



Justice Center for the Protection of People with Special Needs

KATHY HOCHUL
Governor

DENISE M. MIRANDA
Executive Director

NYS Justice Center for the Protection of People with Special Needs Advisory Council Meeting Summary January 26, 2023

Advisory Council Members Present: William Gettman (Chair), Veronica Crawford, Norwig Debye-Saxinger, Jason Hershberger, Glenn Liebman, Ron Lehrer, Joe Macbeth, Tom McAlvanah, Kathy O’Keefe, Judith O’Rourke, Harvey Rosenthal, Jeff Savoy, and Euphemia Strauchn.

Advisory Council Members Not Present: Walt Joseph, Ronald Lehrer, Delores McFadden and Mary St. Mark.

Justice Center Staff Present: Denise Miranda, Executive Director, Laura Darman, Executive Deputy Director, Christine Buttigieg, Director of Public Information, Erin Hogan, Deputy Director of Public Information, Davin Robinson, Deputy Director Outreach, Prevention and Support, Susmita Saha, Director of Intergovernmental Affairs, Jody Signoracci, Assistant Director, Outreach, Prevention and Support.

I. Justice Center Updates

2022 Highlights

The Justice Center published a new prevention tool kit on responding to medical emergencies. The tool kit can be found on the Justice Center website: [Prevent Abuse | Justice Center for the Protection of People With Special Needs \(ny.gov\)](#)

The Justice Center also produced a virtual reality training video that will be used as part of the year-long investigator training program. The 360° view video scenario immerses viewers in a residence as an individual receiving services leaves without consent. The investigator is tasked with identifying the issues and outline how they would proceed in their investigation.

The Justice Center summit will be held in April. Last year, more than 1,000 people from 53 counties registered for the Summit.

Justice Center 10 years

June 30, 2023, marks the Justice Center’s 10th year in operation. We anticipate several events to take place in the summer of 2023 to mark the anniversary. It will be a time to celebrate the success and evolution of the Justice Center.

HALT Implementation

In 2022, the Justice Center reviewed compliance with HALT and the quality of mental health care at 22 New York State prisons. In total, the Justice Center completed 698 cell-side and 121 private interviews with incarcerated individuals and referred 91 of those individuals to be evaluated by the Office of Mental Health. The Justice Center has also started meeting quarterly with OMH and DOCCS to discuss implementation issues as they occur. There have been issues with implementation of HALT, especially

concerning programming for incarcerated individuals. The Justice Center will be issuing our first annual report on implementation in the Spring.

Do Good, Feel Good Initiative

The initiative started in the fall of 2022 to encourage staff members to take part in events that support their surrounding communities. There were various activities throughout the state including helping host a Halloween party at a residential program for children and youth, donating supplies to emergency shelters and helping an agency organize toy donations for children and youth. The events were a morale booster for the Justice Center staff and appreciated by the programs and communities they benefitted. It is important to connect with the people the Justice Center serves and to see things from a different perspective.

II. Justice Center LinkedIn Strategy

The Justice Center started a LinkedIn page in early 2022. LinkedIn is the number one social media platform for professionals and drives more traffic to organization websites than any other social media platform. LinkedIn helps build credibility through various features and offers valuable options for sharing content. The Justice Center has two goals for LinkedIn. One is to expand the pool and diversity of candidates seeking positions at the Justice Center and the other goal is to provide the Justice Center more opportunities to share information about its work. Many features of the platform were shared including content statistics. Advisory Council members were asked to follow the Justice Center's LinkedIn Page, so they could see Justice Center content updates. The Justice Center welcomes suggestions for content to share via LinkedIn.

III. Justice Center Abuse Prevention Committee

The Justice Center's internal abuse prevention committee is charged with identifying preventative actions that address conditions that cause or contribute to incidents of abuse and neglect. The committee met in December 2022. During these meetings, committee members working in different business units across the Justice Center received updates on prevention and quality improvement activities, the systemic review of choking on food in OPWDD programs, and trends from the mortality review and out of state placement units.

Prevention and Quality Improvement

In 2022, 220 audits of provider agency Corrective Action Plans were completed by the Justice Center's prevention and quality improvement unit. These audits assessed over 1,000 corrective actions taken by provider agencies. The unit also conducted systemic reviews of incident management practices at two different provider agencies, professional boundaries in OASAS settings, and published two prevention products on the Justice Center website in 2022. The two prevention products are "Best Practices for Responding to Medical Emergencies" and "Maintaining Professional Boundaries: Recommendations for an Abuse Free Environment". These new products can be found on the Justice Center website under the [Prevent Abuse Tab](#).

Systemic Review of Choking on Food in OPWDD Settings

The Justice Center conducted a systemic review of incidents involving people choking on food in residential and day habilitation settings licensed and operated by OPWDD. To conduct the review, Justice Center staff made 17 site visits at nine different provider agencies and followed people from their residential program to their day habilitation program. As a result of this review, the Justice Center

made recommendations to improve the ability of staff to prevent and respond to choking incidents. In their response to the review, OPWDD outlined activities underway to prevent food choking incidents and agreed to pursue implementation of the Justice Center's recommendations. The complete review and OPWDD's response can be found on the Justice Center website [here](#).

