

Department of Correction
Statement to the New York City Council
Committees on Fire and Criminal Justice Services and Juvenile Justice
Oversight: Violence Against Adolescents at Rikers Island
By Martin F. Horn, Commissioner
February 23, 2009

Good morning Chairs Martinez and Gonzalez and Members of the Council.

When I appeared before you three months ago, it was against the tragic backdrop of the death of Christopher Robinson, and I testified in detail about the challenges presented by adolescents in our jails and the numerous steps we had already taken to keep them safe. These included: launching the Institute for Inner Development; video camera installation; classification procedures; creating a variety of new housing areas to enhance our ability to separate vulnerable from predatory inmates; gaining the authority to listen to inmate phone calls; requiring all people in custody to wear department-issued sneakers; enhancing supervision of commissary, and the use of telephones and television; investigating all fights and serious injuries; and investigating any and every allegation of staff wrongdoing.

I also told you that we encourage inmates and family and friends to report concerns and provide numerous avenues for them to do so, and that we hold monthly meetings with the Department of Investigation to review incidents and discern patterns. I described some of the programs we provide to address the special needs of adolescents, and I reviewed, as well, some of the newest efforts that are underway.

Members of the Council, it should be clear that we have been moving aggressively to improve operations and safety at RNDC. But we have never sat idly by. Telephone and correspondence controls are tools we sought, and won, to help us identify staff misconduct as well as inmate on inmate violence. As early as 2005 we sought amendments to the City's Minimum Standards in order to listen to outgoing phone calls to obtain critically needed intelligence information and evidence, and the Board of Correction amended their standards last year. As I stated to the Board of Correction in April 2007, "Most of the time, the victim [of a fight] won't testify against his or her assailant." Phone monitoring helps us "to learn who is smuggling contraband and how; to prove, often after the fact, who among our staff might have compromised the safety of their brother and sister staff by smuggling contraband or have engaged in prohibited contact." And I might add that it was this capacity that gave the prosecutors one of the leads they followed in making the case to indict the alleged Christopher Robinson killers.

Since we last met, we have made considerable progress, and I will report on that today.

Also since then, and with the full cooperation and participation of this Administration, the Bronx County District Attorney announced on January 22nd the indictment of 12 inmates and 3 members of service in the October 18, 2008 homicide of Christopher Robinson. Never before in almost 40 years in this field have I seen allegations like these, where Correction Officers are charged with going to such extraordinary lengths to violate their oaths, abrogate their duties, corrupt inmates and prevent detection of their actions.

When faced with misconduct by our own staff, we have always taken aggressive action. Indeed, in 2007 an officer at RNDC was indicted as a result of suspicion of complicity in inmate extortion. The Deputy Warden at RNDC brought this case to the attention of the Department of Investigation. Moreover three other officers were terminated as a result of our investigations into their performance on the job in a separate though similar incident. In each of these cases the Department and its management staff have demonstrated zero tolerance for these kinds of behaviors. We do not hesitate to bring criminal wrongdoing to DOI when we suspect it, and we bring departmental charges and prosecute them vigorously at the Office of Administrative Trials and Hearings when the charges do not rise to the level of criminal activity. The Department's record at OATH clearly reflects the efforts we make to hold our staff accountable for their performance.

We work hard to train our officers; we impress upon them the importance of maintaining their integrity and being prepared for the ways in which inmates will try to compromise them. We prepare them for the difficult work they do and the countless important decisions they have to make during every shift. We also supervise them, to teach them to be better at their jobs, to detect improper behavior or corruption, and to investigate every hint of such behavior.

We continue to reevaluate our policies, procedures, training and supervision protocols to build upon what we have learned from our analysis and the District Attorney's investigation of the Robinson homicide. Recognizing the challenges we face, we revised the training curriculum at our Academy to ensure that the issue of integrity is fully and adequately addressed, both separately and as a component of every other training program being delivered. We are working harder than ever to ensure that our staff consistently meets our standards for job skills, judgment and integrity. New lesson plans on bullying and intimidation and on intelligence gathering have been developed and added to our recruit training, starting with the class currently in our Academy, and this information has been incorporated into in-service block training and pre-promotional curricula for staff already on the job. By July 1st, an expanded adolescent specific lesson plan will be introduced to all officers at RNDC.

While legal settlements had mandated the installation of approximately 800 surveillance cameras in our jails, we have installed nearly 3,000 cameras throughout our system, including adolescent areas of RNDC. We also have expanded our use of a watch tour program, which uses electronic systems to verify that officers are making their required rounds of inspections.

We are implementing an operational change that will distinguish us from any other jail in the state and probably in the nation, since we are one of the only states that incarcerate adolescents as adults. We have created a new housing and security classification system for adolescents based on two factors—age and security risk. Whereas in the past, like other jails, we grouped 16-18 year olds together without regard to age, we will effectively create SIX new classifications for adolescents—high and low security classes for 16 year- olds, 17 year-olds and 18 year-olds. Given the vast differences in maturity levels between a recently turned 16-year-old and a young man about to turn 19, we think this change will significantly reduce violence and bullying.

We continue to work with the Department of Juvenile Justice in order to obtain information to classify those adolescents who have been in their custody. A recent data match revealed that 19% of 16-19 year old admissions over the past year had a history with the Department of Juvenile Justice.

Younger or older, those in custody make constant efforts to circumvent our control. We learned in the Christopher Robinson investigation that as a result of our ordering physical examinations any time we observed injuries, inmates began to attack their victims in the midsection of their bodies, where their clothing would hide telltale bruises. So we began to require all adolescents to stand for a visual no-shirt inspection of their torsos during every major change of shifts. Signs of suspected injury are immediately investigated. We have also assigned officers of our Intelligence Unit specifically to monitor the adolescent population. They will employ an ongoing series of random inmate interviews and other intelligence strategies.

In this time of austerity it is difficult to find ways to add staff. Nonetheless, we have identified the most difficult housing areas in RNDC—those which house the most intractable inmates—and we have added an additional officer in those units, providing backup and an additional set of eyes and ears to deal with the challenges I have described to you. That means that on the two day shifts, 7am to 3pm and 3pm to 11pm, when there is the most activity in the housing area, the ratio of staff to inmates in those dorms is 1 officer to 25 inmates. And in the RNDC cellblocks that hold 33 inmates, and which are equally difficult to supervise because of their physical layout and sightlines, we have likewise added an additional officer on the two daytime shifts for an effective ratio of 1:17.

Teenagers fight. They fight in jail just as they do in the street. To assist our officers, in April 2007 we sought and subsequently obtained permission from the State Commission of Correction to make better use of the pepper spray carried by all of our officers. This change allows the spray to be better aimed and more effectively used, enabling our officers to intervene in fights sooner and with greater likelihood of success without resort to physical force. We did this because we recognized, long before October 2008, that we needed to empower our officers to take more vigorous action to control the bullying and extortion we were observing. What we have seen with the enhanced staffing ratio is that the extra officer has been helpful on post in the dayroom: reinforcing control, identifying problems earlier, discouraging fights and defusing those that do occur much quicker and with pepper spray, thus preventing more serious injuries to the inmates.

These are just some of the most significant security measures we have implemented. I would also like to tell you about measures we have taken and are planning in an effort to change the adolescent inmates themselves...or at least their behaviors while in our custody. While almost 75% of them are in our custody on charges of serious violent crimes, they are indeed charged but not convicted and they are young men on the brink of adulthood with the possibility to change the course of their lives.

Jails are a microcosm of the communities the persons in our custody come from. These adolescents bring into jail all the maladaptive, antisocial behaviors we are struggling with on the streets and in our schools. Bullying and gang behavior doesn't begin in jail. In jail, however, it is concentrated in one place. Numerous research studies have demonstrated that a very high percentage of adolescents in correctional or congregate care facilities suffer from a persistent pattern of behavior in which they violate age-appropriate social norms or rules and the basic rights of others. Experts have found that incarcerating these adolescents often exacerbates their behavioral issues. That is why at the Department of Probation we have worked so hard to find alternatives to placement for juvenile delinquents. Still, as long as New York State law treats adolescents as adult defendants, we must continue to find new and more effective ways to provide for their care, custody and control in jail.

When we last met I described our revitalization of the program known as the Institute for Inner Development, which seeks to imbue adolescents with the skills and the desire to change their patterns of destructive behavior, and utilizes Correction Officers trained to serve as mentors and coaches. One hundred four (104) officers have been trained for the IID, 89 for assignment to RNDC. By year's end, all officers assigned to RNDC adolescent housing areas will be trained for the IID. Going forward, the orientation of new admission inmates will be restructured for the adolescent population and will serve as a natural channel into the IID. Inmates participating in the IID are assigned to separate housing areas, where they can support one another. Two new libraries have been opened and are available for all adolescents participating in the IID.

We have been looking for ways to bring the parents of these adolescents into the jails to see for themselves who we are and what we do. Last week, we held the first of our community provider fairs for adolescents. We invited about 200 inmates and their families to attend together. Similar to a school or health fair, the provider fairs expose adolescent detainees and their parents to community based organizations that can assist them upon their return to the community. We are gratified that nearly one half the parents attended, meeting with their sons and a broad range of community groups.

Looking forward, in April we are planning a pilot of a new parent orientation session that will bring parents of adolescents newly admitted to RNDC to discuss programs and security. We are trying, within the resources available to us, to expand in-jail programming during the time that adolescents are not in school sessions, including sports and participation in several well-established programs designed to help young people turn their lives around. Despite extremely tight budgets, we are soliciting private and foundation funds to support the expansion of after-jail programs for adolescents.

