or his/her designee, along with the IU *Report of Investigation* (WDOC Form #104, *Investigations Report*).
 - ii. Upon completion of an inmate misconduct investigation where an inmate is to be charged with a violation, the IU investigator responsible for the investigation will turn the evidence over to the



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applicable WDOC facility's security manager, or his/her designee, along with a completed *Notice of Charges* form (as described in the *WDOC Code of Inmate Discipline*).

- iii. Upon completion of an inmate misconduct investigation where no inmate will be charged for any misconduct, the IU investigator responsible for the investigation will dispose of the evidence in accordance with WDOC Policy & Procedure #3.009, *Custody and Chain of Evidence*.
6. Evidence collected by an IU investigator that may be associated with a criminal act will be secured in evidence lockers located in the IU until the law enforcement agency of jurisdiction (LEAOJ) can be contacted and accepts or declines investigative jurisdiction.
- i. If the LEAOJ accepts the investigation, all evidence held by the IU will be released to that agency as expeditiously as possible.
 - ii. If the LEAOJ declines to investigate, the matter will be treated as a misconduct investigation.
7. IU investigators may conduct investigations simultaneous to or in conjunction with the LEAOJ, as deemed necessary by the Director or Investigations Major.
- i. Any investigation conducted by the IU simultaneous to or in conjunction with the LEAOJ will be coordinated with the LEAOJ by the IU investigator assigned the investigation.
8. IU investigators may ask staff and offenders to volunteer for a polygraph examination regarding matters under investigation.
- i. The person offered a polygraph examination may accept or decline to participate in the examination.
 - a. The decision, itself, to accept or decline a polygraph examination will have no bearing on the conclusion of the investigation.
 - b. When a polygraph examination is administered, carefully crafted, non-intrusive questions will be used as control questions. Questions regarding the subject's credit history, physical disabilities, medical conditions, sexual preferences, or marital status should not be used as control questions.



- ii. No one will be entitled to a polygraph examination as his/her "right."
 - iii. All polygraph examinations, with respect to staff investigations, must be approved by the Director.
 - iv. The decision to terminate staff should not be made solely based on the results of a polygraph examination.
9. Staff rights during an internal investigation conducted by the IU:
- i. Staff under investigation (Subject) will be informed of the general nature of the investigation as soon as practical, so as not to jeopardize or compromise the investigation.
 - ii. Staff may request to have an observer present during an interview, as long as the observer is available to attend the interview within a reasonable period of time.
 - a. The staff member and the observer shall be afforded a reasonable amount of time to confer prior to initiating the interview.
 - b. During the interview, the observer may not interfere with or impede the interview process, and may be excluded from the interview if his/her behavior becomes disruptive to the interview.
 - c. No witness or potential witness to the alleged violation, or staff assigned to the IU, will be permitted to act as an observer.
 - iii. Interviews will be conducted for reasonable periods of time and will allow for rest periods.
 - iv. Unless justifiable cause exists, interviews will generally be conducted during the staff member's normal work hours and at his/her work location.
 - a. If the work location does not allow for privacy, the investigator may move the interview to a different location to provide for a private setting.
 - v. No staff will be subjected to offensive (i.e., foul) language or



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threatened in any manner during the investigatory process.

- a.** Being told that the failure to answer questions fully and truthfully may result in corrective or disciplinary action, up to and including termination of employment, constitutes an advisement of an employee's obligation to the employer.
- vi.** Upon completion of the investigation, the Subject will be notified, in writing, that the investigation has been completed.
 - a.** The notification shall be accomplished by either the IU or the applicable WDOC facility CEO, whichever was responsible for conducting the investigation.
 - (1)** If the CEO is responsible for accomplishing the staff notification, IU will be provided a copy of the notification simultaneous to the notification being sent to the Subject.

D. Staff Reporting Requirements for Alleged/Suspected Criminal Activity or Staff Misconduct.

- 1.** All staff that witness or receive information pertaining to alleged/suspected criminal activity by offenders, staff, or visitors within WDOC facilities shall immediately contact their supervisor and report the details of the alleged/suspected criminal activity.
 - i.** If the alleged/suspected criminal activity involves a superior, staff making the report may contact and report the applicable information to a higher-level supervisor.
 - ii.** Staff may also report alleged/suspected criminal activity directly to the IU, without proceeding through their chain of command, if they believe that following the chain of command would jeopardize the confidentiality or integrity of an investigation.
- 2.** All staff that witness or receive information pertaining to alleged/suspected staff misconduct within WDOC facilities, or the general public (if such misconduct may bring discredit to the WDOC or the State of Wyoming), shall immediately contact their supervisor and report the details of the alleged/suspected misconduct.
 - i.** If the alleged/suspected misconduct involves a superior, staff making the report may contact and report the applicable information to a higher-level supervisor.



