

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON JUVENILE JUSTICE

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June 8, 2009
Start: 11:13am
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HELD AT: Committee Room
City Hall

B E F O R E:
SARA M. GONZALEZ
Chairperson

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CHAIRPERSON GONZALEZ: Good

morning. I am Council Member Sara Gonzalez and today's Committee on Juvenile Justice. Welcome. Good morning and welcome to today's hearing of the New York City Council's Committee on Juvenile Justice. I am Council Member Sara Gonzalez, Chairperson to this Committee. I would like to thank all of you for attending.

Today, we will hold an oversight hearing exploring training for correction officers working in adolescent units at the Department of Corrections. We will also be hearing testimony on three pieces of legislation that I have introduced. But, before I continue, first of all, I'd like to thank the staff that are here and as my colleagues walk in, the members of the Committee. Our colleague Kenneth Mitchell. So nice. Thank you for joining us.

The Committee has been, and remains, concerned with the safety and wellbeing of all our adolescents involved in the juvenile and criminal justice systems. In order to ensure that we are doing all we can to protect these adolescents, today's hearing will explore the

1
2 current training policies and practices
3 administered by the Department of Corrections to
4 officers working in adolescent facilities at
5 Rikers Island. We will examine how officers are
6 screened, trained and supervised, held to the
7 highest standard of conduct. Our previous
8 hearings, the Commissioner had testified the
9 training is being revamped for those officers
10 assigned to the adolescent units. The Committee
11 supports the Department in its efforts to improve
12 the training and looks forward to learning more
13 about what changes are being considered.

14 As I stated earlier, the Committee
15 will also be considering three pieces of
16 legislation. First is Introduction 969, a local
17 law to amend the Administrative Code of the City
18 of New York in relation to requiring adolescent
19 development training for correction officers.
20 This bill will require the Department of
21 Corrections to provide eight hours of adolescent
22 development training to all correction officer
23 staff and recruits. Thorough training on the
24 manner in which an adolescent acquires cognitive,
25 physical, psychological and emotional abilities

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2 must be required for correction officers that work
3 with that population. The better an officer
4 understands how and why the adolescents in their
5 custody behave the way they do due to their
6 experiences and how those experiences contribute
7 to their psychological and emotional development,
8 the better they will manage that population.

9 Improved training in adolescent development will
10 ultimately inform the manner in which correction
11 officers interact with the adolescents in their
12 custody in a more productive way and will lead to
13 less violence amongst the population.

14 In addition to the bill, there are
15 also two Resolutions we will be considering today.
16 Resolution 1931 urges the Department to increase
17 staffing levels in adolescent facilities at Rikers
18 Island. The Committee recognizes staffing levels
19 have been recently lowered. But, they are
20 currently still much higher than those of the
21 Department of Juvenile Justice. Increasing the
22 number of staff to serve the adolescent population
23 will provide a safer environment for incarcerated
24 youth. It would assist in decreasing the number
25 of violent incidents and will provide additional

1 safeguards to prevent corruption within staff.

2 And also, by the way, I would like to state
3 publicly that the correction officers that work on
4 Rikers are hardworking, outstanding public
5 servants. As with any system, there is always
6 room for improvement.
7

8 Resolution 1930 calls on the U.S.
9 Senate to pass the Juvenile Justice Delinquency
10 and Prevention Act, which would provide federal
11 funding for programs that prevent delinquency, as
12 well as programs that reduce crime and recidivism
13 among youth. The guiding principle of the JJDP
14 is that juvenile offenders should be treated
15 differently than adult offenders, given their
16 disposition as children and potential for
17 rehabilitation. By reauthorizing JJDP, which has
18 received bipartisan support for the past 30 years,
19 the juvenile and criminal justice system will
20 receive an increase in much-needed funding and the
21 availability of incentive grants for state and
22 local programs.

23 All incarcerated adolescents should
24 be kept safe and afforded the proper attention and
25 services while in City jails. The malleable minds

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2 of adolescents can be quite vulnerable and easily
3 derailed from becoming productive contributors to
4 our society. We must all work together to ensure
5 that adolescents in both juvenile and criminal
6 systems are properly protected and given the tools
7 they need to overcome the issues that led them to
8 be involved in either system.

9 That being said, I would now like
10 to welcome the representative of the Department.
11 I would like to ask them to please take the
12 witness table and please state your name for the
13 record. Thank you.

14 JOHN ANTONELLI: I am John
15 Antonelli. I'm the Senior Deputy Commissioner of
16 the Department of Correction. Let me introduce my
17 staff. To my right is Valerie Oliver. She's the
18 Chief of Administration and oversees the New York
19 City Correction Department Training Academy. To
20 my left is Dennis McCormick [phonetic]. He's our
21 Director of Training.

