

Gov. Cuomo's Justice Center Withholding Deaths & Crimes from DA's

Numerous documents obtained through Freedom of Information Law (FOIL) reveal a distinct pattern of obstruction of justice and criminal cover-ups

DELMAR, NEW YORK, UNITED STATES, September 19, 2016 /EINPresswire.com/ -- The New York Times through a massive investigative reporting series titled "Abused & Used" which was a runner up for a Pulitzer Prize exposed New York State's extremely dangerous and deadly system. New York State's mental health care system which is made up of both State and private provider agencies is without question rampant with physical and sexual assaults and staggering numbers of deaths.

http://www.nytimes.com/interactive/nyregion/abused-and-used-series-page.html?_r=0

The New York State agency at the time that was supposed to protect and advocate for the disabled called the Commission on Quality of Care and Advocacy for Persons with Disabilities (CQC) was part of the cover-up scheme and was systematically withholding reported deaths and crimes from local police, County elected DA's and Medical Examiners.

Once the CQC was further exposed for being part of the wide-scale systemic cover-ups, [Governor Cuomo](#) renamed it and spun it, to now be called the [Justice Center](#) for the Protection of People with Special Needs (Justice Center). This State agency is far from a Justice Center, it is a fraudulent

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Michael Carey

whitewash entity where most reported crimes, including criminally negligent deaths disappear. This one in the same State agency was physically relocated as well by Governor Cuomo to give an appearance of genuine reform when in fact it was a purposeful scheme to deceive everyone, including the feds. Now, under its new deceptive name, the Justice Center, hundreds of times more the number of the reported alleged crimes, including deaths are being covered-up. Reported and witnessed crimes, injuries and deaths called in primarily by mandated reporters are purposefully withheld from County elected District Attorney's for the sole purpose of obstructing



Jonathan Carey "Champion for the Disabled" Born September 12, 1993 Killed by caregivers on February 15, 2007

justice, preventing prosecutions and protecting the grossly negligent facilities and group homes and their employees from justified lawsuits. The Justice Center is working closely with the providers in what they call a “coherent oversight scheme” and “carefully cultivated understanding” to protect them and their employees from litigation. This is documented in writing in a State affidavit signed by the former head of this agency, Jane Lynch. This is what is called a criminal conspiracy, when individuals and parties work together and conspire to obstruct justice to cover-ups crimes and deaths. The motive’s are documented and the ability to hide and conceal documents, written reports and evidence from local authorities such as local police and County elected District Attorney’s, along with bypassing the 911 call systems is the State’s key to the ongoing cover-up scheme.

It is important to reveal how most negligent deaths are covered-up with the assistance of the Justice Center. In legal terms it is called aiding and abetting. Acting Executive Director of Governor Cuomo’s Justice Center abuse and death hotline, Jay Kiyonaga, has directed the internal investigations of deaths.

<https://www.justicecenter.ny.gov/sites/default/files/documents/JusticeCenterDeathReportingClarification12-17-15.pdf> . As you will see from this State document the acting Executive Director of Governor Cuomo’s supposed Justice Center, Jay Kiyonaga has directed the internal investigations of deaths. Here is the exact quote, “State and private providers should continue to review/investigate deaths in their programs, unless informed otherwise by the Justice Center.”

Governor Cuomo continues to do nothing to stop or prevent the crimes occurring against the disabled or the staggering numbers of deaths, many of which are preventable. Governor Cuomo continues to do nothing to stop the internal investigations of deaths and the criminal cover-ups. New York State’s mental health care system remains extremely dangerous and deadly as a direct result of this gross incompetence. Staggering numbers of deaths continue in both State and private residential facilities and group homes throughout New York State, over 4,000 a year. Eleven to twelve people with disabilities or those struggling with mental illness are dying on average every day in New York State and there are distinct reasons why so many are dying, but top State leaders do not seem to care <http://www.nytimes.com/2011/11/06/nyregion/at-state-homes-simple-tasks-and-fatal-results.html>.

There is a crisis and nothing whatsoever is being done to stop these horrors and in many cases premature deaths, like the tragic death of 13 year old Jonathan Carey

<http://www.nytimes.com/2011/06/06/nyregion/boys-death-highlights-crisis-in-homes-for-disabled.html> - <http://www.nytimes.com/video/nyregion/100000000849083/a-failure-to-protect.html> . Governor

Cuomo, with the assistance of Attorney General Schneiderman continue to look the other way regarding the wide-scale discrimination and cover-ups of deaths

<http://www.nytimes.com/2013/08/10/opinion/protecting-the-most-vulnerable.html> . Both Governor Cuomo and Attorney General Schneiderman continue to allow provider agencies to bypass calling 911 and local authorities and they both with full knowledge continue to allow these facilities and group homes to investigate the deaths occurring in their own facilities. Medical Examiners and Coroners are the ones that are supposed to be immediately notified of deaths, investigate deaths, do an initial written report, take possession of the body and do an autopsy to determine the true cause of death. It is hard to fathom that New York State is getting away with operating in such levels of lawlessness.

