Justice Center for the Protection of People with Special Needs

August 2026

Monthly Data Report

161 Delaware Avenue

Delmar, NY 12054

www.justicecenter.ny.gov

Our Mission

The Justice Center is committed to supporting and protecting the health, safety, and dignity of all people with special needs and disabilities through advocacy of their civil rights, prevention of mistreatment, and investigation of all allegations of abuse and neglect so that appropriate actions are taken.

Introduction

As a part of its mission, the Justice Center serves as the state's central repository for all reports of allegations of abuse and neglect involving the approximately one million adults and children who receive services from certain facilities and programs operated, licensed or certified by the state's health, human service and education agencies. The Justice Center maintains an incident management system and hotline, known as the Vulnerable Persons' Central Register, which accepts reports of all allegations and tracks them to completion.

APPROXIMATELY
1 Million

adults and children receive services from a facility or program operated, licensed or certified by the state's health, human service and education agencies under the jurisdiction of the Justice Center.[1]

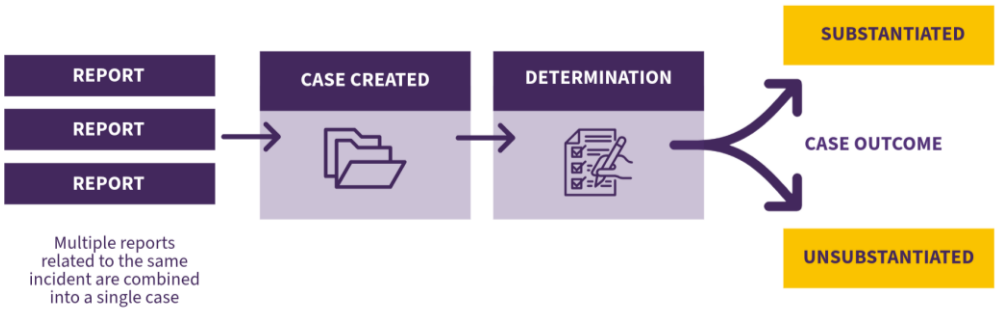
Justice Center Jurisdiction

The Justice Center is responsible for ensuring the safety and well-being of adults and children, who due to physical or cognitive disabilities, or the need for services or placement, are receiving care from certain facilities or provider agencies that are licensed, operated, or certified within the systems of six State Oversight Agencies. These agencies include:

- Office for People With Developmental Disabilities (OPWDD)
- Office of Mental Health (OMH)
- Office of Addiction Services and Supports (OASAS)
- Office of Children and Family Services (OCFS) (State operated programs/facilities and certified residential programs)
- Department of Health (DOH) (Certain adult homes and summer camps)
- State Education Department (SED) (Certified residential schools and programs)

[1] "Lost in the Shadows: Willowbrook and the Era of Institutionalization" -- remarks of former Commission Chair Clarence J. Sundram presented at the conference "Willowbrook: Fulfilling the Promise" held at Albany Law School on April 22, 2013.

Justice Center Business Process



The Justice Center maintains an incident management system, known as the Vulnerable Persons' Central Register (VPCR) which accepts reports of all incidents and tracks them to completion. Multiple reports are often made for the same incident. Duplicate reports from multiple reporters are combined to create a single incident. Every allegation classified as abuse or neglect reported to the Justice Center under the agency's jurisdiction is fully investigated by the Justice Center, the State Oversight Agency or the voluntary provider agency as an abuse and neglect case. The Justice Center reviews the results of the investigations of all allegations of abuse or neglect regardless of which entity conducted the investigation and makes a determination that such allegations are either substantiated or unsubstantiated.

Justice Center investigations into allegations of abuse and neglect are authorized by the Social Services Law and are considered administrative, rather than criminal proceedings. The vast majority of cases investigated by the Justice Center do not allege conduct that would support a criminal prosecution of the custodian. There are three main reasons for this:

1. Social Services Law encompasses a broader array of conduct that, while clearly unacceptable in a clinical setting, may not rise to the level of a crime as established in the Penal Law.
2. To substantiate an allegation under the Social Services Law, a less stringent standard of proof is required. This is known as the preponderance of the evidence standard, meaning it is more likely than not the alleged conduct occurred. The Penal Law, on the other hand, requires cases to be proven by the more stringent standard of *beyond a reasonable doubt.*
3. Abuse or neglect investigations are bound by the evidentiary rules for administrative proceedings, which are more relaxed than those of a criminal proceeding. For example, reliable hearsay may be introduced at an administrative hearing, meaning allegations of abuse and neglect may be substantiated even if the individual receiving services is unable or unwilling to testify. While hearsay may, under certain circumstances, be used to support evidence in a criminal case, a criminal case cannot be supported solely by hearsay.

