



*Monroe County Legislature*

**JOSÉ A. CRUZ**  
LEGISLATOR-DISTRICT 29

March 7, 2005

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No. <u>050080</u>
Not to be removed from the Office of the
COMPTROLLER OF THE
Legislature Of
Ag. <u>Monroe County</u>
Ranking Democratic Member
Committee Assignment
<b>HUMAN SERVICES -I-</b>

**JOSÉ A. CRUZ**  
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To the Honorable  
Monroe County Legislature  
407 County Office Building  
39 West Main Street  
Rochester, New York 14614

**Re: Directing the Human Services Committee to Exercise its Oversight Powers as Established by Section 545-20 Code of Monroe County, for the Purpose of Conducting an Independent Investigation into the Death of Charles Lyon, Monroe County Adult Protective Services Client**

Honorable Legislators:

On Feb. 2, 2005, the body of a 63-year-old Adult Protective Services client was found in his Rochester home. Although at this writing the date of death is not known, the condition of the body clearly indicates that the timeframe involved will be measured in months, not hours or days.

Also at this time, a cause of death has not been determined, but indications are that it was the result of natural factors rather than foul play.

The discovery of Charles Lyon so many weeks after his death raises many questions about the delivery of social services in Monroe County, questions that do not inherently place blame but do require a final determination of cause and accountability.

At this time, there is no indication that individual failure or negligence was responsible for this event. However, as the Body responsible for County policy and oversight of all departments, it is incumbent upon the Monroe County Legislature to ascertain all the facts of the case and all possible avenues for prevention of similar occurrences in the future.

e questions that must be answered include:

- Are there obvious systemic/bureaucratic inefficiencies within the Adult Protective Services unit that may be quickly remedied?
- The discovery of Mr. Lyon's body was made only after repeated attempts by an APS caseworker to gain entry into his home and discover his status. In one instance, the Rochester Police Department declined – perhaps quite properly - to enter Mr. Lyon's home on the caseworker's behalf. Is this an opportunity to collaborate with the Rochester Police Department, Sheriff's Department and other local law enforcement agencies in order to establish clear guidelines and procedures in cases such as this?
- Did federal privacy restrictions established by the 1996 Healthcare Insurance Portability Accountability Act play a role?
- Did reduced staff at Adult Protective Services play a role?

The Administration has pledged to review relevant procedures, but an independent review by this Honorable Body is warranted in this matter.

We, therefore, request that the this Honorable Body direct the Human Services Committee to exercise its oversight powers as established by Section 545-20 Code of Monroe County, for the purpose of conducting an independent investigation into the death of Charles Lyon, Monroe County Adult Protective Services client.

The Committee may conduct this review in the manner deemed most appropriate by the Committee chair. However, we do request and recommend a public hearing that would include, but not be limited to, testimony from the following: The Division of Adult Protective Services; the Monroe County Office for the Aging; Family Service of Rochester; the Monroe County Federation of Social Workers; and the Rochester Police Department. We further request and recommend that this hearing be held within two (2) legislative cycles.

This request may be accomplished with no impact upon the revenues or expenditures of the 2005 Monroe County budget.

Please forward this matter to the appropriate committee(s) for favorable action.

Respectfully submitted,

  
Jose Cruz  
Legislator -District 29

  
Carla Palumbo  
Legislator- District 28