

Idaho Department of Correction 	Standard Operating Procedure Office of Professional Standards	Control Number: 227.01.01.001	Version: 2.0	Page Number: 1 of 22
		Title: Administrative Investigations		Adopted: 10-21-2009 Reviewed: 2-1-2010 Next Review: 2-1-2012

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BOARD OF CORRECTION IDAPA RULE NUMBER

[None](#)

POLICY STATEMENT NUMBER 227

[Administrative Investigations](#)

POLICY DOCUMENT NUMBER 227

[Administrative Investigations](#)

DEFINITIONS

[Standardized Definitions List](#)

Appointing Authority: Pursuant to Idaho Code, the director (1) is the appointing authority for the Department of Correction and is authorized to hire, dismiss, determine salary, or significantly impact the employment status of individuals in any department; (2) delegates appointing authority responsibilities to the following Department managers: division chiefs, wardens, community work center (CWC) managers, district managers, deputy chiefs, or equivalents; and (3) can also delegate appointing authority responsibilities to deputy wardens, lieutenants, unit managers, unit supervisors, or district supervisors.

Board: The State Board of Correction.

Chain of Command: A series of positions in order of authority.

Complainant: An individual or entity that makes an accusation, allegation, complaint, or charge against the Department or its employee.

Complaint: An accusation, allegation, or charge against the Department or its employee.

Corrective Action: An administrative action taken to address and correct unacceptable behavior, misconduct, or substandard work performance to include, but not limited to, informal or verbal coaching, formal or written coaching, Letter of Reprimand (LOR), involuntary transfer, Performance Improvement Plan (PIP), or a special performance evaluation.

Department: The Idaho Department of Correction.

Director: The director of the Idaho Department of Correction.

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Disciplinary Action: An administrative action taken to address and correct unacceptable behavior, misconduct, or substandard work performance to include disciplinary suspension without pay, disciplinary demotion, disciplinary reduction in pay, involuntary transfer, and dismissal.

Early Intervention System (EIS): A non-disciplinary, data-driven management tool designed to (1) identify possible problematic behaviors with employees, (2) offer assistance using intervention options to modify those behaviors before discipline is required, and (3) assists in reducing future department liability using risk management programs and techniques.

Exonerated: A finding that justifies, excuses, or clears an individual charged with wrongful conduct or behavior.

Garrity Warning: The Department's administrative investigation advisement of an employee's rights during an investigation.

Human Resource Services (HRS): The group within the Department of Correction authorized and directed to administer human resource functions and services for Department employees and management.

Inquiry: The informal collection of preliminary information concerning an allegation of employee misconduct obtained by asking questions of people involved and looking at documentation readily available to assist in (1) deciding whether the matter warrants further investigation, and (2) determining the complaint category.

Investigation: The process of gathering, obtaining, collecting, compiling, and reporting all evidence surrounding an alleged incident of misconduct.

Investigative File: An Office of Professional Standards (OPS) file containing the Investigative Report and other documents such as, interview summaries, witness statements, evidence logs, and supporting documents of an approved investigation.

Management Authority: The appointed facility or unit manager having the authority and responsibility for the day-to-day management, control, and responsibility for a designated administrative unit within the Department. This includes the director, division chief, deputy chief, warden, deputy warden, probation and parole district manager, or community work center manager in the employee's chain of command. It also includes a designated acting manager, someone delegated to act on behalf of the manager, or someone temporarily appointed as manager while the manager is on leave or is unavailable.

Misconduct: A violation of any (1) departmental policy, standard operating procedure, division directive, field memorandum, post order, or lawful verbal order of the Department, (2) Division of Human Resources and Idaho Personnel Commission Idaho Administrative Procedure Act (IDAPA) rule, or (3) city, county, state, or federal law or ordinance. Failure to report employee misconduct is employee misconduct.

Not Sustained: A type of finding that an investigation failed to produce sufficient evidence to either prove or disprove an allegation.

Offender: A person under the legal care, custody, supervision, or authority of the Board--including a person within or without the State of Idaho pursuant to agreement with another state or contractor.

Office of Professional Standards (OPS): The designated unit under the Director's Office with primary responsibility for conducting investigations of employee misconduct allegations and providing assessment and general investigative services for the Department.

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Preponderance of the Evidence: The general standard of proof in most civil cases, which is the degree of proof that will lead the investigator to conclude that the existence of the fact is more probable than not.

Probable Cause: An apparent state of facts, which would include a reasonably intelligent and prudent person to believe, in a criminal case, that the accused person committed the crime charged, or in a civil case, that the cause of action existed.

Sustained: A type of finding--after an investigation--that there was sufficient, credible evidence to determine an allegation had merit.

Unfounded: A type of finding--after an investigation--that there was sufficient evidence to determine an allegation contained no credible evidence of misconduct.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish standards for (1) investigating allegations of employee misconduct, and (2) providing assessment and general investigative services for the department.

SCOPE

This SOP applies to all department employees, inmates, offenders, contractors.

RESPONSIBILITY

The **director of Human Resource Services (HRS)** is responsible for:

- Training managers in the department's investigations process;
- Reviewing inquiries and completed Office of Professional Standards (OPS) investigations with the management authority to determine what further action, if any, is warranted;
- Assuring that all civil rights complaints are addressed in accordance with this SOP.
- Tracking all corrective and disciplinary actions department-wide; and
- Working cooperatively with the OPS in the investigation process.

The **Office of Professional Standards (OPS)** is responsible for:

- Establishing and reviewing procedures for conducting investigations of department matters **and** complaints or allegations involving department employees;
- Developing procedures for investigation evidence handling and storage;
- Implementing procedures for report writing and records retention in the OPS;
- Providing and maintaining a help line for the safe, secure, and confidential reporting of complaints;
- Reviewing inquiries with HRS **and** the management authority to determine whether an investigation is warranted;
- Coordinating with the appropriate law enforcement agency when staff criminal misconduct has occurred;

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- Coordinating with the management authority on the investigation process and providing details on the progress in each case;
- Maintaining management oversight for all administrative and employee investigations;
- Conducting investigations;
- Tracking all complaints department-wide for multiple reasons, including identifying early indicators of misconduct **or** patterns of policy or procedure violations;
- Providing a final report to management **and** HRS and to other appropriate authorities as deemed necessary.

Management Authorities are responsible for:

- Conducting an inquiry upon receipt of a complaint and consulting with OPS **and** HRS to determine what action, if any, is warranted;
- Reporting all complaints about employees to OPS or HRS. (Depends on whether an investigation is required. See [section 6](#) and [section 7](#));
- Reporting all corrective or disciplinary action to HRS;
- Reporting civil rights infractions immediately to HRS (See United States Code, Title 42, Chapter 21);
- Requesting administrative leave with pay (ADT) when warranted **and** notifying the employee when the request is approved;
- Reviewing the investigative report and making a finding as to the validity of the allegation;
- Reviewing appendix 9, *Debriefing Checklist*, **and** preparing a plan for assimilating affected employees back into the workplace; and
- Disseminating the final decision to all affected parties.

Employees are responsible for:

- Cooperating fully with investigations and answering all questions truthfully and completely.

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GENERAL REQUIREMENTS

1. Administrative Investigations

An investigation occurs whenever it is alleged or suspected that an employee's conduct or behavior violates any department policy, procedure, rule, or training. Management is encouraged to conduct an inquiry to determine if sufficient information exists to warrant further investigation. An investigation should be conducted through the OPS when the alleged violation may result in disciplinary action as outlined in:

- SOP [205.07.01.001](#), *Corrective and Disciplinary Action*;
- Idaho Administrative Procedure Act (IDAPA) 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190; and/or
- Idaho Code 67-5309(n).

The accused employee's immediate supervisor should be involved in the disciplinary process, since discipline is a supervisory function. The immediate supervisor **or** line supervisor can do most inquiries of an internal nature, procedural violations, or allegations such as discourtesy, rudeness, or poor performance, which normally requires less time to investigate.

The objectives of an investigation are to:

- Uncover and preserve all pertinent facts and evidence;
- Determine if department personnel were involved in a violation of policy;
- Determine if the conduct or behavior was intentional;
- Determine if the conduct or behavior was the result of action or inaction by the employer, such as training needs or procedure failure;
- Determine the reasonableness and the basis of the employee's actions and evaluate any explanations.

