NEW JERSEY HUMAN SERVICES

# DMAPAC Committee
# OI Investigation Process

Office of Program Integrity & Accountability
**Office of Investigations**

*2026*

# Training Objective

- Overview of the Office of Investigations (OI) investigation processes

# Investigations Database

- **Documentation of the Investigation in the Database**
  - All investigative activities are documented in the Investigations Data Management and Reporting System (IDMRS)
  - IDMRS generates both the Work Papers and the Final Report
- **Final Report**
  - The Final Report contains the description of the incident/allegation, findings and related concerns
  - The Final Report is what is distributed to entitled entities and the legal guardian can request a redacted copy of the final report

# Investigations Database

- **Work Papers**
  - The Work Papers contain the description of the incident/allegation, all interviews, summaries of documentary evidence, investigative activities, contacts, findings, related concerns, and regulatory findings
  - The Work Papers are an internal OI work product and are deliberative and confidential. They cannot be released without a judicial court order. But they can be shared with law enforcement as part of an on-going investigation
  - The DMAPAC will receive the Work Papers when they are reviewing OI investigations

# Supervisory Oversight

- **Supervisory oversight of investigations**
  - During the course of the investigation, the OI Investigator has weekly case conferences with their Supervisor to discuss the progress of the investigation. The Supervisor gives direction as needed
  - Additionally, if any emergent issues arise, the Investigator informs the Supervisor immediately and guidance is provided
  - If needed, the Supervisor keeps the Regional Chief informed of issues that may require a higher level of input
  - If needed, the Regional Chief apprises the OI Director of an emergent issues that may require the Director's input or oversight

# Supervisory Oversight

- **OI Investigator submits the draft report**
  - Investigator submits draft report to the Supervisor every 15 business days for review and feedback
  - For Developmental Center cases, the drafts are submitted every 5 business days
- **OI Supervisor reviews the draft report**
  - Supervisor provides feedback and guidance, and submits the draft back to the Investigator

# OI Investigation Processes

- Per the AO 2:05 coding grid, the most serious types of allegations are routed to OI for investigation
- Upon assignment, OI cases are thoroughly investigated encompassing all of the following elements

# OI Investigation Processes

- **Initial Assignment**
  - When cases are routed to OI for investigation, they are assigned to an OI Investigator, Supervisor and Regional Chief within the same business day it is routed

- **Notifying Division of Children and Families (DCF)/Institutional Abuse Investigations Unit (IAIU)** (if applicable: for 18-21 year-olds)
  - If the investigation involves an individual who is 18-21 years of age, OI notifies DCF/IAIU

  - Note that new legislation moves all investigations involving 18-21 year-olds to DCF/IAIU effective 01/01/27

- **Referral to Division of Criminal Justice (DCJ)**
  - Per the Stephen Komninos Law, for all cases involving individuals with intellectual/developmental disabilities (I/DD), OI notifies DCJ upon assignment of an investigation

# Division of Criminal Justice Referrals

- DCJ receives the initial incident report for all investigations involving alleged victims with developmental disabilities
- DCJ determines if they will decline involvement, request the final report, or refer to various law enforcement entities
- If DCJ requests the final report, OI forwards it to them when the investigation is completed
- DCJ determines any law enforcement involvement
- OI has no control over whether DCJ determines they will be involved in an incident or pursue criminal charges

# Local Law Enforcement Involvement

- Per the coding grid, certain types of allegations also require the provider agency to notify local law enforcement
- Law enforcement involvement is at the discretion of local law enforcement entities
- While OI will advocate for criminal charges in serious cases, OI has no control over whether or not law enforcement decides to criminally charge an alleged perpetrator
- If DCJ or local law enforcement are investigating, OI must seek clearance before beginning the investigation
  - A criminal investigation always takes precedence over OI's civil investigation

# OI Investigation Processes

- **Review Initial Incident Report**
  - Identify all involved persons
  - Determine if alleged victim(s) have legal guardians
  - Review incident coding and incident description
  - Review any actions taken
  - Address any discrepancies
- **Initial Response (If necessary)**
  - OI can initiate an initial response if there are circumstances requiring an Investigator to respond urgently
  - An initial response is when the Investigator initiates investigative activities within the first 24 hours of assignment

# OI Investigation Processes

- **Review Initial Case Conference Checklist**
  - OI Supervisor completes the Initial Case Conference Checklist, which contains comprehensive direction on what the OI Investigator should obtain, review, and analyze and required interviews during the course of the investigation
  - OI Investigator reviews the checklist and has an initial case conference with the OI Supervisor
- **Develop Investigation Plan**
  - OI Investigator determines what evidence needs to be collected, analyzed and summarized, determines the involved persons who need to be interviewed, and plans out the investigative activities

