

PROCEDURES 430
OFFICE OF THE INSPECTOR GENERAL
February 15, 2004 – PT 2004.06

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The following describes the procedures for the Office of the Inspector General and the interaction requirements between Department employees, contractors, purchase of service (POS) agencies, and POS staff and the Office of the Inspector General (OIG). The Office of the Inspector General shall have access to all information and personnel to perform the duties of the Office.

a) Complaints

Complaints should be made in writing and sent by mail to the OIG and addressed as follows:

DCFS
Office of the Inspector General
2240 W. Ogden Ave.
Chicago, Illinois 60612

Complaints may also be made using the OIG Hotline at 1-800-722-9124 or by facsimile to (312) 433-3032.

The OIG will not accept complaints sent by electronic mail. Information concerning pending OIG investigations must not be transmitted via electronic mail due to concerns of confidentiality.

If the OIG determines facts warrant investigation by law enforcement, Department of Professional Regulation, Attorney General's Office, or any other investigative units of government, the OIG shall refer the matter to the appropriate investigative units.

b) Cooperation with OIG Investigations

- 1) Cooperation with the OIG is required.
- 2) Obstruction of an OIG investigation includes knowingly removing, altering or tampering with documents requested, subpoenaed, subject to an Impound Notice or relevant to a pending OIG investigation. Tampering includes removing, concealing, defacing, altering or destroying documents that are requested, subpoenaed or subject to an Impound Notice by the OIG.
- 3) Documents that are in draft form at the time of the OIG request, subpoena, or Impound Notice is received must be produced in draft form. Any finalized version should be submitted, and include the date any changes to the draft were made.

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c) Interviews

- 1) DCFS and POS agency employees and other persons with relevant information may be interviewed or subpoenaed during the course of an OIG investigation.
- 2) No interviewee is entitled to more than one representative.
- 3) Employees in a bargaining unit title have a right to and may request union representation during investigatory interviews, if the employee has reasonable grounds to believe that the interview may be used to support disciplinary action against the employee being interviewed. Employees in a bargaining unit title may not be represented by an entity other than the bargaining unit without written waiver of union representation by the employee. No representative may act in a manner to obstruct the investigation.
- 4) Employees in a non bargaining unit position may be interviewed in the presence of a representative if the employee reasonably believes that the interview may be used to support disciplinary action against the employee, unless the representative compromises the integrity of the investigation. If the representative compromises the integrity of the investigation, the employee may choose an alternate representative.
- 5) The OIG may tape record investigatory interviews with the consent of the person being interviewed. Tape recording is the most reliable method of preserving a record of an interview. If, in the final report, the OIG makes a recommendation for discipline of or sanction against a DCFS employee, contractor, private agency employee, or foster parent, the subject of the recommendation may request a copy of the tape of their interview with the OIG. The tape will be released to the subject of the recommendation with a statement that the release or use of the tape or its contents is only for the purpose of any court or administrative proceeding concerning imposition of the recommended sanction or discipline.
- 6) At the close of an OIG investigation, Department of Children and Family Services employees who were formally interviewed will be notified in writing that the investigation is completed. This notification will inform the employee if a report was issued to the Director of the Department of Children and Family Services.

d) Record Retrieval

The Office of the Inspector General may request that employees of the Department or POS agencies, contractors and foster parents produce files or records relevant to an OIG investigation. The OIG will ask holders of the files or records to make a copies of the records or will offer to copy the original in the OIG office. Such requests are file retrievals and are not subject to impounding procedures discussed below.

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e) Impounding of Records or Files

1) Agency or Office Designation of Contact for OIG Impounding

The Department of Children and Family Services and all purchase of service agencies shall designate a primary and secondary contact person to serve as the liaison between the Department of Children and Family Services/POS agency and the Office of the Inspector General for the purpose of OIG Impounding.

The designated contact or designee is to assist in the impoundment in a respectful manner that maintains the integrity of the investigation and does not unnecessarily disrupt the sites, programs and services that are currently in place.

