



TO: Executive Directors, Voluntary Providers
DDSOO and DDRO Directors
Provider Association

FROM: Megan O'Connor-Hebert, Deputy Commissioner
Division of Quality Improvement

DATE: August 19, 2013

SUBJECT: JUSTICE CENTER REQUIREMENTS

- Process Change for Investigators of Abuse/Neglect to Notify Subjects/Suspects at the Start of an Investigation
- Process Requesting SCR checks for Subjects/Suspects in Abuse/Neglect cases

As you may know, under the Justice Center's legislative authorization the subject(s) of an allegation of abuse/neglect must be notified that an investigation is being conducted unless notifying the subject would impede the investigation. The attached memorandum from the New York State Justice Center confirms the responsibility of the assigned investigator to determine whether such a notification would impede the investigation and to issue the notification if it will not impede the investigation. The Justice Center has supplied the attached sample template letter "**Investigations Notice to Subject of Abuse or Neglect that an Investigation has been Initiated**" for use by your agency. Agencies must address the system put in place in appropriate policies and procedures.

When cases of alleged abuse or neglect are assigned to your Agency for investigation, the investigator must request that the Justice Center conduct a search in the Statewide Central Register (SCR) for any known subjects/suspects in the case. In order to ensure that the Justice Center responds timely to the investigator's request to search the SCR, the Justice Center has created a SCR search specific e-mail box for submitting these requests.

Please find the updated SCR Check Request Form attached, which also includes a link to the new e-mail address for submitting requests. Effective immediately, this form must be sent to the Justice Center at subjectsearchs@justicecenter.ny.gov to request that the Justice Center search the SCR for known subjects/suspects of allegations of abuse or neglect.

The attached requirements are in affect for all cases of abuse and neglect reported on or after June 30, 2013, through the Justice Center VPCR Hotline for programs certified or operated by OPWDD which are not being investigated by the Justice Center. If your agency has not already done so, please ensure that these notifications are completed for all investigations already underway and for all investigations assigned to your agency moving forward.

Please contact the Justice Center at incidentreview@justicecenter.ny.gov with any questions.

Attachments:

- JC Memo – Process Change for Investigators of Abuse/Neglect to Notify Suspects at the Start of Investigation Template – Notice to Suspect/Subject of Abuse/Neglect
- JC Memo – Process for Requesting SCR Checks for Subjects/Suspects in Abuse and Neglect Cases
- Form - SCR Database Check – Justice Center Investigations



TO: Megan O'Connor, OPWDD

FROM: Jay Kiyonaga, Executive Deputy Director

DATE: August 1, 2013

SUBJECT: Process Change for Investigators of Abuse/Neglect to Notify Suspects at the Start of Investigations

As you may know, under the Justice Center's legislative authorization the suspect(s) of an allegation of abuse/neglect must be notified that an investigation is being conducted unless notifying the suspect would impede the investigation. This memorandum confirms the responsibility of the assigned investigator to determine whether such a notification would impede the investigation and to issue the notification if it will not impede the investigation. A sample notification template is attached to this memorandum for your convenience.

The below guidelines are in affect for all cases of abuse and neglect reported on or after June 30, 2013, through the Justice Center VPCR Hotline. If your agency's investigators have not already done so, please ensure that these notifications are sent for all investigations already underway and for all investigations assigned by the Justice Center moving forward.

When Are Notifications Sent to the Suspect(s)?

Notifications should be sent to the suspect(s) of an allegation of abuse or neglect reported to the Justice Center only if the State Operating Agency (SOA) investigator, in conjunction with his or her supervisor, determines that notifying the suspect(s) of the allegation of abuse or neglect will NOT impede the investigation. The notification to suspects should be sent at the beginning of the investigation or as soon as the suspect's contact information is known. If, in conjunction with his or her supervisor, the investigator decides that a notification should not be sent to the suspect, a note should be added to the Notes tab of the VPCR record indicating why the notification will not be sent.

Who Sends the Notification to Suspect(s)?

The primary investigator within each State SOA/provider will send the notification to suspects as soon as possible after receiving the case and confirming the suspect's contact information. The notification must be recorded/uploaded into the VPCR once it is sent.

What Should Be Included in the Notification to Suspect(s)?

