

Exhibit I

Course Description

▶ DAY 1: Basic Investigation

- Investigative Responsibility
- Incident Assessments
- Investigative Planning
- Scene Preservation
- Evidence Collection
- Injury Assessments
- Photography
- Diagrams & Visual Aids
- Document Collection
- Writing the Report

Course Description

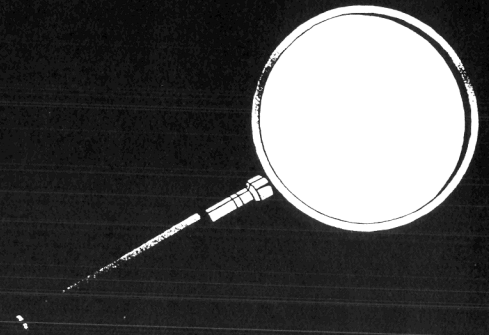
- DAY 2: Interviewing Techniques
 - Selecting Appropriate Setting
 - Interviewing Sequence
 - Interview Preparation
 - Employee Rights During Interview
 - Union Representatives Role
 - Initial Interview/Follow-Up/Background
 - Do's & Don't's of Interviewing
 - Utilizing Diagrams & Visual Aids
 - Written Statements

Investigative Plan

Know where you're going before you get going-HAVE A PLAN

- Review the elements of the alleged offense.
- Determine documents needed to collect.
 - ▶ Review those documents
 - ▶ Determine need for follow-up injury assessments or photographs
- Determine who you are going to interview.
 - ▶ Establish the order of interviews
 - ▶ Determine questions you need to answer-this will be based on the elements of the offense

Tools for your job



- Tape Measure
- Two cameras (one 35mm & one polaroid)
 - ▶ Extra film
- Ruler 6" (for photographs)
- Rubber Gloves
- Evidence Tape (to isolate scene)
- Statement Forms
- Paper Evidence Bags
- Tongs

Securing a Scene

Does every “scene” require securing?

- Scenes should be secured if potential evidence exists that will assist in the investigation.
 - ▶ Physical Evidence?
 - ▶ Visual Evidence?
- Specific incident location is identified.
- Location can be secured within a reasonable time.

Checklist for Securing a Scene



- Remove everyone from the area.
- Document who was in the area prior to removal.
- Establish barriers.
- Restrict access & document who enters the area.
- Maintain area until the following are completed:
 - ▶ Photographs
 - ▶ Diagram of scene
 - ▶ Evidence collection
- Investigator securing the scene determines when the scene is released.

Photographs

- ▶ Ask subject's permission to photograph
 - Document in writing
- ▶ Label photographs properly
 - Place label on back of photograph & reflect date, time, location, photographer, subject of photograph, case number
- ▶ Polaroid vs. 35 mm
- ▶ Quick development/back-up photographs
 - Use separate rolls of film for each case
- ▶ Photographs document the existence of injuries or the lack thereof

Photographs

- ▶ Take an identifying photograph
- ▶ Utilize measuring instrument as reference
- ▶ Complete a photo log
 - Number of photographs taken
 - Description of subject matter of photograph
 - Numeric identification of photographs
 - Identity of the photographer
 - Date, Time, Location
 - Case number
- ▶ Take supplemental photographs to reflect injury healing progression when deemed necessary.

Diagrams

- Create a diagram of the scene and include;
 - ▶ Related Measurements
 - ▶ Room/furniture/contents & the layout
 - ▶ Official number or name of the building and/or room
 - ▶ Nickname/slang name of the building and/or room as otherwise known, if applicable
 - ▶ Sign & Date diagram when completed

Evidence Collection

Where to begin...

- Photograph evidence before collection.
- Diagram location of evidence (if applicable).
- Be sensitive to evidence contamination.
- Place evidence in a clean PAPER bag/container.
 - ▶ Each piece of evidence in separate bag/container
- Secure bag by stapling or taping.
- Affix signature and date across edge of tape.
- Complete evidence log.
- Maintain Chain of Custody

INVESTIGATIVE PLANNING

INVESTIGATIVE PLANNING

The key to getting an investigation off on the right foot is, as with some many things in life, having a plan. Without a plan, the investigator is just winging it and the results will be hit or miss, most of the time. You, as the investigator, must have a plan in mind when you initiate your investigation. You must have certain goals in mind and strategies outlined on how you are going to achieve those goals. The ultimate goal of course is to find the TRUTH about an incident. But how you go about it might make all the difference in the world.

Following are some points you may want to consider when formulating your investigative plan:

- Safety of the individual assessed - do you see a need to intervene
- Do you want to gather documents before interviewing
- Background interviews/information needed before an interview is conducted
- Policy or Rule determination/examination
- Order in which interviews are going to be conducted - can you vary from that order - at what impact to the investigation
- Where/when interviews going to be held
- Interview or Interrogation
- Do you want/need help with an interview
- What are the elements of the alleged offense
- Are all potential witnesses available or will you have to make a trip or send certified mailings
- What priority does this case take in your case load
- Are there areas in this incident of which you're not sure and need help from peer or supervisor
- How does this case impact your current caseload - should you start it now or after another

- If already interviewed once, which witnesses warrant a follow-up interview
- How are you going to verify information already received
- Where to find the information you are seeking. If unsure, who is best source to obtain the information from

There are many things to consider when initiating an investigation. The more things you can plan, the better. You will never plan everything and you can never predict the exact manner the entire investigation will follow. You must stay flexible and revise your plan as you go. However, the good investigator will always have a good idea where they are trying to go with a case, and the way they are trying to get there.

Our Investigative Goal

- Simultaneously determine
 - if the alleged incident occurred and
 - if the incident constitutes Abuse or Neglect.
- Whether the alleged incident occurred is determined by ***
 - Perponderance of the evidence = 51% or greater
- Whether the incident constitutes Abuse or Neglect is determined by ***
 - Each element being present and proven

Understanding Elements

Elements = Ingredients

- Chocolate Chip Cookies = Flour + eggs + butter + salt + baking powder + *chocolate chips*.
- No chocolate chip cookies without
 - *Chocolate chips*



Understanding Elements

ABUSE

- Definition = Any physical injury, sexual abuse, or mental injury inflicted on an individual other than by accidental means.
- Elements:
 - Physical Injury, Sexual Abuse, or Mental Injury
 - Individual
 - Non-accidental means

Elements

PHYSICAL INJURY

- Definition = Physical harm to an individual caused by any non-accidental act or omission
- Elements:
 - Physical Harm
 - Individual
 - Non-accidental act or omission

Elements

MENTAL INJURY

- Definition = Harm caused by an act or omission that precipitates emotional distress or maladaptive behavior, or could precipitate emotional distress or maladaptive behavior including the use of words, signs, gestures or other actions toward or about and in the presence of individuals.

