

# Testimony of the Children's Defense Fund – New York

Before the Council Committees on Fire and Criminal Justice Services,  
and Juvenile Justice

Oversight - Examining the Treatment of Adolescents in New York  
City Jails and Reviewing the United States Department of  
Justice's Report on Violence at  
Rikers Island.

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Good Morning. My name is Beth Powers. I am the Senior Juvenile Justice Policy Associate at the Children's Defense Fund – New York. Thank you to Councilmember Crowley and members of the Committee on Fire and Criminal Justice Services as well as Councilman Cabrera and the members of the Committee on Juvenile Justice for the opportunity to testify today.

The Children's Defense Fund's (CDF) Leave No Child Behind® mission is to ensure every child a *healthy start, a head start, a fair start, a safe start and a moral start* in life, and successful passage to adulthood with the help of caring families and communities. It is with this mission in mind that CDF-NY brings a holistic approach to advocating for children at each stage of their youth. Across New York State, we act as a resource and partner for children, families and organizations, and are recognized as an authority in the endeavor to protect children and strengthen families. Our unique approach to improving conditions for children combines research, public education, policy development, community organizing and advocacy activities, making us an innovative leader for New York's children in the areas of health, education, juvenile justice and early childhood development.

In August, the United States Department of Justice's (DOJ) released findings from its two-year investigation into the treatment of adolescents at Rikers Island. The report supported what advocates, monitors, and countless others have long proclaimed: *adult jails are no place for adolescents*.

The DOJ found that adolescents at Rikers are regularly subject to excessive and unnecessary use of force and are inappropriately subject to punitive segregation. With concrete, documented evidence of instances of violence and abuse of solitary confinement, it's clear that the City must act immediately.

Teens and young adults are different from adults and must be treated with age appropriate interventions. Neuroscience supports that development continues into the mid-twenties. This continuing development affects brain areas responsible for impulse control, planning, and thinking ahead, amongst others. As a result, youth exhibit more impulsive behavior with less ability to focus on consequences of behavior. These truths put youth in a dangerous position in adult jails, where their social, emotional and developmental needs are inadequately addressed.

As New York State continues to classify adolescents as adults when it comes to criminal responsibility, sizeable amounts of adolescents end up in New York City's adult jails daily.

My testimony today will focus on three points raised by the DOJ report: removing youth from Rikers Island, decreasing the use of punitive segregation, and the needs of older adolescent and young adult populations.

I would like to note that while the DOJ investigation focused solely on adolescent boys at Rikers Island, at CDF-NY we believe fiercely that any reforms made for youth at Rikers must consider and address the unique needs of adolescent girls and LGBTQ youth as well.

CDF-NY firmly believes that no youth should be in an adult jail or prison.

Study after study has shown that youth housed in adult jails and prison have far higher rates of recidivism. Youth transferred to the adult system have 34% more re-arrests than youth who remain in the juvenile system. In addition to being ineffectual in terms of increasing public safety, youth in the adult system face high rates of abuse. Youth in adult facilities are twice as likely to be beaten by staff and 50% more likely to be attacked with a weapon than youth in youth facilities. Youth in adult facilities also face high rates of sexual victimization. They are also 36 times more likely to commit suicide in adult versus juvenile facility. The DOJ report clearly documents countless instances in which youth are mistreated on Rikers Island.

We strongly support the DOJ's recommendation to remove all youth from Rikers Island, and urge further that all youth be removed from the custody of the Department of Correction (DOC). Allowing for more of the same to continue in a different DOC facility is unacceptable. Research suggests that all youth benefit best from age appropriate interventions, regardless of the crime for which they were charged, and we believe such an approach to youth must be developed by the City separate and apart from current DOC practice.

