

**ARIZONA DEPARTMENT OF CORRECTIONS  
DIRECTOR'S OFFICE**

**MEMORANDUM**

**TO:** DISTRIBUTION

**FROM:** CHARLES L. RYAN, DIRECTOR

**DATE:** January 13, 2016

**SUBJECT:** Director's Instruction # 342, Administrative Fact-Finding

This Director's instruction is effective immediately and will remain in effect until incorporated into Department Order #601, Administrative Investigations and Employee Discipline.

**PURPOSE**

This Director's Instruction provides procedures for conducting an administrative fact-finding as authorized by A.R.S. § 38-1104(C)(2), subject to and consistent with the general provisions of A.R.S. § 38-1104(F). An administrative fact-finding is preliminary questioning to determine the scope of the allegations or if an investigation is necessary. An administrative fact-finding shall not result in any disciplinary action against an employee, but may result in the initiation of an Administrative Inquiry as outlined in Department Order 601, Administrative Investigations and Employee Discipline.

**PROCEDURES**

- 1.1 The Director, Deputy Director, Division Director or Assistant Director may request an administrative fact-finding through the Inspector General.
  - 1.1.1 Upon receipt of the request, if the Inspector General determines that an administrative fact-finding is warranted, the Inspector General shall initiate an administrative fact-finding through the Administrative Investigations Unit (AIU). The Inspector General shall be the approving authority for all administrative fact-findings.
- 1.2 Administrative Fact-Finding Interview
  - 1.2.1 Administrative Investigations Unit (AIU) investigators shall:
    - 1.2.1.1 Conduct an administrative fact-finding interview in a confidential, impartial manner to preserve the dignity of all persons involved.
    - 1.2.1.2 Be authorized to bring into an institution only the Department issued items necessary to conduct the administrative fact-finding interview.

- 1.2.1.3 To the extent possible, conduct administrative fact-finding interviews during the employee's scheduled work hours and day. Unless justified by unusual or exigent circumstances, interviews shall not be conducted while the employee is on leave or regular days off.
  - 1.2.1.3.1 The employee's supervisors shall approve unscheduled work hours when the investigators determine that it is necessary to schedule an administrative fact-finding interview while the employee is off duty.
  - 1.2.1.3.2 The investigators shall consult with the Warden, Deputy Warden, Administrator or Bureau Administrator prior to making a determination that it is necessary to conduct an off duty administrative fact-finding interview.
- 1.2.1.4 When possible, conduct administrative fact-finding interviews at the institution or facility where the employee is assigned.
- 1.2.1.5 Make written notes and/or recordings of the administrative fact-finding interview(s). Employees may request an electronic copy of their interview in accordance with this Director's Instruction.
  - 1.2.1.5.1 Requests for an electronic copy of the employee's recorded interview shall be submitted in writing to the Inspector General with a statement of the purpose of the request. Oral requests are not sufficient and will not be accepted.
  - 1.2.1.5.2 AIU shall provide an electronic copy to the employee within five business days of receipt of the written request and statement of purpose, regardless of the status of the administrative fact-finding.
- 1.2.1.6 Afford the employee a ten-minute rest period every 50 minutes during the interview session for personal necessities, meals, and telephone calls.
- 1.2.1.7 Not subject an employee being interviewed to coercion, offensive or abusive language.
- 1.2.1.8 Not allow an employee to be questioned by more than two interviewers at one time, except that an observer approved by the interviewers and/or the AIU Supervisor may be present for training or supervisory purposes.
- 1.2.2 Investigators are not required to advise an employee of the employee's constitutional rights or provide an administrative advisory to the employee prior to commencing an administrative fact-finding interview.

- 1.2.3 The employee shall fully cooperate and completely and truthfully answer all of the investigator's questions. The failure or refusal to do so is grounds for discipline.
- 1.2.4 If previously unknown criminal conduct becomes apparent during an interview, the investigator shall immediately terminate the interview and contact the AIU Supervisor.
- 1.2.5 Employees may not have a representative present during an administrative fact-finding.

### 1.3 Administrative Fact-Finding Report

- 1.3.1 AIU shall provide a written administrative fact-finding report to the Inspector General within 60 calendar days of initiating an administrative fact-finding case number.
- 1.3.2 The Inspector General shall review the administrative fact-finding report and provide the completed report to the requesting Director, Deputy Director, Division Director or Assistant Director for review and determination of the need for further action.

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