



## Illinois Department of Corrections

### Administrative Directive

Number: <b>01.12.120</b>	Title: <b>Investigations of Unusual Incidents</b>	Effective: <b>1/1/2023</b>
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Authorized by:	<i>[Original Authorized Copy on File]</i> <b>Rob Jeffreys</b> Director
Supersedes:	01.12.120 effective 1/1/2021

<b>Authority:</b> 720 ILCS 5/7-1 and 7-9 730 ILCS 5/3-2-2 and 3-6-4 20 IAC 112 and 501	<b>Related ACA Standards:</b> 5-ACI-1A-07 and 10, 5-ACI-1C-01, 20, 5-ACI-1E-01 and 03, 5-ACI-1F-08, 5-ACI-3A-01, 09, 31, 35, 42, 5-ACI-3C-06 – 09, 5-ACI-6C-03, 16
<b>Referenced Policies:</b> 01.07.805, 01.12.106, 01.12.112, 01.12.125	<b>Referenced Forms:</b> DOC 0127 – Employee Notification of Completed Investigation DOC 0259 – Computerized Voice Stress Analysis review DOC 0260 – Notification of Prosecution DOC 0262 – Report of Investigation ISP 6-402 – Illinois Bureau of Investigations Arrest Card FD 249 – Federal Bureau of Investigations Fingerprint Card

#### **I. POLICY**

The Department shall investigate every unusual incident reported as set forth in this directive.

#### **II. PROCEDURE**

##### **A. Purpose**

The purpose of this directive is to establish written instructions to staff regarding internal investigations and subsequent reports required.

##### **B. Applicability**

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

##### **C. Departmental Reviews**

A review of this directive shall be conducted at least annually by each facility and by the Office of Investigations and Intelligence.

##### **D. Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

##### **E. Definitions**

Chief Administrative Officer (CAO) – the warden of a correctional facility or program site or the supervisor of a transitional security facility.

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Chief Administrator – the Chief Administrative Officer of a correctional facility or program site; or for all other offices, the Deputy Director or Chief of the appropriate division, or the Assistant Director of the Department.

Departmental Investigations – an investigation that is conducted by the External Investigations Unit.

Internal Investigations – an investigation that is conducted by a facility's Internal Affairs Unit.

#### **F. General Provisions**

1. The Chief Administrator shall ensure that an internal investigation is conducted by facility staff, or by staff assigned by the Chief of Investigations and Intelligence, on each unusual incident reported, if it is determined that further facts are required.
2. The Chief of Investigations and Intelligence shall ensure that all incidents reported where death or injury occurred as a result of firearms discharge are investigated immediately by the Administrative Review Team, in accordance with Administrative Directive 01.12.106.
3. The Director or the respective Deputy Director or Chief may request that the Chief of Investigations and Intelligence initiate a Department investigation of any other major incident. Department investigations shall be conducted by the Investigations and Intelligence Unit.
4. The appropriate investigative reports and forms identified in Administrative Directive 01.12.125 shall be utilized.
5. The master record file of any individual in custody who is being investigated for possible criminal prosecution shall be flagged, in accordance with Paragraph II.I., to ensure the individual in custody is not considered for restoration or award of sentence credit, pending the results of the investigation for possible prosecution.
6. Any employee who knowingly provides false information, including but not limited to, false information provided in statements, incident reports, correspondence or an interview, shall be subject to disciplinary action, up to and including discharge.
7. All employees shall be required to cooperate with any internal investigation conducted by the facility Internal Affairs Office, Investigations and Intelligence Unit or any other investigative authority, including the Office of Executive Inspector General (OEIG). Employees shall provide documentation and testimonial evidence as required by law. Information pertaining to an internal or OEIG investigation shall be considered confidential and shall be disseminated on a need-to-know basis only. Employees shall not disclose or be asked to disclose:
  - a. The existence of an investigation;
  - b. The information requested during an investigation;
  - c. The subject matter or questions asked during an interview; or
  - d. The identity of the employees under investigation.
8. Failure to cooperate with an investigation shall result in disciplinary action, up to and including discharge.
9. Following an investigation, the facility Internal Affairs Office or the Investigations and Intelligence Unit shall notify the Chief Administrator of completion of the investigation. The Chief Administrator shall submit an Employee Notification of Completed Investigation, DOC 0127, to the respective employee and bargaining unit, if applicable. The form shall be signed by the

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employee acknowledging receipt. If the employee refuses to sign, the Chief Administrator shall so indicate and sign and date the DOC 0127.

