



News Release

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Two Finger Lakes Residential Center Staff Members Arrested

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

Lansing, NY-- NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced today that two staff members, employed as Youth Division Aides at Finger Lakes Residential Center have been arrested following investigations conducted by the Justice Center.

Daniel Cruz (DOB 5-17-70) of Cortland is alleged to have falsified facility log books to show he had made 15-minute bed checks of the residents. During this time, the defendant is observed on video surveillance not leaving a chair, nor moving in any significant way.

Cruz was arraigned on January 30, 2014 in Town of Lansing Court on a Felony complaint charging him with:

- Two counts of Falsifying a Business Record in the first degree, a class "E" Felony;
- Two counts of Falsifying a Business Record in the second degree, a class "A" Misdemeanor;
- Two counts of Tampering with Public Records in the first degree, a Class "D" Felony;
- Two counts of Tampering with Public Records in the second degree, a Class "A" Misdemeanor;
- Two counts of Offering a False Instrument for Filing in the first degree, a Class "E" Felony; and
- Two counts of Offering a False Instrument for Filing in the second degree, a Class "A" Misdemeanor.

Cruz was released on his own recognizance and transferred to a different unit at the facility, which is operated by the NYS Office of Children and Family Services (OCFS).

In a separate case, Martesha Davidson, (DOB 9/5/89) of Ithaca allegedly struck an adolescent while holding a set of keys, causing injury to the victim's face. Davidson was arrested on January 30, 2014 on a Misdemeanor Complaint charging her 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.

Davidson is scheduled to be arraigned on the charges in Town of Lansing Court on February 6, 2014

Both incidents were reported to the Justice Center's Vulnerable Persons Central Register (VPCR) Hotline, investigated by Justice Center investigators and are being prosecuted by Justice Center Assistant Special Prosecutors Christina Calabrese and Andrew Botts.

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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 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.

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 of Children and Family Services 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 for People With Developmental Disabilities (OPWDD), 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.