

DDD Provider Training Investigation Report Requirements Investigations and Interviewing

Office of Program Integrity & Accountability
Office of Investigations

Training Agenda

- Investigation report requirements per Public Law (P.L.) 2025, c.280
- Basics of every investigation
- Reviewing the Incident Report and developing Investigation Plan
- Preparing for the interviews
- Interviewing techniques
- Findings requirements

Training Agenda (cont.)

- Throughout the training, any of the 8 required criteria per P.L. 2025, c.280 will be designated in ****bold**** to ensure the requirements are clear

Overview of the Law

- P.L. 2025, c.280 goes into effect on 07/01/26
- While there are many components of the law, today's training focuses on the requirements of the internal investigation reports submitted to the Critical Incident Management Unit (CIMU)
- The Department of Human Services (DHS) will be issuing additional information regarding other components of the law to assist your agencies with navigating the new requirements

Overview of the Law_(cont.)

- Per the law, the requirements outlined in this training are specific to investigations into allegations of abuse, neglect and exploitation
- The expectation to complete a thorough investigation for all codes remains in place
- However, only investigations of abuse, neglect and exploitation are subject to the requirements of the enforcement law and possible financial penalty not to exceed \$10,000 per offense for failing to meet the requirements

Internal Investigation Report Requirements

- In order to meet the requirements of P.L. 2025, c.280 the Provider agency must meet all 8 criteria
- If all of the criteria are not met, the provider will face a financial penalty
- ****The provider must submit a complete investigation report within 180 calendar days from the date of the alleged incident to avoid financial penalty****
- However, the requirement to submit the investigation by 30 days still remains in effect
- CIMU staff will still engage in the back-and-forth process with the provider when the report is not complete upon initial submission
- The provider must have corrected all missing information and met the 8 criteria within 180 calendar days

****8 Criteria****

- Completed by an impartial person
- Include evidence that guardian notification was made at the onset of the investigation
- Include interviews and interview summaries of all alleged victims, alleged perpetrators, witnesses, and collaterals
- Include a summary of physical and documentary evidence

****8 Criteria**** (cont.)

- Include findings for each allegation, victim, and perpetrator
- Include a justification for each finding
- Include evidence that guardian notification was made at the completion of investigation (including outcome of investigation, including all findings, summaries, and actions taken)
- Document the completion of the investigation

DHS Investigation Report Template

- In order to ensure that all requirements of P.L. 2025, c.280 are met, providers are strongly encouraged to utilize the DHS-issued Investigation Report Template which serves as a useful guide
- If the provider does not submit their investigation on the required template:
 - The review process may be delayed
 - There is a chance critical information could be missed
 - CIMU may advise the provider to resubmit the investigation report on the required DHS Investigation Report Template

Test Your Knowledge

- How many days does the provider have to submit their completed investigation report that meets all 8 criteria in P.L. 2025, c.280 to avoid the financial penalty?
- A-45 Business Days
- B-180 Calendar Days

KNOWLEDGE CHECK



Knowledge Check

B-180 Calendar Days

Why Do We Investigate?

- To ensure the health, safety and well-being of individuals with disabilities and to protect individuals from abuse, neglect and exploitation
- Individuals served by DDD are vulnerable to mistreatment
- To establish a finding based upon preponderance of evidence
- To identify systemic concerns and mitigate risk

Legal Guardian Notification

****Per P.L. 2025, c.280, the provider agency is required to notify the legal guardian at the onset of the investigation****

- This notification differs from the Stephen Komninos Law (SKL) requirement to notify the guardian(s) within two hours of an incident that has occurred and/or that allegation has been reported/made
- This notification is to inform the guardian(s) that an investigation pertaining to an allegation of abuse, neglect, or exploitation is being conducted
- Guardian notification can be via the guardian's preferred contact method (i.e. phone, email, or letter)
- Guardian notification of the investigation is documented in the Investigation Report using the DHS-issued Investigation Report template

Impartial Investigator

****Per P.L. 2025, c.280, the investigation must be conducted by an impartial person who is not directly involved in the incident being investigated****

- Impartiality is an essential component for a quality investigation
- Impartial means that the Investigator has no known relationships or conflicts of interest with any persons involved in the investigation
 - This is especially important if agency administration has been named as an alleged perpetrator
- The following could cause a person to not be able to maintain impartiality and the Investigator should be recused from the investigation:
 - Having a prior close working relationship with the alleged perpetrator
 - Having a close connection with the alleged victim that would interfere with impartiality
 - Having a personal relationship with any parties involved in the investigation
 - Previously or currently supervising any staff involved in the incident
 - Having a vested interest in the outcome of the investigation

The Basics of Every Investigation

- Gathering basic information through interviews, physical & documentary evidence to answer the questions of:
 - ✓ Who
 - ✓ What
 - ✓ Where
 - ✓ When
 - ✓ Why
 - ✓ How
- Ongoing & thorough analysis of information/evidence/facts gathered
- Identifying/summarizing & final analysis of information/evidence/facts to render an investigative finding (substantiated or unsubstantiated)
- Summarizing information/evidence/facts into a concise report, rooted in fact & evidence utilizing the DHS-issued Investigation Report template

Investigative Findings

- Based on a preponderance of evidence standard
- Preponderance of evidence means there is evidence sufficient to generate a belief that the conclusion is likely and more probable than not
- Greater weight of credible evidence (at least 51%); tipping of scales
- Does not necessarily mean the largest amount of data or the largest number of witnesses. Focus is on quality of evidence. Is there evidence to corroborate the allegation?

Review the Incident Report

- Are there any immediate safety concerns? If so, address immediately. Agency is responsible for providing protective actions to ensure individuals' safety
- Is there evidence that must be immediately secured (photographs, documents, text messages, video recordings, physical evidence such as an object used in an allegation of abuse)?
- If an alleged perpetrator is going to be terminated, ensure all text messages, written statements and interviews are secured prior to termination
- Were photographs taken? If not, should they be? (physical injury)

Review the Incident Report (cont.)

- Who are the alleged victims, alleged perpetrators, identified eye or ear-witnesses, collaterals
 - A collateral is defined as someone who was not an ear or eye-witness but may have relevant information
 - If a legal guardian is a witness or collateral, they would also need to be interviewed
- Identify the location of the incident/allegation (day program, on agency van, location in group home (GH)-in bedroom, in bathroom, etc.)
- When did the alleged incident/allegation(s) reportedly occur
- How is the incident coded; what exactly are all the allegations - based on the identified codes/narrative

Review the Incident Report (cont.)

- Does the individual have any guardians (verify)?
- Were all identified guardians notified of incident?
- Was law enforcement notified? If not, should they be?
 - Refer to the coding grid, certain codes **require** law enforcement notification
- If law enforcement is involved/investigating, is agency clear to investigate?
- Criminal investigation takes precedence over civil investigation

Review the Incident Report (cont.)

- If law enforcement is investigating and has asked the agency to refrain from conducting their own investigation, ask law enforcement if the agency can proceed with portions of the investigation, for example, gathering documentation, but not interviewing
- The agency will need to continue to follow up with law enforcement to obtain updates on the criminal investigation and see when the agency can proceed with all portions of their investigation
- Do not wait for law enforcement to contact you, the agency needs to be proactive and contact them
- Document your attempts to obtain clearance from law enforcement in the “Contacts” section of the Investigation Report

Test Your Knowledge

- You are required to notify the legal guardian(s) at the onset of your investigation
- A-True
- B-False

KNOWLEDGE CHECK



Knowledge Check

A-True

Anonymous Reports

- There are incidents that may have been reported anonymously that do not contain many specific details about the alleged incident
- These can be difficult to investigate. The focus should be attempting to determine if there is any possibility that the reported incident occurred
- Please provide the timeline/date-frame utilized for the investigation
- Determine if there is any video footage in either the group home or day program
 - If so, establish a timeline to review such as a few weeks from the date the incident was reported

Anonymous Reports (cont.)

