

TESTIMONY

OF

CHARISA A. SMITH

DIRECTOR OF THE JUVENILE JUSTICE PROJECT

CORRECTIONAL ASSOCIATION OF NEW YORK

BEFORE THE JUVENILE JUSTICE COMMITTEE

JUNE 8TH, 2009

CITY HALL

Good Afternoon. My name is Charisa Smith, and I am the Director of the Juvenile Justice Project at the Correctional Association of New York. For nearly 165 years, the Correctional Association has advocated for more humane and effective criminal justice policies in New York State. The Juvenile Justice Project coordinates the Juvenile Justice Coalition, an alliance of over 50 organizations working to promote a more fair and effective juvenile justice system.

I would like to thank Chairperson Sara Gonzalez and the Juvenile Justice Committee for the opportunity to present this testimony on enhanced Correction Officer (CO) training and staff levels in adolescent units at the Department of Corrections (DOC). My testimony will also emphasize the need for similar training at the Department of Juvenile Justice (DJJ), and for the proposed resolution to reauthorize the Juvenile Justice and Delinquency Prevention Act (JJJPA).

Proposed bill Int. 969 defines adolescent development as "the process through which adolescents acquire cognitive, physical, psychological and emotional abilities." Training COs on that process a positive first step. However, the training requirement should be broadened. One study found that 90% of juvenile detainees reported experiencing at least one traumatic incident.<sup>1</sup> In 2006, research revealed that at least one quarter of youth in the juvenile justice system were in significant need of mental health treatment.<sup>2</sup> OCFS reports that 65% of youth in their facilities have special education needs. Most youth in the justice system also come from single parent families and impoverished communities. Further, scholars from institutions like the MacArthur Network have used brain research to identify the precise reasons why adolescents take more risks, seek thrills, and are more susceptible to peer pressure than adults.

For these reasons, COs and DJJ staff must be trained about childhood and adolescent brain development, trauma, mental health disorders, substance abuse, educational barriers, family influences, poverty, and the way those risk factors interplay with, and concretely impact, adolescent criminal behavior. These staff persons have the most contact with adolescents during incarceration. They need to

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<sup>1</sup> Arroyo, W. (2001).

<sup>2</sup> Shufelt & Cocozza.

get the full picture and understand all the reasons why youth in their custody have acted out in the community and have such special needs.

Both COs and DJJ staff also need training on issues of homophobia and lesbian, gay, bisexual, and transgender (LGBT) youth. The LGBT Working Group of the Juvenile Justice Coalition could provide such training, as it does for youth in DJJ custody. These are some of the most vulnerable youth in custody, and they suffer from harassment and abuse by both other adolescents and staff. DOC has several options for LGBT youth who now feel unsafe: "general population escort"—housing with other vulnerable individuals and an escort through the facility after several days of isolation for evaluation; or "closed custody / protective custody," which is lock-in for 23 hours per day. Youth at Rikers have described closed / protective custody as "hell." Human rights advocates insist that it violates human rights laws. Suicide rates are highest among youth housed in these situations. Staff training on LGBT youth issues would open a dialogue about treating these youth more humanely and about finding more effective ways to protect them.

Resolution 1931 urges the DOC to increase staffing levels in adolescent facilities, suggesting that they "reflect similar ratios" as DJJ. However, the Resolution needs to be extremely specific in insisting that DOC create the same staffing levels as DJJ's secure detention: 8-to-1 during the day and 12-to-1 at night. For years, advocates have been encouraging DOC to increase staffing levels. It took Christopher Robinson's tragic beating death to awaken us all to the need for more COs. The U.S. Department of Justice recommends that juvenile incarceration facilities have 1 direct care staff to 8-10 youth during waking hours and 1 to every 16-20 youth during sleeping hours.<sup>3</sup>

Having adequate numbers of staff, and extensive staff education, are the key to helping incarcerated youth to live in a positive, safe, least restrictive environment. If done thoroughly, staff training can better equip COs to truly help adolescents succeed while in custody. More than eight hours of staff training will be crucial.

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<sup>3</sup>U.S. Dept. of Justice, Civil Rights Division. Memo Re: *Marion County Juvenile Detention Center, Indianapolis, Indiana*. "At certain facilities, additional factors, such as poor facility layout, may require additional staff." (2007).

Finally, I thank Chairperson Gonzalez for her leadership in introducing Resolution 1930. I hope that City Council colleagues will enact this resolution as soon as possible to reauthorize the Federal JJDPA. Court-involved youth across America need well-funded services and supports—particularly during an economic crisis when community resources are dwindling. The JJDPA would fund juvenile justice programs and promote progressive juvenile justice reform. It would tackle the racial injustice of a system where 86% of youth in OCFS custody and 98% of youth in DJJ custody are youth of color. Reauthorizing the JJDPA would also enhance public safety by funding innovative approaches to reducing recidivism, addressing unnecessary incarceration, eliminating the inappropriate treatment of minors as adults, and providing crucial reentry services.

Most court-involved youth return to our communities while they are still young. We must equip them with the tools to not only survive, but to thrive in society, and to lead us into tomorrow.

Thank you for this opportunity to speak to you today.

Department of Correction  
Statement to the Committee on Juvenile Justice  
New York City Council  
Training for Correction Officers Working in Adolescent Units at the Department of  
Correction  
By John J. Antonelli, Senior Deputy Commissioner  
June 8<sup>th</sup>, 2009

Good Morning Chair Gonzalez and Members of the Council.

I am here today to testify regarding Intro 696, which would require the Department of Correction to furnish eight hours of training in adolescent development to all Correction Officers employed by the Department of Correction.

At previous Council hearings in November and February, the Department testified at length about the many steps we have taken to ensure the safety and security of adolescents in our custody both prior to and following the Christopher Robinson homicide. This included numerous security, programmatic and operational changes and initiatives.

Included in the measures the Department has taken since the Robinson tragedy are steps to enhance the training of Correction Officers who supervise adolescents. The Department developed two lesson plans to address issues identified in the Robinson case: The Prevention of Bullying and Intimidation in Housing Areas and Intelligence Gathering, instituted both lesson plans in the recruit training curriculum provided in the Correction Academy, and in-service/block training provided to staff already in the field. The Department began to and continues to revise the Adolescent Inmate lesson plan, which all Correction Officer Recruits receive in The Correction Academy. We provided special in-service versions of the "Bullying and Intimidation" and "Intelligence Gathering" lesson plans, modified to specifically focus on adolescents, and an "Adolescent Inmate" refresher course to all staff at RNDC enabled by variances obtained from the Board of Correction. We increased Institute for Inner Development training of RNDC staff and applied for federal stimulus funding to provide IID training to additional RNDC staff.

