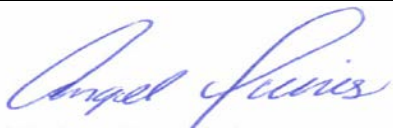


 State of Connecticut Department of Correction ADMINISTRATIVE DIRECTIVE	Directive Number 1.10	Effective Date 9/17/2020	Page 1 of 6
 Interim Commissioner Angel Quiros	Supersedes Investigations, dated 05/28/2014 Investigations		

1. **Policy.** The Department of Correction shall review and investigate significant incidents and/or allegations of wrongful acts as appropriate.
2. **Authority and Reference.**
 - a. Public Law 108-79, Prison Rape Elimination Act of 2003.
 - b. 28 C.F.R. 115, Prison Rape Elimination Act National Standards.
 - c. Connecticut General Statutes, Chapters 14, 21, 29, 53, 53a and 55.
 - d. Regulations of Connecticut State Agencies Section 18-81
 - e. Administrative Directives 1.6, Monthly and Annual Reports; 1.12, Employee Legal Counsel/Representation; 2.1, Equal Employment Opportunity and Affirmative Action; 2.2, Sexual Harassment; 2.6, Employee Discipline; 2.17, Employee Conduct; 2.21, Smoke and Drug Free Workplace; 2.22, Workplace Violence Prevention Policy; 2.24, Employee Arrests, Restraining Orders and Criminal Summons; 6.6 Reporting of Incidents; 6.9, Control of Contraband and Physical Evidence, 6.12; Inmate Sexual Abuse/Sexual Harassment Prevention and Intervention.
3. **Definitions and Acronyms.** For the purposes stated herein, the following definitions and acronyms apply:
 - a. **Administrative Investigation.** An official DOC fact-finding review conducted by trained facility investigators.
 - b. **Affirmative Action Investigation.** An Investigation conducted by the Department's Affirmative Action Unit.
 - c. **Criminal Investigation.** An official inquiry conducted by an external law enforcement agency.
 - d. **District Investigation.** An investigation conducted by a trained Supervisor assigned to a District Office.
 - e. **DOC.** Department of Correction.
 - f. **Electronic Monitoring/Recording Device.** Authorized audio/video equipment used to gather intelligence during an authorized Administrative Investigation. This equipment shall only be used by individuals who are conducting an approved investigation.
 - g. **External Investigation.** An official inquiry conducted by an authorized agent of a governmental entity with oversight over all, or any part of, government operations.
 - h. **Initial Inquiry.** A review into an alleged incident or matter in which the findings may result in the need for further investigation.
 - i. **Investigator.** An employee trained and assigned to conduct investigations.
 - j. **PREA.** Prison Rape Elimination Act
 - k. **PREA Investigation.** An Investigation conducted by the PREA Unit regarding an allegation or instance of sexual abuse or sexual harassment involving an inmate.
 - l. **Preponderance of Evidence.** A standard of evidence which is met if the proposition is more likely to be true than not true. The standard is satisfied if there is greater than a fifty percent chance that the proposition is true. This preponderance is based on the more convincing evidence and its probable truth or accuracy.
 - m. **Security Division Investigation.** Investigation authorized by the Commissioner or designee and conducted by the Department's Security Division.
 - n. **Sexual Abuse.** For the purpose of this directive, Sexual Abuse shall be defined in accordance with Section 3 of Administrative Directive, 6.12 Inmate Sexual Abuse/ Sexual Harassment Prevention and Intervention.

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- o. Sexual Harassment. Sexual Harassment shall be defined in accordance with Administrative Directive, 2.2 Sexual Harassment and Administrative Directive, 6.12 Inmate Sexual Abuse/Sexual Harassment Prevention and Intervention.
- p. Substantiated Allegation. An allegation that was investigated and determined based upon the preponderance of the evidence to have occurred.
- q. Unfounded Allegation. An allegation that was investigated and determined not to have occurred.
- r. Unsubstantiated Allegation. An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

4. Training.

- a. Each investigator shall complete an approved training program prior to conducting an investigation.
- b. Investigators assigned to the Affirmative Action Unit shall receive specialized training provided by the Commission on Human Rights and Opportunities concerning state and federal discrimination laws and techniques for conducting investigations of discrimination complaints.