- If the names of potential victims were not identified by the reporter, interview a random sample of individuals to attempt to identify the unknown victims
- Review staff schedules to determine any additional staff that worked with the alleged perpetrator(s) and/or alleged victim(s) and interview them
 - Because there isn't a specific timeframe, identify what dates were reviewed to determine potential staff witnesses
- Based upon what was reported, determine if there were any locations within the program(s) where these allegations could have occurred

Injuries of Unknown Origin

- Injuries of unknown origin also present challenges to investigate, especially if the individual is non-verbal
- Begin with attempting to determine the last time staff observed the individual without an injury
 - This could narrow down a time frame
- Review critical logs for relevant information
- Review medication administration records (MARs) to determine if any PRN or OTC medication was given prior to date of incident that may correlate with injury

Injuries of Unknown Origin (cont.)

- Interview the individual, other peers and all staff to gain information
 - Did anything unusual occur?
 - How does the alleged victim express pain? Any indications of pain?
- Interview day program staff, including transportation staff
 - Did anything unusual occur during transportation or at day program?
- Review the ISP to see if the individual requires supervision/assistance when ambulating, transferring, showering, dressing, hygiene related tasks, etc.
 - Was the level of supervision maintained at all times?
 - Was anything unusual indicating an injury observed while assisting the individual?
- Determine if any video evidence is available and review for possible indicators of what caused the injury

Ruling Out Neglect

- During the course of the investigation, determine whether neglect was a factor in the incident and/or injury in order to rule in/out neglect
- When reviewing what happened in an incident, was the alleged victim neglected? Should the alleged perpetrator have done something differently?
- Did the alleged victim receive the care they needed? If not, why? Who is/was responsible?
- If the alleged victim had relevant service plans, were they followed? Why not?

Additional Allegations

- If an additional allegation of abuse, neglect, or exploitation is discovered during the course of the investigation, consult with your Incident Manager
- If it is determined that the additional code will be added to the incident, rather than submitting a new incident report (IR), the code will be added in NJIRMS.
- The provider is informed that all aspects of P.L. 2025, c.280 now apply to this incident and they must meet the 8 criteria
- The 180 day time clock for enforcement of P.L. 2025, c.280 begins when CIMU adds the code and notifies the provider (it is not retroactive to the incident date)

Develop an Investigation Plan

- Identify all allegations. List them out and ensure you understand each allegation
- List all individuals who need to be interviewed. Remember that everyone who may have information may not be listed on the incident report
- Prepare for each interview by determining initial questions, group questions by topics
- Identify documentation & evidence that needs to be collected

Visit Incident Scene

- Visit the scene, as applicable, as soon as possible
- For many investigations, viewing the scene of the incident/allegation can aid in understanding what occurred & may provide important evidence
- Actually seeing a physical location can assist in determining whether an explanation is or isn't plausible
- Safety factors contributing to the incident/allegation can also be identified. Viewing the scene can be used to test witness accounts

Preparing for Interviews

- Group questions by topic. Address one allegation at a time
- Have documentary and video evidence available
- If an interviewee is being untruthful, you may want to present the evidence and ask them to explain why what they are saying does not match the evidence
- It may be helpful to interview the reporter and alleged victim first
- Reporter and alleged victim can describe what happened, then you can utilize that information when interviewing other witnesses and the alleged perpetrator

Set the Room

- Ensure the interview room is private and you will not be interrupted
- Set up the chairs facing each other, with no barrier between them
- For safety purposes, always position yourself closest to the exit
- Interviewer controls the interview room, direct interviewee where to sit

Being Aware of Your Body Language

- In addition to observing the interviewee's body language, it is very important to be aware of your own body language
- Your body language can influence the interview
- Sit with open posture, facing interviewee, with no barriers in between
- Maintain eye contact, don't get buried in taking notes
- If you react strongly or shocked when someone is describing what they did to an individual, this can make the interviewee shut down

Conducting Interviews

- Refer to OPIA Investigative Interview Questions document for additional guidance
- Interviews should commence within the first five business days after assignment of the investigation
- Alleged perpetrator, alleged victim, and witness interviews should take place in person, collateral interviews may take place via phone or video interview
- Purpose for interviewing may be different (alleged perpetrator vs. identified witness vs. individuals receiving services)

Conducting Interviews (cont.)

****Per P.L. 2025, c.280, interviews must be conducted with all alleged victims, alleged perpetrators, witnesses and collateral contacts****

- Investigative interviews assist in obtaining & validating key details/information/facts
- People can explain why things occur - documents may not
- Testimonial evidence may be the only way to establish a preponderance of evidence and determine a finding

Conducting Interviews (cont.)

- When interviewing individuals receiving services, take into consideration their level of communication
- Allay any fears they may have in speaking with you
- Approach the interview with sensitivity and empathy
- Ensure any assistive communication devices, for example, a picture exchange communication system (PECS) the individual requires are available for use during the interview

Conducting Interviews (cont.)

- When interviewing the alleged victim, ensure the individual feels comfortable, safe and supported during the interview
- If the alleged victim requires 1:1 staffing, that level of supervision should be maintained during the interview
- Ensure that the 1:1 staff is not involved in the investigation in any way
- Additionally, if the individual does not require 1:1 staff, but they have a preferred staff person that would make them feel more comfortable, it is permissible to have that person sit in as long as they are not involved in the investigation in any way
- However, in both circumstances, the 1:1 staff member or preferred staff member should not provide any answers for the alleged victim

Conducting Interviews (cont.)

- If the individual does not want to talk with you when you first attempt to interview them, ask if you could come back tomorrow and speak with them
- Make multiple attempts to interview the individual
- Document your attempts to interview in the Investigation Report
- If the individual has difficulty recalling information, use alternate approaches to identify the alleged perpetrator and possible witnesses

Conducting Interviews (cont.)

- Begin each interview with an open mind
- Explain your role & responsibilities
- Inform interviewee that everything discussed in the interview must remain confidential
- Advise the individual why he/she is being interviewed
- Identify ground rules/procedure/expectations
- Initiate conversation/small talk to establish rapport

Conducting Interviews (cont.)

- Move on to baseline questions –explain you want his/her full account, in his/her own words
- Begin with simple, easy to answer questions & address one fact at a time
- Avoid using internal jargon. Avoid leading questions
- Encourage attempts to remember
- Not bound to accept the first answer provided

Conducting Interviews (cont.)

- Limit closed-ended questions that can be answered with only a yes/no
- Ask open- ended questions. (i.e. “Tell me what happened”)
- Ask questions several times in a variety of ways
- Categorize questions into groups about one particular issue or topic, then move on to the next issue/topic

Conducting Interviews (cont.)

- Ask the individual to provide information via a timeline- starting from the beginning/hours prior to incident. Ask what happened before, during and after the incident
- Ask them to point out the details of who, what, where, when, why & how
- If applicable, have them demonstrate/show you their actions, actions of others

Conducting Interviews (cont.)

- Ask the individual for details- sometimes it's details that help determine true facts
 - Describe in detail when they heard/saw. Determine degree of force: On a scale of 1 to 5, with 5 being the hardest, how hard was the alleged victim struck?
 - Determine volume: On a scale of 1 to 5, with 5 being the loudest, how loud was the person yelling at the alleged victim?
 - Was the alleged victim struck with open hand, closed fist, kicked, or struck with object
 - Where was individual struck? Upper right inner arm, lower left outer leg, etc.
 - Describe in detail what injury looked like (size, shape, redness, bruising, bleeding, etc.)

Conducting Interviews

Alleged Perpetrator

- Ask questions aimed at answering *why* something happened, why something was said, why he/she did/did not do something, etc.
- Ask for and consider alternative explanations
- Ensure that you follow-up on any alternate explanations that were given
- Ensure that you ask how else this could have happened
- Ask the alleged perpetrator why people would say that he/she abused/neglected/exploited the individual

Conducting Interviews

Alleged Perpetrator (cont.)

- Ask the alleged perpetrator if it's possible he/she hurt, didn't do something, exploited, etc., the person or if he/she *accidentally/unintentionally* did something to hurt the person, etc.
- Ask how it's possible others say they saw or heard something (if applicable)
- If there is video evidence, towards the end of the interview, review the video and ask the alleged perpetrator to explain their actions in the video

Conducting Interviews

Alleged Perpetrator (cont.)

