



Justice Center for the
Protection of People
with Special Needs

Justice Center Update

The Alliance for Inclusion and Innovation
July 11, 2019

Updates

2019 Priorities

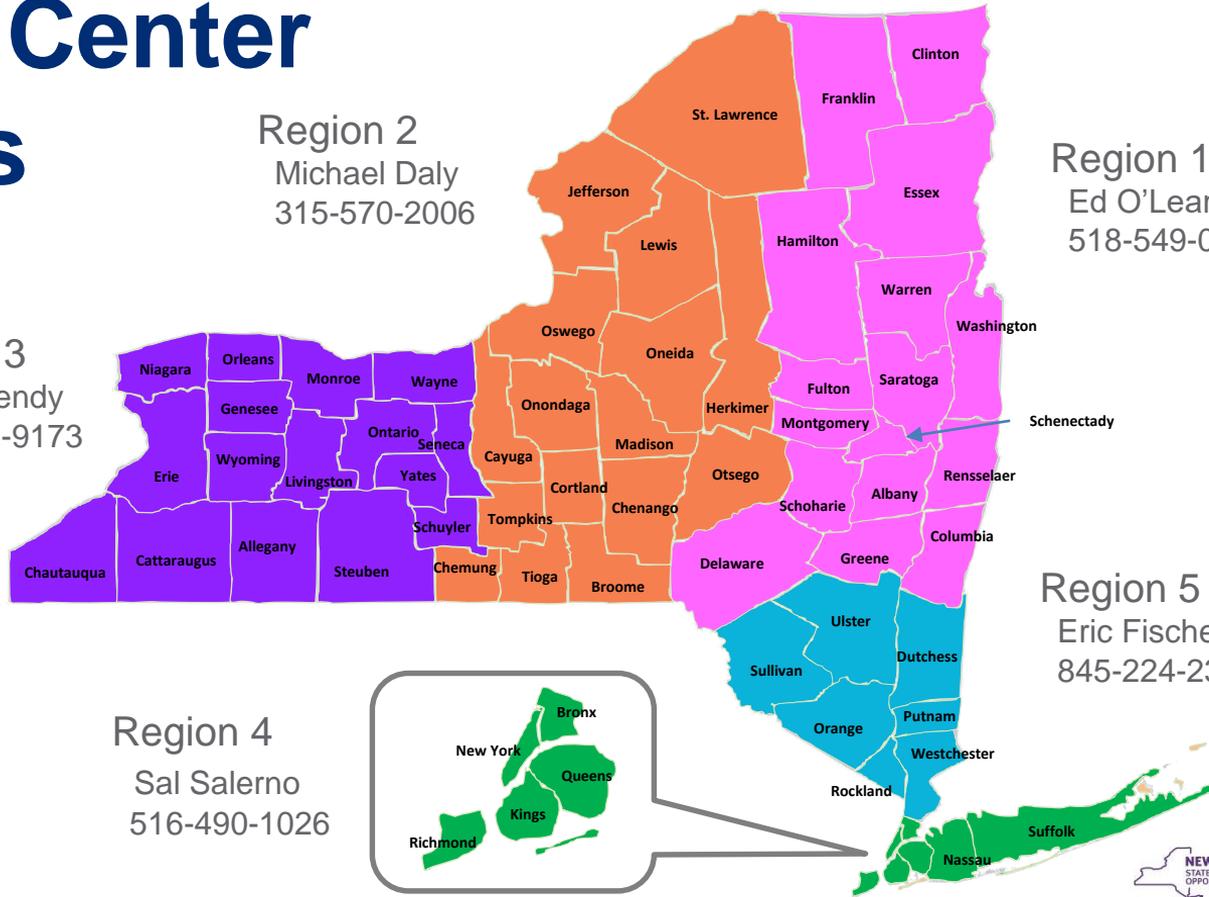
- Prevention of Abuse
- Enhance Investigative Techniques
- Consistency, Efficiency and Collaboration
- Quality Assurance

Justice Center Regions

Region 2
Michael Daly
315-570-2006

Region 1
Ed O'Leary
518-549-0201

Region 3
Bryan Lendy
585-371-9173



Region 4
Sal Salerno
516-490-1026

Region 5
Eric Fischer
845-224-2311



Justice Center for the
Protection of People
with Special Needs

Justice Center Sexual Abuse Response Team

- Team of investigators, medical professionals and victim advocates who have been specially trained
- Focus on sexual abuse and engagement (“grooming”)
- Special Prosecutor will ensure pursuit of criminal charges when warranted
- Will work with local sexual abuse response teams

3 Business Day Classification Assessment

- Allows the Justice Center to conduct a preliminary review of allegations lacking specificity
- Available to OPWDD, OMH and OASAS
- In 2018 over 2,000 reports were assessed
- 57% were down-graded to significant incident or non-Justice Center incident

