

 NEW YORK STATE Corrections and Community Supervision DIRECTIVE	TITLE Office of Special Investigations (OSI)		NO. 0700
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SUPERSEDES DIR #0700 Dtd. 03/09/2018	DISTRIBUTION A B	PAGES PAGE 1 OF 8	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section II	APPROVING AUTHORITY 		

I. BACKGROUND: The New York State Department of Corrections and Community Supervision (DOCCS) is responsible for providing a safe, humane, and lawful environment for all inmates, parolees, 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.” Accordingly, the Commissioner has designated the Office of Special Investigations (OSI) and its members to assist with the implementation of this statutory authority and to prevent, detect, identify, expose, and eliminate criminal activity, misconduct, fraud, waste, abuse, corruption, and other improper behavior within the Department.

The Commissioner has further instructed OSI to cooperate and assist in activities requested by law enforcement agencies in accordance with Correction Law § 621, which authorizes DOCCS “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.”

OSI is also responsible for lesson plan review and all training associated with aggravated harassment by an inmate.

II. REFERENCES

- Correction Law Section 112
- Correction Law Section 621
- Directive #0701, "Central Monitoring Cases" (also 7 NYCRR Part 1000)
- Directive #0750, "Reporting Suspicious Activity"
- Directive #2112, "Report of Criminal Charges"
- Directive #2794, "Reporting Losses"
- Directive #2948, "Reporting Loss of Issued Items"
- Directive #4004, "Unusual Incident Report"
- Directive #4027A, "Sexual Abuse Prevention & Intervention – Inmate-on-Inmate"
- Directive #4027B, "Sexual Abuse Reporting & Investigation – Inmate-on-Inmate"
- Directive #4028A, "Sexual Abuse Prevention & Intervention – Staff-on-Inmate/Staff-on-Parolee"
- Directive #4028B, "Sexual Abuse Reporting & Investigation – Staff-on-Inmate/Staff-on-Parolee"
- Directive #4036, "Notification to Victim of Inmate Release or Damages Award"
- Directive #4905, "Escape Pursuit"
- Directive #4931, "Aggravated Harassment of an Employee by an Inmate"
- Directive #4933, "Special Housing Units"
- Directive #4936, "Search of DOCCS Employees"
- Directive #4940, "Executing Detainers for Escapees and Absconders"
- Directive #6910, "Criminal Prosecution of Inmates"
- Directive #9218, "Absconder Search"
- Expected Practices: 4-4530

III. FUNCTIONS: The general functions of OSI are to carry out the mandates of the Department including but not limited to the following:

- A. To investigate allegations of violations of New York State Law including Penal Law and violations of Departmental Rules, Regulations, Directives, and Policies.
- B. To ensure that substantiated allegations are referred to the appropriate person(s) for administrative, disciplinary, and/or prosecutorial action.
- C. To provide investigative assistance, intelligence, and information to other federal, state, and local law enforcement agencies in joint efforts to promote public safety.
- D. To identify, create, and participate in strategies to address problematic situations within the system.
- E. To improve the Department's operations.
- F. To locate and apprehend escapees from prison, erroneous releases, parolees requiring a return to custodial incarceration, and absconders from parole and temporary release programs.

