

DOMESTIC VIOLENCE OBSERVATIONS OR DISCLOSURES DURING INVESTIGATIONS

Date:
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By Direction Of: 
Bruce R. Beemer, State Inspector General

A. Purpose & Scope

The purpose of this policy is to establish uniform procedures on how the Office of State Inspector General (OSIG) responds to reports of domestic violence found during the course of investigations conducted by staff in the Bureau of Fraud Prevention and Prosecution (BFPP).

B. Policy

The OSIG treats domestic violence as a serious societal problem that requires the vigilance of its staff when conducting interviews with public benefits applicants and recipients and their household members. OSIG Claims Investigation Agents (CIAs) and Welfare Fraud Investigators (WFIs) who encounter possible domestic violence victims must terminate interviews immediately so as to not exacerbate an already dangerous situation. The OSIG uses the following definition of domestic violence for guidance in recognizing domestic violence situations:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- mental abuse, including but not limited to, stalking; threats to kidnap, kill or otherwise harm people or property; threats to commit suicide; repeated use of degrading or coercive language; controlling access to food or sleep; or controlling or withholding access to economic and social resources;
- sexual abuse;
- sexual activity involving a child;
- a caretaker relative of a dependent child being forced to engage in nonconsensual sexual acts or activities;
- threats of, or attempts at, physical or sexual abuse; or
- neglect or deprivation of medical care.

CIAs and WFIs will not engage in any investigative activities that could potentially further endanger a domestic violence victim. Staff who witness an act of domestic violence during the course of an interview with the client or a member of the client's household will immediately end the interview and report the act through the employee's chain of command. Additionally, if the CIA or WFI witnesses an act of domestic violence that places the victim in imminent danger they will report the abuse to the local police or to another authority as soon as practicable.

CIA's and WFIs are not authorized to physically intervene on behalf of a domestic violence victim since the OSIG is not a law enforcement agency, and intervention is beyond the scope of the employee's job duties.

If domestic violence is known to exist in connection with an investigation, CIA's and WFIs will conduct all necessary client interviews in a private location within the CAO, CCIS or a safe place requested by the client and direct all written correspondence to an alternate address if provided by the domestic violence victim or the CAO or CCIS. CIA's and WFIs must not contact an alleged abuser or seek information from a third party source related to the abuser, such as but not limited to the alleged abuser's employer, landlord, or family, even if that person is part of the budget group.

If the domestic violence victim asks a CIA or WFI for help or what action he/she should take, staff is to state that they are not trained counselors and are not in a position to make a recommendation. Staff will provide the domestic violence palm card, if it is safe to do so, or inform the victim that the County Assistance Office (CAO) or their local Child Care Information Services (CCIS) Office has information that will allow the victim to request help.

C. Procedures

Investigations by WFIs

A History of Domestic Violence is known/indicated in the client's case file at the County Assistance Office (CAO) or the Child Care Information Services (CCIS) Office.

For CAO referrals, the Income Maintenance Caseworker (IMCW) will complete the electronic Field Investigation Referral template in OARS. In Box 7, Section I of the template, the IMCW will indicate that the client has claimed domestic violence.

NOTE: Only confidential referrals will continue to use the paper forms. The manager or administrator will complete the Field Investigation Referral (OSIG 12) or the Program Integrity Unit Field Investigation Referral (OSIG 12R), indicating in Box 6, Section I of the OSIG 12 (Box 9 on the OSIG 12R), that the client has claimed domestic violence.

For CCIS referrals, the Eligibility Specialist will complete the Subsidized Child Care Services Application Investigation Referral (OSIG 1009). In Box 6, Section I of the OSIG 1009, the Eligibility Specialist will indicate that the client has claimed domestic violence.

Upon receipt of an electronic referral, OSIG 12, OSIG 12R or OSIG 1009 that indicates domestic violence, the WFI will report this information through their chain of command to the BFPP Director or their designee. The BFPP Director or designee shall review all the available information; notify the Director of the Office of Income Maintenance

Bureau of Policy (BOP Director) or designee, or the CCIS Subsidy Coordinator or designee, of receipt of the referral; and provide a copy of the referral with the notification. Within thirty calendar days after notification from the BFPP Director, the BOP Director, the CCIS Subsidy Coordinator, or their designees will send a written response to the BFPP Director with information and recommendations relevant to whether an OSIG investigation may proceed.

Upon receipt of the recommendations, the BFPP Director will reply to the BOP Director, the CCIS Subsidy Coordinator, or their designees, to concur in the recommendations or request a conference be held within five calendar days. If the BFPP Director does not receive a response from the BOP Director, the CCIS Subsidy Coordinator, or their designees within thirty calendar days after notification, the BFPP Director will request a conference be held within five calendar days. Following the conference, the BFPP Director will notify the BOP Director, the CCIS Subsidy Coordinator, or their designees whether an OSIG investigation will proceed.

If the BFPP Director concurs with the recommendations, or following a conference with the BOP Director, the CCIS Subsidy Coordinator, or their designees, the BFPP Director or designee will communicate the determination of whether the investigation can be conducted to the WFI through the chain of command. No investigation will proceed until approved by the BFPP Director or designee and then only under such conditions as approved by the BFPP Director or designee. If the investigation is not approved by the BFPP Director or designee, the electronic referral, OSIG 12, OSIG 12R, or OSIG 1009 must be returned to the IMCW or CCIS Eligibility Specialist stating that the investigation cannot be conducted because of domestic violence.

