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Family Care Provider Arrested for Allegedly Abusing Teen with Developmental Disabilities

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

Herkimer, NY-- NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced today that Robert Pomichter (DOB: 10/11/51), who is a licensed family care provider has been charged with abusing a teen with developmental disabilities in his care following an investigation conducted by the New York State Police and the Justice Center. The Family Care Home program is licensed 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 Justice Center's Vulnerable Persons Central Register (VPCR) Hotline. A call center representative opened a case tracking file and notified State Police who launched an investigation with assistance from Justice Center criminal investigators.

"I would like to thank the Troop D Bureau of Criminal Investigation (BCI) for their fine work on this case," said Gunning. "This type of collaboration will help to ensure that cases involving vulnerable New Yorkers will be aggressively investigated and pursued."

Pomichter, who is a resident of Poland, NY was arrested on March 29, 2014 on a Felony Complaint charging him 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 Unlawfully Dealing with a Child in the first degree, a class "A" Misdemeanor.

According to the complaint, Pomichter is alleged to have given the underage service recipient alcohol and touched her breasts and buttocks. The defendant operated the family care program with his wife. He was arraigned on the charges in Norway Town Court. Bail was set at \$500. The victim has been removed from the home. The case is being prosecuted by the Herkimer County District Attorney's Office.

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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 for People With Developmental Disabilities (OPWDD) is one of six state agencies under the jurisdiction of the Justice Center. The Justice Center 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 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.