

Should Pepper Spray Be Used on 'Raise the Age' Teens in NY? Debate Continues After Waiver

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By Emma Davis

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NEW YORK — When Ron started working at Horizon Detention Center in early October, he expected the Bronx facility to be full of “ra-ra, rowdy” teens. To his surprise, the residents were calm, even respectful, and the bright, clean halls reminded him of a dormitory.

“I was even asking my team, ‘Where are the bad kids? Where are these bad kids that they’re talking about?’” said Ron, a service provider who visits Horizon six times a week and asked not to be identified by his real name for fear of costing his employer access to the facility.

Horizon made headlines for fights between correction officers and residents in October, after 92 teens were transferred to the facility from Rikers Island under New York's "[Raise the Age](#)" law. In addition to raising the age of criminal responsibility to 18, the law required 16- and 17-year-olds previously charged as adults to be removed from Rikers by Oct. 1.



Within two weeks of the law's implementation, at least 39 correction officers and 31 residents were injured in brawls at Horizon, according to [an independent monitor's report](#) for the city [Department of Correction](#). The [Correction Officers' Benevolent Association](#) (COBA) then sued the state for permission to deploy pepper spray at the facility, calling it a matter of life or death.

"Every day that goes by without the use of this invaluable tool increases the chances for Correction Officers to be seriously injured, if not killed, by assaultive inmates at Horizon," said COBA President Elias Husamudeen in [a press release](#).

Spray can be used for a week

The DOC and city [Administration for Children's Services](#) (ACS), which share oversight of Horizon, increased safety measures at the facility, including bolting furniture to the floor and frosting windows in the classrooms. Yet even as ACS and DOC [reported](#) that violent incidents had decreased since the changes, they were working with the state to secure the use of pepper spray at Horizon.

Though the state is initially offering a seven-day waiver for pepper spray, it's a step that Ron and most proponents of Raise the Age strongly oppose.

"I don't think it's the right tool, and I absolutely don't think they should be allowed to use it," said Kate Rubin, policy director for legal service organization [Youth Represent](#).

Ron, who attributes the earlier fights at the facility to an "adjustment period" for both the residents and correction officers, said pepper spray would be an unnecessary level of force.

"You could put two adults against one of those teens, the biggest teen, and you could still hold him, put him under restraints," Ron said. "These are not grown men."

Jimmey DeMoss, whose son was released from Horizon two weeks ago, said he worried more about the correction officers than the other teens at the facility.

"They never give us the reason why they get into these altercations," said DeMoss, 67, a former PTA president in Queens. "I heard the officers was very disrespectful to those kids in there, and a lot of these kids are not going [to stand] for being disrespected."

Adult culture?

Only six states — California, Illinois, Indiana, Minnesota, Nevada and Texas — authorize staff to carry pepper spray in secure juvenile detention, according to a brief from the Council of Juvenile Correctional Administrators scheduled for publication in January 2019.

Rubin fears that bringing in pepper spray will replicate the “adult correctional culture” that residents experienced at Rikers.

For the same reason, Rubin objects to the presence of adult correction officers at Horizon, which ACS ran exclusively before the passage of Raise the Age. The new law gave the DOC partial control of Horizon and its sister site Crossroads in Brooklyn, creating unprecedented “hybrid facilities” under higher security certifications, Rubin explained.

“There’s no research-based or practice-based rationale for creating hybrid facilities. It was just political compromise,” said Rubin, adding that “a lot of the stuff that was in the final [Raise the Age] bill was never discussed in any kind of public forum.”

Because of a shortage of ACS employees, known as youth development specialists (YDS), correction officers serve as Horizon’s primary staff. There are 295 such correction officers, according to a DOC spokesman. Crossroads, which houses youth under the age of 17 charged with lower-level crimes, continues to be fully staffed by YDS.

ACS launched a hiring campaign for YDS in June and is currently processing background checks for 232 candidates who have accepted job offers. The agency will replace correction officers at Horizon as YDS become available, said ACS Director of Communications Marisa Kaufman.

“We need to ensure adequate staffing levels at Crossroads before moving youth development specialists anywhere else,” she said.

Anthony Wells, president of the Social Services Employees Union Local 371 representing YDS, has criticized the staffing situation at Horizon, arguing that residents aren’t receiving the same counseling as their peers at Crossroads.

However, he said he is “all for the use of [pepper] spray” at Horizon.

“If you don’t have that, residents get hurt,” Wells said. “They don’t get hurt necessarily by corrections officers, they get hurt by each other.”

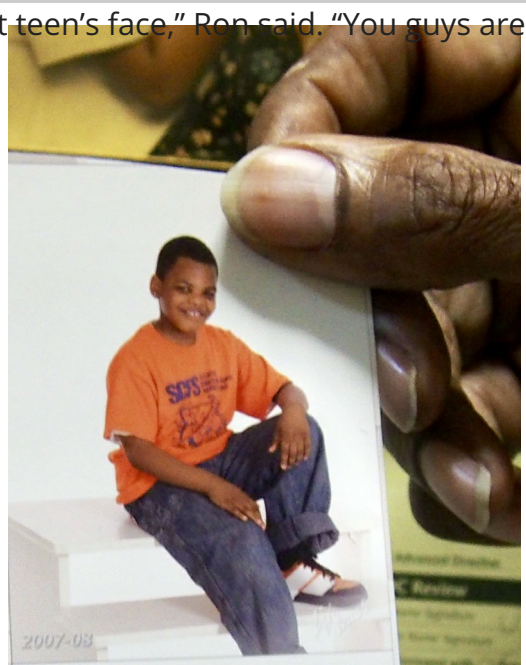
Boundaries and being obnoxious

Ron said residents’ language can feel like a challenge to staff, who may not remember the 16- and 17-year-olds are testing boundaries.

"[If] you take offense as an adult, now you're in that teen's face," Ron said. "You guys are going back and forth, so now he thinks he has the power with you to actually fight you."

The use of pepper spray could contribute to these types of "coercive interactions," which "decades of research" have indicated as a factor in youth's anti-social behavior, said Edward Mulvey, a professor of psychiatry at the University of Pittsburgh.

"You're trying to get the other person to comply, and you're going to do that by doing something that's more obnoxious than the last thing they did to you," said Mulvey, author of a seven-year study that found the majority of serious teen offenders desist from crime as they mature.



Jimmy DeMoss, 67, holds up a childhood photo of his son, who was recently released from Horizon Detention Center.

Neither ACS nor the DOC provided a timeline for the approval of the weeklong waiver, and a spokesperson from the New York State Office of Children and Family Services could not comment due to pending litigation.

In the meantime, daily exercise has helped the teens adjust to Horizon, Ron said, and given them an opportunity to bond with correction officers. But it's a side of their relationship that rarely makes the news, especially with COBA's push for pepper spray at the facility, he said.

"We don't see the kids playing basketball with correction officers, [them] playing cards," Ron said. "How come we don't hear about that happening?"

This story has been updated.