

	CORRECTIONS CENTER OF NORTHWEST OHIO-STRYKER, OHIO POLICY AND PROCEDURES		
	POLICY: Internal Investigations	NO. 5001	PAGE 1 of 6
	SECTION: Investigations	APPROVED BY: EXECUTIVE DIRECTOR	
		SUPERSEDES NO: 5001 dated 3/9/99	DATE OF ISSUE: 6/3/02

5001 - INTERNAL INVESTIGATIONS

State Standards: None

American Correctional Association Standards: None

Policy:

The purpose of this policy is to insure that each employee adheres to the policies and standards of the Corrections Center of Northwest Ohio (CCNO). The CCNO recognizes that, from time to time, the policies and procedures will not be followed by some employees. That non-compliant behavior may result in an internal investigation.

Procedures:

I. Investigations

- A) Authorization - The Executive Director may authorize an employee investigation for any reason including allegations of violations of departmental policy and procedure or state or federal law by offenders, supervised offenders, employees, or the members of the public.
 - 1) The appropriate Director may authorize a preliminary fact finding inquiry.
 - 2) The fact finding will be presented to the Executive Director to determine the need for further formal investigation in accordance with these procedures.
- B) Responsibility - The Investigator coordinates and exercises staff supervision on behalf of the Executive Director over investigations of complaints or allegations of misconduct against all employees of the CCNO. The incidents which are to be handled in accordance with the provisions of this policy are alleged or suspected violations of statutes, ordinances, orders, etc. by employees (including volunteers, temporary, part-time, and contract employees) of the CCNO. However, all employee investigations are considered confidential and will be treated accordingly.
- C) Definitions
 - 1) Administrative - are those investigations into activities where there is no suspected criminal activity.
 - 2) Criminal - are those investigations where criminal activity is suspected and the appropriate law enforcement agency will consider prosecution.
- D) Any incidents as defined above, observed by any employee, must be reported immediately.
- E) Internal investigative reports will remain private and confidential, subject to an order of a court of competent jurisdiction and CCNO labor agreements.

II. Administrative Investigations

- A) Notification of Investigation form (Refer to Attachment 5001-A)
 - 1) If an employee is to be investigated, they will be advised in writing of the investigation, prior to being interviewed, advising the employee that they are the subjects of allegations of inappropriate behavior. The alleged CCNO policy violations will be identified in the notification.

- B) Incident Report
 - 1) All individuals involved may be required to write a report for clarifying the information and documenting it on paper.
- C) Interview with an employee or offender
 - 1) When an interview is conducted with an employee, the party to be questioned will be advised of the following:
 - a) The general topic of the investigation and the nature, whether administrative or criminal. An employee must be notified of their right to have a union representative present at the interview. The interviewing will be conducted at reasonable times preferably during scheduled tour of duty.
 - b) Whether the individual is the subject of the investigation, or is thought to possess information relevant to the development of the investigation.
- D) Use of tape recorders
 - 1) The Investigator may tape record interviews.
 - 2) Interviewees are not allowed to use personal tape recorders during the interview.
- E) All formal investigations shall be completed within sixty (60) days of the filing of the complaints. If for good cause the investigation is not completed within sixty (60) days, the Executive Director may extend the investigation period. In this such event the Executive Director will notify the employee(s) under investigation in writing of said extension.
- F) After an investigation is completed, the Investigator will submit a recommendation to the Executive Director advising whether or not the information gathered supports the allegations of wrongdoing. If enough information is ascertained, the Executive Director will advise to issue the employee under investigation a notification of charges (Refer to Attachment 5001-B) advising of the charges and specification of the charges against them.
- G) After completion of a final investigation, any person who participated, gave a statement, or was interviewed except an offender, may request to inspect the information they provided. However, such request will be made in writing through the chain of command stating the purpose(s) of the inspection. The Executive Director may approve or deny the request after due consideration of the stated purpose(s).
- H) An employee who is charged with violating the employer's policy and procedure will, upon written request, be provided copies of transcripts, reports, records, lists, written statements and tapes that are to be used in any disciplinary hearing against them. The request will be submitted to the Investigator.
- I) When an employee or offender is the alleged victim of a sexual assault, all care and consideration will be given to the alleged victim to include medical referral and counseling.

III. Criminal Investigations

- A) All complaints alleging criminal involvement on the part of an employee will be forwarded to the Executive Director. An initial fact finding or administrative investigation will be performed by the CCNO Investigator.
- B) The Executive Director will determine which employee, and/or, if the Williams County Sheriff's Department should assist or conduct the investigation.
- C) The CCNO Investigator will conduct the investigation and afford the suspects the same rights they would afford any other person under the same circumstances. Suspects must receive Miranda warning according to collective bargaining agreement.
- D) The CCNO Investigator will make no public statements relative to their investigations until concluded.
- E) This procedure does not preclude a Supervisor from initiating a criminal investigation of an employee if the offense is alleged to be occurring, and a delay would jeopardize the safety of the employee or others, or circumstances dictate the immediate action to be taken.
- F) The results of the investigation will be submitted to the Executive Director as appropriate.

