



Alliance for the Betterment of  
Citizens with Disabilities

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## Empowering People: Providers Shaping Policies

### Comparing and Contrasting New Jersey's Office of Public Integrity and Accountability with the New York State Justice Center for the Protection of People with Special Needs

We have learned that in an effort to improve the educational, oversight and investigative responsibilities regarding abuse, neglect, and exploitation (ANE) of individuals with intellectual and developmental disabilities (IDD), members of the New Jersey Legislature and the New Jersey Ombudsperson for Individuals with Intellectual or Developmental Disabilities and their Families have had discussions with the NY State Justice Center for the Protection of People with Special Needs to determine if a similar office would be of benefit in New Jersey.

The New York State Justice Center for the Protection of People with Special Needs (Justice Center) was created in 2013, as an outgrowth of a 2012 New York state commission study which defined the problem in and recommended solutions for the state's group homes.<sup>1</sup> The commission concluded that the problem was one of inconsistent and inadequate oversight across NY's 6 human service agencies. As a result, the commission's reform recommendations centered on standardization, simplicity, streamlining and coordination to establish uniform procedures and the like to improve efficiency and constancy. The recommendations prompted the creation of the Justice Center.<sup>2</sup>

To augment this important discussion, we have reviewed documentation and received input from agencies which provide services in both NY and NJ. Below is a synopsis of this research.

- With respect to the IDD population, the Justice Center serves the same function as NJDHS/Office of Public Integrity and Accountability (OPIA). The core mission for both offices is to provide education, oversight and protection.
- Both OPIA and The Justice Center are separate and independent from the human service agencies they oversee.<sup>3</sup> Though OPIA works together with the NJ Division of Developmental Disabilities (DDD) on risk assessment councils, it remains a separate entity.
- The Justice Center's Special Prosecutor is appointed by the Governor of the State of NY while the Director of OPIA is a career civil servant who has risen through the ranks.

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<sup>1</sup> Sundram, Clarence. *The Measure of Society. Protecting Vulnerable Persons in Residential Facilities Against Abuse and Neglect*. New York State Commission on Quality of Care and Advocacy for Persons with Disabilities, 2012.

<sup>2</sup> Bailly, Rose Mary. *The New York State Justice Center for the Protection of People with Special Needs*. Government Law Center: Albany Law School, April 27, 2021, p 2.

<sup>3</sup> NJDHS/OPIA has been independent of DDD since 2003/2004.

- The Justice Centers standing as a law enforcement agency was removed on March 30, 2021, by the New York State Court of Appeals which declared it unconstitutional because it infringed on the district attorney's constitutional, statutory, and common law authority.<sup>4</sup> Currently the Justice Center's authority mirrors that of the OPIA which is to cooperate and assist local law enforcement in their efforts against abuse or neglect, without interfering with those efforts.
- Both the Justice Center and OPIA have the authority to conduct civil investigations.
- Under NJ's Stephen Komninos' Law, OPIA must dispatch an employee to the incident sight to assess the situation within 48 hours of receiving a report of an incident involving abuse, neglect, or moderate or major physical injury to quickly verify the severity of the incident and ensure that immediate steps are being taken to protect the individual. The Justice Center is not automatically required to dispatch an investigator to every sight for a review.
- The Justice Center has within 72 hours of the receipt of an allegation to determine who is charged with conducting the investigation depending on the severity and setting of the allegation. In addition to the 48-hour assessment deadline by OPIA, provider agencies are required to immediately initiate independent, internal investigations until otherwise instructed by OPIA's Special Response Unit or a party empowered by statute to investigate (law enforcement, DYFS, Adult Protective Services).<sup>5</sup>
- The specific number of cases that The Justice Center delegates to providers is not detailed in available information, but providers report that the Justice Center investigates about 20% of all allegations and delegates the remaining 80% to the agencies in which the allegations were made.<sup>6</sup> For allegations involving abuse, neglect, and exploitation, OPIA's percentages are believed to be less than 15 and 85%, respectively.
- Both OPIA and The Justice Center permit staff of facilities investigated for alleged abuse the right to legal representation. The right in NY came from the Protection of People with Special Needs Act, the law that created The Justice Center in 2013. In NJ, staff have always had the right to seek legal counsel.
- Both DDD and the Justice Center maintain their state's ANE hotline.

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<sup>4</sup> Bailly, Rose Mary. *The New York State Justice Center for the Protection of People with Special Needs*. Government Law Center: Albany Law School, April 27, 2021, p 4.

<sup>5</sup> NJ DHS/DDD. Complaint Investigations in Community Programs. Divisions Circular #15. February 14, 2006, p7.

<sup>6</sup> We are unsure if the allegations investigated by the Justice Center, unlike OPIA, also includes other incident types like alleged rights violations and professional misconduct in addition to alleged abuse, neglect and exploitation.