22 [Pause] Good Morning, Chair
23 Gonzalez and Members of the Council. I am here
24 today to testify regarding Intro 696, which would
25 require the Department of Correction to furnish

1
2 eight hours of training in adolescent development
3 to all correction officers employed by the
4 Department of Correction.

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

13 Included in these measures the
14 Department has taken since the Robinson tragedy
15 are steps to enhance the training of correction
16 officers who supervise adolescents. The
17 Department developed two lesson plans to address
18 issues identified in the Robinson case. The
19 Prevention of Bullying and Intimidation in Housing
20 Areas and Intelligence Gathering, instituted both
21 lesson plans in the recruit training curriculum
22 provided in the Correction Academy, and in-
23 service/block training provided to staff already
24 in the field.

25 The Department began to and

1
2 continues to revise the Adolescent Inmate lesson
3 plan, which all correction officer recruits
4 receive in the Correction Academy. We provided
5 special in-service versions of Bullying and
6 Intimidation and Intelligence Gathering lesson
7 plans, modified to specifically focus on
8 adolescents, and an Adolescent Inmate refresher
9 course to all staff at RNDC enabled by variances
10 obtained from the Board of Correction. We
11 increased Institute for Inner Development training
12 at RNDC staff and applied for federal stimulus
13 funding to provide IID training to additional RNDC
14 staff.

15 As we have previously testified
16 before the Council, the Institute for Inner
17 Development, or IID, seeks to provide adolescents
18 in DOC custody with an environment for positive
19 personal change and growth, through the conversion
20 of adolescent housing areas to a therapeutic
21 environment aimed at attitudinal and behavioral
22 change, self-esteem building and the acquisition
23 of basic life skills. These lessons are primarily
24 taught through individual and group sessions
25 facilitated by specifically, or specially, I

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should say, trained correction officers.

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The benefits of IID to the adolescents in DOC custody are substantial. We have seen a significant reduction in violence in IID housing areas. And, our staff have witnessed the transformation of previously problematic young men into motivated, goal-focused leaders. For these reasons, we have worked tirelessly to expand IID.

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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.

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

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

24 Furthermore, the Department must
25 have the flexibility to manage training to respond

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2 to emerging issues in the most effective way
3 possible. This bill will undermine that necessary
4 management flexibility. Correction officers are
5 peace officers and as such, there is already a
6 variety of training required by law that they must
7 complete to achieve peace officer status, in
8 addition to the correction-specific training
9 mandated by outside agencies and required by the
10 Department itself. Significant portions of the
11 Correction Academy training curriculum, including
12 certain materials, instructor credentials and a
13 number of instructional hours are already mandated
14 by outside entities with substantive expertise and
15 authority in relevant areas of instruction.

16 The New York State Commission of
17 Correction mandates significant portions of the
18 basic training curriculum and instructor
19 credentials for basic correction officer training.
20 In fact, it must be emphasized that under state
21 law, the State Commission on Correction is
22 responsible for setting minimum requirements for
23 correction officer training and continued
24 oversight of the quality of training delivered.
25 Additional portions of the training curriculum are

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2 required by the Municipal Police Training Council,
3 which regulates peace officer training, the New
4 York City Board of Correction and the State
5 Department of Labor, Occupational Safety and
6 Health Act.

7 Together, these agencies mandate
8 275 hours of the 640 hours of recruit training in
9 the Correction Academy. There are only so many
10 discretionary training hours available, and the
11 Department needs flexibility to use this time to
12 provide training in the most effective manner
13 possible—including the content, who will deliver
14 it, who will receive it, when it will happen, and
15 how much training it will be.

16 The Department trains our officers
17 to execute their jobs with excellence,
18 professionalism and integrity. However, we must
19 have the flexibility to provide the right training
20 to the right officers so they can meet their
21 specific responsibilities. On the heels of all
22 the efforts the Department has made to provide
23 effective training for the relatively small number
24 of officers who actually supervise adolescents,
25 this bill would require the Department to divert

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2 almost 5 million away from these officers and the
3 IID program, and spread resources we don't have to
4 over thousands of officers who do not and will not
5 work in adolescent facilities or housing areas.

6 Rather than enhance the training of
7 correction officers, this bill will diminish the
8 Department's ability to provide appropriate
9 training to the appropriate staff, and in so
10 doing, will make adolescents in custody and the
11 staff who supervise them, as well as other
12 populations requiring special attention less safe.
13 We are certain this is not the Council's
14 intention.

15 I will now answer any questions you
16 may have.

17 CHAIRPERSON GONZALEZ: Thank you
18 for your testimony. I just have a couple of
19 questions here. Most importantly, how does the
20 Department determine what recruits will be
21 assigned to the adolescent units? And, can a
22 recruit request such an assignment?