- If there are photographs of an injury, show the photographs and ask the alleged perpetrator how the person ended up with that injury
- Specifically confront the alleged perpetrator with the allegation (i.e. Did you hit Mr. Jones?)
- Allow the individual time to answer
- Use silence to promote a reaction or additional information. Interviewer should strive to not break silence, wait for interviewee to answer

Conducting Interviews (cont.)

- Listen for inaccuracies and inconsistencies in information being provided- if detected, explain that a previously given answer contradicts what is now being said. Ask the individual to clarify and/or explain why
- Inconsistencies may warrant need for follow-up interviews. Conduct second interviews to clarify inconsistencies
- Keep in mind individual & cultural differences
- Words may not mean the same thing to everyone

Conducting Interviews (cont.)

- Practice active listening
 - Nod to show you are listening
 - Reflect back what interviewee states (i.e. what I'm hearing you say is...)
 - Saying okay or yes to encourage interviewee to keep talking
- Before concluding the interview make sure that you understand everything the interviewee stated
- Ask about others who may have information/knowledge relevant to the investigation and why they would have information/knowledge and follow up accordingly
- At the end of the interview, ask if there are any text messages/posts about the incident and follow up accordingly with attempting to/obtaining the text messages/posts

Conducting Interviews (cont.)

- At the end of the interview, ask individual if there is anything else they want you to know, want to disclose, if they have questions, etc.
- If additional allegations are disclosed, determine if the allegations should be incorporated into the current IR, or if a new IR needs to be reported in the New Jersey Incident Reporting and Management System (NJIRMS)
 - Seek guidance from your Incident Manager if needed
- When possible, write up interview summaries soon after conducting your interviews

Written Statement

- At the end of the interview, ask the alleged perpetrator to write a written statement that covers everything discussed during the interview
- Encourage interviewee to write a thorough statement by saying it is their opportunity to put everything in their own words
- Read the written statement prior to letting the interviewee leave the interview room
- If there are inconsistencies between what they said in their interview and the written statement, ask them to explain the inconsistencies

Interview Summary

****Per P.L. 2025, c.280, the Investigation Report must include interview summaries for all alleged victims, alleged perpetrators, witnesses and collateral contacts****

- Interview summaries do not have to be a full transcription of everything that was discussed. Rapport building questions do not have to be included, unless relevant
- Focus on summarizing the statements and information that is related to the allegation
- Utilize a combination of summarized statements and direct quotes
- Examples of interview summaries will be included while reviewing the DHS Investigation Report Template

Test Your Knowledge

- Per the Bill, who are you required to interview and summarize their interviews?
- A-Alleged victims and alleged perpetrators
- B-Alleged victims, alleged perpetrators, witnesses, and collateral contacts

KNOWLEDGE CHECK



Knowledge Check

B-Alleged victims, alleged perpetrators, witnesses, and collateral contacts

Detecting Deception

- Observe non-verbal body language
- **Possible** indications of deception (none of these are definite, but they are clues for the interviewer to pay attention to)
 - Body language changes from what was observed when asking the easy questions
 - Displays blocking behavior
 - Crossing arms in front of body
 - Turning body away from interviewer
 - Placing hand over mouth
 - Increased sweating
 - Increased rate of speech
 - Fidgeting in chair
 - Touching head/hair/face

Detecting Deception (cont.)

- **Possible** indications of deception (cont.)
 - Answering no, but shaking head yes
 - Answering a question with a question (Q-Did you strike Mr. Jones? A-Did I strike him?)
 - Answering with, “yup” or “nope,” rather than yes/no
 - Hostile/defensive when speaking
- Is the interviewee being deceptive due to fear?
 - Did anyone tell you not to talk to me?
 - Did anyone tell you what you should/shouldn't say to me?
 - Did anyone threaten something bad will happen to you if you talk to me?
 - Are you fearful of the alleged perpetrator?

Summarizing Evidence

****Per P.L. 2025, c.280, the investigation report must include a summary of physical and documentary evidence****

- All evidence utilized to support the findings should be entered and summarized
 - This includes summarizing video evidence
- You do not need to transcribe everything included in each piece of evidence, only include the facts relevant to the investigation
- Examples of summaries of evidence will be included while reviewing the findings template

Analysis

- It is important to analyze each piece of evidence throughout the course of the investigation
- How does the information support or not support the allegation/event?
- Tie the facts of the case to the elements of the allegation/event
- Ensure the information is clear

Analysis (cont.)

- Identify conflicting or missing information. Ensure all discrepancies are addressed
- The analysis of information should occur throughout the investigation to determine what evidence supports or does not support the allegation
- The analysis determines if there is enough evidence to substantiate the allegation or if the evidence supports an unsubstantiated finding

Test Your Knowledge

- The investigation report must include a summary of physical and documentary evidence
- A-True
- B-False

KNOWLEDGE CHECK



Knowledge Check

A-True

Findings

****Per P.L. 2025, c.280, the Investigation Report must include a finding for each allegation, alleged victim and alleged perpetrator, including a justification for each finding****

- The findings state whether each allegation is substantiated or unsubstantiated
- Summarize the evidence (testimonial, physical, documentary) that supports the finding
 - It is important to sequence the evidence in a logical order
 - This may mean laying out the evidence with the strongest first or this may mean laying out the evidence in a timeline fashion (injury of unknown origin, etc.)
- The reader needs to be able to understand what evidence was gathered to meet the preponderance of evidence standard

Findings (cont.)

- The following findings language is utilized in the Investigation Report 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 and physical evidence obtained, the allegation that Mr. John Doe was physically abused by Valley Health Services Direct Support Professional (DSP), Mr. James Smith, is substantiated.

Findings (cont.)

- 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.
 - Specifically, on 03/02/26, Mr. Doe was experiencing a behavioral episode. While attempting to initiate a restraint, Mr. Smith forcefully grabbed Mr. Doe by both arms and threw him to the ground. Mr. Smith then straddled Mr. Doe on the ground. Mr. Doe attempted to swing at Mr. Smith. Mr. Smith then punched Mr. Doe in the left eye and left side of his face three times. Mr. Doe was transported to the emergency room and evaluated. As a result of the abuse, Mr. Doe sustained a black left eye and significant swelling and bruising to his left eye and left cheek.

Findings (cont.)

- Note-If the allegation is unsubstantiated, then summarize what was alleged and state why it was unsubstantiated.
- Specifically, on 03/02/26, Mr. Doe was experiencing a behavioral episode. Mr. Doe alleged that Mr. Smith forcefully grabbed him, threw him to the ground and punched him in the face. There was a lack of corroborating evidence. Mr. Doe later recanted the allegation and the eye witness denied this occurred.

Findings (cont.)

The finding is supported by the following:

- *Bullet out the evidence that supports the findings (substantiated or unsubstantiated)*
- *Summarize testimonial evidence. List what each interviewee stated that supports the findings:*
 - Per Ms. Jones' interview, she witnessed Mr. Smith grab Mr. Doe, throw him to the ground and punch him three times. Ms. Jones checked Mr. Doe and noted injuries to his left eye area; first aid was administered and 911 was called.
 - Per Mr. Doe's interview, Mr. Smith grabbed his arms, threw him to the ground and punched him several times in his face. Mr. Doe stated Ms. Jones got Mr. Smith to go outside.

Findings (cont.)

- *Summarize the physical evidence that supports the findings:*
 - The photographs of Mr. Doe's injuries show dark purple bruising around the left orbital socket, with the left eyelid partially swollen shut. Additional bruising is observed on the left cheek, which is swollen and exhibits red and purple hues. These injuries are consistent with both Ms. Jones and Mr. Doe's statements

Findings (cont.)

