

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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CPP 3.4, 3.5, 3.6, 8.6, 8.7, 9.6, 14.7 and 15.2, 27-08-01 KRS 500.080, 500 KAR 13.020	INTERNAL AFFAIRS OPERATIONS	

I. DEFINITIONS

“Exonerated” means the incident occurred; however, the accused actions were justified or proper.

“IA investigation” means investigations into violations of institutional or departmental rules, regulations, policies, or violations of law on the part of inmates, staff, visitors, contractors and volunteers.

“Internal Affairs Chief (IA Chief)” means a staff member designated by the Department of Corrections (DOC) Commissioner to provide training, support and Central Office oversight to the DOC IA investigative process and IA system in all DOC correctional divisions.

“Internal Affairs Officer (IAO)” means a staff member of a supervisory rank designated by the facility Warden or Probation and Parole Director to conduct, direct and coordinate a variety of investigations in their assigned areas.

“Internal Affairs System” or “IAS” means the designation and establishment of formally trained investigative staff, located within each adult prison, the Division of Probation and Parole and shall have established duties to investigate employee and inmate misconduct that could result in a misdemeanor or felony prosecution, while following uniform standards of: documentation, investigation procedures, evidence collection and established industry standards as approved by the DOC.

The IAS shall ensure the investigative process is documented according to the process established in KOMS.

“Internal Investigations Branch (IIB)” means staff members designated by the Secretary of the Justice and Public Safety Cabinet (JPSC) to conduct a variety of investigations as authorized in 500 KAR 13.020.

Policy Number	Effective Date	Page
3.23	February 4, 2025	2

“Investigation” means a systematic inquiry to determine facts and findings.

“Misconduct” means violation of federal, state or local law or Department and institutional policies and procedures.

“Not substantiated” means insufficient evidence to determine if an incident occurred.

“Report of investigation (ROI)” means a written document that details all investigative actions, interviews, and collection of evidence during the course of the investigation.

“Substantiated” means the preponderance of the evidence or an admission of the person responsible.

“Unfounded” means the allegations are false or the accused individual(s) was not involved in the incident.

II. POLICY AND PROCEDURES

- A. The IAS shall establish methods to manage evidence and conduct investigation that requires a higher level of investigative skill and coordination as determined by the facility Warden, P&P Director, Commissioner or Deputy Commissioner. The IAS shall include a clearly defined scope of job duties and responsibilities for each assigned employee and a clear supervisory chain of command established.
- B. It is the policy of the Kentucky DOC to conduct all investigations in a fair and impartial manner while complying with ethical standards of conduct and local, state, and federal law.
- C. Employees, contractors and volunteers have a duty to cooperate with DOC investigators to honestly answer all relevant and material questions and to fully disclose as much information as possible related to their official duties and activities.
- D. Refusal to cooperate may result in disciplinary sanctions up to and including dismissal from service.
- E. Reporting of Violations of Policy, Procedure, or Law
 1. All DOC staff, volunteers and contractors shall report violations of departmental policy, procedures, and law as well as any actual or suspected sexual abuse or sexual harassment.
 2. In addition to guidelines outlined in this policy, harassment claims shall be reported in accordance with CPP 3.5, EEO claims shall be reported in

Policy Number	Effective Date	Page
3.23	February 4, 2025	3

accordance with CPP 3.4, and possible PREA violations shall be reported in accordance with CPP 14.7.

3. Reports shall be made in person verbally, in writing, or via third parties, and all shall be accepted.
4. If a report is received anonymously, it shall be accepted.
5. Failure to report such violations shall result in disciplinary action for staff and restriction from department grounds for volunteers and contractors. Criminal prosecution may result in relevant cases.
6. In an adult institution serious violations that could place the safety of staff and offenders in jeopardy shall be immediately reported to a Shift Supervisor, Internal Affairs assigned staff member or directly to the facility Warden. Other violations shall be reported in the same manner as soon as possible and as outlined in CPP 8.6.
7. When an incident is reported, the employee shall be asked to put his observations in writing by submitting an occurrence report with as much detailed information as possible. This report shall include exactly what occurred, including the date, time, and place of the occurrence, witnesses present that may have seen or heard an incident and as much detail as the employee may provide that would assist with any investigation to arrive at an accurate finding of fact.
8. Probation and Parole incidents shall be reported to the Director of Probation and Parole, a P&P assigned IAO or a District or Regional Supervisor and documented via an occurrence report.
 - a. This shall not relieve the reporting staff member of the duty to immediately notify appropriate personnel of a critical incident as defined by CPP 27-08-01 and CPP 8.6.
 - b. The Director of Probation and Parole shall direct his designee to begin an investigation as soon as possible after incident notification.
9. If more than one staff witness has knowledge about an occurrence or alleged occurrence of actual or suspected misconduct, each shall complete an occurrence report as directed in this policy. Reports are required whether staff observe the incident, are verbally informed of the incident, or it is learned of in some other way. Reporting is required regardless of whether staff think that the incident has already been reported or will be reported.

