

**INDIANA DEPARTMENT OF CHILD SERVICES
ADMINISTRATIVE POLICIES AND PROCEDURES**

Policy Number: HR-3-9

Effective Date: January 1, 2014

Version: 1.0

POLICY TITLE: INTERNAL AFFAIRS AND INVESTIGATIONS

OVERVIEW: The purpose of this policy is to establish guidelines for the operation of the Internal Affairs Unit of the Department of Child Services (DCS), governing the reporting, investigating, and processing of allegations of misconduct within DCS. The Internal Affairs Unit serves as the agency liaison with the Indiana Office of the Inspector General and the Indiana Office of the Attorney General.

I. DEFINITIONS

- A. Chief Counsel of Internal Affairs: The staff person assigned to head the Internal Affairs Unit and is responsible for supervising the day to day operations of Internal Affairs.
- B. Citizen: Any person not employed by DCS.
- C. Director: The Director of the Indiana DCS.
- D. Ethics or Ethics Rules: The Indiana Code of Ethics located at [42 IAC 1-5](#), and any part of the Indiana Code related to ethics.
- E. Good Faith: A sincere belief or motive without malice or the desire to defraud.
- F. Investigation: A systematic inquiry to determine facts.
- G. Investigator: The individual(s) designated by the Chief Counsel of Internal Affairs to conduct a specific investigation.
- H. Misconduct: Any violation of federal, state or local law, ethics regulations, or policy.
- I. Policy: Any document produced or adopted by DCS or the State that sets forth standards, expectations, procedures, requirements, or duties of staff, including, but not limited to, the DCS Code of Conduct, Administrative Policies, Child Welfare Policies, and Drug Endangered Children policies.
- J. Staff: Any employee of DCS.
- K. Target: The staff member being investigated who is believed to have committed misconduct.
- L. Reporting Party: Any citizen or staff providing information alleging misconduct.
- M. Witness: Any person with information concerning the person or subject of an investigation.

II. REFERENCES

- A. [State Personnel Standardized Policies](#)
- B. [DCS Administrative Policies](#)
- C. [DCS Child Welfare Policies](#)
- D. [DCS Drug Endangered Children Policy](#)
- E. [42 IAC 1-5 Code of Ethics](#)
- F. [IC 4-2-6: Ethics and Conflicts of Interest](#)
- G. [IC 35-44.1: Offenses Against General Public Administration](#)
- H. [IC 35-44.1-2: Interference with General Government Operations](#)
- I. [IC 35-44.2: Offenses Against State Public Administration](#)

- J. [IC 35-44.2-2: Purchasing Offenses](#)
- K. [IC 35-44.2-4: Confidentiality of Records and Meetings](#)
- L. [DCS Code of Conduct](#)

III. STATEMENTS OF PURPOSE

- A. DCS Internal Affairs Unit will provide a mechanism for the receipt and investigation of allegations of staff misconduct, when deemed appropriate. The Internal Affairs Unit will ensure that the integrity of DCS is maintained through a system of internal reviews and objective and impartial investigations.
- B. Any staff or citizen may request an internal affairs investigation. Such a request may be submitted to the Internal Affairs Unit through the Ethics Mailbox Ethics@dcs.in.gov, or by contacting the Chief Counsel of Internal Affairs directly.
- C. Some allegations may require an investigation from the Internal Affairs Unit, with or without the assistance of law enforcement. Examples of such allegations include, but are not limited to:
 - 1. Violations of federal, state, or local law;
 - 2. Violations of the State Ethics Code;
 - 3. Violations of Indiana Administrative Rules;
 - 4. Destruction of state property;
 - 5. Loss of state property;
 - 6. Misuse of position/authority;
 - 7. Misuse of state property;
 - 8. Physical assault;
 - 9. Fraud/Embezzlement;
 - 10. Sexual Misconduct; and
 - 11. Any other matter at the request of the Director or designee.
- D. The Internal Affairs Unit will not, unless directed to do so by the Director or designee, investigate any complaint related to requested changes in policy, court decisions, complaints about the quantity or quality of an individual's job performance which could not reasonably be calculated to involve the conduct encompassed in section III(C) of this policy, discretionary decisions of an individual using judgment that adheres to the reasonable professional standards of his or her profession as determined by the DCS Director or designee for the determination of such standards, contractors, or violations deemed to be de minimus by the Chief Counsel of Internal Affairs.
- E. The Internal Affairs Unit will have the authority to interview any staff person and review any DCS records or reports relevant to any investigation.
- F. The Internal Affairs Unit will be responsible for maintaining a comprehensive central file on all investigations conducted by the Unit. All reports, documents, evidence, other material or information relevant to any Internal Affairs investigation are processed and stored in a manner best suited to prevent unauthorized access, disclosure, or loss. All documentation and evidence related to any Internal Affairs investigation is to be clearly marked "CONFIDENTIAL."
- G. Documentation and evidence includes, but is not limited to, audio or video recordings, photographs, notes, and other investigative material.

