
 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Office of Special Investigations (OSI)</b>		NO. 0700
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SUPERSEDES DIR #0700 Dtd. 09/10/20	DISTRIBUTION A B	PAGES PAGE 1 OF 10	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 § 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 of Investigations/Deputy Commissioner of OSI and all such designees within OSI to pursue OSI’s mission. The primary mission of OSI is to advance DOCCS’ mission and statutory mandates; vigorously pursue justice through fair, thorough, and impartial investigations; and foster accountability, integrity, and safety 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.

OSI's goals are best served when its members adhere to the principles of integrity, objectivity, independence, confidentiality, professionalism, honesty, fairness, diligence, and courtesy.

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."

To fulfill its mission, when conducting any investigation or special operation, OSI shall have unrestricted access to all DOCCS facilities, offices, and areas; and the unimpeded ability to inspect and obtain evidence, records, documentation, and data maintained by the Department. Any Department employee who intentionally obstructs such access, intentionally interferes with an investigation, or conceals or destroys any evidence may face disciplinary action and potential 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 § 112
- Correction Law § 621
- Public Officers Law § 61
- ACA Expected Practice 5-ACI-1A-20
- Directive #0102, "Rights of Departmental Employees"
- Directive #0702, "Notification and Request to Associate with Incarcerated Individuals and Releasee"
- Directive #0750, "Reporting Suspicious Activity"
- Directive #2111, "Report of Employee Misconduct"
- Directive #2112, "Report of Criminal Charges"
- Directive #2790, "Asset Forfeiture"
- Directive #2794, "Reporting Losses"
- Directive #2948, "Reporting Loss of Issued Items"
- Directive #4004, "Unusual Incident Report"
- Directive #4027, "Sexual Victimization Prevention and Response"
- Directive #4036, "Notification to Victim of Incarcerated Individual Release or Damages Award"
- Directive #4905, "Escape Pursuit"
- Directive #4922, "Central Monitoring Cases" (also 7 NYCRR Part 1000)
- Directive #4931, "Aggravated Harassment of an Employee by an Incarcerated Individual"

- Directive #4933, “Special Housing Units”
- Directive #4936, “Search of DOCCS Employees”
- Directive #4938, “Contraband Drug Testing” (see also 7 NYCRR Part 1010)
- 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”

**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 and safe Departmental operations.
- 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 of Investigations for OSI, or designee.

**IV. ORGANIZATIONAL STRUCTURE**

A. Chain of Command:

1. 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.
2. 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 Investigator reports directly to the Deputy Commissioner/Chief of Investigations, and to the Commissioner in the Deputy Commissioner/Chief of Investigation’s absence.

3. The Director of Operations is the third-level executive leadership and supervision within OSI and is responsible for all aspects of OSI investigations, operations, training, equipment, and implementation of OSI policy and procedures. The Director of Operations is also responsible for coordinating major, and inter-divisional, investigations to ensure investigative efficiency and to facilitate OSI's broad functional objectives.