- A)** A primary and a secondary contact shall be established. The secondary contact will assume the role in the absence of the primary contact. The Department of Children and Family Services will designate the Field Service Managers, Child Protection Managers, site administrators or their equivalent as the primary contacts and the Regional Administrators as the secondary contacts. All POS agencies shall designate one primary and one secondary designated contact per agency or site. The designated contact or designee must have the ability at all times to access the site of the region or private agency for which they are designated.
- B)** The designated contact is responsible for responding to the Inspector General's Impound Notice and securing the file or designating a person to perform those functions. The designated contact and secondary contact must be available at all times.
- C)** The designation of the primary and secondary contacts shall be documented on the **CFS 115, Office of the Inspector General, POS Agency Designated Contact/Keeper of the Records** form (See Appendix A following these procedures). The **CFS 115** shall be filled out and sent to the Office of the Inspector General, to the address specified in Section (a) above and a copy to the Department's Office of the Director addressed as follows:

Department of Children and Family Services
Office of the Director
406 East Monroe Street, Station 70
Springfield, Illinois 62701

DCFS Regional Administrators and Executive Directors of POS Agencies are responsible for notifying the OIG and the Department whenever a primary or secondary contact is no longer able to perform responsibilities required under these Procedures and will designate a new contact.

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2) Securing the File (Records)

Upon receipt of an impound notice, the OIG contact or designee shall:

- A)** Secure the original file immediately. The file shall consist of all records specified in the Impound Notice, including but not limited to all SACWIS entries, all case notes, electronic or computer files, including electronic mail (e-mail), additional information, and/or any records not yet included in the case files, such as drafts or unfinished documents and/or forms. The designated contact or designee is responsible for making a diligent search of the office, agency and/or facility to ensure that all these appropriate documents in existence at the time of impoundment are produced. In accordance with standard record keeping procedure, all changes to records, even prior to receipt of the Impound Notice, shall be initialed and dated by the person making the change. Securing the file means either placing the file in a locked area and retaining the available keys or keeping the file within sight until the file is released to the OIG.
- B)** Ensure that any case record documents that are located, received or generated after OIG impoundment but that are relevant to the timeframes of the investigation are marked with the date the document was located, received or generated; placed in a separate folder with the current date; and forwarded to the OIG.

3) Impounding of the Record

The OIG will notify the designated contact or designee by presenting the Impound Notice stating the date of impoundment and listing the names of the files being impounded. Impounding the record occurs at the time the Inspector General's office takes possession of the file.

- A)** Once the Impound Notice is received, the designated contact or designee shall secure the file as described in subsection (e)(2) above, and ensure that **NO ONE** directly involved with the case has access to the original file in order to avoid any possibility of the file being altered.
- B)** The designated contact or designee is responsible for releasing the file to the Inspector General or representative. When an OIG investigator arrives at an office or facility to impound, they should be given immediate access to the file identified in the Impound Notice.
- C)** The designated contact or designee shall initiate copying of the file when having a working file in the office is necessary during the time of impoundment. This shall be completed without delay. All copying initiated after the receipt of the Impound Notice must be visually supervised by the designated contact or designee or the OIG. The OIG will give the designated contact or designee a reasonable period of time to create a working file.

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- D) In all cases, except child death, the original case file will be returned by the OIG no later than ten working days after the date of impounding. A copy may be returned in lieu of the original whenever a copy cannot sufficiently duplicate the information contained in the original. In cases of child death, the original file will be returned to the Department of Children and Family Services Office of Legal Services.

NOTE: In **emergency** situations, the OIG may impound the file immediately, but will allow the agency to identify sections of the file that are needed. The OIG will make copies of those sections and deliver the copies to the agency within one business day. At the time of impoundment, the file shall contain documentation (**CFS 492, SACWIS Entry or Statement**) stating the date and time of the impoundment.

4) File Maintenance by the OIG

When an OIG investigation is closed, the OIG will retain only those documents pertinent to the findings in the OIG report or to the decision to close the investigation without a report. All confidential documents that are not retained in the file shall be disposed of in a manner that ensures confidentiality.

5) Coordination of Morning Reports and Office of the Inspector General

In cases of serious injury or death of a child, service integrity continues to be the Department's highest priority. Workers must have access to all records to respond to requests from the Office of Communications or to prepare the Morning Report and Chronology. When the OIG serves the Impound Notice, the designated contact or designee will ensure that workers understand the prohibition against adding, removing, altering or tampering with the record and that all access to the file must be supervised by the designated contact or designee who does not have direct line authority for the case file (The only exception is the, **SACWIS Entry or Statement CFS 492** stating the date and time of the impoundment as described above).

