



INSPECTOR GENERAL		
1160.01 Administrative Investigations	Effective	06/07/2021
	Replaces	1160.01
	Dated	04/09/2012

The Arizona Department of Juvenile Corrections (ADJC) is committed to maintaining a positive work environment and to correcting any unacceptable actions, practices, or behavior on the part of ADJC employees.

AUTHORITY

Arizona Revised Statutes (A.R.S.)

§ 13-2501	Definitions
§ 13-2514	Promoting Secure Care Contraband
§ 13-3620	Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions
§ 38-1104	Internal investigations; employee representative; polygraph examination; exception
§ 41-1750(G)	Central state repository; department of public safety; duties; funds; accounts; definitions
§ 41-2804	Duties and Powers of the Director

DEFINITIONS

1. **Administrative Investigation:** a comprehensive query into a complaint or allegation conducted by an assigned supervisor or by the Investigations Bureau into the actions or behavior of an employee.
2. **Criminal Investigation:** an investigation into an incident that is a violation of federal, state, and/or local laws.
3. **Garrity Warnings:** admonishments given to an employee in an administrative investigation that:
 - a. S/he will be asked to answer questions related to official duties or the complaint under investigation;
 - b. Failure or refusal to do so will subject the employee to Departmental charges and discipline up to and including termination of employment;
 - c. Neither any statement given nor information or evidence gained from it can be used in any criminal proceeding against the employee but may be used against the employee in any subsequent administrative charges; and
 - d. The employee in the Corrections Officer Series has the right to representation by an agency employee who would be present during questioning and who would be a nonparticipating representative.
4. **Notice of Investigation (NOI):** a written memorandum that informs the employee of the specific nature of the investigation and the employee's status in the investigation.

PROCEDURES

1. The **OFFICE OF THE INSPECTOR GENERAL (OIG)** shall investigate serious acts of misconduct involving employees, volunteers, interns, and service providers under contract with ADJC.
 - a. **EMPLOYEES, VOLUNTEERS, INTERNS, AND SERVICE PROVIDERS UNDER CONTRACT** with ADJC shall cooperate fully with investigators and assist in any investigation.
2. **Responsibilities of the Investigators:**

The **INVESTIGATORS** shall:

 - a. Receive, record, and investigate or refer to the appropriate authorities for investigation all complaints made against the department and/or its employees;
 - b. Aid the department's complaint process by assisting other units of the department in the process of receiving and investigating complaints and routing completed investigative files through the complaint disposition process; and
 - c. Conduct investigations of incidents as required by policy or procedure.
3. **INVESTIGATORS** shall not:
 - a. Terminate an investigation based solely on the source of the allegation recants their allegation; and
 - b. Terminate the investigation based solely on the alleged abuser or victim is no longer employed or committed with the agency.
4. **INVESTIGATORS** shall report directly to the Inspector General (IG). The IG shall keep the Director and/or designee apprised of the unit's activity that includes but is not limited to:
 - a. Weekly briefings on urgent matters; and
 - b. Notifying the Director and/or designee immediately of all serious or significant cases.
5. **Authority of the OIG:**
 - a. **INVESTIGATORS** are direct representatives of the Director in all matters of concern;
 - b. **INVESTIGATORS** may inspect department owned facilities, desks, lockers, storage space, rooms, offices, equipment, records, work areas, and state vehicles that are the sole property of the department at any time deemed necessary by the Director, Deputy Director and/or IG; and
 - c. **EMPLOYEES, VOLUNTEERS, INTERNS, AND SERVICE PROVIDERS UNDER CONTRACT WITH ADJC** shall fully cooperate with all investigators and shall provide unhindered access to all ADJC facilities, desks, lockers, storage spaces, rooms, offices, equipment, records, work areas, and state vehicles for the purposes of investigations.
6. The **OIG** shall investigate serious acts of employee misconduct that may or may not result in criminal prosecution. Examples are as follows:
 - a. Violations of all state/federal statutes or local ordinances:
 - i. The **CRIMINAL INVESTIGATIVE UNIT OF THE OIG AND/OR ASSIGNED LAW ENFORCEMENT AGENCY** shall conduct the criminal investigations in accordance of *Procedure 1161.01 Criminal Investigations*; and
 - ii. The **OIG** shall conduct administrative investigations of allegations of criminal activity.
 - b. Complaints made by employees of other agencies, by parents, or by members of the public;
 - c. Serious violations of any ADJC Policy or Procedure;
 - d. Serious violations of *Procedure 2003.04 Employee Misconduct*; and
 - e. Other acts of a serious nature and matters as directed by the Director or designee.