2. General Provisions

Confidentiality

Confidentiality is required to preserve the rights of individuals and the department. Information obtained as a result of a staff investigation will only be distributed internally to people with an official need-to-know, and externally in accordance with department manual, [Disclosure of Idaho Department of Correction Records under the Idaho Public Records Act](#). (Also see [section 22](#) below.)

Only those staff authorized in accordance with policy [110](#), *Media and Public Relations*, shall discuss matters under investigation within the department with the news media **or** public. Information on a staff investigation shall not be revealed to the news media unless authorized by the director (or designee). Unauthorized persons providing such information will be subject to disciplinary or corrective action, under the provisions of policy [217](#), *Ethics and Standards of Conduct*.

Privacy

All department-owned offices, desks, lockers, and cabinets and personally-owned vehicles used by staff within **or** parked upon department facilities or premises may be

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searched as part of an investigation when reasonable suspicion exists that the search will turn up evidence of employee misconduct.

Note: For the purpose of this SOP, reasonable suspicion is defined as a belief drawn from specific objective and articulable facts and the reasonable inferences drawn from those facts.

At institutional facilities, body searches **and** searches of staff personal possessions will be conducted in compliance with SOP [510.02.01.001](#), *Facility Access*. Reasonable physical searches will be conducted using guidelines set forth in policy [510](#), *Searches of Persons/Vehicles Entering Correction Facilities*. Other searches will be conducted in accordance with IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 510](#).

Illegal Drug Use or Alcohol Consumption

The department has a zero tolerance policy on illegal drug use **or** alcohol consumption that impairs an employee's ability to perform his duties. Where there is reasonable suspicion, a staff member may be ordered to submit to a test to determine the presence of alcohol or illegal drugs in his system. Such testing shall be in accordance with policy [228](#), *Drug-free Workplace*.

3. Delegated Investigations / Responsibilities

The management authority is responsible for conducting and documenting inquiries pertaining to staff misconduct and performance-related issues. These inquiries shall be coordinated with HRS.

Supervisors are responsible for (1) investigating all serious accidents within a ten (10)-day period and (2) completing the appropriate accident reports in accordance with policy [224](#), *Safety and Accident Prevention*.

Each employee's (1) use of force of the physical, serious physical, or lethal levels (see SOP [307.02.01.001](#), *Use of Force: Prisons*, **and** SOP [307.04.02.001](#), *Use of Force: Community Corrections*; (2) non-training firearms discharge; or (3) fleet crash incident shall be reported in accordance with SOP [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*.

4. Office of Professional Standards (OPS)

The OPS has the director's authority to conduct investigations into allegations of employee misconduct and to track all such complaints for statistical and 'early warning' purposes. OPS investigators may initiate and conduct inquiries, audits, and investigations as directed by the OPS chief investigator (or designee) in consultation with the director **or** division chief. While conducting an authorized investigation, OPS investigators shall have reasonable, unrestricted access to all department facilities, staff, offenders, visitors, records, documents, and equipment. The OPS will be responsible for:

- Issuing a case number and monitoring investigations of department employees;
- Ensuring all investigations are complete, objective, and consistent;
- Ensuring the investigation is completed within a reasonable amount of time, based on the circumstances of the investigation;
- Preparing the final investigative file for submittal to the appropriate management authority;

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- Consulting with HRS to ensure that any contemplated disciplinary action is consistent with similar cases;
- Maintaining the originals of all investigation reports **and** preserving evidence related to the investigation; and
- Responding to any records request for investigation records (see [section 22](#) for further details).

5. OPS Responsibilities

The OPS shall conduct, monitor, or review the following investigations:

- Allegations or complaints of staff misconduct;
- Escape, serious crime, riot or hostage situation, discharge of a firearm, or serious injury or death in a facility, in accordance with SOP [105.02.01.001](#), *General Reporting and Investigation of Major Incidents* **and** policy [125](#), *Investigation of Escapes, Serious Crimes, Serious Injury, or Deaths*;
- Equal employment opportunity and harassment claims in accordance with policy [201](#), *Respectful Workplace*; and
- Alleged staff sexual misconduct with offenders, when an investigation is necessary, in accordance with policy [219](#), *Sexual Misconduct with Offenders*;

The OPS shall provide other services to the department, including:

- Conducting **and** assisting in training staff on specialized topics related to investigative techniques and procedures;
- Actively pursuing leads, in conjunction with institutional investigator(s), of inmates currently on escape status; and
- Assisting local law enforcement agencies with investigations pertaining to the department.

6. Complaint

A complaint may originate from any source and contain specific information about the allegation. Complainants should use appendix 1, *Voluntary Statement Form*, to record their complaint.

Employees may attempt to resolve a complaint by following legitimate procedures but must never dissuade any person from lodging a complaint. In order to protect employees against false allegations, all complainants are encouraged to make complaints in written form. Anonymous complaints, or complaints from persons who wish for their names to be held in confidence, will be accepted.

Offender complaints against staff or the department need to follow SOP [316.02.01.001](#), *Grievance and Informal Resolution Procedure for Offenders*. When an offender files a grievance reporting staff misconduct and the grievance is resolved, the review authority shall forward a copy of the grievance to the OPS. The review authority shall complete the upper section of appendix 2, *Administrative Allegation / Complaint Form*, **and** send it to the OPS.

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Any complaint that relates to a civil rights infraction such as race or gender discrimination, sexual harassment, hostile work environment, etc. (see United States Code, Title 42, Chapter 21), shall be referred to the management authority as outlined in policy [201](#), *Respectful Workplace*. Potential civil rights violations discovered during an inquiry shall be reported immediately to any management authority. Failure to report civil rights allegations is a violation of policy [201](#). The management authority shall report all civil rights complaints immediately to HRS.

The OPS has established a 'help line' to provide individuals with an effective, secure, and safe method of reporting complaints and misconduct issues within the department. (See appendix 3 for information regarding the 'help line'.)

7. Complaint Classification

It is essential that the management authority receiving the complaint initially recognize whether the complaint requires an investigation. If the management authority believes the complaint could require an investigation, notification must be immediately made to the OPS. If it appears that no investigation is required, notification must be immediately made to HRS.

Staff Misconduct

Staff misconduct (when an investigation is warranted) are allegations that may result in disciplinary action as described in SOP [205.07.01.001](#), *Corrective and Disciplinary Action*; IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190; and/or Idaho Code 67-5309(n). Allegations of staff misconduct includes an act **or** omission that, if proven true, constitutes willful or wanton disregard for policy [217](#), *Ethics and Standards of Conduct*, **and** procedures that include, but are not limited to:

- Dishonesty or any breach of integrity by an employee which reflects discredit on the department;
- Unauthorized use of weapons;
- Failure to conform to a law which would constitute a serious misdemeanor or greater violation;
- Harassment or discrimination involving civil rights violations;
- Alcohol or substance abuse;
- A serious breach of department rules and regulations;
- Insubordination;
- Complaints against employees where an outside agency is involved or those which cross division, district, or unit boundaries; or
- Any similar behavior described in IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190, and/or Idaho Code 67-5309(n).

Other types of staff misconduct are actions **or** behaviors that disregard policy [217](#), *Ethics and Standards of Conduct*, rules; regulations; or procedures for which the sanctions would generally be expected to be no greater than a Letter of Counseling (LOC) or Reprimand (LOR) and/or remedial training or other type of corrective action. However, in some instances, these types of staff misconduct may result in formal

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disciplinary action, up to and including dismissal. These types of misconduct include, but are not limited to:

- Abuse of position by an employee;
- Failure to conform to laws which constitute a misdemeanor or less;
- Discourteous **or** aggressive behavior;
- Misuse of department computers;
- Violation of policy [217](#), which could bring discredit to the department;
- Ongoing performance problems; or
- Any similar behavior described in IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190, and/or Idaho Code 67-5309(n).

Other Personnel Actions

Allegations other than complaints against employees may be investigated by the OPS when an investigation is warranted. When an investigation is unnecessary, but corrective or disciplinary action has been imposed, the action shall be reported to HRS.

Department-initiated Investigations

When a habitual or substantial policy or procedural violation is discovered or suspected, that if true, could lead to disciplinary action, up to and including dismissal, an investigation should be requested (in consultation with the OPS chief investigator [or designee]), using appendix 2, *Administrative Allegation / Complaint Form* and immediately forwarded to the OPS.

Summary Action

A summary action is a corrective or disciplinary action for violations of department policies, regulations, and procedures that do not require an investigation. A summary action may be taken by supervisors upon approval of such action by the management authority **or** division chief in consultation with HRS.