5. Criminal Investigations. Criminal investigations, to include allegations of sexual abuse, shall fall under the jurisdiction of the Connecticut State Police. When a crime is detected Department personnel shall secure the crime scene in accordance with Administrative Directive 6.9, Control of Contraband and Physical Evidence. Department personnel may assist the Connecticut State Police upon request, but shall not independently conduct any type of investigative activities, to include conducting interviews of any type. An Administrative Investigation may be conducted by the Department upon authorization of the Connecticut State Police to do so.

- a. When criminal activity is discovered during a Department investigation, the matter shall be referred to the Connecticut State Police through the appropriate chain of command.

6. Inmate Interviews by Outside Law Enforcement Agencies. Inmates may be interviewed by outside law enforcement agencies as appropriate. An inmate who decides to cooperate with an outside law enforcement agency investigation shall indicate such cooperation by signing CN 11003, Inmate Voluntary Interview Authorization prior to the interview. Completed authorization forms shall be maintained in Section 6 of the inmate's master file.

7. General Principles.

- a. Cooperation Required. The Department and its employees shall cooperate with any investigation in accordance with Administrative Directive 2.17, Employee Conduct. Failure to cooperate fully may subject an employee to disciplinary action, up to and including dismissal.
- b. Recording of Interview. An investigation interview of an employee may be recorded by the person conducting the interview with an approved recording device.
 - i. At no time shall the person being interviewed be allowed to record using any device.
 - ii. The employee may be given a complete and unaltered copy of the recorded interview. An interview recording shall be maintained as part of the investigation file.
- c. File. Upon initiation of a District Investigation, Administrative Investigation or a Security Division Investigation a case file shall be created and a unique number shall be assigned to the case. A District Investigation shall be prefixed by the letter "D," and the corresponding District Number. An Administrative Investigation shall be prefixed by two (2) or three (3) letters which uniquely identifies the investigating body, and a Security Division Investigation shall be prefixed by the letters "SD."
 - i. The identifying prefix shall be followed by a dash (-), the last two (2) digits of the calendar year, a dash (-), and a sequential uninterrupted

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numerical listing of each investigation conducted by the division, district or unit.

- ii. Investigations shall be tracked utilizing Attachment B, Investigation Routing Form.
- d. Conduct of Investigation. An investigator assigned to conduct an investigation shall gather relevant information as necessary to conduct the investigation. No person shall be assigned to conduct an investigation that is involved in, or witness to, the matter under investigation. The investigator shall not recommend a specific level of discipline; however, as a result of the preponderance of the evidence, the investigator may determine whether the allegation is substantiated, unsubstantiated or unfounded. Each relevant witness shall be interviewed.
- e. Acknowledgement of Employee Rights and Responsibilities. Any employee interviewed during the course of an investigation shall be advised verbally of their rights and responsibilities. The employee shall then read and sign CN 11001, Employee Rights and Responsibilities Acknowledgement prior to the start of an investigative interview. The employee shall be advised of the following:
 - i. The general nature of the investigation;
 - ii. If the employee is the subject of the investigation or if the employee is thought to possess information relevant to the investigation; and,
 - iii. The right to union or legal representation as appropriate and in accordance with the prevailing union contract or state personnel procedures.
- f. Reporting of Incidents. An employee involved in, or witness to, an incident shall be required to complete and sign an incident report in accordance with Administrative Directive 6.6, Reporting of Incidents except as stated in Administrative Directive 2.2, Sexual Harassment. An employee may be required to complete and sign a written statement as part of an investigation.
- g. Interview Summary. Upon completion of the interview of an employee, a typed transcription shall be drafted by the investigator utilizing form CN 11002, Interview Statement. Upon completion and review of the typed transcript the employee being interviewed shall sign and initial the final page of the CN 11002, Interview Statement Form.
- h. Supporting Documentation. Incident reports, photographs and other relevant documentation shall be included in the investigation file.
- i. Evidence. All evidence relevant to the investigation shall be secured and accounted for in accordance with Administrative Directive 6.9, Control of Contraband and Physical Evidence.
- j. Report Format. Any Investigation shall be presented in the format as outlined in Attachment A, Standard Investigation File Format.
- k. Employee Discipline. Discipline resulting from an investigation shall be dispensed in accordance with Administrative Directive 2.6, Employee Discipline.
- l. Recommendations. When appropriate, an investigation shall include recommendations for system improvement based upon the conclusions of such investigation.
- m. Security and Confidentiality. Each investigation shall be maintained in a secure and confidential manner. Information that may jeopardize the integrity of an investigation shall not be disclosed while an investigation is in progress except to law enforcement agencies, authorized Department personnel and other agencies as authorized by law. Upon completion of an investigation the Labor Relations Unit shall review the results of the investigation and recommend appropriate action to the appointing authority, who shall make the final decision.
 - i. Completed PREA investigations shall follow the guidelines set forth in section 10 of this directive.
- n. Disclosure. Complaints and investigative information shall be kept confidential unless disclosure is required by Chapter 14 (Freedom of Information Act) or

