



Illinois Department of Corrections

Administrative Directive

Number: 01.12.101	Title: Employee Criminal Misconduct	Effective: 7/1/2021
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	01.12.101 effective 4/1/2006

Authority: 20 ILCS 2605/55a-6 720 ILCS 5/33-3 730 ILCS 5/3-2-2 20 IAC 112 and 120 Governor's Administrative Order #6 (2003) Illinois State Police and Illinois Department of Corrections Memorandum of Understanding dated April 1, 2004	Related ACA Standards: 5-ACI-1A-07, 10, 18, 5-ACI-1C-01, 20, 23, 5-ACI-1F-01, 02, 06, 08
Referenced Policies:	Referenced Forms:

I. **POLICY**

Allegations of employee criminal misconduct that may result in criminal prosecution of an employee shall be reported immediately in accordance with this directive. Handling of such reports shall be confidential.

II. **PROCEDURE**

A. **Purpose**

The purpose of this directive is to establish written guidelines for the reporting of suspected employee criminal misconduct that may result in criminal prosecution of the employee.

B. **Applicability**

This directive is applicable to all correctional facilities, offices, programs and parole services within the Department.

C. **Facility Reviews**

Due to the sensitive nature and confidentiality of reports, a facility review of this directive shall be conducted at least annually by a non-involved administrative staff member.

D. **Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. **Definitions**

Chief Administrator – the Chief Administrative Officer of a correctional facility or program site; or for all other offices, the Deputy Director or Chief of the appropriate division or the Assistant Director of the Department.

Employee criminal misconduct – for purposes of this directive shall mean any employee conduct that may constitute criminal activity in accordance with 720 ILCS 5/33-3.

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F. General Provisions

1. The Director shall be advised immediately of any allegations of employee criminal misconduct.
2. The Chief of Investigations and Intelligence shall act as the liaison between the Department and the Illinois State Police in reporting allegations of employee criminal misconduct.
3. Jurisdiction over investigations of suspected employee criminal misconduct shall be based on the April 1, 2004 Memorandum of Understanding between the Department and the Illinois State Police.

G. Requirements

All reports of employee criminal misconduct shall be made in writing and shall be marked "CONFIDENTIAL." Dissemination shall be restricted to a need-to-know basis. Reports of a more serious or urgent nature may be made via the telephone with the written report submitted within 24 hours.

1. Immediately upon receipt of an allegation of employee criminal misconduct, the Chief Administrator shall conduct an inquiry to determine whether there is any real or apparent employee criminal misconduct and shall advise the respective Deputy Director, Chief or other Executive Staff member if the allegation has merit. No further action shall be taken unless so advised by the Chief of Investigations and Intelligence.
 2. The Deputy Director, Chief or other Executive Staff member shall immediately advise the:
 - a. Director; and
 - b. Chief of Investigations and Intelligence.
 3. The Chief of Investigations and Intelligence shall:
 - a. If the incident of alleged criminal misconduct is listed as a **reportable** offence in the Memorandum of Understanding, advise the Illinois State Police, Division of Internal Investigations and obtain instructions regarding investigations and further reporting.
 - b. If the incident of alleged criminal misconduct is listed as a **non-reportable** offence in the Memorandum of Understanding or the incident is referred back from the Illinois State Police, investigate the incident.
 - c. Notify the facility or office in regard to further reporting requirements and advise who shall conduct the investigation.
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