



NEW YORK STATE SENATOR

Catharine Young

## Task Force on Juvenile Justice Reform Seeks Answers From Ocfs

CATHARINE YOUNG November 19, 2009

| ISSUE: **JUVENILE CRIMINAL JUSTICE**



### **TASK FORCE ON JUVENILE JUSTICE REFORM SEEKS ANSWERS FROM OCFS**

*Files FOIL Request To Shed Light on Increase of Youth Violence*

**ALBANY** – The murder of community residence worker Renee Greco in Lockport and the shooting of Rochester Police Officer Anthony DiPonzio has spurred a special legislative task force to seek state records for answers related to the increase of youth violence.

The Legislative Task Force on Reforming the New York State Juvenile Justice System today filed requests under the Freedom of Information Law (FOIL) with the New York State Office of Children and Family Services (OCFS), pursuing the release of documents and records pertaining to the increased rate of violence at state-run and licensed juvenile homes.

The nine member Task Force was formed this year to address a growing concern by community members, youth facility staff, district attorneys, and law enforcement officials who cited the closure of 14 youth facilities throughout the state, along with newly-implemented policies set forth by OCFS Commissioner Gladys Carrion, as the reason for a rise in youth violence.

Senator Catharine Young, Chair of the Task Force, said, "I am very concerned with the direction Commissioner Carrion has taken our juvenile justice system. The people of this State have the right to learn the truth about why extremely violent and dangerous youths are being released into the community, and how youth facilities are being run. We want to know why so many of our troubled youths are being pushed through the system, simply to save a buck and close budget loopholes. The full release of this information will, I believe, confirm what the Task Force has already begun to hear from countless people, staff, district attorneys and law enforcement officials from across the state - that the safety of the public has been compromised because these youths are not getting the urgent treatment and attention that is needed. The system is failing and it needs to change or things are just going to get worse."

Senator Marty Golden, Ranking Member of the Senate's Crime Victims, Crime & Corrections Committee, said, "I strongly believe that we must make it a legislative priority to eradicate the presence of violence amongst the youth of our society. Youth violence does nothing more than destroy our families, our schools, and our neighborhoods. I look forward to working with my colleagues and the task force to address the rise in such violence and reverse this trend. We must create opportunities for our youth to get help right away so as to prevent them from falling off of New York's radar and being lost within society forever."

State Senator John Bonacic (R/I/C – Mt. Hope) said, "The State Office of Children and Family Services is the worst run public agency I have ever encountered. The alarming stories that come out of OCFS facilities are ignored by management. The 'hug a thug' mentality, so prevalent at OCFS, will neither reform the offenders in the agency's custody, nor keep employees and society safe."

Noting a significant "rise in violence committed by juveniles that have been in the OCFS system," the FOIL request urges OCFS to provide records the Task Force believes will shed light on the scope of the emerging problem. Included in the official FOIL filing are requests for information pertaining to gang-related violence, youth-on-youth violence, assaults on staff and staff injuries, staff overtime records, youth Absent Without Leave (AWOL) rates, juvenile recidivism rates, and other information on new OCFS policies linked to an increase in youth violence.

The formation of the Task Force came in the wake of the brutal June 8, 2009 murder of 24-year-old Renee Greco, an employee at a youth home in Lockport, New York, allegedly at the hands of two teenage residents who were staying at the facility and placed there by OCFS.

Senator Dale M. Volker said, "When it comes to public safety, the people of our state have the right to know why youthful offenders with violent backgrounds are being released into communities. Are they being properly supervised? Are they getting the services that will get them on the right track so that they can become productive citizens? All we are asking is for the information to be released. Our residents deserve to know how our juvenile justice system is working."

Senator George D. Maziarz said, "The fact that a special legislative task force is being forced to FOIL records from the State Office of Children and Family Services to get answers relating to the increase of youth violence at juvenile homes is disturbing to say the least. As I have said from the beginning, the state's current approach is NOT working and a drastic overhaul of our juvenile justice system – led by the findings of this task force – needs to be done before more innocent people are hurt."

Members of the Task Force have pointed to the Lockport incident as an example of a disturbing trend emerging in relation to violent youths and residential services. On January 31, 2009, Rochester Police Officer Anthony DiPonzio sustained a life-threatening and debilitating injury when he was shot in the back of his head by a juvenile who had been AWOL from a private OCFS-licensed facility. OCFS also made the decision to place the youth

in the less supervised setting.

