

 <p style="text-align: center;">STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION</p> <p style="text-align: center;">DIRECTIVE</p>	TITLE		NO. 0700
	Office of Special Investigations (OSI)		DATE 10/23/2014
SUPERSEDES DIR# 0700 Dtd. 05/14/2014	DISTRIBUTION A B	PAGES PAGE 1 OF 3	DATE LAST REVISED
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

I. BACKGROUND: The New York State Department of Corrections and Community Supervision is responsible for providing a safe, humane, and lawful environment for all inmates and staff. Criminal behavior, staff or inmate abuse, employee misconduct and/or corruption threaten the Department’s ability to provide such an environment and will not be tolerated.

Under Section 112 of the Correction Law: “The commissioner of corrections and community supervision shall have the superintendence, management and control of the correctional facilities in the department and of the inmates confined therein, and of all matters relating to the government, discipline, policing, contracts and fiscal concerns thereof. He or she shall have the power and it shall be his or her duty to inquire into all matters connected with said correctional facilities.” Additionally; “The commissioner shall have the management and control of persons released on community supervision and of all matters relating to such persons’ effective reentry into the community, as well as all contracts and fiscal concerns thereof. The commissioner shall have the power and it shall be his or her duty to inquire into all matters connected with said community supervision.” Further, the Commissioner has designated the Office of Special Investigations (OSI) and its staff to cooperate with and assist in activities requested by law enforcement agencies in accordance with Correction Law Section 621 which authorizes the Department of Corrections and Community Supervision “to cooperate with agencies of other states and of the United States, having similar powers, to develop and carry on a complete interstate, national and international system of criminal identification and investigation, and to obtain and furnish, or to assist in obtaining and furnishing, any information from and to a law enforcement officer or agency of another jurisdiction to assist in the conduct of an investigation into any criminal matter or for use in a criminal prosecution.”

The Office of Special Investigations is responsible for lesson plan review and all training associated with aggravated harassment by an inmate.

The Department of Corrections and Community Supervision’s Chief of Special Investigations reports to the Commissioner and is a member of the Executive Team.

II. REFERENCES

- Directive #0701, “Central Monitoring Cases” (also 7 NYCRR Part 1000)
- Directive #2794, “Reporting Losses”
- Directive #2948, “Reporting Loss of Issued Items”
- Directives #4027A&B and #4028A&B, “Sexual Abuse Prevention & Intervention”
- Directive #4931, “Aggravated Harassment of an Employee by an Inmate”
- Directive #4933, “Special Housing Units”
- Directive #4940, “Executing Detainers for Escapees and Absconders”
- Directive #6910, “Criminal Prosecution of Inmates”

III. FUNCTIONS: The Office of Special Investigations is divided into the following functional units with related responsibilities:

- A. Internal Affairs Unit: The Internal Affairs Unit investigates allegations involving employee and inmate violations of Department Rules and Regulations and the Penal Law. Substantiated cases are referred to either the Department's Bureau of Labor Relations for review for possible administrative charges, Personnel Office for appropriate action, or the appropriate law enforcement agency for possible criminal charges and prosecution.
- B. Escape/Absconder Unit: The Escape/Absconder Unit is responsible for locating and apprehending inmates who have escaped or absconded from the Department and its Temporary Release program. This unit also assists the Department and law enforcement personnel on security details and investigations in the New York City Metropolitan area.
- C. Narcotics Unit: The Narcotics Unit specializes in the interdiction of narcotics being brought into correctional facilities by inmates, visitors, or staff, as well as investigating ongoing drug-related criminal activity by inmates and assisting with Internal Affairs and Sex Crimes Unit investigations.
- D. Sex Crimes Unit: The Sex Crimes Unit specializes in investigating allegations of sexual misconduct between inmates and Departmental staff as well as inmate-on-inmate sexual abuse, and assists outside law enforcement in the development of cases for criminal prosecution.
- E. Central Monitoring Case Unit: The Central Monitoring Case Unit monitors and tracks activities and placement of those inmates designated as Central Monitoring Cases pursuant to Directive #0701.
- F. Criminal Intelligence Division: The Criminal Intelligence Division conducts investigations relative to criminal activity, and provides investigative assistance, intelligence, and information to other law enforcement agencies in joint efforts to promote public safety.
- G. Intake Unit: The Intake Unit receives, reviews, and processes complaints pursuant to the procedures set forth in Section IV-A, below.
- H. Workers' Compensation Investigation Unit: This unit reviews and evaluates claims for fraudulent, misrepresented, and/or illegal activities. Their investigative findings are presented to the Bureau of Labor Relations and/or appropriate law enforcement/prosecutorial agencies.
- I. Warrant & Transfer Unit: The Warrant & Transfer Unit is responsible for returning out of state inmates back to New York State that have violated their conditions of release in Community Supervision. They also transport Strict and Intensive Supervision and Treatment (SIST) cases upon their release from an Office of Mental Health facility to a designated residential location or parole office.

IV. PROCEDURE

- A. All complaints and information received relative to possible investigations are reviewed, processed, and documented. Complaints and/or information are assigned or referred at the discretion of the Office of Special Investigations and generally fall into one of the following categories based on the nature of the allegations:
 - 1. Assigned for investigation;
 - 2. Referred to the appropriate Central Office Division Head to handle/respond;
 - 3. Referred to a facility Superintendent for preliminary investigation or further review;
 - 4. Referred to facility Superintendent to be handled directly at the facility level; or
 - 5. Referred to other State, Local, or Federal agencies as appropriate.
- B. If a complaint is being returned to the facility Superintendent or other area for follow-up investigation, no further action will be taken by the Office of Special Investigations unless requested by the referral source. If the case is assigned to the Office of Special Investigations, an investigation will be completed.

- C. All complaints are documented by the Office of Special Investigations. When returned to the facility for investigation, the facility will take responsibility and respond to the complaint after the investigation is complete.
 - D. The Office of Special Investigations is not intended to circumvent or replace other existing channels available to resolve complaints from inmates or persons not employed by the Department. The Superintendent is in the best position to handle normal day to day operations in a correctional facility, including allegations of harassment. If the Superintendent feels additional investigation is warranted, he or she will forward the complaint to the Office of Special Investigations for review and possible investigation. Other complaints should be referred to Facility Operations, the Office of Diversity Management, or to appropriate Central Office staff.
 - E. The Office of Special Investigations may investigate any complaint that is referred to it from outside Law Enforcement or the Legislature if warranted, or may forward such complaint to the appropriate unit within the Department of Corrections and Community Supervision for review and appropriate action.
- V. **STAFF AND FILE SECURITY:** Investigators assigned to the Office of Special Investigations carry assigned Department equipment with them at all times. Documents and equipment carried by investigators as part of an official investigation are not subject to examination at any correctional facility without the approval of the Commissioner.