



**Justice Center for the
Protection of People
with Special Needs**

Justice Center Transparency Plan

2021

The Justice Center's Promise to New Yorkers with Special Needs and Disabilities

OUR VISION

People with special needs shall be protected from abuse, neglect and mistreatment. This will be accomplished by assuring that the state maintains the nation's highest standards of health, safety and dignity; and by supporting the dedicated people who provide services.

OUR MISSION

The Justice Center is committed to supporting and protecting the health, safety, and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken.

OUR VALUES AND GUIDING PRINCIPLES

Integrity: The Justice Center believes that all people with special needs deserve to be treated with respect and that people's rights should be protected.

Quality: The Justice Center is committed to providing superior services and to ensuring that people with special needs receive quality care.

Accountability: The Justice Center understands that accountability to the people we serve and the public is paramount.

Education: The Justice Center believes that outreach, training, and the promotion of best practices are critical to affect systems change.

Collaboration: Safe-guarding people with special needs is a shared responsibility, and the Justice Center is successful because it works with agencies, providers, people who provide direct services, and people with special needs to prevent abuse and neglect.



Background

The NYS Justice Center for the Protection of People with Special Needs was founded in 2013 as a first in the nation oversight agency to ensure accountability for the welfare of people with special needs who are in state and private care within the State of New York. To achieve its mission, the Justice Center standardized the state's systems for incident reporting, investigations, disciplinary processes for state employees, corrective and preventive actions and pre-employment background checks.

The Justice Center continues to protect the health, safety, and dignity of all people with special needs and disabilities by developing abuse prevention tools, providing education to stakeholders on Justice Center operations, and ensuring high quality investigations of all allegations of abuse and neglect at facilities licensed, certified or operated by OPWDD, OASAS, OMH, OCFS, DOH, and SED.

Over the past eight years, the Justice Center has continued its efforts to engage with stakeholders impacted by the agency's work. The feedback from these individuals and groups has helped the Justice Center improve its core functions and develop new initiatives. One such initiative is the agency's effort to improve transparency regarding its work. This plan outlines the steps taken by the agency to share its work with the public and proposals for further transparency.



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I. REVIEW OF CURRENT PUBLIC ENGAGEMENT

❖ *Steps Taken to Review of Current Policies and Procedures*

The Justice Center began a comprehensive review of all agency policies related to transparency in September of 2021. Areas examined include the agency's website, all regularly issued data reports, the agency's compliance with initiatives such as Project Sunlight and Open Data NY, responsiveness to Freedom of Information Law (FOIL) requests, records retention policy, overviews of the Justice Center Advisory Council as well as other committees, and public and stakeholder outreach efforts. Representatives from the units involved in these matters submitted background information as well as suggested initiatives to expand the public's understanding of Justice Center processes, procedures, and data.

❖ *Review Results*

➤ *Agency Website*

The Justice Center recently redesigned its website to make the agency's work more transparent. The site focuses on making agency processes easy to understand as well as providing better access to documents, materials, and contact information. Included on the website are the agency's Monthly and Annual Reports which set forth key data metrics of agency functions. Specifically, the data provides information on the types of reports made to the Justice Center, outcomes and categories of substantiated abuse and neglect cases, the number of criminal background checks of prospective employees and volunteers, and the number of provider checks of the Staff Exclusion List (SEL) prior to hiring. In addition, the Justice Center's five-year progress report is available and includes an evaluation of prior and current practices as well as highlights of agency metrics and initiatives. The website also contains a video series that explains the investigative and prevention work of the Justice Center. Additionally, agency-created guidance documents geared toward specific audiences, including individuals, families, and subjects, are available in multiple locations on the Justice Center's website. These resources are also made available in multiple languages in compliance with the agency's language access plan.

