

Greetings:

Thank you for the recent Brendan J. Lyons article and your recent editorial calling for the State Legislature to revisit the operations of the Justice Center for People with Special Needs (JC) created by the Justice Center Act

The JC remains an attempt to resolve issues of abuse and neglect that were already being addressed by the six State Oversight Agencies and the Commission for Quality Care.

You state the Justice Center has problems and that abuse and neglect of our citizens with special needs cannot and should not be tolerated. On both these issues we agree.

However, the current operational policy and procedures used by the JC we believe violate public employees' rights to just cause and due process and need to be addressed by this administration. To the private and public sector workers charged with caring for our most vulnerable citizens, the Justice Center is deemed to be the

"Injustice Center". Our defense of our members' rights and our discussions with other labor organizations clearly shows areas of practice that we all concur need to be reviewed and improved. Let us elaborate:

- **Guilty Until Proven Innocent.** A substantiated report filed against an accused worker- contains a determination that there is a preponderance of evidence to support an allegation of abuse or neglect. In other words -you are guilty- now prove your innocence through the administrative appeals process. The presumption of an accused's innocence does not apply at the JC
- **Lack of Timely Investigations** While the statute requires investigations to be completed in 60 days it also allows the JC in its sole discretion to extend the 60-day time limit. This exception has swallowed the rule since investigations routinely take 6 months to a year or more. The accused, often barred from the workplace, are at risk of serious financial and career impacts and co-workers suffer greater workloads and client care is compromised. Justice delayed is justice denied.
- **Reporting a "Significant Incident"** Any "incident which because of its severity or the sensitivity of the situation may result in or has the reasonable foreseeable potential to result in harm to the health, safety or welfare" of the service recipient is a "significant incident". This broad language offers no meaningful guidance and forces workers to report anything or risk everything.
- **Multiple/Duplicative Reporting Requirement** The JC requires anyone who provides custodial care and/or is a mandated reporter to individually report all cases of suspected abuse or neglect. Historically, the State accepted a single report from a facility wherein all witnesses were identified for the investigators. This current policy diverts program staff to make multiple reports to the Justice Center. This duplicative and wasteful policy should be replaced with a singular, straight forward report of an alleged incident.
- **Retribution** Clients and workers have learned to "scam" the system. Reporting allegations to the JC against care givers, supervisors and/or co-workers has become a useful tool for those who for whatever reasons, seek retaliation.

Our concerns are based upon real life experiences and the resultant impact on our members' ability to serve the vulnerable individuals whom the Justice Center Act was passed to protect. We applaud the focus on safety and protection for service recipients and staff in the human services sector. Experience now shows that as written and applied, the Justice Center Act and its resultant Justice Center need to be examined and improved.

Sincerely,

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Barbara Zaron

President