Another step we have taken since October to strengthen adolescent safety is an Enhanced Adolescent Mental Observation unit, giving us more options for separating and housing inmates according to their abilities to get along without violence. We also have created a new response to misbehavior, focused on behavior modification as much as it is on the immediate control of violence. In all of our efforts we work with the Department of Education to ensure the continuation of adolescent education programs.

These efforts follow those similar system-wide changes that we discussed at our last meeting, which are already playing a role in improving inmate safety throughout our entire system. The result of our previous efforts was that total inmate on inmate fights in RNDC dropped from 943 in 2006 to 894 in 2007 to 749 last year. You must remember that adolescents account for about 75% of all fights at RNDC. And there still has not been a stabbing or slashing involving an adolescent since July 2007. Since January we monitor and track violence statistics and security issues for the adolescent housing areas separate from the older adult areas of RNDC. Going forward this will obviously equip us to better monitor conditions there.

Pre-considered Intros:

Let me now briefly address the two bills before you today. The first would require the Department to provide monthly reports to the Council regarding adolescent-related data. This Department tries to be as transparent as possible, and we are always working to become more so. As you may know, many of our policies and procedures are posted on the Department's website, and security data is made available to the public through the MMR, the Citywide Performance Report and in a separate statistics report on the Department website. In view of the Council's interest, and our discussion with Council staff, we are giving serious consideration to expanding the data we make available to the public, including breaking it down by adolescent and older adult. But it is important that the data that is shared, the frequency of reporting and the method by which the information is shared must all be meaningful and not overly burdensome, so that we can continue to focus our resources on using the data to manage the agency. We look forward to continuing our discussions with the Council on this issue.

The second bill would require the Department to develop a discharge plan for every sentenced adolescent leaving city jail that would serve 10 days or more after sentencing. While no one is more committed to Discharge Planning than we are, the Department is opposed to this bill. From Fiscal year 2006 through Fiscal year 2008, with funding and support from the Council, the Department launched the Adolescent Reentry Initiative in partnership with the Vera Institute. In its first full year of operation, just as the program was beginning to show promise, but before we could evaluate it, funding for ARI was eliminated from the budget adopted by the Council. Since July 2008 we have aggressively sought replacement funding for the program, thus far without success.

As the Council recognized when it passed the original Discharge Planning legislation, this field is still a work in progress, an experiment that has not yet been proven in the jail setting. For that reason alone, while we must make every effort to continue our efforts in this area, discharge-planning services should not be mandated. Moreover, millions of dollars would be required to implement this bill. These are among our objections to passage of the proposed legislation. We ask that the Council instead join us in restoring funding for ARI because the progress we were making and what we were learning from that initiative is significant and holds promise.

Members of the Council, the list of changes that we have made to the way we supervise and care for adolescents—in recent years, and particularly in recent months—goes on and on. The measures we have taken and the steps we are working on will improve the safety of those in our custody. In fact, I think they already have. But I must caution you today, as I did in November, that keeping persons in custody safe—especially adolescents—is a difficult challenge faced by jail managers throughout the country. As the data from the federal Bureau of Justice Statistics indicate, none of us succeeds completely, but New York City succeeds better than most.

Our custody of adolescents is affected by another factor—the physical plant on Rikers Island. Rikers Island is an isolating place that discourages outside visitors. That is why I believe so strongly that it is vitally important to the transparency of our jails that we confine more of our inmates closer to their homes, their families, and the services that can help them stay out of jail upon release.

Let me make one request. Most people, thankfully, are unfamiliar with the reality of incarceration. They have not been arrested and detained, and cannot know or even picture—other than from the stereotypes of the entertainment industry—how jails operate. I once again ask all of you to visit Rikers Island to see first hand the strengths and weaknesses of our facilities and the challenges they present, to visit the areas in which we house and teach the adolescents in our custody, and to observe the program expansions and other measures we have taken to maintain their safety.

RNDC Youth/Parent/Provider Fair February 17 8:30am to 4pm

The first in a series of fairs to introduce parents and adolescents to community-based organizations that can provide services in the community upon release was held this week.

Approximately **90 parents/family members** participated

200 adolescents participated in the fair, **63 joined parents for the afternoon session**

20 community-based organizations presented information
Family members completed surveys to provide input on future events.

Next fair scheduled for April 17, Parent Orientation to be pilot tested in April for those newly admitted.



Oversight: Violence Against Adolescents at Rikers Island

Testimony of Mishi Faruqee
Director of Youth Justice Programs
Children's Defense Fund – New York

Before the Committee on Juvenile Justice and
the Committee on Fire and Criminal Justice

New York City Council
February 23, 2009

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Good morning. My name is Mishi Faruqee and I am the Director of the Youth Justice Program at the Children's Defense Fund New York. I thank the Juvenile Justice Committee and Criminal Justice Committee for holding this hearing on the very important and timely topic on violence against adolescents at Rikers Island. Thank you for holding this hearing that follows the hearing last November about the special needs of adolescents in the city's adult jails.

The Children's Defense Fund 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. The CDF provides a strong, effective voice for all the children of America who cannot vote, lobby or speak for themselves. CDF educates the nation about the needs of children and encourages preventive investments before they get sick, into trouble, drop out of school or suffer family breakdown. As part of our advocacy efforts, CDF recently launched the Cradle to Prison Pipeline® Campaign, a national call to action to stop the funneling of thousands of children, especially poor children and children of color, down life paths that often lead to arrest, conviction, incarceration and even death. In order accomplish the goals of this campaign, we must keep incarcerated youth safe and offer age appropriate services that will help them rehabilitate and prepare for reentry into their communities.

This hearing follows the indictment of three correctional officers in connection to the October death of Christopher Robinson, an 18-year-old who was incarcerated at the Robert N. Davoren Center (RNDC), the jail at Rikers Island that holds male detainees between the ages of 16 and 18. According to the indictment, three officers ordered inmates to beat Christopher Robinson because he would not submit to the "program" in which the correctional officers appointed certain officers to maintain discipline in the housing unit by beating, harassing and intimidating other inmates. Although some recent press reports have presented the case as aberration, the sad truth is that this case fits a longstanding pattern of violence and abuse in the adolescent jail at Rikers Island.

Before I begin my testimony regarding violence against adolescents at Rikers Island, it is important to point out that New York is one of only two states in the nation that automatically treats all youth ages 16 and over as adults in the criminal justice system. Hence, our city incarcerates the largest number of 16- and 17- year-old children in adult jails of any other city in the country. There are about 900 adolescents (ages 16 to 18) incarcerated on Rikers Island and 750 youth incarcerated in the state's adults prisons. The majority of young men at Rikers Island are held at the RNDC jail while they await trial or sentencing. A smaller number of adolescent males are held at the Eric M. Taylor Center for sentenced inmates serving terms of one year or less. Young women are incarcerated at the Rose M. Singer Center, the women's jail on Rikers Island. There are also about 125 adolescents housed in separate jail for inmates in disciplinary segregation, commonly referred to as the "bing". The average length of stay for youth detained on Rikers Island is 40 days. Every year, more than 1,000 young people are released from Rikers Island.

Although New York State criminal law currently treats 16- and 17-year-olds as adults, we know that youth are developmentally different than adults. In the 2005 Supreme Court ruling *Roper v. Simmons*, the Court drew on new research on adolescent brain development to conclude that youth younger than 18 should not be subject to the death penalty. Last year, the state of Connecticut passed a landmark law to raise the age of juvenile court jurisdiction from 16 to 18. It is time for our city to recognize that young

people less than age 18 should not be treated as adults and should not be subject to the same conditions of confinement as adult prisoners.

There is extensive research outlining the harmful effects of housing young people in adult jails. Last year, the Campaign for Youth Justice released a report entitled *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*. According to this report, youth have the highest suicide rates of all inmates in jails and have much higher rates of victimization — including rape and sexual assault than adult prisoners. In addition, research conducted by the MacArthur Foundation's Research Network on Adolescent Development found that incarcerating youth in adult facilities increases their likelihood of re-offending.

One fundamental way to meet the needs of youth in the adult criminal justice system is to expand efforts to divert them from incarceration. Although the city has made impressive strides over the past years in expanding alternatives to incarceration for youth in the juvenile justice system, the city has not created new alternatives to jail for young people in the adult criminal justice system. Currently, there are a handful of non-profit organizations such as CASES, the DOME Project and the Andrew Glover Youth Program, which do provide an alternative to incarceration in an adult jail. These excellent alternative programs, which involve intensive supervision along with mentoring, counseling, job training and other services, have proven to be extremely effective in reducing youth crime and recidivism. Moreover, these programs cost less than \$15,000 to serve one youth for one year — significantly cheaper than incarcerating a youth in a city jail at a cost of \$70,000 annually. However, the existing programs do not have sufficient funding and capacity to serve all youth who are eligible for alternative programs. In addition, there are very few alternative-to-jail programs located within the communities where many of incarcerated youth come from — particularly the South Bronx, Upper Manhattan, Central and East Brooklyn and Southeast Queens.