According to the New York State Constitution under Article 1 of the Bill of Rights {Equal protection of laws; [discrimination in civil rights](#) prohibited} Section 11. It states “No person shall be denied the equal protection of the laws of this state or any subdivision thereof.” People with disabilities are equal members of New York State and are supposed to have the exact same rights that every other person of New York State receives and is entitled to. The same right is provided all U.S. Citizens in the 14th Amendment of the U.S. Constitution. The question would be, why would Governor Cuomo and Attorney General Schneiderman continue to treat the disabled differently and unequally and deny them their equal protection of laws? Major investigative reporting continues to expose New York State’s discriminatory and deadly practices. Here are some very damning recent investigative reporting pieces by AP News <http://bigstory.ap.org/article/34c9c059196a4b70bc8ded92d2f8e4b7/9-deaths-no-charges-raise-questions-about-oversight-agency>

[reports-nowhere](#)

and BuzzFeed News https://www.buzzfeed.com/benhattem/a-beating-at-bellevue?utm_term=.oj1lvbIA3#.yoOORvO5P

https://www.buzzfeed.com/benhattem/legislators-and-advocates-call-for-overhaul-of-justice-cente?utm_term=.xbJ9MJ97Y#.avQR1oR9M.

The Justice Center right now is doing everything possible to try to spin what they are really doing behind closed doors, which is covering-up thousands of crimes. Today's AP News piece titled, "NY agency promises to begin referring abuse cases to DAs" http://www.hastingstribune.com/ny-agency-promises-to-begin-referring-abuse-cases-to-das/article_4ae011b1-ff0f-5fc8-bfe3-22dc5f19817e.html simply brings to light the fact that they have been withholding reported criminal cases, which include criminally negligent deaths from County elected DA's for a long time. This has been going on since the CQC was renamed and relocated on June 30, 2013 proving that it is carrying on its same pattern of obstruction of justice and criminal cover-ups. It is quoted in this AP News piece "An Associated Press examination last year of misconduct complaints against caretakers found that only a small percentage — a disturbingly small one, according to some activists — was being prosecuted." It is important to inform everyone that prosecuting less than 2% of substantiated cases regarding crimes against the disabled compared to between 60-70% prosecution rate for the general public reveals a culture of discrimination and criminal cover-ups.

Michael Carey, Jonathan Carey's father and full time advocate for people with disabilities and their families obtained this extremely damning State email discussed in the AP News story through a FOIL request and provided it to AP News. The email is from Governor Cuomo's appointed Prosecutor, not an elected Prosecutor, but a State employed Prosecutor which was put in place to bypass local Prosecutors for the purpose of covering-up crimes and deaths. There is a system already in place throughout all of New York State to assist and ensure justice for all, why are the disabled be treated differently and being denied their rights to equal protection of laws? This is the exact wording of the email from Patricia E. Gunning, Governor Cuomo's hand selected State employed Prosecutor written to New York State County elected District Attorney's; "In response to numerous requests at the summer DAASNY conference with regard to notifications of potential criminal cases in your respective jurisdictions, the Office of the Special Prosecutor/Inspector General, will begin sending case referrals for matters that have been called in to the Vulnerable Person Central Register (VPCR) so that your offices may investigate and prosecute as you deem appropriate." In the same email it also states, "Please feel free to contact me directly if you have any questions or concerns about this new process." This smoking gun State document reveals that many tens of thousands of reported alleged crimes were never reported to County elected DA's since June 30, 2013. It cannot be written any clearer, "will begin sending case referrals" regarding reporting crimes to District Attorney's and "this new process." Many other documents also obtained through FOIL reveal that most alleged crimes and deaths to date continue to be purposefully withheld from County elected DA's and that the vast majority of deaths are never reported from the Justice Center to County Medical Examiners or Coroners as required by law. It is critical that there is immediate federal intervention and the appropriate federal investigations occur swiftly to save countless innocent lives. U.S. Attorney Preet Bharara must swiftly do the criminal investigation to stop the massive cover-ups of deaths, rapes and physical assault crimes occurring because of the involvement of Governor Cuomo and many other top State officials'. The U.S. Department of Justice must investigate and stop the gross discrimination and civil rights violations occurring against our most vulnerable US citizens with disabilities.

Stand with us for "equal rights" and "civil rights" for people with disabilities in New York State and throughout our great country by signing our petition at www.jonathancareyfoundation.org. No longer can 911 be bypassed, 911 call systems must be immediately called by all mandated reporters regarding all physical and sexual assaults, gross negligence of care, significant and suspicious injuries and when a person with a disability is in medical distress or has stopped breathing. <http://jonathancareyfoundation.org/donate/>

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