

**OKLAHOMA COUNTY JUVENILE BUREAU
POLICY AND PROCEDURE MANUAL**

CHAPTER THREE: HUMAN RESOURCES
POLICY 3.20: INTERNAL AFFAIRS

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I. POLICY:

The Oklahoma County Juvenile Bureau (OCJB) conducts Internal Affairs (IA) Investigations to determine whether there is sufficient information available to:

- A. Determine whether sufficient facts, circumstances, and/or physical evidence exists to substantiate, refute, or dismiss allegation of criminal activity or policy violations;
- B. Recommend final disposition, based on a culmination of information received during any level of the investigative process;
- C. Pursue prosecution of matters involving criminal activity; and
- D. Pursue administrative actions involving policy and procedural violations.

The purpose of this policy is to convey the internal organization of the Internal Affairs Department and to show transparency within the investigative process.

II. DEFINITIONS:

- A. **Attorney Work-Product Privilege:** In American civil procedure, the work-product privilege (otherwise known as work-product doctrine) protects materials prepared in anticipation of litigation from discovery by opposing counsel.
- B. **Garrity Warning:** An advisement of rights used within internal investigations.
- C. **Information Only Investigation:** An investigation that does not require a formal report to be submitted and notated action taken.
- D. **Investigation:** A formal, in-depth inquiry conducted by the Internal Affairs Department, as designated by the Director. The inquiry shall investigate acts, inferences, and circumstances surrounding an allegation made by any person, information received in the form of a grievance, or information acquired in the routine course of business, by any staff, who by virtue of their position came in to possession of the allegation/information, which tends to indicate the possibility of criminal activity or departmental violations on the part of the offender, visitor, employee, volunteer, contractor, or other member of the public, which affects or may affect the Oklahoma County Juvenile Bureau.
- E. **Investigative Report:** Investigations are an internal management tool used to assist managers in making informed decisions in the following areas:
 - 1. Day-to-Day operations;

2. Amending operating procedures;
3. Conducting disciplinary actions involving employees or residents;
4. Initiating criminal or civil proceedings against employees, offenders, contractors, or members of the public; and
5. Detecting violations of procedures or law.

The investigative report is intended to present facts and information obtained during the investigative process. As such, it shall not contain the opinion of the internal affairs investigator(s). Investigations shall continue even if the victim or witness recants or if the victim, witness, or the abuser is released from custody or leaves employment (**PREA § 115.371**).

- F. **Prison Rape Elimination Act (PREA):** PREA is the first United States federal law passed dealing with the sexual assault of prisoners. The purpose is to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations and funding to protect individuals from prison rape.
- G. **Shared Bureau:** An electronic file containing copies of Oklahoma County Juvenile Bureau policies/procedures and forms/attachments that is accessible on the computer desktop of all employees.

III. PROCEDURE:

- A. Requesting Internal Affairs (IA) Investigations:
 1. The Director may authorize any investigation verbally or in writing.
 2. All other requests for IA investigations and/or preliminary inquiries shall be submitted in writing or via email to the Director's office.
 - a. Requests for investigations shall follow the chain of command with the Director making the final determination as to whether or not an investigation shall be initiated.
 - b. No investigation shall be conducted without the instruction of the Director.
- B. Confidentiality:
 1. All investigation reports shall remain confidential material, as authorized by 51 O.S. § 24 A.12, and shall remain private and confidential unless subject to an order of the court of competent jurisdiction or the Director.
 2. Where applicable, investigative activity shall also be protected by the attorney work-product privilege.
- C. General Counsel Notification:
 1. When the subject of an investigation is a party to litigation against the OCJB, the Director shall notify the general counsel.
 2. The Oklahoma County District Attorney's Office may be consulted in any investigation that involves employee conduct, civil rights violations, employee termination, or other matters that may result in litigation (**2-7022**).

