

Investigation Report Instructions

Investigation Report Information

- Agency/Provider Name: List name and/or DBA (Doing Business As)
- NJIRMS #: Provide the 9-digit number (i.e. 22-1234567) identified in the *Incident Notification* emailed to your agency by DDD/ORM.
- Investigation Completed by: Provide full, legal name(s) and title(s) of investigator(s).
- Date Investigation Started: Provide the date that the investigator(s) began the actual process of investigating this incident within the agency.
- Incident Code & Sub-Category: Select the code(s) and sub-category that are based on Administrative Order 2:05 (i.e. NE211, AB310). Refer to the *Incident Notification* email sent to your agency by DDD/ORM which has Category and/or Code information identified.
 - Codes can also be added to the report based on the results of your investigation.
- Date and Time of Alleged Incident: Provide the date and time of the alleged initial incident. If unknown, use the date and time discovered.

Alleged Victim(s) Information

- Full Legal Name: Provide full names of all Alleged Victims (AV) identified prior to and after the investigation. If person goes by another name, then that name should be added in brackets. i.e. Ralph (Butch) Smith.
 - List Guardian's name(s) next to each individual (i.e. self, BGS- Jean Smith, Private- Joan Collins)
- Approved Level of Supervision at the time of the incident: Per the ISP at the time of the incident, describe the approved level of supervision of the alleged victim(s) based on the setting of the incident (i.e. 1:1 in community, line of sight at day program, 30 minute checks while in bedroom at residence, etc.). All revisions made after the incident are to be documented as actions.
- Guardian Notified: Select the box for Yes or No
- Support Coordinator Notified: Select the box for Yes or No

Alleged Perpetrator(s) Information

- Full Legal Name & Title: Provide full legal name(s) and title(s) of all Alleged Perpetrators (AP) identified prior to and after the investigation. If person goes by another name (nickname), then that name should be added in brackets. i.e. Rose (Momma) Cowan.
 - Indicate if the AP has ever gone by a different last name (i.e. maiden, married, hyphenated, etc.)
- Date of Birth: List the AP's date of birth
- Has the AP had similar allegations in the past: Select the box for Yes or No. If yes, list the previous allegations with dates and prior disciplinary action(s) taken.

Witness Information *Note: Individuals identified are not limited to eye-witnesses. A witness can hear things from another room.*

- **Full Legal Name & Title/Relationship:** Provide full names of all Witnesses with their title/relationship. Examples include, but not limited to other individuals receiving services (IRS), staff, volunteers, contractors/maintenance, neighbors, visitors, family members, etc. present at the site, at time of the incident.

All Staff on Shift & IRS' in Home/Location

- **Full Legal Name & Title/Relationship:** Provide full names of all staff, even if on break, and all IRS' in the home and on location.

Description of Incident Location

Describe the scene: Where exactly the alleged incident took place, identify the location of the AV at the time of the incident, who was present, etc. Diagram of the scene is a useful tool, when applicable.

Examples:

1. On the hall staircase that has 6 carpeted steps.
2. AV Jane Doe was seated in the minivan, behind the driver, driving on I-195 near exit 11.
3. Produce department of Walmart located at 1750 Nottingham Way, Hamilton Township, NJ.
4. Room #3 of Sunshine Day Program at 222 Jefferson Blvd, Trenton, NJ.
5. The waiting room of Dr. Steven Schwartz's office located at 333 Roosevelt Rd, Ramapo, NJ.
6. GH000, 111 Lollipop Lane, Little Egg Harbor, NJ.

Events leading up to reportable incident

Describe antecedents. Describe what was happening preceding the incident.

Examples:

1. AV Jane Doe was pacing from her bedroom to the kitchen, walking up and down the hall stairs as she went back and forth.
2. AV Jane Doe and her peers were singing while on their way to Grounds for Sculpture, when it began to rain.
3. AV Jane Doe was shopping in the produce department of Walmart with assistance from AP Rose (Momma) Cowan.
4. AV Jane Doe was participating in a board game with her friends while at her day program.
5. AV Jane Doe was not feeling well. She received Tylenol for a fever and had been resting while waiting in her wheelchair with the brakes engaged.
6. DSP Lisa Snow did not show up for her scheduled shift at 10pm to relieve Program Manager Kristin (Krissy) Castle.