Elements

MENTAL INJURY

- Elements:
 - Harm
 - Act or Omission
 - Emotional Distress or Maladaptive Behavior
 - OR could have
 - Words, signs, gestures or other actions
 - Toward or about individual
 - AND in the presence of individuals

Elements

SEXUAL ABUSE

- Definition = Any act of sexual contact, sexual penetration, sexual coercion or sexual exploitation of an individual.
- Elements:
 - Act of sexual contact, penetration, coercion or exploitation
 - Individual

Elements

SEXUAL CONTACT

- Definition = Inappropriate contact between an individual receiving services and another person involving either an employee's genital area, anus, buttocks or breasts or an individual's genital area, anus, buttocks or breasts.
- Elements:***
 - Inappropriate contact
 - Individual and another person
 - Involving either an Employee's or
 - An Individual's
 - Genital area, anus, buttocks or breasts

Elements

NEGLECT

- Definition = The failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to an individual or in the deterioration of an individual's physical or mental condition.

Keep On Plannin'

- How are you going to determine if the care given was adequate?
 - ▶ First you have to determine what adequate care is for a situation like the one described?
 - What is coffee grounds emesis and what does it mean in context to this allegation?
 - Who could give you information regarding adequate care?
 - What documents would define adequate care in this case?
 - ▶ You have to know this to properly determine if Neglect was a factor in this case.

The "Plan" continues

- What was the care given by the nurse?
 - ▶ What care did she/he state they provided?
 - ▶ Who can you interview to verify the care given?
 - ▶ What documents will verify the care given?

The "Initial" plan moves on

Keep on keepin on !

- ▶ How are you going to determine if there was physical or mental injury?
- ▶ What happened to the individual?
- ▶ What documents show the resulting physical harm?
- ▶ How is the result a "harm" (A wrong or injustice?)
- ▶ Is there a mental injury?
- ▶ How are you going to prove emotional distress or maladaptive behavior?
- ▶ Is there a deterioration of a physical or mental condition?
 - If so, what documents or expert witness statement(s) might you need to procure?

The Investigative Planning Phase Re-Cap

- Identify the definition that relates to the allegation
- Identify the elements of that definition
- Determine all documents needed to address the elements
- Determine and list the persons you are most likely going to interview
- Determine what it is you need to know from these persons
 - This will be determined by the elements of the offense

Planning Phase

Continued

- Determine what background interviews you may need to conduct.
- Remain flexible as new information may expand or vary your original plan
- Keep your plan as a working document throughout your investigation.
 - It will serve as your on-going roadmap and identify areas you failed to address

Wrap up

Is It or Isn't it ?

- Did the incident happen?
 - This will be determined by the existence of a preponderance of the evidence or the lack of a preponderance.
- Does the incident constitute Abuse or Neglect?
 - Are all of the elements of the offense present?
 - Have you proven each element?
 - If the answer to either of the above questions is no, then you have an unsubstantiated case.
 - If the answer to both of the above two questions is yes, then substantiated it is.

INVESTIGATIVE PLANNING

1. Is an investigative plan form necessary to complete on each case?
 - A. Yes
 - B. No
 - C. In Nurse Aide Registry cases only

2. Elements of an offense are like
 - A. Ingredients
 - B. Definitions
 - C. Building blocks

3. An investigative plan is a:
 - A. Investigative tool
 - B. Road map
 - C. Aide
 - D. All of the above
 - E. None of the above

4. Our investigative goal consists of:
 - A. Determining if an incident has occurred
 - B. Substantiating as many cases as possible
 - C. Recommending possible discipline
 - D. Determining if an incident constitutes Abuse or Neglect
 - E. All of the above
 - F. None of the above
 - G. A and C
 - H. B and C
 - I. D and A
 - J. A, B and D

5. What determines if an incident occurred?
 - A. The victim says it did
 - B. A preponderance of the evidence
 - C. The physical evidence recovered
 - D. None of the above
 - E. All of the above
 - F. A and C

6. True or false: What the adequate care should have been is important with regard to a Neglect allegation?
 - A. True
 - B. False

7. Physical Injury (in the context of Rule 50) means:
 - A. Visible injury only
 - B. Visible injury and pain combined
 - C. Pain only
 - D. A physical wrong or injustice
 - E. Any injury requiring medical treatment

8. Pick the statement which more accurately reflects what you should do:
 - A. Obtain specific answers to specific questions
 - B. Obtain answers to specific questions
 - C. Obtain specific answers to questions
 - D. Obtain answers only to specific questions outlined in your investigative plan

9. True or False: All investigators should strive to become an independent island, relying only on him or her self?
 - A. False
 - B. True

10. True or False: Investigative Plans should only be used in extremely complex cases.
 - A. True
 - B. False

<input type="checkbox"/> DEPARTMENT DIRECTIVE <input type="checkbox"/> INSPECTOR GENERAL DIRECTIVE		DIRECTIVE NUMBER INV 02-016
CLASSIFICATION LEVEL <input type="checkbox"/> UNCLASSIFIED <input type="checkbox"/> CONFIDENTIAL		DATE ISSUED 12/16/02
SUBJECT: INVESTIGATIVE CHECKLISTS	IG Guidelines, Section H	REVISION DATE(S)

I. Policy

The Office of the Inspector General will:

- A. Provide instruments which support the investigative skills and abilities of investigators.
- B. Provide operational resources to assist investigators in the planning of an investigation.
- C. Ensure complete planning and follow-up while conducting an investigation.

II. Responsibilities: Investigators may utilize the investigative checklists in the planning of all investigations to ensure that critical areas of an investigation are not overlooked.

III. Procedures

- A. Investigators may use the investigative checklists found in the addenda to this Directive as investigative planning tools, and may be used individually or in conjunction with any other checklist.
 - 1. General Abuse and Neglect Investigative Checklist (Addendum 1)
 - 2. Document List (Addendum 2)
- B. Each Bureau Chief has the authority to mandate completion of the investigative checklists by Investigators under his/her supervision.

---End of Directive---

Conclusion

- An investigative plan can assist you in self-coordinating an investigation.
- Solicit help from fellow OIG personnel who may have strengths or an expertise you do not have.
- Identify the elements of the offense alleged.
- Plan how you are going to address those elements.
- Determine documents to be collected
- Determine persons to interview

Conclusion

Continued

- Determine what specific questions you need answers to in order to determine if the incident constitutes Abuse or Neglect.
 - ▶ Not to be confused with non-objectiveness
 - ▶ You want answers to specific questions, NOT specific answers to questions.
- If substantiated case, anticipate possible defenses and closed those doors.

The End

Although many of us fancy ourselves as seasoned Investigators, all of us can benefit from thorough planning and a team effort.

One should not view themselves as an island, we can all help each other and we should welcome any and all assistance if that assistance furthers our goal of producing the best, most thorough investigation possible.

