

 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE		NO. 0700
	<b>Office of Special Investigations (OSI)</b>		DATE 09/10/2020
SUPERSEDES DIR #0700 Dtd. 11/28/18	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 AND AUTHORITY:** The New York State Department of Corrections and Community Supervision (DOCCS) is responsible for providing a safe, humane, and lawful environment for all incarcerated individuals, releasees, and staff. Criminal behavior, staff or incarcerated individual abuse, employee misconduct and/or corruption threaten the Department’s ability to provide such an environment and is not tolerated by the Department. The Office of Special Investigations (OSI) is established to help the Department provide a safe, humane, and lawful environment for all incarcerated individuals, releasees, and staff by detecting and preventing criminal behavior, staff or incarcerated individual abuse, employee misconduct and/or corruption.

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 incarcerated individuals 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, pursuant to Correction Law §112, the commissioner has the authority to “require reports from the superintendent or any other officer or employee of the department assigned to any correctional facility or to perform community supervision in relation to his or her conduct as such officer or employee, and shall have the power to inquire into any improper conduct which may be alleged to have been committed by any person at any correctional facility or in the course of his or her performance of community supervision, and for that purpose to issue subpoenas to compel the attendance of witnesses, and the production before him or her of books, writings, and papers.”

Accordingly, the Commissioner has designated OSI and its members to assist with the implementation of the statutory mandates of Correction Law §112 and has conferred the related statutory authority upon the Chief/Deputy Commissioner of OSI and all such designees within OSI to pursue OSI’s mission: To advance the Department’s mission by fostering accountability and integrity within the Department. OSI’s objectives include to prevent, detect, identify, expose, and eliminate criminal activity, misconduct, fraud, waste, abuse, corruption, and other improper behavior within the Department, as well as apprehend and transport absconders, escapees, and fugitives.

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 incarcerated individual.

## 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 #0102, “Rights of Departmental Employees”
- Directive #2111, “Report of Employee Misconduct”
- 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 – Incarcerated Individual-on-Incarcerated Individual”
- Directive #4027B, “Sexual Abuse Reporting & Investigation – Incarcerated Individual-on-Incarcerated Individual”
- Directive #4028A, “Sexual Abuse Prevention & Intervention – Staff-on-Incarcerated Individual/Staff-on-Releasee”
- Directive #4028B, “Sexual Abuse Reporting & Investigation – Staff-on-Incarcerated Individual/Staff-on-Releasee”
- Directive #4036, “Notification to Victim of Incarcerated Individual Release or Damages Award”
- Directive #4905, “Escape Pursuit”
- Directive #4931, “Aggravated Harassment of an Employee by an Incarcerated Individual”
- Directive #4933, “Special Housing Units”
- Directive #4936, “Search of DOCCS Employees”
- Directive #4940, “Executing Detainers for Escapees and Absconders”
- Directive #6910, “Criminal Prosecution of Incarcerated Individuals”
- Directive #9218, “Absconder Search”
- Directive #9245, “Discharge from Sentence, by Maximum Expiration of Sentence, Court Order, Deportation, Absconders, or Death”

- ACA Expected Practices 4-4530, 5-ACI-1A-20

**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, releasees 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, Executive Deputy Commissioner, Deputy Commissioner/Chief for OSI, or designee.

**IV. ORGANIZATIONAL STRUCTURE**

- A. Chain of Command: 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 Director of Operations is the third-level executive leadership and supervision within OSI. The Director of Operations is also directly responsible for overseeing OSI's administrative support and training staff and supervision of the Warrant and Transfer Unit. The Warrant and Transfer Unit is responsible for returning out of state incarcerated individuals back to New York State that have violated their conditions of release in Community Supervision and assists with the transportation of 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.