- *Summarize the documentary evidence that supports the findings:*
 - Mr. Smith's training records indicate that he was trained on Mr. Doe's behavioral support plan on 08/05/24, on Restraint Uses and Procedures on 07/14/24, and on the prevention of abuse and neglect on 07/10/24.
 - Mr. Smith did not adhere to Mr. Doe's behavioral support plan, which dictates that staff should calmly inquire about Mr. Doe's difficulties, actively listen, and propose coping strategies to help him manage his emotions.
 - According to Valley Health Services procedure on "Restraint Uses and Procedures," aggressive behavior should first be managed through verbal de-escalation, then blocking pads, with hands-on restraints as a last resort. Mr. Smith did not follow this protocol, failing to employ hands-off techniques, and Mr. Smith used a restraint method not recognized in the policy.
 - According to the hospital discharge summary, Mr. Doe received x-rays of his left eye and face, which were negative for fractures. Mr. Doe was diagnosed with left orbital contusions and multiple facial contusions. Mr. Doe was released back to the program. Mr. Doe has fully healed from his injuries and no further treatment was needed.

Findings-Summary

- Begin the findings with the “Based upon...” language to clearly state the findings
- Next, utilize “Specifically...” to state either specifically what the investigation determined occurred (for substantiated allegations) or state what was alleged to have occurred (for unsubstantiated allegations)
- State, “The findings are based upon the following....” then bullet out and summarize all of the testimonial, documentary and physical evidence that supports the findings
- Ensure that you present findings for *each code* and *each set* of alleged victims and alleged perpetrators

Test Your Knowledge

- The Investigation Report must include a finding for each allegation, alleged victim and alleged perpetrator, including a justification for each finding
- A-True
- B-False

KNOWLEDGE CHECK



Knowledge Check

A-True

Guardian Closure Notification

****Per P.L. 2025, c.280, the provider agency must provide evidence that guardian notification was made at the completion of the investigation****

- This shall include copies of written communication to the guardian providing the outcome of the investigation, including all findings, summaries and actions taken
- It is strongly encouraged that the DHS-issued Guardian Closure Letter template be utilized
- Failure to include all of the elements in the DHS-issued Guardian Closure Letter template will result in an incomplete investigation report
- The letter template and the process will be reviewed in the next part of the training

Questions?

Lunch Break



Critical Incident Management Unit

Investigation Report Requirements

Office of Program Integrity & Accountability
Office of Investigations

Training Agenda

- CIMU submission standards and administrative review process
- DHS-issued Investigation Report Template review
- Closing criteria
- Guardian closure letter
- Failure to comply vs. non-compliance with P.L. 2025, c.280
- NJIRMS module for compliance tracking

Types of Cases Subject to P.L. 2025, c.280

- All cases of abuse, neglect and exploitation are subject to P.L. 2025, c.280
- For cases routed to CIMU, the process will be reviewed during the rest of the training
- For cases routed to OI, submit the investigation to OI utilizing the DHS-issued Investigation Report template in the required 30-day timeframe

CIMU Submission Standards for All Cases

- The CIMU submission time-frames still apply for all types of cases
- Providers have **30 business days** to submit their completed internal investigation to CIMU
- Providers will receive a Failure to Comply (FTC) notification if the investigation report is not received by 45 business days
- Please be advised that the status of non-compliance with investigation submission timeliness shall be represented within the OPIA Risk Management report
- All agency internal investigations are recommended to be submitted on the DHS-issued Investigation Report Template

CIMU Notifications

- **Change in Code or Closing entity:** DDD, CIMU or IVU will send an email when a code is either added/upgraded or the closing entity changes
- **Failure to comply notification:** If the investigation report is not submitted within the required 30 business days, a Failure to Comply notification email is sent at 45 business days
- **Additional information needed:** After the initial review of the investigation report, CIMU will send an email or call the provider when more information or changes are needed
- **P.L. 2025, c.280 compliance reminder notification letters:** Sent at 90, 120, and 150 calendar days for all cases subject to P.L. 2025, c.280 when the investigation report is incomplete or has not been received
- **Closure notification email:** Sent when the investigation has been closed by CIMU and will instruct the provider to send Guardian Closure letter
- **Non-compliance notification letter:** Sent at 180 days if the provider has failed to meet the 8 criteria and are now subject to a financial penalty

CIMU Administrative Review Process

- The CIMU incident managers are available to provide guidance and support
- The provider must include ALL relevant information that supports your finding. Do not assume that your CIMU Incident manager knows everything that you do as a provider
- If CIMU does not reach the same conclusion, the agency will be contacted and given the opportunity to provide additional information to support their finding(s)

CIMU Administrative Review Process

- CIMU may close an incident even if the same conclusion as the agency's cannot be reached. The agency's finding will be noted in NJIRMS, however CIMU will utilize its finding(s) to close the incident
- Any post closure follow-up may still be submitted via NJIRMS and/or to your CIMU representative
- If it is an SKL incident and guardian notification occurred outside the 2-hour requirement, remember to upload the SKL letter explaining the delay in notification to NJIRMS
- There is no appeal of CIMU's decision of the findings

****8 Criteria****

- Completed by an impartial person
- Include evidence that guardian notification was made at the onset of the investigation
- Include interviews and interview summaries of all alleged victims, alleged perpetrators, witnesses, and collaterals
- Include a summary of physical and documentary evidence

****8 Criteria**** (cont.)

- Include findings for each allegation, victim, and perpetrator
- Include a justification for each finding
- Include evidence that guardian notification was made at the completion of investigation (including outcome of investigation, including all findings, summaries, and actions taken)
- Document the completion of the investigation

DHS-Issued Investigation Report Template

- In order to ensure that all requirements of P.L. 2025, c.280 are met, providers are strongly encouraged to utilize the DHS-issued Investigation Report Template
- This includes all cases routed to CIMU and OI
- If the provider does not submit their investigation on the required template, the review process will be delayed and critical information could be missed
- CIMU may advise the provider to resubmit on the suggested DHS Investigation Report Template
- We will now review the template in detail

DHS-Issued Investigation Report Template (cont.)

- **Investigation Report Information** section gives the basic incident information and documents the initial guardian notification of investigation
- ****Per P.L. 2025, c.280, the provider agency is required to notify the legal guardian at the onset of the investigation****

Investigation Report Information:									
NJ IRMS #:	26-1234567								
Agency/Provider Name:	Valley Health Services								
Site Address:	123 Main Street, Anytown, NJ 12345				VID/Site ID #:	GH123			
Date & Time of the Alleged Incident:	3/2/2026		Time:		5:15pm				
Date Investigation Started:	3/3/2026								
Date Guardian Notified of Investigation:	3/3/2026		Notified Via:	Phone	☐	Email	☒	Letter	☐

DHS-Issued Investigation Report Template (cont.)

- **Description of the Incident Location** section should describe the location where the incident occurred in detail

Description of the Incident location:

Setting, (i.e. in dining room eating dinner, while at park, in van on Rt. 9, etc.)

Incident occurred in the living room and dining room area of the group home.

DHS-Issued Investigation Report Template (cont.)

- **Events leading up to the reportable incident** section should describe in detail the activities, people, change in routine or possible trigger that led up to the incident occurring

Events leading up to reportable incident, please explain and describe:

Activity | People | Change in Routine | Possible Trigger

Mr. John Doe was having a difficult day after he came home from day program. He was pacing around the group home and upset. This is not an unusual occurrence for him. Sometimes he has a difficult time with the transition from day program back to the group home.

DHS-Issued Investigation Report Template (cont.)

- **Description of the incident** section should describe in detail exactly what occurred, utilizing full first and last names, and focusing on the who, what, where, when, why and how

Description of the Incident:

On 03/02/26, Mr. John Doe arrived home from day program and he was upset. He was pacing around the group home, cursing, and yelling. Ms. Jessica Jones, DSP, stated that she observed Mr. James Smith, DSP, handle the situation inappropriately. Ms. Jones observed Ms. Smith grab Mr. Doe by both arms, throw him to the ground, and then punch Mr. Doe in the face. Ms. Jones attempted to intervene; she then sent Mr. Smith outside and called 911 for Mr. Doe. Mr. Doe was assessed and had bruising on his face. Mr. Smith was suspended pending the outcome of the investigation.

DHS-Issued Investigation Report Template (cont.)