As we have previously testified before the Council, the Institute for Inner Development, or IID, seeks to provide adolescents in DOC custody with an environment for positive personal change and growth, through the conversion of adolescent housing areas to a therapeutic environment aimed at attitudinal and behavioral change, self-esteem building and the acquisition of basic life skills. These lessons are primarily taught through individual and group sessions facilitated by specially trained correction officers. The benefits of IID to the adolescents in DOC custody are substantial. We have seen significant reductions in violence in IID housing areas, and our staff has witnessed the transformation of previously problematic young men into motivated, goal-focused leaders. For these reasons, we have worked tirelessly to expand IID.

Thanks to recent training efforts, we have been able to provide IID training to a total of 154 of the 260 RNDC officers who work in adolescent housing areas. In addition, the Department recently applied for federal stimulus funding to sustain and expand IID. If successful, this Justice Assistance Grant will allow us to train an additional 41 officers in IID. Between the officers we have already trained with internal resources, and those we could train with these stimulus funds, the Department would be able to provide IID training to 75% of officers who work in adolescent housing areas, which would enable the Department to provide IID housing to approximately 80% of all adolescents in RNDC.

The Department is in agreement that those officers who are responsible for the care, custody and control of adolescents should have special training. We provide special training for officers who work with special populations such as the mentally ill, and have already begun, as I just outlined, to provide special training for officers who work with adolescents.

The Office of Management and Budget estimates that Intro 696 will cost \$4.9 Million in the first year, followed by an ongoing annual allocation of approximately \$490,000. The bill would require the Department to train all 9,000 correction officers in adolescent development when only 3% actually supervise adolescents. Providing training to all Correction Officers in the manner outlined in this legislation would cripple our ability to adequately prepare those staff that actually supervise adolescents, as well as address other special or vulnerable populations, as there are only so many hours available in the budget for training.

Furthermore, the Department must have the flexibility to manage training to respond to emerging issues in the most effective way possible; this bill will undermine that necessary management flexibility. Correction Officers are peace officers and as such, there is already a variety of training required by law that they must complete to achieve peace officer status, in addition to the correction-specific training mandated by outside agencies and required by the Department itself. Significant portions of the Correction Academy training curriculum, including certain materials, instructor credentials and number of instructional hours are already mandated by outside entities with substantive expertise and authority in relevant areas of instruction. The New York State Commission of Correction mandates significant portions of the basic training curriculum and instructor credentials for basic correction officer training. In fact, it must be emphasized that under state law, the State Commission on Correction is responsible for setting minimum requirements for Correction Officer training and continued oversight of the quality of training delivered. Additional portions of the training curriculum are required by the Municipal Police Training Council, which regulates peace officer training, the NYC Board of Correction and the State Department of Labor (Occupational Safety and Health Act).

Together, these agencies mandate 275 hours of the 640 hours of recruit training in the Correction Academy. There are only so many discretionary training hours available, and the Department needs flexibility to use this time to provide training in the most effective manner possible—including the content, who will deliver it, who will receive it, when it will happen, and how much training it will be.

The Department trains our officers to execute their jobs with excellence, professionalism and integrity. However, we must have the flexibility to provide the right training to the right officers so that they can meet their specific responsibilities. On the heels of all the efforts the Department has made to provide effective training for the relatively small number of officers who actually supervise adolescents, this bill would require the department to divert almost \$5 million away from these officers and the IID program, and spread resources we don't have over thousands of officers who do not and will not work in adolescent facilities or housing areas.

Rather than enhance the training of Correction Officers, this bill will diminish the Department's ability to provide the appropriate training to the appropriate staff, and in so doing, will make adolescents in custody and the staff who supervise them, as well as other populations requiring special attention less safe. We are certain this is not the Council's intention.

I will now answer any questions you may have.

**Testimony**  
**06/08/2009 Oversight Hearing of the Committee on Juvenile Justice**  
**Oversight: Training for Correction Officers Working in Adolescent Units at the**  
**New York City Department of Corrections (NYCDOC)**

My name is Flor Bermudez, and I am the Youth in Out-of-Home Care staff attorney at Lambda Legal Defense and Education Fund, the oldest national organization pursuing impact litigation, public education and advocacy to advance the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV. Lambda Legal's Youth in Out-of-Home Care Project raises awareness and advances reforms on behalf of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in child welfare, juvenile justice and homeless systems of care.

In 2003, Lambda Legal joined forces with the country's leading child welfare organization, Child Welfare League of America (CWLA), to advocate for standardizing safe, affirming and supportive services for LGBTQ youth in out-of-home care. Between September 2003 and December 2004, CWLA and Lambda Legal organized Listening Forums in 13 different cities around the country for LGBTQ youth in care, and the adults who work with and care for them, to share their experiences and identify strategies for bringing about lasting positive change in the child welfare system for LGBTQ people. As we analyzed the data collected at these forums, it became clear that LGBTQ youth need the support of adults who have been adequately trained on sexual orientation and gender identity issues and that child welfare policymakers should support comprehensive training on LGBTQ issues for all staff in their agencies.<sup>1</sup>

In March of 2008, the New York State Office of Children and Family Services (OCFS) implemented detailed policy and practice guidelines on caring for LGBTQ youth<sup>2</sup> in the juvenile justice facilities it oversees in New York State. The policy protects youth from discrimination on the basis of sexual orientation, gender identity and gender expression, and the guidelines call for culturally competent practices for LGBTQ youth in areas like housing, name and pronoun usage and health care. OCFS now has the most comprehensive LGBTQ juvenile justice policy in the country. This policy calls for mandatory staff training to raise awareness and capacity for staff to respond to gender identity, sexual orientation and gender expression issues.<sup>3</sup>

Research shows that young people facing family rejection, harassment and school failure are more likely than other youth to enter the criminal justice system. LGBTQ youth are more likely than their non-LGBTQ peers to face abuse and neglect, including being thrown out of home. They are also more likely to be harassed and victimized at school. Consequently,

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<sup>1</sup> See Child Welfare League of America & Lambda Legal Defense & Education Fund, *Out of the Margins: A Report on Regional Listening Forums Highlighting the Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth in Care* (2006), available at <http://www.lambdalegal.org/our-work/publications/>.

