



Justice Center for the Protection of People With Special Needs

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Former Sunmount Employee Convicted on Charges He Covered Up Assault of Resident with Special Needs

Case Being Prosecuted by NYS Justice Center for the Protection of People with Special Needs

Malone, NY – NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning today announced the conviction of a former employee of the Sunmount Developmental Center for providing false information to the New York State Police in an effort to cover up the assault of a Sunmount resident.

Jeff Defayette (DOB: 09/13/85) of Pierceland, was convicted on May 9, 2016 after a jury trial before the Honorable Jerome J. Richards on one count of Offering a False Instrument for Filing in the second degree, a class "A" Misdemeanor. He is scheduled to be sentenced June 29, 2016 and faces up to a year in jail. Defayette was among five employees who were indicted on charges in connection with the incident last year.

"Most state employees are hard-working staff who treat residents with dignity and respect. However in this case, a teenager was attacked and the defendant helped cover it up," said Special Prosecutor Gunning. "We will continue to shine a bright light on the dark spaces in facilities where abuse and cover-ups are considered acceptable."

"The Justice Center was established in part because of a concern about abuse and neglect in large state operated and funded facilities," Gunning continued. "Before we began operations three years ago, a jury trial of a state employee charged for covering up an attack on a person receiving services was a rarity. Now with mandated reporting to the Justice Center's Vulnerable Persons' Central Register, and regular cooperation between district attorneys, State Police and Justice Center investigators and prosecutors, individuals residing in state facilities and their families have more protections and more access to the criminal justice system than ever."

Defayette is the first of five defendants to be tried in this case. An investigation was initially conducted by the New York State Police who ultimately turned the investigation over to the Justice Center. State Police also assisted the Justice Center with processing the arrests. This defendant's case was tried by Justice Center Deputy Special Prosecutor Jacqueline Kagan, along with Assistant Special Prosecutor Christopher Mirabella.

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. Through the services provided by the Justice Center's Individual and Family Support Unit – victims, their families, personal representatives and guardians receive guidance and information about the reporting and investigation process and support during criminal cases and court proceedings.

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.

Sunmount Developmental Center is operated by the NYS Office for People With Developmental Disabilities (OPWDD). OPWDD is one of six state agencies under the jurisdiction of the Justice Center. It 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 of Children and Family Services (OCFS), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

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Jeff Defayette (DOB: 09/13/85)