Under certain circumstances, abuse and neglect investigations may reveal conduct by custodians that rises to the level of a crime as defined in the Penal Law. If an allegation is determined to be criminal in nature, either by the initial report or through investigation, the Justice Center notifies the local law enforcement agency and District Attorney's office. Once the notification occurs, the Justice Center works with the local law enforcement agency and local prosecutors on a joint investigation, or the Justice Center's sworn criminal investigators conduct the investigation.

Classification

Once the allegation is assigned an incident number, it is then classified into one of the following categories: abuse/neglect, death, significant incident or non-NYJC.

- **Abuse**
  - Physical
  - Psychological
  - Sexual
  - Deliberate misuse of restraint
  - Controlled substances
  - Aversive conditioning

- **Neglect**
  Any breach of a direct care employee's duty which includes action, inaction, or lack of attention on the part of the employee that results in or is likely to result in physical injury or serious impairment to the person's physical, mental, or emotional condition.

- **Death**
  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.

- **Significant Incident**
  Incident other than an incident of abuse or neglect that, because of its severity or the sensitivity of the situation, may result in or has the reasonably foreseeable potential to result in harm to the health, safety or welfare of a person receiving services.

- **Non-NYJC Incident**
  The nature of the incident is not reportable to the Justice Center because the incident is not a reportable incident or because it did not occur at a provider over which the Justice Center has jurisdiction.

- **Not an Incident**
  Calls that do not allege any type of incident but instead may be general inquiries or incorrectly routed calls.

	August	2026 YTD
Total Reports Made to the Justice Center	**7,796**	**64,643**
Abuse and Neglect	1,263	10,274
Death	121	1,055
Significant Incident	2,847	23,323
Non-NYJC Incident	2,678	22,168
Not an Incident	887	7,823

Three Business Day Review

The Justice Center has implemented a review process for allegations where appropriate classification of an incident may initially be difficult to accurately determine. The three-business day assessment allows the agency to conduct a preliminary review of allegations lacking specificity by obtaining additional information from the facility or provider agency. This involves the collection of a minimum amount of documentation to accurately classify and assign an incident. This additional short step allows classification to be better informed and therefore a more accurate incident classification and a better use of investigative resources. Each SOA is notified when an incident is selected for the 3 BDR process to ensure any immediate safeguards and protections are put in place while the classification is pending review.

The three-business day assessment is available to all OPWDD, OMH, OASAS, OCFS, and SED providers.[2]

Incident Type	August	August	2026 YTD	2026 YTD
Classification Total	**514**	**100.0%**	**4,398**	**100.0%**
Justice Center Abuse and Neglect	177	34.4%	1,521	34.6%
SOA Abuse and Neglect	65	12.6%	510	11.6%
Significant Incident	68	13.2%	659	15.0%
Non-NYJC Incident	204	39.7%	1,708	38.8%

	August									
Incident Type	OPWDD	OPWDD	OMH	OMH	OASAS	OASAS	OCFS	OCFS	SED	SED
Classification Total	**214**	**100.0%**	**175**	**100.0%**	**27**	**100.0%**	**83**	**100.0%**	**15**	**100.0%**
Justice Center Abuse and Neglect	60	28.0%	60	34.3%	18	66.7%	30	36.1%	9	60.0%
SOA Abuse and Neglect	23	10.7%	14	8.0%	0	0.0%	28	33.7%	0	0.0%
Significant Incident	23	10.7%	26	14.9%	4	14.8%	10	12.0%	5	33.3%
Non-NYJC Incident	108	50.5%	75	42.9%	5	18.5%	15	18.1%	1	6.7%

[2] Percentages in tables may not sum to 100% due to rounding.

Abuse and Neglect

The Justice Center directly investigates the most serious allegations of abuse and neglect as well as allegations of abuse and neglect that occur in state-operated settings.[3] In addition, allegations of abuse and neglect that occur at facilities and provider agencies operated, certified or licensed by OASAS and residential schools and programs certified by SED are investigated by Justice Center staff.

Active Cases

A case, or investigation, is created when one or more allegations of abuse or neglect are received by the Justice Center. Every allegation of abuse or neglect, both criminal and non-criminal, reported to the Justice Center that falls under the agency's jurisdiction is fully investigated.

