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*****FOR IMMEDIATE RELEASE*****

Legal Aid Calls On Gov. Cuomo, OCFS To Prohibit Face-Down Restraints On Children At Residential Treatment Centers

These Restraints Are Prohibited In Virtually Every Other Residential Child Care Facility In NYS Because They Are Known To Risk Death Or Serious Harm

Dangerous Restraints Have Recently Claimed The Lives Of Two People, A 16-Year-Old in Michigan And A 27-Year-Old In Arizona

(NEW YORK, NY) – **The Legal Aid Society**, in a recently issued [letter](#), called on New York State Governor Andrew Cuomo and New York State Office of Children and Families (OCFS) Commissioner Sheila Poole to end the use of “prone” or face-down restraints on children living in Residential Treatment Centers (RTCs). These restraints are prohibited in virtually every other residential child care facility in NYS because they are known to risk death or serious harm.

Recent events have tragically brought to the fore the need for immediate reform. On May 1, 2020, 16 year old Cornelius Frederick [died](#) of cardiac arrest following a physical restraint where multiple staff placed their weight on the teen's chest, abdomen and legs at a residential placement in Michigan. Michigan Governor Whitmer revoked the facility's license, and took the bold step of prohibiting the use of all physical restraints in of Michigan's licensed child care facilities.

Last week it was reported that in Arizona, a 27-year-old man [died](#) from a combination of physical restraint and cardiac arrest involving cocaine intoxication in the course of a prone restraint. As the New York Times reported, “[f]or years, many departments have trained officers that people held face down, in what is known as ‘prone restraint,’ are more likely to die suddenly of positional asphyxia because they have difficulty expanding their chest to bring in air.”

Similar, appalling tragedies have occurred in NYS as several children in the care of OCFS or under its supervision have died or suffered catastrophic injuries from prone restraints.

- In April, 2019, a developmentally delayed New York City foster child in an RTC suffered devastating and catastrophic injuries, including quadriplegia, after reportedly being subjected to a prone restraint.
- In 2012, a 16-year-old boy with special needs died after being subjected to a prone restraint by four staff members at an OCFS licensed RTC.
- In 2006, a young teen from the Bronx died after being held in a prone restraint on the bathroom floor by multiple staff at an OCFS operated juvenile justice facility.
- Finally, a 14-year-old boy suffer[ed] serious and permanent physical and mental injuries following successive prone restraints by OCFS staff in 1996 at an OCFS juvenile justice facility. Such cruelty and depravity has no place in the child “welfare” system.

The letter states:

Prone restraints are impermissible in virtually every other residential setting in New York State. The NYS Office of Mental Health (OMH), the NYS Office for People with Developmental Disabilities (OPWDD) and NYC’s Administration for Children’s Services Children’s Center all prohibit the use of prone restraints. OCFS’ own Division of Juvenile Justice and Opportunities for Youth (DJJOY) and ACS’s Division of Youth and Family Justice also prohibit the use of prone restraints on children in residential care, except as a transitional hold for a maximum of three minutes. Several states and federal agencies also ban prone restraints. In its guidance to state education departments, the federal Department of Education warns that “[p]rone restraints should never be used because they can cause serious injury or death.”

Action to prohibit the dangerous use of prone restraints in Residential Treatment Centers is overdue. We urge New York State to do so before any more children are harmed or killed by this practice.

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