The attached template provides an example of the information that can be included in the notification to the suspect regarding the investigation. The notification should NOT include the reporter's name, any personally identifying information (PII), or preliminary conclusions regarding the investigation.

Please contact the Justice Center at incidentreview@justicecenter.ny.gov with any further questions.

Attachment

cc: Jeff Wise
Anthony Bruno
Patricia Gunning
Robin Forshaw

**Investigations Notice to Suspect or Subject of Abuse or Neglect
That an Investigation Has Been Initiated**

Date

Name of Suspect or Subject of Abuse/Neglect Investigation
Address

Re: Case Serial Number

Dear <Name of Suspect>:

This is to inform you that you have been named as the subject of a report of abuse or neglect received by the New York State Justice Center for the Protection of People with Special Needs (Justice Center). The report alleges that you are responsible for an incident of abuse or neglect on or about [insert date] at the following setting:

(Name of facility or provider)

Within 60 days of the date of the report, and barring extenuating circumstances, the Justice Center will enter its findings in the Vulnerable Persons Central Register [VPCR]. The Justice Center will notify you in writing of its determination of the investigation.

If the report is determined to be "unsubstantiated" it will be sealed. A sealed report may only be made available to you, to a State agency for investigative, monitoring or licensing purposes and to the persons or entities under the circumstances noted in Social Services Law §496(1). Access to unsubstantiated reports includes limits on re-disclosure of the information contained in the report.

If the report is determined to be "substantiated," it will be assigned a category of seriousness, from Category 1 to Category 4. One Category 1 substantiated case of abuse or neglect, or two Category 2 substantiated cases of abuse or neglect within three years of each other, will result in your name being placed permanently on the VPCR Staff Exclusion List. Such a listing will bar you from obtaining employment in New York caring for vulnerable persons, and subject you to termination from current employment in accordance with any applicable collective bargaining agreement.

A substantiated report is confidential and can only be released to certain authorized persons as indicated in Section 496(2) of the Social Services Law. As the subject of a report, you have a right to request a copy of the information in the VPCR that concerns you. However, the Justice Center may withhold information identifying the person making the report or cooperating in the subsequent investigation.

After the investigation is completed, and if the report is determined to be "substantiated," you have the right to request the amendment of the finding and a review by an administrative law judge of the finding contained in the record of the report, if you believe that it is inaccurate or incorrect. You are entitled to legal representation in the appeals process, at your own expense. The request to amend and appeal must be in writing and made by you within 30 days of mailing of the notice that the report is "substantiated." Ten days leeway is given to allow for mailing by both you and the Justice Center.

Sincerely,

<Name of Investigator/Investigating Agency>

cc: File



TO: Megan O'Connor, OPWDD
FROM: Jay Kiyonaga, Executive Deputy Director *JK*
DATE: August 15, 2013
SUBJECT: **REVISED: Process for Requesting SCR Checks for Subjects/Suspects in Abuse and Neglect Cases**

When cases of alleged abuse or neglect are assigned to your Agency for investigation, or further delegated by you to a private provider, the investigator must request that the Justice Center conduct a search in the Statewide Central Register (SCR) for any known subjects/suspects in the case. In order to ensure that the Justice Center responds timely to the investigator's request to search the SCR, the Justice Center has created a SCR search specific e-mail box for submitting these requests. **Please forward this memorandum to all Agency investigators of cases of alleged abuse or neglect, as well as any private providers who may also be leading such investigations.**

Please find the updated SCR Check Request Form attached, which also includes a link to the new e-mail address for submitting requests. Effective immediately, this form must be sent to the Justice Center at subjectsearchs@justicecenter.ny.gov to request that the Justice Center search the SCR for known subjects/suspects of allegations of abuse or neglect. Additional guidance for Investigators is included below.

Purpose of the SCR Check Request Form

The purpose of this form is to enable authorized investigators at the Department of Health (DOH), Office of Mental Health (OMH), and Office for People with Developmental Disabilities (OPWDD) to request that the Justice Center conduct a search of the Statewide Central Register (SCR) database for indicated reports of child abuse or maltreatment against any individual who is the subject/suspect of a report of abuse or neglect to the Vulnerable Persons Central Register (VPCR) pursuant to NY Social Services Law § 492(3)(c)(iv). In addition, this form is to be used by any investigators from private providers who have been delegated investigative responsibility by one of the State agencies previously identified.