HAPPY PLANNING

INVESTIGATIVE PLANNING

1. Is an investigative plan form necessary to complete on each case?
 - A. Yes
 - B. No
 - C. In Nurse Aide Registry cases only

2. Elements of an offense are like
 - A. Ingredients
 - B. Definitions
 - C. Building blocks

3. An investigative plan is a:
 - A. Investigative tool
 - B. Road map
 - C. Aide
 - D. All of the above
 - E. None of the above

4. Our investigative goal consists of:
 - A. Determining if an incident has occurred
 - B. Substantiating as many cases as possible
 - C. Recommending possible discipline
 - D. Determining if an incident constitutes Abuse or Neglect
 - E. All of the above
 - F. None of the above
 - G. A and C
 - H. B and C
 - I. D and A
 - J. A, B and D

5. What determines if an incident occurred?
 - A. The victim says it did
 - B. A preponderance of the evidence
 - C. The physical evidence recovered
 - D. None of the above
 - E. All of the above
 - F. A and C

6. True or false: What the adequate care should have been is important with regard to a Neglect allegation?
 - A. True
 - B. False

7. Physical Injury (in the context of Rule 50) means:
 - A. Visible injury only
 - B. Visible injury and pain combined
 - C. Pain only
 - D. A physical wrong or injustice
 - E. Any injury requiring medical treatment

8. Pick the statement which more accurately reflects what you should do:
 - A. Obtain specific answers to specific questions
 - B. Obtain answers to specific questions
 - C. Obtain specific answers to questions
 - D. Obtain answers only to specific questions outlined in your investigative plan

9. True or False: All investigators should strive to become an independent island, relying only on him or her self?
 - A. False
 - B. True

10. True or False: Investigative Plans should only be used in extremely complex cases.
 - A. True
 - B. False

Illinois Department of Human Services

Office of the Inspector General

<input type="checkbox"/> DEPARTMENT DIRECTIVE <input type="checkbox"/> INSPECTOR GENERAL DIRECTIVE		DIRECTIVE NUMBER INV 02-016
CLASSIFICATION LEVEL <input type="checkbox"/> UNCLASSIFIED <input type="checkbox"/> CONFIDENTIAL		DATE ISSUED 12/16/02
SUBJECT: INVESTIGATIVE CHECKLISTS	IG Guidelines, Section H	REVISION DATE(S)

I. Policy

The Office of the Inspector General will:

- A. Provide instruments which support the investigative skills and abilities of investigators.
- B. Provide operational resources to assist investigators in the planning of an investigation.
- C. Ensure complete planning and follow-up while conducting an investigation.

II. Responsibilities: Investigators may utilize the investigative checklists in the planning of all investigations to ensure that critical areas of an investigation are not overlooked.

III. Procedures

- A. Investigators may use the investigative checklists found in the addenda to this Directive as investigative planning tools, and may be used individually or in conjunction with any other checklist.
 - 1. General Abuse and Neglect Investigative Checklist (Addendum 1)
 - 2. Document List (Addendum 2)
- B. Each Bureau Chief has the authority to mandate completion of the investigative checklists by Investigators under his/her supervision.

---End of Directive---

Illinois Department of Human Services

Office of the Inspector General

<input type="checkbox"/> DEPARTMENT DIRECTIVE <input checked="" type="checkbox"/> ADDENDUM TO: INV 02-016	<input type="checkbox"/> INSPECTOR GENERAL DIRECTIVE	DIRECTIVE NUMBER ADDENDUM 2
CLASSIFICATION LEVEL <input checked="" type="checkbox"/> UNCLASSIFIED <input type="checkbox"/> CONFIDENTIAL		DATE ISSUED 12/16/02
SUBJECT: ADDENDUM 2: DOCUMENT LIST		REVISION DATE(S)

Listed are documents that may need to be retrieved when investigating an allegation of either Abuse, Neglect, Exploitation, or Death. Check the appropriate documents for the investigation being conducted.

Documents	Facility		Agency	Domestic Abuse
	DDC	MI		
Autopsy Report				
Bank Records				
Behavior Program to address behaviors.				
Behavior Intervention Plan				
Behavior Program.				
Certification of staff working the shift				
Communication Sheets / Assignment Sheets. (Supervisor, Technician, Nurse).				
Coroner's Report				
Court Documents - Order of Protection				
<i>Credibility Assessments on Person Receiving Services Witnesses</i>				
Credit Card Bills				
Current History and Physical				
Death Certificate				
Diagrams				
Evaluation of Unobserved Injuries SODC 604				
Evaluation of Observed Injuries SODC 604-A				
Face Check Sheet / Special Attention / Observation Sheets				
Facility and / or Department Policy related to the case				
Facility or Agency Policy & Procedures				
Final Discharge Summary				

Documentation	Facility		Agency	Domestic Violence
	DDJ	MD		
Habilitation Plan				
Hospital Records				
Initial Written Statement(s)				
Initial Physical Exam into facility.				
List of employees responding to a code/ assistance call.				
MAR (Medication Administration Record)				
Master Treatment Plan				
Medical Emergency Flowsheet				
Medical Examination Reports				
Medical Records/Hospital Records				
Notification of Rights (if appropriate)				
Nursing Care Plan				
Nurses Notes and shift summary				
Patient Care Flow Sheet				
Phone Bills				
Photographs of Victim Injury				
Photographs				
Psychiatric Evaluation				
Physician Orders				
Physician's Examination / body check				
Police Reports				
Proof of Guardianship				
PRN Use				
Progress Notes Prior to the incident				
Progress Notes Day Following the incident				
Progress Notes Day of the incident				

Documents	Priority		Agency	Document Type
	DD	MD		
Psychological Report (if emotional abuse is alleged).				
Rape Kit Test				
Restraint / Seclusion Record,				
Restraint Records including monitoring record				
Security Logs				
Security Service Occurrence / Incident Report				
Service and Support Plan (Supervision Assessment)				
Social History				
Special Attention Directive including monitoring record				
Supervisor's Log				
Technician 3 Log				
Time Sheets				
Training Records				
Transfer Plan				
Trash Pickup				
Treatment Plan / Habilitation Plan.				
Unit Shift Schedule				
Unusual Incident/Code Reports				
Utility Bills				
Visitor's Log if it applies to date(s) in question.				
Other Documents				

**EVIDENCE
COLLECTION
AND RETENTION**

<input type="checkbox"/> DEPARTMENT DIRECTIVE <input checked="" type="checkbox"/> INSPECTOR GENERAL DIRECTIVE		DIRECTIVE NUMBER INV 03-025
CLASSIFICATION LEVEL <input checked="" type="checkbox"/> UNCLASSIFIED <input type="checkbox"/> CONFIDENTIAL		DATE ISSUED 01/31/03
SUBJECT: EVIDENCE HANDLING	RESCINDS IG Guidelines, Section K and Section H-4	REVISION DATE(S) 04/29/03

I. Policy

The Office of the Inspector General (OIG) will establish minimum guidelines to collect, identify, receive, preserve, document, transfer, store and dispose of physical evidence and non-evidentiary property in a standard and consistent manner. When feasible, an automated evidence system will be utilized to increase the efficiency and accuracy of evidence identification.

II. Definitions

Chain of Custody: the recording and documentation of the movement and possession of evidence to ensure accountability of the evidence from the time of possession to the time the investigative case is adjudicated.

Evidence: consists of specific tangible or intangible investigatory items that support or prove an investigative conclusion or judgment.

Evidence Custodian: Investigators designated by the Investigations Bureau Chief, to administer the operation of the Bureau's evidence receiving and storage facility.