7. **Complaint Initiation Procedures:**

- a. External Complaints:
 - i. **ADJC EMPLOYEES** shall forward complaints they receive from anyone calling or personally contacting the department to the Shift Commander at the secure facility or to the OIG at Central Office;
 - ii. **ADJC EMPLOYEES** shall inform the complainant that an investigator will contact him/her to conduct an interview and explain the complaint process;
 - iii. **ADJC EMPLOYEES** shall treat complaints from anonymous sources in the same manner as any other complaint. The fact that the complainant refuses to identify him/herself shall not preclude the complaint from being investigated; and
 - iv. **ADJC EMPLOYEES** shall notify the IG or designee of any significant incidents that require an immediate response.

8. **Notice of Investigation:**

- a. The **INVESTIGATOR** shall provide Form 1160.01A Notice of Investigation (NOI) to an employee before the commencement of a formal administrative interview:
 - i. The Form 1160.01A Notice of Investigation (NOI) contains:
 - (1) Garrity Warnings, giving admonishments to an employee in an administrative investigation that:
 - (a) S/he will be asked to answer questions related to official duties or the complaint under investigation;
 - (b) Failure to comply may subject the employee to departmental charges and discipline, up to and including termination of employment;
 - (c) Statements or information or evidence gained in the interview cannot be used in any criminal proceedings against the employee;
 - (i) Exception: False statements made by the employee may be used in other criminal actions such as Obstruction of Justice.
 - (2) The specific nature of the investigation;
 - (3) All known allegations of misconduct that are the reason for the interview;
 - (4) The employee's status in the investigation; and
 - (5) The right of the employee in the Corrections Officer and Police Officer series to have a representative present at the interview.
- b. The **INVESTIGATOR** will not disclose any information to the employee or the employee's representative that would impede the investigation;
- c. If an employee discloses information during the course of the interview about additional policy violations that s/he may have been involved in, the **INVESTIGATOR** shall not stop the interview or serve the employee with another Notice of Investigation (NOI).

9. **Employee Representative Participating in Administrative Interviews:**

- a. The **EMPLOYEE IN THE CORRECTIONAL OFFICER SERIES OR POLICE SERIES** may request to have a representative present at no cost to the department in accordance with Arizona Revised Statute (ARS) § 38-1104.
 - i. The **EMPLOYEE IN THE CORRECTIONAL OFFICER SERIES OR POLICE SERIES** shall select a representative available on reasonable notice so that the interview is not unreasonably delayed;
 - ii. The **INVESTIGATOR** shall provide the representative Form 1160.01B Employee Interview Representative Guidelines Memo;
 - iii. The **REPRESENTATIVE** shall be an employee of ADJC and shall not be an attorney representing the interviewee;
 - (1) Except that if a representative from the same agency is not reasonably available, with the employer's permission, the representative may be from the employee's professional membership organization.
 - iv. The **REPRESENTATIVE** shall be present at the interview as a silent observer and shall not be permitted to speak or otherwise participate in the interview;

- v. The **REPRESENTATIVE** may take notes during the interview. The employee and representative may use notes taken during the interview only to assist the officer in an investigation or a disciplinary matter. These notes do not constitute an official record of the interview;
 - vi. The **EMPLOYEE** (principal only) is allowed to record the employee's own interview. Recordings made do not constitute an official record of the interview.
 - vii. The **INVESTIGATOR** shall advise the representative to not speak about or share with anyone what was discussed during the interview.
- b. The **EMPLOYEE IN THE CORRECTIONAL OFFICER SERIES OR POLICE SERIES** may not have a representative under the following circumstances:
 - i. Polygraph/truth verification examination;
 - ii. Preliminary questioning to determine the scope of the allegations or if an investigation is necessary;
 - iii. An interview of an employee that is:
 - (1) In the normal course of duty;
 - (2) Counseling;
 - (3) Informal verbal admonishment; or
 - (4) Other routine or unplanned contact with a supervisor.
 - c. The **INVESTIGATOR** shall not discipline, retaliate against, or threaten the employee for exercising his/her right to have a representative present during an administrative interview; and
 - d. The **EMPLOYEE IN THE CORRECTIONAL OFFICER SERIES OR POLICE SERIES** may request to have an attorney present during the interview in the course of a criminal investigation.