Description of the Incident

Copy the information from the *Initial Incident Report* describing the nature of the allegation.

Records Reviewed

Provide the following information for **each** document reviewed during the investigation, that is relative to the findings-

Name of Document:

Date of Document:

Date Reviewed:

Summary:

Examples include, ISP, IDT Meeting Minutes, BSP, Tracking Sheets, Annual Physical, MAR, Prescriptions, Doctor Visit Forms, ER Discharge Forms, Critical Communication Logs, Vehicle Mileage Logs, T-Logs, Visitor Logs, Maintenance Log, Staff Schedules, Timesheets, Internal Policies and Procedures, Menus, Recreation Calendars, Financial Records, Audits, Written Statements, Videos, Videos Surveillance, Text messages, Phone records/Call Log, Photographs, Social Media posts/messaging, Emails, Review of Human Resource (HR) File of AP, Staff Training Records, etc.

Interviews

Provide the following information for **each** interview conducted during the course of the investigation-
Date:

Name:

Title/Relationship:

Location:

Others Present:

Summary of Interview:

- Refer to *Investigative Interview Questions* resource document
- Use names, not “staff”, “manager”, “he”, “she”, “they”
- Use the following format for names: Nickname (full name), Johnny (John Smith)
- All Alleged Victim(s), Alleged Perpetrator(s) and Witnesses are to be interviewed
- All staff and IRS in the setting are to be interviewed
- Identify techniques used to interview the IRS. For example, utilization of picture board, communication device, pointing, head nod, head shaking, photographs, etc. for an individual that is non-verbal or has difficulty communicating.
- If unable to interview anyone identified (AP/AV/Witness/Other) include a justification and dates of your attempts made here.

All Other Contacts

Provide the following information for **each** contact made during the course of the investigation other than those listed under interviews-

Date:

Name:

Relationship/Title:

Summary:

Examples include, (i.e. law enforcement, store employee, medical professionals, van driver, guardian, family member, maintenance staff, support coordinator, neighbor, etc.)

Conclusion/Analysis of Evidence/Findings for Each Allegation and/or Event

- Narrative should be free of internal jargon; internal terms/acronyms are defined. Text is objective and free of value-laden statements and free of typographical errors.
- Investigative finding and corresponding analysis is rooted in evidence and based on facts gathered; texts/statements are objective and based on facts gathered; text/statements are objective and free of subjective/extraneous statements.
- Draw a conclusion based on the investigation. (“Inconclusive” is not considered a conclusion.)
- Include a finding for each allegation/code and a justification/explanation narrative for arriving at each finding. Substantiated or Unsubstantiated.
- Include a finding relative to the alleged perpetrator(s).

- Use the civil standard – a preponderance of evidence- to substantiate. This is defined as evidence sufficient to generate a belief that the conclusion advanced is likely and more probable than not. It is the greater weight of credible evidence, the tipping of the scales (51% certainty). A preponderance of evidence does not necessarily mean the largest amount of data or the largest number of witnesses. Corroborating evidence is important. The focus is on the quality of the evidence.
- Use template provided for findings with bullets containing the supporting evidence (interviews, document review, physical evidence, only include the evidence that supports the findings, if it doesn't support the finding then it doesn't go in the conclusion)
- For Events, you are ruling out Neglect (i.e. supervision maintained, adherence to Policy and Procedure, medical orders followed, etc.)

ALLEGATION FINDINGS

Ensure that findings (Substantiated or Unsubstantiated) are listed for each alleged victim and each alleged perpetrator.

