

# Justice Center

## The Basics

InterAgency Council of  
Developmental Disabilities  
Agencies, Inc.  
~Revised January 2016~

# NY State Protection of People with Special Needs Act

- Creation of the Justice Center

June 30<sup>th</sup> 2013 the Justice Center was created which serves as the states central reporting agency and maintains a database known as the Vulnerable Persons' Central Register (VPCR), which accepts reports of all incidents and tracks to completion

# Justice Center

**Vision:** People with special needs shall be protected from abuse, neglect and mistreatment. This will be accomplished by assuring that the state maintains the nations highest standards of health, safety, and dignity; and by supporting the dedicated men and women who provide services

**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 right, prevention of mistreatment, and investigation of all abuse and neglect so that appropriate actions can be taken

# NYS Justice Center

- **Applicability**

- These regulations apply to service providers that are operated, certified, licensed or funded by :
  - Office for People With Developmental Disabilities (OPWDD);
  - Office of Mental Health (OMH);
  - Office of Alcoholism and Substance Abuse Services (OASAS); and
  - Office of Children and Family Services (OCFS).
- Also covered are certain adult homes operated by the Department of Health (DOH) and residential schools and programs certified or operated by the State Education Department (SED).

InterAgency Council of Developmental  
Disabilities Agencies, Inc.  
~Revised April 2016~

# Justice Center Established June 2013

- Set standards for reporting abuse and neglects and other incidents
- Created Vulnerable Persons Central Register (VPCR)
- Created consistent definitions of abuse and neglect
- Changes in definitions of what is reportable
- Changes in reporting process
- Changes in pre-employment process
- Changes in requirements for investigations
- Changes in requirements of investigators
- Required OPWDD voluntary providers to abide by both Justice Center and OWDD 624 and 625 regulations
- Created staff exclusion list (SEL) which prevents staff who committed acts of abuse and neglect from getting another job which with people with special needs

InterAgency Council of Developmental  
Disabilities Agencies, Inc.

~Revised April2016~

# Who are defined as vulnerable people

- The State Protection of People with Special Needs Act defines a vulnerable person as a person who due to physical or cognitive disabilities or the need for services or placement, is receiving care from a facility or provider within the systems of the State Oversight Agencies
- OPWDD Voluntary providers-Vulnerable Person is anyone who is receiving OPWDD services or is eligible to receive OPWDD services

# Justice Center

- Employee Awareness
  - Addition of Code of Conduct
  - Mandated Reporter

InterAgency Council of Developmental  
Disabilities Agencies, Inc.  
~Revised April 2016~

# Code of Conduct

- The Code of Conduct applies to all “custodians” , as defined by Social Services law 488(2), who have or will have regular and direct contact with service recipients who reside in facilities and provider agencies under the Justice Center’s jurisdiction. Such custodians must be provided with a copy of the Code of Conduct (see attached) at the time of their initial employment, and at least annually thereafter, and are required to acknowledge that they have read and understand the Code of Conduct



# Who Are Mandated Reporters

## 1. Custodians:

- Employees; Volunteers; Directors and operators of covered faculties and programs and
- External staff who have regular and substantial contact with the people being served

## 2. Human Service Professionals (examples)

- Social workers; School officials; Psychologists; Registered nurse; mental health professional

# Failure to Report

- Failure by a Mandated Reporter to report suspected Abuse or Neglect to the VPCR is a serious matter and possible consequences include administrative discipline, termination, civil liability and criminal prosecution.

# Total number of Reports 2015

- Type of Reports to JC for OPWDD
  1. Abuse and Neglect: 9,301
  2. Significant Incidents: 14,476
  3. Total substantiated abuse and Neglect cases OPWDD: 3,948
- Category 1: 55
- Category two: 508
- Category three: 3,085
- Category four: 300

# January 2016

- OPWDD reports of abuse and neglect:929
- OPWDD Significant Events:1423
- Death (Not Abuse and Neglect):68
- Financial: 1

# Substantiated in 2016

- Substantiated Abuse and Neglect:221
- Justice Center Arrests:2
- Other Law Enforcement:3
- Justice Center prosecution:2
- Local District Attorney:3

In 2015 there were 16 Justice Center prosecutions and 73 by local District attorney

# Staff Exclusion List

- All subjects of a substantiated report of category one offenses, which include serious or repeated acts of abuse or neglect, are placed on the Justice Center's Staff exclusion list (SEL)
- At the end of 2015, 191 individuals had been placed on the SEL state wide.