23 JOHN ANTONELLI: All recruits
24 coming out of the Academy are assigned by the
25 Academy to various institutions. So, it's not

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2 based on their request.

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CHAIRPERSON GONZALEZ: But, in other words, but, how are they placed? And, what's the criteria that they're placed in adolescent? Is there a criteria or...?

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JOHN ANTONELLI: All recruits are basically trained to work in any facility. Then, the individual facility and where they're assigned will, you know, facilitate additional training or what have you. But, coming out of the Academy, they're already trained and able to work in that facility.

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CHAIRPERSON GONZALEZ: In the Adolescent Inmate Training, my understanding is that there hasn't been an update on that training since 1994, I believe. So, what does the future look like? Is there any updating of this training? Is that something that you're looking at or, you know, is that something--

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JOHN ANTONELLI: [Interposing] What specific training? Because the Adolscent--

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CHAIRPERSON GONZALEZ: [Interposing] The Adolescent Inmate Training.

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JOHN ANTONELLI: The Adolescent

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2 lesson plan is being revised now. It has been
3 tailored to meet specific needs in RNDC recently
4 this year and continues. It's an ongoing process.
5 But, IID training, which is, you know, quite
6 expansive, is the training that we're now using
7 and will use depending on the ability of our
8 receipt of stimulus funding throughout RNDC.

9 CHAIRPERSON GONZALEZ: Do you have
10 an idea of when it's going to begin?

11 JOHN ANTONELLI: IID?

12 CHAIRPERSON GONZALEZ: The
13 training. Yes.

14 JOHN ANTONELLI: IID has already
15 begun.

16 CHAIRPERSON GONZALEZ: No, the
17 redesigning of the program that we just spoke
18 about, the Adolescent.

19 JACK GONZALEZ: We are revising a
20 lesson plan. Yes, Jack Gonzalez. We are revising
21 that lesson plan. We have a draft of it now.
22 And, the date of July 1st is when we plan to put it
23 into practice.

24 CHAIRPERSON GONZALEZ: Okay. So,
25 maybe we can just clarify. How many hours of

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training with the new Adolescent Inmate Training?

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What does it consist of? If you could, you know,

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just briefly describe it.

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JOHN ANTONELLI: You want to go

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through the hours?

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JACK GONZALEZ: You speaking

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specifically for the Adolescent--

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CHAIRPERSON GONZALEZ: Yes, sir.

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JACK GONZALEZ: -- Training lesson

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plan?

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CHAIRPERSON GONZALEZ: Yes.

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JACK GONZALEZ: The former lesson

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plan was one hour and 45 minutes, which is a

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recruit period. We won't know until it's

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completed the exact time. We will have to

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practice it and see what the timing is. But, we

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expect it will be twice as long as the original

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lesson plan.

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CHAIRPERSON GONZALEZ: Yes. And, I

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just want to say, I know that the Deputy

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Commissioner spoke about everyone is trained

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across the board and there is really no criteria

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to place folks in areas with young people. But,

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what I want to understand is is there a method of

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2 evaluating the recruits after taking the course
3 that maybe they should be specifically with
4 adolescents because they have a strength or an
5 expertise or something in that area?

6 JACK GONZALEZ: Yes, at this point,
7 we're looking at the recruits. We're looking at
8 their backgrounds, their experience. If there are
9 recruits who have worked with adolescents before
10 in different agencies, you know, such as the Board
11 of Education or Division of Juvenile Justice, we
12 are focusing those recruits to the adolescent
13 facility.

14 CHAIRPERSON GONZALEZ: Are there
15 any topics that are in this curriculum that were
16 not covered in the prior training? Is there
17 anything that's come up recently that's different?

18 JACK GONZALEZ: Yes. There are
19 additional objectives to the training, as it's
20 being revised. Some of those objectives are
21 describing five challenges an adolescent inmate
22 may be facing; describing five qualities that an
23 adolescent inmate respects in a correction
24 officer. And, we're going into five effective
25 techniques that may be employed when interacting

1
2 with adolescent inmates. And, we're also trying
3 to identify available resources and effective
4 tools that will enable staff to assist adolescent
5 inmates.

6 CHAIRPERSON GONZALEZ: Okay. In
7 respect to that Commissioner Horn had testified at
8 a previous hearing that the Institute for Inner
9 Development training would be expanded to all of
10 the correction officers that work in the
11 adolescent units. How's the expansion
12 progressing? What's the percentage of
13 correctional officers that have been trained in
14 IID thus far? [Pause] expansion and progression
15 in respect. [Pause]

16 JACK GONZALEZ: I don't have the
17 number offhand of how many officers have been
18 trained. But, we have been scheduling two-week
19 trainings once every month for the last six
20 months. And, we are continuing that training.
21 We're also expanding it to officers who work at
22 Rose M. Singer Center, which is the female
23 facility, which also has adolescents.