	Created in August	Total Active
Total Active Abuse and Neglect Cases	**938**	**2,630**
State Operated	187	497
Non-State Operated	751	2,133

	Created in August	Created in August	Total Active	Total Active
Total Active Abuse and Neglect Cases	**938**	**100.0%**	**2,630**	**100.0%**
OPWDD	583	62.2%	1,678	63.8%
OMH	121	12.9%	401	15.2%
OCFS	171	18.2%	419	15.9%
OASAS	40	4.3%	92	3.5%
DOH	2	0.2%	2	0.1%
SED	21	2.2%	38	1.4%

ON AVERAGE

40%

of abuse and neglect cases are substantiated by the Justice Center each year.[4]

[3] OPWDD investigates allegations of abuse and neglect at Intermediate Care Facilities in compliance with 42 CFR 483.420(d)(4).

[4] Rate of substantiation based on two year moving average.

Case Outcomes

Abuse and neglect case outcomes are determined by the outcome of the allegation(s) within the case. A single case may contain multiple allegations due to multiple subjects, multiple individuals receiving services or multiple offenses. Cases with at least one substantiated allegation outcome are considered to be substantiated cases. Cases without any substantiated allegations are considered to be unsubstantiated cases. During an investigation, a small percentage of cases are discovered to be outside of the jurisdiction of the Justice Center.

Investigation Outcomes in State Operated and Non-State Operated facilities[5]

	August	August	2026 YTD	2026 YTD
State Operated Total	**179**	**100.0%**	**1,604**	**100.0%**
Substantiated	72	40.2%	687	42.8%
Unsubstantiated	107	59.8%	916	57.1%
No Justice Center Jurisdiction	0	0.0%	1	0.1%

	August	August	2026 YTD	2026 YTD
Non-State Operated Total	**665**	**100.0%**	**5,859**	**100.0%**
Substantiated	238	35.8%	2,315	39.5%
Unsubstantiated	426	64.1%	3,532	60.3%
No Justice Center Jurisdiction	1	0.2%	12	0.2%

[5] Percentages in tables may not sum to 100% due to rounding.

Investigation Outcomes by State Oversight Agency[6]

	August	August	2026 YTD	2026 YTD
OPWDD Total	**567**	**100.0%**	**4,843**	**100.0%**
Substantiated	195	34.4%	1,937	40.0%
Unsubstantiated	371	65.4%	2,899	59.9%
No Justice Center Jurisdiction	1	0.2%	7	0.1%

	August	August	2026 YTD	2026 YTD
OMH Total	**101**	**100.0%**	**876**	**100.0%**
Substantiated	43	42.6%	382	43.6%
Unsubstantiated	58	57.4%	489	55.8%
No Justice Center Jurisdiction	0	0.0%	5	0.6%

	August	August	2026 YTD	2026 YTD
OCFS Total	**129**	**100.0%**	**1,251**	**100.0%**
Substantiated	52	40.3%	449	35.9%
Unsubstantiated	77	59.7%	801	64.0%
No Justice Center Jurisdiction	0	0.0%	1	0.1%

	August	August	2026 YTD	2026 YTD
OASAS Total	**28**	**100.0%**	**279**	**100.0%**
Substantiated	15	53.6%	134	48.0%
Unsubstantiated	13	46.4%	145	52.0%
No Justice Center Jurisdiction	0	0.0%	0	0.0%

	August	August	2026 YTD	2026 YTD
DOH Total	**1**	**100.0%**	**2**	**100.0%**
Substantiated	0	0.0%	0	0.0%
Unsubstantiated	1	100.0%	2	100.0%
No Justice Center Jurisdiction	0	0.0%	0	0.0%

	August	August	2026 YTD	2026 YTD
SED Total	**18**	**100.0%**	**212**	**100.0%**
Substantiated	5	27.8%	100	47.2%
Unsubstantiated	13	72.2%	112	52.8%
No Justice Center Jurisdiction	0	0.0%	0	0.0%

[6] Percentages in tables may not sum to 100% due to rounding.

Substantiated Abuse and Neglect Cases by Category

A substantiated determination means that there is a preponderance of the evidence to support one or more of the allegations in a case. A preponderance of the evidence means that a review of the evidence indicates whether the abuse and/or neglect was *more likely than not* to have occurred. Conduct by custodians may meet the definitions of abuse or neglect when it results in actual harm to an individual receiving services or if the conduct was *likely* to result in harm to the individual receiving services.

