



December 1, 2020

Contact:

Redmond Haskins
The Legal Aid Society
(929) 441-2384
rhaskins@legal-aid.org

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

***Legal Aid Secures end of Prone Restraint Practice Used on Youth in OCFS
Overseen Residential Facilities***

***Push to End Dangerous Restraint Practices Recently Claiming two Lives Results
in Statewide Change***

(NEW YORK, NY) – The Legal Aid Society announced that it had secured a guarantee from the New York State Office of Children and Family Services (OCFS) that the agency [will no longer employ “prone” restraints or face-down restraints](#) on children living in residential treatment centers (RTCs) or in any OCFS overseen facilities throughout New York State. These restraints had long been prohibited in virtually every other residential child care facility in New York because they are known to risk death or serious harm. [Proposed regulations](#) recently issued reflect the newly adopted prohibition, likely to affect hundreds of children statewide.

"The use of prone restraints on children in any setting has always been an inhumane and barbaric practice, capable of inflicting significant harm and trauma," said **Dawne Mitchell, Attorney-in-Charge of the Juvenile Rights Practice at The Legal Aid Society**. "The Legal Aid Society lauds Governor Cuomo and OCFS for making the right and moral decision to eradicate this practice for good."

OCFS oversees and licenses residential facilities housing children in New York State in the child welfare system, the juvenile justice system, and the immigration system.

Background:

In a [letter](#) issued earlier this year, Legal Aid called on New York State Governor Andrew Cuomo and OCFS Commissioner Sheila Poole to end the use of “prone” or face-down restraints on children in foster care placed in RTCs. Litigation by Legal Aid and by the U.S. Department of Justice had previously ended the use of prone restraints in certain OCFS operated facilities holding youth in the juvenile justice system.

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 Michigan's licensed child care facilities.

In June, 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 disabled 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 suffered 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 Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org