



Justice Center for the  
Protection of People  
with Special Needs

# Overview of the Justice Center

Presented by Kara Clark  
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# Key Drivers that Led to the Justice Center

Impossible to prevent staff who committed acts of abuse from getting another job working with people with special needs

Inconsistent laws, rules, regulations, requirements, and standards

Limited capacity for statewide oversight

Inability to identify and predict future areas of risk across systems



# Vision

People with special needs shall be protected from abuse, neglect, and mistreatment. This will be accomplished by assuring that the state maintains the nation's highest standards of health, safety, and dignity; and by supporting the dedicated people who provide services

# State Oversight Agencies



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)

Department of Health (DOH)

State Education Department (SED)

# Topics

Taking  
The Report



Investigations



Case Closure &  
Review



Prevention of Abuse  
& Neglect



Community  
Resources





# Taking the Report



# Reportable Incidents

- Abuse
- Neglect
- Significant incidents

*Incidents may be reportable even if a service recipient does not suffer actual harm.*

# When to Make a Report

- Reasonable cause to suspect an incident occurred
  - Observations, training, and experience
  - Common sense
  - Assess if the service recipient suffered an injury or there was a likelihood of an injury

*Incidents may be reportable even if the individual receiving services does not suffer actual harm*



# When a Report is Made

A trained representative collects information from the reporter and gives the caller an incident number

Reporters are protected by confidentiality laws

Call is recorded

# After the Call is Taken

The allegation is classified.

## Reportable

- ✓ Abuse/Neglect
- ✓ Significant Incident

## Non-Reportable

- ✓ General Inquiry
- ✓ Non-Justice Center

# Total Reports Made to the Justice Center 2023

<b>Grand Total</b>	<b>85,212</b>
Abuse and Neglect	13,050
Significant Incident	27,866
Death	1,650
Non-Justice Center Incident	31,473
Not an Incident	11,173



# Investigation

# Who investigates?

## Justice Center:

- Serious Incidents of Abuse and Neglect
- All abuse and neglect incidents in state operated facilities and programs licensed or operated by:
  - Office of Addiction Services and Supports
  - State Education Department

## State Agency or Provider Agency:

- Less serious incidents of abuse and neglect
- Significant Incidents

# Justice Center Investigators

Many Justice Center investigators have previously worked in provider settings

Many of Justice Center investigators and staff have family members served by providers under our jurisdiction

All receive continuous training

# What to Expect During an Investigation

Subjects will receive a letter of notification from the entity conducting the investigation

Victims and/or Families will receive notice from the entity conducting the investigation

Interviews

Information gathering



# Individual and Family Support

Guides individuals receiving services and families through the reporting, investigation, final determination and/or criminal processes

Makes referrals and serves as a liaison

Promotes responsive and efficient communication

Conducts outreach



# Understanding the Investigation Process

Justice Center website has resources for individuals and families that can be found in the Advocacy & Support Tab

Justice Center Reporting and Investigations:  
Guidance for  
Individuals and Families



Justice Center for the  
Protection of People  
with Special Needs

161 Delaware Avenue, Delmar, New York 12054  
1-800-624-4143  
[www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)



# Case Review & Closure



# When the Investigation is Complete, the Justice Center



## Reviews

All investigations, makes a final determination and notifies all parties



## Oversees

Corrective action plans as appropriate

# Unsubstantiated Reports

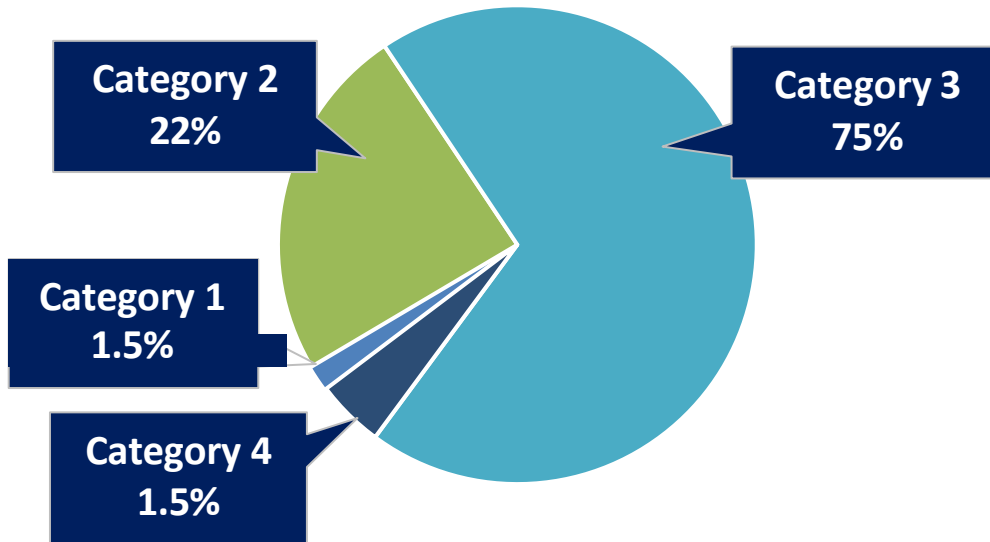
Reports that are unsubstantiated (including false allegations) are not publicly available and cannot be accessed by future employers.