Alleged Victim:

Alleged Perpetrator:

Findings:

Findings Template

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

Based upon a preponderance of the [testimonial/documentary/physical/video] evidence obtained, the allegation that [Mr./Ms. First and Last Name] [staff title] [Agency/Facility name] engaged in professional misconduct while providing services to [Mr./Ms. First and Last Name], is [substantiated/unsubstantiated].

Specifically, on xx/xx/xx, [insert **summary of findings.**] *Summarize specifically what the investigation determined occurred (not the initial allegation) and include whether or not what the AP did resulted in an injury to the AV. Specifically describe the injury and what treatment was required.*

The finding is supported by the following:

- List bullet points summarizing all evidence that supports the findings
- Do not list evidence that does not support the findings

The finding is supported by the following:

- Enter bullet points with the strongest piece of evidence listed first
- Followed by the next serious, etc.
- Only enter evidence that supports the finding. If you are substantiating the allegation, evidence that does not support the substantiated finding (i.e. a witness that did not observe the abuse occur), is not listed in the findings. If you are unsubstantiating the allegation, only list the evidence that supports the unsubstantiated findings (i.e. if three witnesses state they did not

observe any abuse, and one says they did witness abuse, you only list the three that state they did not observe abuse occur.)

- Evidence consists of physical evidence (i.e. photos of injury, or object used to physically abuse alleged victim, etc.), documentary evidence (i.e. hospital records verifying injury, service plans detailing the level of supervision, staff training records, etc.), testimonial evidence (e.g. corroborating witnesses, interview with AP/AV that confirm the allegation, etc.) and/or video evidence (video footage from program or taken by a witness)
- If the individual sustained an injury, state the facts as they relate to injuries or harm; i.e., “As a result of Mr. Smith hitting Mr. Doe with a cellular phone charger cord, Mr. Doe sustained three linear scrapes on the lower, top area of his right arm.”
- Avoid cutting and pasting whole sections of interviews or documents, summarize the relevant facts that support the findings

Substantiated Example

Based upon a preponderance of the testimonial and documentary evidence obtained, the allegation that Mr. John Doe was physically abused by ABC Direct Support Professional (DSP), Mr. Joe Smith, is substantiated.

Specifically, on 06/09/17, at approximately 5:10 p.m., Mr. Smith forcefully pushed Mr. Doe three times, including once to his neck. Mr. Smith’s actions caused Mr. Doe to fall backward to the dining room floor. Mr. Smith's actions resulted in Mr. Doe sustaining a bruise on his left, lower arm. Based on the information obtained, the bruise was sustained when Mr. Smith pushed Mr. Doe; causing him to stumble backward into a chair at the dining room table. Mr. Doe hit the lower area of his left arm on the corner of the dining room table before he fell to the floor.

Photographs taken of the injury depict that the bruise was circular, approximately two inches in diameter and purple in color.

The finding is supported by the following:

- The ABC group home video footage was reviewed. The video footage captures the dining room and living room area. Per the video footage, Mr. Smith is visible near the dining room table. The video shows Mr. Smith and Mr. Doe in front of one another. Mr. Doe appears to be reaching for a bottle of soda that is in Mr. Smith's right hand. Per the video evidence, Mr. Smith appears to forcefully shove Mr. Doe with his left hand, pushing Mr. Doe near his right shoulder. As a result of Mr. Smith's actions, Mr. Doe takes two steps backward.
- The video further shows Mr. Doe reaching for the bottle of soda a second time. The video reflects that Mr. Smith pushes Mr. Doe away from him utilizing his left hand, which makes contact with Mr. Doe's right shoulder for a second time.
- Per the video footage, Mr. Smith maintained contact with Mr. Doe's shoulder and is seen forcefully pushing Mr. Doe backward into the dining room. Staff member, Ms. Sally Jones, is seen on the video and is observed standing in the dining room, near the kitchen.
- The video reflects that Mr. Smith pushes Mr. Doe again by making contact with Mr. Doe's neck with his right hand. Per the video, Mr. Smith forcefully shoves Mr. Doe, causing him to stumble backward into a chair at the dining room table. Mr. Doe appears to hit the lower area of his left arm on the corner of the dining room table as he falls to the floor.

