

# Internal Investigations Guidelines

## For Support Coordination Agency Use

### Purpose

Support Coordination Agencies (SCAs) are responsible to conduct internal investigations when an allegation of abuse, neglect, or exploitation is received against an employee of the agency delivering Support Coordination services, unless they are otherwise advised by the Office of Investigation (OI) or the Critical Incident Management Unit (CIMU).

These guidelines have been created for SCAs tasked with internal agency investigations. When faced with investigating staff within the agency, SCAs are expected to comply with all reporting and investigation standards.

### Definitions

#### **Abuse**

**Physical** - An act directed at a person served by DHS that causes one or more of the following: pain, injury, anguish, or suffering. Such acts include, but are not limited to: kicking, pinching, biting, punching, slapping, hitting, pushing, dragging, or striking with a thrown or held object.

**Verbal/Psychological** - Any verbal or non-verbal act or omission that inflicts one or more of the following: emotional harm; mental distress; or invocation of fear, humiliation, intimidation, or degradation to a person served by DHS. Examples include, but are not limited to: bullying, ignoring a need, verbal assault, use of racial or ethnic slurs, or intimidating gestures, such as shaking a fist.

**Sexual** - An act or attempted act of lewdness, sexual contact, or sexual penetration between a staff member and person served by DHS. Any form of sexual contact or activity between a staff member and an individual is sexual abuse, regardless of whether the individual gives consent or the caregiver is on or off duty.

#### **Neglect**

**Neglect** - Failure to do, or permit to be done, any act necessary for the well-being of a person served by DHS; failure to provide the needed services and supports to ensure the health, safety and welfare of the service recipient.

**Examples include but are not limited to:** Not providing the necessary supervision to an individual to keep them safe per their ISP; failing to provide needed care such as shelter, food, clothing, supervision, personal hygiene, medical care, and protection from health and safety hazards.

#### **Exploitation**

**Financial** - Any willful, unjust, or improper use of the property or funds of a person served by DHS, for the benefit or advantage of staff. Examples of financial exploitation include, but are not limited to: appropriating, borrowing, or taking without authorization, personal property/funds belonging to a person served by DHS. Financial exploitation requires law enforcement notification.

**Personal** - Any willful, unjust, or improper use of a person served for the benefit or advantage of another; condoning and/or encouraging the exploitation of a person. Examples of exploitation include, but are not limited to: requiring him/her to perform functions/activities that are normally conducted by staff or are solely for the staff's convenience.

## **Investigation Basics**

The foundation of every investigation is the collection of key information and gathering of facts through interviews and a documentation review to answer the questions of who, what, where, when, why and how.



## **Investigation Steps**

### **Step 1: Review the incident report carefully.**

- What exactly are the allegations?
- Are there any immediate safety concerns that need to be addressed?
  - If the SC is the alleged perpetrator, this could include suspending the SC pending the outcome of the investigation (based on the SCA policy).
- Is there evidence or any agency-owned electronic devices that may contain evidence and must be secured?
- Identify all alleged victims, alleged perpetrators, eye-witnesses, and collateral contacts.
- Identify the location of the incident/allegation (day program, the individual's home, the telephone, etc.).
- When did the alleged incident reportedly occur? Does an SC Monitoring Tool, or case note provide information?
- If law enforcement is investigating, ask whether the SCA may proceed with gathering documentation, but not interviewing.
  - The SCA will need to continue to follow up with law enforcement to obtain updates on the criminal investigation and see when the agency can proceed with portions of their internal investigation.
  - Do not wait for law enforcement to contact you, the SCA must be proactive and contact them.
  - Follow instructions from law enforcement. They may instruct you to refrain from speaking to anyone involved until their investigation is complete.

### **Step 2: Develop an investigation plan.**

- Identify and list out all allegations, ensuring you understand each allegation.
- List all people who need to be interviewed. Consider that everyone who may have information may not be listed in the incident report.
- Schedule interviews as soon as possible.
- Identify documentation and evidence that needs to be collected.
- Obtain the most recent documentation and/or document related to the time of the incident.
- Determine if a site visit is needed. (I.e. if the allegation is that the SC threw a chair in the individual's home putting a hole in the wall, the SCA may need to go to see the home and the reported damage.)

### **Step 3: Prepare for interviews.**

- Determine initial questions. Group questions together by topic addressing only one allegation at a time.
- It may be helpful to interview the reporter of the allegation and alleged victim first. The SCA can utilize that information when interviewing other witnesses and the alleged perpetrator.
- If an alleged perpetrator is going to be suspended or terminated from employment, it is best practice to interview them and obtain their written statement prior to the employment action.