- **Additional Allegations** section should be utilized when additional allegations were discovered during the course of the investigation and it is determined that the allegations should be incorporated into the current investigation, rather than reported in a new incident report
 - *If there are no additional allegations, just skip this section*

Additional Allegations:

Summarize additional allegations that were discovered during the course of the investigation (if applicable)

[Click here](#)

DHS-Issued Investigation Report Template (cont.)

- **Incident Codes** section lists the Incident Category (Abuse, neglect, exploitation, etc.), Incident Code (AB110, NE216, etc.), Sub-category (if applicable) and check off the findings at the conclusion of the investigation. For additional codes click the + button to duplicate the section

Incident Codes:			
Incident Category:	Abuse		
Incident Code:	AB112		
Sub-Category:	N/A		
Findings:	Substantiated/Yes	☒	Unsubstantiated/No ☐
* To duplicate this section for each additional victim, click here, then the plus sign to the right. >			

DHS-Issued Investigation Report Template (cont.)

- **Alleged Victim(s) Information** section lists the details about each alleged victim. To duplicate the section for each alleged victim, click the + button

Alleged Victim(s) Information:									
Full Legal Name:		Mr. John Doe							
Level of Supervision at the time of the incident:					Periodic 30 minute checks				
Has the guardian been notified about this incident report:					Yes	☒	No	☐	
* If "No" and not SKL, please write explanation below.* If "No" and SKL, please send in justification on agency letterhead.									
Click here									
Person Notified:									
First Name		Jane		Last Name		Doe		Title	Legal Guardian
Notified by:									
First Name		Samantha		Last Name		Best		Title	Program Coordinator
Date:	3/2/2026			Time:	6:00pm				
Support Coordinator Notified:			Yes	☒	No	☐			
* To duplicate this section for each additional victim, click here, then the plus sign to the right. →									

DHS-Issued Investigation Report Template (cont.)

- **Alleged Perpetrator(s) Information** section lists the details about each alleged perpetrator. To duplicate the section for each alleged perpetrator, click the + button

Alleged Perpetrator(s) Information:					
Full Legal Name:	Mr. James Smith				
Title:	Direct Support Professional	Male:	☒	Female:	☐
AP's Date of Birth:	02/20/1996				
* To duplicate this section for each additional alleged perpetrator, click here, then the plus sign to the right. →					

DHS-Issued Investigation Report Template (cont.)

- **Witness/Collateral Information** section lists the details about each witness or collateral interviewee. Ensure you check off if they are a witness or collateral. To duplicate the section for each witness/collateral, click the + button

Witness/Collateral Information:					
Full Legal Name:	Ms. Jessica Jones	Witness	☒	Collateral	☐
Title and/or Relationship:	Direct Support Professional				
* To duplicate this section for each additional witness, click here, then the plus sign to the right. →					

DHS-Issued Investigation Report Template (cont.)

- **All Staff on Shift & IRS' in Home/Location** section lists all staff and individuals who were present where and when the incident occurred

All Staff on Shift & IRS' in Home/Location: Please list all IRS's present and staff on shift (even if on break at time of the incident). If the incident occurred at Day Program, list IRS in the AV's group.	
Legal Name	Title / Relationship
Mr. Larry Brown	Individual
Mr. Ted Jackson	Individual
Mr. Ben Moore	Individual
Ms. Cindy Black	DSP
Click here	Click here
Click here	Click here

Evidence Summary Requirements

****Per P.L. 2025, c.280, the investigation report must include a summary of physical and documentary evidence, including video evidence****

- Only summarize evidence relevant to the allegation/event
- If a document is used as evidence, remember to submit the document along with your investigation report to CIMU
- **Physical evidence:** Photographs of injuries, objects utilized to abuse someone, broken equipment, items in disrepair, etc.
 - Describe photographs in detail as the reader may not get to see them and has to be able to visualize what is depicted

Evidence Summary Requirements (cont.)

- **Documentary evidence:** Service plans (ISP, BSP), medical records, financial records, daily logs, menus, policy and procedure, job descriptions, text messages
 - Summarize the relevant part of the document. You do not need to transcribe the entire document. Focus on what is relevant to the allegation
- **Video evidence**
 - You do not need to transcribe the entire length of the video
 - Focus on the act(s) related to the allegation
 - Utilize time stamps to describe the timeline of events
 - Describe in detail what occurred

DHS-Issued Investigation Report Template (cont.)

- **Evidence Reviewed** section lists all physical, documentary and video evidence reviewed during the course of the investigation. Ensure you check off the Evidence Type. To duplicate the section for each piece of evidence, click the + button

Evidence Reviewed:						
Name of Document:	Mr. Doe's BSP					
Date of Document:	05/15/25		Date Reviewed:		3/6/2026	
Evidence Type:	Documentary	☒	Physical	☐	Video	☐
Document review Summary: According to Mr. Doe's BSP, if he is experiencing a behavioral issue, staff are supposed to calmly ask Mr. Doe what is bothering him, actively listen and suggest coping strategies to help him to deal with his emotions.						

DHS-Issued Investigation Report Template (cont.)

- **Evidence Reviewed** section (cont.)

Name of Document:	Valley Health Services Restraint Uses and Procedures					
Date of Document:	01/03/2021		Date Reviewed:		3/5/2026	
Evidence Type:	Documentary	☒	Physical	☐	Video	☐
Document review Summary:						
According to the Valley Health Services procedure titled “Restraint Uses and Procedures,” if an individual is experiencing aggressive behavior, verbal de-escalation techniques should first be employed, followed by the use of blocking pads and hands-on restraints should only be employed after all other options have been exhausted.						

DHS-Issued Investigation Report Template (cont.)

- Evidence Reviewed section (cont.)

Name of Document:	Photographs of Mr. Doe's Injuries					
Date of Document:	03/02/26		Date Reviewed:	3/4/2026		
Evidence Type:	Documentary	☐	Physical	☒	Video	☐
Document review Summary:						
The photographs taken of Mr. Doe's injuries depict bruising of the left orbital socket. The bruising is dark purple, the entire eye area is bruised. The left eyelid is partially swollen shut. The second photograph depicts bruising to Mr. Doe's left cheek area underneath the left eye and near the corner of the left eye. The cheek area is swollen and red and purple in color.						
* To duplicate this section for each additional record, click here, then the plus sign to the right. →						

Interview Requirements

****Per P.L. 2025, c.280, interviews must be conducted with all alleged victims, alleged perpetrators, witnesses and collateral contacts****

- Interviews should commence within the first five business days of assignment
- Alleged victims, alleged perpetrators and eye witnesses should take place in person. Collaterals can be interviewed via phone or video
- Utilize open ended questions to elicit information: Who? What? Where? When? Why? How?
- Address discrepancies: This may require follow-up interviews with prior interviewees
- If additional allegations are disclosed, seek guidance from your Incident Manager if you are unsure whether additional allegations should be included in this incident or requires a new incident report to be generated

Interview Summary Requirements

- Interview summaries do not need to be a transcription of everything that was discussed. Focus on the facts related to the incident/allegation
- Utilize both third-person summarized statements and direct quotes
- Do not utilize AI or transcribing services
- Ensure discrepancies are addressed, utilize “Investigators notes” to clarify when needed

DHS-Issued Investigation Report Template (cont.)

- Interviews** section lists all people interviewed during the course of the investigation. Ensure you check off the Person Type. To duplicate the section for each interviewee, click the + button

Interviews:								
Full Name:	Mr. John Doe				Date of Interview:	3/4/2026		
Title/Relationship:	Alleged Victim							
Location:	Valley Health Main Office							
Others Present:	None							
Person Type:	AP	☐	AV	☒	Witness	☐	Collateral	☐
Summary of Interview:								

DHS-Issued Investigation Report Template (cont.)

- Interviews section (cont.)

When interviewed, the alleged victim, Mr. John Doe, stated that on the date of the incident he was having a difficult day. Mr. Doe stated that became upset and was yelling and pacing around the program. Mr. Doe stated that Mr. Smith told him to stop yelling and go sit down. Mr. Doe reported that he did not like the way Mr. Smith spoke to him and told him (Mr. Smith) to leave him (Mr. Doe) alone.