➤ *Agency Reports*

The Justice Center is required by Executive Law § 560 and Correction Law § 401-a (2) to publish an Annual Report to the Governor and Legislature concerning its work during the preceding year. The report summarizes the agency's activities and accomplishments on a yearly



basis and was expanded recently to help stakeholders and the public understand Justice Center processes. The report includes, but is not limited to, the following statistics and information: number of reports received by the Vulnerable Persons' Central Register (VPCR), results of investigations by types of facilities and programs, types of corrective actions taken, results of the review of patterns and trends in the reporting of and response to reportable incidents, recommendations for appropriate preventative and corrective actions, and efforts undertaken to provide training. The report also includes a description of the Justice Center's efforts to monitor the state's compliance with the statutory requirements for the provision of mental health services to incarcerated individuals, including those with serious mental illness in segregated confinement.

➤ Project Sunlight

The agency has developed a process for recording and reporting meetings on Project Sunlight. The agency also designated a liaison responsible for communicating and ensuring compliance with the program. In addition, select agency staff receive technical and substantive trainings through the Statewide Learning Management System (SLMS) to ensure that pertinent information is gathered and reported to Project Sunlight.

➤ Freedom of Information Law Requests (FOIL)

The Justice Center's Records Management & Access Unit is dedicated to ensuring the timely review of and response to records requests under the Freedom of Information Law (FOIL), Article 6 (Sections 84-90) of the NYS Public Officers Law. FOIL provides the public with access to records maintained by government agencies with certain exceptions. The Justice Center makes available to the public a Subject Matter List which provides greater detail on the types of records in the possession of the agency, whether subject to FOIL or not, pursuant to Public Officers Law section 87(3)(c).

Members of the public can directly access the Open FOIL portal to submit a FOIL request through the Justice Center's website. The Open FOIL website allows the Justice Center to track and fulfill FOIL requests as well as ensure that any FOIL requests are completed in a timely manner.

The Justice Center remains committed to providing access to records with minimal financial burden to the requestor. Our agency regularly fulfills records requests at no cost.



➤ **Records Retention Policy**

With the goal of timely transferring government records to the State Archives, the Justice Center reviews and updates its policies on record retention and disposition on a periodic basis. Our agency's Records Management & Access Unit has dedicated a staff member to serving as the Records Management Officer (RMO). The RMO's duties include creating and maintaining a records inventory, drafting proposed records retention and disposition schedules for approval by the State Archives, overseeing records disposition, and developing plans to improve records management.

➤ **Advisory Council**

The Justice Center is committed to sharing the progress of its councils, committees, and workgroups while balancing confidentiality. The Justice Center's Advisory Council provides guidance to the agency in the development of policies, programs, and regulations. Members include service providers, people who have or are currently receiving services, their family members, and advocates. The Council meets quarterly. The Advisory Council members, meeting dates, and any recommendations made by the Council to the Executive Director are currently available on the agency's website.

➤ **Prevention Committee**

In early 2020, the Justice Center launched an internal committee with the goal of expanding its ability to identify preventative actions to address conditions that cause or contribute to incidents of abuse and neglect. The Prevention Committee reviews data, trends, and policies and practices relating to the prevention of abuse or neglect. This includes examining staffing patterns and practices of various service delivery models as well as the supervision levels required to help ensure the safety of service recipients.

➤ **Anti-Racism Workgroup**

In response to events happening across the nation, the agency created the Anti-Racism Workgroup. The group has several goals including: understanding the agency's collective awareness on racial equity and how it impacts Justice Center work, identifying strategies to align agency behavior and practices with a culture that values the talents, skills, experiences, expertise, and commitment of every Justice Center



employee, and identifying where more investment is needed in staff training to increase cultural competence.

