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Justice Department Announces a Comprehensive Agreement with New York to Remedy Violations and Ensure Constitutional Rights at Four Juvenile Justice Facilities

WASHINGTON – The United States has entered into a comprehensive agreement with the State of New York and the New York State Office of Children and Family Services (OCFS) that resolves previous findings of unconstitutional conditions at four juvenile justice facilities, the Justice Department announced today. The agreement resolves the United States' investigation, which began in 2007, of the Finger Lakes Residential Center and Lansing Residential Center in Lansing, N.Y., and the Tryon Residential Center and Tryon Girls Center in Johnstown, N.Y. As a result of its investigation, the United States concluded that the facilities systematically violated juveniles' constitutional rights in the areas of protection from harm and mental health care.

The agreement was filed today simultaneously with a complaint. The settlement agreement is pending approval by a federal judge in U.S. District Court in Albany, N.Y. The agreement contains comprehensive provisions on protection from harm, use of restraints, use of force, reporting and investigation of incidents, mental health care, use of psychotropic medications, training, quality assurance, and improved policies, procedures, and practices.

"It is New York's fundamental responsibility to protect juveniles in its custody from harm and to uphold their constitutional rights," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "We have worked cooperatively with New York officials to craft an agreement to ensure that the constitutional rights of juveniles at the four facilities are protected, and we commend New York and the New York State Office of Children and Families for their willingness to work aggressively to remedy these problems."

The United States' 2009 findings concluded that staff at the facilities consistently and excessively used a disproportionate degree of force to gain control of youths in nearly every type of situation, leading to concussions, broken or knocked out teeth, spiral fractures, and other injuries. Further, staff at the facilities overused restraints often causing severe injury to youths, including initiating facedown restraints through "hooking and tripping," a process where staff grab a youth's arms and trip his or her feet from underneath, causing the youth to fall face-first on the ground. Additionally, the facilities consistently failed to investigate uses of force and failed to properly discipline staff found to have used excessive force.

In the area of mental health care, the United States found that the facilities failed to provide adequate behavioral management programs and treatment plans. Residents' substance abuse or dependence problems were generally ignored in their mental health services and programming, staff were not

equipped to address youths in mental health crisis, and psychotropic medications were prescribed without appropriate monitoring of potentially dangerous side effects.

Under the agreement, New York will implement detailed remedial measures to ensure that juveniles are safe and receive the services necessary to meet their constitutional rights. This includes restrictions limiting the use of restraints to situations when all other techniques have failed and the youth poses a danger to him or herself, and requiring the immediate assessment of medical staff if prone restraints are used. The agreement also severely restricts the use of force on youths, including express prohibitions on using chokeholds and "hooking and tripping" techniques. The agreement also includes provisions directed at conducting appropriate investigations of excessive force allegations, as well as provisions aimed at improving policies; procedures and practices to protect inmates from harm by providing adequate mental health care; ensuring that the use of psychotropic medication is safe and clinically appropriate; addressing substance abuse and dependence issues; and instituting comprehensive employee training requirements.

Compliance with the agreement will be overseen by two jointly selected subject matter experts to monitor compliance with the settlement agreement. These monitors will conduct compliance review tours and will file a comprehensive monitoring report with the court within 60 days after each compliance review tour. The first compliance review tour will occur in approximately five to six months, and will occur every six months thereafter.

Additional information about the Special Litigation Section of the Justice Department's Civil Rights Division can be found at www.usdoj.gov/crt/split/index.html.

Download the documents:

[Complaint \(PDF\)](#)

[Joint Motion to Enter Settlement Agreement \(PDF\)](#)