

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---



Photo (cc) [banspy](#)

"The restraints were so bad that I would get carpet burns or I would get dislocated arms," said an anonymous 17-year-old girl from New York City, speaking of her experience at two state-run juvenile detention centers. "The thing is, the same person who did it to you would be there when you woke up the next day."

Over the last few years reports, by the [Civil Liberties Union and Human Rights Watch](#) , [the U.S. Department of Justice](#) and [a task force](#)

appointed by the governor, have found that a culture of violence pervades New York State's juvenile residential placement centers. A number of investigations have demonstrated that the institutions rely too much on violent restraint, leading to the injury of juveniles, and many of those juveniles are in need of psychological therapy but do not receive it.

Human Rights Watch documented three cases of facility staff having intercourse with young

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

girls. Other reports have cited broken bones and other serious injuries, and in one case a 15 year-old boy from the Bronx was [killed](#) at the Tryon Boys Juvenile Rehabilitation Center when two large staff members restrained him.

Despite all the scrutiny and a commitment by the commissioner of the [Office of Children and Family Services](#) to change, advocates say the system remains dysfunctional as the administration and its employees clash over what should be done and who is to blame.

The state's juvenile residential facilities house around 900 troubled youth aged 7 to 15. Fewer than half of these young people have committed violent offenses, while 53 percent have been convicted of minor crimes, some of them as simple as graffiti or truancy. Youth can be placed in these facilities if a family court judge deems it appropriate.

Over three fourths of those in the centers, the reports found, need mental health services but receive none. The facilities don't have adequate staff trained to provide it. Around 80 percent of all youth detained in the facilities, which are mostly in upstate New York, are minorities, and over 60 percent are from New York City.

### The Code for Force

"Push the pin" is the term used at the Louis Gossett Jr. Residential Center in Lansing for alerting staff that a situation needed resolving. Employees would push the pin on their radios to alert a response team. And, according to an Aug. 14 report by the Department of Justice, that invariably led to staff physically restraining youth -- tackling them to the floor and using handcuffs. In other facilities the phrase could be different -- "code red" at the Tryon Boys Facility, for example -- but it produced the same thing: children being violently restrained.

Even though the Office of Children and Family Services calls for using violent restraint as a last resort, the justice department report found that staff at the four centers they investigated responded to even the slightest infractions with physical violence. "Pouring sugar into a glass of orange juice" was just as likely to provoke the use of physical restraint by guards as the threat of a child starting a fist fight.

A 2007 memo from the facility director at Gossett Jr., cited in the [report](#) , is evidence of the

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

mentality. It reads:

"This memo is to serve as a reminder and a warning of the guidelines set forth from the Facility Director and Facility Policy.

- If you "think," "feel," or "suspect" that you may have to use physical force â€“ PUSH THE PIN.
- If a resident is physically or verbally aggressive â€“ PUSH THE PIN.
- If a resident says "no" or demonstrates defiance in any manner â€“ PUSH THE PIN."

The 17-year-old girl confirms the prevalence of violence.

"I would start to have this I-don't-care attitude because they were going to restrain me anyway. One girl was restrained so much she wanted to commit suicide. She got so upset that she would have killed herself if staff wasn't there," said the girl. The suicide rate of juveniles in detention facilities nationwide is four times greater than that of the general population, according to the National Juvenile Justice Association.

### The Move for Change

In light of such accounts, the Department of Justice has threatened to take over New York's juvenile justice system if drastic improvements are not made.

State officials [acknowledge](#) the system is flawed. They cite a recidivism rate of over 80 percent for teens who eventually leave the state facilities.

The head of the Office of Children and Family Services, Gladys Carrion, said she welcomes the scrutiny the reports have brought. Since becoming commissioner in 2007 Carrion had worked to reduce the use of restraints, introduced new guidelines for staff to interact with clients, shut down 11 facilities that were underutilized, increased staff training in therapy and worked to encourage communities to create their own alternative sentencing programs so that youth could stay closer to their communities and families.

Carrion even encouraged family court judges not to send youth to the state facilities, [reportedly telling](#) judges they should sentence juveniles to state facilities only if they are "truly a risk to public

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

safety."

The Albany Times Union obtained a memo that demonstrated that judges seem to be on board. "Judges should remember that the standard for placement in an OCFS facility is dangerousness," stated an Oct. 28 memo sent by Michael Cocco, deputy chief administrative judge for courts outside of New York City, to judges who oversee family courts. "Children should not be placed because they have mental illness or abuse drugs or have unstable home lives," the memo continued.

At least partly as result of this, the population of the state's juvenile residential centers has declined drastically over the last few years -- from thousands of juveniles to 886 as of Jan. 1.