24 CHAIRPERSON GONZALEZ: We would
25 appreciate it if you could get those stats to this

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2 Committee. Thank you.

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4 JOHN ANTONELLI: A hundred and
fifty-four--

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CHAIRPERSON GONZALEZ: Oh.

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7 JOHN ANTONELLI: -- of the 260 RNDC
officers have already been trained.

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9 CHAIRPERSON GONZALEZ: Okay. Okay.
Good. Thank you. The Department recently
10 instituted the Bullying Curriculum earlier this
11 year. Have all correction officers received this
12 training, the Bullying Curriculum?

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14 JOHN ANTONELLI: All the officers
that are working with adolescents, yes.

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16 CHAIRPERSON GONZALEZ: Just the
ones working with the adolescents.

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JOHN ANTONELLI: Yes.

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19 CHAIRPERSON GONZALEZ: Is that
something that would be expanded?

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21 JOHN ANTONELLI: And it was
specially tailored for that population when we did
22 that training.

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24 CHAIRPERSON GONZALEZ: And, could I
just ask you something that may seem sort of not--
25 just for my own purposes. If an officer is

1 transferred to an adolescent unit and has not had
2 the experience of working the adolescent unit,
3 wouldn't it be beneficial, or is it too costly,
4 I'm asking, to train them in all those other
5 areas, as well?
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7 JACK GONZALEZ: Yes. I just want
8 to add that the training that we're giving to the
9 officers at RNDC is being instituted into the
10 recruit curriculum. So, all officers will receive
11 that training. We're also adding it to the annual
12 block training. So, eventually, all officers will
13 have to get it that way. And, it's also included
14 in pre-promotional training for Captains and ADWs.
15 So, we have a large number of staff trained in it.
16 And, eventually, everyone will have received that
17 training.

18 CHAIRPERSON GONZALEZ: And, who
19 developed this plan or this curriculum?

20 JACK GONZALEZ: The Correction
21 Academy developed the curriculum with input from
22 mental health professionals, who have experience
23 in that area and with staff, who have experience
24 working with adolescents.

25 CHAIRPERSON GONZALEZ: And, have

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you received any feedback or data regarding the effectiveness of the Bullying training thus far?

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JACK GONZALEZ: We have received positive feedback from the officers who have attended the training. They find that it's very helpful to them. And, that it gives them a different perspective on working with the adolescents.

CHAIRPERSON GONZALEZ: Is there any method of documenting that other than the officer just stating that he, you know, he feels effective in doing his job? Is there any method of knowing in the future what's the effectiveness of all this training?

JACK GONZALEZ: Well, I believe the statistics that the Department keeps in regarding adolescent incidents, injuries, uses of force, those-- there should be changed in those statistics if it is working.

CHAIRPERSON GONZALEZ: Okay. Thank you. If a adolescent feels threatened by another inmate or is being bullied, what is the reporting process for the adolescent?

JOHN ANTONELLI: The reporting

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2 process is to go to the officer in the area. But,
3 there are a lot of other things available to them.
4 They can report things to the Department of
5 Investigation. There is special phone lines.
6 There are lots of avenues that an inmate has to
7 report these things. They can report it to a
8 higher ranking officer.

9 CHAIRPERSON GONZALEZ: So, the
10 inmate understands what's the protocol?

11 JOHN ANTONELLI: Absolutely.

12 CHAIRPERSON GONZALEZ: They know
13 that if they've been--

14 JOHN ANTONELLI: Absolutely.

15 CHAIRPERSON GONZALEZ: -- already--
16 they've explained to them that if there is a
17 problem, you go here. If this doesn't work, you
18 go there. So, they have this broken down--

19 JOHN ANTONELLI: Right.

20 CHAIRPERSON GONZALEZ: -- to them
21 and they know?

22 JOHN ANTONELLI: And, in addition,
23 remember, all inmates get an orientation. And,
24 they're fully familiar with all the rules of the
25 Department and how communication get handled. So,

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there are lots of avenues. And, they're in writing and they all have them.

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CHAIRPERSON GONZALEZ: Okay. I'm going to ask a question that I spoke to--

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JOHN ANTONELLI: Chief Oliver would like to...

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CHAIRPERSON GONZALEZ: Oh.

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VALERIE OLIVER: I'd like to just add one thing.

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CHAIRPERSON GONZALEZ: Sure.

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VALERIE OLIVER: We also include that information for the inmates in the Inmate Handbook and during orientation that every new admission inmate gets upon coming into the agency.

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CHAIRPERSON GONZALEZ: So, it's up to them to read it?

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VALERIE OLIVER: It's also given to them. We give the orientation.

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CHAIRPERSON GONZALEZ: There's an orientation.