As I stated in my testimony at the November hearing, the death of Christopher Robinson was not an isolated tragedy. Other news reports indicate that violence and intimidation is endemic in the adolescent units on Rikers Island, particularly at the RNDC jail. A lengthy article in the July 2007 *Village Voice* describes how Roger Cullen, a guard at RNDC, was fired after he reported to Department of Correction officials that fellow officers were "involved in misconduct ranging from using excessive force to lying to falsifying reports to paying inmates with cigarettes to beat up other inmates." Mr. Cullen also testified that certain correctional officers appointed adolescent inmates to serve as "enforcers" to control other inmates. In February, another RNDC correctional officer, Lloyd Nicholson was indicted on numerous charges for using adolescent inmates to enforce discipline and maintain order in the housing area that he oversaw in RNDC. According to the indictment, Nicholson ordered inmates to beat up other inmates who refused to follow the rules on the unit. One young person suffered a collapsed lung as a result of an assault by other inmates. In another incident in April, 17-year-old Steven Morales committed suicide in the protective custody unit at RNDC where he was locked in his cell 23 hours a day.

Last year, while I was working at the Correctional Association we interviewed several young people who had been incarcerated on Rikers Island. They described an atmosphere characterized by daily fights, power struggles, and intimidation. When we asked a young man named Joel about his experience at Rikers, he told us, "You had to join a gang so you could live, if not, in every house they want to take your food, your

phone call, or treat you like a piece of s---. If you want to be by yourself you don't want to live in Rikers. If you're 16, 17, 18, it's like hell." Another young man summed up his experiences in the adolescent housing areas in the following terms: It's like battle camp for kids, the survival of the fittest." Here is how 19-year-old Jeffrey described life at Rikers Island:

Somebody's always getting violated, punched, choked out – all through the house until you go to sleep. Even when you go to sleep somebody's running through the house throwing water or pissing at you. Being in there is like being one of those guys who sleeps on the streets in a box and the other part of it is like a boxing match. You have to fight to win or you're going to wind up hanging yourself from a towel.

One of the main differences between adult jails and juvenile facilities is the difference in staffing. In the Department of Juvenile Justice detention centers, which hold children aged 15 and younger, the staffing ratio is one adult to every eight youth. In dormitory units on Rikers Island, the staffing ratio has been one adult to every 50 youth. In the dorms where there have been only one correctional officer patrolling each dormitory containing up to 50 prisoners, the staff members have relied on the cooperation of the prisoners to maintain some semblance of order in the housing areas. In the adolescent units, this dynamic has taken on a particularly troubling form. We have received dozens of independent accounts from youth that staff, in effect, appoint a few youth to serve as "teams" that maintain control of the dormitory. Youth reported to us that staff members allow gang-affiliated youth and/or youths with the toughest reputations for fighting to control other prisoners in the dormitories.

The overarching concern reported to us is the failure of correctional officers to prevent or effectively respond to violence in the adolescent housing areas. Youth consistently reported that staff instigate, perpetuate, sanction, or ignore much of the violence in the dormitories.

It is important to note that in response to the violence on the adolescents units, the DOC has increased the staffing level in the "higher classification" units to two officers so that there is one officer to every 25 inmates in some dormitories and one officers to every 16 inmates in units with cells. The DOC move to increase staffing levels in certain units is an important step and should be expanded to every adolescent housing area.

The DOC has recently started disaggregating data regarding fights at RNDC to compare incidents involving inmates in the adult units compared to incidents involving youth in jail's adolescents areas. This data show a dramatic difference. Last month, there were nearly five times more fights among adolescents than among adult inmates. We are encouraged that the DOC has finally started breaking down this data by age and we urge DOC to publicly report his data and include it in the annual Mayor's Management Report. **We also strongly support the bill that Council members James, Gonzalez and Martinez have proposed to require the DOC to give a monthly report to the council regarding census data and violent incidents involving adolescents in city jails.**

In addition to increasing staffing levels, the DOCS should require correctional officers to participate in any additional training to work in the adolescent units. One notable exception is the Institute for Inner Development (IID) Program. The Department of

Correction has instituted the IID program in four adolescent housing units as a pilot program to reduce facility violence and to provide adolescent prisoners with basic life skills. Currently, the program involves about 200 youth at a time, about 1,200 youth a year. Staff members receive a two-week training course to help them develop group facilitation skills and to run the housing units in a therapeutic manner. According to preliminary data, the IID program has shown to be effective in reducing fights and violent incidents in the participating housing units.

We are heartened to learn that DOC plans to expand the IID program to every adolescent housing unit by June 2009. I had the opportunity to visit an IID unit on a recent visit to visit to RNDC and was impressed by the program -- particularly by the officer working in this unit. When we arrived on the unit, the young people were engaged in a group session and seemed genuinely engaged in the program. They spoke about the differences in the IID unit compared to the traditional adolescents units at RNDC. The consensus was that IID unit was much safer, that the youth got along better and that the officer treated them much more respectfully and actually cared about them and their futures. We urge the DOC to seek to recruit more quality officers like the one we met on this unit and also to increase staffing so that one officer single-handedly does not have to conduct groups, offer support and mentoring for 50 youth at a time.

The success of the IID program also suggests that the DOC should provide specialized training for all staff members who come in contact with adolescents on Rikers Island as an important strategy to reduce the levels of violence. The Department of Correction should require training in adolescent development not only for correctional officers who work in the adolescent housing area but also for the officers who are assigned to the six school sites on Rikers Island.

Another important strategy to reduce violence in the adolescent housing areas is to increase programming for youth in the after-school and evening hours. The Department of Correction has partnered with the Department of Youth and Community Development to provide after-school workshops and with the Center for Economic Opportunity to provide career mentoring. These programs are vital and should be expanded. The Department of Correction should also seek to increase partnerships with community-based youth programs including programs that engage youth in arts, theater and recreation.

During these tough fiscal times, the Department of Correction should redirect resources to fund alternatives to incarceration to serve youth in the community. In addition, the DOC must increase staffing levels, implement staff training on adolescent development, and institute more positive youth programming for youth incarcerated on Rikers Island. If the Department of Correction is able to reduce the level of violence in the adolescent units on Rikers Island, the city will ultimately save millions of dollars in reduced medical costs, workers' compensation claims and lawsuits. According to the *Village Voice*, in the past few years, the city has spent \$1.8 million to settle lawsuits involving excessive force cases that resulted in Rikers prisoners suffering injuries such as a broken jaw, collapsed lung and brain damage. Ultimately, of course, the city must take every possible step to improve conditions of confinement for young people in the city jails not because of the potential cost savings but because it is a moral imperative to protect the health and safety of our youth and foster their healthy development. No more young people should experience the pain and anxiety that 19-year-old Joel described to us as he recalled his

experience on Rikers: "Sometimes when I was there, I feel to kill myself. I'm not scared of no one, but I couldn't take it."

Recommendations for addressing needs of adolescents in adult correctional facilities

- Create and expand alternatives to pre-trial detention for 16- and 17-year-olds incarcerated on Rikers Island. The city should provide additional funding to existing programs and should partner with community organizations to create new programs located in the neighborhoods where the majority of court-involved youth live — particularly the South Bronx, Upper Manhattan, Central and East Brooklyn, and Southeast Queens. These programs should have a particular emphasis on workforce development — including apprenticeships, internships and other opportunities that connect youth to career opportunities.
- Pass legislation requiring the Department of Correction to regularly report to the Mayor and the City Council regarding adolescents in the city jails. The data would include the total number of youth in adult facilities disaggregated by age and gender and data regarding violent incidents and restrictive placements involving adolescents. We urge the Council to require DOC to disaggregate census data by race and ethnicity as well as by age and gender.
- Provide training in adolescent development for every DOC staff member who comes in contact with youth incarcerated on Rikers Island.
- Increase staffing levels in ALL adolescent housing units on Rikers Island.
- Expand the Institute for Inner Development Program for all adolescents housed in DOC jails.
- Provide more recreational activities and positive programming for incarcerated young people in the after-school and evening hours.
- Pass legislation sponsored by Council Member James to require the Department of Correction to develop a discharge plan for sentenced adolescents leaving city jails.

TESTIMONY

The Council of the City of New York

Committee on Fire and Criminal Justice Services

Miguel Martinez, Chair

Committee on Juvenile Justice

Sara M. Gonzalez, Chair

"Oversight: Violence Against Adolescents at Rikers Island"

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New York, New York

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Thank you for the opportunity to testify concerning violence against adolescents in the New York City adult jails. I am Nancy Ginsburg, and I supervise the adolescent practice of the criminal trial offices of Legal Aid's Criminal Defense Practice. The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals. Our Prisoners' Rights Project has successfully brought litigation challenging a variety of practices in the New York City jails. In addition, each week our office receives as many as 200 letters or phone calls requesting assistance from inmates in the New York City jails and state prisons. We attempt to remedy these problems by intervening administratively with the Department of Correction and other appropriate agencies. This daily contact with inmates and their families has given our office a firsthand view of many of the problems confronting inmates. It is on that basis of our direct contact over the past several years with literally thousands of prisoners and their family members that we offer these comments and recommendations to the City Council and all New Yorkers.

In addition, by contract with the City, the Society serves as the primary defender of poor people prosecuted in the State court system at both trial and appellate levels. The Society plays the central defense role in the City's criminal justice system. The Criminal Defense Practice (CDP) handled nearly 227,000 cases during the last fiscal year. We have a special team of lawyers, social workers and investigators devoted to the unique needs of adolescents, the Adolescent Intervention and Diversion Project (AID). The AID Project focuses on the works with the education, foster care and mental health systems to ensure that our adolescent clients' needs are met. This holistic practice aids the courts by providing detailed information about the youth before them and in creating sentencing plans that ensure that young people are receiving the mental health, educational, substance abuse and family services they need to aid them in functioning productively in the community and, in the long run, reducing recidivism. In that capacity, we too have daily contact with the youth whose welfare and well being are being discussed today.