All summary actions are documented using appendix 2, *Administrative Allegation / Complaint Form*, **and** forwarded to the OPS within three (3) business days of the action.

8. Complaint Processing / Inquiry

Upon receipt of a complaint, the management authority may conduct an inquiry to determine the complaint category **and** to assist in deciding whether the matter should be referred to the OPS for investigation. The management authority shall consult with the OPS chief investigator (or designee) during the inquiry to assist in the decision-making process.

It is important to recover evidence before memories fade, witnesses become unavailable, evidence disappears, or conditions change significantly. Each inquiry shall be performed and if an investigation is to be requested, appendix 2, *Administrative Allegation / Complaint Form* forwarded through the chain of command to the OPS within five (5) business days.

For misconduct allegations requiring an investigation, information will be provided to the accused employee using appendix 4, *Employee Notification of Investigation*, including a

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listing of the ethics, policies, or procedures the employee is alleged to have violated, the case number, and the name of the investigator(s).

Upon receipt of misconduct allegations not requiring an investigation, the supervisor of the accused employee initiates **and** completes an inquiry (working closely with HRS) into the allegations within a reasonable period of time, generally not to exceed 10 business days.

9. Administrative Leave

With Pay

The director is authorized to approve requests for administrative leave with pay (ADT) for investigative purposes. The director's approval authorizes the placement of the employee on ADT status when the employee is notified of an investigation.

Primary reasons for granting ADT includes, but is not limited to:

- An immediate need to preserve **and** secure evidence,
- Removal to maintain safety and/or the well being or safeguarding of other staff,
- To seek necessary counseling or outside assistance, or
- Declared emergency situations.

Should the management authority recognize a need to place the accused employee on ADT for investigative purposes, he will request this need on appendix 2, *Administrative Allegation / Complaint Form*.

The OPS will obtain approval from the division chief **and** the director (or designee), for ADT **and** will notify the management authority of approval or denial of the request to place the accused employee on ADT. All approved ADT authorizations will be coordinated with HRS.

The management authority will notify the accused employee using appendix 5, *Administrative Leave with Pay*, that approval for ADT during the investigation is authorized. The employee will sign and date appendix 5 when received. A copy of appendix 5 will be forwarded to HRS immediately, **and** the original will be retained in the investigative file. Should ADT be granted after the notification has been issued, the management authority will issue the written notice to the accused employee with a copy to HRS.

Without Pay

Administrative leave without pay (LWO) will only be granted for employees who are charged with **or** convicted of a felony (IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190.04). For justification purposes, a memo requesting LWO should be attached to appendix 2, *Administrative Allegation / Complaint Form*.

10. Staff Rights

Employees under investigation will be informed of the general nature of the investigation as soon as practical, unless notification will endanger the investigation.

An accused employee may request to have an observer **or** counsel present during an interview, provided:

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- That person is available to attend the interview within a reasonable period of time;
- No witness or potential witness in the investigation will be permitted to act as an observer;
- The accused employee **and** the observer (or counsel) shall be afforded a reasonable amount of time to confer prior to initiating the interview; and
- During the interview, the observer (or counsel) may not interfere with **or** impede the interview process (**Note:** The observer (or counsel) may be excluded from the interview if his behavior becomes disruptive).

Note: The role of counsel during the interview is primarily that of observer, but he may also question or obtain statements from the accused employee at the conclusion of the interview.

Interviews will be conducted for reasonable periods of time, allowing for rest periods if necessary.

Note: No staff will be subjected to offensive or foul language **or** threats during the investigation process. Being advised that failure to answer questions fully and truthfully may result in corrective or disciplinary action, up to and including separation from employment, constitutes an advisement of an employee's obligation to the employer and shall not be construed as a threat.

Upon completion of the investigation, the accused employee will be notified, in writing, that the investigation has been completed.

Civil Rights Investigations

The department acknowledges that the federal government has authority to conduct an independent investigation to identify any civil rights violations that may have occurred.

Note: The department will not require any employee to confer with federal investigators without the advice of counsel. The deputy attorney generals (DAGs) who represent the IDOC shall not provide legal advice to employees for civil rights investigations.

11. Administrative Investigation Advisements

Witnesses

Department employees identified as potential witnesses may receive an investigation witness advisement prior to an investigative interview. (**Note:** Appendix 6, *Administrative Investigation Witness Guide*, will be used for the advisement.)

Accused Employee

An employee accused of misconduct, or who is the focus of the investigation, must be interviewed during the investigation. The employee shall cooperate fully with the investigation and answer all questions truthfully and completely. Failure to cooperate is considered misconduct and will result in disciplinary action, up to and including dismissal.

Prior to an investigation interview, the accused employee will receive an administrative investigative advisement (commonly referred to a Garrity Warning) when the alleged misconduct could be a criminal violation of federal or state law. (**Note:** Appendix 7, *Administrative Investigation Warning* form will be used for the advisement.)

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12. Unit-level Inquiry and Disposition

When the management authority receives a misconduct complaint that warrants further inquiry, in consultation with HRS, he can assign it to a first-level supervisor (or other supervisor at the lowest reasonable level) depending on the specific allegations for a unit-level investigation. The person assigned to conduct a misconduct inquiry shall follow the guidelines established for OPS investigators related to (1) the development of an investigative plan, (2) conducting interviews; and (3) collecting evidence.

The inquiry should normally be completed within 10 business days **or** justification for the delay must be provided to the employee and HRS.

Upon completion of the inquiry, the management authority reviews the inquiry **and** documents his decision and action in a memo **and** routes the memo to HRS.

Note: The management authority may seek assistance from HRS at any time in determining the action to take as a result of the inquiry.

When HRS receives a Coaching/Corrective Action Document, LOR, or Letter of Disciplinary Action (LODA) related to a unit-level inquiry of employee misconduct (see SOP [205.07.01.001](#), *Corrective and Disciplinary Action*), this information shall be recorded for the purpose of implementing the early intervention system (EIS).

13. OPS Investigative Actions

When a complaint is investigated by the OPS, the OPS chief investigator (or designee) assigns the case to an investigator.

The chief investigator (or designee) monitors the investigation to ensure it is completed within a reasonable amount of time, based on the circumstances, **and** communicates the status of the investigation. Communication includes describing the case status **and** progression to the appropriate management authority **and** the director upon request.

Note: The investigation will be completed as expeditiously as possible, while providing due consideration for the (1) interviewees' location and distance required to travel, (2) availability of interviewees', (3) complexity of the situation, and (4) number of witnesses.

Investigations will be conducted in a professional **and** unbiased manner. The accused will be afforded the presumption of innocence. Duties and responsibilities of the assigned investigator include:

- Ensuring the accused employee was provided with notice of an impending investigation using appendix 4, *Employee Notification of Investigation*.
- Conducting a preliminary case evaluation **and** developing an investigative plan, which includes:
 - Reviewing the completed appendix 2, *Administrative Allegation / Complaint Form*, and other documents;
 - Examining the accused employee's personnel files and other records to identify relevant patterns or instances of similar conduct;
 - Examining the accused employee's training records to identify relevant training;
 - Identifying the specific allegations to be addressed, concentrating only on those that fall under policy [217](#), *Ethics and Standards of Conduct*, Division of Human

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Resources and Idaho Personnel Commission IDAPA rules, and other department policies, regulations, and procedures related to the issues;

- Determining who should be questioned and the order of interviews, generally in the order of the complainant, witnesses, and then the accused employee;
- Determining whether a crime may have been committed;
- Considering potential motives for both the accused employee **and** the complainant;
- Anticipating possible defenses of the complainant **and** accused employee;
- Deciding what questions to ask of which participants **and** developing an interview plan;
- Determining what evidence may exist;
- Identifying potential problems **and** discrepancies in the information already obtained; and
- Developing a reasonable time frame to complete the investigation.
- Contacting work unit supervisors, the accused employee, the complainant, and witnesses, which includes:
 - Contacting the work unit management authority (or designee) whenever in their area;
 - Scheduling interviews with the complainant, accused employee, and witnesses; and
 - Notifying the affected work unit supervisors of the scheduled interviews to afford the supervisor(s) the ability to schedule work coverage.
- Conducting interviews, which includes:
 - Recording all interviews and maintaining the recordings as evidence;
 - Scheduling interviews in advance; and
 - Abiding by the guidelines for conducting interviews as detailed in [section 10](#) and [section 11](#).
- Collecting evidence, which includes:
 - Touring the work or incident location, if appropriate;
 - Having specialized tests completed as appropriate;
 - Collecting any available photographs, audio, or visual recordings;
 - Collecting any other pertinent evidence; and
 - Processing and storing evidence pursuant to SOP [116.01.01.001](#), *Custody of Evidence: Office of Professional Standards*.
- Writing an *Investigation Report* (appendix 8), detailing the facts of the case (including all relevant information disclosed during the investigation), **and** excluding opinions and recommendations for **or** against disciplinary actions.