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JOHN ANTONELLI: There's an--

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CHAIRPERSON GONZALEZ: A verbal--

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JOHN ANTONELLI: -- [crosstalk] orientation. That's what I was referring to.

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2 VALERIE OLIVER: Correct.

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JOHN ANTONELLI: There's an

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orientation--

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CHAIRPERSON GONZALEZ: Okay.

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JOHN ANTONELLI: -- done upon

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admission in addition to the rule book, which

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outlines all the avenues that are available to

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them. And--

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CHAIRPERSON GONZALEZ: Yes.

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JOHN ANTONELLI: And, I would just

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like to add that just in terms of the training

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curriculum, the last class of 300 or so received

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it, as well as the officers in the facility right

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now. [Pause]

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CHAIRPERSON GONZALEZ: Okay. Thank

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you. Will the new adolescent training lesson plan

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include training on the effects of trauma and

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delinquency?

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JACK GONZALEZ: That hasn't been

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included into the curriculum at this point. But,

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myself and several staff members at the Academy

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have attended several trainings on trauma,

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specifically the effects of trauma and

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specifically how trauma affects, you know, inmates

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2 in facilities. So, that's something where we will
3 be including information on that.

4 CHAIRPERSON GONZALEZ: Okay. I'm
5 going to ask my famous question here. You know,
6 because this Committee and, I believe, that the
7 Council and my colleagues, I believe that we try
8 to keep this at a balance. And, I am very
9 sensitive to the person that's doing the job.
10 But, I also have to be sensitive to that young
11 person or that person who's in trouble. So, in
12 respect to the officer, is there any protocol, and
13 I know I asked this in another hearing, in respect
14 to burnout for that officer? I mean, sometimes
15 when you have too much training, you can burn out.
16 You become overwhelmed or even when you have lack
17 of training, though, you have all the training to
18 be an officer, but not sensitivity to the
19 different target populations or whatever. So, how
20 does the Department deal with that? I'd like to
21 know.

22 JOHN ANTONELLI: Remember, officers
23 are constantly being supervised. So, in that
24 supervision process, all these things are
25 constantly being reviewed. An officer's

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2 performance in every manner, shape and form is
3 part of the facility's responsibility, both the
4 immediate supervisors and supervisors above that
5 level right through the management structure of
6 the facility. You know, every incident is
7 reported. We monitor the level of activities that
8 go on in a particular housing area. If there are
9 too many fights in a area, if there's too much
10 incidents of any kind or uses of force, it is
11 immediately brought to the attention
12 instantaneously to the facility management. And,
13 it's reviewed. And, if it's an issue where the
14 officer is the problem, it may not be, it's
15 examined. If it's an issue of retraining, if it's
16 an issue of discipline, it'd dealt with.

17 CHAIRPERSON GONZALEZ: So, I guess,
18 not to get into areas that probably are not our
19 jurisdiction, I want to be careful, although I
20 think mostly every area is. Just saying that
21 funny. But, anyway. If an officer is going
22 through some emotional or personal problems, they
23 have their own person that they go to and maybe
24 they're choosing not to tell anyone, but yet, it's
25 evident from their behavior someone is there that

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can take notice of this and there is a referral
that's being done--

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JOHN ANTONELLI: Yes.

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CHAIRPERSON GONZALEZ: -- because
burnout, it can come from different ways. And so,
that's my concern.

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JOHN ANTONELLI: And, your concern
is well founded. We have an entire unit that
deals with problems like that. It's called the
Care Unit. And, they're available 24 hours a day,
seven days a week to deal with any problem an
officer would have. So, if there's an issue where
an officer doesn't want to bring it to the
attention of his or her immediate supervisor, they
can go to this Care Unit, and 24 hours a day, and
get whatever help they need.

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CHAIRPERSON GONZALEZ: Okay. So,
we're going to move on to staffing ratio. What is
the current staffing ratio among the adolescent
units at Rikers?

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JOHN ANTONELLI: I don't have that
information with me right now. But, I can
certainly get that to you.

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CHAIRPERSON GONZALEZ: Please. We

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2 would appreciate it--

3 JOHN ANTONELLI: Yes.

4 CHAIRPERSON GONZALEZ: -- if you'd
5 send to the Committee. Thank you. Do you believe
6 that the current staffing levels are appropriate
7 or if-- you don't have them with you, but would
8 you be able to answer whether the staffing levels
9 are appropriate?

10 JOHN ANTONELLI: Excuse me? I'm
11 sorry.

12 CHAIRPERSON GONZALEZ: Would you be
13 able to respond to the current levels, are they
14 appropriate in respect to staffing?