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E. Initiating Investigations of Offender or Staff Misconduct.

1. Complaints/allegations of offender or staff misconduct shall be accepted from any source, whether made in person, by mail, or over the telephone.
 - i. Complaints made by staff should be made in accordance with paragraph IV.B.1 through IV.B.3 above.
 - a. All complaints will be reviewed by the CEO (or his/her designee) or the Investigations Major, as applicable, to determine whether or not an inquiry/investigation should be conducted.
 - ii. Individuals are encouraged to submit their complaints in person in order to obtain a complete report as soon as possible after the incident.
 - iii. Inmates should follow the appropriate grievance procedures outlined in WDOC Administrative Regulation #2.501, *Inmate Grievance Procedure*, when filing complaints against staff or other inmates.
 - a. Inmates may report alleged/suspected staff misconduct or criminal activity directly to the IU, without filing a grievance, if they believe that following grievance procedure would jeopardize the confidentiality or integrity of an investigation.
 - (1) If an inmate reports alleged/suspected staff misconduct directly to the IU, without filing a grievance in accordance with WDOC Administrative Regulation #2.501, *Inmate Grievance Procedure*, the Investigations Major may, upon review of the complaint, initiate an investigation or refer the matter back to the inmate for processing in accordance with WDOC Administrative Regulation #2.501, *Inmate Grievance Procedure*.
 - (2) All criminal matters referred to the IU by inmates shall be forwarded to the LEAOJ for review and consideration of criminal investigation.
2. Investigations of Alleged Inmate Misconduct
 - i. Except as outlined in WDOC Policy & Procedure #1.012, *Investigation of Inmate Physical Altercations or Assaults to*



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Inmates at WDOC Facilities, investigations of alleged offender misconduct will generally be initiated and conducted by WDOC facility staff.

- a. CEOs, or their designee(s), may request IU assistance with specific investigations of alleged inmate misconduct by contacting the Investigations Major.
 - (1) The Investigations Major will review each request and, in coordination with the requesting CEO, will determine the extent of IU involvement, if any.
 - (2) Denials of support by the Investigations Major may be appealed in writing to the Director.
 - ii. IU investigators may initiate and conduct investigations of alleged inmate misconduct independent of WDOC facility staff, as deemed appropriate by the Director or Investigations Major.
 - a. Investigations of alleged inmate misconduct, initiated by IU investigators, will be coordinated with the warden/superintendent of the facility where the inmate(s) involved is/are housed.
3. Investigations of Alleged Staff Misconduct
- i. Upon notification of alleged staff misconduct, the applicable CEO, or his/her designee, will generally conduct an inquiry to determine if the matter should be handled at his/her level or be referred to the IU for investigation.
 - a. The CEO, or his/her designee, may consult with the Investigations Major at any time prior to or while conducting an inquiry or investigation, but is not required to do so other than that which is required in accordance with WDOC Policy & Procedure #1.013, *Incident Reporting*, and WDOC Policy & Procedure #1.012, *Investigations of Inmate Physical Altercations or Assaults to Inmates at WDOC Facilities*.
 - b. All referrals to or requests for formal investigations by the IU should be made in writing, and contain sufficient documentation for IU staff to initiate an investigation.
 - (1) The Investigations Major will review each



referral/request and will notify the CEO, or his/her designee, as to whether or not an investigation will be conducted by the IU.

- (2) Denials of support by the Investigations Major may be appealed in writing to the Director.
- ii. IU investigators may initiate and conduct independent investigations of alleged staff misconduct, as directed by the Investigations Major.
 - a. Investigations of alleged staff misconduct, initiated by IU investigators, will be coordinated with the applicable CEO, unless doing so would jeopardize the confidentiality or integrity of the investigation.
4. All allegations that appear to be of a criminal nature and alleged to have occurred within a WDOC facility shall be immediately reported to the LEAOJ, prior to inquiry or investigation by the CEO, or his/her designee.
 - i. If the LEAOJ exercises jurisdiction of the case, the Subject of the criminal allegation will not be notified of the details of the allegation until a representative from the LEAOJ deems it appropriate.
 - a. The CEO, however, will take immediate reasonable action as deemed necessary to ensure the safety and security of the impacted WDOC facility, as well as the health and well being of all offenders, staff and visitors.
 - b. Securing of the crime scene (if any) and preservation of evidence will be accomplished in accordance with WDOC Policy & Procedure #3.009, *Custody and Chain of Evidence*.
 - ii. If the LEAOJ declines to investigate, the CEO should treat the matter as an allegation of either offender or staff misconduct and proceed accordingly.
 - iii. The Director, at his/her discretion, may require that an investigation be conducted by WDOC staff not assigned to the affected WDOC facility, or by an outside agency.
5. Deployment and use of K-9 teams shall be accomplished in accordance with WDOC Policy & Procedure #3.011, *K-9 Operations*.



