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# Federal Oversight for Troubled N.Y. Youth Prisons

By **NICHOLAS CONFESSORE**

Four of New York's most dangerous and troubled youth prisons will be placed under federal oversight, strict new limits will be imposed on the use of physical force by guards, and dozens of psychiatrists, counselors and investigators will be hired under a sweeping agreement finalized on Wednesday between state and federal officials.

The agreement will usher in the most significant expansion of mental health services in years for youths in custody, the vast majority of whom suffer from drug or alcohol problems, developmental disabilities or mental health problems.

Currently, the state [does not have a single full-time psychiatrist](#) on staff to treat young offenders.

Guards at the youth prisons, known as youth counselors, will be barred from physically restraining youths except when a person's physical safety is threatened or a youth is trying to escape from the institution.

Guards will be allowed to use the most controversial method — in which a youth is forced to the ground and held face-down — for at most three minutes, with evaluation by a doctor to follow within four hours.

The accord comes almost a year after the Justice Department [threatened to take over](#) New York's juvenile justice system unless the state took significant steps to rectify problems at the four prisons, where physical abuse was rampant and mental health counseling was scant or nonexistent.

“It is New York’s fundamental responsibility to protect juveniles in its custody from harm and to uphold their constitutional rights,” Thomas E. Perez, assistant attorney general for the Justice Department’s civil rights division, said in a statement. “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.”

Federal investigators found that staff members at the four institutions — the Lansing Residential Center and the Louis Gossett Jr. Residential Center, in Lansing, and two residences, one for boys and one for girls, at Tryon Residential Center in Johnstown — routinely used physical force to discipline the youths, resulting in broken bones, shattered teeth, concussions and dozens of other serious injuries in a period of less than two years.

Gov. David A. Paterson said in a statement, “With this historic settlement agreement, New York takes another step towards achieving true transformation of our juvenile justice system.”

Mr. Paterson, who has been trying to address problems plaguing the juvenile system, introduced legislation in June to let judges sentence youths to juvenile prisons only if they had been found guilty of a violent crime or a sex crime or were deemed to be a serious threat to themselves or others. Juvenile prisons house those convicted of criminal acts, from truancy to murder, who are too young to serve in adult jails and prisons.

The federal inquiry began in 2007 after a spate of episodes, including the 2006 death of a disturbed 15-year-old after two employees at the Tryon center pinned him down on the ground.

Two monitors, jointly chosen by federal and state officials, will oversee the state’s efforts to carry out the accord over the next two years, making regular progress reports to a federal judge, who must approve the agreement before it goes into effect.

Money for the new staffing — including a full-time psychiatrist at each of the four prisons, five licensed psychologists and more than a dozen social workers and nurse practitioners — was included in parts of the state budget already approved in Albany.

The state-federal accord, filed in United States District Court in Albany, echoes

recommendations issued in December by a state task force, which found major shortcomings throughout the youth prison system. The task force recommended substantially expanding mental health care and replacing most residential youth prisons with smaller centers closer to communities where most young offenders and their families are from.

While the accord officially applies just to the four institutions cited, state officials said they hoped to use it as a springboard to seek broad changes through the juvenile system, which now houses 667 youths in 26 facilities around the state.

“It continues to move us in the right direction,” said Gladys Carrión, commissioner of the Office of Children and Family Services, which oversees the juvenile justice system. “It’s an affirmation of the work we have done already and of the recommendations of the governor’s task force.”

Ms. Carrión, who has moved aggressively in recent months to cut the number of youths in state custody and to limit the use of force by guards, said she would require all youth prisons in New York to abide by the restrictions on physical restraint. She said the state also planned to hire a chief psychiatrist in the near future to oversee drug regimens and mental health counseling at all of the state’s youth prisons.

But advocates for youths in state custody said they would continue to seek a far-reaching transformation in the juvenile justice system in New York, which they say merely warehouses youths who in most cases need intensive psychiatric care and counseling rather than being locked up.

“The changes will only affect those kids who have mental health needs who are already incarcerated,” said Gabrielle Prisco, director of the Juvenile Justice Project at the [Correctional Association of New York](#). “It doesn’t get to the fact that any of those young people could be safely treated in their communities without ever seeing the inside of a prison cell.”