15 JOHN ANTONELLI: Our staffing
16 levels meet or exceed the requirements necessary
17 for that type of population. Actually, they do
18 exceed. I should say with absolute certainty.
19 So, we're governed by a number of things; the
20 State Commission on Correction and the Board of
21 Correction, not specifically in terms of staffing,
22 but in terms of, you know, programs and what we're
23 required to have available to the inmates. So,
24 our current staffing levels exceed what's
25 necessary to do that in adolescent housing units.

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CHAIRPERSON GONZALEZ: Okay. I want to, and I apologize for moving back and forth. But, in respect to you're going to receive federal funding for the IID programs--

JOHN ANTONELLI: [Interposing]
Well, we hope to.

CHAIRPERSON GONZALEZ: Okay. So, how is that going to, you know, assist the Department in--

JOHN ANTONELLI: [Interposing]
Well, that's going to allow us to expand--

CHAIRPERSON GONZALEZ: Uh, huh.

JOHN ANTONELLI: -- to I believe 20 of the 25 housing units we have in RNDC from, I think the current number is seven. So, that would be quite a dramatic expansion of the IID program within RNDC. [Pause]

CHAIRPERSON GONZALEZ: Like to welcome Council Member Maria Arroyo. And, I believe she has some questions.

COUNCIL MEMBER ARROYO: Thank you, Madam Chair. I apologize for being late. And, I'm reading over your testimony, so I have a couple of questions with regards to that, just so

1
2 that I understand. And, obviously, I need to get
3 glasses 'cause I'm reading that as HD, not IID.
4 But, thank you for the clarification. You
5 indicate that you put in a request for federal
6 stimulus funding to expand the IID. And, when
7 will you know? And, what amount did you ask for?

8 JOHN ANTONELLI: I don't have the
9 proposal with me. So, I couldn't give you the
10 amounts. I can tell you in terms of what it will
11 do. It will, obviously, expand dramatically the
12 IID housing. But, I can certainly get the
13 specific dollars to you.

14 COUNCIL MEMBER ARROYO: Okay.

15 JOHN ANTONELLI: I just don't
16 happen to...

17 COUNCIL MEMBER ARROYO: According--

18 JOHN ANTONELLI: [Interposing] Oh,
19 excuse me. It's \$7 million.

20 COUNCIL MEMBER ARROYO: Seven
21 million.

22 JOHN ANTONELLI: Yeah.

23 COUNCIL MEMBER ARROYO: Okay. So,
24 in your testimony, you indicated that OMB
25 estimated that this Intro that we're discussing

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today would cost 4.9 million. The seven million would more than cover that.

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JOHN ANTONELLI: Except that what it would do is would divert the IID training to do this very generalized eight-hour training for 9,000 officers who will not be working in RNDC. So, in a sense, it would subtract adolescent training from our budget at this point.

COUNCIL MEMBER ARROYO: So, I missed whether you-- so, I'm assuming you're not in support of the legislation.

JOHN ANTONELLI: No, we're not.

COUNCIL MEMBER ARROYO: You're not. Because of the cost?

JOHN ANTONELLI: Because of--

COUNCIL MEMBER ARROYO: Only.

JOHN ANTONELLI: Because it would result in us having to take very generalized adolescent training and apply it to all the officers in the Department, when only 3% of those officers actually work in the adolescent jail.

COUNCIL MEMBER ARROYO: Is that why your target for, assuming that you get the stimulus dollars, your target is to train 80% of

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2 the officers? Now, is that 80% in that 3%?

3 JOHN ANTONELLI: RNDC, of RNDC.

4 COUNCIL MEMBER ARROYO: Of the 3%
5 overall that are in--

6 JOHN ANTONELLI: Yes.

7 COUNCIL MEMBER ARROYO: -- the
8 adolescent system. Why not 100% of the officers?

9 JOHN ANTONELLI: Why not 100%?

10 COUNCIL MEMBER ARROYO: Yeah.

11 JOHN ANTONELLI: Well, because, you
12 know, we have to look at the applicability of the
13 program in terms of not every adolescent house
14 would necessarily in every classification be well
15 suited for IID. Obviously, we have
16 classifications. We have higher classification
17 inmates, lower classification inmates. So, 80%
18 appears to be the maximum number that we would, at
19 this time, plan for. We could expand it further
20 beyond that. But, right now, that's the goal.

21 COUNCIL MEMBER ARROYO: So, what
22 you're proposing is instead of us legislating the
23 training requirements for the Department, that
24 you're offering to do this as opposed to the
25 legislation. Am I clear, Madam Chair, on this?

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2 JOHN ANTONELLI: Well, I think what
3 we were saying--

4 COUNCIL MEMBER ARROYO: Okay.

5 JOHN ANTONELLI: -- we're saying is
6 this is our plan. I think it meets, I think
7 certainly, or exceeds, the intent of this kind of
8 legislation in terms of directing training. And,
9 not only directing training, but actually creating
10 programmatic activity that benefits the inmates.
11 One is just sort of generalize adolescent
12 training. This is training and it's the
13 institution of a program that has demonstrated so
14 far, you know, tremendous beneficial effects for
15 the inmates.