3. When the Oklahoma County District Attorney's Office participates in an investigation in an advisory capacity, any advice or counsel given shall remain private and confidential under the attorney work-product privilege.
- D. Review, Distribution, and Disposition (**PREA § 115.371**):
1. Upon completion of an IA investigation, an original copy and a digital copy shall be produced. No additional copies shall be produced without the approval of the Director.
 2. In cases involving criminal violations, the Internal Affairs Department may provide a copy to the Oklahoma County District Attorney or any law enforcement agency with the approval from the Director.
 3. Upon completion of an IA investigation, the investigation shall be sent to the Director for approval and distribution. The Director shall then approve the investigation using the "Investigation Approval and Chain of Custody Form," Attachment A. If additional instructions are warranted or needed, the Director can note them on the "Investigation Approval and Chain of Custody Form," Attachment A, and direct them to a specific individual.
 4. Upon completion of review by the Director, the investigation shall be forwarded to the appropriate persons for review, appropriate notifications, and recommended action. The individual shall then sign the "Investigation Approval and Chain of Custody Form," Attachment A, and can address it to another member in their own chain of command with further instructions if needed. Once completed, the investigation shall be sent back to the Director for closing remarks.
 5. Once the investigation is received by the Director and the appropriate action is taken, the investigation shall be secured within the Internal Affairs Office.
 6. Original IA investigations may only be destroyed with the approval of the Director. Prior to destroying any investigation, a digital copy shall be made and kept on file.
 7. Per Prison Rape Elimination Act (PREA) mandates, all PREA investigations shall be maintained as long as the alleged abuser is incarcerated and/or employed by the agency, plus five years.
 8. IA may assist in preparing the "Request for District Attorney Legal Services," Attachment A of Policy 1.9, "Legal Assistance," to the Oklahoma County District Attorney's Office if necessary. These requests are commonly utilized in terminations, discipline that requires three or more days of Leave Without Pay (LWOP), employment benefits, or Equal Employment Opportunity (EEO) proceedings. Each request shall be fashioned in a manner that follows the OCJB Legal Services Request Checklist," Attachment C of Policy 1.9 "Legal Services." Each request shall include copies of any OCJB policies, Oklahoma County policies, or Oklahoma State Statutes that are referenced.
- E. Format of Investigative Reports (**PREA § 115.371**):
1. IA investigations may include the following:

- a. Case Number: The file number shall be entered as the year (four digits of the year the investigation was approved by the Director) followed by a three-digit numerical case number (i.e., 2016-001). Once the case number has been established, the case should be referred to that number in all correspondence regarding information contained in that case.
 - b. Background Information: The origin of how the case was established.
 - c. Investigation: A chronological report of all activities, interviews, evidence collected, and other investigative information. This portion should convey information to either support or deny the claim made in the background section.
 - d. Investigative Findings: A bullet point summary of conclusive facts gathered within the investigation.
 - e. Conclusion: A recap where the investigator re-states the intent of the investigation as well as the final conclusions of the investigation.
2. Some investigations may not require the above listed format and may be reserved as an "Information Only" investigation.
- F. Use of Recording Devices:
1. Audio or video recordings can be made for all investigations and shall be available for review in the IA management system. All recordings shall be downloaded onto the IA computer.
 2. Internal affairs investigators can use voice recording devices without the knowledge of the person they are speaking to.
 3. Interviewees are not allowed to use personal audio or video recorders during the interview.
 4. If requested by the interviewee, a representative of Human Resources or person of their choice may be present during the interview.
- G. Immunity:
1. Immunity from criminal prosecution may be granted only by the District Attorney's Office.
 2. Immunity from corrective discipline may only be granted by the appropriate executive staff member, or with the expressed consent of the appropriate executive staff member, in conjunction with the Director and District Attorney's Office, if necessary.
- H. Sexual Abuse Investigations:
1. Investigators shall have training in sexual abuse investigations. This training is documented in the staff personnel and training file (**PREA § 115.334, 115.371**).
- I. Investigations by Outside Agencies:
1. When outside agencies conduct investigations, Internal Affairs shall cooperate and remain informed of the progress of the investigation (**PREA § 115.371**).
- J. Preservation of Crime/Incident Scene within the Detention Center:

