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NY detention system faulted in juveniles' injuries

By MICHAEL VIRTANEN (AP) – 23 hours ago

ALBANY, N.Y. — Workers at four youth detention centers in New York caused dozens of serious injuries, including broken bones and teeth, when they routinely used force as a primary way to restrain juveniles and not just as a last resort, according to federal investigators.

The Justice Department's Civil Rights Division also reported that youths in the state system failed to get needed counseling and mental health treatment, though most have psychological problems. The findings released Monday were the result of a nearly two-year probe.

Gladys Carrion, commissioner of the state Office of Children and Family Services, said they have begun overhauling the troubled system she took over 18 months ago, including a new restraint policy and hiring more mental health workers. "Much more still needs to be done," she said.

Investigators said conditions they found last year at the Lansing and Louis Gossett Jr. residential centers outside Ithaca and the Tryon residential centers for boys and girls in Johnstown violated the teens' constitutional rights as well as department policy.

"Anything from sneaking an extra cookie to initiating a fist fight may result in a full prone restraint with handcuffs," acting Assistant Attorney General Loretta King wrote. "This one-size-fits-all control approach has not surprisingly led to an alarming number of serious injuries to youth, including concussions, broken or knocked-out teeth and spiral fractures."

At Lansing, with capacity for 50 girls, restraints were used 698 times in 2007, and 123 injuries were reported. In 2008, one girl had a separated shoulder and broken arm from an incident. Another had a spiral arm fracture.

The agency operates 28 residential facilities housing nearly 940 young people whose ages can range from 10 to 21, spokesman Edward Borges said. That's down about 400 from a year ago as Carrion has pushed community-based alternatives.

Investigators noted that staff had been directed to call for help from response teams for minor defiance, like verbal aggression or residents slamming doors and refusing to leave their rooms, and those calls frequently escalated incidents.

OCFS continued to use the full prone restraint even after a 15-year-old at Tryon died in 2006 after such restraint, the report said. Full prone restraint involves placing residents face down on the ground with arms behind their back, frequently handcuffed, which can constrict breathing. State prison and mental health officials have banned that practice for adults in their facilities.

The federal report also noted that internal investigations of violent incidents were sometimes overseen by staff members who were accused, and administrators frequently took no corrective disciplinary action.

Unlike Texas, where a pair of former administrators at a juvenile prison face charges they sexually abused teenage boys, federal investigators said they reviewed sex abuse allegations at New York facilities and found OCFS had taken steps to minimize such risks, such as installing video cameras and additional staff training.

The federal report called for corrective measures such as neutral incident investigators and training all staff on addressing mental health crises by calling treatment providers or simply listening and empathizing with troubled teens, instead of using physical force.

While noting the Justice Department is obligated to sue the state if its concerns aren't resolved within two months, King said that's unexpected and the collaborative approach has been productive so far.

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