Automated Evidence System: a system utilizing a bar code to identify evidence.

Inspections: a periodic review of evidence including handling procedures, records, disposition, and storage facilities.

Evidence Storage Vault: secure space designated by and under the direct control of the Office of the Inspector General in the respective Investigations Bureaus.

Temporary Storage Area: a storage locker, drawer, cabinet, safe, etc, that can be locked and in which evidence can be stored.

III. Responsibilities

A. Inspector General or his/her designee: The Inspector General or his/her designee will ensure that a semi-annual inspection of evidence, handling procedures, records, and storage facilities is completed.

B. Investigations Bureau Chief: The Investigations Bureau Chiefs will ensure that semi-annual unannounced inspections and monthly inspections of evidence, handling procedures, records, disposition and storage vaults under their command are conducted.

C. The Evidence Custodian will:

1. Ensure the proper documentation, marking and packaging of incoming and outgoing evidence/property;
 2. Identify and obtain approval of storage space for unusual needs beyond the capacity of existing evidence storage areas;
 3. Ensure that no explosive substance or hazardous materials are stored in evidence storage areas;
 4. Ensure the security of evidence/property in OIG custody;
 5. Initiate and maintain the required records and files (i.e., notifying the Investigators' supervisors when documentation or records need to be corrected);
 6. Assist the Investigator in returning evidentiary property to its rightful owner(s) when necessary;
 7. Review documentation and prepare for the disposal of evidence or property in accordance with *Inspector General Directive Number INV 02-026, Disposal of Case Files and Evidence*;
 8. Participate in all required inspections of the storage vault.
- D. The Training unit shall ensure that OIG investigative staff are adequately trained in evidence collection and preservation.
- E. OIG, Facility and Community Agency Investigators responsibilities for handling evidence related to their OIG cases are distinguished as detailed below: (See *Inspector General Directive Number INV 02-005, Facility Investigations: OIG Liaison Duties and Responsibilities*; and *Investigative Protocol for Community Agencies, revised 5/23/02*).
1. Unless otherwise directed by OIG or law enforcement, the first responder to the scene will:
 - a. Document and initial custody of evidence on the appropriate forms;
 - b. Ensure the proper marking or labeling, packaging, and sealing with a seal that protects the contents from loss or contamination and tampering, and delivery of all evidence they personally collect (the tape used to seal the evidence must be initialed or otherwise identified to document the person sealing the evidence);
 - c. Secure the evidence in a designated evidence storage area until such time that law enforcement or OIG (if OIG is not the first responder) takes custody of the evidence.
 2. Unless otherwise directed by law enforcement, OIG Investigators will:
 - a. Secure all evidence in an OIG Evidence Storage Vault;
 - b. Use approved temporary storage areas when it is prohibitive from getting the evidence to an OIG Evidence Storage Vault;
 - c. Complete the OIG Evidence Record Form, one form for each item of evidence;
 - d. Document all transfers of custody of evidence on the OIG Chain of Custody Form in which they are involved, and collect copies of documentation of all transfers of custody in which they are not involved;
 - e. Ensure that all documentation relating to the evidence is included in the official case file;
 - f. Transport the evidence from Evidence Storage Vaults, including administrative and court hearings;
 - g. Be aware of the needs of victims and witnesses and assist in the return of property taken as evidence as soon as feasible;
 3. Obtain proper authorization to dispose of evidence and ensure that the disposition of evidence is completed after satisfying all administrative and legal requirements (See *Inspector General Directive Number INV 02-026, Disposal of Case Files and Evidence*); or,
 4. Release the evidence with the necessary documentation to the proper law enforcement entity when a criminal case is being pursued.

Note: At the request of the Investigator or supervisor, the Evidence Custodian may assist with any of the above responsibilities.

IV. Procedures

- A. Acquiring and Controlling Evidence or Property: To ensure safekeeping, OIG Investigators will immediately upon acquisition of, or assuming control over, evidence/property, make an inventory of the items, either manually or electronically, and where appropriate, provide a receipt to the person from whom the items were received or taken.
1. Ensuring safekeeping entails the following activities by the first Investigator on the scene:
 - a. Protecting the scene from contamination;
 - b. Protecting and preserving items of evidence pending the arrival of an OIG Investigator, Police Officer, Crime Scene Investigator or Supervisor, at which time a determination of responsibility will be formalized; or,
 - c. Personally collecting, marking and packaging items of evidentiary value.
 2. Evidence seized or recovered at the investigative scene and evidence which is eventually destroyed will be documented in the Evidence Log Vault books:
 - a. OIG Evidence Record\Receipt\Chain of Custody Log
 - b. OIG Evidence Inspection Log
 - c. OIG Evidence Disposition Log
 3. If not recorded elsewhere, how evidence was marked or tagged by the collector of the evidence and the precise location where each item was found (distance, direction, etc.) will be included.
 4. When practical, investigators will record on the OIG Evidence Record/Receipt Form, and on the package label or tag, the exact number of sensitive items, i.e., packages of drugs, pills, cash, bullets, etc., and the approximate weight of cannabis or drugs if known.
 5. Automated Evidence System
 - a. All evidence is bar-coded with a unique identifier upon its arrival to the storage facility;
 - b. Subsequent handling of the evidence need only use a bar-code reader to retrieve a complete set of the electronic records (chain of custody, status, location, etc.) available for the item.
 - c. Until the automated evidence system is implemented, a manual evidence log will be maintained at all storage facilities (See (IV)(A)(2) above).
- B. Sexual Assault Kits
1. Before ordering a Sexual Assault Kit, the Investigator shall ensure coordination with the appropriate investigative agency (OIG, ISP, Local Law Enforcement) and specify who has assumed responsibility for the investigation.
 2. The investigative agency has responsibility for the chain of custody of the assault kit.
 3. Investigative agencies will not assume chain of custody of an assault kit, without being assigned responsibility for the investigation, except in cases where it has been mutually agreed

between investigative agencies.

C. Evidence Temporary Storage Areas

1. The temporary storage area may only be used as evidence storage for a period of no more than two working days until the evidence can be placed into an investigative evidence receiving and storage area;
2. Evidence temporary storage areas may not be used to circumvent the timely submission of evidence to an OIG Evidence Storage Vault.
3. Evidence in a temporary storage area is presumed to be in the custody of the individual Investigator.
4. Examples of the proper use of temporary areas include:
 - a. An Investigator processing evidence in their office prior to transporting the evidence to a crime laboratory or the OIG Evidence Storage Vault, who is called away from the office and must secure the evidence;
 - b. An Investigator in the process of preparing evidence exhibits is called away before completing the task and must secure the evidence exhibits.