Mr. Doe stated that Mr. Smith then came over and grabbed both of his arms. Mr. Doe stated that Mr. Smith grabbing both of his arms made him even more upset. Mr. Doe stated, "That wasn't needed, he should have just left me be." Mr. Doe stated that before he knew it, Mr. Smith, "Grabbed me up and threw me to the ground! I was shocked!" Mr. Doe stated that he began struggling to get away from Mr. Smith and attempted to swing at Mr. Smith but did not make contact. Mr. Doe stated, "Then he (Mr. Smith) just started punching me right in my face!"

Mr. Doe was asked how many times Mr. Smith hit him and he said, "I think it was three or four times." Mr. Doe was asked on a scale of 1-5, with 5 being the hardest, how hard Mr. Smith punched him and he stated, "Five! He (Mr. Smith) hit me real hard, it really hurt, I had a black eye and bruising all on my face." Mr. Doe stated that Ms. Jones sent him (Mr. Smith) outside and called the ambulance.

* To duplicate this section for each interview, click here, then the plus sign to the right. →

DHS-Issued Investigation Report Template (cont.)

- Interviews section (cont.)

Full Name:	Ms. Jessica Jones	Date of Interview:	3/4/2026					
Title/Relationship:	Direct Support Professional/Eyewitness							
Location:	Valley Health Main Office							
Others Present:	None							
Person Type:	AP	☐	AV	☐	Witness	☒	Collateral	☐

DHS-Issued Investigation Report Template (cont.)

- Interviews section (cont.)

Summary of Interview:

When interviewed, Ms. Jessica Jones, Valley Health Services DSP, stated that she was working during the incident. Ms. Jones reported that she observed Mr. Doe having a behavioral episode, yelling loudly and pacing around.

Ms. Jones reported that she observed Mr. Smith grab Mr. Doe by both arms and then throw him to the ground. Ms. Jones stated that she attempted to intervene, but Mr. Smith loudly stated, "I got it!" Ms. Jones stated that she then saw Mr. Doe try to hit Mr. Smith. Ms. Jones stated, "Before I knew it, James (Mr. Smith) started punching John (Mr. Doe) in the face!" Ms. Jones stated that she yelled for Mr. Smith to stop.

Ms. Jones was asked how many times Mr. Smith hit Mr. Doe and she replied, "Three times." When asked on a scale of 1-5, with five being the hardest, how hard Mr. Smith struck Mr. Doe, she replied, "Hard, it was a five."

Ms. Jones stated that after she yelled for Mr. Smith to stop, he got up off of Mr. Doe and she told him to go outside and take a break. Ms. Jones stated that she assessed Mr. Doe and gave him an ice pack and then called 911 for him to go to the emergency room for evaluation.

DHS-Issued Investigation Report Template (cont.)

- Interviews section (cont.)

Full Name:	Mr. James Smith	Date of Interview:	3/4/2026					
Title/Relationship:	Direct Support Professional/Alleged Perpetrator							
Location:	Valley Health Main Office							
Others Present:	None							
Person Type:	AP	☒	AV	☐	Witness	☐	Collateral	☐

DHS-Issued Investigation Report Template (cont.)

- Interviews section (cont.)

Summary of Interview:

When interviewed, Mr. Smith stated that he was working on the date of the incident. Mr. Smith stated that Mr. Doe was angry and yelling and pacing around the program. Mr. Smith stated that he was trying to get Mr. Doe to calm down and told him he should go relax and sit down. Mr. Smith stated that Mr. Doe attempted to attack him, so he had to restrain him. (Investigator's note: The eyewitness and alleged victim did not corroborate that Mr. Doe attempted to attack Mr. Smith.)

Mr. Smith stated, "Because he (Mr. Doe) went to attack me, I had to restrain him." Mr. Smith was asked to describe what he did. Mr. Smith replied, "I applied a restraint, by holding both of his (Mr. Doe's) arms at his side, but then we were tussling around and fell to the ground." Mr. Smith was asked if he threw Mr. Doe to the ground; he replied, "No, he was fighting against me and we fell." (Investigator's note: Both the alleged victim and eyewitness stated that Mr. Smith threw Mr. Doe to the ground.)

DHS-Issued Investigation Report Template (cont.)

- **Interviews section** (cont.)

Mr. Smith was asked what happened next and he replied, “He (Mr. Doe) swung on me, so I had to get ahold of his wrists.” Mr. Smith was asked if he punched Mr. Doe. Mr. Smith replied, “Did I punch him? Nah, I was just trying to restrain him.”

Mr. Smith was asked why others would say that he punched Mr. Doe and he replied, “I don’t know. They didn’t see what actually happened.”

Mr. Smith was asked if he was trained on Mr. Doe’s behavioral support plan and he replied, “I guess so, there’s a lot of papers to review.” Mr. Smith was asked if he was trained on the “Restraint Use and Procedures” policy and he replied, “Probably, they go over so much stuff when they hire you. I’m not sure what it said.”

DHS-Issued Investigation Report Template (cont.)

- **Contacts** section lists all people contacted during the course of the investigation. To duplicate the section for each interviewee, click the + button

All Other Contacts:			
Full Name:	Det. Sarah Davis	Date:	3/2/2026
Relationship / Title:	Any Town Police Department Detective		
Summary:			
Incident was reported to the Any Town Police Department under Report 2026-1234.			

DHS-Issued Investigation Report Template (cont.)

- **Contacts** section (cont.)

Full Name:	Mr. Jeff Wilson	Date:	3/3/2026
Relationship / Title:	Support Coordinator		
Summary:			
The Support Coordinator was notified of the incident via email and a return phone call was received to check on the status of Mr. Doe after his discharge from the hospital.			

Findings Requirements

****Include findings for each allegation, alleged victim, and alleged perpetrator****

- Enter findings for each allegation code, which includes findings for each set of alleged victim(s) and alleged perpetrator(s)
- If you have varied findings:
 - If it is the same allegation code, the findings go in the same box on the template
 - If you are substantiating against one or more APs and unsubstantiating against one or more AP's, then you would write out one set of findings for the substantiated finding and one set of findings for the unsubstantiated finding

Findings Requirements (cont.)

****Include a justification for each finding****

- List all of the evidence that supports the findings
- Provide the strongest evidence first
 - Video evidence is usually listed first. Describe specifically what is depicted on video (i.e. staff sleeping, physical abuse occurring, etc.)
 - Interviews with staff who observed the what occurred
 - Alleged perpetrator interview admitting their actions

Allegation Findings

- An allegation requires a finding of **substantiated** or **unsubstantiated** which must be received in writing from the agency on the DHS-issued Investigation Report template
- **Civil Standard is a Preponderance of Evidence:** means that there is evidence sufficient to generate a belief that the conclusion is likely and more probable than not
- **Substantiated:** There is a preponderance of credible evidence that an allegation or a situation is true and/or occurred
- **Unsubstantiated:** There is less than a preponderance of credible evidence, facts, or information to support the allegation or situation is true and/or occurred

Allegation Findings (cont.)

- Allegations are codes that include all abuse, neglect and exploitation codes
 - Additionally, other types of allegation codes include rights violations and professional misconduct
- Police notification is ***required*** for many allegation codes. Refer to the coding grid
 - This includes police notification for financial exploitation allegations
- All allegations must have a full investigation conducted
- Each code must have its own finding
- Utilize the standard language for allegations that is included in the DHS-issued Investigation Report template

Event Findings

- Event findings are either **Yes (confirmed)** or **No (not confirmed)**
- If an event is the only code, then a full investigation may not be required, but abuse and neglect should be ruled out as a factor in the event and clearly documented
- In the case of an injury of unknown origin (IN114/IN116), these cases will require a full investigation to identify the potential cause of the injury and to rule out abuse and or neglect
- Some examples of other event codes are contraband (CN320), assault (AS114), and restraint use (RE102)
- Event findings are written more briefly than allegation findings

Event Findings (cont.)

- Depending on the type of event, the following questions may need to be answered within your report:
 - What was the individual's level of supervision and was it being maintained at the time of the incident?
 - Does this individual have a BSP, was it being followed at the time of the incident?
 - What were the individual's dietary needs, were they being followed at time of the incident?