10. **Administrative Interview Procedures:**

- a. When ordered by the Director or his/her designee, an **EMPLOYEE** shall participate in an administrative interview during any investigation of alleged misconduct;
- b. The **INVESTIGATOR** shall attempt to conduct interviews with employees while they are on duty.
 - i. **ADJC** shall compensate the employee for the interview time in accordance with [Arizona Administrative Code § R2-5A-404](#) if an interview occurs during off-duty time; and
 - ii. The **INVESTIGATOR** shall designate the location of the interview.
 - (1) The interview shall not take place at the employee's home (with the exception of a telephone interview) without the authorization of the Director or his/her designee.
- c. The interview session shall be for a reasonable duration. The **INVESTIGATOR** shall:
 - i. Consider the gravity and complexity of the investigation in determining the reasonableness of the interview;
 - ii. Allow employees reasonable breaks of limited duration during the interview for telephonic or in-person consultation with others, including an attorney, who are immediately available; and
 - iii. Not extend the interview longer than the employee's normal workday except under unusual circumstances.
- d. If the interview is to be conducted by an investigator, the **INVESTIGATOR** shall immediately notify the Shift Commander if the employee is required to leave his/her assigned post during an interview;
- e. During the course of an administrative interview, the **INVESTIGATOR** shall limit the scope of the questions presented to the employee to:
 - i. Allegations of misconduct;
 - ii. The performance of the employee's duties; and
 - iii. The employee's fitness for duty.
- f. The **INVESTIGATOR** shall not subject the employee being interviewed to:
 - i. Any offensive or abusive language;

- ii. Visits by the press or news media without the employee's expressed consent; or
 - iii. The release of the employee's home address or phone number to news media or press without an employee's express consent.
- g. The **EMPLOYEE** may not have an attorney present during an administrative interview;
 - h. If an employee is ordered not to speak to anyone regarding an administrative investigation, the **EMPLOYEE** shall abide by this order with the following exceptions. Conversations with the following persons are permissible:
 - i. An attorney functioning within the attorney-client relationship;
 - ii. Spouse or significant other, unless the spouse or significant other is an ADJC employee;
 - iii. Employee's clergy;
 - iv. State certified counselor; or
 - v. Medical doctor.
 - i. **ADJC** may subject employee(s) with discipline up to and including termination for failure to comply with this order that prohibits discussing an administrative investigation; and
 - j. Once the investigation is completed and a disposition rendered, the prohibition against the employee discussing the case with anyone no longer applies.
11. **Employee Responsibilities During Administrative Interviews:**
- a. **EMPLOYEES** shall truthfully answer all questions during the administrative interview.
 - i. Failure to answer questions, or giving false or misleading information during the interview, may result in discipline up to and including termination.
 - b. During the course of an administrative investigation, the **EMPLOYEE** shall bring any witness information or tangible evidence they believe may be relevant to the interview.
12. The **DIRECTOR** may direct any administrative investigation to be postponed, if the investigation could hinder, impede, or interfere with an ongoing criminal investigation or prosecution.
13. **Criminal and Administrative Investigations:**
- a. **Interviews:**
 - i. To ensure the separation between criminal and administrative investigations, **CRIMINAL AND ADMINISTRATIVE INVESTIGATORS** shall not jointly interview an employee who has been, or under the circumstances is likely to be, issued an NOI. This rule shall apply to any interview of an employee who was directly involved in an incident that may result in criminal charges;
 - ii. **INVESTIGATORS** shall not disclose any information obtained during or after compelled (Garrity) interviews to criminal investigators. The purpose of this rule is to prevent the intentional or inadvertent use, directly or indirectly, of an employee's compelled statement in criminal prosecution against the employee; and
 - iii. **CRIMINAL INVESTIGATORS** may disclose any information discovered during their investigation to administrative investigators unless prohibited by law, i.e., grand jury proceeding, wiretap investigation, etc.
 - b. **Crime Scene Walk-through:**
 - i. **INVESTIGATORS** shall not be accompanied by any employee who was directly involved in an incident while conducting a walk-through of a crime scene.
14. **Recording the Interview:** Only the **INVESTIGATOR** may record the interview.
- a. Except in interviews where the employee (principal) decides to record his/her own interview. Recordings made do not constitute an official record of the interview.
15. **Truth Verification Examinations:**
- a. The **DIRECTOR OR DESIGNEE** may order an employee to submit to a truth verification examination concerning an administrative investigation;

