

City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

<b>CHAPTER:</b>	1	Administration and Management	<b>1.1.14</b>
<b>SECTION:</b>	1	General Administration	<b>EFFECTIVE DATE:</b> 7 / 21 / 2020
<b>SUBJECT:</b>	14	<b>Internal Affairs</b>	
<b>STANDARDS: ACA – 4 – ALDF:   None</b>			
<b>APPROVED:</b>  <hr style="width: 50%; margin-left: 0;"/> <b>Dale Glass</b> <b>COMMISSIONER OF CORRECTIONS</b>			<b>REVIEW DATE:</b> 7 / 21 / 20
			<b>REVISION DATE:</b> 7 / 27 / 20
Rescind: 1.1.14 dated 11/13/15 Cancel:			

**I.     POLICY**

It is the policy of the St. Louis City Division of Corrections to investigate complaints of misconduct and illegal acts committed by, or against, Correctional staff members or persons under its jurisdiction, and act to safeguard the rights of individuals and protect the integrity of the Division.

**II    RESPONSIBILITIES**

All Division of Corrections staff, contractors, and volunteers assigned to the City Justice Center and the Medium Security Institution are responsible for adhering to the following procedures.

**III.   DEFINITIONS**

**Abuse:** The infliction of physical, sexual, verbal or emotional injury or harm.

**Appointing Authority:** The Commissioner of Corrections is the Appointing Authority.

**Complainant:** The person who makes an initial complaint, or files a formal charge. The complainant may be a Correctional staff member, a person under the Division's jurisdiction, (i.e., inmate, arrestee), or any witness to an alleged violation, or a person acting on behalf of a victim, etc.

City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

---

**Complaint:** An allegation of misconduct/illegal act or a violation of the Divisional procedures and work rules, or protected rights.

**Confidential Access:** Restricted access to information that otherwise is unavailable under the provisions of general information.

**Confidential Information:** Means any type of information that may not be made available to the general public because it is restricted under the Freedom of Information Act or the privacy Act; or, is otherwise categorized by the Appointing Authority/designee as ‘security breaches,’ or would, if released, cause a risk to the orderly operation of Divisional facilities or security of institution, and threatens the safety of staff, or inmates.

**DOC:** Where used, means the St. Louis City Division of Corrections.

**Correctional Investigator:** Staff assigned the responsibility of investigating official allegations of misconduct and/or illegal acts or violations of the law or the procedures and work rules of Corrections Division.

**Correctional Staff Member:** As applied in this procedure and work rule includes contractors, volunteers, vendors, and other support personnel working on behalf of the Division of Corrections or within the facilities and agencies operated by the Division.

**“Division; ‘the Division’:**” Means the City of St. Louis Division of Corrections.

**Garrity Rights:** The immunization process, in which an employee may be compelled to give statements under threat of discipline or discharge but those statements, cannot be used in the criminal prosecution of the employee.

**Illegal Act:** A violation of City ordinance, State or Federal law, or Constitutional provision by a Correctional staff member or a person under the jurisdiction of the Division of Corrections. Correctional staff members are subject to investigation for allegations of misconduct/illegal acts at the workplace and off duty.

**Internal Affairs:** A DOC work unit under the supervision of the Detention Center Superintendent.

**Investigation:** The systematic process of collecting evidence and evaluating statements from witnesses to determine the validity of an allegation.

**Mandatory Reporter:** Correctional Staff members are mandated by procedure and work rule to report verbally and in writing any behavior the staff member witnessed or believed to constitute misconduct or illegal act committed by another Correctional staff member, an inmate, or by any person doing business in the facility; and forward such report to their Supervisor or any class of persons higher in their chain of command or to the Appointing Authority/designee.

City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

---

**Misconduct:** Including, but not limited to violations of law, administrative code, regulation, and procedures and work rules.

**Unit Head:** The supervisor of an administrative or support staff.

**Volunteer:** Any person (s) approved by the Division who, by their own free will, provide the facility goods or services with no monetary or material gain or reward.

**Physical Abuse:** Intentionally inflicting or allowing inflicting physical injury on a person.

**Psychological Abuse:** Directly or indirectly subjecting another person to threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.