Once the Justice Center makes the legal determination that an allegation is substantiated, a category level is assigned. The use of categories allows the Justice Center to further classify substantiated case outcomes based on the severity of harm. Categories of abuse or neglect are defined in Social Services Law §493(4).

Category Definitions

Like case outcomes, abuse and neglect case categories are determined by the outcome of the allegation(s) within the case. A single case may contain multiple substantiated allegations with multiple corresponding categories. For the purpose of this report, substantiated case categories are based on the most severe substantiated allegation within the case. For example, if a case has two substantiated allegations, one determined as a *category one* and one as a *category three*, the case would be categorized: *substantiated, category one*.

Category One: is defined generally as serious physical abuse, sexual abuse or other serious conduct by custodians. Certain sub-categories of category one conduct may not involve actual harm to an individual receiving services; however, more often than not, category one conduct has resulted in harm.

	August	2026 YTD
Category One Cases	6	70
State Operated	1	8
Non-State Operated	5	62

In August, 1.9% of substantiated cases contained at least one Category One finding.

Examples of category one conduct:

The Justice Center has substantiated custodians for category one physical abuse when the evidence established that the custodian repeatedly struck an individual receiving services with a book, as that conduct constituted a conscious disregard of a substantial and unjustifiable risk of causing physical injury to the individual receiving services.

The Justice Center also has substantiated custodians for category one neglect when the evidence established that the custodian transported individuals receiving services in an agency van while intoxicated or under the influence of alcohol, even when the individuals receiving services were not actually harmed, because that conduct created a substantial risk of death or serious injury to individuals receiving services.

Additionally, the Justice Center has substantiated custodians for category one sexual abuse where the evidence established that the custodian had sexual contact with an individual receiving services who was incapable of consenting to such contact.

Category Two: is defined as conduct where the custodian seriously endangers the health, safety, or welfare of an individual receiving services by committing an act of abuse or neglect. Category two includes conduct that does not result in actual harm.

	August	2026 YTD
Category Two Cases	59	538
State Operated	14	142
Non-State Operated	45	396

In August, 19.0% of substantiated cases contained at least one Category Two finding.

Examples of category two conduct:

The Justice Center has substantiated a custodian for category two neglect when he failed to properly secure keys to an agency van, which the individual receiving services subsequently obtained and used to elope. While the individual receiving services was unharmed during the incident, their history of stealing cars and crashing them led the Justice Center to conclude that the custodian's failure to properly secure the keys seriously endangered the health, safety or welfare of the individual receiving services.

Similarly, the Justice Center has substantiated a custodian for category two neglect for texting while transporting individuals receiving services in an agency vehicle. The Justice Center has determined that the conduct of texting while driving seriously endangered the health, safety or welfare of an individual receiving services.

Category Three: there is a preponderance of the evidence to establish every element of at least one of the eight types of abuse or neglect defined in the Social Services Law.[7]

	August	2026 YTD
Category Three Cases	233	2,287
State Operated	56	526
Non-State Operated	177	1,761

In August, 75.2% of substantiated cases contained at least one Category Three finding.

Examples of category three conduct:

The Justice Center has substantiated custodians for category three neglect where the evidence established the custodian failed to follow protocols for transporting an individual receiving services between different areas of the facility, resulting in the whereabouts of that individual receiving services being unknown for several hours. Even though the individual receiving services was not actually harmed during the time they were unaccounted for, the custodian violated the established transportation protocols. In this instance, the Justice Center substantiated the allegation against the custodian as the conduct was likely to result in physical injury or serious or protracted impairment.

Similarly, the Justice Center has substantiated custodians for category three physical abuse where the evidence established that the custodian struck an individual receiving services, yet there was

[7] The eight types of abuse or neglect defined in Social Services Law §488(1) include: physical abuse, sexual abuse, psychological abuse, deliberate inappropriate use of restraints, use of aversive conditioning, obstruction of reports of reportable incidents, unlawful use or administration of a controlled substance, and neglect.

no visible injury. The rationale for this determination was the conduct caused the *likelihood* of physical or emotional injury or serious or protracted impairment.

Category Four: this category refers to conditions at a facility or provider agency that expose individuals receiving services to harm or risk of harm, but where individual staff culpability for the abuse or neglect is mitigated by systemic problems, such as inadequate staffing, management, training or supervision. It also applies when abuse or neglect against an individual receiving services has been substantiated, but the responsible person cannot be identified. Category four findings are made against organizations and providers, not individuals.