Mortality Review

The Protection of People with Special Needs Act requires that the death of an individual receiving services from a residential facility or program that is licensed, certified, or operated by OPWDD, OCFS, OMH and OASAS be reported to the Justice Center. Each year, less than 100 of the deaths reported to the Justice Center include an allegation of abuse or neglect. In 2022, there were 50 cases of abuse and neglect with a death involved and 22 of those cases were substantiated. All the cases that were substantiated had a substantiated neglect offense and failure to get adequate and timely medical care was the most frequent finding.

Out-of-State Placements

There were 352 children and youth placed in out of state placement in 2021. The primary diagnoses of these children and youth were Autism and Emotional Disturbance. The Justice Center's role is to investigate or review provider investigations for all allegations of abuse and neglect for NYS residents placed in these out-of-state facilities. The Justice Center also conducts oversight and monitoring visits to these facilities to assess the safety, security and quality of care provided to residents of New York State in these facilities.

The Justice Center has found issues with incident management (e.g., lack of training on conducting investigations, poor investigative interviews) and problems with staff engagement such as poor understanding of the person's disability on the impact on their behavior.

IV. Committee Reports

Legislation and Regulations

The Committee will be meeting February 9th.

Workforce Issues

The Committee met on January 18, 2023, and discussed the Code of Conduct Awards, Committee goals and the workforce crisis.

Code of Conduct Awards

The Justice Center received over 90 nominations for the 2022 Code of Conduct award and the award ceremony went well. It was noted that we would like to get more nominations from all of the provider types that are under the Justice Center's jurisdiction (e.g., OCFS, OMH, SED) and that the Justice Center and advisory council members will make a more concerted effort to reach out to state oversight agencies and provider networks.

Committee Goals for 2023

The Committee agreed to maintain the goals below for 2023.

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.

Workforce Crisis

It was reported that many advocacy groups will be pushing for an 8.5% COLA this year.

An update on the three-year grant the National Alliance on Direct Support Professionals (NADSP) received to credential Direct Support Professionals (DSPs) in voluntary OPWDD agencies. The goal of this project, the E-Badge Academy, is to introduce a career pathway that will help increase job satisfaction and retention among the workforce and improve outcomes for people receiving services. The E-Badge Academy can be used by the direct services workforce across service sectors to include mental health, substance use disorders, developmental and physical disabilities, etc. The long-range vision is to expand and create a true on-line academy where the fastest growing occupation in the country - the caregiving workforce - can learn, practice and be recognized for their complex and demanding jobs. The committee requested that it receive an update on this initiative at each meeting and members are encouraged to share this initiative whenever they are in discussions with policy makers about ways to address the workforce crisis.

Abuse Prevention

The committee met on January 10, 2023 and discussed the findings from the online survey the Justice Center issued on its web-based prevention tools. The survey found that while most people found the prevention materials to be useful, many people were unaware of their existence. As a result, the Justice Center will be engaging in several activities to increase awareness about these tools.

Investigator and Law Enforcement Training

The committee met on January 10, 2023 and discussed training updates and investigative cycle time.

Justice Center Training Updates

The next session for the online basic investigation skills training for state and private provider agencies will be held February 14 – 16. The Office of Addiction Services and Supports (OASAS) requested that we create a special training for OASAS providers because OASAS providers do not complete abuse and neglect investigations. As a result, the Justice Center will hold a special training on investigative topics for OASAS providers on February 6.

Members discussed the challenges OASAS providers face due to OASAS regional offices handling investigations differently. The Justice Center will be holding roundtable discussions with provider agencies and their respective state oversight agencies in the early Spring of 2023 and this topic is expected to come up.

The Justice Center will continue to offer short trainings on different topics that can be useful for state oversight and provider agency investigators. In 2023 the following trainings have been scheduled:

- Effective Medical Interviews – March 16
- Professional Boundaries – July 20
- Corrective Action Plans – November 16

Committee members are welcome to attend any of the training sessions. For more information and registration information, please see the Justice Center website:

[Training Resources | Justice Center for the Protection of People With Special Needs \(ny.gov\)](#)

The Justice Center also announced that work is under way to get CEU credits for the Justice Center's professional boundaries training.

Investigative Case Cycle Time

The committee reviewed data on the average amount of time it takes for abuse and neglect investigations to be completed. Overall, the average case cycle time for Justice Center led abuse and neglect cases has decreased steadily since 2019 for criminal and non-criminal cases. In addition, the percentage of Justice Center led investigations that have closed within 60 days has increased from 36% in 2019 to 44% in 2022.

The average case cycle time for abuse and neglect cases that are led by state and provider agencies has increased since 2019. The Justice Center has been working with state oversight agencies to address this issue and there has been some improvement.

The committee encouraged the Justice Center to continue to look at this and work with state oversight agencies to keep investigative case cycle time as the “north star” to guide changes to processes, including streamlining state oversight and Justice Center review of these cases.

**Next Meeting
April 27th, 2023**