➤ Community Outreach and Stakeholder Engagement

The Justice Center conducts extensive outreach to the public and key stakeholders. In 2019, the agency conducted 100 presentations to provider agencies, the direct care workforce, family members, local government, and other interested stakeholders. In addition, the agency holds regional conferences that are free to the public where anyone can engage with executive staff. Nearly 500 people attended these public events in 2019. As a result of the pandemic, the agency successfully moved these outreach events to virtual platforms for 2020 and 2021. More information on our outreach efforts is available in the [Annual Report](#). In addition, the agency publishes a quarterly newsletter with information on initiatives, prevention work, and engagement opportunities.

The agency has also focused on increasing legislative engagement by meeting with key legislators in both houses. In the past, agency leadership hosted forums with legislators about the Justice Center in their districts. The agency remains committed to being a resource for legislators and their constituents and plans to continue to offer forums whether virtual or in-person.

The Justice Center has prioritized increasing collaboration and transparency with our union partners. The agency has regular communication with CSEA, PEF, NYSUT, and 1199 SEIU. This consistent dialogue allows issues to be discussed openly and honestly and allows Justice Center executive staff to address concerns in a timely manner.

Finally, the Justice Center proudly honors members of the public during its annual awards ceremony which highlights the important work of direct care workers and others who support the agency's mission and vision. The Justice Center Champion and Code of Conduct Awards Ceremony is [posted on the agency website](#) for public viewing.

II. Proposed Plan to Expand Transparency and Expected Timeline

➤ Agency Website

Consistent with the articulated priorities of Governor Kathy Hochul, the Justice Center will continue to build its website with the goal of providing additional transparency and resources for the public. In that vein, the agency will expand upon the data provided in the agency's Monthly



Reports by including additional information related to the three-business day review of incidents for OPWDD, OMH, OCFS, and OASAS providers, as well as the results of employee disciplinary actions in substantiated abuse and neglect cases. These changes do not require statutory amendments since the Monthly Report is not currently a requirement in law, but rather a report the agency issues in the interest of transparency. In addition, the agency will continue to develop guidance documents to ensure members of the public understand the processes within the Justice Center. This effort would include posting examples of the types of correspondence that an individual or agency might receive if involved in an investigation. The Justice Center also proposes adding a section to the website to share the agency's organizational chart.

Increasing the amount of data available to the public on the agency's website as well as increasing the data points in the Justice Center's Monthly Report will not require any additional resources. The Justice Center is targeting the expansion of data in reports and additions to the website for the end of 2021 with additional elements implemented in 2022.

➤ Agency Reports

In 2021, newly enacted legislation known as Humane Alternatives to Long Term Solitary Confinement (HALT) strictly limited the amount of time that inmates in state prisons can spend in solitary confinement and increased requirements around services and treatment available to inmates. Under this new law, the Justice Center is charged with an expanded role as a compliance monitor. The agency must provide a public report on its findings along with recommendations regarding segregated confinement and residential rehabilitation units and plans to make the report available on the agency website. The statute requires this report no less than annually after implementation of HALT in March of 2022. The Justice Center will report on its findings and recommendations in the first quarter of 2023 and then annually each year thereafter.

In addition to this new statutorily required report related to the agency's forensic work, the Justice Center will share information with the public regarding the on-going reviews it currently undertakes in state correctional facilities. Specifically, we propose the publication of the systemic reviews performed at multiple facilities and single facility reviews regarding compliance related to segregated confinement and quality of mental health care in prisons. The agency currently publishes aggregate quarterly data on the site visits that the agency conducts to prisons. We plan to expand upon the quarterly report and publish documents related to single site visits to prisons and systemic reviews of issues impacting multiple prisons.

The Justice Center will also publish systemic reviews done by the agency's Prevention and Quality Improvement Unit. These reviews



provide an in-depth look at issues present at multiple facilities and identify recommendations for change in policies and procedures to mitigate future risk for individuals receiving services. The agency plans to implement this in the first quarter of 2022.

➤ Project Sunlight

The Justice Center will continue to make public any information regarding interactions between agency decision-makers and any individuals, entities, and their representatives, through Project Sunlight (<https://projectsunlight.ny.gov/>), an online database established in accordance with the Public Integrity Reform Act of 2011.