IV. Personal complaints

- A) Any incident may be reported to Supervisor/Commander/Manager by any person, or any member of CCNO, either orally or in writing, by telephone or by correspondence, whether signed or anonymous.
- B) Any incidents observed by any employee of CCNO must be reported immediately. Any oral complaints will be followed by a written Incident Report or complaint.
- C) The Director will give the incident report to the Investigator if the need is to make an independent investigation of the complaint.
- D) All personal complaints will be recorded on the CCNO incident report and forwarded to the appropriate Department Director. Alleged or suspected violations will be reported to the Supervisor/Commander by the employee who first receives information of the alleged violation, even when it is believed to be unfounded. The information will be submitted as soon as possible after the occurrence.
- E) The employee who records a personal complaint will be responsible for routing the complaint through the proper chain of command. When the complaint or violation is directly related to a person in the employees' chain of command the complaint may go directly to the appropriate Director or Executive Director.

V. Disposition

- A) All reports submitted to the Investigator are investigative reports, confidential in nature, and will remain in the business files in the Director of Security's office.
- B) The Investigator will review all reports, evaluate, interview witness and make recommendation to the appropriate Director through the investigative summary.
- C) The appropriate Director will review the investigative summary and recommendation and either agree or disagree, forwarding it on to the Executive Director. If a Director disagrees with the Investigators recommendations, the reasons will be put in writing to the Executive Director.
- D) Where the investigative summary and recommendation is in favor of the employee, and with the concurrence of the Executive Director, the case will be closed. The employee and the complainant will be so informed by the Investigator of the findings and proposed actions.
- E) Where the investigative summary and recommendation is adverse to the employee, and CCNO charges are recommended, a disciplinary hearing may become necessary, the Executive Director will make the final decision as to whether CCNO charges will be filed and a pre-disciplinary hearing ordered.
- F) Findings of the Investigation - personal complaint investigations will conclude with any one of the following:
 - 1) **Unfounded** - the investigation proved conclusively that the acts alleged did not occur, or that a particular individual was not involved in acts which occurred.
 - 2) **Exonerated** - the acts which provided the basis for the investigation did occur, however, the investigation has revealed that they were proper, justified, and lawful.
 - 3) **Non-sustained** - Investigation failed to disclose sufficient evidence to clearly substantiate the allegation made in the complaint or failed to conclusively disprove such allegations.
 - 4) **Sustained** - the investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint. At this point, the entire incident, and all related matters, will be referred to the Executive Director for appropriate action.
 - 5) In addition to the findings the Investigator will also note:
 - a) What went well and deserves recognition.
 - b) What needs to be improved upon.
 - c) What needs to be done differently if a similar situation arises.
 - 6) When an offender is the victim of any staff misconduct, the Investigator shall summarize the findings with the offender.

VI. Appeal of Findings

- A) An employee may appeal the findings through their appropriate grievance procedure or employee complaint procedure in accordance with policy 6017 Employee Complaint Procedures.
- B) An offender may appeal a formal CCNO investigation finding when the offender is the alleged victim of a criminal offense. The appeal must be in writing and include previously unknown or unsubstantiated facts.

CORRECTIONS CENTER OF NORTHWEST OHIO

NOTIFICATION of INVESTIGATION

TO: _____

FROM: Investigator

DATE: _____

THRU: Director of Security

SUBJECT: Investigation

Be advised that you are the subject of allegations of inappropriate behavior, specifically that:

An investigation has been authorized to determine the facts. Upon completion of the investigation, you will be informed of the findings.

Please sign below noting that you have been informed of the investigation.

Date

Signature

Date

Signature

Approved for Investigation _____
Executive Director

CORRECTIONS CENTER OF NORTHWEST OHIO

NOTIFICATION of CHARGES

Date: _____

Officer _____ you are hereby notified that you are being charged with the following Policy and Procedure violations:

A Pre-Disciplinary Conference will be held as follows:

Date: _____ Time: _____

Location: _____

The Hearing will be conducted before a neutral Hearing Officer Selected from the three names listed:

- 1) _____
- 2) _____
- 3) _____

I request the Hearing naming #1 #2 #3 as the Hearing Officer.

(Signature) _____ (Date)

You may waive the right to the Conference and Hearing.

I waive the right to the Hearing _____

(Signature) _____ (Date)

Witness: _____