**G. Facility Investigations**

1. Facility investigations shall include, but not be limited to:
  - a. Obtaining statements from all involved individuals;
  - b. Obtaining statements from all known and any possible witnesses, even if nothing was observed by the individual;
  - c. Securing and preserving all weapons, if applicable, including any firearm projectiles;
  - d. Securing and preserving any other evidence, in accordance with Administrative Directive 01.12.112;
  - e. Determining if all policies and procedures were followed immediately before, during and after the incident;
  - f. Determining the quality of individual in custody and staff supervision before, during and after the incident;
  - g. Determining if use of force by staff, if applicable, was commensurate with the incident;
  - h. Determining if reasonable grounds exist to suspect that any actions on the part of individuals in custody or staff constitute criminal acts and, if so, re-interviewing involved individuals;
  - i. When appropriate, conferring with the local State's Attorney to determine if criminal prosecution is warranted;
  - j. When appropriate, referring individuals to the prosecuting authority for criminal prosecution; and
  - k. Completing an Illinois Bureau of Investigations Arrest Card, ISP 6-402, and a Federal Bureau of Investigations Fingerprint Card, FD 249, in accordance with Administrative Directive 01.07.805.
2. The supervisor of the internal investigation team shall submit a final written report to the CAO using the Report of Investigation, DOC 0262, within 10 working days from the conclusion of the investigation.
3. The Chief Administrator may forward a copy of the final report to the respective Deputy Director or Chief and the Chief of Operations with a recommendation for further action-such as, commendation, discipline or criminal prosecution, if applicable.
4. The Chief of Operations, Chief or the Deputy Director, as appropriate, may submit a copy of the facility's final investigative report to the Director with recommendations for further action, if applicable.
5. Medical and mental health records shall be made available for review by the facility Internal Investigator, but shall be limited to the minimum reasonably needed for the purpose of the investigation. The Internal Investigator may request a written summary or copies of pertinent medical and mental health information for the investigative file. Unrelated medical & mental health information shall be redacted (blacked out) from the copies.

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#### **H. Department Investigations**

1. Department investigations conducted by the Administrative Review Team or the Investigations Unit shall be consistent with the requirements for facility investigations.
2. The Chief Administrator at the facility shall ensure that all information, such as reports and evidence, are made available to the Department's investigators or Administrative Review Team, and that all staff fully cooperate during the investigation.
3. Medical and Mental Health records shall be made available for review by the Investigations and Intelligence Unit, but shall be limited to the minimum reasonably needed for the purpose of the investigation. The Department Investigator may request a written summary or copies of pertinent medical and mental health information for the investigative file. Unrelated medical and mental health information shall be redacted (blacked out) from the copies.
4. The Administrative Review Team Leader or the Chief Investigator shall prepare and submit to the Chief of Staff a final written report within 10 working days from the date the investigation is finalized. A copy of all reports shall be forwarded to the Chief Administrator and the respective Deputy Director or Chief.
5. The Chief of Staff shall submit a copy of the final investigative report to the Director with recommendations for further action, if applicable.

#### **I. Investigation Files**

An investigation file that includes all information and reports regarding the investigation shall be established.

1. The investigation file for Departmental investigations shall be maintained by the Chief Administrator at the facility where the investigation was conducted. Investigation files conducted by the facility Internal Affairs Unit shall be maintained by the Internal Affairs Supervisor.
2. An investigation file shall also be maintained by the Investigations and Intelligence Unit for each Department investigation conducted.
3. The Investigations and Intelligence Unit investigator and facility investigator shall ensure all investigation files containing employee information, such as home address, telephone numbers, Social Security number and other personal information not relevant to the criminal case, are thoroughly reviewed and redacted (blacked out) prior to being forwarded to the State's Attorney's office. Only the portions of the file relevant to the prosecution shall be released. The Investigator shall have (10) business days to complete the redaction of the investigation and deliver to the State's Attorney's Office after receipt of the finalized report.

**NOTE:** A copy of the Individual in custody Computerized Voice Stress Analysis Review, DOC 0259, shall be placed in the Individual in custody's master file. Copies of any other investigative material shall be maintained only in the investigation file.

