

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 01/01/2018	NUMBER 01.01.140
SUBJECT INTERNAL AFFAIRS		SUPERSEDES 01.01.140 (09/20/2013)	
		AUTHORITY MCL 791.203	
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**POLICY STATEMENT:**

The Internal Affairs Section in the Office of Executive Affairs oversees the integrated investigative process within the Michigan Department of Corrections (MDOC).

**RELATED POLICIES:**

- 01.05.120        Critical Incident Reporting - Correctional Facilities Administration (CFA)
- 02.03.100        Employee Discipline
- 02.03.109        Discriminatory Harassment
- 03.02.130        Prisoner/Parolee Grievances
- 03.03.140        Prison Rape Elimination Act (PREA) and Prohibited Sexual Conduct Involving Prisoners
- 06.04.136        Critical Incident Reporting - Field Operations Administration (FOA) and Reentry Services

**POLICY:**

DEFINITIONS

- A.     Employee - For purposes of this policy, an MDOC employee or a contractor, vendor, volunteer, or employee of another state agency conducting official business on behalf of the MDOC.
- B.     Offender - For purposes of this policy, a prisoner or parolee under the jurisdiction of the MDOC or housed in a Department facility, a probationer who is supervised by an employee of the Department, any person referred to the Department by the courts for investigation or supervision, or any detainee at the Detroit Detention Center.
- C.     Stop Order - A notice that is posted at a worksite prohibiting an employee from entering, or being allowed on the grounds of, an MDOC worksite.
- D.     Worksite Administrator - For purposes of this policy, all Wardens, including the Wardens of the Detroit Reentry Center and the Detroit Detention Center, the appropriate Assistant Deputy Director of Field Office Administration (FOA), and, for Central Office, the appropriate Executive Policy Team (EPT) member.

GENERAL INFORMATION

- E.     Exclusively represented employees shall be governed by their collective bargaining unit agreement where in conflict with this policy.
- F.     The Internal Affairs Manager shall be responsible for providing oversight of the Administrative Investigations Management (AIM) database.
- G.     When a worksite administrator suspects criminal activity, s/he shall ensure an immediate referral is made to the Michigan State Police (MSP) or other appropriate law enforcement agency. If the suspected criminal activity necessitates entry into AIM, the worksite administrator shall ensure that the law enforcement contact is indicated in the initial AIM entry. All Department employees shall assist and cooperate with Internal Affairs and law enforcement staff conducting an investigation and ensure a prompt and thorough response is provided to any request made relating to the investigation, consistent with Department policy. This provision is not intended to place any duty on an employee contrary to state or federal law, or to limit an employee's right under a collective bargaining unit agreement or Civil Service Commission rule or regulation.

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## CASES WITHIN THE JURISDICTION OF INTERNAL AFFAIRS

- H. Internal Affairs has jurisdiction to investigate all allegations of employee and offender misconduct. Generally, allegations concerning the conduct of offenders are not investigated by Internal Affairs unless it also involves allegations of employee misconduct. All allegations of prisoner misconduct are administered pursuant to PD 03.03.105 "Prisoner Discipline." Allegations of prisoner-on-prisoner sexual abuse and any unexpected offender death which may be the result of a suicide or attempted suicide, a drug overdose, a homicide, or an accident shall be immediately reported to the Internal Affairs Manager, in addition to reporting as required by applicable policy directives. The Office of Executive Affairs (OEA) Administrator may assign Internal Affairs to lead or assist in any Department investigation.

## REFERRAL OF CASES TO INTERNAL AFFAIRS

- I. The worksite administrator or designee shall enter all allegations of employee work rule violations, including Prison Rape Elimination Act (PREA) and discriminatory harassment complaints, into AIM within two business days of receipt unless extenuating circumstances apply. The worksite administrator or designee shall similarly enter offender deaths reported pursuant to Paragraph H. Internal Affairs shall refer all discriminatory harassment allegations to the Equal Employment Opportunity (EEO) office for preliminary review. If questions arise whether an allegation should be entered into AIM, the worksite administrator or designee shall contact the Internal Affairs Manager.
- J. The worksite administrator or designee shall immediately notify the appropriate EPT member or designee by telephone or e-mail, including after normal business hours, if an employee is alleged to be involved in criminal activity of a major magnitude; e.g., a death, sexual assault. Upon notification, the EPT member or designee shall immediately notify the Internal Affairs Manager and the OEA Administrator.
- K. A stop order shall be issued at the worksite whenever an employee is suspended as a result of the alleged conduct. The worksite administrator or designee shall update AIM to reflect the issuance of the stop order.