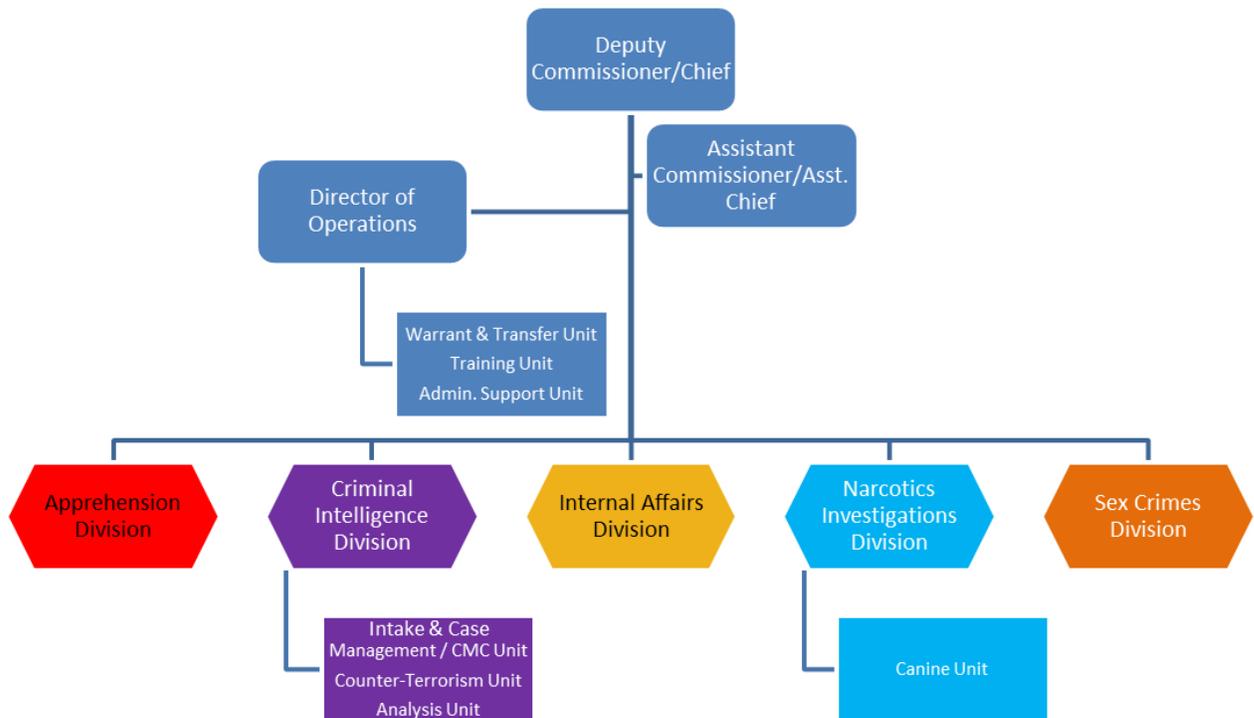
The Deputy Chief Investigators are fourth-level executive leadership and supervisory level positions responsible for all aspects of operations and investigations for the specific OSI Division assigned (i.e., Criminal Intelligence Division, Internal Affairs Division, Narcotics Investigations Division, Sex Crimes Division, and The Apprehension Division).

The Deputy Chief Investigators report directly to the Director of Operations, 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.

OSI is a diverse and inclusive office where all employees, whatever their gender, race, ethnicity, national origin, age, sexual orientation, religion or identity, education or disability, feel valued and respected. OSI is committed to modeling diversity and inclusion for the entire corrections and community supervision community and to maintaining an inclusive environment with equitable treatment for all.

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 and the applicant's qualifications. All OSI employees must adhere to Departmental Directives and OSI's policies; however, OSI's policies take precedence if there is a discrepancy.



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**B. OSI's Divisions:**

1. *Criminal Intelligence Division:* The Criminal Intelligence Division (CID) provides investigative assistance, intelligence, and information to other law enforcement agencies in joint efforts to promote public safety. Additionally, members of the CID conduct investigations into suspected terrorist activity and several CID members are assigned to work in FBI Joint Terrorism Task Forces (JTTF) and intelligence or fusion centers in the state. CID also conducts threat investigations which include, but are not limited to, threats emanating from the incarcerated individual and releasee population and frequently concern the safety and security of Department staff.
  - a. The Counter-Terrorism Unit specializes in the prevention and detection of terrorist activity within the Department's purview and oversees the Department's new Suspicious Activity Reporting (SAR) program (Directive #0750) in which staff in correctional facilities and parole offices can report directly to OSI suspect behavior that may, for example, be indicative of radicalization of an incarcerated individual or releasee.
  - b. The Central Monitoring Case Unit monitors and tracks activities and placement of those incarcerated individuals designated as Central Monitoring Cases, the Department's most intensely supervised incarcerated individuals, pursuant to Directive #0701.
  - c. The Intake and Case Management Unit is responsible for receiving and processing complaints made to the OSI, as well as providing other aspects of OSI's case management and evidence storage.
  - d. 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.
2. *Internal Affairs Division:* The Internal Affairs Division (IAD) investigates a wide range of allegations of employee and incarcerated individual violations of the Department's Rules, Regulations, Directives and Policies, as well as Criminal Law violations. More specifically, IAD conducts investigations into staff misconduct, incarcerated individual/releasee misconduct, unattended deaths and suicides in facilities, escape plots, and any other alleged misconduct having a nexus to DOCCS that is not covered by another OSI Division. In addition, IAD staff (along with other OSI personnel) monitor facility lock-downs and conduct inspections of DOCCS facilities/offices, as well as respond to major disturbances, serious assaults, homicides, and other major instances in correctional facilities and community supervision offices that warrant an investigation.
3. *Narcotics Investigations Division:* The Narcotics Investigations Division (NID) interdicts controlled substances brought into correctional facilities by incarcerated individuals, visitors, or staff, and investigates any drug-related criminal activity associated with the Department. This division also collaborates with other law enforcement agencies on drug investigations.
  - a. The OSI Canine Unit is responsible for deterring, detecting, and interdicting narcotic smuggling; tracking individuals; and otherwise enhance the safety of all employees, incarcerated individuals, releasees, 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) specializes in the investigation of unauthorized relationships, sexual abuse, sexual harassment, and related misconduct between incarcerated individuals or releasees and Departmental staff. The SCD also investigates incarcerated individual-on-incarcerated individual sexual abuse and sexual harassment. The SCD also coordinates the efforts of outside law enforcement and prosecutors in the development of cases for criminal prosecution. When appropriate, SCD staff will also investigate allegations of non-consensual or coercive sexual activity involving departmental staff against other staff members. Additionally, the Sex Crimes Division collaborates with others within the Department to ensure compliance with the federal Prison Rape Elimination Act (PREA), both in its investigations and throughout the Department as a whole.
5. *The Apprehension Division*: The Apprehension Division (TAD) specializes in fugitive apprehensions and receives parole violation warrant referrals pursuant to Directive #9218. The fugitive investigations include planning and dynamic high-risk entries within the scope and context of locating and arresting the Department's most dangerous fugitives. TAD also handles "cold case" warrants and the Department "most wanted" list.