#### **IV. PROCEDURES**

##### **A. General Information**

1. The Division of Corrections has an Internal Affairs Unit with designated staff (Correctional Investigator) who investigates official complaints of alleged misconducts and illegal acts committed by, or against Correctional staff members, visitors and persons under the jurisdiction of the Division as directed by the Appointing Authority/designee.
2. Due to the confidential nature of the job functions in this unit, the assigned staff is independent of the general staff routine job functions.
3. Corrections' staff and other persons under its jurisdiction are required to cooperate in all investigations. Any conduct by any person that compromises integrity of an investigation will subject the person to disciplinary action.
4. Correctional staff are required, as “mandatory reporters,” to report any violation of the Division’s procedures and work rules, rules of conduct and the commission of any illegal act, verbally and in writing. Failure to report is a violation subject to discipline.
5. The following is a listing of allegations subject to investigation but not limited to:
  - a. Off-duty misconduct resulting in a felony arrest or conviction and misdemeanor crimes of domestic violence (18 U.S.C. Section 921)
  - b. Workplace harassment including sexual misconduct.
  - c. Abuse or fraud involving sick/medical leave policy, the St. Louis City Workers Compensation system, and the City's residency requirement.

City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

---

- d. Violations of civil rights and liberties.
- e. Excessive or unauthorized use of force
- f. Sexual contact of any kind, whether consensual or not, involving inmates or a person under the Division's jurisdiction with a Correctional staff member.
- g. Bullying, verbal, physical or psychological abuse by a Correctional staff member to another Correctional staff member, or to a person under the Division's jurisdiction.
- h. Theft of City, inmate or Correctional staff member's property.
- l. Unauthorized possession of firearm or other dangerous weapon on City property.
- J. Falsification or tampering with official records.
- k. Failure to follow established safety regulations or procedures and work rules.
  - l. Reporting to work under the influence of alcohol or drug or possession, use, sale, or manufacture of illegal or controlled substances or the introduction of contraband into institutional facility.
- m. Violation of conflict of interest or any provision within the City's Code of Conduct.
- n. Violation of the Department of Personnel or the Division of Corrections staff work rules.
- o. Complaints from other agencies or entity.
- p. Facilitating the escape of any person in custody.
- q. Violation of the Division's security regulations.
- r. All deaths and/or attempted suicides occurring while in custody
- s. Failure to report misconduct/illegal act or any known conspiracy to conceal Correctional staff member(s) misconduct on or off the job.

**POLICY & PROCEDURES**

---

6. Reports of an alleged misconduct and/or illegal act can be made verbally or in writing. All verbal reports must be followed up in writing and submitted to the Supervisor.
7. The Correctional Investigator, when authorized, will be granted access to staff members' general and confidential files. The Correctional Investigator will adhere to Divisional procedure and work rule #1.3.15: Staff Working Files when accessing Correctional staff members files.
8. The work performance of the Correctional Investigator will be performed under the highest professional standards. Investigative findings are kept strictly confidential. The Correctional Investigator is required to complete the investigation in a timely manner.
9. A violation of this procedure by any Correctional Staff member either by discussing or releasing of information from investigative reports will be subject to disciplinary action.

**B. Reporting of Misconduct and/or Illegal Act**

1. Every Correctional staff member is a mandatory reporter. Any Correctional staff member, upon becoming aware of possible misconduct or illegal act, will immediately and verbally report the situation to the Area Supervisor or the Shift Supervisor/Unit head. Failure to do so may result in discipline up to and including dismissal.
2. The Correctional staff member will immediately follow the verbal report with a written report and submit it to the Supervisor.
3. No person will be subjected to retaliation or otherwise disciplined for reporting illegal act/misconduct.
4. All reports will include the following information:
  - a. The identities of the complainant(s), witnesses, and victim(s);
  - b. The allegation and all known details, and
  - c. Any corroborating evidence.

**C. Correctional Investigator Function and Responsibility**

1. The Correctional Investigator will investigate matters referred by Detention Center Superintendent or above, and will report findings to the person referring the investigation.

**POLICY & PROCEDURES**

---

2. If the Correctional Investigator receives a complaint from an outside source, the Investigator will immediately notify the Commissioner/designee.
3. If a complaint does not warrant an investigation and can be addressed informally, the Correctional Investigator may refer the matter to the appropriate Supervisor/ Unit Head and work collaboratively with them to have the issue resolved.
4. All investigations conducted by the Correctional Investigator must first be assigned by the Detention Center Superintendent or above, will be recorded, and issued a tracking number.
5. If a criminal investigation is initiated by an outside entity, the Correctional Investigator will act as the liaison between the Division and the investigating agency. The Correctional Investigator will continuously apprise the Commissioner/designee of the progress.
6. If an investigation is being initiated against, or involves a Correctional staff member, the staff member will be advised in writing of the on-going or impending investigation and the nature of the allegation at its onset unless the integrity of the investigation will be compromised. The Commissioner/designee will make the determination.
7. At the conclusion of the investigation, the staff member will be advised in writing by the Commissioner/designee that the investigation is concluded and if any action will be pending against the Correctional staff member.

