

FACILITY CRIMINAL INVESTIGATIONS

STANDARD NO(S): NYSSA # 35

DATE: March 5, 2010

REFER TO: Jack S. Stenberg

I. OBJECTIVE:

To establish procedures for the investigation of crimes committed within the Seneca County Correctional Facility.

II. POLICY:

It is the policy of the Seneca County Sheriff's Office to arrest and prosecute any inmate, visitors and/or employee who commits or attempts to commit any criminal offenses within the Seneca County Correctional facility.

III. DETAILS:

A. INFORMATION - Any Correction Officer or Correction Staff who uncovers or receives any information they believe may be helpful to any criminal investigation will notify the Chief Deputy.

B. CRIMINAL ACTIVITY

MEMBER RESPONSIBILITY - Every member will notify the on-duty Corrections supervisor of any alleged criminal act which has been committed or believed to have been committed within the facility. Every member will before the completion of their respective tour of duty complete a Facility Incident Report (CF-009).

SUPERVISORY RESPONSIBILITY – Every Supervisor upon receiving information from any member or employee of any alleged criminal act which has been or believed to have been committed within the facility will directly contact the Chief Administrative Officer, Sheriff, Undersheriff, Chief Deputy and the Criminal Investigations Division Lieutenant.

C. The following incidents or crimes are examples of, but not limited to those in which the Criminal Investigation Division will be notified of immediately.

1. All deaths.

2. Attempted suicides, or questionable injuries to inmates resulting in an inmate's hospitalization.
 3. Assaults by inmates on officers, correctional staff, civilians, or inmates resulting in serious physical injury.
 4. Escapes and attempted escapes.
 5. Sexual assaults and attempted sexual assaults by inmates on officers, correctional staff, civilians, or inmates.
 6. Criminal or alleged criminal acts by officers, correctional staff, or civilians.
 7. Criminal Mischief.
 8. Harassment
 9. Assault
 10. Promoting Prison Contraband (Non-Dangerous)
 11. Petit Larceny
- D.** Correction Officers or Correction Staff will not question witnesses, persons of interest or possible suspects in connection with any crime committed within the facility. Corrections staff will record any and all "excited utterances" made by anyone in connection with any incident or crime committed within the Correctional Facility. **This does not apply to administrative actions such as sanctions against an inmate for violation of facility rules and regulations.**
- E.** In the event that CID relinquishes a criminal investigation and does not refer the investigation to another agency, Correction Administration may continue the investigation for the purpose of imposing internal inmate disciplinary procedures. This investigation would be for the purpose of determining whether facility rules or regulations have been violated.
- F.** If, in the pursuit of conducting an investigation of internal disciplinary offenses, it is determined that a crime has been or is about to be committed the officer conducting the investigation will immediately cease their investigation and notify the on-duty Correction Supervisor for immediate referral to CID. The suspects will be isolated until interviewed by CID.
- G.** When any incident or criminal act occurs that requires immediate attention, the Shift Supervisor will be responsible to make administrative notifications, including CID, when necessary.

The Shift Supervisor will also ensure that follow-up reports and all other pertinent documents are submitted to the Criminal Investigations Division regarding the incident. If the incident occurs after normal business hours, the Corrections Supervisor will make immediate contact with the Uniform Road Patrol Supervisor and follow direction from such supervisor until CID arrives on the scene.

IV. SCENE PRESERVATION:

- A. Crimes can occur at any time or place inside or outside of the correctional facility. It is the responsibility of all Correction Officers to know and practice the proper procedures for preserving a crime scene. The proper handling of evidence at a crime scene could have significant impact on the outcome of criminal proceedings.
- B. To be able to preserve a crime scene and the evidence therein, officers must know what a crime scene is and how to respond to it. A crime scene is any area where a crime has been or is believed to have been committed, or the nature of an incident is unknown at the time of discovery. An area where a crime has been committed is considered a crime scene until the investigation has been completed. There may be multiple crime scene sites involved with one criminal action. All areas must be protected until processed.
- C. It is critical that the following steps be taken when responding to a crime scene:
 - 1. Maintain Safety – Officer safety and the safety of others is paramount.
 - 2. Remain alert and attentive.
 - 3. Obtain Assistance – If necessary, call for assistance.
 - 4. Contact Central Control to direct all facility cameras be directed and remain on the crime scene, until advised by CID to return to normal activity.
 - 5. Note the Time – Check the time and write in down.
 - 6. Note the Presence of Others – Note people that are present at the scene and/or who are leaving upon your arrival. Be observant of any verbal statements made by individuals. Take notes.
- D. To secure the scene, the following needs to be done immediately:
 - 1. Secure any dangerous instruments or weapons, **ONLY if the continued presence of such instrument or weapon will present imminent danger to staff or inmates.** In the event such dangerous instrument or weapon must be removed and secured, such instrument or weapon will be photographed in its place prior to removal and secured pursuant to Section E below.

2. Secure and control persons at the scene
3. Lock inmates in their cells or remove them from the scene
4. Remove uninvolved individuals from the scene
5. Establish a perimeter and, if necessary, use tape or some other type of barrier to keep individuals away
6. Control access to the area. Unless directly involved in the investigation, a person should not be given access to the crime scene
7. Document the times and names of the individuals entering the area
8. Document any changes to the scene that might have occurred while the area was being secured. (i.e. door opened or closed)
9. Maintain written notes. The Rosario Rule states that ALL notes regarding an incident need to be kept. Any and all notes will be directly turned over to CID.

E. EVIDENCE - The collection of evidence in any incident is critical. How it is collected, preserved and handled is often scrutinized during court proceedings. Nothing will be removed from any crime scene by Corrections staff unless such continued presence as outlined in Section IV, D, 1 is warranted. All evidence will be stored in the department's evidence storage room maintained in the CID area.

It is critical that appropriate documentation is maintained to show the chronological history of the evidence or "Chain of Custody". Documentation will include:

1. The name and signature of the officer collecting the evidence. The officer securing such dangerous instrument or weapon will retain custody until such time as it is directly turned over to a member of the Road Patrol or Criminal Investigations Division.
2. The name and signature of each officer to whom the evidence was transferred
3. A list of all items collected with descriptions of each
4. The date(s) and time(s) the evidence was collected and/or transferred
5. The agency and case number
6. Any victims or suspects names

***NOTE* Any dangerous instrument or weapon which is authorized to be removed pursuant to Section IV,D,1 which has or possibly has any trace or blood related material adhered to such will be placed in a PAPER evidence container until such time as it is turned over to CID.**

V. Arrest by members of the Corrections Division

- A. No member of the Corrections Division will place anyone under lawful arrest for any crime committed within the Seneca County Correctional Facility unless directed to do so by CID.
- B. Any and all crimes committed or attempted within the Seneca County Correctional Facility will be investigated by the Criminal Investigations Division.