

POLICY

It is the policy of the Michigan Department of Human Services (DHS) Bureau of Juvenile Justice (BJJ) that the investigation officer investigates assigned incidents involving juveniles placed in BJJ facilities and BJJ staff.

PURPOSE

This policy requires that investigations ensure policy adherence and appropriate job performance.

DEFINITIONS

See JRG, JJ Residential Glossary.

**RESPONSIBLE
STAFF**

Designated in the facility standard operating procedure.

PROCEDURE

The BJJ investigation officer is required to develop and implement a procedures manual for investigation protocol. At a minimum this manual must contain the following components:

**Investigation
Officer
Responsibilities**

The investigation officer is responsible for all of the following:

- Review the initial information/evidence and identify the nature of the assignment as either criminal or administrative.
- Notify the appropriate investigative agencies:
 - DHS office of legal affairs and financial integrity administration for staff conduct that is criminal in nature.
 - The DHS office of labor relations regarding personnel action.
 - The local law enforcement agency for youth criminal misconduct.

- The appropriate facility administration for administrative investigations following approval of the BJJ director.
- Identify potential witnesses and subjects.
- Determine if any additional information, documentation, and evidence is required.
- Review relevant policies and operating procedures.
- Gather and preserve all evidence and supporting documents related to the incident.
- Store evidence in a manner that best ensures the chain of custody.
- Interview witnesses and suspects following all applicable bargaining unit agreements, civil service rules and regulations, and DHS policy and procedures.
- Obtain written statements from all suspects and witnesses to the assigned incident whenever possible.
- Document findings in a written report.

Guidelines For a Written Report

Investigation reports generated by the BJJ investigation officer contain all of the following:

- The nature of complaint.
- The suspect's vital information.
- The details of the investigation.
- A summary.
- A conclusion.
- The status.
- An evidence list.
- A witness list.

Note: Investigation reports are provided to the BJJ director or designee for final approval before closing the investigation.

**Investigation
Disposition**

All closed investigations indicate one of the following as the BJJ's final decision:

- Sustained, when there is sufficient evidence to conclude that the allegation is true.
- Not sustained, when there is insufficient evidence to conclude that the allegation is true.
- Unfounded, when there is sufficient evidence to conclude that the allegation is not true.
- Other, when an allegation does not fall into any of the above categories.

**Record
Retention and
Disposal**

Closed/completed investigation files are stored in the BJJ investigation office.

Closed/completed investigation files are purged:

- Seven (7) years after completion when criminal or administrative action is taken or, when applicable, in compliance with collective bargaining agreements.
- One (1) year after completion with no disciplinary action taken.
- Closed investigations involving BJJ staff resulting in no adverse action are destroyed in accordance with the Bullard-Plawecki Act.

**Employee Right
to Know Act
Compliance**

Notification to the employee is accomplished as follows:

- As part of the interview, if the employee is interviewed by the BJJ investigator or in conjunction with another agency being assisted by BJJ.

- If through the course of an investigation, the employee/suspect is exonerated of a complaint and they are unaware that such an investigation has been conducted, an employee notification letter is sent.

AUTHORITY

Management and Budget Act, MCL 18.1101 et seq.
Bullard-Plawecki Employee Right to Know Act, MCL 423.501 et seq.
Civil Service Regulation, 1.03