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Why Reforming the Juvenile-Justice System Is So Hard

By Ken Stier

Among the kids, it was known as Rug Burn City, a reference to the injuries they sustained when guards at the Gossett juvenile prison in upstate New York routinely pinned young offenders face down on the carpeted floor. The restraints were supposed to be an infrequent last resort, but according to a damning recent Justice Department report, they ended up being used regularly as part of a culture of intimidation and control, sometimes for the slightest infractions, such as speaking out of turn, slamming doors and not properly making a bed.

As disturbing as they are, the allegations of abuse are just one of many in the federal report focusing on four of New York State's worst juvenile-justice institutions. The report, which warns that the Federal Government could take over the system if the "constitutional deficiencies" are not remedied, is a shocking indictment of both excessive force and mangled, unprofessional mental-health treatment; one 15-year-old, with no agreed-upon diagnosis, was found to be on six psychotropic medications at once. The unions for the guards and professional staff both say they also want to see improvement but insist that it must be made while recognizing the challenges of dealing with kids who can often become violent. ([Read "Why Juvenile Detention Makes Teens Worse."](#))

But while nearly everyone can agree that the conditions at these youth facilities need to be changed, there is much less consensus about how best to go about doing that. "Nobody said this was going to be easy," says New York State assemblywoman Barbara Lipton, an Ithaca-area Democrat who helped uncover a gross lack of oversight of the entire system. "This is like turning the Queen Mary around."

It may not be easy, but reform advocates like Gladys Carrion, who took over as commissioner of the state's nearly \$4 billion Office of Children and Family Services at the start of 2007, think they know what the broader solution is: changing the culture of a juvenile-justice system that currently uses a correctional model — detaining youth in facilities with varying degrees of security up to prison-like settings — to one more focused on treating the traumas at the root of their bad behavior. Many of the estimated 100,000 young offenders across the nation are from troubled families in which there was parental abuse and neglect. Most have drug- or alcohol-abuse problems, more than half have mental-health problems, and many suffer educational disabilities. No wonder Fred Cohen, a professor emeritus of law and criminal justice at SUNY Albany, says the juvenile facilities have become dumping grounds for society's "throwaway kids." ([See TIME's video "Inside Mexico's Overcrowded Prisons."](#))

Since taking over, commissioner Carrion has tried hard to fix what she says was a "broken system." In addition to hiring 37 mental-health professionals, the feisty Bronx attorney has

significantly restricted the use of physical restraints, created a 24-hour hotline for kids to report abuses and reinvigorated oversight mechanisms, like an ombudsman and independent review board — which most observers (including the state inspector general) agree had been terribly neglected under her long-serving predecessor, John A. Johnson. (Reached at his home in Buffalo, Johnson declined to discuss his tenure or the DOJ report he claimed not to have heard about. "There's the truth, and then there's God's truth, and I believe in the latter," he told TIME.) ([Read "Do Early-Release Programs Raise the Crime Rate?"](#))

As many other states have already found out, changing the juvenile-justice culture is easier said than done. Shifting to what is called a "trauma-based" or "sanctuary model" means training guards (who are formally known in New York as youth-division aides) to better understand how to deal with disturbed kids. But this is a three-year process that has only just begun at some of the state's most troubled institutions, and many of the staff are not particularly well-educated themselves. The transition can also aggravate existing problems, including what the union says is severe understaffing. Training takes staff away from their posts, as do the frequent injuries guards suffer from kids attacking them. Roughly a third of staff are injured in the course of a year, though state officials say many staff injuries occur in the course of resorting to excessive force. ([Read "How to Turn Around a Gang Member."](#))

Guards and other facility staff also say that what they view as the new commissioner's more permissive regime has undermined their authority and made their already stressful, dangerous jobs that much more so. Small infractions like verbal abuse cannot be as readily disciplined — by withdrawing privileges or adding time — and this leads, they argue, to an escalation by kids who feel empowered. "The staff feel alienated from state officials, who they feel are not supporting them enough," says Stephen Madarasz, spokesperson for the New York Civil Service Employees Association (CSEA; Local 1000), which represents the guards and operational staff. State officials, for their part, express frustration that despite retraining, too many of the staff continue to over-rely on force. Most observers admit that the conflict is at least in part a cultural clash between minority kids, mostly from tough New York City neighborhoods, and a largely white, nonurban staff thrown together in a combustible setting.

Staff feelings are still raw over the death last summer of Charles Loftly, 60, after he was attacked during an overnight shift at Tryon Residential Center in Johnstown, N.Y., where he was the sole person watching over 10 kids. According to his union, Loftly responded to a resident's feigned vomiting, only to find himself assaulted by three others who smashed his head with a piece of wood they had ripped from a desk. A colleague in an adjoining wing helped foil the escape attempt, but Loftly suffered headaches for weeks. While out on leave, he had a stroke and died last August. The local Fulton County coroner ruled his death was not work-related, but colleagues are convinced otherwise, said Madarasz. Similar complaints are raised by the New York State Public Employees Federation (NYSPEF), which represents the state facilities' counselors, doctors and other professionals; it reports a spike in assaults against staff and in resident-on-resident violence since the reforms were started.

The dispute is also spilling over into the new commissioner's plan to shift all but the most dangerous, violent kids (estimated to be 10%-20% of the total) from some form of detention to community-based programs. These are far cheaper, and if adequately funded and well-run, they

have proved to be more effective in shrinking recidivism rates; currently it costs as much as \$200,000 a year to keep a kid in a facility, and 80% of those are rearrested before they turn 28. (More than half of those still in detention are in for misdemeanors.)

Unions say the commissioner's reforms are moving too fast — there are now 1,000 kids in detention, down two-thirds from a few years ago — before there has been a sufficient shift of resources. "We are concerned that the commissioner has made this her personal crusade ... and we think it needs to be slowed down," says representative Darcy Mills.

State administrators say the facilities want to continue justifying the need for detention to retain upstate jobs. But unions point to the case of Renee Greco, a 24-year-old supervisor in a halfway house in western New York, who was clubbed to death while playing cards with some of her charges. Her assailants, ages 17 and 18, have pleaded not guilty to charges of second- and first-degree murder, respectively.

Still, for every horror story like that of Renee Greco, there are others like that of Darryl Thompson. A 15-year-old from the Bronx, Thompson died last November at the Tryon boys facility after he pushed a staff member (in anger over being denied recreation time) and was held down in a bathroom by two guards — who together weighed over 400 lb. When Thompson stopped breathing, the guards radioed for medical help but did not administer CPR themselves, as state officials say they are trained and required to do. Though the county medical examiner ruled it a homicide, an upstate grand jury declined to indict the two men. Thompson's mother is suing the state, which is answering the complaint but offered TIME no comment about the case. "There are some tough kids in the system, but Darryl was a basically good kid," says Bob Keach, who is representing the family. "He died because of an argument over rec time — the highlight of his day. That should never happen to any kid, and we're suing so that never happens again."

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