	August	2026 YTD
Category Four Cases	12	107
State Operated	1	11
Non-State Operated	11	96

Investigation Categories in State Operated and Non-State Operated facilities[8]

	August	August	2026 YTD	2026 YTD
State Operated Total	**72**	**100.0%**	**687**	**100.0%**
Category One	1	1.4%	8	1.2%
Category Two	14	19.4%	142	20.7%
Category Three	56	77.8%	526	76.6%
Category Four	1	1.4%	11	1.6%
	August	**August**	**2026 YTD**	**2026 YTD**
Non-State Operated Total	**238**	**100.0%**	**2,315**	**100.0%**
Category One	5	2.1%	62	2.7%
Category Two	45	18.9%	396	17.1%
Category Three	177	74.4%	1,761	76.1%
Category Four	11	4.6%	96	4.1%

Substantiated Abuse and Neglect Cases by Offense

Abuse and neglect cases may include multiple allegations that are assigned to one of the following allegation types during the investigation process including: deliberate inappropriate use of restraints, neglect, obstruction, physical abuse, psychological abuse, sexual abuse, and other (includes aversive conditioning and unlawful use or administration of a controlled substance).

Upon completion, the Justice Center reviews all cases and determines whether each allegation is substantiated or unsubstantiated. Allegations that are unsubstantiated are immediately sealed. An unsubstantiated allegation of abuse or neglect does not preclude the employer from imposing other consequences for employee misconduct, such as disciplinary action.[9]

Substantiated Offense Types in State Operated and Non-State Operated facilities[10]

Substantiated Offense by Type	State Operated	Non-State Operated
Deliberate Inappropriate Restraint	7.6%	6.7%
Neglect	96.5%	94.3%
Obstruction	5.1%	4.8%
Other	0.1%	0.6%
Physical Abuse	14.3%	18.4%
Psychological Abuse	1.7%	2.1%
Sexual Abuse	0.3%	1.8%

[8] Percentages in tables may not sum to 100% due to rounding.

[9] The Justice Center does not decide whether employees should be placed on leave, suspended or terminated when they are reported to have abused or neglected an individual receiving services. Disciplinary actions are generally at the discretion of the employing provider agency in accordance with established rules and collective bargaining agreements. The Justice Center represents State Oversight Agencies at arbitration proceedings involving the discipline of state employees who have been substantiated for abuse or neglect.

[10] Percentages based on total cases closed. Some cases contain more than one substantiated allegation.

Staff Exclusion List

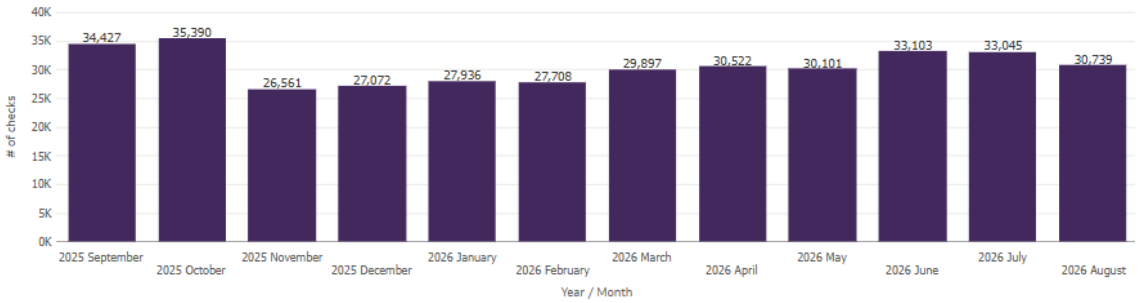
The Justice Center maintains a statewide register known as the Staff Exclusion List which contains the names of individuals found responsible for serious or repeated acts of abuse or neglect. Individuals (subjects) who have either a *single* substantiated category one offense, or *multiple* substantiated category two offenses (in separate cases) within a three-year period, are placed on the Staff Exclusion List. These individuals are prohibited from working in settings under the Justice Center's jurisdiction. It includes individuals who have been placed on the list as well as those who face placement pending the outcome of an appeal.

1,191 individuals are on the Staff Exclusion List and are prevented from working in a position that serves a vulnerable person under the jurisdiction of the Justice Center.

Checks of the Staff Exclusion List

Employers are required to check the Staff Exclusion List before hiring any person who will have regular and substantial contact with an individual receiving services. This includes any employee, administrator, consultant, intern, volunteer or contractor applying for a position.