We submit this testimony on behalf of the Legal Aid Society, and thank Chairs Gonzalez and Martinez and the Committees on Fire and Criminal Justice Services and on Juvenile Justice for inviting our thoughts on the issue of violence against adolescents in the correctional facilities of New York City. We applaud the Council for keeping the

spotlight on this important subject, and for demanding increased accountability from the Department of Correction. We look forward to the continued valuable contributions that we are sure the Committees will make in this area of vital concern to our City's teenagers.

On November 24, 2008, we provided extensive written testimony addressing our concerns about the culture of violence to which adolescents are exposed on Rikers Island. We append the testimony submitted in November to today's submission for your complete review. Today, we hope to address some of the recent assertions of the Department of Correction and to provide comments on the laudable legislation proposed by the Council members.

DOC Has Actual Knowledge of Violent Conditions

The Department of Correction maintains that it has limited access to intelligence concerning the conditions on Rikers Island. This stems from what they claim is reluctance of the teenagers to report incidents of violence. Despite DOC assertions that they "take appropriate action to ensure...[adolescents'] safety", there is no way to test this assertion. We urge the Council to request that the Department of Correction produce to your Committees copies of the records of the complaints filed about violence perpetrated by staff or where there is an allegation of staff complicity. We also urge that you request the records reflecting the investigations of these complaints and the outcome of the investigations.

We make this recommendation because the Legal Aid Society's Prisoners' Rights Project has repeatedly reported incidents of violence to the Department of Correction. These reports have included incidents where staff assaulted and bullied adolescents on Rikers Island. The reports also included instances of staff complicity, with reference to "The Program" that was addressed in the recent indictments in the Bronx and has been widely covered in recent media reports. We believe that despite their protestations to the contrary, the Department of Correction has had knowledge of the existence of "The Program" and of the existence of staff complicity in violence among the adolescents, and simply has not done enough to address it.

We provide some examples to support this assertion.

- On February 3, 2009, as reported by the New York Times¹ in an article entitled *Lawsuits Suggest Pattern of Rikers Guards Looking Other Way*, the Legal Aid Society, together with outside counsel, filed an action in federal court seeking damages for injuries sustained by a former Robert N. Davoren Center (RNDC) inmate who had been badly beaten by another inmate in March, 2007 because he had sat in a chair in the dayroom without “permission” from the inmate(s) who controlled the housing area. Our client, who suffered multiple facial fractures and was obviously injured, was denied access to the clinic for two days before a captain recognized him, because the boy’s mother used to work in the building, and took him to the clinic. He was thereafter moved to protective custody in RNDC, where he was beaten again, by an officer, suffering additional facial fractures.
- On April 20, 2007, almost two years ago, Legal Aid Society staff contacted the administrative offices of the DOC on behalf of an inmate whose cell had been unlocked, after lock-in, and who was then viciously assaulted by a group of armed inmates. This inmate was transferred out of City custody within days of Legal Aid’s contact with the Department. In our communication, we requested that staff assigned to the housing area be questioned about what had transpired. We know that this inmate, through private counsel, has sued the City, and we are not in a position to state what the Department’s investigation disclosed, or what, if anything, they did about this incident. We do know that he had told RNDC staff that he was at risk from gang members in that jail and that he was housed there anyway.
- A year before Christopher Robinson’s death, in September, 2007, our office contacted the DOC on behalf of another adolescent inmate beaten in RNDC after his cell was unlocked and he was assaulted by a group of prisoners. This assault followed his being asked by these inmates whether he was “with it,” and his answering, “no.” This inmate told us that staff took no steps to stop the assault in the cell. When he was seen in the clinic for his injuries, he reported that he had injured himself because of his fears of retaliation. Two days later, he was moved to “close custody.”

¹ <http://www.nytimes.com/2009/02/04/nyregion/04rikers.html?emc=eta1>

- In July, 2008, the Society contacted the DOC on behalf of another inmate who had been transferred out of 1 Upper in RNDC two months earlier, following several physical altercations with gang members, then transferred back to the jail and assigned to the very same housing area he had been moved from. This inmate told us that he is specifically warned by an inmate worker that he was at risk of assault, and in fact he was attacked the very next morning in front of, he said, a captain, who did nothing. He alleged that he was then assaulted by staff members in an isolated area of the jail, suffering a fractured nose among other injuries. After being treated at Elmhurst Hospital, he was returned to the jail where, he stated, he was warned by a jail supervisor that he should “leave this right here.”
- In September 19, 2008, a month before Christopher Robinson was beaten to death, the Legal Aid Society contacted the Department of Correction and the Department of Investigation with specific allegations from an inmate in RNDC that he had been asked by inmates in his housing area if he was “with the program,” and then asked for his PIN number and book and case number. When he refused to give the information, he alleged, he was assaulted by the inmates, then struck by an officer after being told to place his hands on his head. This boy had visible injuries—as witnessed by a Legal Aid staff person with whom he spoke— but was denied medical attention by staff. He was also warned by inmates in the housing area not to snitch on the officer; “he’s going to get you.”
- Even after the publicity surrounding Mr. Robinson’s death, and the indictments in the Bronx, the Legal Aid Society continues to receive similar allegations. On January 29, 2009, just days after the indictments, an RNDC inmate contacted the Society to report that he was assaulted by a Correction Officer after he refused the officer’s demand that he turn over his commissary. The inmate said he was denied access to the clinic until the following morning, after which he was transferred to another building.
- Several weeks ago, we received complaints from inmates in another housing area in RNDC that certain inmates are being afforded access to contraband and cell phones, are allowed to run the phones and control access to the dayroom. According to the inmates with whom our staff spoke, officers signal the inmates when supervisors are en route to the housing area, and when searches are about to be conducted.

All of these allegations have been communicated to law enforcement. We maintain that the assertion by the Department of Correction that the Department is doing everything it can to address the problem of violence in RNDC cannot and should not be credited. Even after the death of Christopher Robinson, acts of staff complicity in violent incidents have been reported. A culture of violence has developed and has been allowed to continue in RNDC. Such a problem cannot be addressed on a case by case basis and the responsibility for notifying the DOC cannot fall on the teenagers who are victims of the culture. The Department of Corrections has been on notice and certainly is on notice now. There is clearly more that could have, in the past, and currently, can be done, and the Council must continue to demand accountability.

Cameras

It is our understanding that the Department of Correction has increased the number of cameras placed in RNDC. We support this advancement, but pose the following questions:

- Do all the cameras record, or only some?
- Are the recordings stored?
- Where are the recordings stored?
- Who has the responsibility for the storage and safekeeping of the recordings?
- Who has access to the recordings?
- How long are the recordings preserved?
- Are facility supervisors who are responsible for investigating incidents in the jail adequately trained in downloading and viewing video recordings?

We urge the Council to pose these questions in order to ensure that the efforts to record occurrences are meaningful and that the DOC is held accountable.

Staff to Inmate Ratio

We understand that the DOC has increased the ratio from the time of the last hearing when it was one officer per 50 inmates to 2 officers per 50 inmates. We support such an effort, but request that the Council continue to ask the DOC to do more. Many teenagers in custody are held in large dorms where kids have easy access to each others' belongings and the environment lends itself to constant conflict. Smaller housing units lend themselves to improved supervision and reduced conflict. Adolescents, aged 16-18,

experiencing the stress of incarceration and separation from their families and communities should have supervision that approaches the 1:8 ratio that the Department of Juvenile Justice provides to 15 year olds.

Proposed Legislation

We applaud the Committees for proposing legislation to increase the accountability of the DOC to City government. We believe this will lead to greater transparency and, hopefully, safer conditions for the teenagers on Rikers Island. Despite the recent legislative and media focus on conditions for teenage boys at RNDC, it is important not to forget the teenage girls in this ongoing inquiry. Teenage girls are held at the Rose M. Singer Center (RMSC). We request that your efforts to collect information about teenagers in DOC custody specifically include the girls and that this information be disaggregated from the information concerning the boys.

We have just a few comments concerning the language of the proposal to amend Section 9-129 of the administrative code of the City of New York. As to the proposed language for Section 9-129(b)(2), we suggest that reports from the Department of Correction should not be limited to those involving "serious injuries" as a result of "fights" or "assaults" or "uses of force" because "serious injury" is left undefined. In order to have an accurate picture of what is occurring, we urge you to request the actual incident reports, so that you can make your own assessments of the number and severity of the injuries; how, when and where these incidents arise; how they are reported; and the adequacy of the investigation.

Further, we suggest that section 9-129(b)(3) be amended to read as follows:
Restrictive placement. The report shall include: (i) the total number of adolescents housed apart from general population (a)for their own protection ,(b) as discipline for infractions, (c) because of their psychiatric condition ["mental observation"] and (d) for any other purposed designated by the Department of Correction; and (ii) the average length of stay of inmates in each category in subdivision (i); and (iii) disaggregated data providing the number and percentage of inmates placed into protective custody at the inmates' request and those placed there involuntarily by the Department of Correction.

Recommendations

We reiterate our recommendations from the last hearing and add a few more based on continuing developments:

A. Social services to incarcerated teenagers must be increased, both to protect them during their incarceration and facilitate their re-entry to society upon release.