Statistics and Trends

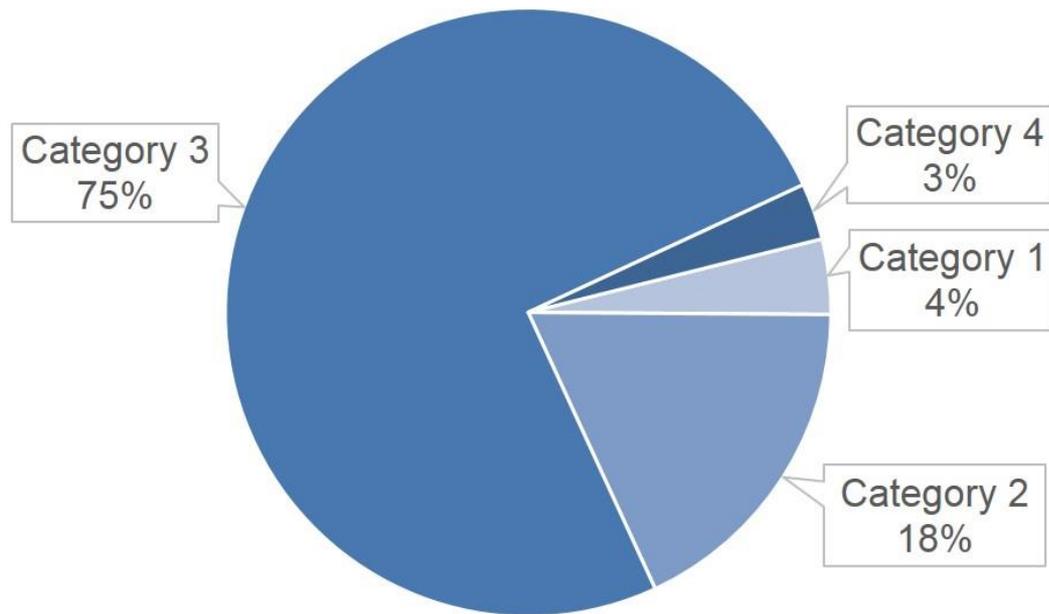
Reports Made to the Justice Center 2018

| | |
|-----------------------------|---------------|
| Total | 86,423 |
| Abuse and Neglect | 15,557 |
| Death | 1,587 |
| Significant Incident | 29,399 |
| Non-Justice Center Incident | 27,494 |
| Not an Incident | 12,206 |

Abuse and Neglect Case Categories

Substantiated cases by category: 2018 (N = 3,706)

*Approximately
33% of abuse
and neglect
cases are
substantiated*



Abuse and Neglect Statewide (2018)

State Operated

| | |
|------------------------------------|--------|
| Neglect | 68.23% |
| Physical Abuse | 15.23% |
| Deliberate Inappropriate Restraint | 10.03% |
| Obstruction | 3.12% |
| Psychological Abuse | 2.73% |
| Sexual Abuse | 0.26% |
| Other | 0.39% |

Non-State Operated

| | |
|------------------------------------|--------|
| Neglect | 71.60% |
| Physical Abuse | 13.84% |
| Deliberate Inappropriate Restraint | 7.26% |
| Obstruction | 3.25% |
| Sexual Abuse | 1.57% |
| Psychological Abuse | 1.47% |
| Other | 1% |

Driving Trends

- Texting while driving –several accidents and near misses
- Driving under the influence
- Speeding with persons receiving services
- Failure to follow traffic signs / school zone infractions
- Being distracted/inattentive leading to accidents
- Backing up in agency vans



Failure to Perform Duties During Overnight Shifts

- Failure to do bed checks resulting in missing individuals, death, suicide attempts, other medical emergencies
- Failure to tend to medical issues in a timely manner
- Prefilling of overnight reports/charts
- Falsification of supervision records

Sexual Involvement with Staff Members

Throw out old stereotypes

- Frequently begins with blurred boundaries
- Young teenagers alone with staff
- Closely monitor boundary violations and encourage more responsibility
- Trust but verify
- Look for patterns

Issues Resulting from Restraints

- Restraints with allegations of strangulation- keep hands away from the neck
- Remind staff to reposition hands/arms as soon as possible
- Non-emergency interventions such as dragging from place to place
- Photos of no injuries are as important as photos of injuries
- Training and post-restraint supervisory reviews are highly encouraged

Intestinal Obstruction

- Failure to recognize and treat medical deterioration from bowel obstruction can result in death
- Deaths reported from age 14 to 80+
- Signs include abdominal pain and cramping
- Many anti-psychotics medications cause constipation

Supporting Improvement through Audits and Reviews

Prevention and Quality Improvement

Key Functions

- Audit and analyze agency practices that impact the health, safety and welfare of people with special needs
- Lead initiatives and develop resources on abuse prevention
- Collaborate with the state oversight agencies to prevent abuse and neglect and improve quality of care