# *Categories/Classifications*

## Agency Internal Occurrences

### Justice Center and OPWDD

- Reportable Incidents
- Significant Events

### OPWDD only

- Serious Notable Occurrences
- Minor Notable Occurrences (IRMA: Optional Except For Theft)

## *Reportable Incidents –Justice Center*

- Reportable incidents are significant events or situations endangering a person's well being

and

- Occurred under the auspices of a program certified by OPWDD or operated by OPWDD



# *Reportable Incidents- Notification*

The Justice Center operates a centralized, statewide toll-free hotline and incident reporting system that receives and tracks allegations of abuse and neglect 24 hours a day, 7-days a week. Reports are made by service providers and others who are mandated reporters as well as by any individual who witnesses or suspects the abuse or neglect of a person with special needs.

# *Reportable Incidents – Notification*

- Various additional notifications are required depending on the circumstances, including notification to guardians/parents/advocates, MHLS, boards of visitors, Willowbrook parties, law enforcement, coroner, etc.

# *Occurrences*

*(aka internals or agency occurrences)*

**Each agency is required to identify those situations which it deems important to monitor, even though the situation does not meet the definitions contained in Part 624 for a reportable incident, minor notable occurrence and serious notable occurrence.**

# Protocol for reporting potential crimes to law enforcement

- Law enforcement must be contacted immediately in the event that emergency response by law enforcement is needed.
- Agencies shall report to an appropriate law enforcement official anytime a crime may have been committed against an individual by a custodian. This is in addition to reporting to the Justice Center when the event or situation is a reportable incident.
- The report to the appropriate law enforcement official shall be made as soon as practicable, but in no event later than 24 hours after occurrence or discovery.

# Reporting to Law Enforcement

- providers can refer to the *Protocol for Reporting Crimes to Law Enforcement* for additional guidance.
- The document is found on the OPWDD website at: <http://www.opwdd.ny.gov/node/782>.
- Note that the requirement for reporting to law enforcement is only applicable to crimes committed by custodians against individuals receiving services.

# SCR Checks for Suspects

- Abuse and neglect cases assigned to an agency for investigation, the investigator must request that the Justice Center request a search of the Statewide Central Register (SCR)

# *Standing Committee on Incident Review*

## **Purpose:**

To review and monitor minor notable occurrences, serious notable occurrences, and reportable incidents to persons receiving services from the agency.

# *Standing Committee on Incident Review (continued)*

## **Function**

- Ascertain that incidents/abuse were reported, managed, investigated, and documented.
- Ascertain that necessary corrective, protective and/or disciplinary actions has been taken
- Ascertain if further investigation or corrective measures are necessary
- Identify trends
- Ascertain and ensure adequacy of agency's reporting and review practices
- Make recommendations to CEO on any of above



# *Standing Committee on Incident Review (continued)*

## **Membership**

- At least two professional staff. At least one of the professional staff must be a licensed health care practitioner (e.g. physician, physician's assistant, nurse practitioner, or registered nurse).
- Other staff, including administrative staff as deemed necessary by the agency
- Psychologist participation is recommended

# Membership additions

- Additions
  - Voluntary agency -
    - Member of the governing body (board of directors)
    - Direct support professional
    - Individual receiving services
    - Member of advocacy org. (self-adv., family, etc.)

# FUN FACTS

- The majority of investigation for individuals who receive OPWDD services are conducted by OPWDD voluntary providers. The Justice Center is assigned only the most sever allegations of abuse and neglect
- The Justice Center can not mandate or determine an agencies policy for suspension and or termination, or set policies for paid or unpaid suspension. Only when a employee is placed on the SEL is the person unable to be employed.
- Suspension of targets of sexual or physical abuse has been a regulation since before the implementation of the Justice Center and is from the OPWDD 624 regulations
- All individuals who are targets of an investigation should receive the letter to target by the entity who is conducting the investigation

# Links

## Special Needs Act

[http://www.opwdd.ny.gov/opwdd\\_resources/incident\\_management/justice\\_center](http://www.opwdd.ny.gov/opwdd_resources/incident_management/justice_center)

## Justice Center Frequently ask Questions

<http://www.justicecenter.ny.gov/about/faq/pdf>

InterAgency Council of  
Developmental Disabilities  
Agencies, Inc.  
~Revised April 2016~