B. The Department of Correction and relevant other agencies should provide enhanced training focusing on adolescent development, mental health and educational issues for officers working with adolescents,

C. The Department of Correction should offer protective custody units to vulnerable inmates without subjecting them to the harsh deprivations of 23-hour lock in status or isolation.

D. The Department of Correction's systems for maintaining and utilizing information about violence against inmates should be reviewed, and the Department held accountable for supervision of its staff;

E. The Office of Mental Health should provide liaisons to facilitate assessment and placement of mentally ill court involved youth.

F. The Department of Education and Department of Correction should implement the reforms to the education system recommended by a court-appointed monitor, so that they can develop sufficient academic skills to function successfully as adults.

G. Cameras on Rikers Island should have sufficient recording capacity, and the recordings shall be kept for 90 days in order to facilitate investigations of allegations of incidents which may not have been reported initially. Any tape which does record a fight, staff use of force or staff misconduct, including officers off-post, should be preserved for three years.

H. Large dorm settings should be reorganized so that teenagers are supervised in smaller settings and the staff to inmate ratio should be reduced to even lower than 1:25.

Thank you for the opportunity to speak about this important topic.

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TESTIMONY

The Council of the City of New York

Committee on Juvenile Justice

Sara M. Gonzalez, Chair

Committee on Criminal Justice

Miguel Martinez, Chair

Committee on Youth Services

Lewis A. Fidler, Chair

“Oversight: Special Needs of Adolescents in New York City Correctional
Facilities”

November 24, 2008
New York, New York

Prepared by
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Thank you for the opportunity to testify concerning the special needs of adolescents in the New York City adult jails. I am Mary Lynne Werlwas, a staff attorney with the Prisoners' Rights Project at the Legal Aid Society of New York City. I am here with Nancy Ginsburg, who is the Director of the Adolescent Intervention and Diversion Team of our Criminal Defense Practice. The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals. Our Prisoners' Rights Project has successfully brought litigation challenging a variety of practices in the New York City jails. In addition, each week our office receives as many as 200 letters or phone calls requesting assistance from inmates in the New York City jails and state prisons. We attempt to remedy these problems by intervening administratively with the Department of Correction and other appropriate agencies. This daily contact with inmates and their families has given our office a firsthand view of many of the problems confronting inmates. It is on that basis of our direct contact over the past several years with literally thousands of prisoners and their family members that we offer these comments and recommendations to legislators and all New Yorkers.

In addition, by contract with the city, the Society serves as the primary defender of poor people prosecuted in the State court system at both trial and appellate levels. Although newer public defender agencies have been created in New York City, the Society continues to play the central defense role in the City's criminal justice system. The Criminal Defense Practice (CDP) represented clients in nearly 227,000 cases in the last year. We have a special team of lawyers, social workers and investigators devoted to the unique needs of adolescents, the Adolescent Intervention and Diversion Project (AID). The AID Project works with the education, foster care and mental health systems to ensure that our adolescent clients' needs are met. This holistic practice aids the courts by providing detailed information about the youth before them and in creating sentencing plans that ensure that young people are receiving the mental health, educational, substance abuse and family services they need to aid them in functioning productively in the community and, in the long run, reducing recidivism. In that capacity, CDP too has daily contact with the youth whose welfare and well being is being discussed today.

We submit this testimony on behalf of the Legal Aid Society, and thank Chairs Fidler, Gonzalez and Martinez and the Committees on Youth Services, Juvenile Justice and Criminal Justice for inviting our thoughts on the issue of special needs of adolescents in the correctional facilities of New York City. We applaud the Council for tackling this important subject, and look forward to the valuable contributions that we are sure the Committee will make in this area of vital concern to our City's teenagers.

Overview of Adolescents in New York City Jails

In New York State, the age of majority for purposes of criminal prosecution is sixteen. Children under the age of sixteen who are charged with the commission of a crime are prosecuted in Family Court. An exception is made for thirteen year olds charged with murder and fourteen and fifteen year olds charged with a specified number of violent crimes delineated by statute all of whom are prosecuted as "juvenile offenders" in the adult Criminal Court system.¹ These 13-15 year old "juvenile offenders" are incarcerated in juvenile detention facilities run by the Department of Juvenile Justice, and face shorter sentences than adults for the same crimes, but significantly longer sentences than juvenile delinquents prosecuted in Family Court.

At sixteen years of age, young people are prosecuted and sentenced as adults for all violations of the law in the adult Criminal Court system. These youth are the subject of our testimony today, as once a youth turns sixteen, he or she will be incarcerated in adult jails and prisons. In New York City, boys are principally housed at the Robert N. Davoren Center (RNDC, formerly known as the Adolescent Reception and Detention Center), and girls are housed at the Rose M. Singer Center (RMSC). Boys who commit disciplinary infractions are housed in the Central Punitive Segregation Unit, a lock-down unit primarily for adult males. Some youth are also kept in pre-hearing detention before

¹14 and 15 year old youth are prosecuted in adult criminal court as "juvenile offenders" for the following crimes: Murder in the second degree, attempted murder in the second degree, kidnapping in the first degree, attempted kidnapping in the second degree, arson in the first and second degrees, subdivisions one and two of assault in the first degree, manslaughter in the first degree, rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, burglary in the first degree, robbery in the first degree, subdivision two of robbery in the second degree, subdivision four of criminal possession in the third degree (possession on school grounds), possession of a weapon in the second degree (on school grounds). P.L. §10(18); C.P.L. §1.20(42).

their infractions are adjudicated at the George R. Vierno Center (GRVC), another adult facility. While today we focus principally on problems at RNDC, the source of frequent complaints of officer-instigated violence, the needs of adolescents in these other jails should not be overlooked.

The challenges posed by incarcerating youth with adults is something few states face. Only thirteen states in the country consider adolescents under the age of 18 to be adults for the purpose of criminal prosecution. Only three states set original adult court jurisdiction at the age of 16. New York is one of these three states.² The United States Supreme Court recently recognized that social science research confirms that “a lack of maturity and an underdeveloped sense of responsibility are found in youth more than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.”³ The Court also noted that youth have less control over their own environment.⁴ The Court further recognized that “almost every state prohibits those under 18 years of age from voting, serving on juries, or marrying without parental consent.”⁵ In fact, New York sets the age of majority for most civil purposes at age 18.⁶

²The states with original adult court jurisdiction at age 17 are: Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas and Wisconsin. The states with original adult court jurisdiction at age 16 are: New York, Connecticut, and North Carolina. Connecticut has passed legislation that will raise the age of criminal responsibility to 18, effective January 1, 2010. North Carolina is considering legislation that would raise the age of criminal responsibility.

³*Roper v. Simmons*, 543 U.S. 551, 569 (2005) (quoting *Johnson v. Texas*, 509 U.S. 350, 367 (1993)).

⁴*Id.* at 569 (citing Laurence Steinberg and Elizabeth Scott, *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility and the Juvenile Death Penalty*, 58 *Am. Psychologist* 1009, 1014 (2003)).

⁵*Id.*

⁶CPLR 105, D.R.L. 2, NY Gen. Oblig. Law 1-202. New York State restricts the rights of 18 year olds in the following areas: Alcohol possession/sale, NY Alco. Bev. Cont. 65c; Possession/purchase of cigarettes, NY Pub. Health Law 1399-cc; Contract rights, UCC Law 3-305, CPLR 105; Driving, VTL 502; Firearms, PL 265.16; Gambling, NY Tax Law 1610, Gen. Mun. Law 486, Rac. Pari-Mut Wag. & Breed. Law 104; Jury Duty, Jud. Law 510; Working hours, D.R.L. 7; Pawnbrokers, Gen. Bus. Law 47-a; Pornography, PL 235.21; Tattoos, PL 260.21, Voting, NY Elec. Law 5-102, and wills, EPTL 3-1.1.

Violence at RNDC and Staff Collusion or Encouragement

RNDC is a violent jail. While the Department frequently touts its systemwide reductions in stabbings and slashings – which indeed is a welcome trend – these are not the only, or even predominant, form of violence in jail. We have been deeply disturbed by increasing reports from our clients that they have been assaulted by staff, or by other inmates with the complicity or acquiescence of corrections staff. As tragic as we found the recent death of Christopher Robinson, the circumstances were unfortunately not terribly surprising to us given what has been happening in that jail.

The following stories provide a snapshot of the experiences of our clients recently incarcerated in RNDC:

- A 17 year old client was bailed out by his mother last month after being jumped or attacked by at least ten other youth because he refused to join a gang.
- A corrections officer told inmates that one of our clients is being charged with a sex offense. These inmates beat our client, who received stitches in his lip, while an officer who was present did not intervene. Our client remains in RNDC despite requests to be moved elsewhere. The Department's response to the fight was to put him in close custody, where he is in solitary confinement 23 hours a day, and complains of symptoms of anxiety and depression.
- Clients frequently tell us that officers deputize certain inmates to control the feeding and telephones, and that these inmate enforcers frequently traffic in contraband tobacco on behalf of staff. Clients say that the officers look the other way when these inmate enforcers beat other inmates, and several of our clients have been victims of such beatings.
- A client who has been incarcerated for five months reports being beaten by other inmates in attempts to get his PIN number, used for placing phone calls. He reports that officers failed to intervene. He also has witnessed officers hitting inmates.
- One client reports receiving black eyes and cut and swollen lips from inmates several times. He did not want to report the incidents to DOC for fear of

retaliation. This client reports that correction officers in RNDC encourage fights between gang members to keep order in the house.

