



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 25, 2024

Advisory Council Members Present: William Gettman (Chair), Norwig Debye-Saxinger, Jason Hershberger, M.D., Walt Joseph, Ron Lehrer, Tom McAlvanah, Kathy O’Keefe, Harvey Rosenthal, Jeff Savoy, Euphemia Strauchn

Advisory Council Members Not Present: Judith O’Rourke, Glenn Liebman, Joe Macbeth, Veronica Crawford

Justice Center Staff Present: Denise Miranda, Executive Director; Christine Buttigieg, Director of Public Information; Davin Robinson, Deputy Director of the Outreach, Prevention and Support Unit; Nadia Chanza, Director of Special Projects; Shannon Cantiello, Chief of Staff; and Charlie Pensabene, Director of Intergovernmental Affairs.

I. Justice Center Updates

1. Executive Budget - Governor Hochul introduced her FY 25 Executive Budget on January 16th and we await the feedback of the Advisory Council on the proposals included therein.
2. SOMOS Puerto Rico Conference - In November of 2023, Executive Director Miranda traveled to Puerto Rico for the SOMOS Puerto Rico Conference where she presented, as part of a panel comprised of Executive Director of the Office of Language Access Margarita Larios, Commissioner Maria L. Imperial, Commissioner Jeannette Moy, and Assemblymember Jon D. Rivera. The panel was focused on the issue of language access for vulnerable populations and what the Justice Center does to enhance access to services and resources for vulnerable populations who are not English speaking or have literacy challenges. It was attended by advocates, community members, and various elected officials and dignitaries. Executive Director Miranda also participated in a service mission sponsored the American Federation of Teachers and the Public Employees Federation at a local school and participated in workshops with providers and advocates.
3. Outreach and Education - The Justice Center is continuing to refine prevention materials and to expand training offerings. Director of Special Project, Nadia Chanza, recently presented on the Investigator and Law Enforcement Training Committee about our reimagining of the Disabilities Awareness and Forensic Interviewing trainings. We are awaiting the committee’s feedback and look forward to rolling that training out in the Spring of 2024.
4. Family Engagement:
 - A. Individual & Family Support Unit (IFSU) staff and Investigators statewide have officially rolled out the Personal Representative Outreach (PRO) initiative, a new policy to ensure that all families are notified about a Justice Center-led investigation at the beginning of the investigation. The goals of the initiative include:

- i. Providing families with information about the Justice Center Individual and Family Support services; and
 - ii. A more intentional connection between investigators, IFSU staff, and families and individuals about ongoing investigations
 - B. As a result of the Incident Management Roundtables held in the Spring of 2023, staff from State Education have requested an additional Incident Management Roundtable targeted to its population and accordingly, that roundtable will be held on February 9, 2024.
5. Justice Center Summit:
- a. Currently being planned
 - b. Will be a virtual format and is planned for April 16th and 17th and April 23rd and 24th
 - c. Registration Information is included in the email containing this meeting summary.
6. New Executive Staff:
- a. Charlie Pensabene, Director of Intergovernmental Affairs. Charlie comes to us with years of legislative and policymaking experience in both the state senate and the executive chamber, as well as with SUNY. He is an attorney and has been a dedicated volunteer with the Surrogate Decision-Making Committee. We are eager to see his contributions to the Advisory Council’s legislative committee as well as to the greater mission of the Justice Center.

II. Abuse 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 December 2023. During this meeting, committee members working in different business units across the Justice Center received updates on National Alliance for Direct Support Professionals (NADSP) E-Badge Academy as well as trends from the Justice Center’s mortality review, investigation and case closure units.

E-Badge Academy

NADSP received \$10 million in federal American Recovery Plan Act (ARPA) funds over three years to provide bonuses to direct support staff and frontline supervisors working in OPWDD settings who earn “E-Badges” that demonstrate their knowledge, skills, and experience. In addition, providers receive up to 100 hours of training time reimbursement for staff who achieve certification. As of the date of the prevention committee meeting in December, over 1,500 direct support professionals and front-line supervisors were participating. The plan is to certify over 2,000 direct support staff and over 200 front-line supervisors. The University of Minnesota will conduct an evaluation of the program. The evaluation will be looking at the impact the E-Badge has on staff retention and competency among other things. Staff who have participated have completed surveys and over 90% of those responding say that the skills identified by the E-Badges are directly related to the work they do and that because of going through this process they have a better understanding of how to provide high quality support.