1. It is the responsibility of the Facility Administrator, Assistant Facility Administrators, and/or Shift Supervisor to contact an Internal Affairs Investigator immediately following any crime or incident resulting in bodily injury so that the investigative process may begin immediately.
2. Facility Administrators, Assistant Facility Administrators, and Shift Supervisors shall ensure that the scene of a crime, including sexual assault/abuse or serious incidents involving bodily injury or death is preserved and secured immediately after the incident by facility personnel until members of IA, the Oklahoma County Sherriff's Office, the Oklahoma City Police Department, and/or the Oklahoma State Bureau of Investigation arrive (**PREA § 115.371**).
3. At the time that the governing agency arrives, they shall assume possession of the crime scene.
4. The crime scene shall be controlled until the investigative agency personnel have completed the investigation and the Internal Affairs Investigator releases the scene.
 - a. If the crime scene is being investigated by local police, the crime scene may be released by the investigating authority.
5. Resident movement shall be controlled during the crime investigation to the extent determined necessary by the Facility Administrators, Assistant Facility Administrators, and/or Shift Supervisors, in conjunction with the investigative personnel. Under no circumstances shall residents be allowed access to a crime scene once it has been secured.

K. Interviews:

1. When an interview is conducted, the party to be questioned shall be advised of the following:
 - a. The general topic of the investigation and the nature, whether administrative or criminal.
 - b. The "Garrity Warning," Attachment B, in compliance with Garrity v. New Jersey 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967) (**PREA § 115.334**). Each employee shall sign acknowledging they understand their statement of rights.
 - i. The "Garrity Warning," Attachment B, is as follows:
 - (a) "You have the right to be informed of the allegations involved;"
 - (b) "You will be asked questions specifically directed and narrowly related to the performance of your official duties;"
 - (c) "Statements made during any interviews may be used as evidence of misconduct or as the basis for seeking disciplinary action against you;"
 - (d) "Any statements made by you during these interviews cannot be used against you in a subsequent criminal proceeding, nor can the fruits of any of your statements be used against you in any subsequent criminal proceeding;"

- (e) "If you so request, a person of your choice may be present to serve as a witness during the interviews;" and
 - (f) "If you refuse to answer questions relating to the performance of your official duties, you will be subject to dismissal."
- 2. Any individual may be interviewed during the investigation, regardless of if they are the subject of the investigation, if they hold pertinent information regarding the situation in question.
- L. Failure to Cooperate and Providing False Information:
 - 1. Employees are required to cooperate in IA investigations. Failure to cooperate or making false statements during the course of an investigation may result in disciplinary action up to and including termination of employment.
- M. Procedures When Criminal Conduct May Have Occurred:
 - 1. When conduct is discovered that is of a criminal nature, the IA Investigator shall immediately report the incident to the Director and seek approval to report the incident to the Oklahoma County Sherriff. Upon receiving approval, the IA Investigator shall call the Oklahoma County Sherriff's Office and request a Deputy file an initial crime report. The criminal case number shall be listed within the IA investigation for cross-reference purposes.
- N. Filing of Criminal Charges:
 - 1. Upon completion of the investigation and upon finding probable cause of criminal action, the case shall be referred to the appropriate District Attorney's Office to determine if criminal prosecution will be pursued.
 - 2. When an investigation is referred to the District Attorney's Office, the IA investigator shall submit a copy of the report, an affidavit, and all work products obtained during the investigation that pertain to the charge to the prosecuting authority.
- O. Access to Employee Records:
 - 1. The IA Investigator shall have access to all records pertaining to parties within an IA investigation.
 - a. Records pertaining to employees include personnel files, supervisor files, and any other records concerning the employee that are necessary to complete the investigation.
 - 2. Failure to provide IA with requested documentation is grounds for disciplinary action up to and including termination of employment.
- P. Pre-Employment Investigations:
 - 1. Preliminary OLETS Checks:
 - a. Prior to being scheduled for interviews, the Human Resources Department shall submit a completed "Authorization for Release of Information," Attachment C, to the Internal Affairs Department so the applicant may be run through the Oklahoma Law Enforcement Telecommunications System (OLETS) to ensure they have a valid Driver's License and do not have any disqualifying criminal history.