Note: All investigation reports shall be submitted in a standardized format. See appendix 8 for an example of the standardized format.

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Each Investigation Report shall contain the following 10 standardized sections:

- **Case No.:** The two (2) digit year followed by a three (3) digit sequential number (e.g., 92-001);
- **Start Date:** Date the investigation begins;
- **Case Overview:** Outlines the issues, the course of the investigation, and the evidence obtained. (Note: The length of the overview will depend on the scope and complexity of the investigation; however, an effort should be made to keep it brief.);
- **Applicable Laws, Rules, Policies, & Procedures:** A description of the alleged laws, rules, policies, or procedures violated;
- **Subjects:** The subject(s) of the report shall be identified with a workplace address and contact telephone number;
- **Witness(es) and Contact Information:** The names of each witness or person interviewed along with their contact information;
- **Details:** A chronological narrative of the OPS investigator's investigative efforts and results. (Note: When a person is introduced in each report, they shall be referred to by their title and first and last names but thereafter may be referred to by their title and last name. When a document is referenced in a report initially, it should be described with an attachment number [e.g., Attch. 1].);
- **Evidence Data:** All evidentiary items referenced in the report. (Note: Initially, evidentiary items should be identified as an exhibit, followed by an alpha character [e.g., Exhibit A].);
- **Attachments:** Supporting documents; and
- **Signature Blocks:** The investigator shall sign the report, and then submit it to the chief investigator (or designee) for approval. The chief investigator (or designee) shall sign and date each approved report. The electronic original shall be retained in the primary recordkeeping system (see SOP [227.01.01.002](#), *Recordkeeping: Administrative Investigations*).

Note: A *Supplemental Investigation Report* (appendix 9) can be added if necessary. The supplemental report shall be standardized and consist of the same sections described above.

- When the investigation is not completed within 30 calendar days, providing initial and subsequent progress reports to the accused employee **and** his supervisor;
- Tracking the amount of time and expenses associated with the investigation using appendix 10, *Investigator Expense Record*, which when completed will be placed in the 'investigator notes' section of the file folder **and** an electronic copy shall be retained in the 'J' drive (see SOP [227.01.01.002](#), *Record Keeping: Administrative Investigations*); and
- Maintaining confidentiality, which includes advising all participants not to disclose any of the information discussed in the interview (except to the accused employee's attorney when questioned).

Note: Releasing information to unauthorized personnel could be a serious breach of ethics and a violation of department policy.

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Note: The investigation will be completed as expeditiously as possible, while providing due consideration for the (1) interviewees' location and distance required to travel, (2) availability of interviewees', (3) complexity of the situation, and (4) number of witnesses.

14. Determination of Findings

At the conclusion of the investigation, a factual report and other pertinent documentation will be disseminated to the OPS Review Team. The Review Team includes the management authority in the chain of command of the accused employee, the department's division chief's and deputy division chief's, deputy attorneys general (DAG) who represent the department, and HRS representatives. During the next regularly scheduled personnel meeting (frequently referred to as the 'OPS meeting'), typically the first (1st) business day of the week, the Review Team appraises the investigation **and** assigns one (1) of the following dispositions (or 'findings') based on a preponderance of the evidence:

Note: In disciplinary actions, the department has the burden of proving cause for the discipline by a preponderance of the evidence.

Unfounded

The investigation revealed that the alleged act or acts complained of did not occur, **or** the individual named in the complaint was not involved.

Exonerated

The investigation revealed that the alleged act or acts did occur but were justified, lawful, and proper.

Not Sustained

The investigation failed to discover a preponderance of the evidence to support **or** disprove the allegation(s) made in the complaint.

Sustained

The investigation disclosed a preponderance of the evidence to support the allegations made in the complaint.

Note: Following the Review Team meeting, the division chief (or designee) in the chain of command of the accused employee shall document their decision **and** recommendations using appendix 11, *Case Review*, **and** return the form to the OPS.

15. Case Conclusion / Sanctions

The OPS chief investigator (or designee) records the findings **and** maintains all reports at the OPS in accordance with internal procedures.

Occasionally, during an investigation, an employee may decide to resign before the investigation has concluded. In that event, the investigation should be completed **and** documented so the department can substantiate **or** disprove misconduct **and** preserve related information.

Sustained

Upon a finding that the complaint or allegation is sustained **and** that disciplinary action is contemplated, the process outlined in SOP [205.07.01.001](#), *Corrective and Disciplinary*

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Action, is implemented. HRS shall coordinate discussions with the Review Team (see [section 14](#)) **and** appropriate management authority (or designee) to identify contemplated action **and** then send a notice of the contemplated action to the management authority to serve to the employee.

All other Findings

For findings other than sustained, the OPS chief investigator (or designee), notifies the employee **and** the management authority of the findings **and** that the investigation has concluded. A copy of the completed appendix 11, *Case Review*, will be sent to HRS **and** the management authority to assist in any debriefing.

16. Confidential Informants

Investigators may use confidential informants to obtain information and evidence pertinent to investigations.

Note: Investigators must avoid conveying any confidential information to an informant.

The guidelines for use of informants, as outlined in directive [504.02.01.001](#), *Intelligence Gathering Program*, will serve as a model for the development, evaluation, and use of informants. All information from confidential sources shall be closely monitored and tracked by the investigator.

A number in lieu of a name shall identify each informant. When the informant has been previously documented as an informant in an institution, a reference to the acronym of the institution, followed by the informant's informant number may be used in the investigative reports (e.g., IMSI CI#205).

Appendix 12, *Confidential Informant Evaluation*, shall be completed at the conclusion of the investigation in which the informant provided information. The investigator completing appendix 12 shall state why he believes the informant is reliable **and** why such information should remain confidential.

To be judged reliable, the following factors shall be considered:

- The reason the informant agreed to provide confidential information;
- Past reliability of the informant;
- Ability to independently corroborate the information;
- The manner in which the statement or testimony was obtained; and
- Other facts that can be articulated that satisfy the interviewer of the confidential informant's reliability.

The completed appendix 12, and other information establishing the identity and reliability of the confidential information, shall be maintained with the investigator's notes in the investigative file.

The investigator shall describe in the *Investigation Report* (appendix 8) the reasons the informant is reliable, such as a history of providing proven information or that the information could be independently corroborated.

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17. Law Enforcement Relations / Criminal Investigations

When an alleged crime involving a staff member has occurred, the OPS will be the designated authority for coordinating, requesting, and contacting the appropriate law enforcement agency. The management authority will contact the OPS to notify them of an outside law enforcement need. A referral to law enforcement may suspend the department's preliminary inquiry and/or investigation until further notice, as determined by the OPS. A concurrent internal investigation may be conducted. The OPS will coordinate this effort with the appropriate management authority.

Any related criminal investigation supersedes the administrative investigation. Assigned OPS investigators will not participate in any interviews of the accused employee conducted during the criminal investigation. Investigators will monitor the progress of the criminal investigation to determine whether or when to proceed with a separate administrative investigation.

18. Management Authority Debriefing

Before communicating the investigation results to the complainant and/or the accused, the management authority will (1) review appendix 13, *Debriefing Checklist*, and determine which items are applicable for the situation at hand, and (2) prepare a plan to conduct relevant debriefing sessions with the affected parties.

To maintain confidentiality and to preserve individual integrity, management authorities are to ensure that they do not divulge more information than what is required in the debriefing sessions. (See [section 2](#).)

Cases impacting several employees may require group or collective debriefing sessions to achieve the needed closure. Refer to the appendix 13 to ensure that confidentiality matters are considered.

Interim debriefing sessions may be needed for cases that are pending or take substantial time to complete due to the unavailability of key persons, information, etc.

Sensitivity issues affecting the individual's workplace and productivity are to be considered and addressed during the investigation. Employees have uncertainties and fears (both real and unreal) that need to be recognized, addressed, and minimized; therefore, the management authority is empowered and directed to ensure debriefing sessions address these fears and sensitivities. This is especially true for employees involved in civil rights violations and investigations. As a result, it is essential for debriefings to be completed within a reasonable amount of time, based on the circumstances of the investigation.