Event Findings (cont.)

- Utilize the event findings template language
- Based upon the information obtained, it is (confirmed or not confirmed) that (First Last Name) experienced an (insert event). Abuse and neglect (was or was not) determined 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
- If abuse and/or neglect was determined to be a factor, notify your CIMU Incident Manager and continue to investigate the allegation
 - Add a summary of the additional allegation in the “Additional Allegations” section of the DHS Investigation Report Template

DHS-Issued Investigation Report Template (cont.)

- **Conclusion/Analysis of Evidence** section lists the incident category and code, alleged victims and alleged perpetrators, and findings. To duplicate the section for each allegation or event, click the + button

Conclusion/Analysis of Evidence for Allegation and/or Event: <u>A finding for each code is required</u> ; please ensure that findings are listed for each alleged victim and each alleged perpetrator:				
Incident Category:	Abuse			
Incident Code:	AB112			
Sub-Category:	N/A			
Name of Alleged Victim(s):	Mr. John Doe			
Name of Alleged Perpetrator(s):	Mr. James Smith			
Substantiated / Yes:	☒	Unsubstantiated / No:	☐	

DHS-Issued Investigation Report Template (cont.)

- **Conclusion/Analysis of Evidence** section (cont.)

Utilize templates below:

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

Specifically, on 03/02/26, Mr. Doe was experiencing a behavioral episode. While attempting to initiate a restraint, Mr. Smith forcefully grabbed Mr. Doe by both arms and threw him to the ground. Mr. Smith then straddled Mr. Doe on the ground. Mr. Doe attempted to swing at Mr. Smith. Mr. Smith then punched Mr. Doe in the left eye and left side of his face three times. Mr. Doe was transported to the emergency room and evaluated. As a result of the abuse, Mr. Doe sustained a black left eye and significant swelling and bruising to his left eye and left cheek.

DHS-Issued Investigation Report Template (cont.)

- **Conclusion/Analysis of Evidence** section (cont.)

The finding is supported by the following:

- Per Ms. Jones' interview, she witnessed Mr. Smith grab Mr. Doe, throw him to the ground and punch him three times. Ms. Jones checked Mr. Doe and noted injuries to his left eye area; first aid administered and 911 was called.
- Per Mr. Doe's interview, Mr. Smith grabbed his arms, threw him to the ground and punched him several times in his face. Mr. Doe stated Ms. Jones got Mr. Smith to go outside.
- The photographs of Mr. Doe's injuries show dark purple bruising around the left orbital socket, with the left eyelid partially swollen shut. Additional bruising is observed on the left cheek, which is swollen and exhibits red and purple hues. These injuries are consistent with both Ms. Jones and Mr. Doe's statements.

DHS-Issued Investigation Report Template (cont.)

- **Conclusion/Analysis of Evidence** section (cont.)

- Mr. Smith's training records indicate that he was trained on Mr. Doe's behavioral support plan on 08/05/24, on Restraint Uses and Procedures on 07/14/24, and on the prevention of abuse and neglect on 07/10/24.
- Mr. Smith did not adhere to Mr. Doe's behavioral support plan, which dictates that staff should calmly inquire about Mr. Doe's difficulties, actively listen, and propose coping strategies to help him manage his emotions.
- According to Valley Health Services procedure on "Restraint Uses and Procedures," aggressive behavior should first be managed through verbal de-escalation, then blocking pads, with hands-on restraints as a last resort. Mr. Smith did not follow this protocol, failing to employ hands-off techniques, and Mr. Smith used a restraint method not recognized in the policy.
- According to the hospital discharge summary, Mr. Doe received x-rays of his left eye and face, which were negative for fractures. Mr. Doe was diagnosed with left orbital contusions and multiple facial contusions. Mr. Doe was released back to the program. Mr. Doe has fully healed from his injuries and no further treatment was needed.

DHS-Issued Investigation Report Template (cont.)

- **Related Concerns** section lists all related concerns. To duplicate the section for each related concern, click the + button

Related Concern(s):
List any concerns that were identified
Summary:
It is of concern that Mr. Smith stated in his interview that he was unsure of what was contained in the trainings.
* To duplicate this section for each concern, click here, then the plus sign to the right. →

Actions Planned or Taken Requirements

- **Actions Taken and Planned** section lists all actions taken in relation to the allegation/event
- Include all actions planned and/or taken in response to the incident
- Group actions by the following classifications:
 - Immediate
 - Corrective
 - Preventative
- **NOTE:** Your incident will NOT be closed without adequate Preventative Actions

Immediate Actions

- **Immediate Actions 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
- Include date(s) measures were taken

DHS-Issued Investigation Report Template (cont.)

- **Immediate Actions** section lists all immediate actions taken in relation to the allegation/event. To duplicate the section for each immediate action, click the + button

Actions Taken & Planned:	
Immediate Actions:	Suspended
Completion Date:	3/2/2026
Summary:	
The alleged perpetrator, Mr. Smith was immediately suspended pending the outcome of the investigation.	

DHS-Issued Investigation Report Template (cont.)

- Immediate Actions section (cont.)

Immediate Actions:	ER Treatment/Evaluation
Completion Date:	3/2/2026
Summary:	
911 was called and Mr. Doe was transported to the ER for evaluation. He received x-rays and was diagnosed with left orbital and multiple facial contusions. He was released back to the group home.	

Corrective Actions

- **Corrective Actions address the incident and those involved**
 - Training, education, shadowing staff
 - IDT meeting
 - Medical/psychiatric follow up
 - Revision of ISP or BSP
 - Disciplinary actions
 - Increased supervision
 - Increased monitoring
 - Funds reimbursed
- Include date(s) planned and/or taken
- If you are referring to HR for further action, please follow up with OPIA regarding actions determined with date taken

DHS-Issued Investigation Report Template (cont.)

- **Corrective Actions** section lists all corrective actions taken in relation to the allegation/event. To duplicate the section for each corrective action, click the + button

Corrective Action:	Terminated			
Planned Date:	3/10/2026	Completion date:	3/10/2026	
Summary:				
Due to the substantiated physical abuse finding, Mr. Smith's employment was terminated on this date. He is not eligible for rehire.				

Preventative Actions

- **Preventative Actions prevent the likelihood of recurrence**
- **Must provide preventative action(s) for each allegation and/or event**
 - Upper management completing unannounced visits
 - Increased monitoring
 - Root Cause Analysis (RCA)
 - Addressing systemic issues
 - IDT meeting
 - 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 date(s) planned and/or measures taken**

DHS-Issued Investigation Report Template (cont.)

- **Preventative Actions** section lists all preventative actions taken in relation to the allegation/event. To duplicate the section for each preventative action, click the + button
- **Incidents will not be closed without preventative actions being identified**

Preventative Actions:		Training Staff		
Planned Date:	3/13/2026	Completion date:	3/13/2026	
Summary:				
All staff were retrained on Mr. Doe's BSP and the Restraint Uses and Procedures to ensure staff understand the de-escalation techniques in the BSP and how to properly initiate a restraint if needed.				

DHS-Issued Investigation Report Template (cont.)

- **Sign off and attestation** section lists the dates that the investigation is completed and submitted to DHS/OPIA, the Investigator’s name, and attestation that the investigation was completed by an impartial person
- ****Per P.L. 2025, c.280, the investigation must be conducted by an impartial person who is not directly involved in the incident being investigated****

Date Investigation Completed:	3/9/2026		
Attestation ☒ Yes ☐ No	I hereby certify that the assigned Investigator is an impartial person who was not directly involved in the incident being investigated.		
Investigation Completed by:	Mr. Jason Black	Title:	Quality Assurance Director
Contact Phone number:	555-555-5555	Email:	Jason.Black@anymail.com
Date Submitted to DHS/OPIA:	3/11/2026		

The information contained in this report is confidential. This document is for internal use only and is not public document. Only those with a need to know and authority to review this report may review the report. This report may contain confidential client information, as well as protected health information, which is protected by state and federal confidentiality laws. Unauthorized disclosure of any of the contents of this report may result in civil and/or criminal penalties.

