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Treatment of Youths in New York Prisons Spurs Suit

By [NICHOLAS CONFESSORE](#)

ALBANY — Youths detained in some of New York's juvenile prisons have suffered bruises, cuts and a host of other injuries from aggressive physical restraining practices that violate their legal and constitutional rights, according to a federal lawsuit filed on Wednesday.

The class-action suit, filed in federal court in Manhattan on behalf of roughly 500 youths in 10 of the prisons, also accuses the [Office of Children and Family Services](#), the state agency that runs the facilities, of failing to provide adequate mental health services

The legal claim follows two withering reports from the [United States Department of Justice](#) and a state task force that portrayed the state's juvenile justice system as so riddled with problems that it needed a complete overhaul.

The suit seeks an injunction that would sharply limit the use of force by youth counselors and require the state to provide the youths with more treatment for mental health problems, which affect a vast majority of those in custody.

The lawyers are also seeking unspecified monetary damages from employees who, the suit alleges, abused or mistreated eight youths currently in the custody of the Office of Children and Family Services.

The employees are identified only as John Does Nos. 1 through 47 and the eight youngsters by their initials. The suit charges that at least some of the children were threatened with retaliation if they made any complaints to the workers' superiors.

The lawsuit was filed by the [Legal Aid Society](#) of New York City, which provides legal representation to a vast majority of juveniles who end up in the state's youth prisons. Besides the employees, the suit names Gladys Carrión, the agency's commissioner.

“Once sent to an O.C.F.S. facility, these children find themselves far from their families, behind barbed wire,” said Tamara A. Steckler, a Legal Aid lawyer working on the lawsuit. “They need a helping hand to meet their mental health and other service needs, but instead they get the back of the hand when they are subjected to the excessive use of force or are denied mental health services.”

The state youth prisons are already operating under the threat of a federal takeover as state officials negotiate with the Department of Justice over a plan to fix the system’s worst problems: the overuse of physical force, inadequate psychological and drug abuse counseling, and substandard education.

Ms. Carrión issued new rules limiting the use of force against youths soon after she took office in 2007, and has since pushed to shut many of the prisons where violence had been a significant problem. But she has faced resistance — and sometimes sharp criticism — from public employees’ unions, which say that she has understated the risks those policies pose to workers.

A spokesman for Ms. Carrión said the agency had not yet received a copy of the lawsuit and could not comment.

A [report](#) issued by federal investigators in August found that youths in four facilities were routinely subjected to inappropriate force in violation of state rules, resulting in dozens of serious injuries. This month, a state task force appointed by Gov. [David A. Paterson](#) [reported](#) that similar problems were rife throughout the system, which houses roughly 1,000 youths in 28 prisons, and recommended a far-reaching overhaul.

The new lawsuit focuses on two intake centers for all youths placed in O.C.F.S. custody, one residential center for girls and seven “limited secure” facilities, the youth equivalent of a medium-security prison.

Legal Aid lawyers said they had filed the suit in part because the state had not moved quickly enough to change the system and because they were concerned that any settlement with the Department of Justice would remedy conditions only at the four worst prisons. “The lawsuit is always our last resort,” Ms. Steckler said. “But children are being imminently harmed, and the relief is needed now.”

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