



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

ANDREW M. CUOMO
Governor

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Executive Director

**Testimony before the Joint Legislative Fiscal Committees
2018-2019 Executive Budget Proposal
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Denise M. Miranda, Executive Director**

Good morning, Senator Young, Assemblywoman Weinstein, Senator Ortt, Assemblywoman Gunther and other distinguished members of the Senate and Assembly.

My name is Denise Miranda, and I am the Executive Director of the New York State Justice Center for the Protection of People with Special Needs. I would like to thank you for the opportunity to testify today regarding Governor Cuomo's 2018- 2019 Executive Budget proposal for the Justice Center.

New York has a history of implementing changes that shape the course of the nation, and the Justice Center is no exception. I can unequivocally say those receiving services in the state of New York are safer today than they were five years ago. Our agency's Staff Exclusion List has prevented over 400 people who committed heinous acts against individuals with special needs from working in direct care positions. The Justice Center's Criminal Background Check Unit prevented hundreds of applicants with convictions including assault, rape, and murder from working with vulnerable populations.

But we believe our mission consists of more than investigating after an incident has happened, it also centers on preventing it in the first place. To do that, the Justice Center works extensively with providers, advocacy organizations, service recipients, direct care workers and other relevant stakeholders. In 2017, more than 125 external on-site training and outreach seminars involving various stakeholders were conducted across the state.

Another key agency effort focuses on reviewing cases and identifying abuse and neglect-related trends. The agency produces the "Spotlight on Prevention", a tool developed for providers, individuals and family members. The Spotlight includes educational materials on the dangers of being left unattended in vehicles, of recognizing caregiver fatigue, and on the danger of the inappropriate use of restraints. These efforts will continue in 2018.

While we are very proud of the work that has been accomplished, the Justice Center is no stranger to criticism, and I want you to know we have heard you. I recognize there needs to be a balance between our oversight responsibilities and the anxiety and fears of the dedicated workforce. I have spent the past year meeting with service recipients, caregivers, direct care workers, and providers to hear their feedback.

I have also spent considerable time reviewing the operations, policies, and procedures of the Justice Center. To support quality and efficient investigations, we continue to regionalize our staff to high volume areas. This move, combined with technology improvements and training for staff has cut case cycle time by 40-percent. Another key initiative was the creation of the 72-hour case assessment model. This process holds initial classification of an incident while additional information is gathered from the provider to ensure appropriate classification. This allows investigators to process serious cases of abuse and neglect more efficiently. In our continued effort to expedite cases, we have secured a memorandum of understanding with the Department of Health, giving our investigators immediate access to death certificates.

Additionally, in response to concerns, we've eased the burden on mandated reporters. In cases where there are multiples witnesses, only one is now required to report. This model allows workers to focus on providing care while still giving the Justice Center critical information about an incident. In the interest of transparency, we post monthly aggregate data reports summarizing the Justice Center's abuse and neglect work. Additionally, we are now publicly posting our findings regarding visits to NYS correctional facilities to monitor their compliance with the Special Housing Unit Exclusion Law.

While our goal is to maintain an environment free from abuse and neglect, unfortunately incidents do happen. It is our duty to hold workers involved in abuse and neglect responsible for their conduct. We believe the work of the Justice Center is crucial to the health, safety and support of our most vulnerable populations. The Governor's Executive Budget supports the Justice Center in a number of ways, by:

- Operating 16 regional offices and a 24/7 hotline to receive reports of abuse and neglect;
- Expanding our Individual and Family Support Unit to help family members and individuals throughout the investigative process;
- Offering extensive training for both internal and external investigators;
- Supporting training for all staff on the various ways diversity fosters professional and culturally appropriate interactions with our varied stakeholders; and
- Collaborating with provider agencies and our Advisory Council on the best ways to educate the workforce about their responsibilities.

This year will mark the five-year anniversary of the Justice Center. It will be a year of continued improvement. We will be evaluating the processes by which the agency operates and examining areas for efficiency improvements. This includes an audit of all investigatory training, a thorough examination of our intake model, exploring an expedited track for cases with certain fact patterns, and a shortened timeframe for appeals. We will also be enhancing our collaborative efforts with stakeholders at all levels.

The Justice Center looks forward to working with our partners in the Legislature, state oversight agencies, and our other stakeholders to enhance the protections for some of New York's most vulnerable people.

I now welcome your questions.