- Several clients reported being victims of sexual and physical assaults in RNDC. They were threatened by inmates to “keep their mouth shut” or further problems would ensue. Clients report being forced to perform oral sex on other inmates while the guards ignored it.
- Many clients describe that the officers “stay in the bubble” when altercations occur, ignoring or simply watching what is going on.
- Youth held in the “3 upper” housing unit repeatedly report to us that they are beaten by other inmates, with full knowledge of the officers, if they fail to “get down with the program,” that is, acquiesce to gang demands.

Just last week, we wrote to the Department about an inmate at RNDC who stated he was beaten, including by an Assistant Deputy Warden, when he asked not to be moved into a housing area where he feared for his safety because he had prior problems with inmates in that house. He even asked to go to punitive segregation instead of the new housing area, to no avail. Instead, he told us, while standing in the vestibule outside of the housing unit (areas where uses of force are very common), several officers and an Assistant Deputy Warden punched and hit him several times. When additional officers arrived, staff claimed that he had assaulted them. The inmate was taken to Elmhurst Hospital by EMS after the incident.

These stories are but further illustrations of the same dynamic that has led to recent indictments of RNDC correction officers by the Bronx District Attorney. Earlier this year, an officer was indicted on gang assault charges for his “scheme to use inmates to enforce discipline” at RNDC. (*See* Press Release, Office of the Bronx District Attorney, February 26, 2008, <http://bronxda.nyc.gov/frames.html>). According to the indictment, Officer Lloyd Nicholson ran a “systematic program... in which he would use a select group of inmates to maintain order and enforce discipline. The group of inmates would enforce rules of conduct established by Nicholson in exchange for preferential treatment, which included allowing them to extort commissary and telephone privileges as well as personal property from other inmates.” *Id.* In one of the incidents alleged in the indictment, Nicholson beat an inmate with a wooden stick. A few weeks later, he

ordered six inmates to beat up two other inmates, one of whom suffered a collapsed lung.
Id.

On June 1, 2007, the district attorney indicted an Assistant Deputy Warden and a captain for an egregious cover-up of a staff assault. (See Press Release, Office of the Bronx District Attorney, February June 1, 2007, <http://bronxda.nyc.gov/frames.html>). The indictment “alleged that Captain Sherman Graham struck inmate Brian Mitchell without provocation in the presence of 15 Correction Officer recruits whom he then ordered to falsely claim that Mitchell had been the aggressor,” and that Assistant Deputy Warden Gail Lewis participated in the cover-up.⁷ This involvement of an ADW and a false statement that the inmate initiated the assault are very similar to the incident we described above and about which we complained last week.

We believe that the complaints we hear under-represent the frequency of violence at RNDC, as in our thirty-plus years of experience with the jail population, younger inmates tend not to report the violence they suffer in jails. Not only are they more often unaware that we can advocate on their behalf, but they have a very well-founded fear of retaliation. However, notwithstanding these barriers to reporting, there exists comprehensive, systematic data about reported violence in RNDC—locations, participants, housing areas, staff involvement, injuries sustained. The Department of Correction tracks inmate fights, reported incidents in which staff use force, and allegations that staff used force.

Each month, the Prisoners’ Rights Project reads and analyzes *every* use of force report from RNDC in connection with our monitoring the settlement agreement we reached with the City in our class action about brutality in the jails, *Ingles v. Toro*. Unfortunately, we cannot provide you with this rich body of data because as a condition of settlement, the City insisted we keep this information confidential, even from you. While we think it repugnant as a matter public policy that the City would insist upon secrecy, we believe the settlement as a whole benefited our clients – most notably with

⁷ In the same vein, in 2006 another correction officer at ARDC, as RNDC was then known, was indicted for abusing nine inmates, all between the ages of 16 and 19, and “instructing the inmate to remain quiet or face harsh consequences.” See Press Release, Office of the Bronx District Attorney, May 23, 2006, <http://bronxda.nyc.gov/frames.html>.

the installation of recording cameras, which we believe is one of the most effective measures the Department can take in deterring misconduct. We strongly encourage you to ask the Department of Correction for this same body of data we review (including videotapes), and for the letters we have sent them raising our concerns about violence in the jails.

The consistency of the complaints coming out of RNDC--that inmates who are perceived as not being "down with the program" are the subject of beatings either by staff or by inmates while staff turn a blind eye--raises very serious questions about the degree to which central management controls staff misconduct in the jail. It would be salient to know, for example, what measures the Department takes to prevent the introduction of contraband by staff into the jails on an ongoing basis, rather than only in response to a crisis or bad publicity. The Department also has the ability to identify which staff repeatedly use force or are present in the locations or altercations in which inmates end up injured. This information should be utilized more than it is in order to more effectively supervise uniformed staff.

We have just been told by clients that the Department is now interviewing inmates at RNDC about staff misconduct, indicating a recent flurry of attention to the issue. But any reliance or pressure on adolescent inmates to "turn staff in" is deeply dangerous when the Department cannot guarantee protection for inmates who do report staff misconduct. How can an inmate possibly feel safe if he has reported on the very same housing area officer who controls when his cell door is open or closed? Whether he is safe or exposed? Whether he has access to a phone to call family, or must surrender his time to gang members? He cannot feel safe because he is not safe. Until the Department actively intervenes to make clear to staff -- by actions as well as word -- that it will no longer tolerate this culture of violence, this will not change.

Close Custody: A Hobson's Choice for Vulnerable Inmates

Inmates who are in danger in the general population have only one choice for protection: submission to the oppressively harsh conditions of 23-hour, solitary lock-in confinement in "close custody." Before 2005, the Department, like all prisons and large jails, had a protective custody unit for inmates who could not mingle with the general

population, either because of the threat they posed or the threats posed to them. At RNDC, there was both a generic protective custody unit and a special gay housing unit. Those were eliminated in 2005 with the introduction of “close custody.” This unit was created to house notorious inmates with high profile crimes; inmates deemed to be dangerous or predatory; and inmates who are vulnerable and in need of protection.

Conditions in close custody are among the harshest in any jail system. Inmates are locked in their cells for 23 hours each day, only permitted the constitutionally mandated one hour of exercise out of their cells. We are told they may also watch some television from separate plexiglass booths that are much smaller than their cells. High school aged inmates do not go to school and access to communal programs is cut off. The extensive literature documenting the harmful effects of this type of confinement, and the special vulnerability of adolescents and those with latent and diagnosed mental illnesses to isolation, is well known, and we won’t repeat it here.⁸ These predictable consequences were tragically illustrated by two suicides in close custody in the last two years: the death of 18-year-old Steven Morales on April 27, 2008, who had been in close custody for some time; and the November 2006 death of Matthew Cruz, who was incarcerated in a stock manipulation case. We also have clients who were beaten by staff while held in close custody.

It is entirely wrong to subject inmates to these conditions as the price for protection. Many know they could not tolerate these conditions any more than most of us can, and choose instead the risks of the general population. While the dangers of this type of confinement should be scrutinized in connection with its use for disciplinary

⁸See, e.g., *Davenport v. DeRobertis*, 844 F.2d 1310, 1313, 1316 (7th Cir. 1988) (citing Stuart Grassian, *Psychological Effects of Solitary Confinement*, 140 Am.J.Psychiatry 1450 (1983); *Langley v. Coughlin*, 715 F.Supp. 522, 540 (S.D.N.Y. 1989); *Baraldini v. Meese*, 691 F.Supp. 432, 446-7 (D.D.C. 1988) (citing sensory disturbance, perceptual distortions, and other psychological effects of segregation), *rev’d on other grounds*, 884 F.2d 615 (D.C. Cir. 1989); *Bono v. Saxbe*, 450 F.Supp. 934, 946 (“[p]laintiffs’ uncontroverted evidence showed the debilitating mental effect on those inmates confined to the control unit.”), *aff’d in part and remanded in part on other grounds*, 620 F.2d 609 (7th Cir. 1980); *Madrid v. Gomez*, 889 F.Supp. 1146, 1235 (N.D.Cal. 1995) (“many, if not most, inmates in the SHU experience some degree of psychological trauma in reaction to their extreme social isolation and the severely restricted environmental stimulation in SHU.”);

purposes, subjecting inmates who have violated no rules, and merely seek protection in a demonstrably violent jail, to these conditions is grossly unfair.

Special Needs of Incarcerated Youth Oft-neglected in Jail

The Legal Aid Society closely tracks the needs of the youth represented by our Adolescent Intervention and Diversion Project. These clients include youth aged 13-15 prosecuted as juvenile offenders in the adult court system and 16-18 year olds prosecuted as adults. In the most recent review of our clients needs we found that many of our clients present with multiple issues. Many youths who have mental health diagnoses also have co-occurring substance abuse problems. Many youngsters in foster care have mental health and/or special education needs.

Our most recent statistics of our caseload show that fifteen percent of our teenage clients are in foster care, twenty-three percent have been exposed to domestic violence, thirty-five percent of the youth have substance abuse problems, twenty-three percent have mental health problems and thirty-five percent are classified in need of special education services. These numbers usually fluctuate within a ten percent range in each category at any given time. The characteristics of the teenage client base demonstrate a population of young people who have profound needs and are in desperate need of therapeutic intervention. Unfortunately, they are exposed to violent jail conditions which exacerbate their prior life experiences.