If the OIG impounds a record or issues an Impound Notice prior to preparation of a required Morning Report, the worker and supervisor of the case shall rely on the copied file or may review the secured file with the designated contact or designee's or the OIG's supervision to ensure file integrity.

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6) Coordination with Department Investigations

- A)** The OIG will not interfere with a pending child protection investigation.
- B)** Any internal investigation, review or audit conducted by the Department (other than a child protection investigation) or at the request of the Department, may not interfere with a pending OIG investigation. For all internal investigations related to child deaths or serious injuries or where the Department otherwise has knowledge of a pending OIG investigation, the Department shall contact the OIG to ensure that investigative, review and audit activities do not interfere with the OIG investigation.

f) Administrative Leave

The OIG may recommend to the Director that a DCFS employee be placed on administrative leave or desk duty pending the completion of the OIG investigation. Any such interim OIG recommendation for desk duty or administrative leave shall be in writing. Such a recommendation does not entitle an employee to a copy of the written document or an opportunity to reply prior to imposition of desk duty or administrative leave.

In cases in which employees are placed on administrative leave as a result of an OIG interim recommendation, the administrative leave or desk duty shall not exceed 90 days.

Employees may be placed on administrative leave or assigned to desk duty without a recommendation from the OIG when the facts presented warrant such action.

g) Office of the Inspector General Reports

1) Director's Responsibility

- A)** All final recommendations will be issued in a written report to the Director. The OIG may recommend systemic reform or case-specific action, discharge or discipline of Department or private agency employees, or sanctions against a private agency or foster parent.
- B)** The Inspector General will provide a report to the Director within one week after completion of the report. The Director may take up to sixty days to respond to the OIG's recommendation in determining whether to accept, reject, or request modification of the recommendations contained in the report. During this time frame the Director may request comments from the field.
- C)** Recommendations for discipline or license revocation submitted to the Director that exceed twelve months from the time the OIG determines a full investigation is warranted will be used for learning and training purposes only unless extenuating circumstances exist or unless misconduct is of a continuing nature.

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2) Implementation of OIG Recommendations

- A)** When the Director accepts an OIG recommendation concerning the Department, the Director shall forward the OIG Report (which may be redacted to preserve confidentiality) to the Deputy Director, Regional Administrator or the responsible administrator. The responsible administrator in conjunction with the Director's Office shall determine which staff will be directly involved with implementation of the OIG recommendation and shall:
- Ensure that all staff who will be involved in the implementation receive a copy of the OIG Report;
 - Meet with staff involved with implementation within one week of receipt of the OIG report to prepare an implementation plan, which includes timelines; and
 - Report to the Director within two weeks of receiving the OIG Report which staff will be responsible for implementation and the details and timeframes of the implementation plan.

The Director will share the plan with the OIG.

- B)** After the Director has approved of a recommendation to pursue disciplinary action of a DCFS employee, the OIG will submit a redacted copy of the report unique to the employee to the Director's Office. The Director's Office will forward the redacted report to the Office of Employee Services and the appropriate Department staff to begin the disciplinary process.

All recommendations concerning discipline will be handled according to applicable law, contract provisions, rules and regulations.

- C)** When the Director accepts an OIG recommendation concerning a private agency, the OIG shall forward the report (which may be redacted to preserve confidentiality) to the private agency. The agency and its Board of Directors will be given the opportunity to respond to the Report and meet with the Office of the Inspector General. The Executive Director, or the governing body (i.e. Board of Directors) of the private agency shall determine which staff will be directly involved in the implementation of the OIG recommendation and shall:
- Ensure that all staff who will be involved in implementation receive a copy of the OIG Report;
 - Meet with staff involved with implementation to prepare an implementation plan, including timelines;

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- Report to the OIG within two weeks of meeting with the OIG which staff will be responsible for implementation and the details and timeframes of the implementation plan.

The OIG may request that the Department audit the private agency's implementation of the OIG recommendation.

h) Employee Licensure Investigations

In matters involving investigations as authorized by **Rule 412, Licensure of Direct Child Welfare Services Employees and Supervisors**, the OIG shall report only to the Child Welfare Employee Licensure Board, as detailed in Rule 412. The Office of the Inspector General may act as the Department representative in any hearing for employee licensure action.