

**DIRECTIVE NUMBER 400-03-13**

**DATE:** July 1, 2013

**TO:** Department of Labor Special Investigators

**FROM:** Lana Gordon, Secretary of Labor

**SUBJECT:** Investigative Guidelines

**1. Purpose**

The Kansas Department of Labor (KDOL) relies on the Department's special investigators to conduct investigations necessary to carrying out its state mandated duties. The nature of these investigations includes detecting and preventing fraud, investigating human trafficking, enforcing the employment security law and to generally enforce all the criminal laws of the state as violations of those laws are encountered by such special investigators.

**2. Policy Statement**

KDOL special investigators shall have authority to make arrests, serve subpoenas and all other process, conduct searches and seizures, store evidence, and carry firearms, concealed or otherwise while investigating violations of the employment security law and to generally enforce all the criminal laws of the state as violations of those laws are encountered by such special investigators, except that no special investigator may carry firearms while performing such duties without having first successfully completed the training course prescribed for law enforcement officers under the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto. If findings of those investigations involve a potential violation of federal, state or municipal law, a report of the investigative findings will be forwarded to the appropriate prosecution authority for review and potential prosecution. KDOL personnel will fully cooperate with all such criminal prosecutions.

**3. Scope**

Information concerning possible violations of the law comes from many sources. Allegations or complaints may be received from law enforcement officers, private citizens, prosecutors and various public officials. Regardless of the source, including unsigned or anonymous assertions, KDOL special investigators will conduct an impartial assessment to determine whether the complaint rises to a potential violation of the law. Additionally, KDOL special investigators may self-initiate or directly receive and investigate any complaint. If the information or complaint received by KDOL is found to be outside the scope of the employment security law, the officer reviewing the complaint will consult with the KDOL Chief Attorney to determine whether to continue the investigation or whether the matter should be referred to another law enforcement agency or whether no further action should be taken.

Pursuant to K.S.A. 22-4611, complaints regarding racial or other biased-based policing must be made to the KDOL Chief Attorney or to the office of the Kansas Attorney General. The office of the Kansas Attorney General may forward those complaints to the Kansas Commission on Peace Officers' Standards and Training for further review and possible action. Initial complaint information received by the KDOL Chief Attorney regarding racial or other biased-based policing will be forwarded to the Kansas Attorney General's office.

**4. Definitions**

Complaint: For the purpose of this policy the term complaint shall include the terms assertion, allegation, accusation, contention and other similar meaning terms.

Employment Security Law: For the purpose of this policy the term Employment Security Law means the Employment Security Act and any rules and regulations adopted or order issued under the Employment Security Act.

KDOL special investigator: For the purpose of this policy the term KDOL special investigator shall include a special investigator designated by the Secretary as a law enforcement officer pursuant to K.S.A. 75-5702 and K.S.A. 74-5602.

Secretary: For the purpose of this policy the term Secretary means the Secretary of Labor.

## **5. Procedures**

A. Written complaints will be distributed to the special investigators through the KDOL's legal counsel. Incoming complaint telephone calls will be taken by any available special investigator, who may either keep the case or turn it over to legal counsel for review.

1. Incidents that on face value point toward a possible violation of the employment security law will be assigned an active case number and further investigated by a special investigator that is designated by the Secretary as a law enforcement officer.
2. Events that on face value point toward a possible violation any other criminal law that are outside the scope of the employment security law will be recorded in a log and the special investigator will brief the Chief Attorney on the alleged incident. A determination will then be made by the Chief Attorney as to whether to have the special investigator continue the investigation; whether the matter should be referred to another law enforcement agency; or whether no further action should be taken.

B. An investigation entails the collection of documents, recordings, or other relevant information and/or conducting interviews sufficient to allow an assessment of the case by the investigator and the KDOL Chief Attorney.

1. The special investigator may request that the Secretary issue a subpoena for documents or other relevant information pursuant to K.S.A. 75-5702.
2. KDOL employees may not knowingly accept or agree to accept anything of value as consideration for a promise not to initiate or aid in the prosecution of a person who has committed a crime, or otherwise act in violation of K.S.A. 2012 Supp. 21-5905, and amendments thereto.

C. The findings of the investigation will be presented to the Chief Attorney. The Chief Attorney may close the case with no further action, request further information, forward the case to another law enforcement agency, or forward the case to the appropriate prosecuting agency.

D. Once the case is concluded, in any manner, the special investigator will prepare a summary report and close the case as soon as practicable.

Signature on file

Lana Gordon, Secretary of Labor

Rescissions: None	Expiration Date: Continuous
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