Two recent teenage suicides in RNDC demonstrate the fatal consequences of failing to treat vulnerable adolescents. Steven Morales, who killed himself in close custody this past April, had a history that called out for more supervision: apparently raised largely in the foster care system, he was arrested at age 17 on charges in the death of his infant daughter, which itself is a high risk factor for suicide. *See*, Village Voice, "A Short Life Ends on Rikers Island," May 27, 2008 (<http://www.villagevoice.com/2008-05-27/news/a-short-life-ends-on-rikers-island-in-a-place-where-suicide-isn-t-supposed-to-happen/>). And on December 20, 2007, 17-year-old David Mercado also hanged himself at RNDC. Although Mr. Mercado was supposed to be placed on a suicide watch pursuant to the court's order, this was apparently ignored and he was placed in a dorm

setting. It is simply intolerable that these two very young, very vulnerable men killed themselves while ostensibly under departmental care.

Prior Neglect and Abuse

We have found that close to one-third of our clients in the delinquency and criminal system are, or have been, in foster care. Many of these youth have been in multiple foster care placements by the time they reach their mid-teens. Some feel disconnected from a system which they feel has not met their needs. The transitional planning services often fall short of ensuring a stable entry into adulthood. Some have emotional disabilities stemming from neglect or abuse which have not been identified or fully addressed. Many youngsters who were victims of sexual abuse suffer from mental illness or low self-esteem and can turn to substance abuse to dull the memories and the resulting pain. A percentage of these youngsters turn to prostitution to support themselves. This further exposes them to trauma and violence.

Mental Health Needs

Many incarcerated youth suffer from the entire range of mental illnesses. The most prevalent diagnoses of court-involved youth are attention deficit disorder, post-traumatic stress disorder, depression and bipolar disorder. Without consistent treatment, structure and services, these teens cannot complete their education or hold meaningful jobs. There are an insufficient number of residential beds in placements that can meet their serious needs. These young people often get discharged from the hospital into homelessness and eventually end up in the criminal justice system. Additional treatment resources will greatly help reduce the number of incarcerated youth.

Poor Family Support

Often lack of family support is caused by parents who are seriously mentally ill, suffering from addiction or are incarcerated. These young people really have no support system to turn to and once they become court-involved, can show no stability in the community and often face incarceration as a result.

LGBTQ Youth

Youngsters who identify as lesbian, gay, bisexual, transgender or questioning are often disproportionately harassed or attacked in jail. Many of these young people have been rejected by their families based on their sexual orientation and have been pushed out of their homes—some, at a very early age. Unfortunately, many of these youth experience their first contact with the court system on charges of prostitution, trespass and loitering. Because of the lack of family support and insufficient residential programs for this population, they also face incarceration.

Education

Youth arrive in adult jails with severe educational deficits: about 40-50% are classified as in need of special education services, and large numbers have reading and math proficiency four or five grades below grade level. Education in jail is of paramount importance not only to ensure their successful reintegration to the community upon release, but also to provide them with rehabilitative activities while in custody. Idleness breeds violence, and leaving adolescents to languish in housing areas rather than engage in productive school activities is a recipe for trouble.

The Department of Education provides high school education on Rikers Island to youth who are under 21 and do not have a diploma or GED. In 2000, in a lawsuit brought by the Legal Aid Society, a federal court found that these programs were so deficient that they violated the Constitution and federal laws. A monitor, appointed over the City's vigorous opposition, issued highly critical reports detailing serious failures in the Rikers schools, and the federal court again in 2002 ordered the City to come into compliance. After an appeal to the Second Circuit, which did not disturb the findings that education is constitutionally deficient, the case is now back in the federal courts to determine what relief will be imposed on the City finally to bring the education on Rikers Island up to the legal minimum.

Astonishingly, not only has the City strenuously opposed working with the Legal Aid Society for effective reform of the Rikers schools, but it actually continues to threaten to cut back on education in the jails. The City claims that it might cut in half the hours of school provided to the youngest prisoners – 16 and 17 year olds – by reducing

the school day from five and half to three hours. We do not yet know if this has been done. The City also threatened the court that if faced with injunctive relief requiring reforms in the schools, particularly to young people in special housing units, it would simply cut some of these programs altogether, even though we believe this would violate the law. The City also continues to insist that students face a 25 day waiting period before getting school, which would effectively eliminate an entire month of the school year for any student in New York City who is arrested and incarcerated.

While the City has made numerous changes to the schools on Rikers Island in response to our lawsuit, some of the most glaring problems identified by the Court and monitor remain unchanged. Although youth in need of special education are vastly over-represented in jail, the Rikers schools largely ignore their individual needs – not to mention the federal laws governing special education -- and instead provide a “one size fits all” approach that is the antithesis of special education.

Placement in a segregated housing unit – such as close custody, administrative segregation, or punitive segregation – essentially cuts off all education. Many of these students have very low literacy rates, and the monitor found that 65% of those in punitive segregation were classified as needing special education. The City claims to provide “cell study” in these units, but that consists at best of a generic, mimeographed packet of written material, and an occasional phone call (that a student must initiate) to a teacher. This is not education, and certainly is not meaningful to a young person with a serious learning impairment. Moreover, we have been informed that even these minimal services are offered intermittently at best, as there are not always telephones nor teachers to provide them.

The City should settle this case on terms that provide for basic literacy education for all students; permit schooling for youth the City places in special housing units; and ensure compliance with the federal laws governing special education. Teachers and administrators on Rikers want the case to succeed so as to bring about reforms in the much-neglected system, but the current administration has taken a remarkably aggressive approach to resisting fixing the problems the Court has already found. The City should stop fighting the attempts to remedy the violations in the schools, and should implement

the remedial measures previously suggested by the court monitor to ensure that youth in jail receive education during their incarceration.

Challenges Facing Girls in Adult Jails

Although this hearing focuses on the conditions in RNDC where boys are housed, it is important to remember that teenaged girls also are held on Rikers Island at the Rose M. Singer Center. While girls charged with crimes or delinquency face many of the same issues as boys, several areas of concern affect girls in particular. Most of the girls who enter the criminal justice system have experienced sexual, emotional and/or physical abuse in their past, suffer from mental health problems, and/or are substance abusers. One or any combination of these factors can contribute to the conduct resulting in criminal or delinquency proceedings. Indeed, research indicates that abuse (sexual, emotional and/or physical) may be the most significant underlying cause of such high-risk behaviors for girls.⁹ Victimization can lead to an increase in violent behavior, substance abuse and other self-harming behaviors, poor self esteem, early sexual activity and prostitution.¹⁰

In fact, the National Mental Health Association estimates that more than 70% of incarcerated girls nationwide report sexual and physical abuse. Due to repeated exposure to trauma and violence, up to 50% of incarcerated girls fit the criteria for a diagnosis of post traumatic stress disorder (PTSD) as well.¹¹ The extent of mental health problems among these girls is staggering. Almost 70% of girls in the juvenile justice system have histories of physical abuse, compared to a rate of about 20% for teenage females in the general population.¹² A 1997 study of boys and girls in juvenile justice facilities found

⁹ *Adolescent Girls with Co-Occurring Disorders in the Juvenile Justice System*, at 3, The National GAINS Center for People with Co-Occurring Disorders in the Justice System, December 1997.

¹⁰ *Id.*

¹¹ *Mental Health and Adolescent Girls in the Justice System*, National Mental Health Association (1999).

¹² Laurie Schaffner, *Female Juvenile Delinquency: Sexual Solutions, Gender Bias, and Juvenile Justice*, 9 *Hastings Womens L.J.*, 4 (1998).

that 84% of girls needed mental health assistance, compared to 27% of boys.¹³ It is certain that many of these mental health issues stem from histories of abuse so many of the girls have endured. Yet the juvenile and criminal justice systems traditionally focus on the girls' actions instead of the trauma they have endured and how that trauma might be related to the behavior for which they are charged.

The combination of past victimization and mental health problems also leads many girls to abuse drugs, often as a form of self-medication. In addition, the low self-esteem that many of these girls experience leads them to develop unhealthy and demeaning relationships and to associate with peer groups that encourage self-harming behavior. Girls who are commercially sexually exploited fit this profile. Experts recognize that there is a distinct difference between how girls cope with past violence and how boys tend to cope with similar histories. Girls internalize violence much more than boys, often manifesting it by self-mutilation. The characteristics of the detention environment (*e.g.*, seclusion, staff insensitivity, loss of privacy) all too frequently add to the loss of control and negativity that the girls feel, magnifying their inability to cope with life stressors, and increasing the risk of self-mutilating and suicidal behaviors.

Staffing and Separation of Young and Adult Prisoners

State regulations set the standard ratio for staff per youth in juvenile detention and jail. The difference in treatment of 15 year olds and 16 year olds is remarkable, despite the fact that this particular age distinction is made nowhere else in New York State law. 9 NYCRR §180.9 provides that the "minimum staff ratios shall be as follows: (i) one child care worker per eight children per shift; and (ii) one social worker per 15 children." In contrast, on Rikers Island, a ratio of one officer for 50 inmates is permitted.¹⁴ Thus, a 15 year old must be placed in a facility with a staff to detainee ratio of 1:8; a 16 year old

¹³ *Adolescent Girls with Co-Occurring Disorders in the Juvenile Justice System*, at 5, The National GAINS Center for People with Co-Occurring Disorders in the Justice System, December 1997. In New York City Fiscal Year 2006, the NYC Department of Juvenile Justice reports that 68% of children admitted to DJJ facilities required mental health services. Mayor's Management Report.

¹⁴ Rules of the Board of Correction, 40 RCNY §1-04(c)(5)(i).

may be in a facility with a ratio of 1:50. No institution which houses adolescents—foster care, schools—provides such drastically different levels of for 15 and 16 year olds.