D. Transfer of Custody

1. Any transfer of custody, including relaying all or part of the evidence, will be documented as follows:
 - a. A description of the item(s) as detailed as practical;
 - b. Case number;
 - c. Exhibit number (when known);
 - d. Date of transfer of custody;
 - e. Time of transfer (recommended, but not mandatory);
 - f. Identification and signature of receiving person;
 - g. Identification and signature of person from whom received.
2. Regardless of whether the transfer was between the collection point and the evidence custodian, or subsequently transferred and documented on another form, copies of the transaction will be placed in the official case file.
3. When necessary, additional photocopies will be made to ensure that each intervening person has a copy of their transaction.
4. Receipts from police, crime laboratories or other agencies receiving the evidence must be forwarded to the respective investigative bureau for filing in the official case file.

E. Inspection of Evidence, Handling Procedures, Records and Facilities

1. Persons conducting authorized inspections will be accompanied by the appropriate evidence custodian.
2. Changes in Evidence Custodians or Alternates
 - a. At Evidence Storage Vaults an inspection of at least ten percent (10%) of the items which should be in storage, selected randomly, will be conducted by a newly appointed evidence custodian, or alternate evidence custodian, and the outgoing evidence custodian or alternate evidence custodian to ensure the integrity of items and records (for those storage vaults having the Automated Evidence System operational, fifty percent (50%) of the items will be included in an inventory audit.

- b. The signatures of both incoming and outgoing evidence custodian will be entered on the Inspection Ledger.
 - c. The Inspector General or his/her designee or Bureau Chief may require that a higher percentage of randomly selected items, or a higher percentage of a certain type of evidence be inspected on his/her own initiative, or upon request of the incoming or outgoing evidence custodian.
 3. A complete inventory of evidence will be conducted when an Evidence Storage Vault and its contents are being relocated.
 4. Semi-Annual Inspection
 - a. The Inspector General or his/her designee will ensure that a semi-annual inspection of evidence, handling procedures, records, disposition and investigative bureaus under their control is conducted by April 1 and October 1 of each year.
 - b. The person or persons conducting the inspection of an Evidence Storage Vault will not be in the subordinate chain of command of the Bureau Chief; (Example: Elgin Investigations Bureau personnel may not conduct the semi-annual inspection of the Elgin Investigations Bureau's evidence, *et al.*, but they may conduct the semi-annual inspection for the Tinley Park Investigations Bureau).
 - c. At Investigations Bureaus' Evidence Storage Vaults, at least ten percent (10%) of randomly selected evidence and records will be inspected. Storage Vaults that have an operational Automated Evidence System will randomly inspect twenty-five percent (25%) of the selected evidence and records.
 - d. For good cause, the Bureau Chief may request authorization from the Inspector General or his/her designee to inspect less than the specified percentage of evidence at a Storage Vault, but such decision and the reasons for it must be documented in the narrative reports.
 - e. Semi-annual inspections will be recorded on the Evidence Vault Inspection Log.
 5. Quarterly Inspections
 - a. At least once each month the Bureau Chief at each Evidence Storage Vault or his/her designee, other than the evidence custodian, will conduct an unannounced inspection of adherence to procedures prescribed by this Directive.
 - b. Quarterly inspections will be recorded on the Evidence Vault Inspection Log.
 6. Detailed documentation of all inspections, findings and corrective action recommended and taken will be generated and maintained in each Bureau.
 - a. A copy of an Inspector General Evidence Vault Inspection Log form will be completed for each inspection and maintained in a binder to document all Evidence Vault inspections.
 - b. The ranking inspector (i.e., Bureau Chief or designee) for each inspection, in addition to noting the inspection in the Evidence Vault Inspection Log, will submit a written report to their supervisor, the person who made the inspection assignment (if not the inspector's supervisor), the inspected vault's Bureau Chief and the Inspector General or his/her designee which will contain the following:
 - 1) Date(s) of inspection;
 - 2) Type of inspection (i.e., change in evidence custodian, relocation of Vault, semi-annual, monthly, or other);
 - 3) Identity of all inspectors;
 - 4) Identity of evidence custodian present during inspection;
 - 5) Amount and type of evidence and/or records inspected and reasons and authority for any amount less than the standards; (Example: random sample of five percent of all

- items in storage per the authority of Bureau Chief Dallas based on time constraints and annual audit being conducted).
- 6) Findings (Example: #1 - two of nine sealed packages identified as containing pills did not have the number of pills stated on the package/tag or on the Evidence Vault Log Form or Automated Evidence System entry).
 - 7) Recommended corrective action (Example: #1 - The Investigator who submitted the packages without documentation of numbers to be informed in writing by the Bureau Chief of the need for detailed documentation with a copy to their supervisors).
 - 8) Signature of ranking inspector.
7. Access to the Evidence Storage Vault: Only authorized evidence custodians are permitted unaccompanied and unrecorded access to Evidence Storage Vaults. Access by other persons will be on an as-needed bases, at the approval of the custodian or Bureau Chief, and will be recorded on an Entry and Exit Log maintained securely at each Vault and will contain the following documentation:
- a. The date and time of access (and exit);
 - b. Name(s) and signature(s) of person(s) having access;
 - c. The purpose for the access;
 - d. Signature of the custodian granting access and accompanying the person.

---End of Directive---

Item (12)	Date (13)	FROM (14)	TO (15)	Purpose of Change of Custody (16)
		Signature _____ Title/Relationship _____	Signature _____ Title/Relationship _____	
		Signature _____ Title/Relationship _____	Signature _____ Title/Relationship _____	
		Signature _____ Title/Relationship _____	Signature _____ Title/Relationship _____	
		Signature _____ Title/Relationship _____	Signature _____ Title/Relationship _____	
		Signature _____ Title/Relationship _____	Signature _____ Title/Relationship _____	

Item # (s) (17)	Manner of Disposition (18)
	<input type="checkbox"/> Return <input type="checkbox"/> Destroy <input type="checkbox"/> Other (Specify)
	<input type="checkbox"/> Return <input type="checkbox"/> Destroy <input type="checkbox"/> Other (Specify)
	<input type="checkbox"/> Return <input type="checkbox"/> Destroy <input type="checkbox"/> Other (Specify)

(19) The above listed item(s) pertaining to this investigation, (is)(are) no longer required as evidence, and may be disposed of as indicated above.

Authorized By: _____ Signature _____ Date _____
Name/Title

(20) The Article(s) listed at Item Number (1) _____ (was)(were) destroyed in my presence, at the date and time indicated.