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- i. K-9 handlers are IU investigators and as such may be called upon to conduct internal investigations involving offenders, staff or visitors, with or without the use of their respective K-9.

F. Equal Employment Opportunity / Harassment Investigations.

1. Staff may report alleged/suspected discrimination and/or harassment directly to the IU, without proceeding through their chain of command, if they believe that following the chain of command would jeopardize the confidentiality or integrity of an investigation.
 - a. The Investigations Major shall review all complaints of alleged/suspected discrimination and/or harassment received by the IU, and shall refer them to the applicable division administrator for investigative consideration if doing so would not jeopardize the confidentiality or integrity of an investigation.
 - (1) If the Investigations Major determines that referring the matter to the division administrator may jeopardize the confidentiality or integrity of an investigation, the matter shall be referred to the Deputy Director or Director, as deemed appropriate, for investigative consideration.
2. CEOs, or their designee(s), may request IU assistance with specific investigations of alleged EEO discrimination and/or harassment complaints by contacting the Investigations Major.
 - i. The Investigations Major will review each request and, in coordination with the requesting CEO, will determine the extent of IU involvement, if any.
 - ii. Denials of support by the Investigations Major may be appealed in writing to the Director.

G. Use of Confidential Informants.

1. Investigators may use Confidential Informants (CI) to obtain information and evidence pertinent to investigations.
 - i. Investigators must take the utmost care to avoid conveying any confidential investigative information to a CI, other than what is necessary and appropriate for operational reasons.



- ii. The identity of the CI, as well as the information provided by the CI, shall be documented on a Confidential Informant Evaluation & Information Form (CIEIF) (WDOC Form #103, *Confidential Informant Evaluation and Information Form*), which shall be turned into and maintained by the IU.
 - a. All original CIEIFs will be secured in a locked cabinet, controlled by an IU staff member assigned the duties of IU CI Records Custodian.
 - b. A copy of a CIEIF, initiated by staff other than those assigned to the IU, may be maintained by a Facility CI Records Custodian if the CEO responsible for the respective facility has designated a staff member to perform such duties.
 - (1) Copies of all CIEIFs maintained at a WDOC facility, separate from the IU, will be secured in a locked cabinet controlled by the applicable Facility CI Records Custodian.
 - (2) Facility CI Records Custodians shall ensure the protection of all information, documents and identities of CIs in accordance with this policy.
- iii. The true identity of a CI shall be protected and handled as follows:
 - a. The IU CI Records Custodian will assign a unique number to each CI for use as identification in the applicable investigative report, and for subsequent identification of the person's actual identity if necessary.
 - b. The identity of an offender or visitor CI may be disclosed to WDOC staff directly involved in conducting the investigation and hearing the case, the IU CI Records Custodian, the applicable Facility CI Records Custodian, law enforcement representatives (with an official need to know for a criminal investigation where the CI is a complainant, victim, or witness), and to others when obligated to disclose such identity by law or court order.
 - c. The identity of a staff CI may be disclosed to WDOC staff directly involved in conducting the investigation, the applicable CEO, the IU CI Records Custodian, the



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applicable Facility CI Records Custodian, law enforcement representatives (with an official need to know for a criminal investigation where the CI is a complainant, victim, or witness), and to others when obligated to disclose such identity by law or court order.

- d. All staff receiving information regarding the identity of a CI shall take reasonable care in protecting the CI's identity and the information the CI provided.
 - e. The investigator shall inform the CI that reasonable care will be taken to protect his/her identity; however, it could be disclosed in accordance with paragraphs IV.E.1.iii.a and IV.E.1.iii.b.
 - f. All staff given access to CI information shall have a continuing obligation after leaving employment with the WDOC to maintain, as confidential, the identity of any CI and the information he/she provided, unless the staff is obligated to disclose it by law or court order.
2. Prior to utilizing a person as a CI, the investigator shall complete and sign a CIEIF (WDOC Form #103, *Confidential Informant Evaluation and Information Form*), submit it to the IU CI Records Custodian, and obtain a unique CI number for use in the investigative report. The investigator must address the following factors (or indicate that a particular factor is not applicable) on the CIEIF:
- i. The person's true identity;
 - ii. The person's status (i.e. inmate, parolee, staff, visitor, etc.);
 - iii. The nature of the relationship between the CI and the Subject of the existing or potential investigation;
 - iv. The extent to which the person's information or assistance would be relevant to the present or potential investigation;
 - v. The person's motivation in providing information or assistance, including any consideration sought from the WDOC for this assistance;
 - vi. The extent to which the person's information or assistance can be corroborated; and



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- vii. The person's reliability and truthfulness;
- 3. Prior to utilizing a parolee or probationer as a CI, the investigator shall determine if the use of that person, in such a capacity, would violate the terms and conditions of the person's parole or probation.
- 4. The contents of the CIEIF shall remain confidential and will only be released in accordance with paragraph IV.E.1.iii above.