Test Your Knowledge

- An impartial investigator is required. What defines impartiality?
- A-No known relationships or conflicts of interest with any persons involved in the investigation
- B-Any trained investigator

KNOWLEDGE CHECK



Knowledge Check

A-No known relationships or conflicts of interest with any persons involved in the investigation

Closing Criteria-Administrative Order AO 2:05

- Complete a thorough and credible investigation/evaluation of the incident by a trained, impartial investigator
- Arrive at an objective conclusion based on documented/presenting evidence and facts
- The Investigative Report shall be a detailed account of the events of the incident and the steps taken during the course of the investigation

Closing Criteria-Administrative Order AO 2:05 (cont.)

- There shall be an analysis provided about the information collected and factual evidence, a summary conclusion based on the findings of fact during the investigation, and identified concerns as appropriate
- The identified concerns are provided as a part of the investigative report for the agency to create a corrective action plan to assist in preventing a recurrence
- Any closed incident may be re-opened following its review

Closing Criteria and P.L. 2025, c.280 Criteria

- Along with the closing criteria listed on the previous slides, the additional 8 criteria in P.L. 2025, c.280 must be met for all cases of abuse, neglect and exploitation
- Some of the criteria overlap, while there are the additional 8 criteria per P.L. 2025, c.280

Guardian Closure Letter

****Per P.L. 2025, c.280, the provider must notify the legal guardian upon completion of the internal investigation****

- The guardian closure letter must include:
 - Findings
 - Summaries
 - Actions planned/taken
- Providers are strongly encouraged to utilize the DHS-issued Guardian Closure letter template

Guardian Closure Letter (cont.)

- The provider must wait to notify the guardian until they are notified by CIMU that the incident has been closed
- Once notification is received from CIMU, the provider must draft and send the letter to the guardian via mail or email
- The provider should utilize the DHS-issued Guardian Closure letter template to ensure that all of the guardian letter requirements within P.L. 2025, c.280 are met
- The provider must upload the guardian closure letter to the incident in NJIRMS
 - Qualified providers will send the letter to their Incident Manager
- CIMU will evaluate the letter to ensure that it meets the requirements

Guardian Closure Letter (cont.)

- Throughout the guardian closure letter template, ensure that you fill in everywhere there are brackets

Utilize Agency Letterhead

[Date]

[Mr./Ms. First Last Name]

[Address]

[Email address-if applicable]

Re: [Mr./Ms. Individual's full name]
[Unsubstantiated/Substantiated] [abuse/neglect/exploitation]
[Confirmed [major or moderate] injury [of/due to] [list sub-category]]
Incident Date: [xx/xx/xx]
IRMS#: [xx-xxxxxxx]

Guardian Closure Letter (cont.)

Dear [Ms./Mr. First Last Name]:

In accordance with Public Law (P.L.) 2025, c. 280 (the Act), the entity responsible for completing the agency internal investigation is required to inform the legal guardian of the outcome of the investigation once the incident is closed. Per the Act, this notification must include the outcome of the investigation, including all findings, summaries, and actions taken.

Guardian Closure Letter (cont.)

[Agency name] completed an investigation of the above-referenced allegation of [abuse/neglect/exploitation] involving [individual's name: Mr./Ms. First Last Name], an individual receiving services from the Division of Developmental Disabilities (DDD). Interviews were conducted with [the alleged perpetrator(s), guardian, DDD and agency staff]. [Mr./Ms. individual's last name], the alleged victim, [was/was not] interviewed. The following records related to the incident were also reviewed: [list documents that were reviewed i.e. – staff logs, staff training records, video recordings, MARs, etc.]

Guardian Closure Letter (cont.)

The investigation [unsubstantiated/substantiated] that [Mr./Ms. individual's last name] was [abused/neglected/exploited] by a caregiver employed with [agency name]. There was [insufficient/sufficient] evidence to support a substantiated finding.

Additionally, as of the date of this notification, action [choose applicable - was/was not taken] by the [Agency name]. [Include if actions were taken: Actions taken or planned to be taken include the following:]

- [Bullet out each action- i.e. personnel actions, and all immediate, protective and preventative actions taken]

Guardian Closure Letter (cont.)

If you have any additional questions or concerns, please contact [Insert name] at [(XXX) XXX-XXXX.]

Thank you.

Sincerely,

Name

Title

Test Your Knowledge

- The guardian closure letter is sent following CIMU closing the incident and must include:
- A-Statement of findings
- B-Findings, summaries and actions planned/taken

KNOWLEDGE CHECK



Knowledge Check

B-Findings, summaries and
actions planned/taken

Failure to Comply vs. Non-Compliance with P.L. 2025, c.280

- CIMU's current Failure to Comply process will remain in place and will differ from the new Non-Compliance with P.L. 2025, c.280 requirements
- Although P.L. 2025, c.280 gives more generous timeframes before issuing a fine for non-compliance, the CIMU standards for submission of investigation reports still remain the same

Failure to Comply

- CIMU will send a Failure to Comply email at 45 business days when an incomplete or no investigation report has been received within 30 business days from the date of the “Incident Notification” email
- Failure to Comply data will still be reflected in the Risk Management Report

Non-Compliance with P.L. 2025, c.280

- Per P.L. 2025, c.280, CIMU will send compliance reminder notification letters at identified time intervals when either an incomplete or no investigation report has been received
- For the purposes of P.L. 2025, c.280, they are counted in calendar days, not business days as utilized for Failure to Comply
- The Department recognizes that the difference in counting calendar days vs business days creates some challenges. However, due to how P.L. 2025, c.280 is written, those days must be counted in calendar days
- In order to assist the provider with tracking the days for cases subject to P.L. 2025, c.280, a module is being developed in NJIRMS for the providers to track compliance with those incidents

Compliance Reminder Notifications

- CIMU will send compliance reminder notification letters at the following identified time intervals when either an incomplete or no investigation report has been received
 - 90 calendar days
 - 120 calendar days
 - 150 calendar days

Non-Compliance Notification

- CIMU will send a Non-Compliance letter when either an incomplete or no investigation report has been received by:
 - 180 calendar days
- A validation check is conducted by the OPM Director and CIMU Chief to evaluate referring the case to the Enforcement Panel
- If the provider has been actively communicating with CIMU regarding barriers to completing the investigation (i.e. law enforcement involvement), those factors are taken into consideration

Non-Compliance Notification

- CIMU will:
 - Confirm no approved extension
 - Confirm report truly missing/incomplete
 - Review for exceptional circumstances
- The Non-Compliance letter will inform the provider that they are now subject to a financial penalty for not complying with the 180 day time frame
- Further information will be sent to the provider by the Enforcement Panel

Test Your Knowledge

- Compliance reminder notification letters will be sent to the provider if either an incomplete or no investigation report has been received at what time intervals?
- A-90, 120, 150 calendar days
- B-Every 30 business days

KNOWLEDGE CHECK



Knowledge Check

A-90, 120, 150 calendar days

NJIRMS Module for Compliance Tracking

- For licensed providers with access to NJIRMS, there will be a new dashboard for the providers to track compliance with P.L. 2025, c.280 related cases
- The new module and dashboard are in the final stages of development
- Once it is completed, directions, including screenshots, will be made available in the NJIRMS Documents section and our website

NJIRMS Module for Compliance Tracking (cont.)

- The Compliance Dashboard will contain the following fields:
 - Provider Name
 - Site ID
 - Incident ID
 - List of Codes
 - Date of Incident
 - Tracking Start Date-Date incident is assigned to CIMU
 - CIMU Due Date- 30 business days from date assigned
 - CIMU Overdue Date- 45 business days from date assigned

NJIRMS Module for Compliance Tracking (cont.)

- The Compliance Dashboard will contain the following fields:
 - 1st Reminder-90 calendar days from date assigned
 - 2nd Reminder-120 calendar days from date assigned
 - 3rd Reminder- 150 calendar days from date assigned
 - Status: Pending/Closed
 - Guardian Findings Letter- if not met, case will remain on the dashboard for fines evaluation

Questions?