**D. Investigation Process**

1. Interviews with staff will be conducted by the Correctional Investigator during scheduled and non-scheduled work hours.
2. Prior to starting an interview, the following information will be provided by the Correctional Investigator to the Correctional staff members:
  - a. The name, position, and title of all persons present, and the nature of the investigation.
  - b. The name of the complainant unless disclosing the information will jeopardize the investigation. The Correctional Investigator will document the reason for failure to disclose the name in the report to be submitted to the Appointing Authority/designee.
  - c. The Correctional Investigator will advise the Correctional staff members of the required obligation to cooperate and will make no promises or threats in order to gain cooperation or obtain an answer. If the situation

City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

---

warrants, the Investigator will explain the “Garrity Rights” to the Correctional staff members.

3. Interview with inmates or other persons with whom the Division may have claim or jurisdiction will be carried out in a manner that assures the privacy and respect of the individual.
4. The Investigator will discuss the findings with the Appointing Authority/designee.

**E. Correctional Staff Member Responsibility**

1. Correctional staff member(s) may request a personal representative to be present during interview by an Investigator. In certain instances, the interview may be re-scheduled no more than one-time. The personal representative may observe the interview but may not interfere with the interview in any way.
2. All Correctional staff members will cooperate with an investigation and will not impede its progress. Correctional staff members will:
  - a. Submit written reports with a valid, authentic and legible signature.
  - b. Participate in interviews conducted by the Correctional Investigator.
  - c. Submit to polygraph examinations when directed to.
  - d. Submit to psychological examinations when directed to.
  - e. Submit to Drug/Alcohol testing when directed to.
  - f. Submit financial disclosure statements, telephone records, and utility bills when requested for investigation.
  - g. Participate in a line up.
  - h. Submit to being photographed if required.
  - i. Complete other reasonable requests.
3. A Correctional staff member fails to cooperate with an investigation when:
  - a. The staff member obstructs, hinders or resists the Correctional Investigator.
  - b. The staff member makes false statements to, or misleads or attempts to mislead the Correctional Investigator.

City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

---

4. Any Correctional staff member who fails to cooperate with an investigation or knowingly gives false information will be subject to discipline up to and including dismissal.

**F. Reporting Requirements and Notification of Disposition**

1. Upon completion of an internal investigation, the Correctional Investigator will submit a written report to the Appointing Authority/designee.
2. The Correctional Investigator will summarize allegation findings as:
  - a. Sustained - Supported by sufficient evidence
  - b. Not sustained - Insufficient evidence to prove or disprove the allegation.
  - c. Unfounded - The alleged incident did not occur.
  - d. Exonerated – Free from all wrong doing.
3. If the allegation is determined to be unfounded, the case will be closed and filed, (see Procedure F, below).
4. If the investigation concludes that the allegation against the Correctional staff member is sustained, an Employee Action Report will be issued by the Chief of Security/Unit Head. A hearing will be scheduled. (See DOC # 1.3.13, and AR #117: Employee Discipline).
5. All statements given to the Correctional Investigator will remain confidential and will be evaluated by the Commissioner/designee only as they pertain to administrative proceedings. These statements will not be used against the Correctional staff member in subsequent criminal proceedings. (Garrity)
6. A Correctional staff member may file a grievance to challenge an investigation or the outcome of such investigation. (See AR #51: Employee Grievances).

**G. Internal Affairs Record**

The Division complies with Chapter 109, Section 255 and/or (109.210(5) RSMo) pertaining to Public and Business Records and the applicable Internal Affairs Records retention for Jails, (see, SHF: 009 & 032).

1. The Correctional Investigator may retain audio/video recordings including surveillance for 30 days after which it may be deleted. If information that may impact criminal or major case investigation is contained in the audio/video recordings or surveillance, the audio/video recordings or surveillance will be



City of St. Louis Department of Public Safety/Division of Corrections  
**POLICY & PROCEDURES**

---

maintained consistent with Retention Supervisor's direction until the case is disposed.

2. At the conclusion of investigation, if allegation is Not Sustained, record will be kept for 1 year. If allegation is sustained, record will be retained for 5 years. If allegation is Unfounded, Exonerated, or Withdrawn record will not be retained. It will be securely destroyed in accordance with applicable federal, state and local statutes or in accordance with Divisional procedures on record retention.

**H. Executive Management Review**

Once in every 12 months period, all dispositions of investigation reports on misconducts/illegal acts will be reviewed by the Commissioner/designee. The purpose of this review is to ensure uniformity and equity of the actions taken as a result of investigative reports.