



**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](mailto:incidentreview@justicecenter.ny.gov) with any further questions.

Attachment

cc: Jeff Wise  
Anthony Bruno  
Patricia Gunning  
Robin Forshaw