Note: During the debriefing, some employees may need to be reminded of policy [201](#), *Respectful Workplace*, specifically in regards to the department's prohibition of retaliatory acts.

19. Investigative Files

The investigative file will be maintained in the OPS in accordance with SOP [227.01.01.002](#), *Record Keeping: Administrative Investigations*. The investigative file includes the original copy of the investigation and any supplemental reports, supporting documents (or copies of such documents, if the original is considered an evidentiary document), photographs or copies of photographs, and the investigator's notes.

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20. Evidence: Collecting, Handling, Processing, and Disposing

Evidence collection, handling, processing, and disposal shall be accomplished as described in SOP [116.01.01.001](#), *Custody of Evidence: Office of Professional Standards*.

Note: All evidence, including audio and video recordings made during the investigation, will be maintained in the OPS evidence storage facility under the control of the OPS evidence technician.

21. The Corrections Integrated System (CIS)

The CIS is an IDOC computer database used for the tracking of offenders. Upon completion of an investigation in which an offender was concerned, the offender's involvement will be documented in the CIS by the OPS investigator. Relevant information to document includes:

- A 'staff compromise' caution (if appropriate);
- A case note (i.e., c-note) entry describing the offender's level of cooperation;
- The offender's involvement in any criminal activity or violation of rules;
- Referral for or receipt of a Disciplinary Offense Report (DOR); and
- Any other significant information such as when the offender was proven to have compromised a staff member or contractor.

22. Record Requests

Public Disclosure

OPS investigative files are exempt from public disclosure in accordance with IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 108](#), and department manual, [Disclosure of Idaho Department of Correction Records under the Idaho Public Records Act](#). (Also see Idaho Code 9-335.) The exemption does not preclude the use of information by the department for statistical or management purposes.

Requesting Access to Investigation Reports

Note: Department personnel are entitled to access their own personnel records. See Idaho Code 9-342(1).

Note: The right to review personnel records about oneself does not include the right to inspect investigation records if the investigation is ongoing. See Idaho Code 9-342(3)(a).

To request access to the *Investigation Report*, an employee who was under investigation shall submit a written request for the record. The written request must include the name, mailing address, and telephone number of the requestor. E-mail and fax requests are considered the same as written requests. The written request must include the name, mailing address, and telephone number of the requestor. Requests may be emailed to ops@idoc.idaho.gov or faxed to (208) 327-7433. All Investigation Reports and investigative files are subject to the redaction procedures described below.

Redaction Procedures

Once the investigation is closed, the employee who was under investigation may have access to the Investigation Report, subject to redaction consistent with department manual, [Disclosure of Idaho Department of Correction Records under the Idaho Public](#)

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[Records Act](#) and other applicable law. Information that can be redacted from investigation reports or files in accordance with IDAPA 06.01.01, [Section 108](#), includes:

- Information that defines or describes specific building design details;
- Information that defines specific operations used to respond to and control emergencies;
- Information that defines site-specific security operations, such as facility security procedures and site-specific post orders;
- Details specific to the habilitation of any offender, including information tracking the behavior, progress or digression of a particular offender;
- Details from pre-sentence investigation reports, addenda, and the information contained in or attached to the reports;
- National Crime Information Center (NCIC) and Idaho Law Enforcement Telecommunications System (ILETS) records, Federal Bureau of Investigation/Criminal Investigation Bureau (FBI/CIB) identification sheets, police reports, and drivers services sheets;
- Medical, counseling and treatment records;
- Identifying information or any information that would lead to the identification of any victims or witnesses, when necessary;
- Names and addresses of confidential informants, or containing information identifying confidential informants;
- Intelligence reports of offender criminal activity, that if disclosed would jeopardize public safety, the safety of confidential informants, offenders and staff, and the security of the facility;
- Records that identify or would lead to the identification of a date, time, or a place of future transportation or movement of a prisoner;
- Information from personnel records such as past performance evaluation ratings and references to past corrective or disciplinary action; or
- Records that would interfere with enforcement proceedings, deprive a person of the right to a fair trial or impartial adjudication, disclose the identity of a confidential source or confidential information furnished only by the confidential source, disclose investigative techniques or procedures, or endanger the life or physical safety of any person.

23. Record Retention and Destruction

Retention

Investigative files shall be permanently maintained. The OPS chief investigator (or designee) shall determine whether the files are maintained in hardcopy or electronic format.

Note: The retention criteria noted above only applies to records unique to the OPS that do not follow the State of Idaho's *Records Management Guide*.

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Only when an electronic copy of the investigative file is maintained shall the hardcopy be disposed. Investigation files disposed of shall be placed in a document management security container (located throughout the central office) to ensure secure, on-site shredding by the contractor hired to provide the service. Appendix 14, *Records Disposal Certificate*, should be used to record the destruction of OPS records and shall be maintained in a permanent record disposal file at the OPS.

REFERENCES

Appendix 1, Voluntary Statement Form

Appendix 2, Administrative Allegation / Complaint Form

- [Appendix 2 \(Fill-in version\)](#)

Appendix 3, OPS Help Line Information

Appendix 4, Employee Notification of Investigation

- [Appendix 4 \(Fill-in version\)](#)

Appendix 5, Administrative Leave with Pay (ADT)

- [Appendix 5 \(Fill-in version\)](#)

Appendix 6, Administrative Investigation Witness Guide

Appendix 7, Administrative Investigation Warning

Appendix 8, Investigation Report

Appendix 9, Investigation Supplemental Report

Appendix 10, Investigator Expense Record

- [Appendix 10 \(Fill-in version\)](#)

Appendix 11, Case Review

- [Appendix 11 \(Fill-in version\)](#)

Appendix 12, Confidential Informant Evaluation

- [Appendix 12 \(Fill-in version\)](#)

Appendix 13, Debriefing Checklist

Appendix 14, Records Disposal Certificate

- [Appendix 14 \(Fill-in version\)](#)

Department Manual, [Disclosure of Idaho Department of Correction Records under the Idaho Public Records Act](#)

Department Policy [110](#), *Media and Public Relations*

Department Policy [125](#), *Investigation of Escapes, Serious Crimes, Serious Injury, or Deaths*

Department Policy [201](#), *Respectful Workplace*

Department Policy [217](#), *Ethics and Standards of Conduct*

Department Policy [218](#), *Non-fraternization with Offenders*

Department Policy [219](#), *Sexual Misconduct with Offenders*

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Department Policy [224](#), *Safety and Accident Prevention*

Department Policy [228](#), *Drug-free Workplace*

Department Policy [510](#), *Searches of Persons/Vehicles Entering Correctional Facilities*

Directive [504.02.01.001](#), *Intelligence Gathering Program*

Idaho Code, Section 9-335, *Exemption from Disclosure—Confidentiality*

Idaho Code, Section 9-342, *Access to Records about a Person by a Person*

Idaho Code, Sections 67-5309, *Rules of the Division of Human Resources and the Personnel Commission*

IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 108](#), *Idaho Public Records Act*

IDAPA 06.01.01, *Rules of the Board of Correction*, [Section 510](#), *Searches of Persons/Vehicles Entering Department Facilities*

IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190, *Disciplinary Actions*

IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 190.04, *Suspension on Felony Charges*

IDAPA 15.04.01.01, *Rules of the Division of Human Resources and Personnel Commission*, Section 250.06, *Administrative Leave with Pay*

Standard Operating Procedure [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*

Standard Operating Procedure [116.01.01.001](#), *Custody of Evidence: Office of Professional Standards*

Standard Operating Procedure [205.07.01.001](#), *Corrective and Disciplinary Action*

Standard Operating Procedure [227.01.01.002](#), *Record Keeping: Administrative Investigations*

Standard Operating Procedure [307.02.01.001](#), *Use of Force: Prisons*

Standard Operating Procedure [307.04.02.001](#), *Use of Force: Community Corrections*

Standard Operating Procedure [316.02.01.001](#), *Grievance and Informal Resolution Procedure for Offenders*

Standard Operating Procedure [510.02.01.001](#), *Facility Access*

State of Idaho, Department of Administration, *Records Management Guide*

United States Code, Title 42, Chapter 21, *Civil Rights*

– End of Document –



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Voluntary Statement Form

What Is the Purpose of This Form?

The purpose of this form is to uniformly document witness or complainant statements.

When Should the Form Be Used?

The form should be used to document or record written complaints or statements.

Filling Out the Form

Type or print clearly in ink.

Top Section:

Provide the date, time and place the statement was written.

