	Agency Name	Office of Community Services (OCS)			
	Chapter No./Name	1. Administrative Policy			
	Part No./Name	5. Confidentiality			
	Section No./Name	1-515 Release to Law Enforcement Agencies			
	Dates	Issue/Reissued	May 2009	Replacing	February 2007

1-515 RELEASE TO LAW ENFORCEMENT AGENCIES

[LA R.S. 46:56](#) (F) (4)(a) permits OCS to release information to local, state and federal law enforcement agencies. This includes but is not limited to military authorities, probation officers, district attorneys, and coroners when “enforcing or prosecuting violators of the child abuse and neglect law or perpetrator of acts against children in violation of the criminal statutes of this state or of another state or of federal criminal statutes”.

A. CRIMINAL INVESTIGATIONS AND PROSECUTION

If they meet the above definition, local, state, and federal law enforcement agencies in and out of state may have access to information and case records for child abuse/neglect investigations with valid final findings. Inconclusive findings may be evaluated for a pattern of incidents as specified in Section 1-515 E. The request must be in writing and for purposes relative to the investigation and/or prosecution of criminal cases relating to child abuse or other statutes related to offenses against children.

The name and address of persons with information or other evidence that may be pertinent to the case, may be released. This includes the name and address of the reporter. They may only be identified as a person with pertinent information. They shall not be identified as the reporter ***in a records release to a law enforcement agency that was not involved in a co-investigation of the report of child abuse/neglect with OCS.****

The release of information requires a written request for the information that must include the purpose for which the information is requested.


If there is information about a client’s participation in substance abuse treatment program, refer to Section [1-500 H. 3](#) for information on the confidentiality and limited disclosure of this information.

B. RELEASE TO DISTRICT ATTORNEY WITH VALID FINDINGS AND PETITIONS

When the local district attorney requests additional information about a child abuse/neglect investigation that has been referred to him as per [Children’s Code Article 615 B. \(3\)](#) to report agency findings for abuse/neglect, a written request for the release of the additional information is not necessary.

The district attorney representing the state in a court of juvenile jurisdiction in hearings related to a “Child in Need of Care” proceeding shall have access to all information. The name and address of the reporter, the names and addresses of other persons with information, or other evidence that may be pertinent to proving the case may be released to the district attorney. The district attorney has the right to review information gathered by OCS in a child abuse or neglect investigation at any stage in the process.

Children’s Code [Article 615](#) B. (6) requires OCS to report to the district attorney when the investigation indicates that the reporter knowingly made a false report. The statute further states that all pertinent

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information shall be sent to the district attorney for a determination of whether the evidence supports a finding of a false public report.

C. MILITARY AUTHORITIES HAVING JURISDICTION

For the purposes of this policy, this refers to military authorities occupying positions comparable to the local district attorney and local law enforcement in cases involving criminal charges against military personnel or investigation of incidents that took place on government property. This includes: the Criminal Investigation Division (CID) of the U.S. Army; the Office of Special Investigation (OSI) of the U.S. Air Force; Naval Investigative Services (NIS); the Office of Intelligence and Law Enforcement in the U.S. Coast Guard; and the Staff Judge Advocate's Office – all services. (Refer to Chapter 4, [Part 16](#), Investigations of Military Families)

D. INVESTIGATIONS OF CHILD ABUSE/NEGLECT AND LAW ENFORCEMENT

Information, including the identity of the reporter, may be released to local law enforcement agencies for their investigations of child abuse and/or neglect for any of the following circumstances:

- OCS has requested assistance from a local law enforcement agency;
- There is a joint OCS investigation and law enforcement investigation; or,
- The case was reported to law enforcement by OCS.


An individual written request for information is not necessary if the sharing of information and the maintenance of confidentiality is addressed in the formal working agreement (Section [4-900](#), Law Enforcement) with the local law enforcement agency. These situations differ from the release to law enforcement discussed in 1-515 A. above as they involve an ongoing working relationship between a local OCS office and the local law enforcement agencies.

E. RELEASE OF INFORMATION ON INCONCLUSIVE INVESTIGATION FINDINGS

1. Law Enforcement

Children's Code [Article 615](#) E (3) permits the release of files, records and information about child abuse/neglect investigations with inconclusive findings to law enforcement investigators in the course of investigations of crimes involving acts against children. The permitted purpose for this release is to assist in the evaluation of current reports of abuse that may include a pattern of incidents. The statute further states that, if the information is determined by the court to be admissible in a criminal proceeding, the information shall be sealed by the court to prevent disclosure of the information to the public.

Requests for this information shall be in writing and include the purposes of ***the**** criminal investigations of crimes against children for which the information may assist to determine ***a pattern of such behavior.****

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2. Civil Litigation or Criminal Proceeding Involving DSS or Employees

*The Children's Code in [Article 615](#) E (2) also provides for another release of files, records and information related to an investigation determined to be inconclusive or invalid. It states these records shall be admissible in any civil litigation or criminal proceeding against the Department of Social Services or its employees when work performance or conduct is at issue. The files, records and information must be placed under seal by the court to prevent disclosure to the public and the Department must maintain all the files, records and information during the pendency of the prosecution.

Requests from an employee for information involving their conduct or work performance shall be referred to the Regional Attorney for response. Other requests for information would be released in response to a subpoena.**