

Ombudsman sought for youths in custody

Advocates cite DYS abuse cases

By Ken Maguire, Associated Press | March 3, 2008

Advocates for children in the custody of the Department of Youth Services say recent incidents of alleged staff misconduct highlight the need for an ombudsman to provide better oversight of the system charged with caring for some of the state's most troubled youth.

In one case, the department suspended its contract with the Ella Baker House after a staff member was accused of raping a girl there. In another, an assistant supervisor at a South Hadley facility allegedly sexually abused a teenage girl. In other cases, staffers were accused of conducting improper strip searches.

An ombudsman would provide children and families a resource to help deal with problems, many of which go unreported, advocates say.

"We have lack of training, incredibly poor salaries, it's a very stressful work environment. There are going to be mistakes made," said Lael Chester, executive director of Citizens for Juvenile Justice, a statewide organization. "There's no independent body for addressing the problems. I think it's a recipe for disaster."

The Associated Press contacted each state agency that oversees juvenile correction centers and asked for information on the number of deaths and allegations and confirmed cases of physical, sexual, and emotional abuse by staff members since Jan. 1, 2004.

According to the survey, more than 13,000 claims of abuse were identified in juvenile correction centers nationwide from 2004 through 2007. The total population of detainees was about 46,000 at the time the states were surveyed in 2007.

In Massachusetts, which has about 1,370 youths committed to the Department of Youth Services, there were three confirmed cases of sexual abuse involving staff on youths, and 11 cases of other abuse by staff, during the three-year period.

But Francine Sherman, a Boston College law professor who runs the Juvenile Rights Advocacy

Project, said many cases go unreported out of fear of reprisal. She said clients should have better access to lawyers. In the current system, legal representation ends when the youths are sentenced to the care of DYS.

"Kids can make appointments, talk about whatever they want," she said of the district's program. "Transparency and access to counsel is extremely important to make sure kids stay safe."

In response to two suicides, in December 2003 and February 2004, DYS implemented a \$2.5 million Safety First initiative that involved hiring new staff and systemwide training on suicide prevention.

"Human beings being what they are, there's always room for improvement," Tewksbury said.

Tewksbury also pointed to Governor Deval Patrick's recent executive order creating an Office of the Child Advocate to investigate problems in any agency under the Health and Human Services division. The child advocate would work in the executive branch, which some argue builds a barrier to independence.

DYS staff are required by law to report workplace violations to a superior, including clients' assertions of abuse.

In 2006, DYS or the companies it hires to run its 63 facilities fired six staff members, and disciplined or retrained eight others for violations including alleged sexual and physical assaults on clients, having sexual relationships with clients, and conducting improper strip searches, according to an AP review of serious incident reports.

Among the probes was an allegation that a counselor at the Baker House in Dorchester raped a 17-year-old girl in January 2006. The girl, who was committed to DYS care two years prior for charges of larceny from a building, said she was raped in a bathroom.

Derek Patrick, 37, pleaded guilty last June to four counts of engaging in sex for a fee with the alleged victim. The rape charge was dropped. He was sentenced to two years' probation. ■

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