Checks of the Staff Exclusion List (Previous 12 Months)



Criminal Background Checks

Criminal Background Checks	August	2026 YTD
Total Fingerprints Processed	**10,326**	**79,884**
Applicants Reviewed	1,236	12,125
Applicants Flagged for Additional Information	76	548
Denied Approval for Employment Consideration	19	191

The Justice Center reviews and evaluates the criminal history information of all prospective employees or volunteers and advises service providers about the individual's suitability for employment. This comprehensive screening, which includes the ability to request and review information contained in identification records maintained by the Federal Bureau of Investigation, provides an additional safety net for individuals receiving services and their families, and mitigates risk for employers.

Employee Discipline

Disciplinary or other employment actions resulting from a substantiated finding are at the discretion of the *employing provider agency* (State Oversight Agency or private provider) in accordance with established rules and collective bargaining agreements, the exception being Category 1 findings which result in placement on the Staff Exclusion List (SEL). This means in the vast majority of cases, the Justice Center is not involved in any decisions regarding the discipline of a subject. The notable exception occurs with state employees, where Justice Center attorneys work collaboratively with the State Oversight Agencies to achieve appropriate disciplinary outcomes.

State Operated Employee Discipline	August	2026 YTD
Closed Substantiated	**64**	**675**
No Penalty	19	229
Penalty	45	446

Non-State Operated Employee Discipline	August	2026 YTD
Substantiated Actions Completed	**367**	**3,033**
Termination	104	883
Counseling (Formal - Written)	88	659
Re-training	62	520
Training	18	173
Resignation/Retirement	21	147
Suspension (30 or more days)	9	144
Counseling (Informal - Verbal)	12	131
Staff Reassignment/Relocation	16	83
Suspension (1-14 days)	13	83
Letter of Reprimand	3	51
No Action	4	46
Suspension (15-30 days)	7	43
Additional Staff Supervision	6	34
Placed on Probation	1	19
Demotion	3	15
Employee Assistance Referral	0	2
Fine (monetary/accruals)	0	0

Criminal Prosecutions

The Justice Center's Special Prosecutor works with county district attorneys to bring criminal charges in cases that allege that a crime has occurred against an individual receiving services by an employee of a facility or provider agency. The Justice Center notifies district attorneys of *all* allegations of abuse and neglect. Cases involving potential criminal charges can be investigated by the Justice Center, the local police, or both.

While a criminal case is being investigated and prosecuted, the same case is also investigated through the Justice Center administrative investigation process."

1,289 **criminal prosecutions have been initiated since August 30, 2013, by the Justice Center or by local district attorney offices.**

Mortality Assessments and Reviews

Abuse or Neglect Cases with a Death Involved

Mandated reporters are required to report directly to the Vulnerable Persons' Central Register (VPCR) any death in both residential and non-residential programs under the Justice Center's jurisdiction – for which they have reasonable cause to suspect abuse or neglect or a significant incident may have been involved. For every death in which abuse or neglect or a significant incident is suspected, the Justice Center notifies the appropriate District Attorney and Medical Examiner. These deaths are investigated in the same manner as any other abuse or neglect case.

In 2026, the Justice Center closed 45 abuse and neglect investigation cases in which a death was involved. Of these cases, 30 had at least one substantiated allegation of abuse or neglect, which may or may not have caused or contributed to the death in question.

Executive Law § 556 Death Reviews (not abuse or neglect)

Administrators of residential programs licensed, operated, or certified by the Office for People With Developmental Disabilities (OPWDD), the Office of Mental Health (OMH), the Office of Addiction Services and Supports (OASAS), and the Office of Children and Family Services (OCFS) are required to report all deaths of residents to the Justice Center, irrespective of whether the death is unusual or expected. The purpose of this reporting is twofold: to monitor and examine whether quality of care issues may have contributed to an individual's death; and to make recommendations to improve future care of individuals receiving services and prevent the recurrences of similar issues.

All deaths subject to this mandatory reporting are referred to as Executive Law §556 deaths and each report is reviewed by investigators with program experience and health care professionals, including registered nurses. This reporting and review is in addition to the requirements to report and investigate deaths where there is reasonable cause to suspect to abuse and neglect or a significant incident.

In August 2026, the Justice Center completed 96 Executive Law §556 Death Reviews across the four agencies required to report these deaths.

Executive Law §556 Death Reviews	August	2026 YTD
Total Reviews Conducted	**96**	**1,150**
State Operated	18	214
Non-State Operated	78	936