4. Files of investigations for alleged sexual abuse cases shall be retained for the length of the alleged abuser's incarceration or employment by the Department, plus five years.

#### **J. Timelines on Completing Departmental Investigations**

1. When an investigation is assigned by an Investigations Supervisor to an Investigator, the investigation shall be completed within the timeframe of the specified level, commencing on the date of assignment. Levels of assignment are as follows:

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- a. Level 1 – 30 days
  - b. Level 2 – 60 days
  - c. Level 3 – 90 days
  - d. Level 4 – 120 days
2. If an investigation is not completed within the specified days from assignment, an extension may be requested from the Chief of Investigations and Intelligence by the Investigator. Requests shall be made by submitting Form # IU 007 documenting the reason for the request. All requests shall be documented in CLIC.
3. The Chief of Investigations and Intelligence shall review the request and make a decision on whether to approve or deny an extension on the request. CLIC shall be updated accordingly. Justification for denying a request for extension shall be provided by the Deputy Commander.
4. A copy of the case extension request shall be maintained in the corresponding investigative file.
5. Upon completion of a Departmental Investigation, a member of the Investigations Command staff shall complete the Investigation Case Evaluation Form which shall be forwarded to the assigned Investigator and shall be maintained on file in the Chief of Investigations & Intelligence Office.

**K. Timelines on Completing Facility Investigations**

1. When an investigation is assigned by an Internal Affairs Supervisor to an Investigator, the investigation shall be completed within the timeframe of the specified level, commencing on the date of assignment. Levels of assignment are as follows:
  - a. Level 1 – 30 days
  - b. Level 2 – 60 days
  - c. Level 3 – 90 days
  - d. Level 4 – 120 days

**NOTE:** Prior approval shall be required by the Chief Administrative Officer and the Deputy Commander of Investigations before assigning staff to a Level 3 or Level 4.
2. If an investigation is not completed within the designated timeframe, an extension may be requested from the CAO and the Deputy Commander of Investigations. Such requests shall be made by submitting the IU 007 documenting the reason for the request and a plan of action for completion. All requests shall be documented in ILIC at the time of submission and updated accordingly once a decision has been made.
3. The CAO and Deputy Commander shall review the request and make a decision on whether to grant an extension on the request or not. Justification for denying a request for extension shall be provided by the Deputy Commander.
4. A copy of the IU 007 shall be maintained in the investigative file.
5. Upon completion of a Facility Investigation, the CAO or a member of the Investigations Command Staff may complete the Investigation Case Evaluation form which shall be forwarded to the assigned Investigator and shall be maintained on file in the Chief Administrator's Office and the Chief of Investigations & Intelligence Office.

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**L. Investigation Pending Prosecution**

1. When an individual in custody is being referred for possible criminal acts, the facility Internal Affairs office shall immediately notify the facility Record Office using the Notification of Prosecution, DOC 0260.

**NOTE:** In the event that the investigation is being conducted by the External Investigations Unit, the assigned Investigator shall ensure that the Internal Affairs Supervisor at the respective facility is notified in order to complete the DOC 0260.

2. Upon receipt of the DOC 0260, the Record Office shall immediately:
  - a. Enter the appropriate flag code in the time adjustment transaction in Offender 360 (O360).
  - b. Place an index card marked "Prosecution Pending" on top of the face sheet in the individual in custody's master file. The index card shall include a reference to the DOC 0260.

**NOTE:** The individual in custody shall not be considered for restoration or an award of sentence credit without special approval from the Chief of Operations (no designees).

  - c. File the DOC 0260 in Section 2 of the individual in custody's master file.
3. The facility Internal Affairs office shall immediately notify the Record Office using the DOC 0260 when it is determined that prosecution shall not be pursued.
4. Upon receipt of the DOC 0260 indicating criminal prosecution shall not be pursued or the case has been resolved, the Record Office shall immediately:
  - a. Remove the flag code in the time adjustment transaction in O360.
  - b. Remove the "Prosecution Pending" index card from the individual in custody's master file.
  - c. File the DOC 0260 in Section 2 of the individual in custody's master file.
  - d. Review the individual in custody's master file for possible restoration or award of sentence credit.

**NOTE:** If the individual in custody has been transferred to another facility, the Record Office shall immediately advise, via telephone, the receiving facility Record Office to flag or remove a flag for a pending prosecution and forward the DOC 0260 for inclusion in the master file.