## PROCESSING AND INVESTIGATION

- L. All allegations regarding discriminatory harassment, including sexual harassment, shall be processed in accordance with PD 02.03.109 "Discriminatory Harassment."
- M. The Internal Affairs Manager shall review each allegation entered in AIM and determine the type of investigation to be completed as set forth below. All offender deaths reported pursuant to Paragraph H, and all allegations which may constitute discriminatory harassment as determined by the EEO office, shall be assigned as an Internal Affairs monitored or Internal Affairs investigation only. The referring worksite administrator or designee shall receive notice of the decision via AIM.
1. Location Investigation: The investigation is handled solely by the worksite. Upon completion of the investigation, a final review by Internal Affairs is not required unless the severity of the allegation has increased during the investigation, in which case Internal Affairs shall be immediately contacted.
  2. Internal Affairs Monitored Investigation: The investigation is handled by the worksite on behalf of Internal Affairs. The completed investigative file, including all original documents and attachments, shall be forwarded to Internal Affairs for review, closure processing, and storage as set forth in Paragraph Q. Upon completion of the Internal Affairs review, the appropriate worksite administrator shall be provided with a copy of the official investigative packet. All offender deaths reported pursuant to Paragraph H that are assigned as an Internal Affairs monitored investigation must be assigned to a different worksite and to an inspector or higher level employee for investigation.
  3. Internal Affairs Investigation: The investigation is assigned to an Internal Affairs Investigator and handled solely by Internal Affairs. Upon completion of the Internal Affairs review, the appropriate worksite administrator shall be provided with a copy of the official investigative packet.

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- N. All discriminatory harassment investigations must be completed and closed within 45 calendar days. All other investigations must be completed and closed within 60 calendar days. Extensions may be granted on a case-by-case basis but only for the amount of time needed to complete the investigation. Investigations may be expedited as set forth in Paragraph O.
- O. An expedited process may be used to complete an investigation if an employee tested positive for drugs or alcohol. The worksite administrator or designee shall immediately refer the matter to Internal Affairs through an AIM entry and immediately assign an investigator. For Internal Affairs monitored investigations, the worksite administrator shall notify the Internal Affairs Manager upon completion that the investigative packet is being submitted so it can be expedited through the review process and returned promptly for a disciplinary conference, if applicable.
- P. The Internal Affairs Manager shall ensure that all investigations are conducted in a prompt and thorough manner. Investigators shall contact the Internal Affairs Manager if the severity of the allegations change during the course of the investigation. The Internal Affairs Manager shall keep the OEA Administrator advised of any significant issues that come to the Manager's attention during the investigation.
- Q. The investigator shall maintain an investigatory file for each case investigated. The file shall contain all documentation related to the investigation; e.g., notes, photographs, recordings, statements. Upon completion of an Internal Affairs monitored investigation, the file shall be forwarded to Internal Affairs, along with a report of the facts established during the investigation. Internal Affairs shall be responsible for maintaining the official case file for Internal Affairs monitored investigations and Internal Affairs investigations once the investigation has been concluded. The official case file shall be maintained at the worksite for location investigations.
- R. For all Internal Affairs monitored and Internal Affairs investigations, the Internal Affairs Manager shall review the investigative report packets and submit a recommendation to the OEA Administrator if it is believed that there is sufficient evidence to formally charge the employee with a rule violation. The OEA Administrator or designee shall make the final determination whether charges will be issued in the case and, if applicable, what charges are to be issued. Charges may be amended by the OEA Administrator or designee if it is determined that the employee has not been properly charged. For location investigations, charges will be issued in accordance with OP 01.01.140 "Internal Affairs."
- S. Whenever charges are not issued in Internal Affairs monitored or Internal Affairs investigations, the Internal Affairs Manager will determine whether there is insufficient evidence or no evidence to sustain the allegations, conferring with the OEA Administrator as needed. All investigations of offender deaths reported pursuant to Paragraph H shall be reviewed by the OEA Administrator prior to closure, regardless of the findings.
- T. For all Internal Affairs monitored and Internal Affairs investigations, the Internal Affairs Manager shall ensure that the appropriate worksite administrator is notified in writing whether charges will be issued and, if applicable, the charges to be issued. Internal Affairs shall notify alleged victims who are MDOC employees of the overall findings and notify alleged victims and complainants as required under PD 02.03.109 "Discriminatory Harassment." The Internal Affairs Section also shall notify MDOC employees who were investigated in writing that the investigation was conducted and the disposition of that investigation unless disciplinary charges are to be issued. For non-MDOC employees, the appropriate MDOC Contract Monitor or appropriate Administration shall be notified instead of the employee. If charges are to be issued, the charged employee shall receive notice of the charges and the disciplinary conference as set forth in PD 02.03.100 "Employee Discipline."
- U. For location investigations, the worksite administrator or designee shall provide the notifications identified in Paragraph T.

#### DISCIPLINARY CONFERENCE

- V. Regardless of the type of investigation, for all cases requiring a disciplinary investigation, the worksite administrator or designee must receive approval from the Discipline Coordinator or designee prior to charging an employee with an asterisk rule violation identified on Attachment A to PD 02.03.100 "Employee Discipline."

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PROCEDURES

- W. The Internal Affairs Manager shall ensure that a statewide operating procedure is developed as necessary to implement requirements set forth in this policy directive within 60 calendar days after the effective date.

AUDIT ELEMENTS

- X. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audit and Performance Audits."

APPROVED: HEW 12/28/2017