

Three people were arrested after police investigators said they abused a developmentally-disabled man.

Lancaster police officers responded to a home in the 500 block of Carpenter Street at 3:45 p.m. Wednesday on a welfare check for a developmentally-disabled 26-year-old and arrested two people who lived in the home, Lawrence Featheroff, 38, and his girlfriend Jamie Smith, 40. Another man, Brent Disbennet, 25, was arrested Thursday afternoon, who was described as a family acquaintance by police.

According to the police report, the man had "several large old green bruises on both sides of (his) face running the length of his face." Police went to the home when out-of-town family members had asked if officers would check on his well-being because they had not been able to reach him or his caregivers.

The 26-year-old man told officers that he had been hit repeatedly in an attempt to teach him about respecting people's property, according to the report. The man also told police they forced him to run down the railroad track carrying a heavy tire and allowed him to eat once per day.

Featheroff and Smith live with the man, but police said Disbennet didn't reside there. Featheroff was charged with domestic violence, a fourth-degree felony; abduction, a third-degree felony; and complicity to commit felonious assault, a second-degree felony. Smith is facing charges of abduction, a third-degree felony, and complicity to commit felony assault, a second-degree felony.

Disbennet was arrested a day later on a second-degree felonious assault charge.

Arrest of disabled New Milford man sheds light on police dilemma

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THE RECORD

Walter Bartolomucci Jr. was arrested one more time a few weeks ago. And what happened after that illustrates the challenges faced by authorities who increasingly must deal with developmentally disabled adults who run afoul of the law.

Bartolomucci does not dispute the basic allegations of the incident that landed him in jail: **He was shoplifting DVDs from a Bergenfield Pathmark, and struck the manager who confronted him.**

But his parents and lawyer contend that the 28-year-old New Milford man — **who has the cognitive abilities of a 9-year-old** — should never have been cuffed, charged with robbery and sent to county jail without so much as a call to his legal guardians.

"What a nightmare," Walter Bartolomucci Sr. said, while sitting with his son and his wife, Joanie, at home last week. "It's not like he's a criminal, but that's how Bergenfield treated him."

Bergenfield police have stood by the arrest, and would not comment on the charges. Bartolomucci was released from jail late on Sept. 17 after the Bergen County Prosecutor's Office downgraded the robbery-by-

force charge to simple assault and shoplifting, said Bartolomucci's lawyer, Edward Cillick.

"It just puts a spotlight on the system," New Milford Police Chief Frank Papapietro said. "What do we do with people with mental illness who commit criminal acts? Do they even know what they have done?"

Recent decades have seen a movement away from institutionalization of the mentally and developmentally impaired, toward less restrictive — and less expensive — care. But this often places a burden on parents, particularly once their disabled children age out of juvenile services and must reside, at times uneasily, in adult society. In New Jersey, there are 28,000 adults who qualify for state developmental disability services.

Caregivers often depend on the patience and familiarity of local police and community members, who can choose to handle small incidents discreetly; otherwise, their disabled adult children get swept into the justice system.

"They are in the community, they go off their meds, they do something aggressive or something along those lines, and police have to respond to that," said Patrick Hughes, mental health director at the Bergen County Jail. "It happens all the time. Jails and prisons are the largest housers of the mentally ill."

Reba Willis, a close friend of the Bartolomuccis whose developmentally disabled adult son plays baseball with Walter, said the criminal justice system should not treat the mentally ill as if they had full comprehension of their actions.

"The things they do, it may be wrong, but they don't have the same understanding as a criminal who goes in there with the intention of stealing stuff," Willis said. "We are going to have to fight for these kids now."

Stores and restaurants in New Milford know Bartolomucci — some of them give him free soda in his plastic 7-Eleven cup, he said. **When he isn't helping his mother with chores around the house, he is allowed to walk the neighborhood with friends, his parents said. But he also had his run-ins with the law, sometimes over shoplifting, other times over more physical altercations.**

"He is a sweetheart, he really is," said Willis, the family friend. "He's a very sociable guy. Everywhere he goes, he knows somebody."

But being out in the neighborhood has its perils, even when undertaking the simplest of tasks. One night this February, he was hit by a car when he darted into River Road. He has had multiple encounters with Paramus and New Milford authorities in recent years.

Since 2010, Paramus police have twice taken Bartolomucci into custody after local stores caught him shoplifting CDs and DVDs — both times, he was with his teenage cousin, and both were released into the care of family. Once, Paramus police picked up Bartolomucci and his cousin after receiving a call to check on the pair from a concerned citizen.

"He shoplifts, we drive him home; he shoplifts, we drive him home," said Paramus Police Chief Ken Ehrenberg.

