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4 Youth Prisons in New York Used Excessive Force

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Excessive physical force was routinely used to discipline children at several juvenile prisons in New York, resulting in broken bones, shattered teeth, concussions and dozens of other serious injuries over a period of less than two years, a federal investigation has found.

A report by the [United States Department of Justice](#) highlighted abuses at four juvenile residential centers and raised the possibility of a federal takeover of the state's entire youth prison system if the problems were not quickly addressed.

The report, made public on Monday, came 18 months into a major effort by state officials to overhaul New York's troubled juvenile prison system, which houses children convicted of criminal acts, from truancy to murder, who are too young to serve in adult jails and prisons.

Investigators found that physical force was often the first response to any act of insubordination by residents, who are all under 16, despite rules allowing force only as a last resort.

"Staff at the facilities routinely used uncontrolled, unsafe applications of force, departing from generally accepted standards," said the report, which was given to Gov. [David A. Paterson](#) on Aug. 14.

"Anything from sneaking an extra cookie to initiating a fistfight may result in a full prone restraint with handcuffs," [the reportsaid](#). "This one-size-fits-all approach has, not surprisingly, led to an alarming number of serious injuries to youth, including concussions, broken or knocked-out teeth, and spiral fractures" (bone fractures caused by twisting).

In a statement issued on Monday, Gladys Carrión, the commissioner of the Office of Children and Family Services, which oversees the juvenile prisons, said that the administration had inherited a youth justice system "rife with substantial systemic problems" but acknowledged that efforts to overhaul it had so far fallen short.

"We have made great strides," said Ms. Carrión, "but much more still needs to be done."

In one case described in the report, a youth was forcibly restrained and handcuffed after refusing to stop laughing when ordered to; the youth sustained a cut lip and injuries to the wrists and elbows. Workers forced one boy, who had glared at a staff member, into a sitting position and secured his arms behind his back with such force that his collarbone was broken.

Another youth was restrained eight times in three months despite signs that she might have been contemplating suicide. "In nearly every one of the eight incidents," the report found, "the youth was

engaged in behaviors such as head banging, putting paper clips in her mouth, tying a string around her neck, etc.”

The four centers cited in the report are the Lansing Residential Center and the Louis Gossett Jr. Residential Center in Lansing, and two residences, one for boys and one for girls, at Tryon Residential Center in Johnstown.

Officials at the centers also routinely failed to follow state rules requiring reviews whenever force is used, the report said. In some cases, the same staff member involved in an episode conducted the review of it. And even when a review determined that excessive force had been used, the staff members responsible sometimes faced no punishment.

In one case, a youth counselor with a documented record of using excessive force was recommended for firing after throwing a youth to the ground with such force that stitches were required on the youth's chin. But after the counselor's union intervened, the punishment was downgraded to a letter of reprimand, an \$800 fine and a two-week suspension that was itself suspended.

The federal inquiry began in December 2007 following a spate of incidents at some of the 28 state-run juvenile residential centers, which house about 1,000 youths.

In November 2006, an emotionally disturbed teenager, Darryl Thompson, 15, died after two employees at the Tryon center [pinned him down](#) on the ground. The death was ruled a homicide, but a grand jury declined to indict the workers. The boy's mother is suing the state.

During the same period, a separate joint investigation by the state inspector general and the Tompkins County district attorney [found](#) that the independent ombudsman's office charged with overseeing youth prison centers had virtually ceased to function. In a [report](#) by [Human Rights Watch](#) and the [American Civil Liberties Union](#) issued in September 2006, New York's youth residential centers were rated [among the worst](#) in the world.

Those scandals [spurred](#) a drive within Ms. Carrión's department to overhaul the system. It reconstituted the ombudsman's office and issued clearer policies on the use of physical force, leading to a sharp drop in instances where restraints were applied.

Under the overhaul, officials have also sought to close underused centers and redirect resources to counseling and other services, though they have faced fierce resistance from public employees' unions and their allies in the Legislature. A task force appointed last year by Mr. Paterson is set to issue further recommendations by the end of this year.

“The problem is the unions and some of the staff they represent,” said Mishi Faruquee, director of Youth Justice Programs at the Children's Defense Fund-New York, and a member of the task force. “They are very entrenched in the way they do things and the way they have been trained to do their jobs,” she said. “They have been very resistant to changing the policy on the use of force.”

In a statement, Stephen A. Madarasz, director of communications for the Civil Service Employees Union, which represents many of the workers at the centers, said union officials had not had an opportunity to

review the full report.

The federal report revealed that despite efforts to overhaul the system, problems at some of the centers remained so severe that residents' constitutional rights were being violated. Under federal law, New York has 49 days to respond with a plan of action to comply with the report's recommendations.

If the state fails to do so, the Justice Department can initiate a lawsuit that could result in a federal takeover of the state's juvenile prison system.

Even as the four centers singled out in the report relied excessively on physical force, federal investigators found, they failed to provide youths with adequate counseling and mental health treatment, something the vast majority of residents require. Three-quarters of children entering New York's youth justice system have drug or alcohol problems, more than half have diagnosed psychological problems and a third have developmental disabilities, according to figures published by Office of Children and Family Services.

"The majority of psychiatric evaluations at the four facilities did not come close to meeting" professional standards, investigators determined, and "typically lacked basic, necessary information."

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