# OI Investigation Processes

- **Obtain Incident Verification Unit (IVU) Information**
  - IVU responds within 48 hours of an incident being reported to verify the level of injury and documents their visit in the New Jersey Incident Reporting and Management System (NJIRMS)
  - The OI Investigator reviews the IVU information to determine if there is any additional relevant information that was obtained by IVU
- **Notifying Legal Guardian (if applicable)**
  - If the alleged victim has a legal guardian, they are informed of the OI investigation via phone and letter
  - Additionally, the legal guardian is informed of their right to attend the interview of the alleged victim they represent

# OI Investigation Processes

- **NJIRMS Searches for all Alleged Perpetrators**
  - NJIRMS contains all incident reports from 2004 to present
  - An NJIRMS search is conducted and summarized for all alleged perpetrators to determine incident history
- **Assessing Role of Case Manager/Case Management Supervisor/Support Coordinator**
  - Per Tara's Law and the Stephen Komninos Law, OI assesses the role of the Case Manager/Case Management Supervisor/Support Coordinator
  - OI determines if there were any concerns with their role in the incident
  - If there were concerns, they are reported to the appropriate unit within the Division of Developmental Disabilities (DDD)
  - If the concerns rise to a certain level of seriousness, they are also reported to DCJ

# OI Investigation Processes

- **Visit Scene**
  - OI Investigator visits the scene within the first week of assignment of the incident to determine any safety factors that could have contributed to the incident
  - Additionally, visiting the scene allows the Investigator to determine if the explanation of the incident is or is not plausible
- **Conduct Interviews**
  - OI Investigator begins conducting interviews within 2-3 business days from assignment of the incident
  - All alleged victims, alleged perpetrators, witnesses and collateral contacts are interviewed
  - When needed, second interviews are also conducted to clarify information

# OI Investigation Processes

- **Obtain and Summarize Documentary Evidence**
  - All documentary evidence relevant to the incident is obtained, reviewed, analyzed, and summarized
  - Documentary evidence is uploaded to the IDMRS database
- **Obtain and Summarize Video Evidence**
  - If there is video evidence, it is obtained, reviewed and analyzed
  - All relevant video evidence is summarized in the investigation report
- **Analyze Evidence**
  - As the evidence is obtained, the OI Investigator analyzes the evidence to determine whether or not there is a preponderance of evidence to substantiate the allegation or if the evidence supports an unsubstantiated finding

# Preponderance of Evidence

- OI findings are based upon 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?
- Corroboration is required to determine a substantiated finding

# OI Investigation Processes

- **Draft Findings for Each Allegation Code**
  - Once there is a preponderance of evidence to determine if each code will be substantiated or unsubstantiated, the OI Investigator begins drafting the findings for each allegation code and each set of alleged victims and alleged perpetrators
  - The findings state whether each code is substantiated or unsubstantiated and list specifically what occurred (for substantiated codes) or was alleged to have occurred (for unsubstantiated codes)
  - The findings contain a summary of all testimonial, physical, documentary and video evidence that supports the findings

# OI Investigation Processes

- **Document Related Concerns**
  - Related concerns are identified to mitigate risk
  - Related conerns are other issues that are discovered during the course of the investigation that can include, but are not limited to:
    - Health and safety issues
    - Issues with policies and procedures
    - Concerns with training
    - Staffing issues
    - Administrative concerns
    - Systemic issues

# OI Investigation Processes

- **Document Regulatory Findings**
  - Regulatory findings are documented for the following laws:
    - Danielle's Law
    - Tara's Law
    - Stephen Komninos' Law
- **Submit Final Investigation Report for Review**
  - When the investigation is complete and the case is ready to be closed, the Investigator submits the report to the Supervisor for review

# OI Investigation Processes

- **Supervisory Review Process**
  - There are multiple levels of supervisory review, depending on the findings of the investigation
  - Each level of review provides feedback and there may be clarification and follow up conducted by the Investigator
    - **Unsubstantiated** cases are reviewed and closed by the Supervisor
    - **Substantiated** cases are reviewed by the Supervisor, then submitted to the Regional Chief for review and closure
    - **Substantiated cases with a Central Registry referral, failure to report and administrative neglect** cases are reviewed by the Supervisor, then the Regional Chief, then submitted to the OI Director for review and closure
- **Investigation Closure**
  - Once the case has been reviewed and approved by the designated level of supervisory review, the case is closed in IDMRS and NJIRMS