<sup>2</sup> The New York State Office of Children and Family Services, Policy and Procedure Manual 3442.00 ("Lesbian, Gay, Bisexual, Transgender and Questioning Youth" and "Guidelines for Good Childcare Practices with Lesbian, Gay, Bisexual, Transgender and Questioning Youth.").

<sup>3</sup> *Id.*



LGBTQ youth view dropping out of school and living on the streets as their only alternatives for survival. Once on the streets, LGBTQ teens may be forced into illegal activities, including sex work and drug sales, to support themselves. LGBTQ youth of color congregating in public places in particular face selective enforcement of “quality of life” offenses and “morals” regulations. These factors contribute to the over-representation of LGBTQ youth in juvenile justice and delinquency systems.<sup>4</sup>

Once in the juvenile justice system, LGBTQ youth are often neglected and/or discriminated against by facility staff and peers.<sup>5</sup> Many LGBTQ youth in the juvenile justice system experience verbal harassment and physical or sexual abuse because of their sexual orientation or gender identity. This abuse is perpetrated not only by youth peers, but also by facility staff. When LGBTQ youth are harassed or discriminated against, juvenile justice facilities frequently respond by moving the LGBTQ youth to a more restrictive setting or isolating them rather than addressing the underlying homophobia that plagues the system. LGBTQ youth have also been segregated or put in isolation based on a myth that LGBTQ youth will “prey” on other youth. This separation only reinforces the notion that LGBTQ youth are bad or to blame for harassment directed at them.

Lambda Legal commends the intentions of the New York City Council to furnish training in adolescent development to all NYC DOC correction officers who work in adolescent units. We strongly recommend that this training include specific guidance on how to create safe and welcoming environments for LGBTQ youth. It is crucial that NYC DOC recognize that LGBTQ youth are in the midst of adolescent development and have complex needs that require the sensitivity and awareness of well-trained staff in performing their duties without bias toward, or criticism or judgment of, LGBTQ youth. Training is a crucial aspect of creating cultural change in agencies because it reinforces an agency’s commitment to providing appropriate and inclusive care, and it replaces common myths and misconceptions with practical, research-based information regarding LGBTQ youth.<sup>6</sup>

In 2009, the National Association of Social Workers and Lambda Legal joined in partnership to improve out-of-home care for LGBTQ youth by implementing a national training initiative. This project trained 40 master trainers from across the country in turn to train service providers in the child welfare, juvenile justice and homeless services systems to work competently with LGBTQ youth. The 40 master trainers are now available to train child welfare and juvenile justice direct service professionals at no, or little, cost to respond to, and meet the needs, of LGBTQ youth in care.

The following recommendations provide further detail on what should be included in any adolescent development training imparted to NYC DOC correction officers.

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<sup>4</sup> See Child Welfare League of America & Lambda Legal Defense & Education Fund, *Getting Down to Basics: Tools to Support LGBTQ Youth in Care* (2006), available at <http://www.lambdalegal.org/take-action/tool-kits/getting-down-to-basics/>.

<sup>5</sup> See National Center for Lesbian Rights, *LGBTQ Youth in the Juvenile Justice System*, available at [http://www.nclrights.org/site/PageServer?pagename%20=issue\\_youth\\_docsDownloads](http://www.nclrights.org/site/PageServer?pagename%20=issue_youth_docsDownloads) (last visited June 4, 2009); S. Wilber et al., *CWLA Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care* (Child Welfare League of America, 2006).

<sup>6</sup> Wilber at 5.

- Training on LGBTQ issues should be mandatory, comprehensive and ongoing for all correction officers. It should be made clear to all correction officers that negative behaviors and attitudes towards LGBTQ youth cannot be tolerated. Educational materials on LGBTQ issues, including books and films, should be available for correction officers.
- As part of the LGBTQ competence training, correction officers should assess their own personal beliefs and biases regarding sexuality and gender, which may stem from a variety of sources. Training on LGBTQ issues should emphasize the distinction between one's personal opinions and the professional responsibility to provide safe, affirming and supportive care to all youth in care.
- The training should also reinforce the correction officers' professional responsibility to protect the right to safety for LGBTQ youth,<sup>7</sup> which includes protection from physical and emotional harm from other juveniles or the staff and from unreasonably restrictive conditions of confinement. All youth in city or state custody also have federal and state constitutional rights to equal protection under the law. This means that LGBTQ youth in the custody of NYC DOC must be treated equally in the provision of services and must be protected from harassment.<sup>8</sup> In addition, correction officers should learn about their responsibilities to comply with the New York State and New York City Human Rights Laws statutory protections against discrimination.<sup>9</sup>
- Essential professional skills should also be cultivated through training on LGBTQ issues. For example, training should offer advice for identifying the warning signs that a young person may be experiencing anti-LGBTQ mistreatment and include strategies for intervening on behalf of victims. Specific training should be provided on the existence and enforcement of LGBTQ-inclusive nondiscrimination laws.<sup>10</sup>
- The use of respectful language is an important skill to build into the training. Correction officers should understand that anti-LGBTQ slurs should not be tolerated.
- Training should also include specific guidance on identifying and protecting the safety of LGBTQ youth. LGBTQ youth should not be inappropriately placed with an aggressive population, with known sex offenders, or with other youth who display anti-LGBTQ behaviors and attitudes. Recognize the risk of harm to a young person if he or she is openly LGBTQ or perceived by others to be LGBTQ. Correction officers should consider the maturity, physical size, offense history and other risk factors, including

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<sup>7</sup> Juveniles are entitled to greater civil rights protections while in state custody than adult prisoners who are protected from "cruel and unusual punishment" pursuant to the Eighth Amendment. The right to safety has been held by court to include the right to appropriate medical and mental healthcare services. When a young person in state custody is harassed, harmed or not provided adequate treatment and services, the state officials responsible for ensuring protection can be held personally liable. Courts have awarded sizeable monetary awards for damages in cases involving mistreatment of LGBTQ young people (*see, e.g., R.G. v. Koller, District of Hawaii, 2006, and Rodriguez v. Johnson, Southern District of New York, 2006*).

<sup>8</sup> *See Nabozny v. Podlesny*, 92 F.3d 446, 456, 458 (7th Cir. 1996).

