

Report exposes abuse at New York youth prisons

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Young people in New York State's prisons for youthful offenders have been subjected to systematic mistreatment, according to a US Department of Justice report issued last week.

The report follows a year-long study of four of these facilities; two for boys and two for girls.

All of the residents are less than 16 years old, too young to be sent to adult jails or prisons. More than half of them have been charged with nonviolent misdemeanors, such as truancy, fare evasion in public transport, graffiti and marijuana possession.

"These children desperately need care, rehabilitation and a therapeutic environment but what they're getting is a government-sponsored nightmare of Dickensian physical and mental abuse," said New York Civil Liberties Union Executive Director Donna Lieberman in response to the Department of Justice Report. It was an earlier report on conditions in these facilities issued by the NYCLU and Human Rights Watch that helped lead to the federal probe.

All told, the state's Office of Children and Family Services (OCFS) operates about 30 "residential juvenile justice facilities" throughout New York State. The facilities currently house about 1,000 youth. The four facilities covered by the federal study are located in the upstate towns of Johnstown and Ithaca, New York. The vast majority of the several hundred youth residents in these prisons at any one time are African-American and Latino. Most come from impoverished neighborhoods in the New York City area, between 200 and 250 miles away.

A press release issued by the Civil Liberties Union on August 25 summed up the four major findings of the DOJ report:

- Staff consistently uses excessive force as a way to punish youth and attempt to control behavior

- Staff place children in inappropriate restraints, such as violently pinning a youth face-down on the ground.
- Administrators consistently fail to adequately investigate use of force incidents and often do not take corrective actions for staff members involved in excessive force incidents.
- Staff fail to provide youth adequate mental health care and treatment.

The excessive force has led to broken teeth, lacerations, fractures and concussions. Inappropriate restraints produced 123 injuries alone at only one of the four facilities in the space of one year.

The DOJ report explains the practice of "pin pushing" used by staff at the youth prisons. It is defined as pushing the button on staff radios when youth exhibit resistance to following directions. This brings a response team and typically a violent attack on the offending youth. An official memorandum issued to staff in December 2007 states: "If you 'think,' 'feel,' or 'suspect' that you may have to use physical force – PUSH THE PIN. If a resident is physically aggressive – PUSH THE PIN. If a resident says 'no' or demonstrates defiance in any manner – PUSH THE PIN."

In one specific case described in the report, a youth who went to his room and slammed the door was removed forcibly, sustaining multiple head injuries, abrasions to his elbows and a nosebleed. In another case, a youth who "stormed off" after not being allowed to participate in a basketball game was also forcibly removed from his room, receiving injuries to his face, chin and neck.

When a youth refused to stop laughing loudly he was restrained and handcuffed, and injured in the process. Another youth, who reportedly glared at a staff member

and “invaded [their] space,” was attacked with such force that a previously fractured collarbone was reinjured.

The report also itemizes some of the forcible restraints used against youth, including the “hook and trip” technique, in which staff restrain a youth’s arms behind his or her back, and then trip his or her legs so they fall to the floor face first. This clearly accounts for some of the injuries recorded in various incident reports.

The lack of adequate investigations of the use of force against these youth amounts to granting carte blanche to untrained and in some cases sadistic staff. The report itemizes numerous instances in which staff members who have engaged in mistreatment of youth have been let off with little more than a slap on the wrist.

The report also documents “failure to provide adequate mental health care and treatment” at the four facilities, including not monitoring youth for side effects of medications and insufficient services to address substance abuse problems. Physical force is used as a substitute for medical and therapeutic treatment. According to the OCFS agency itself, three quarters of children in the state’s juvenile facilities have drug or alcohol problems and more than half have been diagnosed with psychological problems.

The DOJ report makes numerous and rather obvious recommendations along the lines of stopping “excessive use of force” and “inappropriate restraints,” as well as prompt investigation of allegations of mistreatment and provision of adequate mental health treatment. The state agency is given 49 days to come up with a plan to comply with these proposals, or face the possibility of a federal lawsuit and federal takeover of the New York youth prison facilities.

It would be wrong to take the proposals and threat of further federal action at face value, however. The DOJ authorities hasten to assure the New York officials that “the collaborative approach the parties have taken thus far has been productive. “ The report adds, “We hope to continue working with OCFS in an amicable and cooperative fashion.”

While the Department of Justice report blows the whistle on some of the abuses at the youth prisons that cannot be ignored, the real source of the social crisis that finds its expression in these conditions is ignored. This source is the widespread poverty that is translated

into the social problems that are met with arrest and punitive treatment. The young people in the New York youth prisons have been swept up in what for most of them will be the first of many contacts with the “criminal justice” system. They are being warehoused and brutalized, prepared not for a decent future but for a life of despair and misery.

The financial, corporate and political establishment that both the federal and state agencies represent is neither able nor willing to provide the jobs and services needed by these working class youth. Instead they criminalize poverty, while dealing with the problem of growing unemployment in areas like upstate New York by creating prison jobs that have the effect of pitting one section of workers against another.

The response of the New York Civil Liberties Union to the Justice Department report shows the severe limitations of an approach that divorces the issues of civil rights and prison conditions from the political and social realities that produce them. In the same press release and New York City Hall press conference at which she correctly exposed “Dickensian physical and mental abuse,” Donna Lieberman of the NYCLU complimented New York OCFS Commissioner Gladys Carrion on “significant policy changes” and simply added that more work was needed.

In fact, conditions remain abysmal and the Democratic politicians now running New York State are carrying out policies that, by making the working class pay for the economic crisis, ensure that conditions like those exposed in the DOJ report will persist and worsen.



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