

Testimony of the Children's Defense Fund – New York

Before the New York City Council
Committee on Fire and Criminal Justice Services

Fiscal Year 2016 Preliminary Budget Hearing

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Submitted by:

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Good Morning. My name is Beth Powers. I am a Senior Juvenile Justice Policy Associate at the Children's Defense Fund – New York. Thank you to Councilmember Crowley and the other members of the City Council Committee on Fire and Criminal Justice for this 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.

My testimony today will address the Fiscal Year 2016 Preliminary Budget with particular attention to the needs of young people impacted by New York's criminal justice system.

Neuroscience suggests that brain 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. For meaningful intervention to be made possible, young people need access to age-appropriate interventions. Youth in adult corrections are by definition detained within a system that is not designed to meet their needs. It is imperative that the Department of Correction (DOC) tailor services to young people under their jurisdiction to ensure their needs are appropriately met.

We have been greatly encouraged by Commissioner Ponte and the DOC's acknowledgement of the unique needs of older adolescents and young adults and are encouraged by funding allocations directed towards this population.

In 2014 the DOC eliminated the use of punitive segregation for 16 and 17 year olds and banned their placement in the newly created and highly restrictive Enhanced Supervision Housing Units. It is widely accepted that prolonged isolation is excessively harmful. 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. A recent report issued by the New York Advisory Committee to the U.S. Commission on Civil Rights details the detrimental effects of solitary confinement on young people in New York jails and prisons. The report recommends the elimination of solitary confinement for adolescents and young people up to age 25. 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.

In 2014 the DOC requested a variance from the Board of Correction (BOC) to allow 18-21 year old inmates to be housed together citing age-appropriate services and entitlement to educational services as benefits to housing these young people together. We are enthusiastic about the DOC's acknowledgement of the need for unique supports for young people 18-21 years old. It was made clear in the BOC approval of the creation of Enhanced Supervision Housing Units that the DOC intends to eliminate the use of punitive segregation and Enhanced Supervision Housing for 18-21 year olds pending funding for appropriate staffing and alternative programming. It is our hope that funding be provided by this year's budget to allow the DOC to no longer subject 18-21 year old adolescents and young adults to harmful practices of isolation, and to provide age-appropriate services and interventions to young people within the DOC.

CDF-NY urges the City of New York to support the DOC in developing age-appropriate interventions for the adolescent and young adult population in NYC jails that allow for jail safety to be maintained and positive programming to be accessed by all young people without exposing them to practices that are known to be detrimental to their well-being. **This in mind, we support funding included in the FY2016 Preliminary Budget to provide a 1:15 staff to inmate ratio for young adult housing units as well as training to correction officers to provide a higher quality of services to young adults confined on Rikers Island. We urge the New York City Council to ensure adequate funding be included in the final budget to provide appropriate settings and programming for 18-21 year old adolescents and young adults at Rikers Island.**

Thank you again for the opportunity to testify.