In the interim, CDF-NY supports the numerous recommendations of the DOJ report aimed at improving safety at Rikers. We particularly support the DOJ's recommendation to improve training for officers working with the adolescent population. Appropriate training to work with this complex and high needs population is vital to ensure corrections officers are equipped to handle the special needs of detained young people and keep them safe. We strongly encourage the DOC to develop population-appropriate training for officers working not only with the 16 and 17 year old population, but 18-24 year olds as well. Additionally, there is an urgent need for comprehensive evidence-based and/or proven programming and services to address the academic, social, health and mental health needs of young people and not simply contain them in dangerous environments that exacerbate their special needs.

In regard to punitive segregation, the DOJ clearly documents abusive use of punitive segregation at Rikers. Young people in solitary are denied basic elements necessary for positive development: an adequate education, age appropriate services, appropriate mental health care, contact with family, appropriate nutrition, and physical activity.

The harms of isolation for people of all ages are well documented. The United Nations Committee on Torture and the European Court of Human Rights have both deemed solitary confinement to be forms of torture and a violation of human rights. In their 2011 report, *Growing up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States*, the American Civil Liberties Union (ACLU) and Human Rights Watch (HRW) examined the detrimental effect isolation has on adolescents and ultimately recommended prohibiting the use of solitary confinement for youth. Adolescents subjected to solitary confinement risk even further damage than the already horrendous effects to adults given their active development. Solitary confinement can hinder the ability of a young person to rehabilitate, can force the emergence of or exacerbate existing mental health concerns, and can be physically harmful due to the denial of necessary physical exercise. As a result of a lawsuit

brought by the New York Civil Liberties Union (NYCLU), the New York State Department of Corrections and Community Supervision (DOCCS) recently agreed to remove adolescents, pregnant women, and inmates with developmental disabilities from extreme isolation in New York state prisons.

The DOJ investigation revealed that DOC regularly subjects adolescents to punitive segregation that is “excessive and inappropriate”. The DOJ found that 15-25% of youth were in isolation at any given time and that many of these youth were in this extreme form of punishment for non-violent infractions. The NYC Board of Correction found last fall that of youth in isolation at Rikers, 73% were diagnosed as either seriously or moderately mentally ill, almost double the 39% in the jail population as a whole.

CDF-NY applauds the New York City Council for their leadership in bringing transparency to the overuse of isolation through the recent passage of legislation to mandate reporting on the use of punitive segregation at Rikers Island, and urgently supports DOJ recommendations to develop alternatives to lengthy isolation and the use of isolation for youth with mental health concerns.

It is our hope that the DOC will develop separate age appropriate interventions for the adolescent and young adult (18-24) populations in City jails that allows for safety to be maintained and positive programming to be implemented and accessed by all adolescents and young adults. CDF-NY is very encouraged by the recent news that the DOC intends to end the use of isolation for teens at Rikers. We strongly encourage the DOC to follow through on this plan for all adolescents as well as young adults under age 25 at Rikers.

Earlier this year, Governor Cuomo announced the creation of the Commission on Youth, Public Safety and Justice that is charged with providing concrete recommendations to raise New York’s age of criminal responsibility, improve outcomes for youth, and enhance public safety. The Governor clearly acknowledged that just as New York has been a leader in juvenile justice reforms with efforts such as Close to Home, it is time to ensure that the criminal justice system is better aligned with the most recent, evidence-based research on practices that provide age-appropriate, rehabilitative responses to youth. As a member of the Commission, CDF-NY believes that New York is on the cusp of moving from the one of two states marred by this practice, to being a national leader on criminal justice reform for young adults.

New York City and State have a tremendous opportunity to vastly improve outcomes for youth and communities by using the DOJ findings to rectify long-standing policies and practices that have failed. We are encouraged by the efforts the City has taken thus far to end solitary confinement and eagerly anticipate further reforms. We are hopeful that the Commission on Youth, Public Safety and Justice’s efforts to comprehensively raise the age combined with the leadership of New York City to end the abuses at Rikers Island, remove adolescents from adult jails and develop age appropriate responses for adolescents and young adults in confinement, will allow us to be a national leader on criminal justice reform for young adults.

Thank you for the opportunity to testify.

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