

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	3.23	5
	Date Filed	Effective Date
	November 13, 2018	January 4, 2019
Authority/References	Subject	
CPP 8.6, 9.6, and 15.2 KRS 196.035, 197.020, 500.080	INTERNAL AFFAIRS INVESTIGATIONS	

I. DEFINITIONS

“Internal Affairs Officer (IAO)” means a staff member designated by the Warden and at the direction of the Warden conducts and directs a variety of investigations in a correctional institution that may involve violations of institutional or departmental rules, regulations, policies, or violations of law on the part of inmates, staff, visitors, contractors and volunteers.

“Internal Investigations Branch (IIB)” means staff members designated by the Secretary of the Justice and Public Safety Cabinet to conduct a variety of investigations within the Department of Corrections that may involve use of force incidents that result in death or serious physical injury as defined by KRS 500.080, discharge of a firearm that is not accidental in nature, and any unethical behavior or misconduct by staff at or above the rank of Major in the uniform ranks and Deputy Warden in the non-uniform ranks.

“Investigation” means a systematic inquiry to determine facts.

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

II. POLICY AND PROCEDURES

A. It is the policy of the Kentucky Department of Corrections to conduct all investigations in a fair and impartial manner while complying with ethical standards of conduct and local, state, and federal law.

B. Reporting of Violations of Policy, Procedure, or Law

1. All staff, volunteers and contractors shall report violations of policy, procedures, and law. 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 some cases.

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2. If more than one staff witness or become knowledgeable of the occurrence or alleged occurrence of an event, each shall make a report. 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.
3. IIB 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 that is not accidental in nature;
 - c. Unethical behavior or misconduct by staff at or above the rank of Major in the uniform ranks and Deputy Warden in the non-uniform ranks.
4. The IIB may refer allegations to a DOC Internal Affairs Officer or Warden for investigation.
5. The Commissioner's office may refer allegations to the IIB for review and consideration for investigation.
6. Reportable violations shall include those events occurring on or off duty.
7. In the institution, violations shall be reported immediately to the Shift Supervisor.
8. Probation and Parole violations shall be reported within 24 hours to the Director of Probation and Parole.
 - a. This shall not relieve the reporter of the duty to immediately notify appropriate personnel of a critical incident as defined by CPP 27-08-01.
 - b. The Director of Probation and Parole shall direct his designee to begin an investigation within two working days of notification.
 - c. All necessary statements shall be obtained by the fifth working day following the incident.
- C. Internal Affairs investigations shall be afforded the highest degree of confidentiality and all persons involved in an investigation shall not discuss any

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aspect of an investigation with any person not authorized to receive such information.

- D. All reports, documents, evidence, other material or information relevant to any Internal Affairs investigation shall be processed and stored in a manner best suited to prevent unauthorized access, as prescribed by the Commissioner.
- E. In institutions with over 500 inmates, there shall be a full time IAO designated by the Warden. The IAO will report directly to the Warden.
 - 1. The IAO position shall be equivalent to the rank of Administrative Specialist III, Lieutenant or above, and possess at least three (3) years of institutional or law enforcement experience.
 - 2. The IAO shall ideally possess investigative, report writing and technical skills along with knowledge of Department of Corrections policy and procedure.
- F. In small institutions, IAO duties shall be on a part time or as needed basis.
- G. Only the Commissioner, Warden, Deputy Commissioner, Director of Adult Institutions, or Director of Probation and Parole shall initiate an Internal Affairs Investigation.
 - 1. During an Internal Affairs Investigation every staff member, inmate, contractor or volunteer shall treat a request from the IAO as an order from the Commissioner.
 - 2. Internal Affairs shall have the authority to interview any staff member, inmate, contractor or volunteer and review institutional records and reports relevant to any assigned investigation.
- H. General duties for Internal Affairs shall include:
 - 1. Entering all investigative data into the Kentucky Offender Management System (KOMS) under Support-Internal Affairs Investigations.
 - 2. Writing reports of investigation (ROI) on the standard ROI format. Once finalized and signed by the IAO, the ROI shall be scanned into the “scanned documents” section relative to the KOMS case file.
 - 3. Conducting investigations to include:
 - a. Investigative interviews;
 - b. Gathering and maintaining physical evidence;

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- c. Collecting pertinent information;
 - d. Compiling and maintaining an investigative file;
 - e. Providing courtroom testimony;
 - f. Monitoring the inmate phone system and electronic communication systems;
 - g. Conducting staff training relative to drug urinalysis, preservation of evidence, and crime scene preservation;
 - h. Serving as liaison for law enforcement, prosecutors, and Department of Personnel;
 - i. Other duties as assigned by the Warden or Commissioner or a Deputy Commissioner;
 - j. Maintaining a log to document the intake of all internal affairs activities to include those activities which do not necessitate an entry into KOMS.
- I. A formal case file shall be developed and maintained in all cases where criminal charges and significant employee disciplinary action appears imminent.
- 1. Case files shall be organized and in a standard format.
 - 2. The case file shall contain:
 - a. Subject name and identifying information
 - b. Nature of investigation
 - c. Date and time investigation assigned
 - d. Details of incident to include parties involved, incident description, location, date, and time
 - e. Photos, reports, interrogation and interviews, written statements
 - f. Physical evidence and its disposition
 - g. Additional support documentation

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- J. Minimum standards for the collection, preservation and disposition of physical evidence in the institution shall be in accordance with Kentucky State Police Forensic Laboratory Standards.
- K. Following the completion of an investigation, a written report shall be prepared by the IAO. All internal affairs reports shall be complete, concise, clear, and correct.
 - 1. In all cases where criminal prosecution or significant disciplinary action appears imminent, the final report shall be formatted as follows:
 - a. Background; concisely presents a chronological summary of the incident and the investigation with a summary of statements.
 - b. Report summary; presents a numerical and chronological summary of the findings of fact. Opinions shall not be included.
 - c. Exhibits; Includes all reports, statements, photos, etc. that are pertinent to the investigation.
 - 2. The final report shall be submitted to the person that authorized the investigation.