Policy Number	Effective Date	Page
3.23	February 4, 2025	4

10. The Commissioner or Deputy Commissioner shall be immediately notified of incidents of the following nature:
 - a. Use of force incident that results in death or serious physical injury as defined by KRS 500.080;
 - b. Discharge of a firearm;
 - c. Unethical behavior or misconduct within adult prisons by staff at or above the rank of Major in the uniform ranks and Deputy Warden in the non-uniform ranks.
 - d. Unethical behavior or misconduct within Probation and Parole, at or above the rank of District Supervisor.
 - e. Unethical behavior or misconduct within Administrative or Support Services at or above the rank of Branch Manager.
 - f. Unethical behavior or misconduct by an employee not covered or specific in c, d, or e above shall be reported directly to the Deputy Commissioner over that area, who shall brief the Commissioner.
 - g. The DOC Commissioner's office may direct an investigation to be performed by the IA Chief regarding the incidents outlined in item 10., a.-f., or for allegations or any situations that are not listed in the above categories and as determined by the Commissioner.
11. For investigations the DOC Commissioner determines should be conducted outside of the Department of Corrections a request may be made to the JPSC Secretary for IIB assistance in conducting, assisting with or coordinating an investigation.
12. Reportable violations shall include those events occurring on or off duty.
13. IA investigations shall be afforded the highest degree of confidentiality and all persons involved in an investigation shall not discuss any aspect of an investigation with any person not authorized to receive such information. Failure to maintain confidentiality or the sharing of unauthorized information shall result in disciplinary action.
14. In order to preserve and protect the confidentiality and integrity of an internal affairs investigation reporting guidelines outlined in CPP 8.6 may be waived by the Warden, P&P Director, Commissioner or Deputy Commissioner.

Policy Number	Effective Date	Page
3.23	February 4, 2025	5

15. All reports, documents, evidence, other material or information relevant to any IA investigation shall be processed and stored in a manner best suited to prevent unauthorized access, as prescribed by the Commissioner.
- F. The Internal Affairs Chief shall report directly to the DOC Commissioner. The IA Chief shall:
1. Offer support and technical assistance to all divisions within the DOC while monitoring IAS for quality assurance and Commissioner’s office oversight.
 2. The IA Chief shall not maintain direct supervisory responsibility for any employee within Probation and Parole, Adult Institutions or for specific investigations unless directed by the Commissioner.
 3. Monitor all access and user profile approvals pertaining to the KOMS Support-Internal Affairs Investigations section.
 4. Conduct investigations as directed by the Commissioner.
 5. Serve as an outside law enforcement liaison for the DOC.
 6. Monitor significant internal or external threats to the DOC.
 7. Facilitate information sharing and training opportunities with DOC divisions.
 8. Monitor all current, ongoing, and completed investigations in order to assist with quality assurance.
 9. Submit a monthly report to the Commissioner with information spanning the DOC to include staff criminal behavior, significant incidents of inmate criminal behavior, outside law enforcement collaboration, significant threats internal or external to the DOC and any other information as determined by the Commissioner.
- G. Level 3 and above institutions shall designate at least one full time IAO designated by the facility Warden and approved by the Commissioner.
1. The IAO position within level 3 facilities or above, or within Probation and Parole, shall be at a minimum equivalent to the rank of lieutenant or above, and possess at least three (3) years of institutional or law enforcement experience. IAO positions within level 2 facilities shall not need to meet these rank stipulations, but shall meet other criteria set forth in this policy and shall be equivalent to the rank of a sergeant or above at a minimum.

Policy Number	Effective Date	Page
3.23	February 4, 2025	6

2. Any candidate that is considered for assignment to an internal affairs position shall have a criminal background check performed as outlined in CPP 3.6, a KOMS offender affiliation review and a thorough personnel file review performed by the IA Chief prior to assignment approval. As part of this review process, personal social media account reviews may be requested.
 3. Upon completion of a criminal background check, a personnel file review, and a KOMS review findings shall be reported to the Commissioner for final approval prior to assignment.
 4. Lower ranking additional staff may be assigned as deemed necessary by the Warden to assist the IAO according to the needs of the facility, but the same background process shall be performed prior to assignment.
 5. The IAO shall possess investigative, report writing, interviewing and technical skills along with knowledge of DOC policy and procedure.
 6. The IAO shall have completed an investigations training class to be specified by the IA Chief as soon as possible upon assuming the IAO responsibility. Minimum standards for the collection, preservation and disposition of physical evidence shall be in accordance with Kentucky State Police Forensic Laboratory standards.
 7. The IAO shall directly report to the facility Warden or P&P Director on investigative matters but also work closely with the DOC IA Chief to document investigations as established within the Kentucky Offender Management System, and to ensure that all reports of misconduct are investigated and documented to the highest degree possible and reported to a higher level of supervision.
- H. In level 2 institutions, IAO duties shall be assigned on a part time or as needed basis and combined with other employee duties and responsibilities and meet all guidelines set forth in this policy.
- I. Only the Commissioner, Deputy Commissioner, facility Warden, or Director of Probation and Parole shall authorize an IA investigation.
1. During an IA investigation every staff member, inmate, contractor or volunteer shall treat a request from the IAO as an order from the Commissioner.
 2. IAOs shall have the authority to interview any staff member, inmate, contractor or volunteer and review any and all institutional records, video, audio and reports relevant to any assigned investigation.