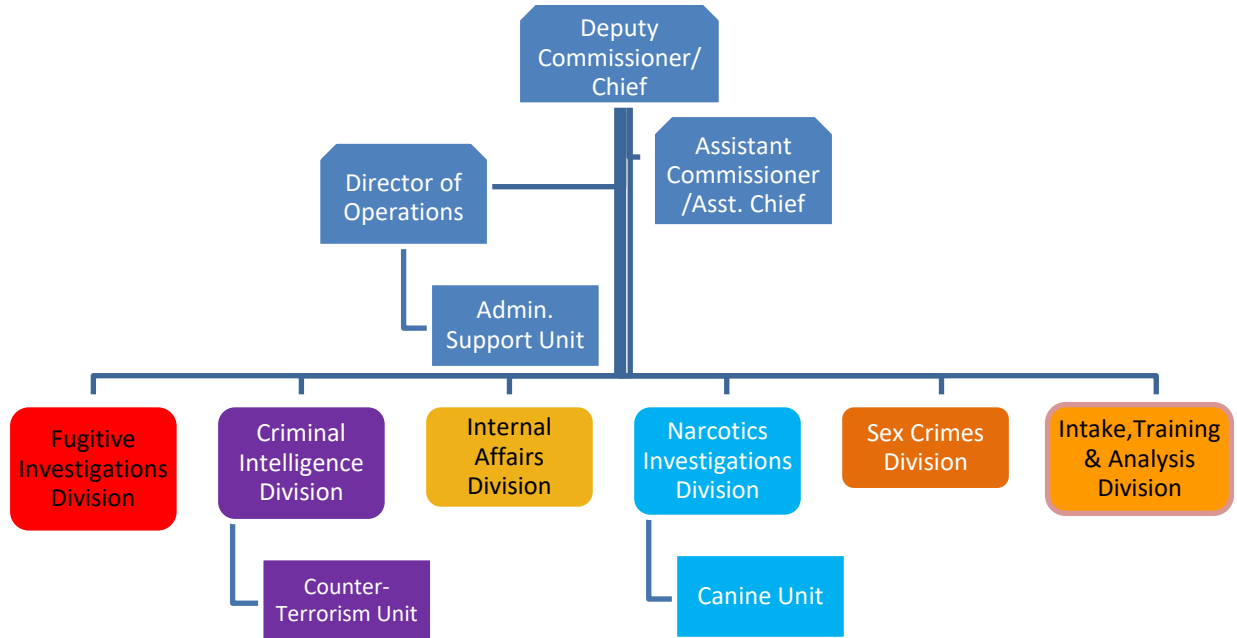
The Director of Operations is also directly responsible for overseeing OSI's administrative support staff. The Director of Operations reports directly to the Deputy Commissioner/Chief of Investigations and the Assistant Commissioner/Assistant Chief Investigator.

4. 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; Intake, Training and Analysis Division; Narcotics Investigations Division; Sex Crimes Division; and Fugitive Investigations Division). The Deputy Chief Investigators report directly to the Director of Operations, Assistant Commissioner/Assistant Chief Investigator, and Deputy Commissioner/Chief of Investigations.
5. The Deputy Chief Investigators are supported by Assistant Deputy Chief Investigators (ACDI) in their respective Divisions. The ACDI position is the fifth-level leadership and supervisory role responsible for overseeing all facets of the division operations.

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 identity, 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.



## B. OSI's Divisions

1. *Criminal Intelligence Division:* The Criminal Intelligence Division (CID) collects intelligence related to criminal activities within the DOCCS system and provides investigative assistance, intelligence, and information to other law enforcement agencies to promote public safety. Additionally, members of the CID conduct investigations into suspected terrorist or violent extremist activity and several CID members are assigned to work in FBI Joint Terrorism Task Forces (JTTF). CID members represent the Department at intelligence or fusion centers in the state. CID also conducts investigations of serious violent acts within correctional facilities and conducts “threat investigations” which include, but are not limited to, threats of violence emanating from the incarcerated individual and releasee population and frequently concern the safety and security of Department staff.

The Counter-Terrorism Unit specializes in the prevention and detection of terrorist or violent extremist 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.

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 lockdowns 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) investigates and interdicts controlled substances brought into correctional facilities by incarcerated individuals, visitors, or staff, and investigates any drug-related criminal activity associated with the Department. Contraband drugs found in correctional facilities are handled by NID (see Directive #4938, "Contraband Drug Testing"). This division also collaborates with other law enforcement agencies on drug investigations.

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 and mail, 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. *Fugitive Investigations Division:* The Fugitive Investigations Division (FID) specializes in fugitive investigations, fugitive apprehensions, returning fugitives to New York State. FID 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. FID returns 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 (OMH) facility to a designated residential location or parole office. FID also handles "cold case" warrants through its Cold Case Unit and is responsible for the Department's "Most Wanted" webpage.

6. *Intake, Training, and Analysis Division*: The Intake, Training, and Analysis Division (ITAD) is responsible for the processing and management of OSI complaints and cases files; coordinating the training of OSI members; and the analysis of data to identify and prioritize OSI's responses to emerging issues and provide a tactical, analytical role on major cases to enhance investigations. ITAD further assists with OSI's special operations, intelligence collection and analysis, and program development to advance OSI's mission.