# OI Investigation Processes

- **Final Report Distribution**
  - The Final Report is distributed to the appropriate internal entities for review and follow-up:
    - DDD Office of Risk Management (ORM)-For all DDD investigations-Provider agencies must submit a Plan of Correction (POC) to ORM for all investigations with substantiated allegations and/or related concerns
    - DHS Office of Licensing (OOL)-For Licensed programs
    - Developmental Center (DC) CEO-For all DC investigations
    - Division of Mental Health and Addiction Services (DMHAS)-For all DMHAS investigations. Provider agencies must submit a Plan of Correction (POC) for all substantiated investigations and unsubstantiated investigations with related concerns
  - If DCJ requested the final report, it is sent to DCJ who determines if any referrals to law enforcement entities will occur for possible criminal charges

# OI Investigation Processes

- **Final Letters**
  - Final Letters are drafted, processed, electronically distributed and/or mailed to entitled parties
    - Provider agency
    - Alleged perpetrators
    - Legal guardians
- **Referrals for Additional Actions**
  - If the investigation meets that criteria, referrals to the appropriate entities occur:
    - DCJ Referral
    - Central Registry Referral
    - Penalty Review Committee Referral (Effective 07/01/26)

# Division of Criminal Justice (DCJ) Referral

- For investigations when Failure to Report is confirmed, the case is referred to DCJ
- Current law requires that a person with reasonable cause to believe that an individual with a developmental disability has been subjected to abuse, neglect, or exploitation must report the same immediately to DHS by telephone or otherwise
- A person who fails to comply with reporting obligations is subject to potential criminal charges and a civil penalty of $350 for each day that the abuse, neglect, or exploitation was not reported
- DCJ determines if any criminal charges will be pursued in relation to the confirmed failure to report

# Central Registry of Offenders

- The "Central Registry of Offenders (CRO) against Individuals with Developmental Disabilities" (N.J.S.A. 30:6D-73 et seq.) went into effect on October 27, 2010
- New Jersey became one of a handful of states that affords this crucial, additional protection to individuals with developmental disabilities
- DHS maintains a confidential list of caregivers previously working in programs licensed, contracted or regulated by DHS, who have been determined by a DHS investigation to have abused, neglected, or exploited an individual with a disability and having met the heightened central registry (CR) criteria

# Central Registry Referrals

- If case meets the criteria for a CR referral, it is referred to the CR review panel for determination
- The panel reviews the OI Investigation and determines if the alleged perpetrator's actions meet the criteria for inclusion on the CRO
- The panel makes a recommendation to the OPIA Director, who determines if the alleged perpetrator is placed on the CRO
- Once an alleged perpetrator is placed on the CRO, they do have appeal rights, but they remain barred from employment with individuals with I/DD or children during the appeal process
- Provider agencies contracted, licensed and/or regulated by DHS have access to the web-based registry and are required to check the CRO to ensure potential and current employees are not listed on the CRO

# Central Registry of Offenders

- There are specific criteria that must be met for OI to make a referral to the CR
- For inclusion on the CR in the case of a substantiated incident of **abuse**, the caregiver shall have acted with intent, recklessness, or careless disregard to cause or potentially cause injury to an individual with a developmental disability
  - **Intent** is the mental resolution or determination to commit an act
  - **Recklessness** is the creation of a substantial and unjustifiable risk of harm to others by a conscious disregard for that risk
  - **Careless disregard** is the lack of reasonableness and prudence in doing what a person ought not to do or not doing what ought to be done

# Central Registry of Offenders

- For inclusion on the CR in the case of a substantiated incident of **neglect**, the caregiver shall have acted with gross negligence, recklessness, or in a pattern of behavior that causes or potentially causes harm to an individual with a developmental disability
  - **Gross negligence** is a conscious, voluntary act or omission in reckless disregard of a duty and of the consequences to another party
  - **Recklessness** is the creation of a substantial and unjustifiable risk of harm to others by a conscious disregard for that risk
  - **A pattern of behavior** is a repeated set of similar wrongful acts

# Central Registry of Offenders

- In the case of a substantiated incident of **exploitation**, any single act or set of acts that dispossesses a service recipient or group of service recipients of a monetary value of $100.00 or more

# Public Law (P.L.) 2025, c.280

- If case meets the criteria for Public Law (P.L.) 2025, c.280 (The Enforcement Law), it is referred to the Penalty Review Committee for review
- Substantiated findings for the following codes will result in a financial penalty:
  - Administrative neglect that results in a moderate or major injury
  - Abuse with a moderate or major injury
  - Neglect with a moderate or major injury
  - Exploitation over $100
  - Sexual abuse

# Quality Review Process

- Periodic quality review audits are conducted of a random sample of investigations from each Investigator. Any concerns or inconsistencies are noted and training to enhance the quality of investigations is implemented
- Random audits of unsubstantiated investigations are conducted by Regional Chiefs who determine if:
  - All allegations were addressed
  - The evidence supports the findings
  - There were any major inconsistencies or concerns
- The results of the random audits are complied and shared with the OI Director
- If there were any concerns or inconsistencies, the OI Director ensures necessary follow up actions are taken

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# Questions?