The agency has developed a process for recording and reporting meetings on Project Sunlight as well as designated a liaison responsible for communicating and ensuring compliance with the program. This liaison has been identified within the agency and has already started monitoring for meetings that fall under Project Sunlight's scope. In addition, the agency plans to adopt an internal reporting mechanism to identify reporting on Project Sunlight which will be implemented by November 2021.

➤ Freedom of Information Law Requests

The Justice Center strives to address all FOIL requests in a timely manner and has no requests currently pending over 90 days. Our agency will continue to monitor FOIL requests and proactively make available key documents and data for public access on the agency website. Agency staff play an integral role in ensuring timely response to FOIL requests and will continue to do so going forward.

➤ Records Retention Policy

As mentioned previously, the Justice Center's Records Management & Access Unit has dedicated a staff member to serving as the Records Management Officer (RMO). The RMO's duties include creating and maintaining a records inventory, drafting proposed records retention and disposition schedules for approval by the State Archives, overseeing records disposition, and developing plans to improve records management. The RMO will assist in finalizing the agency's efforts to create a comprehensive policy on records retention and disposition schedules for all business units beginning in the Spring of 2022.

➤ Open Data NY



With the understanding that Open Data NY serves as a “one stop shop” to make data easily accessible to the public, the Justice Center will identify data that can be searched and post it to the public database. The agency will begin in the first half of 2022 with data that is contained within publicly published reports (Monthly Report, Annual Report) and expand as needed for publication.

➤ **Advisory Council**

As previously mentioned, the Justice Center’s Advisory Council meets on a quarterly basis. To increase transparency of these meetings, the Justice Center plans to expand the information available on its website to include summaries of Council meetings which would give the public the opportunity to review the topics discussed with the Council. Summaries of meetings will begin in January of 2022. No additional resources are needed to implement this project.

➤ **Prevention Committee**

To share the work of the Prevention Committee with the public, the Justice Center plans to make available on its website the committee agendas and summaries of meetings addressing the issues that arise in investigations led by both the Justice Center and its State Oversight Authorities. Implementation will begin in the first quarter of 2022 to coincide with the next Committee meeting.

➤ **Anti-Racism Workgroup**

The Justice Center recognizes the importance of sharing information on this initiative with the public. The agency plans to provide on its website information regarding the Anti-Racism Workgroup’s on-going initiatives, meeting agendas, and strategic plan to allow the public to review the progress of this internal workgroup. Publication of these documents can be expected by the end of 2022.

➤ **Community Outreach and Stakeholder Engagement**

The Justice Center plans to continue its extensive engagement with stakeholders in 2022. This includes regularly scheduled meetings with State Oversight Agencies, private providers, and unions. In addition, the Justice Center will seek opportunities to increase engagement with the individuals we serve as well as family members and legal guardians.



III. Measures of Success and Long-term Monitoring

➤ Positive Public Response

In sharing the work of the Justice Center our goal is to promote trust in government work which can be measured by increased positive public response to our transparency initiatives and agency work overall. The effort to expand public knowledge regarding the agency's processes will help the workforce and families impacted by the Justice Center's work. The agency will be able to monitor public response through media and stakeholder engagement.

➤ Fewer Records Requests

The Justice Center anticipates receiving fewer requests for information since the public will have direct access to information on its website and other public forums. If our agency successfully identifies common types of information that is sought by the public and proactively make that information available, our agency should ultimately receive fewer records requests overall. The Justice Center will continue its current practice of tracking FOILs to determine if making more information publicly available impacts the number of FOIL requests.

➤ Website data and analytics

The Justice Center plans to use its website extensively to increase transparency. By tracking metrics using Google data and analytics, the agency will have a better understanding of the areas of the website that are seeing the most traffic, how promotion of various pages engages visitors, and how best to promote transparency-focused initiatives to drive site visitors.