Domestic Violence is not known/indicated in the client's case file, but is discovered during the course of a field investigation.

If domestic violence is discovered by the WFI during the course of a field investigation, the WFI will suspend the investigation and report this information through their chain of command to the BFPP Director or their designee. The BFPP Director or designee will review the circumstances surrounding the domestic violence; notify the BOP Director, the CCIS Subsidy Coordinator, or their designees, of receipt of the referral; and provide a copy of the referral with the notification. Within thirty calendar days after notification from the BFPP Director, the BOP Director, the CCIS Subsidy Coordinator, or their designees will send a written response to the BFPP Director with information and recommendations relevant to whether an OSIG investigation may proceed.

Upon receipt of the recommendations, the BFPP Director will reply to the BOP Director, the CCIS Subsidy Coordinator, or their designees, to concur in the recommendations or request a conference be held within five calendar days. If the BFPP Director does not receive a response from the BOP Director, the CCIS Subsidy Coordinator, or their designees within thirty calendar days after notification, the BFPP Director will request a

conference be held within five calendar days. Following the conference, the BFPP Director will notify the BOP Director, the CCIS Subsidy Coordinator, or their designees whether an OSIG investigation will proceed.

If the BFPP Director or their designee determines that the WFI can move forward with the investigation, the BFPP Director or designee will provide the WFI with written instructions on how to continue with the investigation. If the WFI is told to cease the investigation, he/she will report all information obtained up to that point on the electronic referral, OSIG 12, OSIG 12R or the OSIG 1009 and state that the investigation was terminated due to “supportive services.”

INVESTIGATIONS BY CIAs

A History of Domestic Violence is known/indicated in the client’s case file.

Once the Department of Human Services has reviewed a case in which domestic violence is indicated and determined that an overpayment exists, the overpayment will be referred directly to the OSIG. The BFPP Director or designee shall review all the available information; notify the BOP Director, the CCIS Subsidy Coordinator, or their designees, of receipt of the referral; and provide a copy of the referral with the notification. Within thirty calendar days after notification from the BFPP Director, the BOP Director, the CCIS Subsidy Coordinator, or their designees will send a written response to the BFPP Director with information and recommendations relevant to whether an OSIG investigation may proceed.

Upon receipt of the recommendations, the BFPP Director will reply to the BOP Director, the CCIS Subsidy Coordinator, or their designees, to concur in the recommendations or request a conference be held within five calendar days. If the BFPP Director does not receive a response from the BOP Director, the CCIS Subsidy Coordinator, or their designees within thirty calendar days after notification, the BFPP Director will request a conference be held within five calendar days. Following the conference, the BFPP Director will notify the BOP Director, the CCIS Subsidy Coordinator, or their designees whether an OSIG investigation will proceed.

If the BFPP Director concurs with the recommendations, or following a conference with the BOP Director, the CCIS Subsidy Coordinator, or their designees, the BFPP Director or designee will communicate the determination of whether the investigation can be conducted to the CIA through the chain of command. No investigation will proceed until approved by the BFPP Director or designee and then only under such conditions as approved by the BFPP Director or designee.

Domestic Violence is not known/indicated in the client’s case file, but is discovered during the course of an overpayment investigation.

If domestic violence is discovered by the CIA during the course of an overpayment investigation, the CIA will suspend the investigation and report this information through their chain of command to the BFPP Director or their designee. The BFPP Director or designee will review the circumstances surrounding the domestic violence; notify the BOP Director, the CCIS Subsidy Coordinator, or their designees, of receipt of the referral; and provide a copy of the referral with the notification. Within thirty calendar days after notification from the BFPP Director, the BOP Director, the CCIS Subsidy Coordinator, or their designees will send a written response to the BFPP Director with information and recommendations relevant to whether an OSIG investigation may proceed.

Upon receipt of the recommendations, the BFPP Director will reply to the BOP Director, the CCIS Subsidy Coordinator, or their designees, to concur in the recommendations or request a conference be held within five calendar days. If the BFPP Director does not receive a response from the BOP Director, the CCIS Subsidy Coordinator, or their designees within thirty calendar days after notification, the BFPP Director will request a conference be held within five calendar days. Following the conference, the BFPP Director will notify the BOP Director, the CCIS Subsidy Coordinator, or their designees whether an OSIG investigation will proceed.

If the BFPP Director or designee determines that the CIA can move forward with the investigation, the BFPP Director or designee will provide the CIA with written instructions on how to continue with the investigation. If the CIA is told to cease the investigation, he/she will stop the investigation and refer the case for collections.

Regardless of the outcome of the overpayment investigation, if a CIA discovers domestic violence during the course of the investigation, if the client is actively receiving benefits the CIA must inform the client's IMCW at the CAO or the Eligibility Specialist at the CCIS office that the "supportive services" were identified during the investigation. CIAs will not disclose or release information about a client who has disclosed domestic violence to any person outside of the CAO or CCIS office under any circumstances unless the information is to be used as part of a prosecution investigation.

D. Additional Information:

For further information relating to this policy, contact your immediate supervisor.
