

PRIVILEGED AND CONFIDENTIAL



INVESTIGATIONS & ENFORCEMENT DIVISION

INTERNAL CONTROLS AND PROCEDURES

Objective:

- 1) To ensure that all complaints received by the Commission alleging possible violations of the Public Officers Law, the Legislative Law, and the Civil Service Law, are appropriately documented, managed, and tracked.**

I. Intake Process/Complaints:

A. Sources

The Commission receives complaints by mail, phone/hotline, electronically via email or through the COELIG website, referrals from government agencies, media reports, individuals walking into our Office (“walk-ins”), and COELIG-initiated matters, including referrals from other units within COELIG. Complaints received by phone and walk-in will immediately be reduced to writing utilizing the “intake complaint form.”

B. Complaint Intake and Case Adoption

1. Intake Schedule/Intake Administrators

- a. An individual investigator will be on assigned intake duty for a given week, on a rotational basis. Either the Director or Deputy Director of Investigations and Enforcement will create a monthly intake schedule, which will then be distributed to the Division and to administrative staff. The schedule will be distributed by the 15th of every month.
- b. If an investigator needs to change and/or swap intake coverage dates, the investigator will promptly notify the Director and/or Deputy Director, so the intake schedule can be modified accordingly.
- c. An intake administrator will be assigned for a given week, as designated by the Director and Deputy Director.

2. Initial Intake Procedure

- a. Mail
 - i. The investigator will upload and/or scan the items into the Investigations email inbox for review and follow-up with the complainant as, appropriate.

- ii. The investigator will then generate and send the complainant an acknowledgement of receipt. If feasible, the investigator will send the acknowledgment electronically.
 - iii. A record of communications, regarding matters outside of the Commission’s jurisdiction and purview, will also be logged by the intake investigator.
 - b. Phone/Hotline
 - i. For complaints that allege a violation of a provision of the Public Officers, Civil Service or Legislative Law within the Commission’s jurisdiction, including the Lobbying Act, by a person over whom the Commission has jurisdiction, the investigator will log the information into the “Phone Intake Form.” A record of communications, regarding matters outside of the Commission’s jurisdiction and purview will also be logged by the intake investigator.
 - c. Email/Website
 - i. The investigator will promptly review the complaint and follow-up for any additional information that may be needed to make a determination on the disposition and movement of the matter.
 - ii. The Investigation Division’s email address will, through autoreply, send acknowledgment emails/responses, of receipt, to all complainants.
 - iii. A record of communications regarding complaints or other matters outside of the Commission’s jurisdiction and purview will also be logged by the intake investigator.
 - d. Walk-ins
 - i. For complaints that allege a violation of a provision of the Public Officers, Civil Service or Legislative Law within the Commission’s jurisdiction, including the Lobbying Act, by a person over whom the Commission has jurisdiction, the investigator will log the information on an “Intake Form.”
 - ii. The investigator will upload and/or scan any supporting documents given by the complainant and will follow-up with the complainant as appropriate.
 - iii. A record of communications regarding complaints or other matters outside of the Commission’s jurisdiction and purview will also be logged by the intake investigator.
3. Intake Review
- a. The investigator will review complaints with the assigned intake administrator for that week. The intake administrators will then advise and consult with the Deputy Director the following Monday, concerning the prior week’s complaints.
 - i. Following the Monday meeting, the intake administrator for that given week will remove the prior week’s items from the

Investigations email inbox. The items will either be placed in a file folder for items to be logged and entered into the Case Management System (“CMS”) or into a folder for matters that do not allege a violation of law under the Commission’s jurisdiction by a person over whom the Commission has jurisdiction.

- ii. Following the Monday meeting, the intake administrator for that given week will circulate an agenda to be discussed at the unit’s internal, Tuesday meeting.
- b. Matters determined to not allege a violation of law under the Commission’s jurisdiction, after review by the intake administrators, Director, and/or Deputy Director, will be logged into a spreadsheet by the intake investigator, and if appropriate and after approval, referred to the relevant entity, under whose jurisdiction the matter more properly may lie. This spreadsheet will be sent to the Executive Director and General Counsel on a monthly basis.

4. Entering Matters into the Case Management System

- a. Complaints determined by the intake administrators and Director/Deputy Director to allege a violation of law under the Commission’s jurisdiction will be promptly entered into CMS by the intake administrator.
 - i. New matters will be discussed on a weekly basis by the investigative staff with the Director and Deputy Director and then reviewed by the General Counsel and Executive Director. This review process will determine if the complaint identifies a potential violation of law under the Commission’s jurisdiction and/or if it warrants further inquiry.
- b. The intake administrator will assign a sequential case number to each complaint and will enter the complaint, into CMS, by the close of business, on the following Wednesday of their assigned intake week, and after discussion at the weekly, Tuesday, internal meeting.
- c. Matters that are COELIG initiated are logged in at the discretion of and after consultation with the Director and Deputy Director, and then review by the General Counsel and Executive Director.

5. At initial entry, CMS entries should record and include the following information, where known and as applicable:

- a. complaint number;
- b. date of complaint;
- c. name of complainant and affiliated agency, if applicable;
- d. name and pedigree information of subject;
- e. title and agency of subject;
- f. nature of allegations;
- g. summary of the allegations;

- h. potential violations of law (POL, Legislative, Civil Service);
 - i. an assigned firewall attorney
 - j. and all recusals.
6. After entry into CMS and discussion, the Director and Deputy Director will promptly assign an investigator and attorney to each matter.
7. The Commission will be apprised of all new complaints and matters and of all matters in which Investigations staff wish to communicate outside of the Commission or issue subpoenas. Additionally, if a Commissioner subsequently reports a potential conflict and recusal, in regard to a specific matter, the assigned investigator will record that information in CMS.
8. There are three categories to identify the status of a case in CMS:
 - a. “Open”: matters where a 15-day letter has been sent;¹
 - b. “Pending”: matters that are under review but no 15-day letter has yet been sent;
 - c. “Closed”: those matters that were referred and closed, were resolved through decision or settlement, in which a guidance letter was sent, or were closed by staff or the Commission.
9. Complaints that relate to elected officials or heads of agencies and other high-profile matters must be brought to the attention of the Director, the Deputy Director and the executive Director as soon as practical.
10. Other complaints:
 - a. Complaints that warrant further inquiry and/or investigation are brought to the attention of the Executive Director to discuss next steps.
 - b. Complaints that do not fall under the Commission’s jurisdiction, but fall under the jurisdiction of a different agency, will be referred to that agency, where appropriate, and after authorization is granted to communicate or refer, as appropriate, by the Commission.
 - c. In certain instances, the complaint may be closed on its face after the “routine review.” The investigative staff shall have the authority to close those complaints on their face that do not allege a violation of law under the Commission’s jurisdiction (i.e.: election law violations, ethics complaints about local officials, wrongful imprisonment, etc.), or where the Commission has no jurisdiction over the subject, all after consultation with the Executive Director and General Counsel.
11. For matters that are entered into CMS, the subject will be added to the Lobbying and FDS audit draw hold list, when appropriate.

¹ For matters “opened” under JCOPE, JCOPE voted to open formal investigations.

12. After CMS entry, the investigator will create an electronic case folder on the “G” drive within the “Investigations” folder. The electronic folder will be identified by the name of the person or entity targeted in the complaint and assigned case number.
13. Only the Executive Director and Investigations and Enforcement staff will have access to cases in CMS. If a conflict is identified and/or a recusal is made, the individual’s access will be restricted in reference to that matter in CMS.
14. Supporting documentation received for a complaint will be promptly added and uploaded to the complaint’s “G” drive folder.