There are far fewer incidents of violence in the Department of Juvenile Justice secure facilities than in DOC, and the incidents themselves are much less serious. We believe that to be the case because of the greater level of supervision of the youth in DJJ and the enhanced training that DJJ staff receive in addition to actual social work staff present during the day and available to the young people.

New York also requires separation of adolescent and adult prisoners. Correction Law §500-b4 provides: “No person under nineteen years of age shall be placed or kept or allowed to be at any time with any prisoner or prisoners nineteen years of age or older in any room, dormitory, cell or tier of the buildings of such institution unless separately grouped to prevent access to persons under nineteen years of age by prisoners nineteen years of age or older.” In practice, there are serious questions about whether the Department has blurred the distinction this statute draws. Teenagers and adults are both housed in close custody, which we understand is a single tier at RNDC. And whereas previously RNDC had its own administrative and punitive segregation units, which housed adolescents awaiting a disciplinary hearing and those convicted of infractions respectively, it is our understanding that these adolescents are now housed in the adult jails of GRVC (for pre-hearing detention) and the Central Punitive Segregation Unit (for infractions). The Department must ensure that these statutory protections of adolescents are not abridged.

We suggest that extra protections beyond this mere separation requirement should be provided for teenage prisoners who are prosecuted as adults. The current law simply does not provide for the supervision adolescents need.

The Basis for Reform: Kids are Not Adults

Public policy concerning youth held in adult jails must be rooted in the fact that adolescents are not adults. The treatment of adolescents in the criminal justice system has received significant attention over the past ten years. In 2005, the United States Supreme Court relied on medical, psychological and social science research to support its finding that children under the age of 18 are less culpable and more amenable to rehabilitation

than adults who commit similar crimes. *Roper v. Simmons*, 543 U.S. 551, 569 (2005). The Court's decision noted three significant differences between adolescents and adults: (1) adolescents demonstrate a "lack of maturity and an underdeveloped sense of responsibility" in youth that results in "impetuous and ill-considered actions and decisions"; (2) adolescents "are more vulnerable or susceptible than adults to negative influences and outside pressures, including peer pressure"; and finally, (3) "the character of a juvenile is not as well formed as that of an adult," and as a result, youthful offenders are "categorically less culpable than the average criminal,"

The finding that juveniles have reduced culpability led to the Court's conclusion that juveniles cannot be subjected to the death penalty. In sum, the *Simmons* Court found that sentencing for juveniles must be moderated to some degree to reflect their lesser blameworthiness.

These judicial and legislative trends are well supported by medical and social science research that adolescents are developmentally different than adults. Developmental psychologists have long recognized that adolescence is a period of major development in many areas including the development of cognitive skills. During the teenage years, youth begin to develop the abilities to abstract and to think of the possible, including alternative possibilities. These cognitive capacities progressively become ingrained in a person's thought process. However, this development rarely follows a straight line during adolescence, as periods of progress alternate with periods of regression.¹⁵ In recognition of this development, one psychologist has noted, "During the time these processes are developing, it doesn't make sense to ask the average adolescent to think or act like the average adult, because he or she can't—any more than a six-year-old can learn calculus."¹⁶ Adolescence is a time when the gradual transition into a self-governing, autonomous individual begins.¹⁷ Nevertheless, adolescents remain

¹⁵Laurence Steinberg & Robert G. Schwartz, "Developmental Psychology Goes to Court." in *Youth on Trial: A Developmental Perspective On Juvenile Justice*, 24 (Thomas Grisso and Robert Schwartz eds. 2000)

¹⁶Laurence Steinberg, *Juveniles on Trial*, 18 *Crim. Just.* 20, 22 (Fall 2003).

¹⁷*Kids are Different: How Knowledge of Adolescent Development Theory Can Aid Decision-Making in Court*, 16 (L. Rosado ed., 2000).

emotionally dependent on other people, specifically their parents or caretakers, peers, and society throughout this development process. They are less capable of independent, self-directed action than adults who have achieved a greater sense of identity and autonomy.¹⁸

Additionally, new research about the structure and function of the brain suggest that the teenage brain does not fully develop until the early 20's. The research, made possible by new technologies such as magnetic resonance imaging (MRI), allowing scientists to study brain images, demonstrates that the last areas of the brain to develop are the frontal lobes, specifically the pre-frontal cortex, which govern decision-making, judgment, and impulse control. As this area of the brain develops, young adults become more reflective and deliberate decision makers.¹⁹

The studies that have been conducted evaluating the value of treating children as adults have shown that these laws fail to reduce crime or recidivism. In fact, it has been shown that the opposite occurs. Ten years after the enactment of the Juvenile Offender Law in New York State, a study examined its effect on the rate of serious juvenile crime. The JO law required that juveniles charged with certain serious crimes be tried as adults. The study analyzed juvenile arrest rates four years prior and six years after the enactment of the law. The researchers found that the threat of adult criminal sanctions had no effect on the levels of serious juvenile crime.²⁰ A similar study conducted in Idaho examining a similar statute requiring that juveniles charges with certain serious crimes be tried as adults, came to the same conclusion. Additionally, when compared with neighboring states Montana and Wyoming, which had discretionary waiver systems similar to the system Idaho had in place prior to the legislative change, the study found that juvenile

¹⁸*Id.*; see also, Elizabeth S. Scott, *The Legal Construction of Adolescence*, 29 Hofstra L. Rev. 547, 555 (2000).

¹⁹Elizabeth S. Scott and Laurence Steinberg, *Blaming Youth*, 81 Tex. L. Rev. 799, 816 (2003) (citing Patricia Spear, *The Adolescent Brain and Age-Related Behavioral Manifestations*, 24 Neuroscience & Behavioral Reviews 417, 421-23 (2000); National Institute of Mental Health, *Teenage Brain: A Work In Progress* (NIH Publication No. 01-4929, January 2001) (available at www.nimh.nih.gov/publicat/teenbrain.pdf).

²⁰ Singer, Simon I., and David McDowall. 1988. "Criminalizing Delinquency: The Deterrent Effects of the New York Juvenile Offender Law." *Law and Society Review* 22:521-35; cited in Bishop, Donna, "Juvenile Offenders in the Adult Criminal System," 27 *Crime and Justice* 81 (2000).

arrests for the offenses targeted by the legislation actually increased in Idaho, while decreasing in the other two states.²¹

Another study compared adolescents (aged 15 and 16) prosecuted for first and second degree robbery in New York and New Jersey. In New York, the adolescents were charged in criminal court; in New Jersey, they were charged in juvenile court. The study found that the adolescents prosecuted in adult court were more likely to re-offend and to be reincarcerated than those prosecuted in juvenile court.²² This was so despite the similar demographics of both groups, and the fact that all were prosecuted for the same crime, robbery. In New York, the youth were prosecuted in the adult system because the family court did not have jurisdiction; in New Jersey, only the juvenile system had jurisdiction. The results of the study showed that the change in jurisdiction controlled the recidivism rate: the same population prosecuted in juvenile court re-offended less than those automatically prosecuted in adult court. Since the juvenile court system is infused with more rehabilitative and therapeutic services, the outcomes of prosecuting teenagers in juvenile court were demonstrated to have better results.

A national public opinion poll conducted by Zogby International in 2007 demonstrated that striking majorities favor rehabilitative services for young people and, despite a lack of confidence in the juvenile system, are largely opposed to prosecuting youth in the adult court and incarcerating youth in adult facilities. By a margin of more than 15 to 1, the U.S. voting public believes that decisions to transfer youth to the adult court should be made on a case-by-case basis and not be governed by a blanket policy. More than 80% of respondents think that spending on rehabilitative services and treatment for youth will save tax dollars in the long run. Approximately 7 in 10 feel that putting youth under age 18 in adult correctional facilities makes them more likely to commit future crime. More than two-thirds disagree that incarcerating youth in adult facilities teaches them a lesson and deters them from committing future crimes. Despite

²¹ Jensen, Eric L., and Linda K. Metsger. 1994. "A Test of the Deterrent Effect of Legislative Waiver on Violent Juvenile Crime." *Crime and Delinquency* 40:96-104, cited in Bishop, Donna, "Juvenile Offenders in the Adult Criminal System," 27 *Crime and Justice* 81 (2000).

²² Fagan, Jeffrey, 1996. "The Comparative Advantage of Juvenile versus Criminal Court Sanctions on Recidivism among Adolescent Felony Offenders." *Law and Policy* 18:77-112.

these findings, New York continues to prosecute children aged 16 and 17 as adults and incarcerates them in the same or similar facilities.

Recommendations

A. Social services to incarcerated teenagers must be increased, both to protect them during their incarceration and facilitate their re-entry to society upon release.

B. The Department of Correction and relevant other agencies should provide enhanced training focusing on adolescent development, mental health and educational issues for officers working with adolescents,

C. The Department of Correction should offer protective custody units to vulnerable inmates without subjecting them to the harsh deprivations of 23-hour lock in status or isolation.

D. The Department of Correction's systems for maintaining and utilizing information about violence against inmates should be reviewed, and the Department held accountable for supervision of its staff;

E. The Office of Mental Health should provide liaisons to facilitate assessment and placement of mentally ill court involved youth.

F. The Department of Education and Department of Correction should implement the reforms to the education system recommended by the monitor, so that they can develop sufficient academic skills to function successfully as adults.

Thank you for the opportunity to speak about this important topic.

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