- b. The Internal Affairs Department shall notate on each "Authorization for Release of Information," Attachment C, whether each applicant is approved or denied, the name of the investigator performing the check, and the date the check is performed.
 - c. The "Authorization for Release of Information," Attachment C, shall be sent back to the Human Resources Department for further processing of the application.
2. Pre-Screen Interviews:
- a. Once an applicant is interviewed, the applicant must complete an "Applicant Pre-Screen," Attachment D, which asks for information about his/her previous criminal and employment history.
 - b. A photograph may be taken to include within the background narrative.
 - c. The information obtained during the pre-screen interview can be used to make a decision of whether or not the applicant should be recommended for employment.
 - d. Should the information obtained within the pre-screen interview be severe enough to tie the applicant to a terrorist or criminal organization, the information on the applicant shall be forwarded to the appropriate local, state, or federal law enforcement authority (**3-JDF-1C-13**).
 - e. The information obtained through the pre-screen interview shall be condensed and displayed on the tracking form circulated by the Human Resources Department. Any disqualifying information shall be noted so that it may be used to select candidates qualified for the position to move forward for background investigations.
3. Background Investigations:
- a. Upon recommendation from the department head of the potential applicant's department, the selected applicants shall begin the background check process.
 - b. The Internal Affairs Investigator shall contact the applicant to advise them of the investigation and notate such on the "Backgrounds Spreadsheet" located on the Shared Bureau so that all department heads may be appraised of the status of each applicant.
 - c. During the background investigation, the following areas shall be examined:
 - i. Criminal History: All arrest history, warrants of arrest, and information relating to the applicants criminal history. If the applicant is out of state or has previously resided out of state, the investigator may contact the local police department where the applicant previously resided;
 - ii. Driving Record: Any pertinent collisions, tickets, suspended driver's licenses, and/or any negative action on the applicant's driving record;

- iii. EJIS (Oklahoma County Criminal Justice Computer System): Local arrests, warrants, crime reports filed, and other criminal justice information;
 - iv. Criminal Street Gang Information: A check with the Oklahoma City Police Department Gang Unit may be conducted on an applicant if there is reason to believe the applicant may have or have had affiliations with a street gang;
 - v. Oklahoma State Court Network (OSCN) and On Demand Court Records (ODCR): review of the state court dockets for criminal, civil, and family proceedings;
 - vi. Joshua's List: review of the restricted registry for childcare within the State of Oklahoma. Individuals may be recorded on the child care restricted registry for 3 reasons:
 - (a) If a person has a confirmed/substantiated finding of abuse or neglect of children for an incident that occurred on or after July 1, 2010 while in the care of a child care facility,
 - (b) If a person has had a child care facility license that has been denied or revoked for incidents that occurred on or after July 1, 2010, and/or
 - (c) If a person has a criminal conviction for certain violent crimes or crimes against children;
 - vii. Social Media: Review of all public social media accounts;
 - viii. Employment Record: Contact with any previous employers shall be made to verify employment dates and history;
 - ix. References: Contact is made with personal references that are listed within an applicant's application to further confirm aspects of an applicant's personal life and personality to ensure they are a good fit for the OCJB; and
 - x. Residence Check: A residence check may be made of the applicant's neighbors to determine additional information into the applicant's personal life and how it may affect the overall public image of the OCJB.
- d. After the background investigation report has been completed, the report, along with all the application information, shall be submitted to the Director for approval. The Director shall then forward the application to Human Resources, along with any recommendations for potential employment.
- e. At the specific direction of the Director, Internal Affairs may perform other background investigations on current or potential employees when the situation warrants. Any aspect of the background investigation process may be amended or changed with specific consent of the Director.

