



NEW YORK STATE SENATOR

Thomas K. Duane

## New York Must Protect its Troubled Youth

THOMAS K. DUANE August 25, 2009

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### **Senators Duane, Montgomery, Hassell-Thompson and Huntley to Hold Public Hearings to Ensure New York Complies with the Federal Mandate to Fix Youth Detention Facilities**

*Albany* – Senate Health Committee Chair Thomas K. Duane (D, WFP- Manhattan), Children and Family Services Committee Chair Velmanette Montgomery ( D- Brooklyn), Crime Victims, Crime and Corrections Committee Chair Ruth Hassell-Thompson (D- Mount Vernon) and Mental Health and Developmental Disabilities Committee Chair Shirley L. Huntley (D-Jamaica) called for public hearings to ensure that the New York State Office of Children and Family Services (OCFS) fully implements changes to youth detention facilities mandated by the United States Department of Justice (DOJ). The call for action is the result of a damning DOJ report, made public yesterday, which outlines systemic physical and mental abuses at OCFS youth detention and residential facilities.

The DOJ informed Governor David Paterson that changes at these facilities must take place within the next 49 days. Senators Duane, Montgomery, Huntley, and Hassell-Thompson announced today that they will hold public hearings to determine if OCFS is in compliance with the DOJ mandates by that time.

The DOJ report outlines abuses at four OCFS facilities: the Lansing Residential Center, the Louis Gossett, Jr. Residential Center, the Tyron Residential Center and the Tryon

Girls Center. The DOJ discovered in its investigation the excessive use of physical restraints, including the widespread use of “prone restraints.” This form of restraint is banned in New York State’s Department of Corrections and Office of Mental Health facilities. “Prone Restraints” force a youth to lie face down on the ground with arms behind his or her back, often handcuffed. This position makes it difficult for the youth to breathe and can cause bruises, knocked out teeth, shoulder separations and fractures.

Just as disturbing, according to the report, OCFS’ internal memos “warn” staff to use physical restraints with the implication that they will be disciplined for not doing so.

DOJ found further that OCFS fails to provide adequate mental health care. Staff are poorly trained in treating youth with mental illness. It found that many times children were placed in restraints simply because staff did not know how to handle a child who was acting out. DOJ also found that mentally ill youth are often wrongly diagnosed, children are not monitored when they are given medications and little is done when a child refuses to take his or her medication. Furthermore, substance abuse treatment is practically non-existent. OCFS encourages its counselors not to inform concerned parents and guardians about the treatment given to their children.

“I am outraged that in 2009 we are still reading reports highlighting horrific abuses at OCFS facilities. These are troubled children and teenagers who, more often than not, had non-existent or dangerous living situations at home. They need help, not shackles,” **said Senator Duane**, “I am the prime sponsor of legislation which grants statutory rights to youth in these facilities, including a ban on physical restraint except under the most extreme circumstances, that forbids staff from depriving a youth of food, sleep, a daily shower, medical services and more. This legislation needs to become law as soon as possible.”

“In the wake of the federal investigation into the administration and oversight of four secure juvenile detention facilities in New York, I am angered as well as saddened by the inhumane treatment of troubled youth, many of whom are living with mental illnesses,” **said Senator Montgomery**, who is the Chair of the Senate Committee on Children and Families. “The investigating team indicated that it has every reason to believe that OCFS and facility administrators are committed to remedying deficiencies at the facilities. To this end, I pledge to work closely with Commissioner Carrion to ensure that all youth are free from unnecessary restraint and the use of excessive force and that their mental health needs are given the highest priority.”

“As a former nurse and counselor, I am very dismayed at the report recently made by the Department of Justice regarding New York State’s youth detention centers, **said Senator Ruth Hassell-Thompson**. “Our children and teenagers who reside at these facilities deserve the best mental and physical care possible. My colleagues and I will be holding public hearings to make sure that the abysmal practices detailed in the report cease to exist.”

**Senator Huntley noted**, “As chair of the Mental Health committee, I am appalled and deeply concerned about the various offenses that have occurred to youth in these detention facilities. The report sent out by the Department of Justice reveals many disturbing instances of abuse, neglect, and unsupervised children. These youth are suffering from a myriad of mental illnesses and deserve to be treated in a proper and effective manner that addresses their needs. I will work with my Senate colleagues to ensure that dramatic changes are brought forth and implemented in these youth detention facilities. These children need effective care that helps them deal with their specific emotional, behavioral, or mental illness.”

Senator Duane’s bill, S.5996/A3472-A, is currently pending in the Senate Rules Committee and is sponsored in the Assembly by William Scarborough.