Mortality Review Trends

The Protection of People with Special Needs Act requires the deaths of all individuals receiving services from a residential facility or program licensed, certified, or operated by OPWDD, OMH, OASAS or OCFS to be reported to the Justice Center. In addition, the death of any individual who received services from these facilities or programs in the 30 days prior to their death must also be reported. All deaths reported are reviewed by investigators with program experience as well as health care professionals, including registered nurses. Through these reviews, the Justice Center can make recommendations to

providers on how to improve quality of care. Letters are sent to both providers and the appropriate state agency for monitoring of recommended corrective actions. Any time a death is reported to the Justice Center where there is an allegation of abuse or neglect, a separate notification is sent to both the district attorney and the medical examiner.

In 2022, the Justice Center received over 1,600 reports of death; 75 of those reports were referred and investigated for allegations of abuse or neglect. Approximately 57% of those reports were substantiated and most were substantiated for a Category 2 level of neglect. All corrective action plans developed by provider agencies for these substantiated cases are audited and reviewed by the Justice Center. Inadequate and/or untimely medical care and inadequate supervision were the leading offenses in substantiated cases.

Mortality assessment closure letters of concern are sent to providers with recommendations to improve the quality of care and the state agency that licenses, certifies, or operates the program receives a copy of the letter. The issues identified in 2022 included a failure to follow up on referrals for mental health services, poor documentation, not implementing needed changes in treatment plans and training deficiencies.

The Mortality Review Unit also summarized findings from all mortality reviews conducted that involved the death of a person who was 21 years of age or younger between 2013 and 2022. During that nine - year time period a total of 179 deaths of people under the age of 21 were reported to the Justice Center. The primary causes of death for young people differed by state oversight agency. Deaths reported by OASAS providers were primarily due to opiate overdoses; in OCFS accidents, suicides, and homicides (post discharge) were the leading causes of death; in OMH it was suicides and complications from medications; in OPWDD the leading causes were complications from congenital conditions, respiratory illness, and bowel obstructions.

Trends from Investigations and Case Closure

The trends reported included:

- Inadequate staffing at IRAs, mostly overnight shifts
- Staff not aware of supervision levels
- Float and contract staff not trained on plans of care, boundaries, etc.
- Mandated overtime leading to burnout
- Failure to de-escalate, follow plans of care before physical interventions

Committee Reports

Legislation and Regulations

Justice Center Director of Intergovernmental Affairs Charlie Pensabene presented on the Executive Budget and members of the Advisory Council expressed support for the increase of funds to the Justice Center and concern for the 1.5% (as opposed to the 3.2%) increase to the COLA for DSPs. Furthermore, Chairman Gettman highlighted a proposed budget cut within the Department of Health budget, which he surmised will lead to the virtual closure of local programs and elimination of care management services to as many as 30,000 children across NYS.

Workforce Issues

The committee met on January 18, 2024. The committee discussed the NADSP E-Badge Academy credential, the segment from the PBS NewsHour addressing the national shortage of DSPs, and the proposed Executive Budget's impact on the workforce.

Abuse Prevention

This committee was unable to meet due to scheduling constraints and is current scheduled to convene in the first week of February.

Investigator and Law Enforcement Training

This committee convened on January 5, 2024 and 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 reduced for criminal (442 days in 2019 to 79 days in 2023) and non-criminal, Justice Center led cases (97 days in 2019 to 64 days in 2023). In addition, the percentage of Justice Center led investigations that that have closed within 60 days has increased from 36% in 2019 to 46% in 2023.

The average case cycle time for abuse and neglect cases that are led by state and provider agencies has also decreased from 89 days in 2019 to 72 days in 2023. Last year the average case cycle time for non-Justice Center led investigations was 125 days. The Justice Center worked with state oversight agencies to address this issue and there was significant improvement.

Committee members asked if the Justice Center was able to determine the reasons that cases take longer as well as what had proven effective in reducing cycle time. Delays in investigations can be caused by many factors but the most common are staff availability and access to witnesses. The Justice Center has found that improved triaging of reports has helped reduce cycle time.

Disability Awareness Training

The Justice Center is once again offering disability awareness training to law enforcement agencies in New York State. This training is a 6-hour training curriculum that follows the New York State Division of Criminal Justice Services (DCJS) Basic Course for Police Officers guidelines.

This training is intended to assist law enforcement officers in identifying persons with disabilities and interacting with them in respectful and effective manner. The training is divided in sections, includes videos, and the participants will be provided additional written handouts created by other government agencies and the Justice Center. It was noted that this training does not cover people with mental illnesses or substance use disorder because there is a separate training for that.

The Justice Center provided the training to the park police in the fall of 2023, and it was very well received. The power point materials and handouts for the training were shared with the committee for their review and comment.

The planned rollout for this and the Forensic Interviewing Skills for Investigators training is expected in the Spring of 2024.

**Next Meeting
April 11, 2024**