But advocates charge that things have not improved enough. At the end of December, the Legal Aid Society of New York City [filed a class action lawsuit](#) on behalf of about 500 young people currently in the state's residential facilities. The lawsuit charges that the current system violates the juveniles' civil rights and has led to both physical and mental abuse. The suit seeks an injunction barring the use of violence against juveniles in the system, an increase in mental health treatment and an unspecified monetary award from facility staff who allegedly abused eight youths.

Tammy Steckler of the [Legal Aid Society](#) said she recognizes that change has been "in the works" but said, "It has taken too long. Relief needs to be imminent."

Steckler said she agrees with many of Carrion's goals. "If the system was functioning, only the most dangerous kids would be there, but that is not the case. If things were working correctly we would have most of these kids getting treatment close to New York City, not somewhere up in Buffalo," she said.

### **State vs. Staff**

Advocates and even officials at Children and Family Services charge that employees of certain facilities and their unions have resisted any meaningful change.

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

A battle is taking place between Carrion, who wants to reform the system drastically, and casts the detained juveniles as victims who need care, and the staff who have been trained for years to see the juveniles as violent criminals who must be controlled.

Carrion [told](#) the New York Times, "I have people on staff that have two, three, four, five cases of abuse or inappropriate restraint, and I can't get rid of them" because of civil-service rules. She added, "I'm also the commissioner of child welfare. If you as a parent abuse your child, I take them away from you. Why is there a different standard for children that are in juvenile justice?"

Current rules allow the use of restraints only if a child might harm him or herself or someone else or is going to run away, according to Ed Borges, spokesperson for Children and Family Services.

Borges said that a number of locations have promptly accepted the new rules, while others struggle to adapt.

Borges said there are "bad apples" in the system who disregard the well being of their wards.. "We have to protect the rights of the citizens of New York State, and we have reduced the use of restraints. The union resents that type of thing."

For their part, union officials say the staff does not receive the support it needs from management. Stephen Madarasz, spokesman for the [Civil Service Employees Association](#) called Carrion's attempts at reform "a farce."

"Gladys Carrion talks a good game but has not delivered the goods," he said.

Madarasz said his members do hazardous work, often dealing with dangerous young people, and must use force at times. "Some of these clients can't be dealt with without restraints. Some of the population is quite dangerous. They are not just juvenile delinquents. In many cases they were involved in violent crime. It's just wishful thinking that it can be done away with, that the rules are going to change and people are not going to get hurt."

If the state wants the workers to respond differently, he said, it needs to provide them with more resources and training. "If you only have two staff to deal with 15 kids it's hard to respond to their needs therapeutically unless you have the staff who are trained to do so," Madarsz said.

Borges said that there are currently 2003 employees assigned to the state's juvenile residential centers. He notes that number includes people like cooks and janitors as well as aides and mental health staff. "We are trying to hire more people," said Borges.

According to Madarasz, on-the-job injury rates for youth division aides, the workers who deal with the juveniles most directly, have increased under Carrion's watch. [Statistics](#) from the Department of Civil Service appear to confirm this. Youth division aides grade 2, 3 and 4 were listed as having injury rates 25 percent above the average of all state employees. In the 2007-2008 fiscal year there were 1,319 of these aides employed, and they had 368 injuries. The following year, there were 1,248 of these employees and 500 injuries.

Borges blamed the increase on the staff's excessive use of restraints despite the rules limiting to them to the most extreme cases. Some staff members, he said, "Just don't get it. When you drive and you follow the rules you should be relatively safe, but if you ignore the signs, the rules of the road, you may wind up in an accident -- you are more likely to get hurt."

### **The Challenge of Change**

Changing the system, though, requires undoing decades of conditioning, according to Sandra Bloom, head of the [Sanctuary Model](#), a group working with the state to overhaul the culture of the residential centers. "To teach individuals and organizations the necessary skills for creating and sustaining nonviolent lives and nonviolent systems" is their motto.

"Twenty years ago there was a shift in the juvenile justice setting away from treatment to an attitude of command and control," she said. "Once one's job is to control, any kind of change can be frightening. These people have little education and training and they are with the clients by themselves with little supervision."

The 17-year-old who spent time in the state's facilities said the workers' attitudes varied. "Some

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

staff was like, 'Let them be kids'; other staff was like, 'They did a crime.' Others were like, 'I just don't care 'cause I still get paid.' There was some staff that really helped me and there were others that didn't care," she recalled.

Bloom said her group's program seeks to change the culture of the centers from one based on violence to one where staff and residents can reach a new understanding. No matter what kind of system is in place, though, Bloom said, "Staff still have to figure out the appropriate way to interact with each individual child."

### The Jobs Issue

Along with concerns about changes in their jobs, the union members worry about losing their jobs altogether.