## 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 drug smuggling or trafficking; serious assaults on staff or anyone within a correctional facility; 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. Suspicious activities associated with the Department shall also be reported to OSI, pursuant to Directive #0750. 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 Directive #4027, "Sexual Victimization Prevention and Response": 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 Directive #4027 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 by contacting OSI through the below means:
1. Phone: 1-844-OSI-4NYS (1-844-674-4697)
  2. Email: [OSIComplaint@doccs.ny.gov](mailto:OSIComplaint@doccs.ny.gov)
  3. Online: <https://doccs.ny.gov/office-special-investigations-osi>
  4. Mail: NYS DOCCS Office of Special Investigations  
Attention: Intake, Training, and Analysis Division  
The Harriman State Office Campus  
1220 Washington Avenue  
Albany, New York 12226-2050
- C. Anonymous and Confidential Complaints: Complainants may remain anonymous if they choose to do so. Please note, however, if OSI has the need for more information, the investigation may be hindered by OSI's inability to contact an anonymous complainant. Additionally, complainants may request confidentiality, which OSI will honor within the bounds of the law.
- D. 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 and respond.
  3. Referred to a facility Superintendent or Community Supervision Bureau Chief for an investigation, using the Investigation checklist.
  4. Referred to facility Superintendent or Community Supervision Bureau Chief for review or other appropriate action.
  5. Referred to a state, local, or federal agency with jurisdiction over the subject matter.
- E. 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. There are three general findings in an OSI case:
1. Substantiated allegation: An allegation that was investigated and determined to have occurred. An allegation is determined to have occurred based upon the preponderance of the evidence.
  2. Unfounded allegation: An allegation that was investigated and determined not to have occurred.
  3. Unsubstantiated allegation: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.



Based upon its findings, OSI may, among other actions, refer a matter to the Department's Bureau of Labor Relations (BLR) or Personnel Office for consideration for possible administrative/disciplinary action; to an outside law enforcement agency or prosecutor for potential criminal action; issue a misbehavior report against an incarcerated individual; participate in a sexual abuse incident review; and/or make a recommendation to the appropriate executives for consideration of policy and procedural changes.

- F. 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 using the Investigation Checklist. Upon such referral, OSI may request a response as to the results of the investigation or OSI may refer the matter for appropriate action without requesting a response. In instances where no response is required, the Superintendent or Bureau Chief shall maintain the appropriate records locally. 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.

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, they will forward the complaint to OSI for review and possible investigation. Other complaints should be referred to Facility Operations, the Office of Employee Relations (OER) 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 name(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 are not required to be reported to OSI. Assistance from OSI, however, may be sought when dealing with such agencies.

- VII. RECOMMENDATIONS:** To enable the Department to improve upon its policies, procedures, and operations, OSI shall make written recommendations to the Deputy Commissioner responsible for the program area or operation, based upon OSI's investigative findings. A written response accepting the recommendation(s), accepting with modifications, or explaining why the recommendation(s) cannot be implemented shall be provided to OSI by the relevant Deputy Commissioner within 45 days of the recommendation(s), unless additional time is required to respond. Recommendations that do not have statewide operational impact, and which only require local corrective action, will be made to the Superintendent, Regional Director, or Division Head. The Deputy Commissioner responsible for the program area or operation shall be copied for information purposes. The Superintendent, Regional Director, or Division Head shall respond in the same manner as previously noted. The Department's Chief of Staff will monitor and track the recommendation(s) and response(s), including reporting to the Commissioner and Executive Deputy Commissioner on the status of the response(s) to OSI's recommendation(s).
- VIII. ASSET FORFEITURE:** Pursuant to Directive #2790, OSI shall serve as the Department's asset forfeiture coordinator (AFC). OSI staff shall coordinate with other entities within DOCCS and with the appropriate outside agencies to ensure that the Department receives equitable sharing of seized assets.
- IX. 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, OC spray, baton, and personal protective gear [e.g., gloves/breathing mask]). In accordance with Directive #4936, 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.