"We have a policy on dealing with emotionally disturbed people," Ehrenberg said. **"There's no black and white — there are shades of gray. How disabled they are will determine our course of action."** If a shoplifting suspect is **"severely, significantly disabled,"** Ehrenberg said, **"we are probably not sending them to Bergen County Jail. But each case is different."**

What happened at Pathmark on Sept. 11 was not shoplifting — it was classified as "robbery by force," typically a second-degree crime.

In New Milford, police have responded to more than two dozen calls involving

Bartolomucci over the past four years, records show. They include several disputes — some physical — between Bartolomucci and his family, as well as theft, complaints of neighborhood nuisances and harassment (of which Bartolomucci was both the victim and the perpetrator), requests to locate Bartolomucci and drive him home.

Residents, police, family members and local judges have been reluctant to press charges or restrain him because of Bartolomucci's impairments.

"Obviously, they get anxious," Papapietro said of the developmentally disabled and special-needs adults. "They may not respond to commands initially. It could be taken as non-compliance, if you don't know what you're looking at."

Bartolomucci's parents said they left him alone on the afternoon of Sept. 11 because Joanie Bartolomucci was in the hospital for an operation. Bartolomucci did not take his mood swing medication while they were gone, they said, and went to Pathmark with his cousin, who was not named in the complaint or arrested on Sept. 11.

"Sometimes, my head tells me to do it," Bartolomucci said of stealing. "Sometimes it tells me not to do it." He said he knew he was not supposed to do it, and said he "bopped" the store employee with the bag when she tried to take it.

"He considered that his property," Joanie Bartolomucci said.

Bergenfield police did not call when their son had been arrested, the Bartolomuccis said; instead, they learned about it from his cousin's mother. Bergen County Jail officials would not talk to the Bartolomuccis about their son's medication, they said, nor could they visit him for nearly two days.

Bartolomucci, who is of slight build, said the jail was "freezing" — he took one shower the whole week. He was released from jail at 10:20 p.m. last Tuesday and let out onto River Street in Hackensack; he said he borrowed a phone from a woman waiting outside the jail to call his parents and ask them to pick him up.

His case is due to be heard in Bergenfield municipal court. No date has been set.

At home on Wednesday evening, Bartolomucci sat on the living room floor while his parents told their side of the ordeal. When his mother spoke about her operation, Bartolomucci put his hand gently on her arm.

In the jail, Bartolomucci was assigned to a floor in the mental health unit, where he was under close supervision, and treated "more as a patient," Hughes said. Jail officials would not comment on the specifics of Bartolomucci's time there or his release.

Roughly 15 percent of the Bergen County jail's population — roughly 800 people, on any given day — has "major mental illness," Hughes said.

Most of the time, they are brought into the legal system because of bad behavior, Hughes said. "You can get a lot of good care here [in the jail], but these folks — it isn't the right place for them," Hughes said. They may be arrestable, it may be appropriate, but what's driving all of it is the mental illness."

Authorities are aware of the problem, Hughes said, but policies and training for dealing with the developmentally disabled are hard to standardize across a county with nearly 70 police forces.

The Bergen County Jail is accredited by the national commission on correctional health care, Hughes said. Just last month, Bergenfield's police department was cited as an exemplary department and awarded re-accreditation from the New Jersey State Association of Chiefs of Police.

"There's a bit of a daunting process to go through," from the perspective of law enforcement, Hughes said. "How are we going to go through this, legally? Is this person competent?"

With disorderly conduct, or a non-violent offense, local police might turn a blind eye, especially if they are familiar with the suspect. “But with a \$50,000 bail for robbery by force, they are compelled to provide public safety. How do they not file charges?” Hughes said. “This looked like dangerous behavior. The police have to figure out, ‘What do we do here?’”

Cillick said the prosecutor’s decision not to indict him was a recognition that Bartolomucci “is not competent to really know what he did.”

But beyond this case, the Bartolomuccis and families like them say the state — whose Division of Developmental Disorders has a \$1.5 billion budget — does not provide enough resources for their disabled adult children.

Services for developmentally and intellectually impaired adults over age 21 “are definitely in short supply,” said Rocco Mazza, communications director for Bergen County Human Services. “The state needs to take a look at how they can address that.”

More importantly, society does not seem to know what to expect of them.

“How are they going to determine that while they’re in school they are special needs, but when their mental age is five or six, and they are 21, suddenly they are adults and can make a decision?” Willis said. “Chronologically, they are adults, but mentally, they are not.”

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- See more at: <http://www.northjersey.com/news/health-news/arrest-of-disabled-new-milford-man-sheds-light-on-police-dilemma-1.639385#sthash.nqsrmpTQ.dpuf>