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Niskayuna Group Home Counselors Indicted on Endangerment Charges

Incident Reported to NYS Justice Center for the Protection of People with Special Needs Hotline

Schenectady, NY-- NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced today that a Schenectady County Grand Jury handed up a 2-count indictment against Yosmarvi Tovar (DOB: 11/25/72) and Dominique Mortimore (DOB: 01/20/93), for allegedly abusing a man with developmental disabilities in their care. The two counselors were employed by a group home operated by the Center for Disability Services. The facility is certified by the NYS Office for People With Developmental Disabilities (OPWDD).

The incident first came to the attention of law enforcement officials when it was reported to the Niskayuna Police Department and the Justice Center's Vulnerable Persons Central Register (VPCR) Hotline. A call center representative opened a case tracking file. The investigation was conducted by the Niskayuna Police Department.

Tovar and Mortimore were each arraigned on a two-count indictment charging them with:

- One count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the first degree, a class "E" Felony; and
- One count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the second degree, a class "A" Misdemeanor.

In an effort to compel the service recipient to take a daily shower, the defendants opened a window and let cold air into the room. When that failed to cause the victim to move off the couch he was sitting on, the pair tipped the couch forward causing the victim to fall onto the floor on his hands and knees. Tovar and Mortimore pleaded not guilty to the charges and were released under supervision. The two counselors have been terminated from their positions. The case is being prosecuted by Justice Center Assistant Special Prosecutors Christina Calabrese and Renee Behrens.

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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 (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 Office for People With Developmental Disabilities is one of six state agencies under the jurisdiction of the Justice Center. The Justice Center also oversees certain facilities or programs which 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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Editor’s note: In compliance with Disciplinary Rule 7-107A of the Code of Professional Responsibility, you are advised that a charge is an accusation and that a defendant is presumed innocent until and unless proven guilty.

Yosmarvi Tovar (DOB: 11/25/72)



Dominique Mortimore (DOB: 01/20/93)