Name, Title/Relationship Signature Date Date of Destruction Month/Day/Year

Exhibit II

Definitions and Elements

Mental Injury

- Definition: Harm caused by an act or omission that precipitates emotional distress or maladaptive behavior, or could precipitate emotional distress or maladaptive behavior including the use of words, signs, gestures or other actions toward or about and in the presence of individuals.
- **HARM=WRONG OR INJUSTICE**

Definitions and Elements

Mental Injury

■ Elements:

- ▶ Harm
- ▶ Act or Omission
- ▶ Emotional Distress or Maladaptive Behavior
- ▶ Or could have
- ▶ Words, signs, gestures or other actions
- ▶ Toward or about individual
- ▶ AND in the presence of individuals

Definitions and Elements

Neglect

■ Elements:***

- ▶ Failure to provide adequate medical or personal care or maintenance
- ▶ Results in a physical or mental injury to an individual
- ▶ OR a deterioration of the individual's physical or mental condition

Exhibit III

DEPARTMENT OF HUMAN SERVICES



OFFICE OF THE INSPECTOR GENERAL
APPROVED

INVESTIGATIVE PROTOCOL FOR COMMUNITY AGENCIES

Rod R. Blagojevich
Governor

Sydney R. Roberts
Inspector General

Carol L. Adams
Secretary

<p>INVESTIGATIVE PROTOCOL FOR COMMUNITY AGENCIES</p>	<p>DATE ISSUED 10/04/01; 07/01/02</p>
<p>CLASSIFICATION LEVEL <input checked="" type="checkbox"/> UNCLASSIFIED <input type="checkbox"/> CONFIDENTIAL</p>	<p>EFFECTIVE DATE 01/01/02; 05/23/02</p>

I. Purpose

To establish a uniform policy and procedures for community agencies to conduct investigations of allegations of abuse, neglect or death in certain situations.

II. Authority

Illinois Administrative Code, Chapter 1, Title 59, Part 50
 Section 6.2 of the Abused and Neglected Long Term Care Facilities Reporting Act
 (210 ILCS 30/6/2)
 42 CFR 2 (Substance Abuse Confidentiality)
 AIDS Confidentiality Act (410 ILCS 305)
 DMHDD Confidentiality Act (740 ILCS 110)
 Freedom of Information Act (5 ILCS 140)

III. Policy

It is the policy and the responsibility of the Office of the Inspector General to approve all methods of investigations into allegations of abuse, neglect and deaths for community agencies under the jurisdiction of the Office of the Inspector General (e.g., licensed, certified, or funded by the Department of Human Services and not licensed by another state agency). The community agency shall adhere to the standards set forth by the Office of the Inspector General for conducting investigations. Nothing in this investigative protocol precludes the agency's responsibilities as outlined in Illinois Administrative Code, Chapter 1, Title 59, Part 50.

IV. Objective

To describe the procedures for reporting and investigating allegations of abuse, neglect, death, and other reportable incidents to the Office of the Inspector General.

V. Responsibilities

The authorized representative shall ensure that trained, qualified staff are responsible for carrying out the duties set forth in the investigative protocol procedures.

VI. Definitions

Abuse:

Any physical injury, sexual abuse, or mental injury inflicted on an individual other than by accidental means.

Access:

Admission to a community agency or facility for the purpose of conducting imminent risk assessments and investigations, including but not limited to conducting interviews and obtaining and reviewing any documents or records that OIG believes to be pertinent to an investigation.

Accidental:

Occurring unexpectedly or by chance without intent or volition.

Act:

The Abused and Neglected Long Term Care Facility Residents Reporting Act [210 ILCS 30].

Administrative action:

Measures taken by the community agency or the facility as a result of the findings or recommendations contained in the investigation that protect individuals from abuse or neglect, prevent recurrences, and eliminate problems.

Aggravating circumstance:

Any circumstance related to a finding of abuse or neglect that increases the severity of the act or omission of the employee or agency or facility that is beyond the essential components of a neglect or abuse finding.

Allegation:

Any assertion, complaint, suspicion or incident when abuse or neglect of individuals may have occurred.

Authorized Representative:

The administrative head or executive director of a community agency appointed by the community agency's governing body with overall responsibility for fiscal and programmatic management, or the facility director or hospital administrator of a Department facility. If this person is implicated in an investigation, the governing body of the community agency or the Secretary of the Department shall be deemed the authorized representative for that investigation.

Community agency or agency:

Any community entity or program providing mental health or developmental disabilities services that is licensed, certified or funded by the Department and not licensed or certified by any other human service agency of the State (e.g., Departments of Public Health, Public Aid, and Children and Family Services).

Complainant:

The required reporter or any person who reports a death or an allegation of abuse or neglect directly to OIG.

Complaint:

A report of a death or an allegation of abuse or neglect reported directly to OIG.

Credible Evidence:

Any evidence that relates to the allegation or incident and that is considered believable and reliable.

Day:

Working day, unless otherwise specified.

Deflection:

Those situations in which an individual is presented for admission to a facility or agency and the facility or agency staff do not admit. This includes triage, redirection and denial of admission.

Department:

The Department of Human Services.

Egregious neglect:

The substantive failure by an employee to provide adequate medical or personal care or maintenance that results in the death, serious medical condition, or serious deterioration of an individual's physical or mental condition, as determined by the Inspector General.

Employee:

Any person currently (or formerly) providing services at the direction of the owner or operator of the facility or the community agency on or off site. The service relationship can be with the individual, the facility or agency. Also, any employee or contractual agent of the Department of Human Services involved in providing or monitoring or administering mental health or developmental services. This includes but is not limited

to payroll personnel, contractors, subcontractors, and volunteers.

Facility:

A mental health or developmental disabilities center operated by the Department.

Final Report:

A completed investigative report approved by the Inspector General that summarizes the evidence and that indicates whether the allegation of abuse or neglect is substantiated, unsubstantiated, or unfounded based on the evidence gathered from the investigation, when the reconsideration and response period has expired.

Imminent Danger:

A preliminary determination of immediate, threatened or impending risk of illness, mental injury, or physical injury or deterioration to an individual's health that requires immediate action.

Individual:

Any person receiving mental health or developmental disabilities services from a facility or community agency operated, licensed, certified, or funded by the Department.

Medical Treatment:

Any treatment, other than diagnostic procedures, that may only be ordered or rendered to an individual by a physician or dentist regarding an injury.

Mental Injury:

Harm caused by an act or omission of or by an employee that precipitates emotional distress or maladaptive behavior in the individual, or could precipitate emotional distress or maladaptive behavior including the use of words, signs, gestures or other actions toward or about and in the presence of individuals.

Mitigating Circumstance:

Any circumstance that, although does not change a substantiated finding of abuse or neglect, lessens the culpability or severity of the act or omission by the employee, facility or community agency.

Neglect:

The failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to an individual or in the deterioration of an individual's physical or mental condition.

OIG:

The Office of Inspector General of the Department.

Physical abuse:

Physical injury as defined in this Section.

Physical injury:

Physical harm to an individual caused by any non-accidental act or omission.

Preliminary report:

An investigative report that summarizes the evidence in an investigation with a recommendation as to whether the findings of the investigation indicate that the allegation should be substantiated, unsubstantiated, or unfounded.

Preponderance of the evidence:

Proof sufficient to persuade the finder of fact that a proposition is more likely true than not true.

Required Reporter:

Any employee who suspects, witnesses, or is informed of an allegation of abuse or neglect.

Routine programmatic:

Refers to services provided as part of the individual's habilitation plan, treatment plan, or as a regular or ongoing component of the community agency's or facility's general services or practices.

Secretary:

The Secretary of the Department or his or her designee.

Serious Injury:

An injury that requires medical treatment.

Sexual Abuse:

Any act of sexual contact, sexual penetration, sexual coercion, or sexual exploitation of an individual.