- b. In the case of an employee requesting the examination, the **DIRECTOR OR DESIGNEE** shall approve or disapprove his/her request;
- c. When a complaint from a citizen, juvenile, and/or other employee is the basis for the investigation, the **DIRECTOR OR DESIGNEE** may require the citizen, juvenile, and/or other employee to submit to a truth verification examination prior to the employee submitting one if the administrative investigation meets the following criteria:
 - i. The conduct complaint is non-criminal;
 - ii. No substantial corroborating information has been discovered by the investigating supervisor/investigator; and
 - iii. It would not substantially slow or adversely impact the administrative investigation.
- d. The agency shall **not** require a juvenile who alleges sexual abuse to submit to a polygraph examination or other truth verification examination as a condition for proceeding with the investigation of such an allegation.

16. **Examination Guidelines:**

- a. **EMPLOYEES** do not have the right to counsel during a truth verification examination in the course of the employee-employer relationship;
- b. **EMPLOYEES** shall tell the truth at all times, shall answer pertinent questions to the best of their knowledge, and shall not refuse to answer or knowingly give a false, misleading answer to any question before, during, or after a truth verification examination;
- c. **EMPLOYEES** shall cooperate with supervisors when involved in any incident requiring the use of the truth verification equipment;
- d. At his/her discretion, the **DIRECTOR** may discipline, up to and including termination, an employee who refuses to take a truth verification exam when ordered to do so by a superior; and
- e. In matters under investigation:
 - i. The **INVESTIGATOR** shall advise the employee of his/her right to accept or reject the truth verification examination;
 - ii. The **INVESTIGATOR** shall inform the employee that the refusal to submit to the truth verification examination cannot and will not be used against him/her in a criminal court of law; and
 - iii. The **INVESTIGATOR** shall inform the employee that the results of the truth verification examination or any information derived from the examination may be used by the Department in administrative actions. If an employee waives his/her Miranda rights and elects to take the truth verification examination, information may be used in criminal matters.
- f. The **DIRECTOR, DEPUTY DIRECTOR, OR IG** may order the employee to take the examination as an aid in the administrative investigation if the employee refuses the examination after being ordered to by an investigator.

17. **Medical or Laboratory Examinations:**

- a. A **SUPERVISOR** may require an employee who is reasonably suspected of being under the influence of any drug(s) or intoxicants while on-duty or unlawful drug(s) while off-duty to take a substance abuse exam in accordance with *Procedure 2010.10 Employee Substance Abuse Testing*.
 - i. **ADJC** shall ensure the sample is taken under hygienic conditions and with due regard for the privacy of the affected employee.
- b. **ADJC** may:
 - i. Subject the employee who refuses to submit a sample with disciplinary action up to and including dismissal; and
 - ii. Presume that the affected employee was under the influence of drug(s) or intoxicants at the time.
- c. Upon the order of an investigator, the **EMPLOYEE** shall submit to any medical tests that are reasonably related to allegations of misconduct, performance of duty, or fitness for duty; and

d. **ADJC** shall pay for all tests ordered.

18. **Forensic Examination:**

- a. The **DIRECTOR OR DESIGNEE** shall ensure all orders pursuant to this procedure are specifically directed and narrowly related to a particular administrative investigation being conducted.
- b. Upon the order of the Director, Deputy Director or IG, **EMPLOYEES** shall:
 - i. Submit handwriting samples as related to an administrative investigation;
 - ii. Submit to any photographs for the purpose of a photographic lineup, as related to an administrative investigation;
 - iii. Submit to a live lineup as related to an administrative investigation, and
 - iv. Submit photocopies or electronic copies of digital communication related to the investigation:
 - (1) Cell phone bills;
 - (2) Text messaging;
 - (3) Emails;
 - (4) Receipts;
 - (5) Social media outlets; and
 - (6) Other forms of digital communication related to the investigation.
- c. **ADJC** shall only use the materials provided under this section for the purpose of the administrative investigation. These materials are not subject to secondary dissemination without the employee's consent.

