

# HAMODIA

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## Editorial

# Protecting the Unprotected

One of the salient signs of Sodom — about whose destruction we learn this week — was its perversion of justice. The outrage of a bloodied victim being forced to pay for the service of bloodletting stands out as a symbol of injustice. This symbol of depravity — the distortion of the very institution of protecting the innocent and punishing the guilty — is perhaps at the heart of all movements for reform of systems gone awry.

Ironically, the very tactic hailed as an answer to the problem of law enforcement and community relations — body cameras for evidence of wrongdoing — now has a bitter postscript.

A 12-year-old developmentally disabled boy in a group home in Schenectady, New York took footage that horrifically documented his being brutalized by caretakers. In the video, he is shown pointing to his swollen right eye and saying, “Mom, this is what it looks like. ... He slammed me.”

The camera caught the sound of adult caretakers entering his room. One of them is heard insulting him; another threatened to kill him.

At the end of the recording, the boy looks into the camera, about to cry, and whispers, “Mom ... I’m scared.”

That was a year ago. Since then, no one has been prosecuted. New York’s Justice Center, the state agency responsible for holding caretakers accountable, investigated and confirmed allegations the boy had been physically and psychologically abused. But a judge refused to sign off on charges.

Following up on the case, an Associated Press examination of misconduct complaints against caretakers in New York found that only a small percentage are ever prosecuted.

There are some 1 million disabled, addicted, mentally ill and young people under state care. Since 2014, there have been more than 25,000 allegations of abuse and neglect by caretakers; about 7,000 of them were substantiated. But just 169 cases, or less than 2.5 percent, have resulted in criminal charges.

These abuses aren’t only taunts and threats. There were 132 allegations that involved deaths. Of those, the center has substantiated 34 cases but has prosecuted only one.

The figures, obtained by the AP from the Justice Center and through Freedom of Information requests, have some critics questioning whether the agency is fulfilling its mandate to obtain justice for those who can’t defend themselves.

The Justice Center’s executive director, Jeff Wise, defended the agency’s record.

“The Justice Center directly investigates or reviews the investigations of all allegations of abuse and neglect and, when supported by the evidence, holds staff accountable for their actions,” he said in a statement. But he said many instances of misconduct “fall short of a criminal offense.”

These may involve such mistreatment as neglecting a patient, improperly restraining someone, failing to make sure a person is

## THE OUTRAGE OF A BLOODIED VICTIM BEING FORCED TO PAY FOR THE SERVICE OF BLOODLETTING STANDS OUT AS A SYMBOL OF INJUSTICE

properly cleaned or not giving medication. As reprehensible as this is, it does not constitute a crime.

They claim to have meted out punishment, if not prosecution, such as putting 163 people on a hiring blacklist because of serious or repeated acts of mistreatment and requiring more than 20,000 corrective actions by state and nonprofit providers.

Experts note that mistreatment allegations can be hard to prove because caretakers are reluctant to testify against each other and because cases often rely on victims with intellectual or physical disabilities who don’t make for good witnesses.

The Justice Center for the Protection of People With Special Needs was created in mid-2013, pushed by Gov. Andrew Cuomo following reports of horrific abuse cases that had been handled internally without charges. “We will not allow people in the care of New York to be abused. Period,” the governor said at the time.

But the mother of the boy who made the video at the Northeast Parent and Child Society group home in Schenectady is still waiting for justice.

The video is now part of a federal lawsuit brought by the mother that contends he was assaulted repeatedly over five days by the staff.

Schenectady County District Attorney Robert Carney said city police twice drafted a misdemeanor warrant in the case, alleging endangerment of an incompetent person. City Court Judge Robert Hoffman declined to sign either one, the second accompanied by the video, finding the case was “inconclusive,” the prosecutor said.

Perhaps it’s not just the victim who is “incompetent.”

The Willowbrook State School, in Staten Island, N.Y., was notorious for its mistreatment of the disabled. In 1965, Senator Robert Kennedy called Willowbrook a “snake pit.” It was finally closed down in 1987, after an expose by an investigative reporter.

Hasn’t the State learned anything since then?