



Justice Center for the Protection of People With Special Needs

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Bellevue Employee Indicted on Charges He Strangled and Attempted to Assault Patient

*Case investigated by NYC Department of Investigation
and being prosecuted by the Justice Center*

New York, NY – NYS Justice Center for the Protection of People with Special Needs Special Prosecutor/Inspector General Patricia E. Gunning today announced the indictment of a New York City man on charges he strangled and attempted to assault an inmate patient in his care at Bellevue Hospital Prison Ward on two separate occasions.

Dwain Rodrigues (DOB: 12/03/78) of New York was indicted on the following charges:

- Two counts of Endangering the Welfare of an Incompetent or Physically Disabled Person in the 1st Degree, a class E felony;
- One count of Attempted Assault in the 2nd Degree, a class E felony; and
- One count of Attempted Strangulation in the 2nd Degree, a class E felony.

The investigation was conducted by the New York City Department of Investigation (DOI). The prosecution, led by the Justice Center's Office of the Special Prosecutor/Inspector General, will be conducted with the assistance of the New York County District Attorney's Office.

"Vulnerable New Yorkers deserve equal access to the law. Joint investigations and prosecutions, such as the case against this defendant, will ensure that all the available law enforcement resources are brought to bear on those who would injure patients in their care," said Special Prosecutor Gunning. "We are grateful for the continued support of the New York City Department of Investigation and the Office of Cyrus R. Vance, Jr., District Attorney of New York County, who assisted in the investigation and bringing charges against this defendant."

New York City Department of Investigation Commissioner Mark G. Peters said, "DOI's investigation found the deeply troubling conduct of a City healthcare worker using excessive force against an inmate, according to the charges. Violence against those in the City's care will never be condoned and DOI will continue to expose this illegal conduct as we have done in our investigations on Rikers Island. I thank the New York State Justice Center for the Protection of People with Special Needs for their partnership in this case."

Rodrigues, a Bellevue employee responsible for providing care to the victim in the Bellevue Hospital Prison Ward, is alleged to have wrapped his arm around the patient's neck, bringing him to the floor and strangling him for a period of time. He is also alleged subsequently to have kicked the patient in the groin and repeatedly punched him in the face causing the patient to suffer a fractured nose and eye socket and lacerations.

The defendant resigned in lieu of being terminated from his position. He was arraigned before the Honorable James Burke of New York State Supreme Court, New York County. The defendant was released on his own recognizance and is due back in court on May 25. The case is being prosecuted by Assistant Special Prosecutor David Kim.

In addition to DOI and the Manhattan DA, the Justice Center was assisted in its investigation by the New York City Department of Corrections (DOC), NYC Health and Hospitals Corporation and Bellevue Hospital.

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. Through the services provided by the Justice Center's Individual and Family Support Unit – victims, their families, personal representatives and guardians receive guidance and information about the reporting and investigation process and support during criminal cases and court proceedings.

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 Bellevue Hospital Prison Ward, where the incident took place, is licensed by the NYS Office of Mental Health (OMH). OMH is one of six state agencies which have programs 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 People With Developmental Disabilities (OPWDD), 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.



Dwain Rodrigues (DOB: 12/03/78)