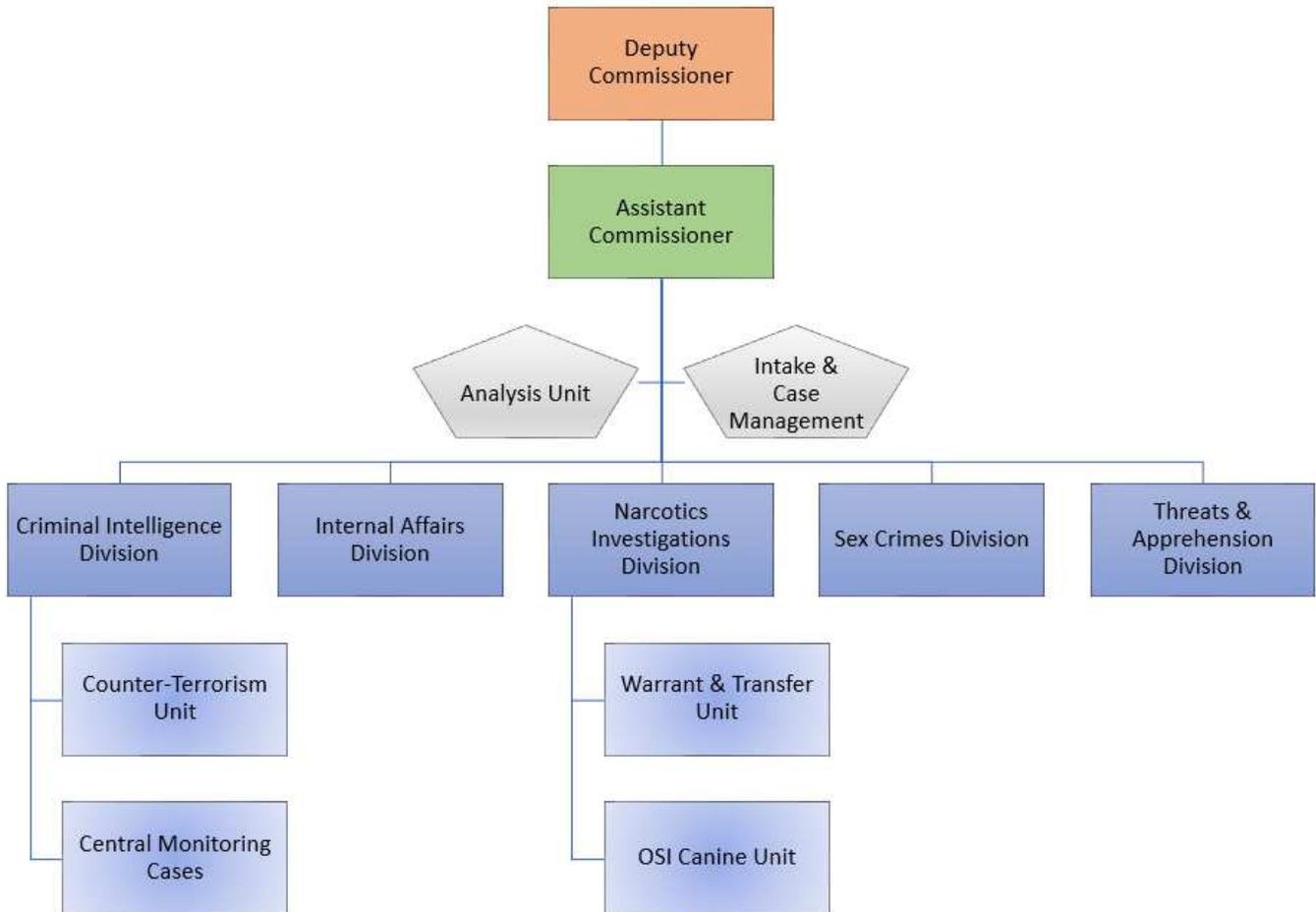
- G. To provide information and recommendations to the Commissioner and other Executive Team members as it pertains to the Department's mandates and functions.
- H. To undertake other responsibilities as directed by the Commissioner, Deputy Commissioner/Chief, or designee.

IV. ORGANIZATIONAL STRUCTURE: The Deputy Commissioner/Chief of Investigations is the first-level executive, leadership and supervisory position with ultimate responsibility for all aspects of strategy, operations, policies, and tactics for OSI. The Deputy Commissioner/Chief of Investigations reports directly to the Commissioner and is a member of the Commissioner's Executive Team. The Assistant Commissioner/Assistant Chief Investigator is the second-level executive, leadership, and supervisory position within OSI and is similarly responsible for all aspects of strategy, operations, policies, and tactics for OSI. The Assistant Commissioner/Assistant Chief reports directly to the Deputy Commissioner/Chief of Investigations, and to the Commissioner in the Deputy Commissioner/Chief of Investigation's absence.

The Deputy Chief Investigators are third-level executive, leadership, and supervisory level positions responsible for all aspects of operations and investigations for the specific OSI Division assigned (i.e., Criminal Intelligence Division, Internal Affairs Division, Narcotics Investigations Division, Sex Crimes Division, and Threats and Apprehension Division). The Deputy Chief Investigators report directly to the Assistant Commissioner/Assistant Chief and Deputy Commissioner/Chief of Investigations. The Deputy Chief Investigators are supported by Assistant Deputy Chief Investigators in their respective Divisions.

Senior investigators, investigators, investigative analysts, and other personnel comprise the core of OSI, and are responsible for, among other activities, conducting investigations; analyzing and maintaining information and intelligence; locating, apprehending, and transporting offenders/absconders; testifying in legal and administrative proceedings; conducting and participating in training; and collaborating with outside law enforcement agencies, all to advance the mandates and missions of the Department and OSI.

