



**TESTIMONY OF MELISSA CLARKE
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Before the New York City Council

Committee on Criminal Justice

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The Children's Defense Fund-NY would like to thank you Chair Powers, and members of the committee on Criminal Justice for the opportunity to testify before you today. My name is Melissa Clarke and I am the Youth Justice and Child Welfare Policy Associate at Children's Defense Fund NY.

At Children's Defense Fund our mission and sole purpose is to ensure every child receives a healthy start, fair start, safe start, and moral start in life so that they are able to achieve a successful passage into adulthood with the help of caring families and communities. We provide a strong, effective, and independent voice for all children who cannot vote, lobby, or speak for themselves. 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, particularly in the areas of health, education, early childhood, child welfare and youth justice.

We serve on the Department of Correction's Youth Advisory Committee, and our Freedom School summer literacy program serves youth in the Administration for Children's Services' (ACS) detention facility, Horizon.

With that mission in mind, I am here to speak for the youth whom are behind the wall experiencing extreme violence while in the City's custody. The [Nunez Consent Judgment](#) called for a restructuring of policies, procedures, and staff training in order to address and reduce the use of excessive and unnecessary force against incarcerated adolescents. Whether we are looking at the violence by facility, or by age, the data shows that even with the systems' population decreasing, the number of violent incidents continues to be on the rise.¹

Violence on Rikers Island

The Department of Correction (DOC) manages eight facilities on Rikers Island. On Rikers Island, individuals of all age groups are experiencing violence. However, young people between the ages of 16 and 18 are experiencing violence at a much higher rate than their older adult peers. DOC's use of force against adolescents and young adults rates this year reached their highest levels since 2016. In the jail

¹ <http://tillidgroup.com/wp-content/uploads/2019/10/8th-Monitors-Report-10-28-19-As-Filed.pdf>, at 3-16.

for young adults (18 to 21), Use of Force against youth has increased 174%.² The Department's use of force against young people 18 years old is the highest--up 202% since 2016.³

More than half (56%) of the violent incidents are occurring in the housing areas, where incarcerated people spend most of their time, and where effective relationships between youth and corrections officers is essential.⁴ This, however, does not exist; "[t]he Facility's level of disorder and rate of use of force are simply unsafe and the Department's limited efforts to reduce them have thus far been ineffective."⁵ The monitor found that "staffing assignments and practices revealed virtually no consistency, meaning that staff and inmates do not have the opportunity to become familiar with each other which severely limits staff's ability to detect rising tension and prevent it from escalating into violence. Similarly, the lack of constructive coaching relationships between supervisors and line Staff have limited Staff's ability to develop and hone these essential skills."⁶ This creates a frightening, hostile, and unnecessarily escalated environment for youth – and all people – on Rikers.

Violence in Horizon Juvenile Center

The State's Raise the Age law allowed for us to begin to remedy a culture that has harmed our young people in unspeakable ways. As a result of this law, 16 and 17 year olds who were incarcerated on Rikers Island were relocated to Horizon Juvenile Center.

However, even with a declining youth population, the violence in Horizon continues to rise. Rates of use of force on adolescents continues to trend upward. The federal monitor reported that Use of Force by DOC staff against youth was higher in June 2019 than in any period since the adolescents were moved to Horizon in October 2018. The report states that "effective strategies are needed for supervising and supporting these youth to reduce the risk of harm they pose to other youth and staff."⁷ As of June 2019, the monitor found that Horizon did not have an individualized behavior management program in place, facility staff lacked skills in developing effective relationships and working constructively with youth, the classification system was not properly implemented, and there was evidence that the facility was not using its room confinement policy correctly.⁸

It is essential that DOC make progress toward its obligation to move away from these failed tactics and move with more urgency to better support our young people. Thank you for holding this hearing and focusing attention on the lack of safety for youth in our City's jails.

If you have any questions concerning this testimony, please contact Melissa C. Clarke, Youth Justice and Child Welfare Policy Associate, at mcclarke@childrensdefense.org.

Thank you.

² *Id.* at 24.

³ *Id.* at 26.

⁴ *Id.* at 28.

⁵ *Id.* at 255.

⁶ *Id.* at 253.

⁷ *Id.* at 222.

⁸ *Id.* at 223-24.