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Chapter 55 (Personal Data Act) of the Connecticut General Statutes, other applicable laws or by court order.

8. Initial Inquiry.

- a. Authorization. A District Administrator or higher authority may request an Initial Inquiry to be conducted for review into an alleged incident or matter.
- b. Scope. A staff member certified in conducting investigations shall complete a cursory review of all existing information and evidence regarding the complaint. Evidence may include but is not limited to; video footage, call logs/recordings, post logs, and staff schedules. An initial inquiry shall not include interviews of employees.
- c. Timeliness. An initial inquiry shall normally be completed within five (5) business days.
- d. File. Upon initiation of an Initial Inquiry, a unique number shall be assigned to the review. An Initial Inquiry shall be prefixed by the letter "II", and the corresponding District or two (2) or three (3) letters which uniquely identifies the Facility.
 - i. The identifying prefix shall be followed by a dash (-), the last two (2) digits of the calendar year, a dash (-), and a sequential uninterrupted numerical listing of each initial inquiry conducted.
- e. Closure. Upon final review, the initial inquiry shall be closed or assigned as a District, Administrative or Security Division if it is determined further investigation is warranted.
 - i. Non-disciplinary resolution may be used at the closure of an Initial Inquiry.

9. District and Administrative Investigations.

- a. Authorization. A District or Administrative Investigation shall be initiated by a District Administrator or higher authority.
- b. Involvement of Facility Personnel. Facility based personnel shall not conduct investigative activities if the interviewer is the subject of the investigation.
- c. Joint Law Enforcement Investigation. Requests for assistance in a joint law enforcement investigation from an outside law enforcement agency must be authorized by the Commissioner or designee and forwarded to the District Administrator for appropriate action
- d. Joint Investigation. Requests for a joint Health Services Investigation or an investigation with other agencies/departments must be authorized by the Commissioner or designee and forwarded to the District Administrator for appropriate action.
- e. Timeliness. An investigation shall normally be completed within 60 business days. In the event the investigation exceeds 60 business days, the investigator shall forward a request for an extension of the investigation to the District Administrator, as appropriate. The investigator shall indicate the reasons for the extension. A status report of all ongoing investigations shall be included in the monthly report in accordance with Administrative Directive 1.6, Monthly and Annual Reports.
- f. Closure. Administrative or District investigations shall be closed only upon final review by the District Administrator or designee.

10. Security Division Investigations.

- a. Authorization. Security Division Investigations shall require written authorization from the Commissioner or designee. A Deputy Commissioner may request initiation of a Security Division Investigation.
- b. Involvement of Facility Personnel. Facility based personnel shall not conduct investigative activities when a Security Division Investigation has been authorized or is ongoing; to include conducting interviews of any type unless requested to do so by Security Division.
- c. Joint Law Enforcement Investigation. Requests for assistance in a joint law enforcement investigation from an outside law enforcement agency must be

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authorized by the Commissioner or designee and forwarded to the Director of Security for appropriate action.