Madarasz said he fears that Carrion plans to use the state's budget woes to shut down facilities.

"We have a budget crisis, and we think Gladys will use it to try to empty out these facilities. We are going to argue it's dangerous and reckless," said Madarasz.

As evidence he cites the case of Renee Greco, a 24-year-old youth counselor who worked at a Lockport group home and was [murdered](#) in June. Two teens from the group home have been charged with her murder and are awaiting trial.

Following the murder, Sen. [Catharine Young](#) issued a statement indicating the state government bore some responsibility for the death. "Gladys Carrion is systematically dismantling the juvenile justice system brick by brick," it said. "We need a full investigation into the residential and treatment classification of these murder suspects, and whether OCFS made these placement decisions."

"Renee Greco was murdered by clients, and these are the people they want to move into the communities," Madarasz said, "We believe the public shouldn't be put at risk, the staff shouldn't be put at risk and even the clients shouldn't be put at risk."

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

Borges said that as the number of juveniles sentenced to state facilities decreases it will only make sense to shutter these institutions. Under Carrion's watch, the population of the centers has been nearly cut in half. And she continues to advocate that communities use alternatives to the state facilities when possible. Borges keeps a running tally of the number of youths in state residential facilities on the OFCS [Facebook page](#) . As of Jan. 1, there were 288 empty beds in state juvenile detention centers.

"Upstate jobs do seem to color the argument for unions. But we shouldn't base the future of the upstate economy on our youth," said DeAvery Irons of the [Juvenile Justice Project](#) of the New York State Correctional Association.

### New York City's Answer

As they search for ways to improve the state's system, some advocates see New York City as providing an example. The city has taken steps to send more of its youth to treatment programs in the five boroughs instead of state facilities.

One program, Juvenile Justice Initiative, which is overseen by the [Administration for Child Services](#) , allows juvenile offenders who have not committed a serious violent crime to return to their families while on probation, and provides them with intensive therapy. The program services over 300 juveniles.

The [Department of Probation](#) sponsors two alternative treatment programs: Ezperanza serves almost 200 juveniles and Enhanced Supervision Program serves over 500.

Juveniles who are charged with a crime in the city are evaluated by mental health providers and then, if the judge approves it, by representatives from treatment programs. Eventually the judge decides whether the child is fit to live at home while attending a treatment program, should go another type of city-run program, or whether the child presents so many risks that he or she and needs to be placed in a state residential facility.

The Juvenile Justice Initiative faces limits, according to Leslie Abbey, who runs it. For now, alternative treatment programs do not have enough slots for all the kids who need them. And

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

other young people are not eligible because they have serious problems or have committed a major crime. Advocates would like to divert all but the most violent offenders from the state residential facilities.

In the case of Juvenile Justice Initiative, a child's family must be willing to take him or her in while they receive treatment but, as Abbey points out, many kids in the juvenile justice system don't have a family or have problems at home.

The Juvenile Justice Initiative is estimated to cost around \$17,000 per child, while detention in a state facility can cost up to \$200,000 annually for each child. "The beauty is it costs less and it has better outcomes," said Abbey.

Abbey said that the recent attention to the problems facing the state's juvenile justice system has people thinking about solutions. "The great thing is we are now thinking, 'What would this kind of service look like?,' when years ago we weren't even talking about it, so I'm hopeful," she said.

### **Paying the Bill**

The state reimburses counties half of the cost of sending a youth to a state residential center. So shifting to alternative and local treatment programs could save both the state and counties money.

However, the city currently foots the bill for most alternative treatment programs, but advocates and the city would like to see the state chip in. The Juvenile Justice Initiative is an exception as the city receives 63 percent reimbursement from the state because the program operates as a preventative service in the state's eyes. The governor's task force recommended the state reinvest savings from alternative treatment programs into the communities that provide them, but currently there is no mechanism for doing that.

Advocates have [been pushing legislation](#) called Redirect New York, which would require the state to reimburse counties for 65 percent of their alternative treatment program costs. Irons said she thinks despite New York's fiscal crisis an investment needs to be made in alternative programs. She said the bill would encourage counties to come up with alternative options.

## Culture of Violence Plagues New York's Juvenile Prisons

by {ga=dking}

Monday, January 11, 2010 12:00 AM

---

"We understand the fiscal situation," said Irons, "but funding these programs is better for New York in the long run. We need to invest in programs now so that these problems aren't exacerbated. There will be a great cost to New York if we don't."

Some of those costs now are borne by people such as the young woman who spent time in two of New York's female detention centers. She wants to get beyond her experience, but it has been hard, she said. "I have friends who are still there to this day, and they write me. They wonder, 'Was my crime so bad that I have to go through this?' I try not to think about it. I just want to move on."