All OSI members are selected by the Deputy Commissioner/Chief of Investigations from within or from outside of the Department based on OSI's needs. **All OSI employees must adhere to Departmental Directives and OSI's policies; however, OSI's policies take precedence if there is a discrepancy.**



A. OSI's Divisions: As illustrated by the above organizational chart, OSI is divided into five major Divisions: the Criminal Intelligence Division, the Internal Affairs Division, the Narcotics Investigations Division, the Sex Crimes Division, and the Threats and Apprehension Division. Other specialized Units within the respective Divisions are supervised by the Deputy Chief Investigators.

1. *Criminal Intelligence Division*. The Criminal Intelligence Division (CID) conducts investigations involving terrorist activity and acts of violence against the public. Any terroristic threats against the government, public officials, and/or the general public or public institutions are handled by the CID. CID also provides investigative assistance, intelligence, and information to other law enforcement agencies in joint efforts to promote public safety.
 - a. Counter-Terrorism Unit specializes in the prevention and detection of violent extremism and terrorist activity within the Department's purview, and oversees the Department's Suspicious Activity Reporting program (see Directive #0750, "Reporting Suspicious Activity").
 - b. Central Monitoring Case Unit monitors and tracks activities and placement of those inmates designated as Central Monitoring Cases pursuant to Directive #0701, "Central Monitoring Cases."

2. *Internal Affairs Division:* The Internal Affairs Division (IAD) investigates a wide range of allegations of employees, volunteers, contractors, visitors, parolees, and inmates for violations of the Department's Rules, Regulations, Directives, and Policies, as well as criminal laws. These violations include but are not limited to investigations on staff misconduct, inmate/parolee misconduct, unattended deaths and suicides within facilities, escape plots, and any other alleged misconduct having a nexus to DOCCS that is not covered by another OSI Division. In addition, IAD personnel (along with other OSI staff) monitor facility lock-downs, as well as respond to major disturbances, serious assaults, homicides, and conducts other investigative activities related to misconduct relevant to DOCCS.
3. *Narcotics Investigations Division:* The Narcotics Investigations Division (NID) conducts investigations involving controlled substances and dangerous drugs brought into correctional facilities by inmates, visitors, or staff, and includes OSI's Canine Unit. NID conducts investigations involving ongoing drug-related criminal activity associated with the Department, NID also collaborates with other law enforcement agencies with drug investigations.
 - a. Warrant and Transfer Unit is supervised by the Deputy Chief Investigator of NID and 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, and other responsibilities as directed by the Deputy Commissioner/Chief of Investigations, the Commissioner, or designee.
 - b. OSI Canine Unit is supervised by the Deputy Chief Investigator of NID and is responsible for deterring, detecting, and interdicting narcotic smuggling; tracking individuals; and otherwise enhance the safety of all employees, inmates, parolees, volunteers, visitors, and others within DOCCS' system. The OSI Canine Unit is charged with narcotics' searches, sniffing vehicles in DOCCS' parking lots, sniffing people, patrolling entry points or other areas of Departmental buildings, sniffing packages, searching for people, and other responsibilities as directed by the Deputy Commissioner/Chief of Investigations, the Commissioner, or designee.
4. *Sex Crimes Division:* The Sex Crimes Division (SCD) conducts investigations involving unauthorized relationships and sexual misconduct between inmates or parolees and Departmental staff, as well as inmate-on-inmate sexual abuse. Furthermore, the SCD coordinates with outside law enforcement and prosecutors in the development of these cases for criminal prosecution. The SCD also collaborates with others within the Department to ensure compliance with the Prison Rape Elimination Act (PREA).
5. *Threats and Apprehension Division:* The Threats and Apprehension Division (TAD) conducts investigations and operations involving inmate absconders, escapees, certain designated parole absconders, and other responsibilities as directed by the Deputy Commissioner/Chief of Investigations, the Commissioner, or designee. TAD conducts investigative activities to search for; and apprehend erroneously released inmates, and inmates who leave work release programs. TAD is responsible for investigations regarding all registered sex offender parole

violators. TAD further investigates threats of particularized violent acts by or against specified persons employed by or within the Department's jurisdiction.

- B. OSI's Specialized Units: OSI has two specialized Units, directly supervised by the Assistant Commissioner/Assistant Chief, which provide services to all of OSI's Divisions and Units as needed: Intake and Case Management Unit and Analysis Unit.
1. *Intake and Case Management Unit*. The Intake and Case Management Unit is responsible for receiving and processing complaints made to OSI, pursuant to the procedures set forth in Section V below and OSI policy, as well as providing other aspects of OSI's case management and evidence storage.
 2. *Analysis Unit*. The Analysis Unit is responsible for the collection, analysis, and reporting of information, data, and intelligence related to the investigations and activities of the OSI's Divisions and other Units.

