

State Capitol Briefs – State House News Service

Reps fault DYS policy on assaulted workers

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State representatives from Lowell and Worcester blasted a state agency Tuesday, alleging the Department of Youth Services puts the rights of inmates above those of its own employees. Reps. William Golden of Lowell and Vincent Pedone of Worcester called on members of the Children, Families and Individuals with Disabilities Committee to pass legislation (H 2677) requiring department managers to notify district attorneys or a state law enforcement agency whenever a DYS inmate assaults a staff member, regardless of the age of the inmate or the level of the assault. The bill would also require the department, the state's juvenile justice agency that runs community programs and high security lockups, to take steps to facilitate formal criminal charges against the prisoner who commits the assault.

Pedone said the bill will take the burden of filing charges off DYS employees, who he said must currently file charges as private citizens. "Employees who have made the decision to file charges against inmates have been and will continue to be retaliated against," Pedone testified. "This legislation will lessen the ability of inmates to retaliate as the department will be required to file charges, and the address of the facility, not of the employee, will be listed." Pedone said DYS officials have told him they don't wish to file charges against inmates "because legal consequences often do not have a positive outcome in changing their behavior."

Pedone praised the department's diversion program targeted at first-time non-violent offenders, adding, "In my estimation, however, repeat violent offenders have lost their right to coddling and time-outs as punishment and should suffer consequences as severe as their crimes."

In written testimony, Lael Chester of Citizens for Juvenile Justice opposed the bill, noting most youth in DYS custody have been victims of abuse or neglect, suffer from mental illnesses or substance abuse problems or have learning disabilities. Chester said DYS "needs to prevent and stop any physical assaults and hold kids accountable," adding, "DYS has access to a number of effective tools for dealing with negative behaviors of these youth, from training staff on de-escalation techniques to confining youth to their rooms. Furthermore, DYS staff always has the option of reporting serious physical assaults to the police and pursuing criminal charges. Creating new categories of criminal offense with draconian adult sentences is unnecessary."

Golden told committee members the department could solve the problem administratively and said his colleagues, apprised of the problem, have been incredulous. "I think it's absolutely outrageous that this is happening," Golden said. "When we talk about this in the House chamber, nobody actually believes this is even happening."