<sup>9</sup> *See McKinney's Executive Law § 296; New York City Administrative Code § 8-107.*

<sup>10</sup> *Id.*

sexual orientation and gender identity, in determining the appropriate level of security and confinement of a particular youth. While placement decisions are often tied to security classifications, LGBTQ youth should be placed where qualified staff have been trained to protect and support them.

- Correction officers should also be trained to protect the rights of LGBTQ youth to receive adequate medical and mental healthcare services. Ignoring the healthcare needs of an LGBTQ young person in state custody violates the young person's right to safety. For example, if a youth diagnosed with Gender Identity Disorder exhibits a need for medical and psychological intervention and nothing is done to address these needs, their legal rights are violated.

The following is a non-exhaustive list of model curricula and other educational resources addressing LGBTQ issues.

- *Moving the Margins: Training Curriculum for Child Welfare Services with LGBTQ Youth in Out-of-Home Care*, National Association of Social Workers and Lambda Legal (2009). To order free copies of the training curriculum, contact Lambda Legal at 1-866-LGBTeen (toll free) or 212-809-8585
- *Getting Down to Basics: Tools for Working with LGBTQ Youth in Care*. Child Welfare League of America and Lambda Legal (2006). To order free copies of the *Getting Down to Basics* toolkit, contact Lambda Legal at 1-866-LGBTeen (toll free) or 212-809-8585, or download it for free at [www.lambdalegal.org](http://www.lambdalegal.org) or [www.cwla.org](http://www.cwla.org)
- "Bridges, Barriers and Boundaries: A Model Curriculum for Training Youth Service Professionals to Provide Culturally Competent Service for Sexual and Gender Minority Youth in Care," Robin McHaelen, *Child Welfare Journal*, March/April 2006 (CWLA). It can be purchased on-line at <http://www.cwla.org/pubs/pubdetails.asp?PUBID=10455>).
- *Out of the Margins: A Report on Regional Listening Forums Highlighting the Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth in Care*, Child Welfare League of America and Lambda Legal (2006). It is available free-of-charge at [www.lambdalegal.org](http://www.lambdalegal.org) and [www.cwla.org](http://www.cwla.org).
- *Breaking the Silence: Lesbian, Gay, Bisexual, Transgender, and Queer Foster Youth Tell Their Stories, A Tool for Training Care Providers on Working Effectively with LGBTQ Youth*, National Center for Lesbian Rights (2006). It is available free-of-charge at [www.nclrights.org](http://www.nclrights.org).

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**CITIZENS' COMMITTEE for CHILDREN**  
OF NEW YORK INC

**FOR THE RECORD**

Testimony of

Ailin Chen

Senior Policy Associate, Education, Juvenile Justice and Youth Services  
Citizens' Committee for Children of New York, Inc.

Before the

New York City Council  
Finance and Juvenile Justice Committees

Regarding the New York City  
Executive Budget for FY10

May 18, 2009

Good afternoon. My name is Ailin Chen and I am the Senior Policy Associate for Education, Juvenile Justice and Youth Services for Committee for Children of New York (CCC). CCC is a 65- year old privately supported, independent, multi-issue child advocacy organization. CCC does not accept or receive public resources nor do we provide direct service or represent a sector or workforce; rather for 65 years we have undertaken public policy research, community education and advocacy activities to ensure New York City's children are healthy, housed, educated and safe. I would like to thank Chairman Weprin, and Chairman Gonzalez and the members of the Council Finance and Juvenile Justice Committees for this opportunity to testify on the Mayor's Executive Budget for City Fiscal Year 2010.

While we appreciate the severity of the budget crisis and are grateful for the federal stimulus funding, we do not believe that the Executive Budget goes far enough to protect New York City's children from shouldering a disproportionate burden of the economic downturn. During economic downturns, like the unprecedented one we are in the midst of, it is more important than ever that the core services for children and families be protected and supported.

Youth services, child abuse prevention services, child protection, foster care, after school programs, child care, and children's health and mental health services are, and will continue to be, critical to promoting the well-being of children and their families.

To protect children in this budget, CCC urges the City Council and the Mayor to consider additional revenue options, particularly those that are the least regressive. Without much needed revenue, over \$108 million in troublesome reductions to essential services may stand, jeopardizing child safety and threatening child well-being.

While CCC is relieved that the Executive Budget proposes no new child welfare reductions and partially closes the child care budget gap, we remain concerned that budget reductions initially proposed in January, to ACS in particular, still stand. These reductions threaten the ability of community based preventive service agencies to maintain lower caseloads and meet the needs of at-risk families. They also hinder the capacity of foster care agencies to serve children in their care and expedite permanency for these children and their families. And they reduce ACS staff almost 1000.

CCC is also very concerned about proposed budget reductions to child health clinics and school based dental clinics. Notably the structural deficit faced by HHC and created by the State's reduction in Medicaid reimbursement, is not recognized in the Executive Budget but will also result in the elimination of community health clinics that serve children, school based mental health programs and adolescent day treatment programs. In short, basic primary health care services for the city's children are threatened with elimination.

Finally, we remain concerned that reductions to youth services such as after school programs and summer youth employment, will result in thousands of children lacking access to needed constructive activities after school and during the summer months.

While NYC must show restraint in its expenditures, it is paramount that the proposed

reductions that would weaken an already fragile social infrastructure, cause unimaginable strain on the neediest children, and jeopardize the safety and well-being of children, be reconsidered. CCC has identified over **\$108 million** in city budget reductions to children and family services that we believe are of great concern. These are detailed in the chart attached to our testimony.

Because the city's fiscal situation is so dire, we urge the City Council and the Mayor to explore all additional revenue options including but not limited to temporarily rescinding property tax exemptions on private colleges and universities, rescinding the property tax exemption on Madison Square Garden, altering pilot property tax agreements on stadiums, and weighing progressive local income tax increases.

Turning specifically to the Department of Juvenile Justice, there are two service cuts in particular for youth in detention that are of great concern.

First, we ask that the Council oppose the proposed elimination of discharge planning unit. As we testified at the Preliminary Budget hearing, a proposal to eliminate the discharge planning unit is short-sighted particularly when DJJ reports a 47.5% readmission rate. These statistics demonstrate a need for more comprehensive discharge planning services - not less. DJJ's proposal to relinquish budgeted positions and reassign discharge planners to existing case management units will make it even more difficult to ensure that youth connect with and engage in positive neighborhood-based services that will help to keep them out of detention in the long-term.