V. REPORTING TO OSI AND COMPLAINT PROCEDURES

- A. Department employees shall report information to OSI pertaining to physical and sexual abuse; unauthorized relationships with an inmate or parolee; drug possession and trafficking; contraband possession; fraud; escape plots; threats of violence; violent extremism and terrorist activities; staff misconduct; and criminal behavior by inmates, parolees, employees, visitors, volunteers, or contractors, in which there is a nexus to the Department or its activities. This list is not all-inclusive; rather, it is intended to provide Department employees with examples of the type of information to report to OSI. Additionally, Criminal charges against a Department employee shall also be reported to OSI pursuant to Directive 2112.
- B. Complaints to OSI may be made in several ways, including:
- Phone: 1-844-OSI-4NYS (1-844-674-4697)
- Email: OSIComplaint@doccs.ny.gov
- Online: <http://www.doccs.ny.gov/OSI.html>
- Mail: Office of Special Investigations – Intake Unit
Department of Corrections and Community Supervision
1220 Washington Avenue
Albany, New York 12226-2050
- C. All complaints and information received by OSI relative to possible investigations are documented, reviewed, and processed. Complaints and/or information are assigned or referred at the discretion of OSI, and generally fall into one of the following categories based on the nature of the allegations:
1. Assigned for an OSI investigation;
 2. Referred to the appropriate Central Office Division Head to handle/respond;
 3. Referred to a facility Superintendent or community supervision Bureau Chief for an investigation;
 4. Referred to facility Superintendent or community supervision Bureau Chief for review or other appropriate action; or
 5. Referred to a state, local, or federal agency with jurisdiction over the subject matter.

- D. If a complaint is referred to a facility Superintendent or community supervision Bureau Chief for an investigation, a complete investigation will be undertaken by staff there. Upon such referral, OSI may request a response as to the results of the investigation. The facility or community supervision office is responsible to respond to the complainant after the investigation is complete.
- E. If the case is assigned to OSI, an investigation will be completed.
- F. OSI is not intended to circumvent or replace other existing channels available to resolve complaints from inmates, parolees, or persons not employed by the Department. The facility Superintendent or Community Supervision Bureau Chief is in the best position to handle normal day to day operations in a correctional facility or community supervision office, respectively, including allegations of harassment. If the facility Superintendent or Bureau Chief believes an additional investigation is warranted, he or she will forward the complaint to OSI for review and possible investigation. Other complaints should be referred to Facility Operations, the Office of Diversity Management, or to appropriate Central Office staff.
- G. OSI may investigate any complaint that is referred from outside law enforcement or the New York State Legislature if warranted, or OSI may forward such complaint to the appropriate unit within DOCCS for review and appropriate action.

VI. LAW ENFORCEMENT INFORMATION: In an effort to efficiently process, monitor, and respond to outside law enforcement agencies, including prosecutors' offices, all requests for inmate interviews, information related to possible criminal matters, and other investigative assistance should be directed to OSI. DOCCS correctional facilities shall refer such requests to OSI during regular business hours at 1-844-OSI-4NYS (1-844-674-4697). After hours, facilities should contact the Command Center at 518-457-5902. Alternatively, facilities can send any such requests to the following OSI email address: specialinvestigations@doccs.ny.gov . This email should contain the name of the requesting agency, the information requested, the names(s) of the officer/investigator involved in the investigation or request, and the telephone number of the requesting law enforcement member. This law enforcement notification protocol shall be utilized for all criminal investigations, counter-terrorism and intelligence-related activities. The above-listed telephone number and email address will ensure that information is received by OSI and processed in a timely fashion in a cooperative effort with the requesting agency. Note that non-investigative contacts, such as probation interviews and Attorney General's Office requests related to civil litigation, and correspondence with the local State Police and District Attorney related to the possible prosecution of cases directly referred to those agencies by the facility (e.g. Aggravated harassment cases, inmate assault on staff, or contraband possession) are not required to be reported to OSI. Assistance from OSI, however, may be sought when dealing with such agencies.

VII. OSI FILES AND EQUIPMENT: Pursuant to this Directive, OSI staff may carry assigned Department equipment with them at all times. Without further approval, OSI staff on official business may bring into and use within a correctional facility; OSI investigative case files, documents and Department-issued equipment (e.g., cameras, video and audio recording devices, radios, laptop computers, handcuffs when executing an arrest, and personal protective gear (e.g., gloves/breathing mask)). In accordance with Directive #4936, "Search of DOCCS Employees," packages, containers, and other articles containing documents and equipment carried by OSI staff, in connection with official business may be visually inspected; however, frisking staff are prohibited from reading or reviewing the content of

such documents and shall not view the content of the file folders without the approval of the Commissioner.