The Department of Health and Senior Services is responsible for investigating or referring substantiated reports to appropriate law enforcement or state agencies (192.2415, 192.2420, 192.2425, RSMo). This policy is to assist the Special Investigation Unit (SIU) in completing required tasks when investigating reports and/or referring reports to the appropriate law enforcement agency or prosecutor.

**TYPES OF INVESTIGATIONS**

**INV Reports**

INV reports are referred to SIU from the Protective Service Unit (PSU) when there are allegations of Physical Abuse, Sexual Abuse, Caregiver Neglect, and/or Financial Exploitation that contain a criminal component. INV reports that involve a suspicious death will be routed directly to SIU at time of intake as there is no protective service need.

**Level of Care Fraud Complaints**

Home and Community Based Services (HCBS) PreScreen and Assessment process involves assigning a numeric score to document the amount of assistance required for each participant’s care. This score is referred to as the participant’s Level of Care (LOC). LOC determination is an eligibility factor for authorization of HCBS. A referral is made to SIU when LOC Fraud is suspected. The referrals are directed to the SIU Manager or designee. The SIU Manager or designee shall evaluate the referral within 10 calendar days and create an INV as warranted based on the information provided in the complaint. Once an INV is created, the SIU Investigator shall respond per policy. Related Policy HCBS Manual [4.10: Explanation of Level of Care Determination](https://health.mo.gov/seniors/hcbs/hcbsmanual/pdf/4.10.pdf)

**Employee Disqualifitation List (EDL) Reports**

EDL reports include allegations of a criminal nature where the eligible adult receives In-Home Services (IHS) or Consumer Directed Services (CDS) from a Home and Community Based Services (HCBS) Provider; and the alleged perpetrator is reported to be an IHS/CDS aide/attendant or other employee. The SIU Investigator shall send a notification letter to the reporter within 5 days of the report being generated.

**CASE COORDINATION WITH PROTECTIVE SERVICE UNIT (PSU)**

The Adult Protective Service (APS) Specialist and SIU Investigator should coordinate efforts when:

* The APS Specialist field-generated an INV due to the determination that a crime has occurred.
* SIU Investigator field-generated a Class I/II report because the SIU Investigator identified a protective service need when investigating an EDL.
* There is an EDL that resulted in a Class I/II report being routed to PSU.

**NOTE:** The APS Specialist and the SIU Investigator shall communicate as needed to ensure a complete and thorough response has occurred.

**PRE-INVESTIGATION REVIEW**

As part of the Pre-Investigation, the investigator shall complete the following within **10 Calendar days**:

* Review the content of the report to ensure that the alleged incident(s) of abuse, neglect, or exploitation rise(s) to the level of a criminal violation,
* Obtain information regarding the suspect and collateral contacts.

**Reports that do not rise to the level of a criminal violation or EDL**

If after a preliminary review of the report it is determined by the SIU Investigator that the INV report did not rise to the level of being criminal in nature, the SIU Investigator shall contact the APS Specialist and APS Unit Supervisor to review the case. If the APS Specialist and the SIU Investigator are in agreement that the INV was generated in error, the INV will be cancelled by the SIU Investigator. The APS Specialist will update the allegation status of the original Class I or Class II report to “unsubstantiated”. The following should be documented in the statement of evidence field, “While the case was originally referred to SIU it was determined that the allegation was not criminal in nature.”

**Reports that rise to the level of a Criminal Violation or EDL**

The SIU Investigator shall complete the following once it has been determined that the report rises to the level of a criminal violation or EDL:

* Contact the appropriate law enforcement agency with jurisdiction over the alleged crime to determine the following:
* Determine if law enforcement has an active investigation involving the same alleged crime(s) and whether or not law enforcement require assistance from SIU regarding the investigation.
* Determine whether the law enforcement agency is going to investigate the allegation(s) or defer to SIU to conduct the investigation.
* Offer SIU’s investigative resources and/or provide education regarding SIU’s role.
* Contact the eligible adult to inform him/her which investigative agency will be taking the lead in the investigation to ensure that the eligible adult is involved and informed about the investigation. On the rare occasion that contacting the eligible adult would adversely impact the investigation, the SIU Investigator shall contact their Supervisor to get permission to waive the task. The contact should be documented on the SIU contact log.

**INVESTIGATION**

The SIU Investigator will attempt to collect evidence, supporting documentation, and witness testimony necessary to determine whether or not a crime was committed. **The investigation and corresponding documentation should be completed within 90 days of the date the INV was generated**. If the investigation requires additional time an exception must be requested. The reason for the delay should be documented under the exceptions field in Case Compass.

**NOTE:** If at any point during the investigation the SIU Investigator becomes aware of protective service needs not currently being addressed by the APS Specialist, the SIU Investigator shall contact the assigned APS Specialist or field-generate a Class I/II within 2 business days.

**Interviews**

If the SIU Investigator determines that an interview with an individual (i.e. eligible adult, witness, suspect, etc.) is necessary, the interview can be recorded. Audio recordings should be saved within SIU’s electronic case file on the SIU Sharedrive. All contacts made during the course of the investigation shall be documented on the SIU Contact Log. Contact logs shall be uploaded to Case Compass prior to the closure of the investigation.

**Evidence & Supporting Documentation**

SIU will comply with standard law enforcement procedures related to the basic rules of evidence collection, documentation, and storage. Evidence lockers will serve for evidence storage if needed and a designated SIU Investigator shall serve as the evidence custodian. Any digital evidence (including paper evidence or written documentation/records) shall be stored within the electronic case file on the SIU Sharedrive and the location of the records shall be documented in Case Compass.

**Allegation(s) Status**

The SIU Investigator will determine the status of allegations based on the information, evidence, and documentation obtained during the course of the investigation. The SIU Investigator shall select one of the following statuses for each allegation:

* Substantiated: Allegation(s) of misconduct or criminal complaints that are supported by evidence and fact.
* Unable to Determine: There is not enough evidence to determine if a criminal act occurred.
* Unsubstantiated: No information or evidence was discovered that would support the original allegation.

**Investigation Summary**

The Investigation Summary document shall be used for any case that is referred from SIU to another agency or OGC. This document outlines pertinent contacts and details of the investigation to prove the allegations. The Investigation Summary shall be uploaded to Case Compass prior to the closing of the investigation. The SIU Investigator shall document “See attached Investigation Summary” in the “Investigation Summary” field in Case Compass.

For any case not being referred beyond SIU regardless of the findings, a summary of the investigation and conclusion shall be documented in the “Investigation Summary” field in Case Compass or on the Case Notes Document/Investigative Notes Document. This summary should outline pertinent contacts and details to prove or disprove the allegations.

**File Location**

The location of any file(s) not in Compass shall be documented in the “File Location” field.

Memorandum History: PSEM 18-19

APS 21-5