

**Quality Management**

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M E M O R A N D U M

TO: DDSO Directors  
Executive Directors of Voluntary Agencies

FROM: Sheila McBain   
Division of Quality Management

SUBJECT: Notification to Law Enforcement of Possible Crimes, Sexual Abuse

DATE: March 11, 2011

The Mental Hygiene Law and OPWDD regulations require DDSO Directors and the Chief Executive Officers of voluntary agencies to notify law enforcement when a crime may have been committed involving an individual receiving services.

Possible crimes include sexual abuse which must be reported to appropriate law enforcement officials *immediately*. It is essential that these crimes are reported immediately especially in allegations of sexual abuse where vital evidence may be lost if a criminal investigation is delayed. Allegations of sexual abuse required to be reported under Part 624.4(c)(2) would be possible crimes and must be reported to law enforcement.

The Part 624 Handbook provides guidance in identifying and reporting sexual abuse as a possible crime (see Commentary under Part 624.6(d)). For purposes of Part 624 reporting, sexual abuse is defined at 14 NYCRR 624.4(c)(2), with additional guidance provided in Appendix 3 – Considerations for Consent to Sexual Conduct. The Handbook can be found on the OPWDD website at:

[http://www.opwdd.ny.gov/images/hp\\_maua\\_part624\\_handbook.pdf](http://www.opwdd.ny.gov/images/hp_maua_part624_handbook.pdf).

Please be advised that OPWDD will be revising the Handbook in the near future to include enhanced guidance on reporting to law enforcement.

It is imperative that DDSO Directors and Voluntary Agency Directors be diligent in making the required notifications to law enforcement of possible criminal acts of sexual abuse. In the near future, we will provide an additional reminder and guidance regarding the reporting of allegations of physical abuse to law enforcement. Please direct your staff to review your agency policy and procedures to ensure that such notifications are timely. Please be advised that providers who are not in compliance with applicable statutes, rules or regulations may be subject to penalties and fines

cc: COLT  
Provider Association