16 COUNCIL MEMBER ARROYO: So, in
17 essence, what you're saying is we don't need to
18 legislate this aspect--

19 JOHN ANTONELLI: [Interposing]
20 Absolutely.

21 COUNCIL MEMBER ARROYO: -- of the
22 Department's function.

23 JOHN ANTONELLI: We don't think
24 it's necessary. It would prevent us from having
25 the ability to do-- to have the management

1
2 flexibility to do the types of training we need
3 when we need to do it.

4 COUNCIL MEMBER ARROYO: Okay.

5 Thank you, Madam Chair.

6 VALERIE OLIVER: I would just like
7 to clarify one thing. The IID training that
8 you're referring to is a training above and beyond
9 what we're saying. We're going to give every
10 officer working in RNDC, which is our adolescent
11 housing facility, with the adolescent training.
12 We're also going to give them the Bullying and
13 Intimidation lesson plan. We're also going to
14 give them the Intelligence Gathering. And, we're
15 revising our adolescent training to encompass a
16 lot of new material.

17 The IID is above and beyond the
18 additional training that we're going to give and
19 that's a focused program that we are saying with
20 this money that we can do at least 80% of the
21 officers, in addition to the other training. So,
22 we are going to get training specific adolescent
23 training to all staff that work in RNDC.

24 COUNCIL MEMBER ARROYO: Okay. So,
25 what's your plan in the event that you don't get

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the funding?

VALERIE OLIVER: We're still going to continue with the adolescent training [crosstalk] Bullying and--

JOHN ANTONELLI: [Interposing] We will still have--

VALERIE OLIVER: -- Intimidation.

JOHN ANTONELLI: Yes, we still will have adolescent-specific training. We will not be able to expand the IID program. So, officers will be trained to deal with adolescent-related behavioral issues, because that's going to be part of this curriculum. But, we won't be able to expand this program. They're sort of two separate things, except they deal with one population.

COUNCIL MEMBER ARROYO: Well, I just want to be clear. The stimulus grant, funding grant, that you've applied for will get you to 80% of the officers in dealing with the population of--

JOHN ANTONELLI: [Interposing] In dealing with--

COUNCIL MEMBER ARROYO: -- in question.

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2 JOHN ANTONELLI: -- being trained
3 to operate IID housing units.

4 COUNCIL MEMBER ARROYO: Okay. So,
5 if the--

6 JOHN ANTONELLI: [Interposing] So,
7 we have to expand the program.

8 COUNCIL MEMBER ARROYO: If the
9 funding does not happen, then what's the level of
10 training that you will be able to accomplish?

11 JOHN ANTONELLI: The level of
12 training will be the adolescent curriculum that we
13 currently have at the Academy; the Bullying and
14 Intimidation, Intelligence Gathering, you know.
15 And, again, it'll be tailored for the adolescent
16 population.

17 COUNCIL MEMBER ARROYO: And, the
18 target is 80% of the officers.

19 JOHN ANTONELLI: No, that would be
20 all.

21 COUNCIL MEMBER ARROYO: All of
22 them.

23 JOHN ANTONELLI: That kind of
24 training is--

25 COUNCIL MEMBER ARROYO: Okay.

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JOHN ANTONELLI: -- for everyone.

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COUNCIL MEMBER ARROYO: I was

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confused.

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JOHN ANTONELLI: All new recruits

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and obviously those that are currently in RNDC

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now.

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COUNCIL MEMBER ARROYO: Okay. So,

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even without the stimulus dollars, you believe

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that your training approach will address the

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concerns that this legislation is intended to

12

require.

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JOHN ANTONELLI: Absolutely.

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COUNCIL MEMBER ARROYO: Thank you,

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Madam Chair.

16

CHAIRPERSON GONZALEZ: Thank you.

17

Okay. Well, Deputy Commissioner, I just want to

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say that, you know, our responsibility in the

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Council and as legislators is, at least from all

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of us, I guess, is to author bills that, you know,

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we believe will continue to provide services in

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the City of New York of excellent, you know,

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capacity for all the people that get these

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services provided. But, more than anything, it's

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to address any needs. And, that's where it

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2 begins. This is a process. I certainly have
3 heard your recommendations and we will continue to
4 have dialogue understanding that, again, we sit
5 and we do brainstorming. Our lawyers will, of
6 course, advise us as we go along. And, we will be
7 in touch. And so, I thank--

8 JOHN ANTONELLI: [Interposing] I'd
9 like to--

10 CHAIRPERSON GONZALEZ: --you.

11 JOHN ANTONELLI: -- also extend an
12 invitation to come and see my IID housing, 'cause
13 I think it will give you certainly a perspective
14 on it.