- H. All Internal Affairs investigations will be afforded the highest degree of confidentiality. All investigative reports are confidential to the extent provided by statute. Investigators, administrators, and all others involved in an investigation will not discuss any aspect of any Internal Affairs investigation with any person not authorized to receive such information. Violation of this provision may be grounds for disciplinary action, up to and including dismissal.
- I. The reporting party will remain confidential throughout an investigation, although he or she may be required to provide statements in the course of the investigation as a witness. As such, allegations or complaints received from anonymous sources are disfavored, and shall only be investigated if, in the judgment of the Internal Affairs Unit, the anonymous report is credible and merits further inquiry.
- J. All staff will report misconduct of other staff, including breaches of ethics rules, and state, federal or local laws, to the Internal Affairs Unit if they witness it, have knowledge of it, or have it reported to them by a subordinate. All reports must be made in writing within a reasonable time. Failure to report the misconduct timely or ethical violations of another staff member may subject the non-reporting staff member to disciplinary action up to and including dismissal.
- K. Failure to cooperate with any investigation may result in disciplinary action, up to and including dismissal.
- L. Staff will answer questions, respond to requests, and render material and relevant statements in an investigation when requested. Failure to give full, complete, and accurate statements in any investigation may result in disciplinary action up to and including dismissal.
- M. Staff will not interfere with, attempt to interfere with, or direct others to interfere with any investigation. Staff are strictly prohibited from engaging in false reporting or informing, and/or providing false statements or documents. False reporting or informing, and/or providing false statements or documents may result in disciplinary action up to and including dismissal.
- N. Staff who have been interviewed or provided information or assistance as part of an internal investigation will not discuss or communicate, in any manner, any information relating to the investigation in which they were interviewed or provided information without the express written permission of the Chief Counsel of Internal Affairs or the Investigator who conducted the interview or requested information or assistance. Failure to keep all required confidences may result in disciplinary action up to and including dismissal.
- O. DCS will not in any way retaliate against an individual who, in good faith, files a complaint under this policy, nor will DCS permit any supervisor, officer or employee to do so. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have engaged in misconduct constituting retaliation against another person for the good faith reporting of misconduct may be disciplined, up to and including dismissal.

IV. PROCEDURE

- A. The Chief Counsel of Internal Affairs, or designee, will:
 - 1. Review all complaints made or referred to the unit;
 - 2. Evaluate complaints falling within the Duties and Responsibilities of the Internal Affairs Unit to determine whether the complaint warrants investigation and, if

necessary, refer the matter to an investigator for a report and recommendation;

Note: Complaints falling outside the Duties and Responsibilities of the Internal Affairs Unit will be referred, whenever possible, to the appropriate division within DCS.

3. Require the Target of an Investigation to submit to drug or alcohol testing, if necessary, in accordance with State and DCS policies and procedures, after providing notice to the Director and Director of Human Resources;
 4. Review the Investigator's report and all evidence, and make the final determination as to whether the allegations are substantiated or unsubstantiated;
 5. Forward all substantiated reports, evidence, and a recommended course of action to the Director or designee;
 6. Provide a summary of all unsubstantiated allegations to the Director or designee on a quarterly basis or at any other time upon request; and
 7. Refer to Law Enforcement and/or the Inspector General in the event the allegation of staff misconduct, if true, would constitute a violation of the criminal code and provide assistance to those agencies involved in these matters, if appropriate.
- B. The Investigator will:
1. Interview any staff member or cooperating members of the public; record statements in writing, audio, or video; examine any relevant documentation; and access any DCS office or area that may be appropriate when investigating misconduct;
 2. Acquire relevant access logs; confiscate department owned computers or cell phones, Department of Technology records, and institute surveillance; and/or utilize any other means deemed necessary and proper with the approval of the Chief Counsel of Internal Affairs, and notice to the Director or designee;
 3. Maintain confidentiality throughout the investigation;
 4. Ensure all reports, documents, evidence, and other material or information relevant to any Internal Affairs investigation are processed and stored in a manner best suited to prevent unauthorized access, disclosure, or loss;
 5. Ensure all documentation and evidence related to any Internal Affairs investigation is clearly marked "CONFIDENTIAL." Documentation and evidence includes, but is not limited to, audio or video recordings, photographs, notes, and other investigative material; and
 6. Prepare a report and recommend to the Chief Counsel of Internal Affairs that the allegation be substantiated or unsubstantiated following an investigation or review.

January 1, 2014
Mary Beth Bonaventura, Director
Department of Child Services

A signed copy is on file.