



**ADMINISTRATIVE DIRECTIVE**

<b>Transmittal:</b>	2020-ADM-06			
<b>To:</b>	Directors, Developmental Disabilities Regional Offices (DDRO) Directors, Developmental Disabilities State Operations Offices (DDSOO) Voluntary Providers Care Coordination Organizations/Health Homes (CCO/HH)			
<b>Issuing OPWDD Office:</b>	Central Office Division of Service Delivery, State Operations and Statewide Services			
<b>Date:</b>	November 6, 2020			
<b>Subject:</b>	Forensic Notification			
<b>Suggested Distribution:</b>	DDSOO Directors and Deputies DDRO Directors and Deputies Chief Psychologists Forensic Liaisons Voluntary Residential Provider Managers and Clinical Staff			
<b>Contact:</b>	Director of the Bureau of Intensive Treatment Strategies (518) 474-6309 <a href="mailto:Central.Statewide.BITS@opwdd.ny.gov">Central.Statewide.BITS@opwdd.ny.gov</a>			
<b>Attachments:</b>				
<b>Related ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Regulatory Authority</b>	<b>MHL &amp; Other Statutory Authority</b>	<b>Records Retention</b>
			MHL §§ 13.07, 13.09, 13.17, 33.13	18 NYCRR 504.3(a)

**Purpose:**

This Administrative Directive sets expectations for notification to the OPWDD Bureau of Intensive Treatment Services (BITS) regarding individuals with intellectual/developmental disabilities (I/DD) who become involved with the criminal justice system. BITS must be routinely notified when there is significant involvement with the criminal justice system for individuals who are receiving OPWDD-certified services.

**Discussion:**

Individuals with I/DD (“individuals”) who are considered involved with the criminal justice system include those who have: alleged crimes reported against them; new arrests; violations of probation or parole; and those who may need assistance with reentry planning (i.e., from jail/prison to community). Timely notification to BITS helps to ensure communication and collaboration between OPWDD, legal partners, and local service providers. It also assists the Commissioner in preparing for anticipated court orders.

Forensic notification must be made to BITS when:

- an individual commits an act that has significant potential to lead to an arrest or contact with a criminal justice agency;
- OPWDD staff become aware of an individual who is, or will be, subject to the requirements of the Sex Offender Registration Act (SORA) or the Sexual Assault Reform Act (SARA);
- An individual is, or will be, committed to OPWDD via the Criminal Procedures Law (CPL), §730 or §330.20 or the Family Court Act (FCA), §322 or §353.4;
- Any individual on a CPL §730.40, CPL §730.50, CPL §330.20, or FCA §322 Legal Status who attempts to abscond, or succeeds in absconding, from an OPWD-certified facility (i.e., campus-based setting or group home) or while on a community outing;
- OPWDD staff are requested to perform an assessment or evaluation on an individual with I/DD (or suspected I/DD) who is involved in the criminal justice system; and
- An individual is or is likely to be involved in the criminal justice system.

Forensic notification for individuals being served by state-operated programs should be submitted to BITS by OPWDD State-Operations staff. Forensic notification for individuals served by voluntary providers must be submitted to BITS by Regional Office staff upon notification from the voluntary provider. (Typically, OPWDD Forensic

Liaisons take on the local role of receiving forensic notifications and communicating with BITS.)

Notification to BITS does not rescind those policies and procedures that otherwise require notifications at the local DDSOO, DDRO, or Central Office level (i.e., incident reporting, sensitive situations, etc.).

Forensic notifications to BITS must be submitted by email to [Central.Statewide.BITS@opwdd.ny.gov](mailto:Central.Statewide.BITS@opwdd.ny.gov) . Questions can be called in to BITS at (518) 474-6309.