## V. REPORTING TO OSI AND COMPLAINT PROCEDURES

- A. Reporting Requirements: Department employees are required to report information to OSI pertaining to physical and sexual abuse; unauthorized relationships with an incarcerated individual or releasee; drug possession and trafficking; contraband possession; fraud; escape plots; threats of violence; violent extremism and terrorist activities; staff misconduct; and criminal behavior by incarcerated individuals, releasees, 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. Under no circumstances shall an investigation into any of the aforementioned misconduct be commenced unless and until OSI has been consulted.
  1. Reporting Pursuant to Directives #4027 A/B and #4028 A/B: All Department employees shall immediately report information regarding sexual abuse, sexual harassment, or staff involved in unauthorized/inappropriate relationships with an incarcerated individual or releasee, as well as retaliation for reporting such misconduct, to a supervisor (see Directives #4027 A/B and #4028 A/B for more details). Upon receipt of this information the Watch Commander, Regional Director, or other supervisory staff receiving the information shall immediately contact OSI for direction. A coordinated response to allegations of misconduct leads to more efficient investigations.
  2. Reporting Pursuant to Directive #2112: Criminal charges against a Department employee shall also be reported to OSI pursuant to Directive #2112.

3. **Prohibition of Retaliation for Reporting to OSI:** An employee shall not retaliate against another employee for reporting to OSI pursuant to this Directive. Department employees who report allegations to OSI may qualify for “whistleblower protection” pursuant to Civil Service Law §75-b. Retaliation does not include instances in which there is an independent basis for administrative or disciplinary action against the employee who has filed a report of misconduct with OSI.
  4. **Complaints from Outside of DOCCS:** 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.
- B. **How to Report Allegations to OSI:** Complaints to OSI may be made in several ways, including:
- Phone: 1-844-OSI-4NYS (1-844-674-4697)
- Email: [OSIComplaint@doccs.ny.gov](mailto:OSIComplaint@doccs.ny.gov)
- Online: <https://doccs.ny.gov/office-special-investigations-osi>
- Mail: Office of Special Investigations – Intake Unit  
Department of Corrections and Community Supervision  
1220 Washington Avenue  
Albany, New York 12226-2050
- C. **OSI’s Processing of Complaints:** All complaints and information received by OSI relative to possible investigations are documented, reviewed, and processed pursuant to established procedures. 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. **OSI Investigations:** If the case is assigned to OSI, an investigation will be conducted in an independent, fair, ethical, objective and professional manner through completion of the investigations.
- E. **Referrals within DOCCS:** If a complaint is referred to a facility Superintendent, community supervision Bureau Chief, or other appropriate person within DOCCS 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. OSI’s referrals within DOCCS may require a response within a specific time period, which shall be abided by the DOCCS unit or employee receiving the referral.

F. OSI is not intended to circumvent or replace other existing channels available to resolve complaints from incarcerated individuals, releasees, 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 Governor's Office of Employee Relations (GOER) Anti-Discrimination Investigations Division (ADID), or to appropriate Central Office staff.

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 Governor's Office of Employee Relations (GOER) Anti-Discrimination Investigations Division (ADID), or to appropriate Central Office staff.

**VI. LAW ENFORCEMENT INFORMATION:** In an effort to efficiently process, monitor, and respond to outside law enforcement agencies, including prosecutors' offices, all requests for incarcerated individual 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 such requests to the following OSI email address: [specialinvestigations@doccs.ny.gov](mailto: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, incarcerated individual 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.