

# ***INVESTIGATIVE PROCEDURES***

## **1. GENERAL GUIDELINES FOR INVESTIGATION OF ALLEGATIONS**

- 1.1 Treat all complaints as serious until proven false.
- 1.2 Begin investigation of complaint as expediently as possible from the time of receiving the complaint (normally within 24 hours.)
- 1.3 Two designated, trained persons (one a pastor, the other a lay person) should do all of the interviewing of the victim, the accused and the supervisor of the accused. A list of qualified lay persons will be approved by church council.
- 1.4 Whenever an investigation is undertaken, the chair of the congregation council shall be notified of the investigation without revealing names of those involved.
- 1.5 Guard confidentiality of complaint and of investigation as much as possible. Emphasize the confidentiality of the investigation to each person who is interviewed, and instruct him or her not to disclose any information regarding the complaint or investigation to anyone.
- 1.6 Make detailed written notes of each conversation noting persons present, date, time, location and details of the conversation. Ask interviewee to review the notes and sign that they are accurate. (With the interviewee's permission, conversation may be tape recorded rather than taking written notes.)

## **2. INVESTIGATION OF ALLEGATIONS WHEN THE PERPETRATOR CONFESSES**

- 2.1 Have the perpetrator sign a confession and give written permission to have the confession made public when appropriate. [See Section 3.28 re: "Disclosure if just cause exists".]
- 2.2 Report the matter to the state agency that receives reports of child abuse.
- 2.3 Immediately remove the individual from any volunteer or paid position involving contact with minors.
- 2.4 Follow the recommendations for "Responding to the victim and the victim's family" [Section 3.30].
- 2.5 Contact the church insurance company.
- 2.6 Contact the church attorney.
- 2.7 Contact Southeastern Synod of ELCA.

## **3. INVESTIGATION OF ALLEGATIONS WHEN THE PERPETRATOR DOES NOT CONFESS**

### **Interview the alleged victim (in the presence of his or her parents)**

- 3.1 Assure the victim and the victim's parents that the church takes very seriously any allegations of sexual or physical misconduct and will not tolerate any sexual or physical abuse.
- 3.2 Explain the investigative procedure and screening and supervisory procedures used.
- 3.3 Explain the issues involved in the victim's right to anonymity.
- 3.4 Make detailed written notes of the conversation, including a detailed account of the alleged incident(s), any corroborating evidence such as medical records, notes, letters, or witnesses.
- 3.5 Ask the victim and the victim's family what action they would like the church to take if the accused is found legally guilty. Be sure to make a written record of the response.
- 3.6 Ask the victim and the victim's family if they have discussed the alleged incident with

anyone else (e.g., a pastor, counselor, doctor, friend, spouse, relative, co-worker).

- 3.7 Ask the victim and the victim's family if they have reported the incident to the proper authorities, or if they plan to report it. Inform them of the proper authorities to contact if needed.
- 3.8 When the record of the conversation is complete, ask the victim and/or parents to sign a statement that the account is accurate.

#### **Interview the accused.**

- 3.9 Inform the accused of the nature of the complaint. Advise the accused that the church will thoroughly investigate any allegation of sexual or physical abuse.
- 3.10 If the victim and the victim's parent(s)/ guardian(s) have consented to the disclosure of his/her identity, interview the accused perpetrator about the alleged incident, making detailed written notes of the conversation.
- 3.11 If the victim has requested anonymity describe the allegations without revealing the victim's identity; interview the accused about the alleged incident.
- 3.12 If the accused denies the allegations, ask what motives might cause someone to make such allegations.
- 3.13 When the record of the conversation is complete, ask the accused to sign a statement that the account is accurate.

#### **Interview the Supervisor of the accused (if any).**

- 3.14 Summarize the allegations against the accused. Ask questions regarding knowledge of allegations (past & present), action taken by supervisor, possible motives, and if screening procedures and policies were followed.
- 3.15 When the record of the conversation is complete, ask the supervisor to sign a statement that the account is accurate.
- 3.16 If the supervisor is unwilling to be interviewed ask him/her to sign a statement to that effect.

#### **Resolution of the charge if reasonable cause exists.**

- 3.17 Report the matter to the state agency that receives reports of child abuse. Report should be made by one of the interviewers.
- 3.18 Immediately remove the individual from any volunteer position involving contact with minors until issue is resolved.
- 3.19 Consult with the church's attorney and follow personnel policy when the accused is a paid staff person.
- 3.20 Follow the recommendations for "Responding to the victim and the victim's family" [Section 3.30].
- 3.21 Contact the church insurance company.
- 3.22 Contact the church's attorney.
- 3.23 Contact Southeastern Synod of ELCA.
- 3.24 Review the recommendation of the victim and victim's family regarding appropriate disciplinary action.
- 3.25 Inform the congregation council of the investigation and steps taken.
- 3.26 Inform the victim and the victim's family of action taken as a result of the investigation.
- 3.27 Inform the accused of action taken as a result of the investigation.
- 3.28 Keep the congregation informed when appropriate. If communication is to be by letter, send it only to active, adult confirmed members and mark the letter and envelope "Privileged and Confidential." State only facts that can be established as true. Have the

letter reviewed by an attorney before it is sent. If communication is to be oral, allow only active, adult, confirmed members of the congregation to be present, read a written statement which follows the above guidelines and has been reviewed by legal counsel. Do not attempt to answer questions or make comments.

**Resolution of the charge if evidence is inconclusive.**

- 3.29 Discuss the case, either in person or by phone, with the state agency that receives reports of child abuse. If the report is made by phone it should be done over phone that records the conversation. Inform the authorities that the conversation is being recorded. After completing the report, transcribe the conversation so that a written record is kept. Include the name and position of the person contacted. If the report is made in person, both investigators should be present and prepare and sign a detailed written memorandum of the conversation including the details of the conversation, and the name and position of the person contacted.
- 3.30 Immediately remove the individual from any volunteer position involving contact with minors until issue is resolved.
- 3.31 Consult with the church's attorney and follow personnel policy when the accused is a paid staff person.
- 3.32 Contact the church insurance company.
- 3.33 Contact the church's attorney.
- 3.34 Contact Southeastern Synod of ELCA.
- 3.35 Inform the congregation council of the investigation and steps taken.
- 3.36 Inform the victim and the victim's family of action taken as a result of the investigation.
- 3.37 Inform the accused of action taken as a result of the investigation.

**Responding to the victim and the victim's family.**

- 3.38 Church leaders should frequently contact the victim and the victim's family to express concern and make the services of the church available to them. If the accused is found guilty or confesses and the church wants to offer financial assistance to hire or retain a professional counselor for the victim, state in writing the parameters of the counseling, including the name of the counselor, how many sessions, and the maximum dollar cost to the congregation.

**Responding to the media.**

- 3.39 Refer all media inquiries to the designated spokesperson of Christ Our Shepherd Lutheran Church.
- 3.40 The designated spokesperson should emphasize the church's concern for victims and the extensive steps the congregation has taken to reduce the risk of child abuse and to provide a safe environment for children. Describe all the precautions taken and the policies implemented. Be proactive and positive about Christ Our Shepherd Lutheran Church's approach to child abuse.