- d. Joint Investigation. Requests for a joint Health Services Investigation or an investigation with other agencies/departments must be authorized by the Commissioner or designee and forwarded to the Director of Security for appropriate action.
- e. Timeliness. An investigation shall normally be completed within 60 business days. In the event the investigation exceeds 60 business days, the investigator shall forward a request for an extension of the investigation to the Director of Security, as appropriate. The investigator shall indicate the reasons for the extension. A status report of all ongoing investigations shall be included in the monthly report in accordance with Administrative Directive 1.6, Monthly and Annual Reports.
- f. Closure. Security Division Investigations shall be closed only upon final review by the Commissioner or designee.

11. PREA Unit Investigations.

- a. Authorization. PREA Unit investigations shall require written authorization from the appropriate District Administrator. A Deputy Commissioner or designee may request initiation of a PREA Unit Investigation.
- b. Involvement of Facility Personnel. Facility based personnel shall not conduct investigative activities when a PREA Unit Investigation has been authorized or is ongoing, to include conducting interviews of any type unless requested to do so by the PREA Unit.
- c. PREA Investigations. PREA Investigations shall, at a minimum, review direct and circumstantial evidence, interview all alleged victims, suspected perpetrators and any relevant witnesses, shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. PREA Unit investigations shall also: (1) include an effort to determine whether staff actions or failures to act contributed to sexual abuse; (2) shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. When the evidence appears to support criminal prosecution, the Connecticut State Police shall be notified. If the Connecticut State Police determine that no criminal aspect exists, the PREA Investigation Unit may conduct compelled interviews only after consulting with the Office of the State's Attorney as to whether compelled interviews would be an obstacle to subsequent criminal prosecution.
 - i. All contacts with Connecticut State Police and State's Attorneys shall be properly documented in the investigation file to include date, time, and name of person contacted.
 - ii. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the individuals' status as inmate or staff. The use of polygraphs is prohibited. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. The departure of the alleged abuser or victim from employment or control of the Department shall not provide a basis for terminating an investigation.
- d. Joint Law Enforcement Investigation. Requests for assistance in a joint law enforcement investigation from an outside law enforcement agency must be authorized by the Commissioner or designee and forwarded to the Administrator of the PREA Unit for appropriate action.
- e. Joint Investigation. Requests for a joint Health Services Investigation or an investigation with other agencies/departments must be authorized by the Commissioner or designee and forwarded to the Administrator of the PREA Unit for appropriate action.
- f. Timeliness. An investigation shall normally be completed within 60 business days. In the event the investigation exceeds 60 business days, the investigator shall forward a request for an extension of the investigation to the Agency

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PREA Coordinator. The investigator shall indicate the reasons for the extension. A status report of all ongoing PREA Unit investigations shall be included in the monthly report in accordance with Administrative Directive 1.6, Monthly and Annual Reports.

- g. Reporting to Inmates. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a Department facility, the PREA Unit shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. If the PREA Unit did not conduct the investigation, it shall request relevant information from the investigative agency in order to inform the inmate. The PREA Unit's obligation to report the above to an inmate shall terminate if the inmate is released from Department custody.
- h. Records Retention. The PREA Unit shall retain all investigation reports for:
 - i. as long as the alleged abuser is incarcerated or employed by the Department, plus five years; or,
 - ii. as long as required by State records retention policies; or,
 - iii. as required by a litigation hold notice, whichever is longer.
12. Affirmative Action Investigations. Allegations of discrimination or sexual harassment involving staff members, other than allegations of sexual abuse or sexual harassment covered by PREA, shall be pursued through an Affirmative Action Investigation in accordance with Administrative Directives 2.1, Equal Employment Opportunity and Affirmative Action and 2.2, Sexual Harassment. The Director of Equal Opportunity Assurances shall develop and maintain a case file system for Affirmative Action Investigations.
13. System Improvement. At the discretion of the Commissioner, results of an Administrative Investigation shall be referred to an appropriate administrator(s) for implementation of system improvements based upon the recommendations made in accordance with Section 7(L) of this Directive.
14. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for their intended function:
 - a. CN 11001, Employee's Rights and Responsibilities Acknowledgment;
 - b. CN 11002, Interview Statement;
 - c. CN 11003, Inmate Voluntary Interview Authorization;
 - d. Attachment A, Standard Investigation File Format; and,
 - e. Attachment B, Investigation Routing Slip.
15. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.