- Per the video footage, Mr. Doe lands on the dining room floor on his buttocks. Mr. Doe's feet are up off the floor with his hands behind him to break his fall. The video reflects that Ms. Jones walks over to Mr. Doe and assists him off of the floor. Ms. Jones appears to speak to Mr. Smith and Mr. Smith exits the dining room area.
- When interviewed by the agency Investigator on 06/11/17, Mr. Smith confirmed that he pushed Mr. Doe. He stated that he was not sure how many times he pushed him, and admitted that he may have made contact with Mr. Doe's neck. Mr. Smith provided a written statement which included that he, "pushed him (Mr. Doe) away from my personal space."
- Additionally, when interviewed by the agency Investigator, Mr. Smith reported that the push, "wasn't intentional," and he (Mr. Smith), "freaked out, did not know what to do, and just tried to distance myself, by pushing him (Mr. Doe) away."
- When interviewed by the agency Investigator, Ms. Jones and Mr. Ted Johnson, ABC Direct Support Professionals, stated that they both witnessed Mr. Smith push Mr. Doe, which caused Mr. Doe to fall to the floor.
- According to training records reviewed, Mr. Smith received training in preventing abuse and neglect on 07/21/16.
- Mr. Smith's employment with ABC was terminated on 06/15/17.

Unsubstantiated Example

Based upon a preponderance of the testimonial and documentary evidence obtained, the allegation that Mr. Robert Jones was physically abused by Ms. Eileen Smith, ABC Direct Support Professional (DSP) resulting in a moderate injury, is unsubstantiated.

Specifically, Mr. Jones alleged that on 04/03/17, Ms. Smith struck him with an open hand to the left side of his face.

The finding is supported by the following:

- A total of 10 agency staff, three of whom were identified as eyewitnesses, were interviewed by the agency Investigator regarding the aforementioned allegation. All staff interviewed denied that Mr. Jones' injury was the result of physical abuse.
- When interviewed by the agency Investigator, Mr. Jones recanted the allegation and reported that he was angry at Ms. Smith for telling him that he was not permitted to smoke in the agency vehicle.
- When interviewed by the agency Investigator, Ms. Smith denied physically abusing Mr. Jones.
- When examined by Ms. Eileen Johnson, agency Registered Nurse (RN), Mr. Jones did not have any visible injuries. Mr. Campbell denied that he had any non-visible injuries.

EVENT FINDINGS

If the only code is an event code, the Investigation should rule out that abuse or neglect was a factor

Event-ruled out abuse/neglect

Based upon the information obtained, it is [confirmed or not confirmed] that [Mr./Ms. First Last Name] experienced an [insert event]. Abuse and neglect was determined not to be a factor.

The finding is supported by the following:

- Briefly list bullet points that support the event being confirmed or not confirmed
- Briefly list information that ruled out abuse and neglect were a factor

The finding is supported by the following:

- Briefly list bullet points that support the event being confirmed or not confirmed
- Briefly list information that ruled out abuse and neglect were a factor
- OR if abuse and/or neglect were determined to be a factor, state the following: Neglect was determined to be a factor, see related neglect findings.

Event Example-Abuse/neglect not a factor

Based upon the information obtained, it is confirmed that Mr. John Doe experienced an unplanned hospitalization. Abuse and neglect was determined not to be a factor.

The finding is supported by the following:

- On 08/03/22, Mr. Doe experienced a witnessed fall when he got up from the dining room table after eating dinner. Mr. Doe's left foot caught on the leg of the chair causing him to trip and land on his right knee.
- Three staff witnessed Mr. Doe's fall. Two staff assisted Mr. Doe back to a seated position and examined his right knee.
- Mr. Doe expressed pain when staff examined his knee and had difficulty bending his knee.
- Staff called 911 and Mr. Doe was transported to Robert Wood Johnson Medical Center.
- Mr. Doe had x-rays which ruled out a fracture. He was diagnosed with a contusion to the right knee and discharged back to the group home.
- Mr. Doe was prescribed Tylenol for pain and ice every four hours for 15 minutes as needed for pain and/or swelling.
- Per Mr. Doe's Individualized Service Plan (ISP), Mr. Doe does not require assistance with getting up from the table or walking. There was no abuse or neglect in relation to Mr. Doe's witnessed fall.