Corrective Action Plan (CAP)

A CAP is a written plan developed by the provider agency or State Oversight Agency to address issues of concern identified in a closed case

CAP Audits

- Goal: Ensure corrective actions were implemented sufficiently in response to concerns identified from the review of investigations of abuse and neglect cases
- Product: CAP Audit Findings Letters are sent to providers and copied to the State Oversight Agency to communicate audit findings, and recommendations to reduce future risk of abuse and neglect and to improve the quality of care

CAP Audit Selection

Approximately 10% of CAPs for substantiated abuse and neglect cases are audited.

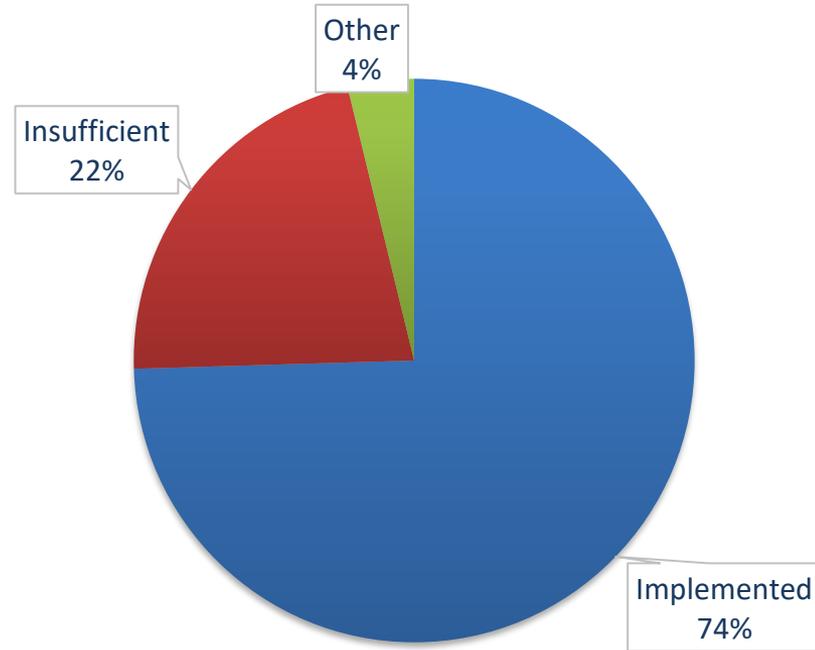
- All Category 4 Systemic CAPs are audited
- All Abuse/Neglect Cases Involving Death
- All Category 2 CAPs for all SOAs except OPWDD
- Referrals from Justice Center staff and others

Corrective Actions Assessed - Outcomes

Implemented – action sufficiently addresses the issue of concern and was fully implemented

Insufficient – action did not sufficiently address the issue of concern, was not timely, and/or was not fully implemented

Other – miscellaneous



Examples of Implemented Corrective Actions

- A policy was developed or updated and all relevant staff were trained in a timely manner
- Subject staff member was placed on a sufficient safety plan to mitigate future occurrence of abuse/neglect upon discovery of incident. The program may have also provided re-training and/or enhanced supervision.

Examples of Insufficient Corrective Actions

- Training or re-training was not conducted until several months after the program was notified that the subject staff member had been substantiated for abuse or neglect.
- Enhanced supervision of staff did not occur until several months after the CAP due date.
- Policy revision was completed, staff were not trained on the updated policy.

Examples of Other Corrective Actions

- Not considered a corrective action (e.g. requiring all staff to sign the Justice Center Code of Conduct)
- Unable to obtain documentation supporting that the corrective action was taken

Reviews

- Goal: Assess identified concerns and underlying systemic issues that may contribute to an increased risk of abuse or neglect in provider agencies
- Product: Recommendations to improve safety and quality of care, and findings and trends supporting the need for such improvements. Follow up discussion is offered to both providers and State Oversight Agency representatives. SOA commissioner receives all multi-program reviews.

Supporting Improvement with Prevention Tools and Resources



Justice Center Video Series

- Overview of Mission and Vision
- Resources to Prevent Abuse and Neglect
- What to Expect During an Investigation

www.justicecenter.ny.gov/about-nys-justice-center

Updated Guidance for Staff

Justice Center website in the Providers & Staff tab

- Reporting incidents (including online training)
- Investigation process
- Appeals process



Justice Center for the
Protection of People With Special Needs

Advocacy & Support

Providers & Staff

Prevent Abuse

Pressroom

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

Questions? Call 1-800-624-4143

New York State Justice Center

Committed to supporting and protecting the health, safety, and dignity of all people with special needs.

