



Justice Center for the Protection of People With Special Needs

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Finger Lakes Residential Center Aide Convicted of Tampering with Public Records

Case Investigated and Prosecuted by the Justice Center

Ithaca, NY-- NYS Justice Center for the Protection of Special Needs Special Prosecutor/Inspector General Patricia E. Gunning today announced a Cortland man, employed by the Finger Lakes Residential Center in Lansing was found guilty of falsifying records by a Tompkins County jury. Video surveillance introduced during the trial showed defendant Daniel Cruz (DOB: 05/17/70) had remained motionless in a chair during his overnight shift and later made false entries in a facility logbook indicating he had conducted required 15 minute bed checks of sleeping residents.

"This defendant flouted his responsibilities as a caretaker and put youths at risk by sleeping for hours on the overnight shift," said Special Prosecutor Gunning. "While we recognize that direct support staff who work the graveyard shift at state facilities need to be supported and safeguards need to be put in place to protect against potential worker fatigue--this defendant chose to treat his workplace as his bedroom. With this guilty verdict, the public who paid defendant Cruz' salary makes clear that this kind of dereliction of duties will not be tolerated."

Daniel Cruz was found guilty on April 14, 2015 of:

- One count of Tampering with Public Records in the second degree, a class "A" Misdemeanor.

The defendant is scheduled to be sentenced on June 26, 2015. Cruz was suspended without pay in December 2014, at which time a Notice of Discipline was issued to seek termination of his employment.

The incident was reported to the Justice Center's Vulnerable Persons Central Register (VPCR) hotline and investigated by Justice Center investigators. The case was prosecuted and tried by Justice Center Supervising Assistant Special Prosecutor Jennifer Whitman and Assistant Special Prosecutor Deandra Macomber.

The Justice Center and its statewide hotline and incident reporting system began operations on June 30, 2013. It is staffed 24-hours a day, seven days a week by trained professionals who receive reports of allegations of abuse and neglect of people with special needs. Once a report is received by its Vulnerable Persons Central Register (VPCR) Hotline, it is logged and assessed. Serious cases of abuse or neglect are assigned to the Justice Center's investigation team or, when appropriate, to a local law enforcement agency for follow-up.

The Justice Center also maintains a statewide registry of all persons who have been found to be responsible for serious or repeated acts of abuse and neglect. Once placed on the registry, known as the "Staff Exclusion List" or SEL, they are prohibited by law from ever working again with people with disabilities or special needs.

The Finger Lakes Residential Center is operated by the Office of Children and Family Services (OCFS). OCFS is one of six state agencies under the jurisdiction of the Justice Center. The Justice Center also oversees certain facilities or programs that are operated, licensed or certified by the Office of Mental Health (OMH), the Department of Health (DOH), the Office for People With Developmental Disabilities (OPWDD), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

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