When to Submit an SCR Check Form

This form must be completed for each case of alleged abuse or neglect that involves one or more known subjects/suspects as soon as the information required in the form is known or discovered. Additional requests to search the SCR should be sent to the Justice Center if new subjects/suspects are identified during the course of the investigation.

The Justice Center's Role Once the Form is Submitted

The Justice Center will conduct a search for the known subject/suspect(s) in the SCR. Based on the findings, The Justice Center will note that a search has been completed and upload any pertinent information into the relevant case file within the VPCR. To ensure the security of the SCR check results, the Justice Center will:

- For State agency led investigations, notify the investigator that requested the SCR check that the information is available for review in the VPCR.
- For private provider led investigations, notify the provider's Criminal Background Check/Staff Exclusion List Authorized Contact and send him/her the results of any indicated reports. To ensure that the Authorized Contact is aware the request is being made and is able to properly route the response from the Justice Center, it is recommended that the investigator copy the Authorized Contact on the email to the Justice Center.

Required action by the investigator if the SCR check produces an indicated report

In accordance with statute, the investigator must then contact OCFS, Local Social Services District or the agency that investigated the indicated report to gather the information contained in such report(s). Information obtained in the indicated report is not itself proof that the subject/suspect committed the act alleged in the report to the Justice Center, but may be used in consideration with other evidence. All such information must be included in the investigation file in the VPCR but does not need to be referenced in the investigator's narrative report unless deemed relevant to the investigator's findings.

Please contact subjectsearchs@justicecenter.ny.gov with any further questions regarding the SCR search process.

Attachment

Cc: Jeff Wise
Robin Forshaw
Tony Bruno

NEW YORK STATE
Justice Center for the Protection of People with Special Needs

STATEWIDE CENTRAL REGISTER (SCR) CHECK
For Agency Use Only to Investigate Allegations of Abuse or Neglect

ALL INFORMATION MUST BE COMPLETE. PLEASE TYPE AND EMAIL FORM TO mailto: subjectsearchs@justicecenter.ny.gov

<p>The purpose of this form is to enable authorized investigators at the Department of Health (DOH), Office of Mental Health (OMH), and Office for People with Developmental Disabilities (OPWDD)—or investigators at private providers designated by DOH, OMH, or OPWDD to conduct the investigation—to request that the Justice Center conduct a search of the Statewide Central Register (SCR) database for indicated reports of child abuse or maltreatment against any individual who is the subject/suspect of a report of abuse or neglect to the Vulnerable Persons Central Register (VPCR) pursuant to NY Social Services Law § 492(3)(c)(iv). This form must be completed for each case of alleged abuse or neglect that involves one or more known subjects/suspects as soon as the information required below is known or discovered. Additional requests to search the SCR should be sent to the Justice Center if new subjects/suspects are identified during the course of the investigation. Additional instructions for completing this form are on the back/next page.</p>				<p>JUSTICE CENTER USE ONLY</p>	
				<p>REQUEST RECEIVED DATE: / /</p>	
				<p>REQUEST COMPLETE DATE: / /</p>	
				<p>REQUEST ASSIGNED TO:</p>	
AGENCY CODE:	CASE SERIAL NUMBER (OPWDD may use MASTER INCIDENT #):	INVESTIGATION START DATE: / /	DATE SCR CHECK REQUESTED: / /		
PRIMARY INVESTIGATOR NAME (FIRST LAST):		PRIMARY INVESTIGATOR E-MAIL:	PRIMARY INVESTIGATOR PHONE NUMBER (Area Code): () -		
INVESTIGATOR EMPLOYED BY PRIVATE PROVIDER? (Y / N)	IF INVESTIGATOR EMPLOYED BY PRIVATE PROVIDER, PLEASE PROVIDE NAME OF PROVIDER/FACILITY				

Justice Center Suspect Information
Complete this section for each known Suspect. Add additional forms if there are more than 2 suspects in your case.