Second, CCC urges the Council to oppose the proposed cut to dental services for youth in detention and restore \$51,000 in order to ensure that youth continue to receive dental care within 20 days of admission and not 60 days as proposed in the Executive Budget. Because the average length of stay for youth in DJJ detention is 28 days, DJJ's proposal would result in some youth being denied dental care altogether while in detention. Timely access to dental care while in detention is essential and must be preserved because for many of these youth, it is the first time that they have received consistent health care.

Finally, CCC supports the proposal to reduce certified capacity at Bridges Residential Center from 95 beds to 71 beds. However, we were disappointed to see that the Executive Budget did not include further plans to address the need to reduce the City's reliance on secure detention and to renew its commitment to close Bridges Residential Center. To that end, we urge the Council to use its oversight capacity to monitor secure detention population trends and utilization rates. Additionally, with more than half of the young people in DJJ secure detention remanded for misdemeanor charges, we ask the Council to also monitor utilization rates for alternative-to-detention programs and other community-based programs that could better serve youth and reduce the City's reliance on secure detention.

When the City's FY 2010 Budget is adopted, the Mayor and City Council must make certain that the City is able to address the increased needs of children during this economic crisis.

Thank you for this opportunity to testify.



**CITIZENS' COMMITTEE for CHILDREN**  
 O F N E W Y O R K I N C

**PROGRAM AREA AND AGENCY BUDGET ANALYSIS**  
**PROPOSED REDUCTIONS TO VITAL CHILDREN'S SERVICES**

Items in parentheses are negative (i.e. reductions)

**CHILD CARE:**  
**ADMINISTRATION FOR CHILDREN'S SERVICES**

<b>Program</b>	<b>FY 2010 Preliminary Budget Proposals</b>	<b>FY 2010 Executive Budget Proposals</b>	<b>Failure to Fund City Council Initiative</b>	<b>Total Proposed Increase or Decrease for FY2010</b>
Elimination of 293 Administrative and Child Care Staff	(\$7.6 million)			(\$7.6 million)
Reduction to (in January) and then Elimination of Priority 7 Child Care Vouchers (current families to be offered contracted slots)	(\$7.1 million)	(\$5.7 million)		(\$12.8 million)
Child Care Market Rate		\$25.0 million		\$25.0 million
Elimination of Low Priority (8 and 9) child care vouchers		(\$4.2 million)		(\$4.2 million)
Child Care Market Rate		\$4.2 million		\$4.2 million
Provider's Choice- Family Child Care Supplies			(\$1.2 million)	(\$1.2 million)
Working Parents for a Working New York			(\$300,000)	(300,000)
CEO: Early Childhood Policy and Planning	(\$58,000)			(\$58,000)
<b>Sub-Total</b>	<b>(\$14.7 million)</b>	<b>\$19.3 million</b>	<b>(\$1.5 million)</b>	<b>\$3.1 million</b>



\* Items with an asterisk are those items where city funding is being replaced with federal stimulus funds. These city funding reductions are not included in the totals (as only the source of funding is changing.)

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CHILD WELFARE:  
ADMINISTRATION FOR CHILDREN'S SERVICES

Program	FY 2010 Preliminary Budget Proposals	FY 2010 Executive Budget Proposals	Failure to Fund City Council Initiative	Total Proposed Increase or Decrease for FY2010
Elimination of 315 Child Welfare Personnel	(\$8.2 million)			(\$8.2 million)
Reorganization of Family Preservation Program (staff reduction of 234 through attrition)	(\$7.3 million)			(\$7.3 million)
November 2008 Budget Modification: Elimination of 127 Child Protective Level 1 Supervisory vacancies	(\$3.8 million)			(\$3.8 million)
5% Reduction to Administrative Rate for Foster Care Providers	(\$5.7 million)			(\$5.7 million)
Community Partnership Initiative not to be expanded (remain at 11 instead of 15 CPIs)	(\$930,000)			(\$930,000)
Reduce Agency Support Contracts (suspend MSW program, eliminate media campaigns, etc.)	(\$1.8 million)			(\$1.8 million)
Reduction to Foster Parent Supports (10% reduction to providers that have not met performance goals)	(\$909,000)			(\$909,000)
Eliminate Facility Maintenance Expense (turnover facility to private provider)	(\$218,000)			(\$218,000)
CEO: Individual Development Accounts for Foster Youth	\$206,000			\$206,000
Replacing city foster care and adoption funding with federal stimulus funds		(\$19.8 million)*		N/A*
City funds to address state budget reduction for PINS, JDs, Institutional schools, Preventive Services and Adoption Subsidies		\$9.8 million		\$9.8 million
Preventive Service Program Enhancement Funding		(\$9.0 million)		(\$9.0 million)
Child Safety Initiative: Preventive Services Caseload Reduction			(\$3.7 million)	(\$3.7 million)
Child Advocacy Centers			(\$500,000)	(\$500,000)
Family Justice Centers			(\$200,000)	(\$200,000)
CONNECT Domestic Violence program			(\$600,000)	(\$600,000)
<b>Sub-Total</b>	<b>(\$28.7</b>	<b>\$800,000</b>	<b>(\$5.0</b>	<b>(\$32.9</b>

	million)		million)	million)
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\* Items with an asterisk are those items where city funding is being replaced with federal stimulus funds. These city funding reductions are not included in the totals (as only the source of funding is changing.)

CHILDREN'S HEALTH AND MENTAL HEALTH:  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
AND HEALTH AND HOSPITALS CORPORATION