Sexual Contact:

Inappropriate contact between an individual receiving services and another person involving either an employee's genital area, anus, buttocks or breast(s) or an individual's genital area, anus, buttocks or breast(s).

Substantiated:

A preponderance of the evidence found during any investigation [which] indicates that abuse or neglect occurred.

Unfounded:

There is no credible evidence to support the allegation that abuse, or neglect occurred.

Unsubstantiated:

There is credible evidence, but less than a preponderance of evidence to show that abuse or neglect occurred.

VII. Procedures**A. Reporting**

1. If an employee witnesses, is told of, or has reason to believe an incident of abuse or neglect or a death has occurred, the employee or the community agency shall report the allegation to the OIG Hotline (1-800-368-1463). The employee or agency shall report the allegation immediately, but no later than the time frames specified in Section (B) below.
2. Nothing precludes the employee from reporting the allegation to the agency according to its procedures.
3. The agency shall ensure that allegations of abuse, neglect and deaths are reported to the Office of Inspector General in a timely manner so as not to unduly delay or compromise the investigation.

B. Reporting to the Office of the Inspector General

1. The agency shall report all allegations of abuse, neglect, and death to the Office of the Inspector General within the required time frames.
 - a. Four-hour reporting - Within four hours after the initial discovery of an incident of alleged abuse or neglect, the required reporter shall report all allegations to the Office of the Inspector General's Hotline number: 1-800-368-1463. Four-hour reporting includes the following:
 - 1) any allegation of abuse by an employee;
 - 2) any allegation of neglect by an employee or the community agency;
 - 3) any injury or death of an individual that occurs within the agency's program(s) when abuse or neglect is suspected.
 - b. At a minimum, required reporters to the OIG Hotline shall provide details concerning:
 - 1) Information about the victim, including name, date of birth, sex, disability, identification number and/or social security number (if known);
 - 2) Information about the incident, including what happened, when it happened, where it happened, how it happened and the identification of all witnesses;
 - 3) Information about the accused (if known), including name, contact information and if the accused is presently working with or will be working with the alleged victim within the next 72 hours, and
 - 4) Information about the complainant, including name, contact information,

relationship to the victim and the need for anonymity (if applicable).

- c. Deaths: Within 24 hours after initial discovery, the required reporter shall make the following reports on a prescribed form via fax or other electronic reporting system offered by OIG to the OIG Hotline:
 - 1) Any death occurring within 14 calendar days after discharge or transfer from a residential program;
 - 2) Any death occurring within 24 hours after deflection from a residential program;
 - 3) Any other death of an individual occurring within a residential program or at any Department-funded site even though not alleged to be a result of abuse or neglect;
- d. Screening of reports prohibited by community agency. Screening, delaying or withholding reports of incidents or allegations of abuse or neglect from OIG is not allowed.

2. OIG Hotline

The OIG Hotline (#1-800-368-1463) shall be communicated to individuals and guardians at the time of admission and the number shall be posted in plain sight at each community agency location where individuals receive services.

C. Process for Notification of Alleged Victim and Guardian

After OIG notifies the authorized representative that an allegation of abuse or neglect has been received, the authorized representative or designee of the community agency shall notify the victim or his or her legal guardian (if applicable) and the accused of the allegation within 24 hours. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.

D. Assignment of the Investigation

1. The Office of the Inspector General shall make an initial determination for responsibility of the investigation within one day of receiving the call.
2. When the Office of the Inspector General determines that this agency may investigate, the Inspector General retains the right to take primary responsibility for the investigation at any time.

E. Incident Management/Investigation

1. If the allegation constitutes abuse or neglect and is within the jurisdiction of OIG, the authorized representative or his or her designee of the community agency shall:

- a. Ensure the immediate care and protection of the victim;
- b. Order medical examinations, when applicable, and documentation of same for all injured individuals;
- c. Remove the accused employee from direct care when there is credible evidence supporting the allegation of abuse or neglect;
- d. Report for emergency response when necessary:
 - 1) when the authorized representative or his or her designee determines that a medical emergency exists, he/she shall immediately contact 911 for assistance;
 - 2) when the authorized representative or his or her designee determines that law enforcement assistance is needed, he/she shall contact the local law enforcement authority.

2. Response and medical attention of the victim

In the event that there is an allegation of any type of physical injury, sexual assault or any situation where a victim's health is in question, the agency shall immediately seek appropriate professional medical attention.

3. The authorized representative or his or her designee shall ensure that OIG is notified. The agency should request approval from OIG prior to conducting its own investigation and before attempting to gather information related to the investigation.
4. Response and examination of scene of incident: unless otherwise directed by OIG, initiate the preliminary steps of the investigation by a designated employee who is listed in the Authorization Form of the Investigative Protocol and has been approved by OIG to investigate. This may include the need to:
 - a. Securing the scene of the incident and preserving evidence, when applicable;
 - 1) Securing the scene entails cordoning off and preventing access to and removal of objects from the area where the incident occurred. The agency investigator shall secure the scene whenever an allegation/crime may have occurred or if physical abuse, sexual abuse, death or serious neglect may have occurred and there appears to be bodily fluids, weapons, or other physical evidence which could/should be preserved. When the scene needs to be secured, nothing in the scene will be altered until directed to do so by the investigating body (i.e, floors shall not be washed, furniture and other objects shall not be touched or moved, etc.). The agency will consult the Office of the Inspector General in the event there are any questions about this activity.
 - 2) The agency investigator should immediately secure all relevant physical evidence.

- a) After securing the scene, in the event that the agency is directed by law enforcement or the Office of the Inspector General to secure evidence, the agency investigator shall collect the evidence and place it in an appropriate container (i.e., paper bag, leak-proof container, etc.). Prior to the collection of evidence, the evidence in question will be photographed and diagramed prior to the evidence being moved so that its initial placement can be later determined. In the event that the agency investigator should need to collect any item of evidence on which suspected blood or other fluids are present, the investigator shall place these items in a paper bag. Under no circumstance will these items ever be placed in a plastic bag.
 - b) When the allegation is a question of sexual abuse, the agency investigator shall strongly encourage the victim not to shower or bathe as this might destroy evidence which could be obtained during a medical examination. Additionally, the clothing of the victim shall be collected and each item placed in a separate paper bag. If the sexual abuse occurred on a bed or other like item then the sheets should be rolled up together and placed in a paper bag. However, the agency investigator shall contact the appropriate law enforcement agency or the Office of the Inspector General prior to the collection of any such evidence.
- b. Identify and separate potential witnesses, when applicable;
 - c. The agency investigator will copy and impound relevant documents, and review such documents to determine if they have relevancy to the matter under investigation. Documents shall be impounded in cases such as suicides, deaths with questionable circumstances, and in any other cases in which the documents are critical to the investigation. Generally, copying documents is sufficient. If in doubt, the agency will consult the Office of the Inspector General.
 - d. All evidence collected by the agency investigator shall be maintained in a secure and locked space. This may include, but is not limited to a filing cabinet, room where access is limited, safes, or lockers. It is important that no one have access to the evidence except the agency investigator.
5. Photographs
- a. When injuries are the result of an alleged incident of abuse or neglect, the agency/agency investigator shall ensure that these injuries, or areas where the victim states they are injured are photographed immediately, even if the injury is not evident at the time of report/discovery. The agency will not photograph the victim without his/her consent. Each photograph taken will be annotated with identifiers including the Office of the Inspector General case number, name of victim, date and time of photograph, and location of injury if not evident on the photograph. When taking photographs it is necessary to photograph first with a ruler, and then without a ruler. Always include a full body shot.

