

**OFFICE OF INVESTIGATIVE SERVICES
POLICY AND PROCEDURE #220**

AUTHORITY AND RESPONSIBILITY

The following Policy and Procedures are extracted from the Georgia DHR Administrative Policy and Procedures Manual, Part IV.J.1., Criminal Misconduct: Authority and Responsibility for Investigations.

SECTION I: Policy

SUBJECT: CRIMINAL MISCONDUCT: AUTHORITY AND RESPONSIBILITY FOR INVESTIGATIONS

LEGAL REFERENCE:

- A. A principal objective of the Department is to attain and maintain the highest level of public trust possible. To that end, it is the responsibility of each officer and employee of the Department to be vigilant and report all incidents of suspected criminal misconduct occurring within the Department.
- B. It is the policy of the Department of Human Resources (DHR) to initiate investigation of any reasonable allegation of criminal misconduct when such misconduct pertains to the operation or management of an element of DHR.
- C. The Office of Investigative Services (OIS) is responsible, except where specified herein, for defining and prescribing internal standards for the management and investigation of fraud and abuse in DHR and is vested with the responsibility and authority for receiving, reviewing, and investigating all instances of criminal misconduct by employees, clients, and other persons associated with the Department. OIS is responsible for coordinating with and reporting to other state, federal, local law enforcement and other agencies as necessary.
- D. As a matter of policy, the DHR Office of Investigative Services shall be granted full and unconditional access to any departmental records or files related to an investigation of alleged fraud or abuse. Where such records or files contain confidential information, the applicable confidentiality laws or regulations will be called to OIS's attention by the record custodian.
- E. As a matter of policy, referrals will be made between the Office of Investigative Services and the Office of Audits when it is determined that coordination of efforts is required.

SECTION II: PROCEDURES

- A. Reports of possible criminal conduct shall be transmitted to the Director, Office of Investigative Services, by the Commissioner or by the Director of the Division or Office concerned, or their designee. The report and request for investigation shall be submitted in writing. In emergency conditions, requests for investigation may be made orally but must subsequently be confirmed in writing as soon as possible.
- B. The Office of Investigative Services Director will evaluate the report and determine a recommended course of action. Notice of an investigation will be routinely provided to the Commissioner and the appropriate Division or Office Director.
- C. Information in the possession of field offices or units relating to such matters should not be discussed with or released to other than bona fide officers of the Department, officers of the courts, or to law enforcement officials who are in the process of conducting an official investigation. Other inquiries should be referred to the Commissioner or Division/Office Director concerned.
- D. The Office of Investigative Services shall be granted full access to any departmental record or files related to a particular investigation. Supervisors or administrators shall promptly honor requests for access to files and records by Office of Investigative Services Investigators. In accessing information from client records, OIS Investigators shall be bound by the standards of confidentiality applicable to the program.

AUTHORITY AND RESPONSIBILITY (continued)

- E. Internal investigations are confidential. No information concerning an investigation may be released prior to the completion of the investigation. All requests for disclosure of information on, or documents relating to an investigation shall be forwarded to the Director's Office.
- F. Upon the conclusion of an investigation, the Office of Investigative Services Director will provide the Commissioner, and the appropriate Division or Office Director with a summary of the investigation.
- G. Exceptions and/or Relationships to Other Reporting Requirements:
1. Complaints of administrative misconduct such as neglect of duty, abuse of leave, working hours, or other management rules not involving criminal acts should be reported to the immediate supervisor or program manager for corrective action.
 2. Client or patient abuse or other incidents subject to the reporting requirements of the Child Protective Services Program, Division of Family and Children Services; the Division of Mental Health and Mental Retardation Policy Memorandum 30-01, "Reporting of Serious and Unusual Incidents," as well as cases handled by MH/MR under the Long Term Care Facility Resident Reporting Act and the Child Abuse Reporting Act; the Investigation and Apprehension Program, Division of Youth Services; and other approved and established reporting systems are exempt from reporting requirements.
 - a. Divisions or Offices wishing to claim exception from these reporting requirements under the provisions of the preceding paragraph shall place on file with the OIS a complete and current description of the approved/established reporting system.
 3. Complaints of discrimination on the basis of political affiliation, race, religion, national origin, sex, handicap, or age are to be handled in accordance with policies and procedures published in the DHR Administrative Policy and Procedure Manual, Parts IV.M.1 and XV.B.2, DHR Grants-to-Counties Policy and Procedure Manual, Part II.L.L. and Part II.H.H. Such incidents are not subject to these reporting requirements.
 4. Reporting of incidents relating to losses (Blanket Fidelity Bond Coverage - Administrative Policy and Procedure Manual, Part XIII.A.5, DHR Grants-to-Counties Policy and Procedure Manual Part II.L.5.) and accidents and incidents (Prompt Investigation and Reporting of Accidents and Incidents - Administrative Policy Manual, Part II.L.8) are to be handled in accordance with the provisions of those parts of the DHR Administrative Policy and Procedure Manual or Grants-to-Counties Policy and Procedure Manual and are not subject to the reporting requirements of this policy except in those instances where criminal acts are involved. In such cases, copies of the reports must be submitted to the Office of Investigative Services as well as to the Insurance and Claims Office.
 5. Reports of misrepresentation of financial documents or records by DHR employees shall be reported to the Director, Office of Audits and the Director of the Office of Investigative Services.
- H. Telephone reports will be made to Telephone No. (404) 463-2480. Written reports shall be addressed to:

Director, Office of Investigative Services
Two Peachtree Street NW, Room 23-293
Atlanta, Georgia 30303-3142

SECTION III: PROPONENCY AND AUTHENTICATION

Proponent Division/Office:
Proponent Section:
Contact Name:
Section Telephone Number:

Office of Investigative Services
Director's Office
Kenneth E. Bramlett
(404) 463-0785