H. Investigative Reports.

- 1. The assigned investigator shall compile a written report detailing the information obtained during his/her investigation, presented in a clear, concise and logical manner.
 - i. IU investigators will follow an established format in completing their investigative reports (WDOC Form #104, *Investigations Report*).
 - ii. WDOC facility staff assigned to conduct an investigation will use formats prescribed by their respective CEO, labeled "*Report of Inquiry*", and will, at a minimum, include the following information:
 - a. Investigator's name, rank, and work location;
 - b. Identification of the Complainant(s), Subject(s), Witness(s), and others mentioned in the report;
 - c. The allegation(s) addressed through the inquiry/investigation; and
 - d. All relevant information that is applicable to the allegation(s) obtained during the inquiry/investigation.
- 2. Unless the Director, or his/her designee, provides an exemption, CEOs will provide the IU with a copy of each *Report of Inquiry* concerning alleged staff misconduct investigated by institution or field staff.
 - i. The *Report of Inquiry* shall be provided to the IU no later than thirty (30) days after the final disposition or resolution has been accomplished, regarding the matter under inquiry/investigation.
- 3. Following the completion of an IU investigation of WDOC staff, the applicable *Report of Investigation* shall be addressed to and reviewed by



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the Director.

- i. After the Director signs off on the IU *Report of Investigation*, a copy of the report shall be distributed to the applicable CEO for his/her review and consideration of action to be taken, if any.
 - ii. If personnel action is anticipated based on the information contained in the IU *Report of Investigation*, the applicable CEO will provide the appropriate information to his/her human resource manager.
4. Following the completion of an IU investigation of WDOC offenders or visitors, the applicable *Report of Investigation* shall be addressed to the CEO of the affected facility for his/her review and action, if any, except that those covered under WDOC Policy and Procedure #1.012, *Investigation of Inmate on Inmate Physical Altercations or Assaults to Inmates at WDOC Facilities* shall be addressed to the WDOC Director.
5. IU *Reports of Investigation* are public records and shall only be released in accordance with the Wyoming Public Records Act (W.S. 16-4-201 through 16-4-205) and all other State or Federal laws protecting the release of information.

I. Serious Incident Reviews.

1. A Serious Incident Review (SIR) shall be required for every incident of escape, riot or hostage situation, discharge of a firearm (other than for training or maintenance purposes), and serious injury or death of any person (other than from natural causes).
2. The Director, Deputy Director, Division of Prisons Administrator, or Division of Field Services Administrator shall select a panel of at least three people to conduct the SIR.
 - i. The panel shall consist of at least one person from a division other than the one in which the incident occurred.
 - ii. The chairperson of the panel, and at least one other member, shall not be employed by the WDOC facility where the incident occurred.
 - iii. Human resources shall be consulted with prior to the convening of the panel to determine if either should be included as a panel member for the review.



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and legal review as deemed necessary by the Director.

- a. SIR Reports are public records and shall only be released in accordance with the Wyoming Public Records Act (W.S. 16-4-201 through 16-4-205) and all other State or Federal laws protecting the release of information.

- vi. If new information is received after the SIR panel has completed its report, a new SIR panel may be opened, or the original SIR panel may be recalled, at the discretion of the Director, Deputy Director, Division of Prisons Administrator or Division of Field Services Administrator.

J. Investigative Case Files.

1. IU case files will be maintained in the IU, by IU administrative support staff, and shall contain the following:
 - i. The original copy of the *Report of Investigation*;
 - ii. All audio and video tapes used/made during the applicable investigation;
 - iii. All supporting documents or copies of such documents if original is considered an evidentiary document;
 - iv. All photographs, or copies of photographs, made or obtained during the applicable investigation; and
 - v. Investigator notes.
2. Case files pertaining to *Report of Inquiries* conducted by WDOC facility staff will be maintained by the respective WDOC facility initiating/conducting the inquiry. The files shall contain the following:
 - i. The original copy of the *Report of Inquiry*;
 - ii. All audio and video tapes used/made during the applicable investigation;
 - iii. All supporting documents or copies of such documents if original is considered an evidentiary document;
 - iv. All photographs, or copies of photographs, made or obtained



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during the applicable investigation; and

- v. Investigator notes.

V. TRAINING POINTS

- A. What is the purpose of this policy?
- B. List procedure for minor staff misconduct.
- C. What is Garrity advisement?
- D. List staff rights during an internal investigation.
- E. List staff reporting requirements for alleged/suspected criminal activity or staff misconduct.
- F. List requirements for use of confidential informants.
- G. When must staff report information received regarding EEO discrimination/harassment issues?
- H. Prior to utilizing a CI, the investigator shall complete and sign a CI form. True or False?