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NY Accused of Abusing Troubled Teens

By DAN MCCUE

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(CN) - The New York State Office of Children and Family Services subjected 500 troubled youths in state detention to violent physical restraint, and routinely denied them legally required mental health care services, nine children and their parents claim in a federal class action.

Among other wanton acts, state employees regularly employ a dangerous form of control known as prone restraint - having two adults hold the youth face-down on the floor while his hands are held or cuffed behind him. Prone restraint exposes the victim to risk of cardiac and respiratory arrest, back, arm and neck injuries, abrasions, strained muscles and head injuries, according to the complaint.

Such treatment led to the 2006 death of a Bronx teen at the Tryon Boys' Residential Center in Johnston, and serious mental and physical injuries to scores of others, the complaint states.

The families claim that OCFS Commissioner Gladys Carrion allowed the behavior to continue despite red flags raised by the U.S. Justice Department and a blue-ribbon panel appointed by Gov. David Patterson.

The nine named plaintiffs, all of whom are identified by only their initials, said their treatment violated the 14th Amendment, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

They seek declaratory and injunctive relief, compensatory and punitive damages, and of a monitoring system to ensure staff accountability provision of adequate mental health assessments and treatment.

The plaintiffs represent a class consisting of all youths held in intake and "limited secure" facilities in New York State. Each had been placed in rehabilitation after juvenile delinquency proceedings.

The complaint quotes Carrion as having publicly stated that "more than 80 percent of the children at these facilities have mental health needs of clinical significance."

In light of that acknowledgement, "The failure to provide even minimally appropriate mental health screening and treatment, despite histories of trauma, abuse and mental health needs of the majority of the children in OCFS facilities is unconscionable and contributes to the unnecessary and persistent infliction of improper physical force," the complaint states.

The plaintiffs say this behavior continued despite a scathing August 2009 findings letter from the U.S. Department of Justice.

In December 2009 a task force appointed by Gov. David Patterson confirmed systemwide problems, finding that adult childcare staff with the Office of Children and Family Services continue to violently and unlawfully restrain members of the class, and continue to fail to provide legally required mental health services.

In addition to the Tryon Boys' Residential Center, facilities named in the suit include the Pyramid Reception Center in the Bronx, the Tryon Girls' reception Center and Girls' Limited Secure Residential Center in Johnston, the Lansing Residential Center in Lansing, the Highland Residential Center in Highland, the Industry Limited Secure Residential Center in Rush, the Finger Lakes Residential Center in Lansing, the Taberg Residential Center in Taberg, and the Sgt. Henry Johnson Youth Leadership Academy in South Kortright, N.Y.

The plaintiffs are represented by Christine Bella of the Legal Aid Society, and J. Peter Coll Jr. with Orrick, Herrington & Sutcliffe.

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