Approved: James L. Saffle 11/30/16
James L. Saffle, Director for Date

Attachments: Attachment A, "Investigation Approval and Chain of Custody Form"
 Attachment B, "Garrity Warning"
 Attachment C, "Authorization for Release of Information"
 Attachment D, "Applicant Pre-Screen"

OKLAHOMA COUNTY JUVENILE BUREAU
Investigation Approval and Chain of Custody
Internal Affairs Investigation #
CONFIDENTIAL INFORMATION

Approved: YES: _____ NO: _____ OTHER: _____

_____ Date _____
Director of the OCJB

1) To: _____ From _____ Date: _____

Action: _____

DUE DATE: _____

2) To: _____ From _____ Date: _____

Action: _____

Resolution/ Further
Actons: _____

DUE DATE: _____

3) To: _____ From _____ Date: _____

Action: _____

Resolution/ Further

Actons: _____

DUE DATE: _____

4) To: _____ From _____ Date: _____

Action: _____

Resolution/ Further

Actons: _____

DUE DATE: _____

5) To: _____ From _____ Date: _____

Action: _____

Resolution/ Further

Actons: _____

DUE DATE: _____

6) To: _____ From _____ Date: _____

Action: _____

Resolution/ Further

Actons: _____

DUE DATE: _____

**OKLAHOMA COUNTY JUVENILE BUREAU
Garrity Warning**

Statement of Rights

You are hereby ordered to fully cooperate with the investigating official(s). Your failure to cooperate will create an objective and subjective fear of termination. You have the following rights and responsibilities during this investigation:

1. You have the right to be informed of the allegations involved.
2. You will be asked questions specifically directed and narrowly related to the performance of your official duties.
3. Statements made during any interviews may be used as evidence of misconduct or as the basis for seeking disciplinary action against you.
4. Any statements made by you during these interviews cannot be used against you in any subsequent criminal proceeding, nor can the fruits of any of your statements be used against you in any subsequent criminal proceeding.
5. If you so request, a person of your choice may be present to serve as a witness during the interviews.
6. If you refuse to answer questions relating to the performance of your official duties, you will be subject to dismissal.

ACKNOWLEDGEMENT: I have read and understand the above notification.

_____	_____	_____
Employee's Signature	Date	Time
_____	_____	_____
Investigator's Signature	Date	Time
_____	_____	_____
Investigator's Signature	Date	Time



OKLAHOMA COUNTY JUVENILE BUREAU

Internal Affairs Division

Applicant Pre-Screen

Applicant: (Print Name) _____

PLEASE ANSWER EACH QUESTION BY WRITING "YES" or "NO"

1. Is all the information listed on your initial application correct to your knowledge? _____

2. Are there any changes to your application since you submitted it that you are aware of? _____

3. Have you ever been arrested since the age of eighteen? _____

4. Have you ever been detained by law enforcement since the age of eighteen? _____

5. Have you ever stolen anything from your employer? _____

6. Have you ever used illegal drugs? _____

7. Have you ever been or are you currently involved in a criminal street gang? _____

8. Have you ever been fired from employment? _____

9. Have you ever received a formal reprimand at work? _____

10. Have you ever called in sick to work when you really weren't? _____

11. Have you ever had any excessive absences and/or tardiness during your employment? _____

12. Other than traffic offenses, have you ever committed a crime where you weren't caught? _____

13. Do you drink alcohol in excess? _____

14. Have you ever abused prescription drugs? _____

15. Are you closely associated with any family and or friends who are on parole and/or probation? _____

16. Have you told the truth during this interview? _____

17. Do you plan on telling the truth in the future? _____

18. Please list full names of anyone over the age of eighteen that you live with currently.

All the information based upon this pre-screen form is true and correct. I understand that any lie and or omission of this form may result in me being disqualified for employment. I also know if I lie during any step of the background process I may be disqualified for employment.

Date: _____

Applicant