



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

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Governor

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### **NYS Justice Center for the Protection of People with Special Needs Advisory Council Meeting Summary June 22, 2023**

*Advisory Council Members Present:* William Gettman (Chair), Veronica Crawford, Norwig Debye-Saxinger, Jason Hershberger, M.D., Tom McAlvanah, , Kathy O’Keefe, , Harvey Rosenthal, Jeff Savoy

*Advisory Council Members Not Present:* Walt Joseph, Glenn Liebman, Ron Lehrer, Joe Macbeth, Delores McFadden, Judith O’Rourke, Euphemia Strauchn, and Mary St. Mark.

*Justice Center Staff Present:* Denise Miranda, Executive Director, Christa Book, General Counsel, Robert Miller, Executive Deputy Director, Christine Buttigieg, Director of Public Information, Davin Robinson, Deputy Director Outreach, Prevention and Support, Susmita Saha, Director of Intergovernmental Affairs.

#### **I. Justice Center Updates**

##### Investigative Cycle Time

Currently, 50% of the cases investigated by the Justice Center and state oversight agencies are being closed within 60 days.

##### Staff Changes

Robert Miller is the new Executive Deputy Director at the Justice Center. Robert Miller joined the Justice Center when the agency first opened in 2013 and has extensive experience in State government. In his current role, Rob manages operations for all Justice Center regional offices and maintains key relationships with State leaders on behalf of the agency.

In his previous position as Deputy Director of Administration, Rob led several significant initiatives at the agency, including expansion and improvement of the Justice Center’s regional office infrastructure, and improvements to the Justice Center’s information technology program.

Prior to joining the Justice Center, Rob worked at the NYS Division of the Budget, focusing on criminal justice related issues including analyzing and assessing the impact of proposed changes to the State’s drug laws. Additionally, he worked on various policy and legislative issues at the Division of Criminal Justice Services.

##### Justice Center’s 10 Year Anniversary

Dave Lombardo, from the Capitol Pressroom, a daily public radio program covering state politics, is doing a story about the Justice Center’s ten years of operations. He interviewed several people including Denise Miranda and members of the Advisory Council. The first episode will be aired on July 5.

The Justice Center also had an op/ed published in the Buffalo News. The piece can be found on the Justice Center website.

## HALT

The Justice Center's annual report on HALT implementation with recommendations has been posted on the Justice Center website in the Reports section. Highlights include:

- Only one correctional facility was found by the Justice Center to be in compliance with HALT in 2022. HALT went into effect on 4/1/22.
- There were 93 people determined by OMH to be in need of mental health treatment who were placed in SHU instead of being diverted to a setting where they could get more therapeutic programming. The Justice Center continues to recommend that anyone on the mental health caseload be diverted from SHU immediately.
- Programming space in some facilities was not conducive to learning and group discussion.
- All incarcerated individuals seen by the Justice Center were in shackles while being escorted to programming areas and the Justice Center has recommend a more individualized approach.

The Justice Center continues to meet with the Department of Corrections and Community Supervision (DOCCS) and the Office of Mental Health. It was also noted that there is a new acting commissioner of DOCCS, Daniel Martuscello.

### Justice Center In-Service Training

The Justice Center will be holding an in-person training for all Justice Center staff in November. As part of the training, the Justice Center would like to have a panel that focuses on the workforce. Supporting the workforce is critical to the work of the Justice Center and it is important for Justice Center staff to hear directly from people working in service settings about the challenges they face daily. Suggestions for panel members can be forwarded to Ms. Miranda or Davin Robinson.

### Incident Management Roundtables

The Justice Center held five incident management roundtables with providers and five different state oversight agencies (OCFS, SED, OPWDD, OMH and OASAS) between March and June. These small group discussions provided an opportunity for the Justice Center and the state oversight agencies to receive feedback from stakeholders to inform process improvement. At each roundtable participants also discussed how to assist provider agencies so that families are aware of the protections afforded their loved ones in care and receive timely notification of incidents of abuse and neglect when they occur.

Overall feedback received was positive about the Justice Center's ability to respond to concerns and operational needs of provider agencies over time. The Justice Center is working with state agency partners to address the concerns and recommendations identified during the roundtable discussions. Some examples of this work are:

- Established a workgroup with OPWDD to develop resources for provider agencies to help families understand the incident management process.
- Eliminate redundancies in reporting and CAP audits wherever possible.
- Changing the online web form for reporting incidents to make it easier to use. The updates should be effective by October 1, 2024.

