

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil No. 1:10-CV-0858(FJS/DRH)
THE STATE OF NEW YORK and)	
THE NEW YORK STATE OFFICE)	
OF CHILDREN AND FAMILY)	
SERVICES,)	
)	
)	
Defendants.)	
_____)	

Joint Motion to Dismiss

The parties, the United States, the State of New York, and the New York State Office of Children and Family Services, pursuant to the Settlement Agreement entered in this action on July 19, 2010, jointly move this Court to enter an order dismissing Finger Lakes Residential Center (Finger Lakes) from the Settlement Agreement. Finger Lakes has maintained substantial compliance for twelve consecutive months and, under the terms of the Settlement Agreement, can now be dismissed from the case.

1. On December 14, 2007, pursuant to its authority under the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997, and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the United States initiated an investigation into conditions at four state-operated juvenile facilities: Finger Lakes Residential Center and Lansing Residential Center in Lansing, New York, and Tryon Residential Center and Tryon Girls Center in Johnstown, New York.

2. On August 14, 2009, the United States issued a Findings Letter pursuant to 42 U.S.C. § 1997(a)(1), which concluded that certain conditions at the facilities violated the constitutional rights of juveniles committed to the facilities.

3. To resolve issues relating to use of restraints; use of force; use of psychotropic medications; utilization of trained investigators to review staff misconduct; development of a behavior treatment program; development of a mental health program; treatment, prevention, and education of youth with a history of substance abuse; and development of a comprehensive quality assurance program, the parties agreed to enter into a Settlement Agreement. The Settlement Agreement required the State of New York to take specific steps to remedy identified deficiencies in the above areas.

4. The Settlement Agreement, filed simultaneously with the underlying Complaint in this action, was entered by this Court on July 19, 2010.

5. In January 2011, the State closed Tryon Residential Center. Tryon boys who continued to require OCFS facility placement at the time of the closure were transferred to other existing OCFS facilities, among them Finger Lakes Residential Center which was already subject to monitoring under the Settlement Agreement.

6. In August 2011, the State closed Tryon Girls Center. Tryon girls were moved to Taberg Residential Center for Girls (Taberg) and Columbia Girls Secure Center (Columbia). Both parties agreed that Taberg and Columbia would be monitored under the Settlement Agreement.

7. In August 2013, the State closed Lansing Residential Center, and the girls who continued to be in OCFS custody at the time of the closure were released to community supervision.

8. On September 4, 2014, the parties jointly moved for Columbia to be dismissed because it maintained substantial compliance for twelve consecutive months. On September 8, 2014, this Court issued an Order dismissing Columbia.

9. Based upon its monitoring of the Settlement Agreement, including site inspections of Finger Lakes and review of the monitors' compliance reports, the United States has concluded, and the State of New York agrees, that Defendants have implemented all terms of the Settlement Agreement for Finger Lakes by maintaining substantial compliance for twelve consecutive months. Under the terms of the Settlement Agreement, Finger Lakes can now be dismissed from the case as required under Section V, paragraph 77(c), of the Settlement Agreement.

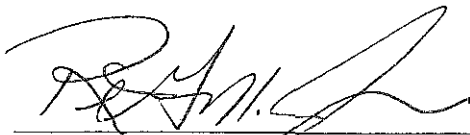
The parties jointly move this Court to enter the attached proposed order dismissing Finger Lakes Residential Center from the July 19, 2010 Settlement Agreement.

Respectfully submitted,

ON BEHALF OF THE PLAINTIFF

VANITA GUPTA
Principal Deputy Assistant Attorney General
ROBERT MOOSSY
Deputy Assistant Attorney General
Civil Rights Division

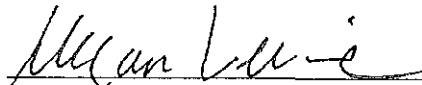
JUDY PRESTON
Acting Chief
WINSOME GAYLE
Special Counsel
Civil Rights Division
Special Litigation Section



REGINA M. JANSEN
Senior Trial Attorney
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

ON BEHALF OF DEFENDANTS

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York



MEGAN LEVINE
Deputy Attorney General, Of Counsel
Bar Roll No. 516377
The Capitol
Albany, NY 12224
Phone: (518) 776-2746
Facsimile: (518) 915-7741
Email: Meg.Levine@ag.ny.gov



SUZANNE MILES-GUSTAVE
Deputy Commissioner and General Counsel
New York State Office of
Children and Family Services

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil No. 1:10-CV-0858(FJS/DRH)
THE STATE OF NEW YORK and)	
THE NEW YORK STATE OFFICE)	
OF CHILDREN AND FAMILY)	
SERVICES,)	
)	
)	
Defendants.)	
_____)	

ORDER

The parties' Joint Motion to Dismiss Finger Lakes Residential Center from the Settlement Agreement is hereby GRANTED. This order has no bearing or effect upon the remaining facility and provisions covered by the Settlement Agreement. IT IS ORDERED THAT the Clerk of the Court shall dismiss Finger Lakes Residential Center from the Settlement Agreement in the above-styled case. The Clerk is directed to notify the parties of entry of this Order.

Dated the ___ day of _____, 2015.

United States District Judge