

<b>MISSISSIPPI DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES JUVENILE INSTITUTIONS</b>	
<b>Subject:</b> <b>Institutional Investigations</b>	<b>Policy Number:</b> <b>3</b>
<b>Number of Pages:</b> <b>3</b>	<b>Section:</b> <b>VII</b>
<b>Attachments</b>	<b>Related Standards &amp; References</b> <b>ACA JTS-3C-12</b>
<b>Effective Date: September 26, 2007, Revised March 1, 2018</b>	<b>Approved:</b> DocuSigned by: <i>James Maccarone</i> <small>2C316EF6196B4A2...</small>

**I. POLICY**

It is the policy of the Mississippi Department of Human Services, Division of Youth Services, that all serious and unusual incidents be objectively and thoroughly investigated in order to resolve complaints made against staff, security breaches, incidents resulting from youth misconduct and other incidents when necessary; and to ensure a safe, healthy, and equitable environment for youth being housed in DYS facilities as well as Youth Development Center employees working.

**II. DEFINITIONS**

As used in this policy and procedure, the following definitions apply:

- A. Campus Investigator:** The DYS staff member assigned to examine serious incidents related to facility operations, inappropriate use of force, and all other unusual events deemed necessary by the Facility Administrator.
- B. Program Integrity (P.I.) Investigator:** The departmental staff member assigned to examine all incidents that potentially involve abuse or unsafe practices, involving abuse to youth and/or the safety of youth in the Youth Development Center.
- C. Contraband:** Any item(s) introduced or found in the facility, including improperly possessed drugs (whether illegal or legal) and weapons, that are expressly prohibited by those legally charged with the responsibility for the administration and/or operation of the facility.
- D. Evidence:** Indicators used to prove the existence or nonexistence of a fact or the validity or invalidity of an allegation.

**III. PROCEDURE**

Staff shall cooperate with Campus and P.I. Investigators. Refusal of any staff member to cooperate in an administrative investigation or to provide information requested as part of the investigation is grounds for disciplinary action up to and including dismissal.

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A. Investigators

1. Grievances — Conducted by the grievance officer unless they are serious enough to require a higher level of investigation.
2. Disciplinary — Conducted by an assigned investigator (could be any staff member), but should not be the campus investigator unless it is serious and requires a higher level investigation.
3. Campus Investigator — Examples would be minor damage or loss of state property such as keys, supplies, suspicious circumstances such as a report of possible escape attempt, or minor staff misconduct such as failing to complete an incident when required to do so.
4. Program Integrity — These investigators should be used for any incident requiring a report to DI-IS. They should also investigate all allegations of staff or youth on youth abuse.
5. Law Enforcement — If a serious crime has occurred and criminal charges are likely, an immediate referral to a local law enforcement agency should be made. An example might be a youth stabbing another youth.

B. Violations of MDHS/DYS policy, including those listed in the Incident Reporting policy as serious shall be reported through the chain of command to the Division Director.

C. The Campus Investigator shall collect and review all evidence associated with the incident or individual under investigation, including but not limited to incident reports, witness statements, medical statements, and relevant camera film.

D. Following the review of relevant evidence the Investigator shall call upon and interview any and all witnesses associated with the case. All interviews should be recorded either by audio or video tape.

E. Any staff member who is the subject of an administrative investigation:

1. Shall be interviewed and given an opportunity to provide the Investigator with any information relevant to the investigation; and
2. May be ordered by the assigned Investigator to cooperate in the investigation and to appear before an Investigator(s) at a reasonable time and place to submit to questioning or any other investigative procedure.
3. Investigations conducted pursuant to this policy are for non-criminal violations or for violations that may be criminal but for which the purpose of the investigation is purely administrative.

F. All Department/State property is subject to search at any time.

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- I. Staff's personal property located anywhere on Department/State grounds or in Department/State vehicles may be searched, as a result of a security concern, by security personnel at the request of the Campus Investigator with the approval of the Facility Administrator.
2. All searches conducted pursuant to this policy shall be witnessed by a third party.
3. Any contraband found during these searches shall be tagged and dully noted in the Investigative Report.

G. The Campus Investigator shall prepare an Investigative Report for submission to the Facility Administrator upon completion of an investigation.

- I. The written report shall include not be limited to the subject, the allegations, notation of substantiated or unsubstantiated, all details of the methods used, a list of all evidence acquired and findings based on the facts obtained during the course of the investigation.
2. The Campus Investigator shall maintain a log of all internal investigations, which should note the date of investigation initiation, the incident being investigated, the Incident Report number, the date of closure, any referral to be made, the results of investigation, and the date of submission for the investigation report.

The Facility Administrator shall consult the Director of Institutions, Division Director, the Human Resources Director and Department's legal counsel when reporting a possible criminal violation and when implementing disciplinary or administrative action.

I. The Facility Administrator, Institutions Director and Division Director shall be notified of the outcome of all investigations.

J. Suspension of an Investigation

- I. The Division Director may suspend an administrative investigation as necessary.
2. The Campus Investigator may cease investigative activities as safety and security warrant.
3. The Campus Investigator shall obtain permission from the Division Director to suspend an investigation.
4. When the Campus Investigator encounters evidence that involves potentially abusive or unsafe practices, involving abuse to youth and/or the safety of youth involved, the Campus Investigator shall cease the investigation and forward all evidence to the P.I. Investigator for completion.