



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

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**Arrest photo is attached**

### **Brooklyn Day Habilitation Aide Arrested for Abusing a Man in His Care** *Case investigated and prosecuted by the Justice Center*

Brooklyn, NY – NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning today announced the arrest and arraignment of an aide employed by Lifespire on charges that he attempted to strangle an individual with developmental disabilities in his care.

Cliff McDonald (DOB: 04/15/69) of Queens was arraigned in Kings County Criminal Court before the Honorable Donald Leo on charges of:

- One count of Attempted Endangering the Welfare of an Incompetent or Physically Disabled Person in the 1<sup>st</sup> Degree, a Class “A” misdemeanor;
- One count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the 2<sup>nd</sup> Degree, a Class “A” misdemeanor;
- One count of Criminal Obstruction of Breathing or Blood Circulation, a Class “A” misdemeanor; and
- One count of Harassment in the 2<sup>nd</sup> Degree, a violation.

The charges in this case stem from an incident that occurred on July 29, 2016 in which the defendant allegedly put the service recipient into a chokehold by wrapping his arm around the victim’s neck until another staff member intervened.

“Pressure applied to an individual’s neck often leaves no visible injury but can quickly result in the loss of consciousness, a traumatic brain injury or even death,” said Special Prosecutor Gunning. “In this case a concerned staff member who observed the event spoke up and made the call to the Justice Center hotline. But for the actions of this witness, we would not be able to hold this defendant accountable.”

McDonald was released on his own recognizance and is due back in court on October 18, 2016. He was suspended from his position. The case was investigated by the Justice Center and is being prosecuted by Justice Center Supervising Assistant Special Prosecutor David Kim.

Lifespire is licensed by the Office for People With Developmental Disabilities (OPWDD). OPWDD 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 Office of Children and Family Services (OCFS), the Department of Health (DOH), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

### About the Justice Center

The Justice Center began operations on June 30, 2013. It operates a toll-free hotline that receives reports of allegations of abuse, neglect and significant incidents 24 hours a day, seven days a week. Anyone who witnesses or suspects the abuse or neglect of a person with special needs can make a report. Mandated reporters who have reasonable cause to suspect that a reportable incident has occurred by staff must report it to the Justice Center immediately upon discovery. The Justice Center is not a first responder so if a report involves an emergency situation, the caller is instructed to hang up and dial 9-1-1.

The Justice Center is authorized to investigate all reports of abuse and neglect, pursue administrative sanctions against staff found responsible for misconduct and its Special Prosecutor/Inspector General shares jurisdiction with local district attorneys to prosecute criminal offense allegations. The Justice Center notifies local district attorneys of all potential criminal cases.

Justice Center Individual and Family Support advocates provide guidance and information to victims, their families, personal representatives and guardians about the reporting and investigation process, offer support during criminal court proceedings and are available to accompany victims during interviews and court appearances.

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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.*