Event Example-Abuse/neglect determined to be a factor

Based upon the information obtained, it is confirmed that Mr. John Doe experienced an unplanned hospitalization. Neglect was determined to be a factor.

The finding is supported by the following:

- On 08/03/22, Mr. Doe experienced a witnessed fall when he got up from the dining room table after eating dinner. Mr. Doe's left foot caught on the leg of the chair causing him to trip and land on his right knee.
- Three staff witnessed Mr. Doe's fall. Two staff assisted Mr. Doe back to a seated position and examined his right knee.
- Mr. Doe expressed pain when staff examined his knee and had difficulty bending his knee.
- Staff called 911 and Mr. Doe was transported to Robert Wood Johnson Medical Center.
- Mr. Doe had x-rays which ruled out a fracture. He was diagnosed with a contusion to the right knee and discharged back to the group home.
- Mr. Doe was prescribed Tylenol for pain and ice every four hours for 15 minutes as needed for pain and/or swelling.
- Per Mr. Doe's Individualized Service Plan (ISP), Mr. Doe does require assistance with getting up from the table and retrieving his walker to continue ambulating. None of the three staff present attempted to assist Mr. Doe when he began standing up from the table. Neglect was determined to be a factor, see related neglect findings. *(The facts related to the neglect are listed in the neglect findings)*

Related Concerns

Report any concerns identified during the course of the investigation. These may be as important as the conclusion and may result in additional allegations or a separate IR submission.

Concerns are based on the analysis of facts for administration/management to address which may result in corrective action, systems improvement, policy and procedure revisions, etc.

Actions Planned and/or Taken

Include all actions planned and/or taken in response to the incident and related concerns identified.

Group actions by the following classifications: Immediate, Corrective, and Preventative.

Examples of actions include, but not limited to Administrative Policy Review/Changes, Root Cause Analysis, Disciplinary, Corrective, Warnings, Formal Training, Informal Training at Staff Meetings, Resident Education, Counseling, Monitoring/Supervision, Shadowing Staff, Unannounced Visits by Administration to Specific Sites, Transfers, IDT Meetings, ISP Modifications, Referrals, Medical Follow-Up, Psychiatric Follow-Up, Behavioral Supports/Referrals, Protective, Preventative, Maintenance/Repairs, Fiscal management, Funds Reimbursed, Increased Communication, Documentation, etc.

Immediate (protect immediate health and safety): Transfer AV/AP, no client contact, suspension pending investigation increased supervision, medical/psychiatric treatment, maintenance of property or adaptive equipment, etc.

- Include date(s) taken.

Corrective (address the incident and those involved): Training, Education, Shadowing, IDT, medical/psychiatric follow up, revision of ISP or BSP, disciplinary, increased supervision, increased monitoring, etc.

- Include dates planned and/or taken for actions reported.
- If you are referring to HR for further action, please follow up with OPIA regarding actions determined with date taken.

Preventative (prevent likelihood of reoccurrence): Must provide preventative action for each allegation and/or event. Upper management completing unannounced visits, increased monitoring, RCA, systemic issues, IDT, revision of ISP or BSP, Policy and Procedure revisions, schedule changes or transfers to promote a better atmosphere, evaluate culture of the home, referral and linkage, increased Administrative Oversight

- Include dates planned and/or taken.

Provide the following information at the end of the Investigation Template-

Date Investigation Concluded:

Investigator's Signature, Printed Name, Title and Phone Number

Date Submitted to DHS-OPIA: