



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

KATHY HOCHUL  
Governor

MARIA LISI-MURRAY  
Acting Executive Director

### NYS Justice Center for the Protection of People with Special Needs Advisory Council Meeting Summary September 26, 2024

Advisory Council Members Present: William Gettman (Chair), Michael Agovino, Ijaz Ahmad, M.D., Veronica Crawford, Geno DeCondo, Norwig Debye-Saxinger, Kathleen Gaffney-Babb, Jason Hershberger, M.D., Walt Joseph, Tom McAlvanah, Jeff Savoy, Wini Schiff, Euphemia Strauchn

Advisory Council Members Not Present: Ron Lehrer, Glenn Liebman, Joe Macbeth, Judith O'Rourke, Harvey Rosenthal, Mary St. Mark

Justice Center Staff Present: Maria Lisi-Murray, Acting Executive Director; Erin Hogan, Director of Public Information; Davin Robinson, Deputy Director of the Outreach, Prevention and Support Unit; Charlie Pensabene, Director of Intergovernmental Affairs; Christa Book, General Counsel, Robert Miller, Executive Deputy Director.

#### I. Justice Center Updates

##### New Advisory Council Members

An orientation for new members was held on September 10 and in addition to the five new members, five existing advisory council members attended. New and old advisory council members were encouraged to join any committee they are interested in (a list of committees is attached to the email with this meeting summary). Anyone who would like to join a new committee should contact Davin Robinson.

##### Justice Center Staff Changes

Erin Hogan is the Justice Center's new director of public information. Advisory council members, who are contacted by the media in their capacity as a council member for comment on Justice Center activities, policies, or procedures, are asked to coordinate their response with Erin.

##### Annual Reports

The [Justice Center's Annual Report](#) to the Governor and Legislature for 2023 and the [2023 HALT Annual Report](#) summarizing the Justice Center's monitoring activities and recommendations to improve the programming, treatment, and conditions in segregated confinement and residential rehabilitation units are available on the Justice Center Website.

##### Law Enforcement and First Responders Training

First responders and law enforcement play a critical role in protecting the rights and promoting the safety of vulnerable people. The Justice Center has begun offering a portfolio of free courses designed to train first responders and law enforcement on respectful communications and investigative best practices when working with vulnerable populations. The goal is to improve knowledge and



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understanding within the first responder and law enforcement community. At the time of this meeting, the Justice Center had received four requests for training from law enforcement agencies.

More information can be found on the Justice Center website: [First Responders and Law Enforcement Training | Justice Center for the Protection of People With Special Needs \(ny.gov\)](#)

### New York State Fair

The Justice Center had an information booth at the state fair for the first time this year. During the 13 days of the fair, Justice Center resources and information were provided to well over 10,000 people.

### U.S. Senate Committee on Finance Report

In mid-June, the U.S. Senate Committee on Finance released a report on a two-year investigation they conducted on abuse and neglect in youth residential treatment facilities in the U.S. The report calls for many reforms, most of which New York State is doing, including improved oversight of these facilities. Leadership from the Justice Center met with staff from the Senate committee in August and they were interested in learning more about our work. They are currently considering several actions.

### National Adult Protective Services Association (NAPSA) Conference

The Justice Center did a presentation at the NAPSA annual conference in Albuquerque in September. NAPSA is a national non-profit organization with members in all fifty states, D.C., and the territories. Formed in 1989, the goal of NAPSA is to provide Adult Protective Services (APS) programs a forum for sharing information, solving problems, and improving the quality of services for victims of elder and vulnerable adult mistreatment. This was a good venue to share the lessons learned and successes from the Justice Center's 10+ years of experience. It also provided an opportunity to network with other states and some states expressed an interest in learning more about the Justice Center's staff exclusions list. The Justice Center will continue to look for opportunities to spread the word about the work we are doing.

### Investigative Cycle Time

The investigative cycle time for non-criminal cases is 77 days in 2024 (year-to-date )and 36% of non-criminal cases are closed in 60 days.

## **II. Cameras in Provider Agencies**

During the June advisory council meeting, the Justice Center discussed the usefulness of cameras in common areas of provider agencies during investigations. In addition to their evidentiary benefit, video reduces investigative cycle time and helps provider agencies put staff who may have been placed on administrative leave back to work sooner if the camera reveals the incident did not occur.

As discussed during the June meeting, OPWDD expressed concern that the use of cameras in OPWDD providers may conflict with federal Center for Medicare and Medicaid Services rules. Since the June meeting, the Justice Center has met with the Department of Health and will continue these discussions.

Members of the advisory council shared their experience and guidance on this issue. Regarding the use of cameras in OPWDD certified programs, one member noted that cameras outside of the provider



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agency are fine, but the use of cameras inside must be connected with a person's treatment plan. The use of cameras would also require additional funding and would have to be balanced with the concern that OPWDD providers do not want to have an institution-like setting. It was also acknowledged that many families would like cameras to be available in programs.

Advisory council members with experience in OMH, OCFS and OASAS programs were supportive of the use of cameras. One member noted that they have placed signs throughout the program notifying everyone that cameras are in use. This provider also informs the families of the youth in their care that cameras are in use. It was also noted that the federal agencies funding programs serving youth (HHS and ORR) don't have any concerns about the use of cameras.

Those members with experience using cameras expressed the need for better guidance from their state oversight agency (e.g. OCFS and OASAS) about confidentiality of video footage and whether, for example, a provider agency can share video footage with a law enforcement agency.

The Office of Mental Health has issued guidance on the use of cameras and that guidance is attached to the email containing the summary of this meeting.

### III. Committee Reports

#### Legislation and Regulations Committee

The committee met earlier in the month and discussed the Justice Center's proposals for inclusion in the Governor's annual State of the State (SOTS) address as well as suggestions for legislation that would either improve agency operations and/or the safety and quality of care provided in the service systems under the Justice Center's jurisdiction. Some of the legislative proposals being advanced by the Justice Center are aimed at removing non-gender-neutral language. The proposed bills aimed at improving efficiencies of agency operations include:

- permitting electronic signatures for end-of-life care cases submitted to the Justice Center's Surrogate Decision Making Committees,
- adding credentialed alcoholism and substance abuse counselors (CASACs) to the definition of mental health provider that is used in the definitions of various sex crimes
- allow for all methods of notification to the Justice Center of a death, instead of just phone notification as currently required.

State of the State proposals submitted to the Governor's office include expanding training for law enforcement and first responders on interactions with people with special needs and expanding the ability to screen staff by checking the Justice Center's staff exclusion list (SEL) to NYS nursing homes, home care agencies, all adult homes, medical-surgical units of hospitals, and out-of-state providers.

All these proposals are being reviewed by the Governor's office. At least one member of the advisory council asked that all providers have an opportunity to find out if a person they are about to hire has a Category 2 substantiated finding. Currently, only providers certified by the Office for People With Developmental Disabilities receives this information.



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*Workforce Issues Committee*

The committee met in August to select the 2024 Code of Conduct winners. The Justice Center received over 100 nominees and five winners were selected and the Justice Center is in the process of scheduling in-person award ceremonies at the winner's provider agency.

*Abuse Prevention Committee*

The committee held its meeting after the September Advisory Council meeting so had nothing to report at the time of the meeting.

*Investigator and Law Enforcement Training*

The committee held its meeting after the September Advisory Council meeting so had nothing to report at the time of the meeting.

**Next Meeting  
January 23, 2025  
Via Webex Only**