



NEW YORK STATE SENATOR

Velmanette Montgomery

Statement by NYS Senator Velmanette Montgomery On The Federal Investigation of Four New York Juvenile Detention Facilities

VELMANETTE MONTGOMERY August 27, 2009

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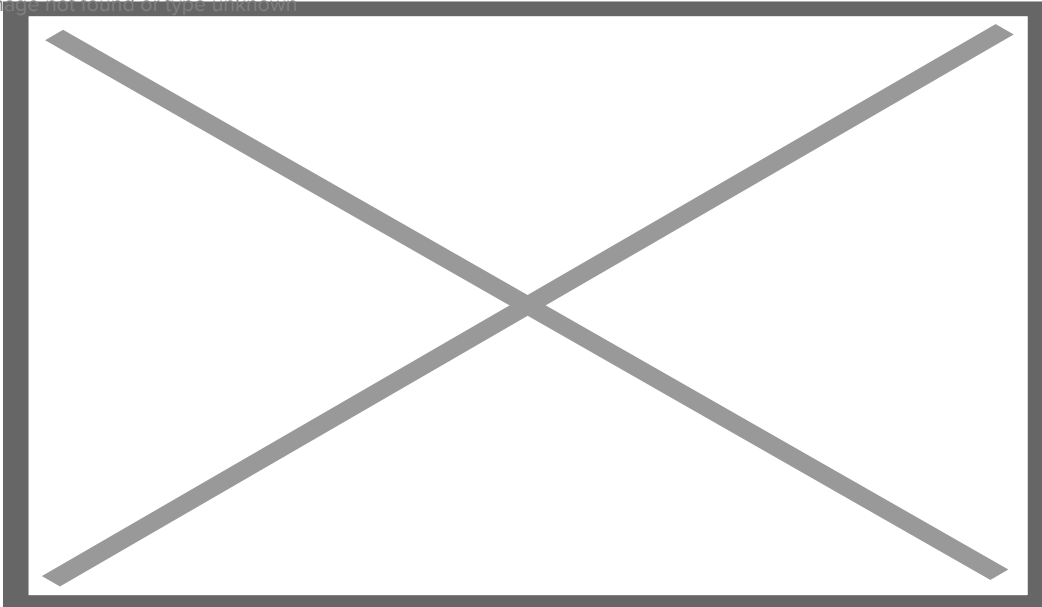
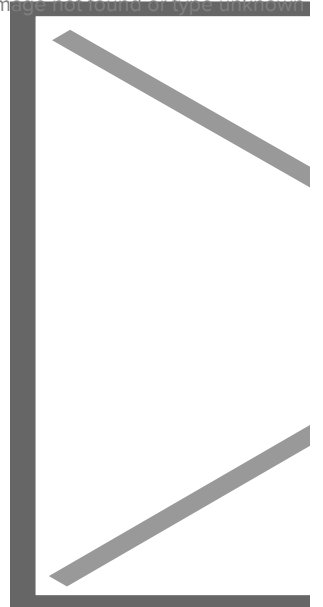


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In the wake of a federal investigation into the administration and oversight of four secure juvenile detention facilities in New York, I am angered as well as saddened by the inhumane treatment of troubled youth, many of whom are living with mental illnesses.

The findings of this two-year investigation by the Civil Rights Division

of the U.S. Department of Justice (DOJ) were announced in a letter to Governor Paterson from Acting Assistant U.S. Attorney General Loretta King dated August 14, 2009. The findings were made public on Monday, August 24, 2009.

The DOJ report details conditions that violate constitutional standards of care for youth residing at four facilities operated by the NYS Office of Children and Families (OCFS): Lansing Residential Center; Louis Gossett, Jr. Residential Center; Tryon Residential Center; and Tryon Girls Center.

Among the specific concerns cited are:

Excessive use of force by staff against youth; Inappropriate use of physical restraints on youth; Use of dangerous restraint mechanisms; Alarming number of serious physical injuries incurred by youth including concussions and broken bones; Failure to adequately investigate abuses by staff against youth or to take corrective action against staff who have acted inappropriately; Inadequate mental health care and treatment services provided to the youth; Insufficient treatment planning for youth; Inappropriate medication practices including failure to properly monitor administration of medication to youth and side effects; and Inadequate substance abuse services.

Under federal law, the state has 49 days to respond with a plan of action that will comply with the Department's recommendations. If New York does not meet the deadline, the DOJ can initiate a lawsuit that could result in a federal takeover of the state's juvenile justice system.

The DOJ's investigating team indicated its confidence in the ability of OCFS and facility administrators to remedy deficiencies at the facilities. **To this end, I pledge to work closely with OCFS Commissioner Gladys Carrión to ensure that all youth are free from unnecessary restraint and the use of excessive force, and that their mental health needs are given the highest priority.**

Together with my colleagues in the Senate and Assembly, I plan to hold hearings to solicit public comment on OCFS administrative reforms that respond to the DOJ mandate. I also intend to push for the enactment of my legislation that would change the way in which the State funds youth services. My proposal, which is sponsored in the Assembly by Assemblyman William Scarborough, emphasizes prevention over detention and would provide for a greater investment in community-based alternatives to incarceration where youth can maintain and strengthen their connections with their families and the significant adults in their lives.

A tireless advocate for juvenile justice reform, Commissioner Carrión is committed to making sure that young people have the resources they need to make a successful transition from detention facilities to their home communities. I applaud her dedication to New York's children and families.