Suspect # 1

SUBJECT/SUSPECT FIRST NAME		SUBJECT/SUSPECT LAST NAME		SUBJECT/SUSPECT ALIAS (OPTIONAL)		SUBJECT/SUSPECT ALIAS 2 (OPTIONAL)	
SEX (M/F)	DATE OF BIRTH / /	EMPLOYER NAME		EMPLOYER SAME AS PROVIDER (Y/N)	VPCR PROVIDER ID #		
EMPLOYER STREET ADDRESS			SUITE/UNIT #	EMPLOYER CITY		EMPLOYER STATE	EMPLOYER ZIP
CURRENT HOME STREET ADDRESS			APT/UNIT #	CITY		STATE	ZIP
PREVIOUS HOME STREET ADDRESS (If known)			APT/UNIT #	CITY		STATE	ZIP

Suspect # 2

SUBJECT/SUSPECT FIRST NAME		SUBJECT/SUSPECT LAST NAME		SUBJECT/SUSPECT ALIAS (OPTIONAL)		SUBJECT/SUSPECT ALIAS 2 (OPTIONAL)	
SEX (M/F)	DATE OF BIRTH / /	EMPLOYER NAME		EMPLOYER SAME AS PROVIDER (Y/N)	VPCR PROVIDER ID #		
EMPLOYER STREET ADDRESS			SUITE/UNIT #	EMPLOYER CITY		EMPLOYER STATE	EMPLOYER ZIP
CURRENT HOME STREET ADDRESS			APT/UNIT #	CITY		STATE	ZIP
PREVIOUS HOME STREET ADDRESS (If known)			APT/UNIT #	CITY		STATE	ZIP

NEW YORK STATE
Justice Center for the Protection of People with Special Needs

STATEWIDE CENTRAL REGISTER (SCR) CHECK
For Agency Use Only to Investigate Allegations of Abuse or Neglect
INSTRUCTIONS FOR USING THIS FORM

This form must be completed for **each** case of alleged abuse or neglect that involves one or more known subjects (suspects) as soon as the information required is known or discovered. The form includes space to request an SCR search for up to two suspects. If your case has more than two alleged suspects please use additional forms to request the search. Additional requests to search the SCR should be sent to the Justice Center if new suspects are identified during the course of the investigation.

Please refer to the following guidelines to complete the SCR Check form as part of the Justice Center investigations process. If you have additional questions please contact the Justice Center at subjectsearchs@justicecenter.ny.gov.

Required information	Description
Agency Code	The State Agency abbreviation (e.g. DOH, OMH, OPWDD) for your Agency
Case Serial Number	The Case Serial Number is the numeric serial number assigned to the investigation case record in the VPCR system, found in the case header.
Investigation Start Date	The date that the investigation began. This should generally correspond to the "Created Date" field in the VPCR system.
Date SCR Check Requested	The date you are requesting the SCR check (i.e. today's date)
Primary Investigator Name (First Last)	The first and last name of the primary investigator assigned to the case (i.e. your name)
Primary Investigator E-Mail	The email address of the primary investigator assigned to the case
Primary Investigator Phone Number	The phone number of the primary investigator assigned to the case
Suspect First and Last Name (Mandatory)	Provide the known first and last name of the suspect
Suspect Alias(es) (Optional)	Optionally, fields are provided to list any known alias(es) or nicknames that the suspect uses
Sex of the Suspect (Mandatory)	Indicate whether the suspect is known to be Male (M) or Female (F)
Suspect Date of Birth (Mandatory)	Indicate the date of birth of the suspect. This information should be available from HR/employment records
Employer name	The name of the suspect's employer. This should generally correspond to the provider/facility where the alleged incident occurred.
Employer same as provider (Y/N)	In some instances the suspect may be employed by a contractor or third party service provider at a provider or facility, and not the provider/facility itself. Indicate whether the suspect's employer is the same as the provider/facility where the incident occurred.
VPCR Provider ID #	The Provider ID number found in the VPCR provider record
Employer Address	Enter the street number and name for the Suspect's employer. A space is also provided to include the Suite or Unit number for the employer's address. The city, state and zip should also be provided
Suspect's Current Home Address (Mandatory)	Enter the street number and name for the Suspect's current address. A space is also provided to include the Apt or Unit number for the suspect's address. The city, state and zip should also be provided. This information can be available in HR/employment records
Suspect's Previous Home Address (Optional)	Enter the street number and name for the Suspect's previous address if known. A space is also provided to include the Apt or Unit number for the suspect's address. The city, state and zip should also be provided. This information may be available in HR/employment records but is not mandatory if unknown.