Provide your name, IDOC or staff number (if appropriate), date of birth, social security number and contact information as requested.

Privacy Act Statement: The disclosure of your Social Security Number is voluntary, but it will assist in verifying your identity. To ensure personal privacy, the following information is not given out to the public and will be redacted from reports or statements:

- the first six characters of social security numbers
- street addresses
- telephone numbers
- any personal identification numbers (including motor vehicle operator's license numbers)

Middle Section:

Describe your complaint on the lines. Answer the questions of "who," "what," "where" and "when." Include the full names, addresses, and telephone numbers of any witnesses. Clearly state *what* happened, *who* was involved, and *when* and *where* the events occurred. Please provide any other relevant information that may assist us in understanding and resolving your complaint. If necessary, use supplemental statement pages.

Provide copies of all documentation. Do not attach originals.

Lower Section:

Complete the 'number of pages' segments and sign the form.

Witnesses who saw the statement being written or received the statement should sign on the appropriate line.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Allegation / Complaint Form

What Is the Purpose of This Form?

The purpose of this form is to uniformly document complaints or allegations involving employees and record the method in which the complaint or allegation was handled.

When Should the Form Be Used?

The form should be used to document or record complaints or allegations and, if necessary, to request an investigation.

Filling Out the Form

Type or print clearly in ink.

Form boxes may be checked when completing the form electronically by left clicking the mouse twice with the cursor inside the box and selecting 'checked' under the default value section.

Top Section:

Provide the date and time the form was completed.

Provide your name, title and work location of the person as requested.

Identify the name, title or position and work location to identify the person who is the focus of the complaint or allegation.

Provide a brief description of the complaint or allegation and identify relevant policies governing the conduct, if known.

Section A. Complaint / Allegation Inquiry Information:

If an inquiry was completed, identify the individual who conducted it.

Check a respective box to indicate whether any inquiry-related documents are available.

Briefly describe the results of the inquiry and action taken, if any. This segment records the resolution of the complaint or allegation when an investigation is not anticipated or requested. The information will be used for complaint tracking purposes and inclusion in data for use in the Early Intervention System.

Section B. Investigation Request:

Check the respective box to record whether an investigation is requested or not.

The management authority in the chain-of-command of the employee should sign and date the form. When this form is used to document complaint or allegation inquiries only, and not to request an investigation, forward it via fax or email to OPS. When an investigation is requested, check the appropriate box to indicate whether administrative leave is requested and forward it to the division chief.

Section C. Investigation Approval:

When an investigation is requested, the division chief shall sign if he approves of the investigation and check the appropriate box to indicate whether administrative leave is requested.



**IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards**

Administrative Allegation / Complaint Form

When an investigation is requested, the director shall sign if he approves of the investigation and check the appropriate box to indicate whether administrative leave is authorized.

Section D. Investigation Assignment:

The chief investigator (or designee) will sign and date the form when it is received and assigned an investigator and case number for tracking purposes. The chief investigator (or designee) will also check the appropriate box to indicate whether the investigation has been referred for a criminal investigation, assigned to an OPS/internal investigator or delegated to another investigator.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Allegation / Complaint Form

DATE		TIME	
TO: OFFICE OF PROFESSIONAL STANDARDS (OPS)		Fax No.: (208) 327-7433 Email: ops@idoc.idaho.gov	
FROM	(Facility Head)	WORK LOCATION	
Allegation / Complaint Against:		Brief Description of Allegation/Complaint and Related Policies:	
Name			
Position			
Work Location			
A. COMPLAINT / ALLEGATION INQUIRY INFORMATION			
Conducted By:			
<input type="checkbox"/> Inquiry Documents Attached <input type="checkbox"/> Inquiry Documents Forthcoming <input type="checkbox"/> No Inquiry Documents			
Outcome/Comments:		Action Taken, if any: <input type="checkbox"/> Unfounded or Exonerated <input type="checkbox"/> Coaching / Corrective Action <input type="checkbox"/> Letter of Instruction or Reprimand <input type="checkbox"/> Disciplinary Action (Describe at left) <input type="checkbox"/> Other (Describe at left)	
B. INVESTIGATION REQUEST <input type="checkbox"/> Recommend Investigation <input type="checkbox"/> Do Not Recommend Investigation			
X _____ Management Authority Signature		_____ Date Administrative Leave with Pay Requested <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. INVESTIGATION APPROVAL			
X _____ Division Chief Signature		_____ Date Administrative Leave with Pay Requested <input type="checkbox"/> Yes <input type="checkbox"/> No	
X _____ Director Signature		_____ Date Administrative Leave with Pay Authorized <input type="checkbox"/> Yes <input type="checkbox"/> No	
D. INVESTIGATION ASSIGNMENT			
<input type="checkbox"/> Internal <input type="checkbox"/> Delegated <input type="checkbox"/> Criminal			
Investigator Assigned:		Case #	
OPS Signature		Date:	



**IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards**

OPS Help Line Information

Help Line # (800) 361-6286

Purpose: To provide department employees with an effective, secure, and safe method of reporting complaints and staff misconduct issues within the department.

Who can use it: While it is established for department employee use, anyone can utilize the service.

What is a complaint: An accusation, allegation, or charge against the department or its employees.

What is misconduct: A violation of any (1) departmental policy, standard operating procedure, division directive, field memorandum, post order, or lawful verbal order of the department, (2) Division of Human Resources and Idaho Personnel Commission Idaho Administrative Procedure Act (IDAPA) rule, or (3) city, county, state, or federal law or ordinances. Failure to report employee misconduct is employee misconduct.

What should be reported (to include but not limited to):

1. Criminal acts or plans to commit criminal acts.
2. Violations of department policy by commission or omission.
3. Any sexual harassment issue, including illegal hostile work environment.
4. Any civil rights issue, including discrimination, harassment, and retaliation.
5. Substantial and specific danger to health and/or safety of others.
6. Instances of mismanagement.
7. Neglect of duty, dishonesty, stealing, or untruthfulness.

How do I report a complaint:

1. **E-mail:** ops@idoc.idaho.gov. (Your name will appear but will remain confidential.)
2. **Call:** **1-800-361-6286**. (You may choose to be identified or remain anonymous.)
3. **Write:**
Department of Correction
Office of Professional Standards
1299 N Orchard St., Ste. 110
Boise, Idaho 83706

What information do I include:

1. **Who:** The subject of the report, name, work location, gender, etc.
2. **What:** A description of the alleged violation or misconduct that occurred.
3. **When:** Specific dates and times of the occurrence.
4. **Where:** Exact location of the occurrence.
5. **Why:** The reason(s) you believe the individual committed the violation.
6. **How:** A description of how the alleged violation took place.
7. **Facts:** A description of the facts you have that the violation took place.

What happens then: OPS will assess the information and make a determination regarding processing. The information may be:

1. Stored in the OPS database.
2. Used as evidence in an ongoing investigation.
3. Used as evidence in a new investigation.
4. Used as culture analysis information.
5. Used as an early identification indicator of a growing problem.

Appendix 3

227.01.01.001

(Appendix last updated 10/21/09)



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Employee Notification of Investigation

What Is the Purpose of This Form?

The purpose of this form is to provide notification and instruction to an employee when an investigation has been authorized into misconduct allegations or complaints.

When Should the Form Be Used?

The form should be used when an investigation into misconduct allegations or complaints has been authorized.

Filling Out the Form

Type or print clearly in ink.

Form boxes may be checked when completing the form electronically by left clicking the mouse twice with the cursor inside the box and selecting 'checked' under the default value section.

Top Section:

Provide the date the form was completed and identify to whom the memo is addressed.

Middle Section:

Document the allegation or complaint.

Identify the relevant policy, procedure, rule or regulation by reference number and title.

Identify the assigned investigator.

Provide the contact name and telephone number of individuals that can answer questions or address concerns about the investigation.

Check the appropriate box and identify special instructions, if any.

Bottom Section:

The issuing authority should print his name and date and sign the form.

The involved employee to whom the memo is addressed should sign and date the form at the bottom upon receipt.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Leave with Pay (ADT)

What Is the Purpose of This Form?

The purpose of this form is to provide notification and instruction to an employee who has been placed on administrative-leave-with-pay status.

When Should the Form Be Used?

The form should be used when an employee has been placed on leave with pay pursuant to an investigation.

Filling Out the Form

Type or print clearly in ink.

Top Section:

Provide the date the form was completed and identify to whom the memo is addressed.