- Like OPIA which is responsible to maintain New Jersey’s Central Registry of Offenders against Individuals with Developmental Disabilities, the Justice Center is responsible to control New York’s corresponding Staff Exclusions List.<sup>7</sup>
- The Justice Center publishes a monthly data report of its investigations. The report template describes the areas and related definitions in which the center has jurisdiction and updates the monthly and year to date numbers for incident type, abuse and neglect cases, and investigation outcomes (substantiated, unsubstantiated, and out of their jurisdiction).<sup>8</sup> The report is easy to understand and accessible to individuals with disabilities, families, elected representatives, professionals, and the lay public.
- OPIA publishes a quarterly DHS Licensing Report Card highlighting provider data tracked by the office which includes competency with health and safety standards, timeliness in correcting deficiencies, timely reports of critical incidents and corrective actions, appropriate steps to reduce critical incidents, and substantiated allegations.
- In the area of prevention and quality improvement, The Justice Center publishes an annual system review on one issue of relevance such as sexual abuse, driving related offenses, and food choking incidences in day hab. In August 2025, OPIA’s Office of Prevention launched the *OPIA Newsletter*, a monthly publication dedicated to prevention strategies for the provider community. The first issue was entitled, “Prevention Begins with Recruitment.” Following monthly issues for the remainder of the year will focus on exploitation, fire prevention and agency investigation basics, vehicle safety, and cyber security.
- Both NJ DDD and NY OPWDD review corrective actions taken by service providers and internal units to address deficiencies and ensure quality of care. The states use audits, investigations, and ongoing monitoring to identify issues and ensure corrective actions are implemented and effective.

November 19, 2025

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<sup>7</sup> NY’s Staff Exclusions List mirrors NJ’s Central Registry of Offenders against Individuals with Developmental Disabilities which was created by the NJ Legislature, signed into law on April 30, 2010, effective and fully operationalized by October 27, 2010, nearly three years prior to NY’s which became functional on June 30, 2013  
<sup>8</sup> OPIA’s 5 investigation outcomes are unfounded, unsubstantiated, unsubstantiated with concerns, substantiated with mitigating factors and substantiated

OPIA has been building up its quality assurance, oversight and investigations to align with the Fee for Service system. A list of recent initiatives follows.

Since COVID, around investigations, OPIA

- Updated the OPIA Investigation Report template for providers that lists the information they will be required to provide and to keep information and results organized.
- Updated the NJIRMS system which gives providers and OPIA's Critical Incident Management Unit and Office of Investigations the ability to access and track information on Unusual Incident Reports and associated investigations.
- Established a Mortality Unit which is responsible for tracking and investigating unexpected deaths in a licensed residential setting
- Effectuated the new Field Service and Safety Unit (FSSU). In addition to unannounced visits and investigations of group homes, FSSU works directly with providers on improvements and best practices.

Since COVID, around efficiency and constancy, OPIA

- Initiated internal quality assurance measures to ensure consistency of standards across OPIA's Critical Incident Management Unit, Office of Licensing, and Field Service and Safety Unit.
- Effectuated an electronic application system checklist for licensing inspectors to improve efficiency and data collection. Though too early to gage the impact, the plan is for the system to Improve OPIA's ability to analyze and assess information to assist in their ongoing efforts to arrive at creative solutions and informed decisions.

Since COVID, around prevention and oversight OPIA

- Requires approval by the Office of Licensing of all provider agency policies prior to implementation.
- Increased the regulatory requirements to run a licensed provider agency. For example, the agency director must have at least two years of demonstrated experience with the IDD population, demonstrated experience with financial audits and a proven level of success.
- Works with DDD to provide hands on oversight and guidance to candidates interested in becoming licensed or certified, to prevent those who lack the necessary skills, knowledge, and experience from entering the system.
- Decreased the threshold for the number of deficiencies before a licensed or certified agency may receive a provisional license.
- Improved grading and assessment standards. Examples include the prioritization of trends and repeat deficiencies as indicators of the agency's intent to improve care and the monitoring and tracking of medication administration and other medical procedures.
- Is working to amend the quarterly group home licensing report card to include additional information on agency provisional licenses and related determinations.
- Generally increased the amount and types of training available to providers, including numerous meetings with ABCD committees and forums to present on topics and answer questions. Of note is OPIA's quarterly internal investigations training for providers.
- Creation of the New Jersey Alliance for Safety and Prevention. NJ-ASP is a partnership with community providers to build a foundation of actionable ideas that providers can learn from, adapt and expand "to create safer and empowering environments for those we serve."<sup>9</sup>
- Guidelines clarifying instances in which a Human Rights Review is required in a licensed setting.

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<sup>9</sup> NJ-ASAP Prevention Summit call for submissions. November 2025