



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

FOR IMMEDIATE RELEASE: August 12, 2016  
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### **Three Auburn Men Charged with Abusing Child in Their Care** *Case investigated and prosecuted by the Justice Center*

Auburn, NY – NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced three employees of the Cayuga Centers for Children were arrested and arraigned in Auburn City Court on charges they abused a child in their care.

“Thanks to a conscientious individual who called the Justice Center’s hotline, we were able to investigate these incidents and uncover the evidence to support the charges,” said Special Prosecutor Gunning. “When caring and hardworking professionals who work in facilities recognize abuse they must report it. Doing so will allow wrongdoers to be held accountable for harming vulnerable New Yorkers, as these defendants are alleged to have done.”

Dustin Dacey (DOB: 05/07/1991) of Auburn and Michael Heckstall (DOB: 07/24/1980) of Auburn, employed as Group Care Workers, were each charged with:

- One count of Endangering the Welfare of a Child, a class “A” misdemeanor;
- Two counts of Unlawful Imprisonment in the 2nd degree; a class “A” misdemeanor;
- One count of Falsifying Business Records in the 2nd degree, a class “A” misdemeanor;
- and
- Two counts of Harassment in the 2nd Degree, a violation.

Additionally, Group Care Worker Nicholas Guariglia (DOB: 3/25/1986) of Auburn was charged with:

- One count of Endangering the Welfare of a Child, a class “A” misdemeanor; and
- One count of Harassment in the Second Degree, a violation.

The charges stem from incidents earlier this year in which Dacey and Heckstall allegedly pulled the victim, a 13 year old child, out of a chair, put the victim on the ground, lay on top of the victim, and unlawfully restrained the victim on the ground for approximately 25 minutes. The defendants are also alleged to have dragged the victim into a bedroom by the arms and legs, while assisted by Guariglia. After the incident, the defendants Dacey and Heckstall allegedly submitted a false account of their actions.

The defendants were arraigned before the Honorable Thomas D. McKeon, Judge of Auburn City Court, and released on their own recognizance. They are scheduled to return to court at a later date. The defendants were suspended from their positions. The case is being prosecuted by Justice Center Supervising Assistant Special Prosecutor Linda Gafford.

The Justice Center and its statewide incident reporting system, known as the Vulnerable Persons' Central Register (VPCR) began operations on June 30, 2013 and is staffed 24-hours a day by trained professionals who log and assess all reports and immediately assign cases of abuse or neglect to the Justice Center's investigation team or local law enforcement agencies.

The Justice Center's Individual and Family Support Unit (IFSU) provides guidance and information to victims, their families, personal representatives and guardians about the reporting and investigation process. Additionally, IFSU provides victims and families support during criminal court proceedings.

The Justice Center also maintains a statewide list of those responsible for serious or repeated acts of abuse and neglect. Once placed on the "Staff Exclusion List" or SEL, they are permanently barred from working again with people with disabilities or special needs.

Cayuga Centers for Children is licensed 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 facilities or programs operated, licensed or certified by the Office of Mental Health (OMH), the Department of Health (DOH), the Office of Alcoholism and Substance Abuse Services (OASAS), Office for People With Developmental Disabilities (OPWDD), and the State Education Department (SED).

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*Editor's note: In compliance with Rule 3.6(b)(6) of the Rules of Professional Conduct, you are advised that a charge is an accusation and that a defendant is presumed innocent until and unless proven guilty.*

**NOTE: Arrest photos of the subjects are not available from the Justice Center.**