Middle Section:

Obtain the telephone number where the accused employee can be contacted while he is on paid leave and assigned to be available.

Bottom Section:

The involved employee to whom the memo is addressed should sign and date the form at the bottom acknowledging receipt.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Leave with Pay (ADT)

Date: _____

To: _____

From: Office of Professional Standards

RE: **Administrative Leave with Pay (ADT)**

The director has approved your placement on administrative leave with pay (ADT) status, pending results of an investigation, in accordance with policy [227](#), *Administrative Investigations*.

This status is effective immediately and will continue until you are notified otherwise. Your duty hours will be 8:00 a.m. to 5:00 p.m., Monday through Friday, and your time records for this period will reflect eight (8) hours of time coded as "ADT". You are expected to be available during these hours for contact by the department. Please provide a telephone number where you can be contacted: _____.

While you are on administrative leave, you remain an employee of the State of Idaho and must continue to observe all rules and regulations regarding conduct of department employees. You are restricted from department facilities unless otherwise instructed by your management authority, division chief, or the investigator conducting the investigation.

If you have any questions, you can call your management authority, _____; your division chief, _____; or the investigator conducting the investigation, _____, at (208) _____.

I acknowledge receipt of this notice:

Employee's Signature

Date

(Note: Return the signed original to OPS and give the employee a copy. Mail original to: Idaho Department of Correction, Attn: OPS, 1299 N Orchard St, Suite 110, Boise, ID 83706. OPS shall provide a copy to HRS.)



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Investigation Witness Guide

What Is the Purpose of This Form?

The purpose of this form is to provide recorded guidance to employee witnesses in investigations. The form, once completed, is intended to serve as a guide during the introductory stage of an interview with an employee witness.

When Should the Form Be Used?

The form should be used when an employee expresses reluctance to cooperate with an investigation or has previously submitted inaccurate, false or misleading information in an investigation.

Filling Out the Form

Type or print clearly in ink.

Introduction Section:

Investigator identify yourself and provide the date, time and case number of the investigation.

Identify the person being interviewed on the next two blank lines.

Identify any other witnesses and their purpose.

Warning Section:

Self-explanatory. Mark the appropriate boxes for the employee's verbal response.

Lower Section:

Record the time the interview was completed.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Investigation Witness Guide

"I am _____ of the Idaho Department of Correction. The date is _____.
It is _____ a.m./p.m. The OPS case number is: _____.

"I am interviewing _____.

"This interview is for the purpose of discussing allegations lodged against a department employee.

"_____ is being interviewed as a witness in regard to the allegations being investigated, and is not the subject or the focus of the investigation.

"Also present during the interview is _____ for the purpose of: _____."

Read when Interviewing an Employee Only.

"Do you understand you are being questioned as a witness to the allegations?"

Yes No

"Under the authority of the director of the Idaho Department of Correction, you are ordered to answer all questions asked of you truthfully and completely. Failure to do so shall be considered insubordination and may result in discipline up to and including termination. Do you understand?"

Yes No

"You are also advised that you are not to discuss this investigation with anyone except the OPS chief investigator, your management authority, your attorney or me. Do you understand this?"

Yes No

At the end of the interview, state the following:

"...This completes the interview. The time is now _____ a.m./p.m."



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Investigation Warning

What Is the Purpose of This Form?

The purpose of this form is to provide a record of guidance to accused employees when there is, or is likely to be, a criminal investigation. The form compels an employee to provide a truthful statement that is generally protected from court admission in a criminal proceeding.

When Should the Form Be Used?

The form should be used to compel an employee to provide truthful responses to questions when the employee's alleged actions or conduct involves, or could reasonably lead to, a criminal investigation.

Filling Out the Form

Type or print clearly in ink.

Introduction Section:

Provide the date, time and case number of the investigation.

Identify the location of the interview.

Identify the name of the investigator or person conducting the investigation.

Identify the person being interviewed.

Identify the allegations being investigated to set the scope of the questioning.

Identify any other witnesses present during the interview and their purpose.

Warning Section:

Self-explanatory. Mark the appropriate box for the employee's verbal response.

Lower Section:

Obtain the signature of the person being interviewed and the date, as indicated.

The investigator completing the form should sign and date it as indicated.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Administrative Investigation Warning

Date: _____ Time: _____ a.m./p.m. OPS Case Number: _____

Location of Interview: _____

Name of Interviewer: _____, of the Idaho Department of Correction.

Name of Person being Interviewed: _____

Allegations being Investigated: _____

Others Present during Interview/Purpose: _____

You are being questioned as part of an official investigation of the Idaho Department of Correction. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of the State of Idaho and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that would result in your dismissal from the department.

If you do answer, neither your statements nor any information or evidence that is gained by reason of such statements can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent departmental charges.

Do you understand this? Yes No

I have read this form and understand its contents.

Interviewee's Signature: _____

Date: _____

Witnesses' Signature: _____

Date: _____



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Investigation Report

Note: This document reflects the standard format that must be used when creating the Investigation Report. THIS APPENDIX IS A SAMPLE FOR THE INVESTIGATOR TO FOLLOW WHEN DEVELOPING THE REPORT. ENSURE THE REPORT IS TITLED 'INVESTIGATION REPORT.'

Case No: _____

Start Date: _____

Case Overview

--

Applicable Laws, Rules, Policies, and Procedures

--

Subjects

--

Witness(es) and Contact Information

--

Details

- 1.
- 2.
- 3.

Evidence Data

Exhibit A:
Exhibit B:
Exhibit C:

Attachments

- 1.
- 2.
- 3.

Investigator's Name

Reviewer's Name

Investigator's Signature

Reviewer's Signature

Completion Date



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Supplemental Investigation Report

Note: This document reflects the standard format that must be used when creating the Supplemental Investigation Report. THIS APPENDIX IS A SAMPLE FOR THE INVESTIGATOR TO FOLLOW WHEN DEVELOPING THE REPORT. ENSURE THE REPORT IS TITLED 'SUPPLEMENTAL INVESTIGATION REPORT.'

Case No: _____

Start Date: _____

Case Overview

--

Applicable Laws, Rules, Policies, and Procedures

--

Subjects

--

Witness(es) and Contact Information

--

Details

- 1.
- 2.
- 3.

Evidence Data

Exhibit A:
Exhibit B:
Exhibit C:

Attachments

- 1.
- 2.
- 3.

Investigator's Name

Reviewer's Name

Investigator's Signature

Reviewer's Signature

Completion Date



**IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards**

Case Review

What Is the Purpose of This Form?

The purpose of this form is to uniformly document and record the decisions of the reviewer of the investigation.

When Should the Form Be Used?

The form should be used to document or record the decisions made at the conclusion of an investigation by the accused employee's respective division chief.

Filling Out the Form

Type or print clearly in ink.

Form boxes may be checked when completing the form electronically by left clicking the mouse twice with the cursor inside the box and selecting 'checked' under the default value section.

Top Section:

Provide the date of the review, name of the accused employee and the OPS case number.

Provide the division and assignment location information.

Review Section:

Identify the related policy number and investigated allegation information for each allegation in a box on the left side of the form.

For each allegation, provide a determination or finding (exonerated, not sustained, sustained or unfounded) in the box located to the right of each allegation description.

Add any comments in the box provided.

Contemplated Action Section:

Transfer each enumerated finding from the right side boxes above, to the boxes on the left side. For each sustained finding, record the contemplated action.

Add any comments in the box provided.

Provide the name and title of the reviewer, the date and signature in the corresponding boxes.



**IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards**

Case Review

Date:	Accused Employee:	OPS Case No.
Division/Location:		

REVIEW

Based on a 'preponderance of the evidence' make a finding for each of the allegations. Possible findings are the following:

- Exonerated:** A finding that the investigation revealed that the alleged act or acts did occur but were justified, lawful, and proper.
- Not Sustained:** A finding that the investigation failed to discover a preponderance of the evidence to support or disprove the allegation(s) made in the complaint.
- Sustained:** A finding that the investigation disclosed a preponderance of the evidence to support the allegations made in the complaint.
- Unfounded:** A finding that the investigation revealed that the alleged act or acts complained of did not occur, or the individual named in the complaint was not involved.

Supporting Memo Attached

Policy Number and Description	Finding(s)
1.	
2.	
3.	
4.	

Comments:

CONTEMPLATED ACTION

Finding	Contemplated Action for each Sustained Allegation
1.	
2.	
3.	
4.	

Comments:

Name / Title:	Signature:	Date:
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IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Confidential Informant Evaluation

What Is the Purpose of This Form?