Program	FY 2010 Preliminary Budget Proposals	FY 2010 Executive Budget Proposals	Failure to Fund City Council Initiative	Total Proposed Increase or Decrease for FY2010
Elimination of dental clinics for children (November 2008 Budget Modification- \$2.5 million)				(\$2.5 million)
Child Health Clinics	(\$960,000)	(\$111,000)	(\$5.0 million)	(\$6.1 million)
Mental Hygiene-Community based and other non-HHC providers	(\$1.1 million)			(1.1 million)
Reduction of HHC MR/DD Services in CBOs (non-HHC)		(\$544,000)		(\$544,000)
HHC Mental Hygiene Services	(\$869,000)			(\$869,000)
Reduction of HHC MR/DD Clinic Services		(\$558,000)		(\$558,000)
DOHMH Staff Reductions	(\$1.3 million)	(\$1.5 million)		(\$2.8 million)
CEO: Expand Access to Healthy Foods	\$182,000			\$182,000
Obesity Prevention Initiatives			(\$3.0 million)	(\$3.0 million)
Mental Health Treatment for Children Under Five			(\$1.6 million)	(\$1.6 million)
Autism Awareness Initiative			(\$1.6 million)	(\$1.6 million)
CEO: School Based Health and Reproductive Health Centers	\$1.4 million			\$1.4 million
Infant Mortality Initiative			(\$3.5 million)	(\$3.5 million)
Asthma Control Initiative			(\$545,000)	(\$545,000)
Podiatric Screening			(\$500,000)	(\$500,000)
Diagnostic and Treatment Center Funding	(\$473,000)			(\$473,000)
Primary Care Capacity Initiative	(\$2.7 million)	(\$2.0 million)		(\$4.7 million)
Supplemental School Health Services	(\$754,000)			(\$754,000)
<b>Sub-Total</b>	<b>(\$6.6 million)</b>	<b>(\$4.7 million)</b>	<b>(\$15.7 million)</b>	<b>(\$27.0 million)</b>

JUVENILE JUSTICE:  
DEPARTMENT OF JUVENILE JUSTICE

Program	FY 2010 Preliminary Budget Proposals	FY 2010 Executive Budget Proposals	Failure to Fund City Council Initiative	Total Proposed Increase or Decrease for
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				FY2010
Discharge Planning / Program Services for Youth in Facilities			(\$640,000)	(\$640,000)
Decrease in Dental Services	(\$71,000)			(\$71,000)
Eliminating the DJJ Discharge Planning Unit	(\$513,000)			(\$513,000)
Sub-Total	(\$584,000)	\$0	(\$640,000)	(\$1.2 million)

\* Items with an asterisk are those items where city funding is being replaced with federal stimulus funds. These city funding reductions are not included in the totals (as only the source of funding is changing.)

**YOUTH SERVICES:  
DEPARTMENT OF YOUTH AND COMMUNITY SERVICES**

<b>Program</b>	<b>FY 2010 Preliminary Budget Proposals</b>	<b>FY 2010 Executive Budget Proposals</b>	<b>Failure to Fund City Council Initiative</b>	<b>Total Proposed Increase or Decrease for FY2010</b>
Reduce SYEP work week by 1 day (November 2008 Budget Modification) - (\$1.8 million)				(\$1.8 million)
Reduction in SYEP summer job slots	(\$2.0 million)	(\$6.6 million)		(\$8.6 million)
Beacon opening fees			(\$3.0 million)	(\$3.0 million)
Elimination of OST Option II	(\$6.0 million)			(\$6.0 million)
Reduction in OST Option I slots	(\$2.56 million)			(\$2.56 million)
Reduction in OST Summer Program	(\$2.9 million)			(\$2.9 million)
Increase in OST Low Performance Penalty	(\$570,000)			(\$570,000)
Shelter Beds for At-Risk Runaway and Homeless LGBTQ Youth			(\$1.7 million)	(\$1.7 million)
Institute for Student Achievement			(\$1.4 million)	(\$1.4 million)
Street Outreach/Neighborhood Youth Alliance			(\$1.0 million)	(\$1.0 million)
The After-Three Program			(\$3.8 million)	(\$3.8 million)
YMCA Virtual Y Program			(\$500,000)	(\$500,000)
Sports and Arts Foundation			(\$1.2 million)	(\$1.2 million)
Helping Involve Parents in Schools Project (HIP)			(\$4.3 million)	(\$4.3 million)
Cultural After School Adventure (CASA)			(\$5.5 million)	(\$5.5 million)
CEO: Youth Programs	\$14.3 million			\$14.3 million
Transfer of Social Services Funding from NYCHA	\$12.3 million			\$12.3 million
WIA Federal funds (generating \$4.2 million in city savings)		\$32.3 million federal funds*		N/A*
<b>Sub-Total</b>	<b>\$12.57 million</b>	<b>(\$6.6 million)</b>	<b>(\$22.4 million)</b>	<b>(\$16.4 million)</b>

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These city funding reductions are not included in the totals (as only the source of funding is changing.)

**FAMILY HOMELESSNESS:  
DEPARTMENT OF HOMELESS SERVICES**

Program	FY 2010 Preliminary Budget Proposals	FY 2010 Executive Budget Proposals	Failure to Fund City Council Initiative	Total Proposed Increase or Decrease for FY2010
HomeBase Homelessness Prevention Program	(\$5.1 million)*	(\$1.8 million)*		N/A*
Eliminate Recreation Staff from Shelter Contracts	(\$2.4 million)			(\$2.4 million)
Elimination of direct social service staff in commercial hotels housing homeless families	(\$1.1 million)			(\$1.1 million)
Rate reduction to family hotels	(\$575,000)			(\$575,000)
Eliminate Homecare Kits for Families	(\$354,000)			(\$354,000)
Eliminate Clothing Bank Contract	(\$221,000)			(\$221,000)
Family capacity re-estimate		\$24.7 million		\$24.7 million
Citywide Homeless Prevention Fund			(\$250,000)	(\$250,000)
<b>Sub-Total</b>	<b>(\$4.65 million)</b>	<b>\$24.7 million</b>	<b>(\$250,000)</b>	<b>\$19.8 million</b>

**DEPARTMENT OF SOCIAL SERVICES:  
HUMAN RESOURCES ADMINISTRATION**

Program	FY 2010 Preliminary Budget Proposals	FY 2010 Executive Budget Proposals	Failure to Fund City Council Initiative	Total Proposed Increase or Decrease for FY2010
Nutrition for Adults and Families Living with HIV/AIDS	(\$491,000)			(\$491,000)
Food Stamps at Farmer's Markets			(\$270,000)	(\$270,000)
CEO: Employment Services for Non-Custodial Parents	\$380,000			\$380,000
CEO: Enhanced Employment Services	\$111,000			\$111,000
FFFS Funding Adjustment (City funds to accommodate state reduction)		\$61.3 million		\$61.3 million
WeCARE Contract Reduction		(\$2.0 million)		(\$2.0 million)
Emergency Food Programs			(\$2.1 million)	(\$2.1 million)
<b>Sub-Total</b>	<b>\$0</b>	<b>\$59.3</b>	<b>(\$2.4 million)</b>	<b>\$56.9</b>



		million	million)	million
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\* Items with an asterisk are those items where city funding is being replaced with federal stimulus funds. These city funding reductions are not included in the totals (as only the source of funding is changing.)

