



NEWS RELEASE

From New York State Inspector General
Catherine Leahy Scott

FOR IMMEDIATE RELEASE: June 6, 2013
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SECOND ARREST IN AS MANY MONTHS OF STATE EMPLOYEE CHARGED WITH ABUSING RESIDENT WITH DISABILITY *Incident Alleged to Have Occurred at Same North Country Facility*

As a result of a joint investigation by State Inspector General Catherine Leahy Scott, the New York State Police and New York State Office for People With Developmental Disabilities (OPWDD), a state employee was arraigned last night on charges he abused a resident with developmental disabilities living at an OPWDD facility in northern New York. This is the second arrest in as many months of a state employee at this facility for abusive conduct.

John P. Boyer, 51, of Tupper Lake was charged with Endangering the Welfare of an Incompetent Person and Official Misconduct. Boyer appeared before Town Justice Leonard Young III on June 5, 2013 for arraignment at Tupper Lake Town Court, and released on his own recognizance. The case has been adjourned to June 12, 2013.

The circumstances resulting in Boyer's arrest occurred at a Tupper Lake individual residence alternative (IRA) facility, which houses individuals with developmental disabilities and is operated by OPWDD's Sunmount regional office. Boyer, who has been employed as an OPWDD Direct Support Assistant, was tasked with providing personal care, treatment and rehabilitation services to four residents of the IRA with developmental disabilities.

"Direct Support Assistants at OPWDD are responsible for ensuring the care and well-being of those among us who need it most," said Inspector General Scott. "Mr. Boyer's alleged conduct fell far below the standards New Yorkers expect and deserve. As was the case two months ago, we were able to remove a danger to residents living in this state facility, and the prosecution of Mr. Boyer should serve as a strong warning against any workers whose aggressive behavior endangers or abuses those in their care."

When OPWDD was first made aware of this matter, it immediately placed Boyer on administrative leave to ensure the safety of the residents of the Tupper Lake IRA. At the same time, OPWDD referred the matter to the Inspector General and New York State Police, and the joint investigation commenced.

Boyer admitted to authorities that between 2008 – 2009 he was verbally abusive toward a resident and later ranted about the incident. Boyer's comments about the incident were captured on video on a cellphone.

New York State Police Superintendent Joseph A. D'Amico said, "This second arrest at Tupper Lake would not have been possible without the Inspector General, the Franklin County District Attorney's Office and OPWDD. The arrest of the individual charged in this case sends a clear message that alleged criminal behavior among those entrusted to provide care for extremely vulnerable individuals with developmental disabilities will be investigated and prosecuted."

Franklin County District Attorney Derek P. Champagne said: “As I have said many times, there can be no tolerance for abuse of those with disabilities – especially by people who are charged with providing care for them. My office stands ready to prosecute those workers accused of perpetrating aggression or violence against our most vulnerable population.”

Inspector General Scott thanked the New York State Police and OPWDD for their assistance in the case, and District Attorney Champagne for the prosecution of this matter.

The defendant is innocent until and unless proven guilty in a court of law.

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