19. **ADJC Investigations Database:**

- a. The **INVESTIGATOR** shall use the ADJC Investigations Database to document all criminal and administrative investigations.

20. **Investigation Report Format:**

- a. The **INVESTIGATOR** shall use the following outline for all administrative investigations:
 - i. **Incident/Grievance Summary:** Information to include narratives and supplements from the original Administrative Incident Report (AIR) or 1190.01A Incident Report (IR) will transfer into this section;
 - ii. **Person(s) Involved:** List all persons who were involved in the allegation, to include their role in the incident;
 - iii. **Procedures/Evidence/Related Investigations:** List all procedures of alleged violation(s) pertaining to the investigation. Document any and all pieces of evidence collected and processed. Lastly, include any related investigations to the matter (criminal or administrative);
 - iv. **Documents:** Attach all documents related to the investigation including, but not limited to, the NOI, medical information, toxicology reports, computer printouts, logs, police reports, etc.;
 - v. **Synopsis:** An overview of the allegation(s) being investigated. This section is brief and shall be limited to a couple of sentences;
 - vi. **Narrative:** This section shall thoroughly convey the bulk of the investigator's work surrounding the investigation. In this section:
 - (1) Describe the facts and explain the details of the investigation;
 - (2) Delineate the sequence of events taken by the Investigator;
 - (3) Note impairments to a complete investigation, such as the uncooperativeness of any person or the reason a vital piece of evidence could not be obtained;
 - (4) Include memoranda from employees that contain direct statements about the allegation;
 - (5) Include a narrative summary of each interview;
 - (6) Note whether interview recordings were utilized and ensure that the recordings are retained into the agency 'I-Drive' as digital evidence;

- (7) Note whether or not the incident was captured on the agency's camera surveillance system and provide an outline of the observations. If the incident was captured, ensure the digital video has been downloaded and retained into the 'I-Drive'; and
 - (8) Include any other information deemed necessary for the investigation.
 - vii. **Summary of Findings:** Include all witness and principal interviews outlined in a bullet point format. Additionally, include all other evidence to support the final disposition of the investigation. This structure will make it easier for stakeholders to identify what admissions and/or denials will support the final disposition.
- 21. The **INVESTIGATOR** shall submit an administrative investigation to the IG within 30 business days after the case has been assigned.
 - a. If additional days are required, the **INVESTIGATOR** conducting the investigation shall notify the IG detailing the need for an extension and the projected completion date.
- 22. Upon completion of the investigation, the **INVESTIGATOR** shall electronically submit the investigative report to the IG for further review, recommendations, and completion of the investigation.
- 23. **Disposition:**
 - a. The **IG OR DESIGNEE:**
 - i. Shall ensure each administrative investigation has one of the following dispositions:
 - (1) Sustained: The investigation resulted with a sufficient amount of evidence to prove the employee is in violation of agency procedure;
 - (2) Unfounded: The investigation resulted with a sufficient amount of evidence to prove the allegation did not occur;
 - (3) Exonerated: The investigation resulted with a sufficient amount of evidence to prove the employee committed all or part of the alleged act, but the act was justified, lawful, and within agency policy and procedure;
 - (4) Not Sustained: The investigation resulted with an insufficient amount of evidence to prove or disprove the allegation occurred;
 - (5) Investigation Ongoing: The investigation resulted with no final disposition and awaiting for additional information; and
 - (6) Information Only: The investigation resulted as information only and retained for documentation purposes.
 - ii. Shall provide, upon request, a complete administrative investigation report to the Director, Deputy Director and the area administrator.
- 24. **Retention of Investigative Reports:**
The **IG OR DESIGNEE** shall purge records in compliance with retention schedules filed with the Records Management Division of Arizona State Library, Archives, and Public Records.

FORMS

1160.01A	Notice of Investigation/Garrity Warning
1160.01B	Employee Representative Interview Guidelines
1160.01F	Employee Inquiry (electronic, within the Administrative Incident Report)

Signature Date
03/18/2021

Approved by
Original Signature on File
Ryan Brezina, Inspector General

Signature Date
06/04/2021

Approved by
Original Signature on File
Jeff Hood, Director

Effective Date
06/07/2021