HOUSING:  
HOUSING PRESERVATION AND DEVELOPMENT

Program	FY 2010 Preliminary Budget Proposals	FY 2010 Executive Budget Proposals	Failure to Fund City Council Initiative	Total Proposed Increase or Decrease for FY2010
City-Task Force on Housing Court			(\$500,000)	(\$500,000)
Anti-Eviction Legal Services			(\$2.3 million)	(\$2.3 million)
CEO: Family Self-Sufficiency Program	\$2.1 million	(\$40,000)		\$2.06 million
Community Based Consultants			(830,000)	(830,000)
NYC Neighborhoods		\$2.0 million		\$2.0 million
<b>Sub-Total</b>	<b>\$2.1 million</b>	<b>\$1.96 million</b>	<b>(\$3.6 million)</b>	<b>\$460,000</b>

EDUCATION:  
DEPARTMENT OF EDUCATION

Program	FY 2010 Preliminary Budget Proposals	FY 2010 Executive Budget Proposals	Failure to Fund City Council Initiative	Total Proposed Increase or Decrease for FY2010
Reduce 1,440 Pedagogical Employees in Schools (through attrition)	(\$91.2 million)			(\$91.2 million)
Estimated Headcount Reduction from Anticipated State Cut at time of Preliminary Budget (13,930 positions)	(only if state cut implemented)	\$951.6 million** (federal funds)		N/A*
Playgrounds		\$2.0 million		\$2.0 million
Special Education pre-kindergarten		\$316,000		\$316,000
CEO: Early Childhood Policy and Planning	(\$72,000)			(\$72,000)
Universal Pre-kindergarten (full day in ACS programs)			(\$2.6 million)	(\$2.6 million)
Teacher's Choice (supplies for schools)			(\$13.0 million)	(\$13.0 million)
Urban Advantage			(\$500,000)	(\$500,000)
Dropout Prevention and Intervention			(\$2.0 million)	(\$2.0 million)
<b>Sub-Total</b>	<b>(\$91.2 million)</b>	<b>\$2.3 million</b>	<b>(\$18.1 million)</b>	<b>(\$107.1 million)</b>

\*\*Federal Funds, including Title I, IDEA, and AHRA stimulus funds ameliorate the state budget reduction and prevent the layoffs of almost 14,000 teachers.

\* Items with an asterisk are those items where city funding is being replaced with federal stimulus funds. These city funding reductions are not included in the totals (as only the source of funding is changing.)

## TESTIMONY

The Council of the City of New York

Committee on Juvenile Justice  
Sara M. Gonzalez, Chair

"Oversight: Training for Correction Officers working in Adolescent Units at the Department of Correction"

Int. 969- "Local Law to amend the administrative code of the city of New York in relation to requiring adolescent development training for correction officers."

Res. No. 1920- "Resolution calling on the United States Senate to pass legislation reauthorizing and enhancing the Juvenile Justice and Delinquency Prevention Act."

Res. No. 1931- "Resolution urging the New York City Department of Correction to increase staffing levels in adolescent facilities at Rikers Island."

June 8, 2009  
New York, New York

Prepared by  
The Legal Aid Society  
Prisoners' Rights Project and Criminal Defense Practice  
199 Water Street  
New York, NY 10038

Presented by:

Nancy Ginsburg  
Adolescent Intervention and Diversion Team  
Criminal Defense Practice

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 (PRP) has successfully brought litigation challenging a variety of practices in the New York City jails. Each week PRP 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.

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 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. This practice connects young people to 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, it reduces 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 Chair Gonzalez and the Committee on Juvenile Justice for inviting our thoughts on the issue of training for Correction officers in the adolescent facilities of Rikers Island and the proposed legislation on issues of importance to court-involved

adolescents. We look forward to the continued valuable contributions that we are sure the Committee will make in this area of vital concern to our City's teenagers.

**Training for Correction Officers working in Adolescent Units at DOC**

We applaud the Committee for emphasizing the need for additional training for correction officers in the area of adolescent development. We support the requirement for increased training, but recommend that the scope of the training be expanded and the timeline changed.

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 their infractions are adjudicated at the George R. Vierno Center (GRVC), another adult facility.

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. Social scientists posit that these youths are not on a trajectory to become lifelong criminals, but correctional interventions can push them in that direction. Adolescence is a critical developmental stage. Placement in a correctional setting can disrupt educational and social development. This, in turn, can undermine prospects for pursuing an academic path, finding a job and rejoining or creating their own families. Studies show that successful programs follow the lessons of developmental psychology by providing young offenders with supportive social contexts and authoritative adult figures and helping them to

acquire the skills necessary to change problem behavior to become psychologically mature.<sup>1</sup>

It is critical that the correction officers who have daily contact with incarcerated young people are aware of their histories, understand their issues and have the tools to address them in a constructive way. Jail is an inherently stressful environment. Exposure to overly punitive conditions while incarcerated can exacerbate teenagers' prior life experiences. Many of these teenagers are taken from their families and homes for the first time and live with the uncertainty of when and if they will be allowed to return. Many have serious mental health problems stemming from years of neglect and abuse. Depression, post-traumatic stress disorder and bipolar disorder are the most common diagnoses among this population. Teenagers with these diagnoses can respond disproportionately to actions that they perceive as aggressive. Their behavior, which seems justifiable to them, is often solely interpreted as hostile or aggressive. Their conditions are further exacerbated by punishments meted out which place them in solitary confinement twenty-three hours a day. We believe that if the staff was better trained and given the tools to understand the context of the teenagers' behavior, their behavior would improve and the remedies would be less punitive and more effective.

The proposed legislation, an amendment of chapter 1 of title 9 of the administrative code of the city of New York to add a new section 9-130, is a step in the right direction. The law, as proposed, requires eight hours of training in adolescent development to all correction officer staff. We support this requirement, but ask that you consider expanding the requirement. We propose the following language in addition to the existing language:

The department shall furnish eight hours of training in adolescent development to all correction officer staff. This training shall include the behavioral and emotional effects of abuse and neglect and common mental illness diagnoses among teenagers.

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<sup>1</sup> Elizabeth S. Scott and Laurence Steinberg, *Adolescent Development and the Regulation of Youth Crime*, 18 *Future of Children*, *Juvenile Justice* 25-27, (Fall 2008) (available at [www.futureofchildren.org](http://www.futureofchildren.org).)

