



Justice Center for the Protection of People with Special Needs

ANDREW M. CUOMO
Governor

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NYS Justice Center for the Protection of People with Special Needs Advisory Council Meeting Summary April 22, 2021

Advisory Council Members Present: William Gettman (Chair), Denise Figueroa, Jason Hershberger, Walt Joseph, Jeremy Klemanski, Ronald Lehrer, Glenn Liebman, Joe Macbeth, Tom McAlvanah, Delores McFadden, Kathy O’Keefe, Judith O’Rourke, Jeff Savoy, Mary St. Mark

Advisory Council Members Not Present: Norwig Debye-Saxinger, Sylvia Lask, Clint Perrin, Harvey Rosenthal, and Euphemia Strauchn

Justice Center Staff Present: Christine Buttigieg, Director of Communications, Laura Darman, Executive Deputy Director, Denise Miranda, Executive Director, Rebecca Mudie, Director of Intergovernmental Affairs, Davin Robinson, Deputy Director Outreach, Prevention and Support, and Jody Signoracci, Assistant Director Outreach, Prevention and Support

I. Justice Center Updates

Court of Appeals Decision

A recent Court of Appeals decision struck down the portion of Social Services Law 552 which granted the Justice Center concurrent authority with local District Attorneys to prosecute cases. There is no immediate impact on the Justice Center’s operations. The decision says “Likewise, we leave intact Executive Law § 552 (2) (a) (ii), which empowers the special prosecutor “to cooperate with and assist district attorneys and other local law enforcement officials in their efforts against . . . abuse or neglect of vulnerable persons,” without interfering with those efforts. Cooperation with the local District Attorney furthers the overarching goal of the Legislature—providing resources to address crimes of abuse and neglect committed against vulnerable persons—without infringing on that constitutional officer’s essential authority.” This is how the Justice Center has been operating since 2017 and will continue to work cooperatively with local District Attorneys going forward. Further, this decision has no impact on the Justice Center’s ability to put staff who have committed serious acts of abuse and neglect on the Staff Exclusion List.

State Budget

The recently enacted NYS budget restored the funding cut for the adult home advocacy program that the Justice Center administers and there were no additional funding cuts for the Justice Center.

HALT Legislation

A new state law strictly limiting the amount of time inmates can spend in solitary confinement and increasing the amount of treatment and programming available to inmates with SHU sanctions was recently enacted. Under this new law, the Justice Center is charged with monitoring compliance and publishing an annual report on compliance with the law.

Justice Center Training and Outreach

The Justice Center is once again offering Code of Conduct Train the trainer sessions in partnership with the National Alliance of Direct Support Professionals in April, May, and June. This year's training will be provided in an online format and the first session received very high evaluations from participants.

The individual and family support unit is providing four different webinars for families and providers on the Justice Center processes and individual and family support services. Over 600 people across the state have signed up.

An investigations basics training for provider agency investigators was completed in April.

Code of Conduct Award nominations

Nominations for the 2021 Code of Conduct awards opened on April 1 and the deadline for submission of a nomination is July 9. Advisory Council efforts to spread the word about the award are greatly appreciated.

Call Center Process Changes

As the Justice Center approaches its eighth year in operation, it continues to make changes to improve operations. In January, the Justice Center initiated changes to the intake process and issued new guidance to state oversight and provider agencies regarding investigations. The changes in intake help improve incident classification. Often, when staff report incidents to the Justice Center, they may be missing key pieces of information that would assist the Justice Center in accurately classifying the incident. Effective January 1, 2021, whenever that happens, the Justice Center is requesting the provider agency to contact the Justice Center with the missing information.

The Justice Center also developed an SOA/Provider Led Investigation strategy memo. The strategy memo provides a framework for SOA and provider agency investigators concerning what to include in the investigation based on the allegation that was made. These changes have improved the quality of incident classification and investigations submitted to the Justice Center.

II. Office of Outreach, Prevention and Support 2020 Achievements and 2021 Goals

An overview of the Justice Center's office of outreach, prevention and support 2021 projects and goals was provided. This unit of the Justice Center includes prevention and quality improvement, individual and family support, forensic oversight, surrogate decision-making committee, TRAIID program and the adult home advocacy program.

III. Legislation and Regulations Committee

The legislation and regulations committee met on April 21, 2021. The committee discussed the recently enacted budget and it was noted that the newly created Crisis Stabilization Centers that will be jointly licensed by OASAS and OMH will fall under the Justice Center's jurisdiction. In addition to passage of the above-mentioned HALT legislation, the adult use of cannabis bill amended the Justice Center's statute to clearly carve out the lawful administration of medical cannabis from the definition of "unlawful use or administration of a controlled substance" as a reportable incident (the definition references FDA approved drugs, which medical marijuana/cannabis is not). This is consistent with guidance issued last year by the Justice Center. Additionally, providers will be required to ensure appropriate storage of controlled substances and medical cannabis.

Committee priorities for 2021

The Committee discussed legislative priorities for the upcoming session which included:

- the Staff Exclusion List (SEL) expansion bill passing the Assembly;
- working with legislators on willingness to amend/update the Justice Center statutes; and
- have reasonable conversations about departmental proposals

IV. Workforce Issues Committee

The committee met on April 6. Committee members discussed the reluctance among staff working in provider agencies to get vaccinated. The pros and cons of mandating vaccines were discussed, and committee members agreed that this is an evolving situation subject to change. The NYS budget was in the process of being passed as the meeting took place. While most proposed budget cuts were restored, there will be a modest increase in some areas (e.g. 1% COLA for mental hygiene agencies), workforce recruitment and retention will continue to be a challenge.

Committee priorities for 2021

1. Increase the number of nominees for the Code of Conduct awards.
2. Identify any VPCR data that might guide the committee to make recommendations to the Justice Center and/or state oversight agencies regarding workforce issues.
3. Advocate for fair resources and wages for the workforce.
4. Advocate for a consistent approach to sharing information about staff who have been substantiated for Category 2 offences across state oversight agencies.

V. Abuse Prevention Committee

The abuse prevention committee held its meeting on April 16, 2021. At this meeting staff from the Justice Center's prevention and quality improvement unit provided an overview of corrective action plan audits completed in 2020 with notable findings. The committee also approved the committee goals for 2021 and they are below.

Committee priorities for 2021

1. Review VPCR data and make recommendations to the Justice Center concerning prevention activities.
2. Develop a survey for provider agencies to obtain feedback on prevention tools developed by the Justice Center.

VI. Investigator and Law Enforcement Training Committee

The Committee met on March 25, 2021. The committee urged the Justice Center to increase training opportunities for investigative staff at both State Oversight Agencies (SOA) and provider agencies. The success of web-based training makes it easier to reach many more people and there are many who would benefit by more training. The investigative guidance materials recently issued by the Justice Center are a great resource. The committee believes that utilization of this resource will increase with training and that will help improve non-Justice Center led investigations. This training need not be comprehensive but could instead be topic based, e.g. injuries of unknown origins. This training provides an opportunity for the Justice Center to focus on deficiencies found in non-Justice Center led investigations.

Committee priorities for 2021

1. Monitor investigative case cycle time and make recommendations as appropriate.
2. Review internal and external investigator training activities and assess opportunities for promoting Justice Center investigative training.
3. Review and promote as necessary any opportunities for law enforcement training on the Justice Center as well as disability awareness training.

**Next Meeting:
June 24, 2021 via Webex**