**Section 430.60 Records Retrieval**

a) In conducting investigations, the OIG shall access all relevant records, either through subpoena, impounding or voluntary production. The OIG investigator may impound the original of any record, file, document or paper necessary for the investigation from any Department office, licensed child care facility, or private agency that is pertinent to an investigation conducted pursuant to this Part. All case files, licensing files, medical records, financial and administrative records, and records required to be maintained pursuant to applicable licensing rules shall be subject to production and review by the Inspector General without subpoena.

b) Compliance with impounding requires:

1) production of all records noted;

2) a diligent search to ensure that all appropriate records are included in the materials forwarded to the OIG;

3) a continuing obligation to immediately forward to the OIG any relevant records received, located or generated after the date of the impound.

c) The OIG may impound original records from any Department office, licensed child care facility, or private agency relevant to an investigation conducted in accordance with this Part.

1) The OIG shall seek access in a manner that respects the dignity and human rights of all persons involved, maintains the integrity of the investigation and does not unnecessarily disrupt programs and/or services. When advance notice to an administrator or his or her designee is not provided, the OIG shall, upon arrival at the private agency, licensed child care facility or Department office, request that an on-site employee notify the administrator or his or her designee of the OIG's arrival.

2) During business hours, the OIG may make an unannounced visit to a Department office, licensed child care facility or private agency to impound records relevant to an investigation.

3) If it is necessary to impound records after business hours, the investigator shall seek access to a Department office, licensed child welfare facility or private agency by contacting the relevant administrator.

4) The administrator may be asked to sign a Statement of File Integrity and Security stating, when the file was secured for impounding:

A) that the administrator has made a diligent search of the office, agency or facility to determine that all appropriate documents in existence at the time of impounding were produced;

B) that the administrator agrees to forward any relevant documents received, located or generated after the impound to the OIG immediately;

C) persons who have had access to the material since it was secured; and

D) whether, to the knowledge of the administrator, any documents were removed or added to the file since it was secured.

5) The OIG will permit an employee of the private agency, child welfare facility, or Department office to make photocopies of the original file within a reasonable period of time in the presence of the investigator for purposes of creating a working file in a manner that assures confidentiality.

6) The OIG shall present to the administrator or other employee of the private agency, Department office or licensed child care facility, a copy of the Notice of Impounding/File Retrieval, stating the date of impounding or retrieval and the titles of files impounded or retrieved.

7) Except in investigations involving death or serious injury, the OIG shall return the original impounded file as soon as practicable, but no later than 10 working days after the date of impoundment. The OIG shall return a copy in lieu of an original document whenever a copy satisfactorily cannot duplicate information contained in the original document and, on the face of the document, the OIG shall indicate that it is a copy and where the original can be located. Copies of impounded documents relevant to the findings of the investigation will be retained by the OIG for a minimum of 10 years.

8) For death investigations, the original file shall be returned to the DCFS Office of Legal Services, upon completion of the investigation or any subsequent proceedings resulting from the investigation, but the OIG may retain copies or originals of the documents for the investigative file. The OIG shall return a copy, in lieu of an original document, whenever a copy satisfactorily cannot duplicate information contained in the original document and, on the face of the document, the OIG shall indicate that it is a copy and where the original can be located.

9) All investigations conducted by the OIG shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.