Policy Number	Effective Date	Page
3.23	February 4, 2025	7

J. General duties for IAOs shall include:

1. The IAO shall have the responsibility to maintain an established Internal Affairs system within their assigned adult institution or the Division of Probation and Parole and as defined in this policy;
2. Entering all investigative data into the Kentucky Offender Management System (KOMS) under Support-Internal Affairs Investigations;
3. Assigning a numerical case number in the KOMS Support-Internal affairs Investigation section;
4. Ensuring efforts are made to determine if staff actions or failures to act contributed to the incident or allegation;
5. Cooperating with any outside investigative entities, to include the Kentucky State Police and IIB;
6. Conducting investigations that are prompt, thorough, objective, and that include:
 - a. Investigative interviews, assessing credibility on an individual basis;
 - b. Gathering and maintaining physical evidence;
 - c. Collecting all pertinent direct and circumstantial evidence and information;
 - d. Reviewing prior complaints and reports involving the suspected perpetrator;
 - e. Compiling and maintaining an investigative file;
 - f. Presenting cases to a prosecuting attorney;
 - g. Providing courtroom testimony;
 - h. Monitoring the inmate phone system and electronic communication systems;
 - i. Issuing disciplinary reports to offenders;

Policy Number	Effective Date	Page
3.23	February 4, 2025	8

- j. Conducting staff training relative to drug urinalysis, preservation of evidence, and crime scene preservation;
 - k. Serving as liaison for law enforcement, prosecutors, and Department of Personnel;
 - l. Other duties as assigned by the Commissioner, Deputy Commissioner, Warden, or Director of Probation and Parole;
 - m. Maintaining a log to document the intake of all IAO activities to include those activities which do not necessitate an entry into KOMS.
 - n. Any other duties as assigned by the appropriate Warden or P&P Director associated with safety, security and orderly operations such as security threat group duties, mail processing, criminal background checks, relevant training and staff and inmate urine testing.
- 7. All investigations shall be completed within sixty (60) days unless an extension is approved by the authorizing Warden, P&P Director, Commissioner or Deputy Commissioner. Reasons for authorized extensions shall be documented in the report of investigation (ROI) case file in KOMS.
- K. A case file shall be developed and maintained in all cases.
 - 1. Case files shall be organized and in a standard format as stated in section I.I.L of this policy.
 - 2. The ROI shall include a conclusion based on the totality of facts obtained during the investigation. The conclusion shall be:
 - a. Substantiated;
 - b. Not substantiated;
 - c. Exonerated; or
 - d. Unfounded.
 - 3. Once the ROI is finalized and reviewed by the facility Warden, P&P Director or appropriate Deputy Commissioner, the ROI shall be maintained in the section relative to the Internal Affairs KOMS case file.
- L. The case file shall contain:
 - 1. Investigation date and time initiated;

Policy Number	Effective Date	Page
3.23	February 4, 2025	9

2. The assigned Internal Affairs investigation case number;
3. Identity of lead investigator;
4. Location;
5. Subject name and identifying information;
6. Witness and victim names(s) and identifying information;
7. Nature or type of investigation;
8. Date the investigation was completed and closed;
9. Details of incident to include occurrence or incident report, how it was reported, parties involved, incident description, location, date, and time;
10. All exhibits, such as photos, reports, video surveillance recordings, audio recordings, interrogations, interviews, and written statements;
11. Physical evidence and chain of custody;
12. Any additional supporting documentation; and
13. Investigative findings via a numerical or chronological summary that gives a basis for a conclusion and a conclusion that the matter was substantiated, unsubstantiated or unfounded.

M. Supervisory review and signature or approval

1. Investigative findings shall be documented in a confidential report as provided in this policy.
2. Completed investigations occurring within an adult correctional facility shall be submitted to the facility Warden for review and final approval.
3. Completed investigations occurring within the Division of Probation and Parole shall be submitted to the Director of Probation and Parole for review and final approval.
4. For other areas outside of Adult Institutions or the Division of Probation and Parole completed investigations shall be submitted to the Deputy Commissioner supervising that division for review and final approval.

Policy Number	Effective Date	Page
3.23	February 4, 2025	10

- N. All completed and finalized investigative reports shall be located in the KOMS section as outlined in this policy for the IA Chief to review and shall be maintained as a closed status as soon as the investigation is completed.
1. All investigations shall be assigned as complete or closed status as soon as the Commissioner, Deputy Commissioner, Warden, or Director of Probation and Parole determines an investigation has been thoroughly completed.
 2. An investigation shall not remain in an active or open status or unspecified for an open-ended amount of time.
 3. If an investigative report involving employee misconduct, once completed and finalized, is found to be substantiated, the IA Chief shall ensure a copy is sent to the Kentucky Executive Branch Ethics Commission.