# Substantiated Reports

Substantiated reports of abuse or neglect are classified into one of four categories.

# Abuse and Neglect Case Categories

Substantiated Cases by Category: 2023 (N = 3,571)



*Approximately 35% of abuse and neglect allegations are substantiated*

# Staff Exclusion List

Prohibited from being hired by any state operated, certified or licensed agencies or providers that serve people with special needs

Over 900 people on the Staff Exclusion List

Since 2014, there have been over 300 times that a provider has been notified that the applicant was on, or pending placement on, the Staff Exclusion List

# Category 4

Made against a facility or provider agency, NOT a custodian

Two types



Staff culpability mitigated by systemic problems at a facility or provider agency

Abuse or neglect substantiated but perpetrator can't be identified



# Category 3

Substantiated findings of abuse or neglect but the conduct does not meet the definition of Category 1 or 2

Not publicly available and cannot be accessed by future employers

# Category 2

Conduct in which the custodian “seriously endangers the health, safety or welfare of a service recipient by committing an act of abuse or neglect”

Two Category 2 findings in a 3-year period results in a Category 1 finding and placement on Staff Exclusion List

Category 2 findings not elevated to Category 1 are sealed after 5 years

# Category 1

Serious physical abuse, sexual abuse or other serious conduct by custodians (14 types)



Placement on Staff Exclusion List

Two Category 2 findings in a 3-year period, OR One Category 1 finding



Placement on Staff Exclusion List

*Names of staff with a substantiated category 1 finding are not publicly available*



# Notifications at Conclusions of Investigations

Family members and/or victims

Providers

State Oversight Agency

Subjects

# Corrective Action Plan (CAP) Audits

The Justice Center audits some of the corrective action plans for substantiated allegations of abuse or neglect

CAP Audit Findings Letters are sent to providers and copied to the State Oversight Agency

Audit findings and recommendations are made to reduce future risk of abuse and neglect and to improve the quality of care



# Prevention of Abuse & Neglect

# Spotlight on Prevention



## Agency Self-Assessments

These tools support program efforts to develop a comprehensive approach to prevent abuse and neglect.



## Best Practices for an Abuse-free Environment

Strategies for creating abuse-free environments



## Code of Conduct

Ethical guidelines for caring for individuals receiving services

[www.justicecenter.ny.gov/prevent-abuse](http://www.justicecenter.ny.gov/prevent-abuse)

# Spotlight on Prevention Toolkits

[www.justicecenter.ny.gov/prevent-abuse](http://www.justicecenter.ny.gov/prevent-abuse)

**Body Checks**

**Dangers of Being  
Left Unattended in  
Vehicles**

**Dangers of  
Caregiver Fatigue**

**Dangers of  
Intestinal  
Obstructions**

**Maintaining  
Professional  
Boundaries**

**Medical  
Emergencies**

**Reducing the Use  
of Restraints**

**Securing  
Wheelchairs in  
Vehicles**

**Best Practices for  
Effective Medical  
Care**

**Best Practices for  
Abuse Free  
Environment**

**Best Practices for  
Choking  
Prevention**



# Justice Center for the Protection of People With Special Needs

[Prevent Abuse](#)

[Advocacy & Support](#)

[Providers & Staff](#)

[Pressroom](#)

[Prevention Blog](#)

Report suspected abuse or neglect: 1-855-373-2122

## Prevention Blog

The latest abuse prevention techniques to help support special needs

NEW! The Prevention Blog highlights content that helps people live self-directed, meaningful lives free from abuse and neglect.



# Community Resources

# Technology-Related Assistance for Individuals with Disabilities (TRAID)

Increase access to, and acquisition of, assistive technology in the areas of:

Education • Employment • Community living  
Information technology/telecommunications

Find your Regional TRAIID Center at:

[www.justicecenter.ny.gov/advocacy-support](http://www.justicecenter.ny.gov/advocacy-support)



# Disability Resources

[www.justicecenter.ny.gov/advocacy-support](http://www.justicecenter.ny.gov/advocacy-support)



## TRAID Program

Access to assistive technology devices available to any New Yorker with a disability.



## Disability Resources

Assistance available to individuals with disabilities based on topic of need.



## Requesting Justice Center Records

Instructions on how to file requests for agency and investigative records.

# Surrogate Decision Making Committee (SDMC) Program

Provides medical decision-making for residents or former residents of OPWDD, OMH, or OASAS programs

Alternative approach to the court system for obtaining informed decisions regarding non-emergency major medical treatment and in some cases end of life decisions

# Contact Information

Report abuse or neglect: 1-855-373-2122

Information and referral: 1-800-624-4143

Individual Family & Support Unit: 1-800-624-4143

Other questions: 518-549-0200

[www.justicecenter.ny.gov](http://www.justicecenter.ny.gov)