Additional training shall be provided upon assignment to RNDC or RMSC, with the first month of assignment if more than one year has passed since the initial training. This training shall be no less than eight hours.

Additional in-depth annual training of twenty hours throughout the year shall be required for all officers assigned to any facility housing adolescents. This additional training shall include access to mental health counseling and crisis intervention services for youth, the behavioral and emotional effects of abuse and neglect and common mental illness diagnoses among teenagers, skill-building in conflict management, de-escalation techniques, management of assaultive behavior, prevention of youth victimization by youth or staff, communication skills with adolescents, counseling techniques, needs of specific populations (i.e. gender, race, ethnicity, sexual orientation and gender identity, disability or youth with limited English proficiency) within the facility.

The Department shall furnish the training curriculum for the introductory and advanced annual trainings to the Council once it is established and anytime thereafter when it is substantially updated or changed.

We recognize that the use of the Institute for Inner Development (IID) program has had positive effects in the limited areas it is in effect. Our clients report better relations between the teenagers and staff and among the teenagers themselves. We urge the City Council to recommend that this program be expanded and that other best practices programs be explored and implemented in the facilities that house adolescents.

#### **Increased staffing levels**

We urge the Council continue to ask the DOC to provide more staffing in adolescent units. Many teenagers in custody are held in large dorms where they 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 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.<sup>2</sup>

We propose that the language in the resolution which reads, "Whereas, Advocates report that current staff-to-adolescent ratio is inadequate to provide the safety and proper monitoring needed by incarcerated adolescents; and Whereas, this inadequacy is evident in the current rate of violence among the incarcerated adolescent population at Rikers Island..." be replaced with the following language: "Whereas, best practices suggest that adequate staffing levels should be set at 1:8 to provide the safety and proper monitoring needed by incarcerated adolescents; and Whereas, the current inadequacy in staffing is evident in the rate of violence in the facilities which house adolescents at Rikers Island;..." We recommend that language encouraging the creation of smaller housing units also be added to the resolution.

In 1992, the Annie E. Casey Foundation launched a multi-year, multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). JDAI's purpose was to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative had four objectives and the last was to improve conditions in secure detention facilities. Many of the findings and recommendations in that part of the study can be used in formulating policy for juvenile correctional facilities. The findings of this study are encapsulated in a report, "Improving Conditions of Confinement in Secure Juvenile Detention Centers" and is available at <http://www.aecf.org/upload/publicationfiles/improving%20conditions.pdf>. I have brought a copy of actual assessment tool developed by JDAI for your examination today. The JDAI materials also recommend staff to inmate ratios of 1:8 while the youth are awake.

#### **Resolution addressing passage of the JJDP A**

The Legal Aid Society supports passage of the reauthorization of the Juvenile Justice and Delinquency Prevention Act (S. 678). In addition to the mention of the significant sections in the proposed resolution, we recommend

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<sup>2</sup> 9 NYCRR § 180.9(c)(15).

adding mention of proposed language in the bill which directly relates to the issues being discussed today.

S. 678 emphasizes effective training of personnel who work with young people in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to eliminate cruel treatment of juveniles. The bill also creates incentives for the use of programs that research and testing have shown work best. We recommend that recognition of this provision be added to the resolution.

### **Isolation**

We would like to raise one additional issue that is not on the agenda today. Many teenagers held on Rikers Island are disciplined with the use of solitary confinement, colloquially referred to as time in the "bing" or the "box". Such punishments are meted out for fights, possession of contraband, among other offenses. However, this practice is contrary to best practices recommendations for the detention of teenagers and New York State statute which addresses program requirements of juvenile detention facilities. While we recognize that teenagers on Rikers Island are not considered juveniles for purposes of criminal prosecution, they are considered juveniles for every other purpose in New York State. At a minimum, the treatment standards for teenagers in detention facilities or jails should comport with juvenile detention standards established by the New York State Legislature.

9 NYCRR §180.9(11) specifically prohibits the use of room confinement for punishment for juveniles. The law states that room confinement shall be authorized only in cases where a child constitutes a serious and evident danger to himself/herself or others and a review of the necessity for continued confinement of each child shall be made at least one time in each 24-hour period by the head of the institution or designee, to effectuate the return of the child to the regular program as soon as the child is no longer a danger to him or herself or others.

We strongly urge the City Council to address the use and overuse of solitary confinement of adolescents held on Rikers Island and to bring the

practices in line with the requirements for detained teenagers under the age of sixteen. Solitary confinement, or being locked down for 23 hours a day, exacerbates pre-existing symptoms of mental illness and gives rise to new symptoms. A disproportionate number of mentally ill teenagers (as well as adults) end up in solitary confinement because the staff lack the tools to effectively manage them in general population. This practice is inhumane and potentially has long-term negative consequences far beyond the reach of the criminal case. We recently represented a seventeen year old boy who attempted suicide while in disciplinary confinement after being there for over forty days. Such situations are unacceptable and must be addressed. JDAI also recognizes the harmful effects of solitary confinement for juveniles and specifically prohibits it in similar language to 9 NYCRR § 180.9 (11).

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

Contact:

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Nancy Ginsburg

Address: 49 Thomas St NY NY 10013

I represent: The Legal Aid Society

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

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Date: 6/8/09

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Name: Valerie Oliver

Address: \_\_\_\_\_

I represent: NYC Dept of Correction

Address: \_\_\_\_\_

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DENNIS J. MCCORMICK

Address:

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I represent:

NYC. DEPT. OF CORRECTION

Address:

66-26 METROPOLITAN AVE. MIDDLE VILLAGE NY

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in favor  in opposition

Date: 01/08/2009

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Name:

Flor Bermudez, Lambda Legal

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120 Wall St. Suite 1500 NY, NY 10005

I represent:

Lambda Legal

Address:

(same)

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**THE COUNCIL  
THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mishi Farngee

Address: Children's Defense Fund

I represent: \_\_\_\_\_

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JOHN ANTONELLI, SENIOR DEN. COMMISSIONER

Address: \_\_\_\_\_

I represent: Dept. of Correction

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/8/09

(PLEASE PRINT)

Name: CHARISA SMITH

Address: \_\_\_\_\_

I represent: CORRECTIONAL ASSOC. OF N.Y.

Address: 2090 7TH AV, #200 NYC

◆ Please complete this card and return to the Sergeant-at-Arms ◆