Senator Mike Nozzolio said, “During the budget debate in April, I warned that giving Governor Paterson unprecedented authority to close State detention facilities would have significant repercussions for New York State. By closing necessary juvenile justice facilities and implementing ineffective new policies that are more concerned with cost effectiveness than protecting our citizens, crime rates will undoubtedly increase and the safety of our communities will be jeopardized. We must correct this dangerous mistake before even more tragedy occurs.”

Senator Joseph Robach said, “Our community has the right to know why these troubled youths are not getting the support system they need and require. The shooting of Officer Anthony DiPonzio is a prime example that at risk youth are slipping through the cracks and potentially pose a threat to the overall safety of our community. We need the information from OCFS to know how and why this is happening so that we can properly reform the Juvenile Justice System and help prevent tragic events like this from occurring in the future.”

Reports of gang-related violence, riots, and injuries to OCFS workers are also on the rise. In August of last year, a security guard at the Tryon Residential Center in Johnstown, NY suffered a stroke and died a month after he was hit in the head with a wooden club by a teenage resident during a riot. Months after the incident, several employees sought and obtained orders of protection so they could feel safe coming to work.

Senator Hugh T. Farley said, “I share the concerns of many of my constituents about the negative impacts of the changes made by the Office of Children and Family Services in regard to their policies for youth facilities. This FOIL request will assist our Task Force in addressing these concerns, and I urge the Commissioner to work with us on this important matter.”

Senator Betty Little said, “These deeply troubled youths need attention that most communities are simply not capable of providing. Closing facilities and turning juveniles back into society creates a dangerous situation. Some of these kids are extremely violent and incapable of controlling their impulses. They need help, not a push out the door. These centers are necessary and the people who work in them are unsung heroes who can't be expected to return to work day after day in an increasingly hostile and unpredictable environment.”

“Staff are cursed at, spit at and assaulted on a regular basis. In many facilities, kids run amok because youth workers no longer have the tools they need to take control of situations when they get out of hand. Workers feel threatened and in many cases unable to work because of gang-related injuries they sustained on the job. Any guidance and structure has been thrown out the window by the Commissioner,” said Sen. Young.

Senator Young said a recently completed federal investigation by the U.S. Justice Department, while it documented deficiencies in mental health care and unsafe conditions for youths in New York state detention facilities, failed to address many more areas of concern, including increased youth-on-youth violence, violence against staff and unsecure settings.

“Unfortunately, it is my strong belief that OCFS steered the Justice Department’s findings to meet OCFS’s political agenda by withholding some information or misrepresenting other records. I was pleased to see the Justice Department’s report brought to light many areas of the system that need addressing, including the issue of staff shortages and training. But if we are going to bring about real reform, we need to stop singing the praises of Commissioner Carrion’s new approach that has only amounted to more people getting hurt or killed, and look at all the problems collectively. Her approach is not working and it needs to be brought under better scrutiny,” added Sen. Young.

As a result of this year’s budget, Governor Paterson ordered the closing of nine juvenile detention and reporting centers including: Adirondack Residential Center in Clinton County, the Cattaraugus Residential Center and Great Valley Residential Center in Cattaraugus County, the Pyramid Reception Center in the Bronx, the Rochester Community Residential Home in Monroe County, and the Syracuse Community Residential Home in Onondaga County. Three Evening Reporting Centers (ERC) were also closed including the Capital District ERC, the Buffalo ERC, and the Syracuse ERC. Tryon Residential Center in Johnstown, and Allen Residential Center in South Kortright, were subject to downsizing and additional budget cuts.

Last year, five other OCFS run facilities were closed including Auburn Residential in Cayuga County, Adirondack Wilderness Program in Clinton County, Brace Residential in Delaware County, Cass Residential in Albany County, and Gloversville Group Home in Fulton County. Lansing Residential in Tompkins County was downsized by 50 percent.

“We have not even reached the tip of the iceberg yet with these facilities closing. Our state is in debt and Albany is going to look at all avenues to save a buck, even if it means closing down another facility or putting more troubled juveniles back out on our streets. Closing more facilities is not worth threatening the public’s safety or the welfare of these kids,” said Sen. Young.

###