## **II. Prevention Committee Update**

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 June 2023. During this meeting, committee members working in different business units across the Justice Center received updates on systemic reviews underway, new prevention resources, and data from the Justice Center's Business Analytics Unit.

### Systemic Reviews

The Justice Center is currently working on a review of supervision in residential programs licensed by the Office for Children and Family Services. Between January 2021 and December 2022, improper supervision accounted for over 40 percent of all substantiated offenses. The review will focus on five providers.

The Justice Center is also doing a review of driving related incidents in OPWDD operated programs.

### Prevention Materials

The Justice Center recently finalized the "Best Practices for Effective Medical Care" toolkit and it is available on the agency's website. The Justice Center provided an overview of this toolkit to the NYS Association of ID/DD Nurses and the nurses in attendance found the toolkit to be very useful and provided them with a lot of training ideas.

Work is underway on toolkits to prevent food-choking incidents and providing proper supervision.

It was also noted that the Justice Center E-News is on a new platform that will allow us to send out prevention materials and updates to those who subscribe and indicate an interest in prevention materials. This will help increase awareness of prevention tools.

### Business Analytics Unit

The mission of the business analytics unit is to "foster a culture where data analysis is embedded within all operational and performance decisions." This unit has worked closely with the Justice Center's prevention and quality improvement team to provide data that assists in the development of the OPWDD systemic review of food choking incidents as well as the improper supervision systemic review.

## **III. Justice Center Ten Year Anniversary**

Several reports and videos have been developed to mark the Justice Center's ten years in operation and are available on the Justice Center website and available [here](#). Additional content can also be found on the Justice Center's LinkedIn page.

## **IV. Committee Reports**

### *Legislation and Regulations*

The Committee met on June 8 and reported that there had not been any action on the Justice Center's legislative proposals except for the bill to provide notification to all provider agencies about a job candidate who had been substantiated for a category 2 finding of abuse and neglect. Under current law, only provider agencies licensed or operated by the Office for People With Developmental Disabilities receives such notification. This bill was introduced and passed in the NYS Senate (S7465 Mannion). It has not yet been introduced in the Assembly and members of the Advisory Council were encouraged to contact their member of the Assembly to express their support.

The other Justice Center departmental bill would permit electronic signatures for Surrogate Decision-Making Committee decisions. This bill was not introduced in either the Senate or Assembly.

#### *Workforce Issues*

The committee met on June 5 and Joe Macbeth provided an update on the three-year grant NADSP received to credential 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, and developmental and physical disabilities, because it is based on the federal CMS core competencies. 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. More information can be found on the NADSP website at: <https://ebadge.nadsp.org/>.

So far there have been over 1,000 E-Badge learners in NYS and 6,000 badge submissions have been submitted. As part of the grant (funded through federal ARPA funds), workers receive a one-time bonus that ranges from \$500 to \$2,250. Whenever direct support worker receives a badge they are asked to complete a survey. Initial results from the survey were shared with the committee.

It was reported that the proposal by OMH for credentialing a qualified mental health associate did not pass as part of the budget. The goal of this effort is to get more paraprofessionals into the field. Members noted that that credentialing that focuses on competencies would help agencies retain qualified staff and discussed using the E-Badge Academy for the OMH effort as well.

#### *Abuse Prevention*

The committee met on June 20 and also received an overview of the Justice Center Abuse Prevention committee.

#### *Investigator and Law Enforcement Training*

The committee met on June 16. Committee members were encouraged to attend the Justice Center's in-person in-service training that will be held on November 1 and 2 in Albany. Topics to be covered include forensic interviewing, and trends in administrative hearing cases. The training is open to all staff but the content is geared toward investigators and attorneys.

The committee also discussed restraint cases and if there are ways to better determine when restraints reach the level of abuse and neglect. Members noted that there is never a "perfect" restraint and it is not reasonable to hold workers accountable to a perfect standard. It was recommended that the Justice Center review the way they make a determination about a restraint, especially in instances when there is no injury.

**Next Meeting  
September 21, 2023**