



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

### **Testimony before the Joint Legislative Fiscal Committees 2017-18 Executive Budget Proposal February 6, 2017 Jay Kiyonaga, Executive Deputy Director**

Good afternoon Senator Young, Assemblyman Farrell, Senator Ortt, Assemblywoman Gunther and other distinguished members of the Senate and Assembly. My name is Jay Kiyonaga, I am the Executive Deputy Director of the NYS State Justice Center for the Protection of People with Special Needs (Justice Center). I would like to thank you for the opportunity to testify today regarding Governor Cuomo's 2017-2018 Executive Budget proposal for the Justice Center.

Under the leadership of Governor Cuomo, and with the full support of the NYS Legislature, New York became the first state in the nation to create an independent state agency dedicated to safeguarding people with special needs. Before the Justice Center, there were no consistent definitions of abuse and neglect across the systems providing care to service recipients. There was no mandated reporting of abuse and neglect. Many systems lacked independent investigations of abuse and neglect and police and district attorneys did not have dedicated resources to effectively investigate and prosecute these very challenging cases.

Today, approximately one million adults and children who receive services are now protected by the Justice Center. On June 30, 2013, the Justice Center began serving as the state's central reporting agency for incidents of abuse, neglect and other serious incidents. The Justice Center works closely with six State Oversight Agencies who are responsible for licensing, operating and certifying services provided to these individuals. Our primary responsibility is to ensure that people with special needs are protected from abuse, neglect and mistreatment. We recognize that the Justice Center may have created anxiety for some providers and staff members. However, it is important to remember that our investigations are triggered by someone calling the Justice Center to report that abuse and neglect may have occurred. We have a legal obligation to investigate these reports, and we make our best efforts to minimize any disruption of services that may result from our investigations.

Our efforts over the past three and a half years have made facilities and programs safer for both individuals with special needs, and the dedicated men and women who provide services. Still, abuse and neglect in these settings continues to be a serious problem.

In 2016, the Justice Center received reports of over 10,000 suspected cases of abuse and neglect. Most of these reports were made by staff members, service recipients or their family members. Every one of these incidents is thoroughly investigated. Approximately one-third of all abuse and neglect cases result in a substantiated finding. In many cases, the Justice Center identifies areas of concern and works with State and provider agencies on corrective actions to prevent future abuse.

Now, people receiving services and their family members can take comfort in knowing that employees who are found responsible for the most serious or repeated acts of abuse and neglect may no longer work with service recipients in settings under our jurisdiction. Since 2013, more than 300 staff members have been placed on a Staff Exclusion List. The workers on this list have committed offenses such as hitting, choking, punching and sexually abusing service recipients. Permanently removing these workers from the service system promotes a safer environment.

Workers who report abuse and neglect can now be certain that their reports will be taken seriously. Workers who are named as subjects of an allegation can have confidence that a professional independent investigation will be conducted. They can also be confident that their right to legal and union representation will be honored, and that they can appeal any finding made against them.

The Governor's Executive Budget supports the Justice Center's comprehensive system for incident reporting, investigations, employee discipline and prosecutions. With the support of state funds, the Justice Center has accomplished a number of goals since it began operations:

- We conduct approximately 94,000 pre-employment checks each year to ensure new employees do not have a criminal history that would jeopardize the safety of people with special needs;
- We ensure that mandated reporters and others can easily report allegations of abuse and neglect by maintaining a toll-free hotline, which is staffed 24 hours a day, 7 days a week;
- We educate mandated reporters about their responsibilities under the Protection of People with Special Needs Act;
- We support high quality and timely investigations across the state through the operation of 15 regional offices;
- We promote quality investigations by offering extensive training for investigators employed by the Justice Center, as well as investigators working for state and private provider agencies;
- We hold workers who engage in criminal conduct against vulnerable service recipients accountable. In 2016 alone, the Justice Center led 69 prosecutions. We also collaborate with local District Attorneys by notifying them of alleged abuse and neglect occurring in their jurisdiction, and by providing assistance in prosecuting these cases;
- We promote efforts to prevent abuse and neglect by collaborating with our Advisory Council and stakeholders. This has resulted in a model abuse prevention policy for providers, along with guidance on best practices to promote abuse free environments for people with special needs;
- In 2016 alone, the Justice Center's Individual and Family Support Unit provided support and information to over 3,500 individuals and their families.

During our first three years, emphasis was necessarily placed on establishing an incident management call center, an investigations unit, and a prosecutor's office. There will be continued attention given to process improvements in these areas, including efforts to complete quality investigations in less time by adopting administrative changes. For example, we are working to implement protocols to assess, within 72-hours, whether a report of alleged abuse and neglect should, based upon additional facts, warrant further investigation.

During 2017, a greater emphasis will also be given to other components of the agency and its mission. With the support of existing funds, such efforts will include a focus on abuse prevention and statewide outreach initiatives for workforce members.

With your continued support, we have been able to meet our mission of protecting the health, safety, and dignity of some of New York's most vulnerable people. The Justice Center looks forward to working with our partners in the Legislature, the state oversight agencies and all of our other stakeholders to continue to strengthen protections for people with special needs. I would be glad to answer any questions you may have.