### **Step 4: Conduct the interviews.**

- Begin each interview with an open mind.
- Explain your role & responsibilities. Identify ground rules/procedures/expectations.
- Advise the interviewee why they are being interviewed.
- Inform the interviewee that everything discussed in the interview must remain confidential.
- Avoid leading and closed-ended questions.
- Approach the interview with sensitivity and empathy. Ensure the alleged victim feels comfortable, safe and supported.
- If you believe an interviewee is being untruthful, you may want to present the evidence and ask them to explain why what they are saying does not match the evidence.

**Interview Tip**

If interviewing an individual (or another interviewee) it may be important to determine if they are oriented to person, place and time.

For example, if an individual alleges that their Support Coordinator called them a name or hurt them in some way during a home visit, before asking specific questions about the incident, the SCA representative may need to establish if they are oriented to person, place and time, and have the ability to recall when/if they saw or spoke to their SC. The SCA representative can then determine questions based on the individual's level of understanding.

**Potential questions to determine orientation:**

- What is your SC's name?
- Can you describe what they look like?
- When do you see your SC?
- Do you remember seeing your SC on \_\_\_\_?
- Do you know what day of the week it is today?
- Can you tell me the last time you saw your SC?
- Can you tell me where you met with your SC?
- What room did you and your SC meet in? Was anyone else in the room?
- What did you and your SC talk about?
- Tell me how your SC helps you.

**Step 5: Collect written statements.**

- At the end of the interview, encourage the interviewee to write a thorough statement by saying it is their opportunity to put everything in their own words.
- Ask the alleged perpetrator to write a written statement that covers everything discussed during the interview.
- Read the written statement prior to letting the interviewee leave the interview room.
- Identify conflicting or missing information and ensure all discrepancies are addressed. If there are inconsistencies between what they said in their interview and the written statement, ask them to explain the inconsistencies.

**Handling Conflicting Information**

- Seek clarification if information provided does not match recorded or known information.
- Be straightforward and ask about specific dates and/or reported complaints.
- Use open-ended questions to allow the respondent to explain in their own words.
- If answers contradict other information, ask direct follow-up questions like:
  - Why would someone report that you are not making in-person visits?
  - Why would the individual or family or person say <allegation>?
  - Why would the monitoring tool say you conducted a home visit when the family reports being away on vacation on that date?

**Step 6: Complete analysis and determine findings.**

- Analyze each piece of evidence gathered throughout the course of the investigation.
- Tie the facts of the case to the elements of the allegation/event.
- Ensure information is clear.
- Determine whether there is enough evidence to substantiate the allegation or if the evidence supports an unsubstantiated finding.
- Findings are based on a preponderance of evidence standard.
  - A preponderance of evidence means evidence is sufficient to generate a belief that the conclusion is likely and more probable than not.

## **Writing the Investigation Report**

The Investigation Report includes the following:

**Investigation Overview** - An overview of the incident/allegation

**Evidence** - A description/listing of the documentary, testimonial, physical, and digital (photo/video) evidence reviewed

**Evidence Summary** - A summary of the documentary, testimonial, physical and digital (photo/video) evidence reviewed, to include key details

**Conclusion** - A summary of the facts supporting the substantiated or unsubstantiated findings

## **Report Template Sample:**

**The following template can be utilized for the findings:**

### **Conclusion:**

Based upon a preponderance of the [testimonial/documentary/ physical/video] evidence obtained, the allegation that [First and Last Name] was [abused/neglected/exploited] by [Agency] [staff title] [First and Last Name], is [substantiated/unsubstantiated].

Specifically, on xx/xx/xx, [insert summary of findings]

The findings are based upon the following:

[Describe the testimonial/documentary/physical evidence that supports the findings (substantiated or unsubstantiated)].

## **Follow-Up Actions**

• Upon completing their internal Investigation, if the allegation is substantiated, the SCA takes appropriate disciplinary action against the alleged perpetrator.

• The disciplinary action is based upon the SCA's policies.

• The SCA takes disciplinary action based upon the outcome of their internal investigation, they do not need to wait for the outcome of the Office of Investigations (OI) investigation.

• At the conclusion of the OI investigation, the SCA will receive a detailed Findings Letter.

• A plan of correction is required for all substantiated OI investigations and all unsubstantiated OI investigations with related concerns.

## **Office of Investigations (OI) Contacts**

Questions about investigations may be directed to the Office of Investigations at their Main Number: 609-292-2102

- Jill Andres, Director, Office of Investigations
- Cynthia Sandt, Chief, Northern Region
- Steven Rusin, Chief, Central Region
- Mark Tahmoosh, Chief, Southern Region
- Julie Ruestow, Supervisor