▶ WATCH VIDEO

The screenshot shows the top navigation bar of the New York State Justice Center website. The 'Providers & Staff' tab is highlighted with a yellow border. Below the navigation bar, there is a header with the organization's name and contact information. The main content area features a large image of two men smiling, with the text 'New York State Justice Center' and a 'WATCH VIDEO' button overlaid on it.

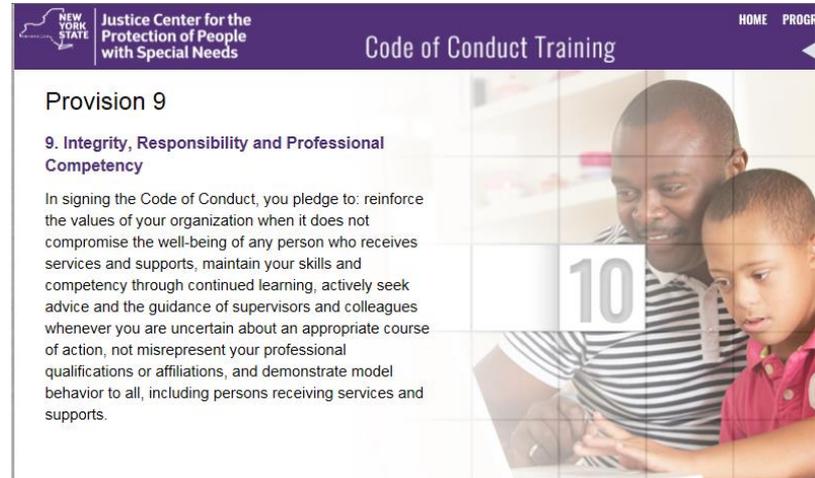
Code of Conduct Interactive Training

The Justice Center has posted a new interactive online training resource on the Code of Conduct for provider agencies to use for their staff.

This interactive training includes real-life scenarios and asks the viewer to apply the Code of Conduct provisions.

Special thanks to the National Alliance for Direct Support Professionals for their advice and guidance.

www.justicecenter.ny.gov/training-resources



The screenshot shows the top portion of a web page. On the left, there is a logo for the New York State Justice Center for the Protection of People with Special Needs. The page title is "Code of Conduct Training". The main content area is titled "Provision 9" and "9. Integrity, Responsibility and Professional Competency". Below this, there is a paragraph of text: "In signing the Code of Conduct, you pledge to: reinforce the values of your organization when it does not compromise the well-being of any person who receives services and supports, maintain your skills and competency through continued learning, actively seek advice and the guidance of supervisors and colleagues whenever you are uncertain about an appropriate course of action, not misrepresent your professional qualifications or affiliations, and demonstrate model behavior to all, including persons receiving services and supports." To the right of the text is a photograph of a man and a young boy looking at something together. A large number "10" is overlaid on the photo.

Code of Conduct Train the Trainer

- How to teach the Code of Conduct to new and seasoned staff through skill practice, group discussions and other activities
- Participants include; agency trainers, quality assurance administrators and anyone that will be able to bring this curriculum to life in their respective organizations/agencies.
- 2019 Sessions in Brooklyn, Buffalo, Syracuse and Albany are full. Training resources are available at:

www.justicecenter.ny.gov/training-resources

Additional Training Resources

Training is offered in person, via webinar, or online for:

- Mandated Reporters
- Individuals with Disabilities and Special Needs
- Family Members and Advocates
- Investigators
- Provider Agencies
- VPCR and WSIR Users

Requests and Questions? Email the Justice Center Training Unit at jctraining@justicecenter.ny.gov

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

Found at: www.justicecenter.ny.gov/prevent-abuse

TOOLKITS

Spotlight on Prevention

The information contained in the Justice Center's Spotlight on Prevention toolkits is offered as a resource for provider agencies and staff. These resources are intended to be used as a guide that may be modified as needed to apply to particular types of programs and specific age groups of vulnerable people.

Dangers of Being Left
Unattended in Vehicles

Dangers of Caregiver
Fatigue

Dangers Of Intestinal
Obstructions

Maintaining Professional
Boundaries

Reducing the Use of
Restraints

Found at: www.justicecenter.ny.gov/prevent-abuse



Justice Center for the
Protection of People
with Special Needs

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

Disability Resources

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.



Justice Center for the
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Surrogate Decision Making Committee 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
- To learn more or to volunteer visit Justice Center website:
<https://www.justicecenter.ny.gov/services-supports/sdmc>

Recognizing the Dedicated Workforce

The Code of Conduct Award recognizes 4 dedicated staff who provide direct support to people with special needs and demonstrate a strong commitment to the provisions of the Code of Conduct

- Anyone (including volunteers) who signs the Code of Conduct is eligible
- Deadline for nominations is July 12, 2019
- Nomination forms available at justicecenter.ny.gov



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