The purpose of this form is to record the name and reliability of an informant in an investigation.

When Should the Form Be Used?

The form should be used to document the identity and reliability assessment of informants who provide relevant information to an OPS investigator.

Filling Out the Form

Type or print clearly in ink.

Form boxes may be checked when completing the form electronically by left clicking the mouse twice with the cursor inside the box and selecting 'checked' under the default value section.

Top Section:

Provide the OPS case number, name and assigned number for the informant. (See the procedure regarding assigning identifying numbers to informants.)

Factual and Corroborating Information Sections:

Self-explanatory.

Source Reliability Section:

Self-explanatory.

Summary Section:

List details to support credibility or reliability assessment of informant.

Bottom Section:

The investigator completing the form should sign and date it as indicated.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Confidential Informant Evaluation

OPS Case #: _____

Name of Confidential Informant: _____ CI Number: _____

FACTUAL INFORMATION PROVIDED: List relevant facts from confidential source:

--

CORROBORATING INFORMATION: The above facts are confirmed by the following sources:

--

SOURCE RELIABILITY (Check all that apply)
<input type="checkbox"/> Source has provided truthful or reliable information previously _____ Number of times
<input type="checkbox"/> Source has provided unreliable or uncorroborated information previously _____ Number of times
INFORMATION (Check all that apply)
<input type="checkbox"/> More than one source has independently provided same information _____ Number of independent sources
<input type="checkbox"/> Part of informant's statement has already proven to be true Describe:
<input type="checkbox"/> Truth cannot be judged

SUMMARY: I believe this confidential source is credible because:

--

Investigator's Signature

Date



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards

Debriefing Checklist

This checklist should be referenced both during and following an investigation.

A. When A Finding or Cause is Found, Consider:

1. **Disciplinary or Corrective Action.** Determine the appropriate sanction or corrective measure that is proportioned to the cited infraction.
2. **Administrative Leave with Pay.** Must obtain director's approval for the accused or a victim. To protect the integrity of the investigation or for the safety of others and/or under critical situations to allow distance/healing for integration back into the workplace. This is on a case-by-case basis.
3. **Employee Assistance Program (EAP),** or other counseling services, as chosen by the affected employee to assist in the healing and/or assimilation.
4. **Medical Services,** if needed, on a case-by-case basis according to the situation. A manager could consider medical out-of-pocket expenses incurred (not covered by medical insurance) to be reimbursed, depending on the situation.
5. **Leave without Pay,** for a short duration for affected employees who are struggling with the situation or need counseling services who have no leave.
6. **Keep Informed.** During the investigation, keep the accused, accuser, and witnesses informed of the progress and indicate your accessibility to keep them informed. Ensure affected supervisors are advised of the situation on a need-to-know basis. Apply the same once the investigation is completed.
7. **Reassignment.** In lieu of administrative leave with pay or during an investigation, the employee needs to be temporarily removed from the situation. Consider reassignment to another duty or work location temporarily to remove the employee from the situation to keep the employee productive and available for interviews.

B. Managerial Considerations Following The Investigation

1. Have a **debriefing session** with the affected staff. A one-on-one or a group debriefing can be used depending on the situation. One (1) to two (2) hours may be needed and many times another debriefing session for the same amount of time could be offered. This is an opportunity to explain the situation, its status, and to hear and answer questions. Know that sometimes more questions are raised than can be answered and that more follow-ups may be needed to clarify all concerns.
2. **Keep the victim informed.** Upon reaching a conclusion, advise the affected employee of the decision, how and what you investigated, and the course of action you plan to resolve the situation. Ensure confidential sources are protected and not divulged. Ensure the victim has been given your confidence that you will protect their interest and retaliation is prohibited. Have the victim keep you informed of their fears or frustrations to allow you to help them return back to a respectful work place. This is critical to maintain integrity of the process.
3. For the perpetrator, upon conclusion of the investigation, Human Resource Services (HRS) will assist in implementing any corrective or disciplinary action, if chosen by the manager. If disciplinary action is taken, HRS will write the Notice of Contemplated Action (NOCA) letter for the manager's issuance. Upon issuing the NOCA letter or any

corrective action letters, managers will explain the consequences of the perpetrator's action and impending consequence for their behavior.

4. Advise the perpetrator that immediate and sustained performance of their assigned duties is expected and any further violations will be subject to further disciplinary actions, up to, and including dismissal.
5. Conduct a special performance evaluation on the employee, indicating the unwanted behavior and list in the development plan what is expected of him, what training he should take and ensure he is scheduled to attend. Advise him what policies and procedures he needs to review and adhere to and what behaviors he is to avoid. Supervisors are to check the progress and report compliance, progress or the lack thereof. The more serious the behavior, the longer the scrutiny. All should be documented on the performance plan.
6. Retaliation is prohibited and the accused is to conduct themselves in a professional manner towards all employees. Retaliation is unacceptable and will not be tolerated. Advise all parties in the incident of what behaviors you expect from each of them from now on and that a resolution has been implemented. Tell them and hold them responsible.
7. Our goal is a respectful workplace for all employees.
8. Tell the perpetrator specifically what he did in terms of conducting himself in an unprofessional manner or by breaking state/federal laws and the policies of the department. He needs to understand what he did was wrong. He needs to change his pattern of behavior; otherwise, he will face disciplinary action and/or dismissal. Tell him that these are serious matters.
9. Realize many employees have biases or blind spots. They may need more coaching from you to help them see their weaknesses before they can change their behavior.
10. Realize that people can change for the better, and do.
11. Realize that some people prefer not to change, and will not.
12. Realize some victims and perpetrators are more prone to being traumatized or defensive under the same set of circumstances. Do not take it personally. Help them set some acceptable limits in performing their work. Give them feedback when appropriate, and appropriately, such as, "I feel you are raising your voice again."
13. Realize you have your rights, dignity and respect while dealing with these issues. You can always leave or ask the other person to leave when necessary.
14. Be prepared to explain or go over things more than once in the same setting, interview, debriefing or subsequent meetings. Facilitate understanding, direction, or meaning with the other person or group. Witnesses sometimes need this as well without compromising the confidentiality of the situation.
15. In addition to yourself, you may need more than one (1) person to help facilitate or debrief the situation. This could be another manager, HRS person, or by someone of mutual respect.
16. Any judgments made are to be focused on the behavior or the performance and not on the individual themselves.

C. Other Considerations

Managers can consider the following in dealing with inappropriate behavior. They can be used for individuals or for groups:

1. Intervention by others and team building training.
2. Organizational development analysis of unit/section/team by a trained facilitator.
3. Tailored training for perpetrators or managers/supervisors that need assistance.
4. Suggestion to, or directed to, attend EAP or other counseling services.
5. Plan management and employee training in assigned duties, responsibilities, policies, laws, and rules.
6. Individual training, or specialized training, as needed.
7. Discipline perpetrators, either by corrective actions or disciplinary actions.
8. Discipline supervisors/managers/staff who also did not meet standards or failed to handle the situation appropriately.
9. Re-write or re-enforce the policy through training.
10. Hold people accountable for their actions.
11. Instill the desire for a respectful workplace.
12. Set the example in all that you say and do.



IDAHO DEPARTMENT OF CORRECTION
Office of Professional Standards
Records Disposal Certificate

What Is the Purpose of This Form?

The purpose of this form is to document the destruction of investigation records. A printed copy of the completed and signed form should be retained by OPS.

When Should the Form Be Used?

The form should be used to document the destruction of investigation records.

Filling Out the Form

Type or print clearly in ink.

Form boxes may be checked when completing the form electronically by left clicking the mouse twice with the cursor inside the box and selecting 'checked' under the default value section.

Top Section:

Identify the page number.

Enter the month, day and year the certificate was prepared.

Provide the name and title of the person completing the certificate.

Upon completion of the certificate, obtain the name and signature of the OPS chief investigator (or designee) who reviewed and authorized the destruction of the investigation records.

Indicate the method used to dispose of the records by marking the appropriate box.

Record Description Section:

Enter the OPS case number for the record to be destroyed.

Enter the description of the record destroyed. Use separate lines to record the description of the report, attachments, investigator notes, evidence logs, time/activity logs and other case-related documents. For each document, list the number of pages beside it in parentheses.

Give the inclusive (oldest and most recent) dates of the records destroyed.

Approvals and Certifications Section:

Records custodian signs and dates the form, certifying destruction of the records.

Retain one paper or electronic copy permanently in OPS records.