- b. When photographing injuries in which bruising is present it is important that the photographs be clear and reflect the color of the bruise. In addition to photographing the bruise, the color and the size of the bruise shall be documented. If there is a day or two lapse from the time the incident was discovered to the time an Office of the Inspector General investigator or local law enforcement officer will respond, i.e., over a weekend, the agency investigator will obtain photographs of the bruising at least every 24 hours in order to more accurately assess the time the injury was sustained by the victim.
 - c. When the agency investigator is taking photographs of an alleged physical abuse, neglect or sexual abuse, the investigator shall take the privacy of the individual into consideration. No photograph(s) will be taken of the breast of a female or the genital area of a person unless it is absolutely necessary. If it is determined that these types of photographs need to be taken, that portion of the area in question will be covered and only a photograph of the injury taken. Additionally, these photographs will be taken by a person of the same sex as the alleged victim.
 - d. Prior to entering an incident scene which needs to be photographed, the agency investigator will photograph the overall scene. This can be accomplished by taking a photograph as the investigator enters the incident scene and from several different angles within the incident scene.
 - e. When possible, photographs will be taken of objects exactly as found and from different angles including an overhead perspective if possible.
6. Diagrams
- a. When an agency investigator is initially collecting items as evidence, the agency investigator will sketch a diagram to show the spatial relationships between the evidence and the other items in the room. This diagram can be placed on a plain sheet of white paper, but should include the name of the investigator, time and date drawn and the area it depicts.
 - b. When an agency investigator is conducting an interview of a person which concerns the placement of people or items, the agency investigator will collect a diagram from each witness. This will assist in the recall by the interviewee, but will also aide as a comparison of one person's statement of location with others.
7. Obtaining written statements
- a. Representation during interviews: An employee may request representation at an interview if he or she has reasonable grounds to believe that the interview may be used to support disciplinary action against him or her. If the investigator denies the request, the employee's statement may not be used in any subsequent disciplinary proceeding against that employee. The authorized representative or designee that employs the interviewee does not have the right to be present at an investigative interview.

- b. Identification of victims, subjects and witnesses.
 - 1) When possible, witnesses shall be separated until an initial statement can be taken.
 - 2) Any person having knowledge about the allegation or the incident should be interviewed.
 - c. The agency shall ensure that all person(s) taking statements are qualified and approved by OIG. The names and titles of the designated staff shall be submitted to the Office of the Inspector General for approval.
 - d. Ideally a statement should be obtained immediately upon the report of an allegation, but no later than two working days from the report. If it is not possible for the agency investigator to immediately secure a statement from a staff member, then it is preferred that the agency have each staff member write a statement which addresses several questions as outlined on the attached form (Initial Written Statement). The agency investigator can then utilize this statement to secure a second and more detailed interview of the staff member.
 - e. The interview of any person should occur in a location that is quiet, private and free from distractions.
 - f. It is important that the agency investigator ensure that during the interviews the following elements of who, what, when, where, why and how are obtained from each interviewee.
8. Additional Responsibilities
- a. The role of the agency when a criminal act is suspected.
 - 1) During the course of the investigation, if the agency believes that a possible criminal act has occurred, the agency shall notify the appropriate law enforcement authorities within 24 hours.
 - 2) If the Office of the Inspector General determines that the allegation involves a possible criminal act or that special expertise is required (i.e., crime scene technician, financial crime investigator), the Office of the Inspector General shall notify the appropriate law enforcement authorities within 24 hours.
 - b. Objectivity and Integrity of the Investigation
 - 1) The agency shall ensure that there is the absence of real or apparent conflict of interest or bias by the statement taker or investigator.
 - 2) In order to maintain the integrity of the investigation, the Authorized Representative or Executive Director shall not investigate incidents or allegations at the agency.

- 3) No program director or supervisor shall conduct an investigation within their own supervisory unit or program.
- 4) If at any time there appears to be a conflict of interest, the agency shall consult with the Office of the Inspector General to determine responsibility for conducting the investigation.

c. Confidentiality of Information

- 1) Any allegation(s) or investigations of reports of abuse and neglect shall remain confidential until a final report is completed and approved by the Office of the Inspector General.
- 2) Information concerning diagnosis and treatment for alcohol or drug abuse shall be disclosed to the Office of the Inspector General by the agency only in accordance with federal regulations.
- 3) Information concerning tests for human immunodeficiency virus (HIV) and diagnosis and treatment for acquired immune deficiency syndrome (AIDS) shall be disclosed to the Office of the Inspector General by the agency only in accordance with the AIDS Confidentiality Act.

F. Processing Investigative Reports

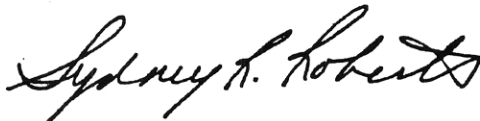
1. The investigative report to the Inspector General shall contain a narrative summary of the investigation which shall include:
 - a. A recommendation as to whether the findings of the investigation should be substantiated or unsubstantiated; and
 - b. any actions taken by this agency as a result of the allegation.
2. When OIG completes its review of an agency investigation and determines that the finding is substantiated, OIG will assess mitigating and/or aggravating circumstances involved in the case and:
 - 1) send a letter requesting that the investigative report be amended to include the mitigating and/or aggravating factors; or,
 - 2) send a letter for the agency's investigative file indicating that no mitigating or aggravating factors were identified.
3. The investigative case file shall contain the investigative report and all investigatory materials. This includes all evidence, such as photographs, interview statements and records.
4. The investigative case file shall be submitted to the Inspector General within 60 days from assignment of the investigation unless there are extenuating circumstances.
5. Notifications, Final Report Findings

After receiving a final report or notification of acceptance from the Inspector General, the authorized representative or designee shall inform the individual, the individual's legal guardian (if applicable) and the accused employee whether the allegation was substantiated, unsubstantiated or unfounded. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours.

6. Confidentiality, Final Report, Complainant Identity

- a. Any allegations or investigations or reports of abuse and neglect shall remain confidential until a final report is completed.
- b. Final reports of substantiated investigations shall be released only in accordance with the Act, the Mental Health and Developmental Disabilities Confidentiality Act and the Freedom of Information Act (OIG investigations are governed by this Act).
- c. Final reports of unsubstantiated or unfounded allegations shall remain confidential except that final reports shall be released pursuant to Section 6 of the Act or a valid court order.
- d. The identity of any person as a complainant shall remain confidential in accordance with the Freedom of Information Act, or unless authorized by the complainant.

Approved by:



Sydney R. Roberts, J.D.
Inspector General