15 CHAIRPERSON GONZALEZ: Thank you.

16 JOHN ANTONELLI: Okay.

17 CHAIRPERSON GONZALEZ: So, thank
18 you.

19 JOHN ANTONELLI: Thank you.

20 CHAIRPERSON GONZALEZ: Thank you
21 for being here. Flor Bermudez, Lambda Legal;
22 Nancy Ginsberg, Legal Aid Society; Charisa Smith,
23 Correctional Association of New York. [Pause]
24 Thank you. Please restate your name for the
25 record. Welcome. [Pause]

1
2 CHARISA SMITH: Hi, Charisa Smith,
3 Correctional Association of New York.

4 NANCY GINSBERG: Nancy Ginsberg,
5 the Legal Aid Society.

6 FLOR BERMUDEZ: Flor Bermudez,
7 Lambda Legal Defense and Education Fund. [Pause]
8 Good afternoon. My name is Flor Bermudez. I'm
9 the Youth in Out-of-Home Care staff attorney at
10 Lambda Legal Defense and Education Fund. We are
11 the oldest national organization pursuing impact
12 litigation, public education and advocacy to
13 advance the civil rights of lesbian, gay men,
14 bisexuals, transgender people and those with HIV.
15 Lambda Legal's Youth in Out-of-Home Care Project
16 raises awareness and advances reforms on behalf of
17 lesbian, gay, bisexual and transgender and
18 questioning youth in the child welfare, juvenile
19 justice and homeless systems of care.

20 In 2003, Lambda Legal joined forces
21 with the country's leading child welfare
22 organization, the Child Welfare League of America,
23 to advance and standardize safe, affirming and
24 supportive services for LGBTQ youth in out-of-home
25 care. Between September 2003 and December 2004,

1
2 CWLA and Lambda Legal organized Listening Forums
3 in 13 different cities around the country for
4 LGBTQ youth in care, and the adults who work with
5 and care for them, to share their experiences and
6 identify strategies to bring about lasting
7 positive change in the child welfare system for
8 LGBTQ people. As we analyzed the data collected
9 at these forums, it became clear that LGBTQ youth
10 need the support of adults who have been
11 adequately trained on sexual orientation and
12 gender identity issues and that child welfare
13 policymakers should support comprehensive training
14 on LGBTQ issues for all staff in their agencies.

15 In March 2008, the New York State
16 Office of Children and Family Services, OCFS
17 implemented detailed policy and practice
18 guidelines on caring for LGBTQ youth in the
19 juvenile justice facilities it oversees in New
20 York State. The policy protects youth from
21 discrimination on the basis of sexual orientation,
22 gender identity and gender expression, and the
23 guidelines call for culturally competent practices
24 for LGBTQ youth in areas like housing, name and
25 pronoun usage and health care. OCFS now has the

1
2 most comprehensive LGBTQ juvenile justice policy
3 in the country. This policy calls for mandatory
4 staff training to raise awareness and capacity for
5 staff to respond to gender identity, sexual
6 orientation and gender expression issues.

7 Research shows that young people
8 facing family rejection, harassment and school
9 failure are more likely than other youth to enter
10 the criminal justice system. LGBTQ youth are more
11 likely than their non-LGBTQ peers to face
12 substance and neglect, including being thrown out
13 of home. They are also more likely to be harassed
14 and victimized at school. Consequently, LGBTQ
15 youth view dropping out of school and living on
16 the streets as their only alternatives for
17 survivals. Once on the streets, LGBTQ teens may
18 be forced into illegal activities, including sex
19 work and drug sales, to support themselves.

20 LGBTQ youth of color congregating
21 in public places, in particular, face selective
22 enforcement of quality of life offenses and morals
23 regulations. These factors contribute to the
24 over-representation of LGBTQ youth in juvenile
25 justice and delinquency systems. Once in the

1
2 juvenile justice systems, LGBTQ youth are often
3 neglected or discriminated against by facility
4 staff and peers. Many LGBTQ youth in the juvenile
5 justice system experience verbal harassment and
6 physical or sexual abuse because of their sexual
7 orientation and gender identity. This abuse is
8 perpetrated not only by youth peers, but also by
9 facility staff.

10 When LGBTQ youth are harassed or
11 discriminated against, juvenile justice facilities
12 frequently respond by moving the LGBTQ youth to a
13 more restrictive setting or isolating them rather
14 than addressing the underlying homophobia that
15 plagues the system. LGBTQ youth have also been
16 segregated or put in isolation based on a myth
17 that LGBTQ youth will prey on other youth. This
18 separation only reinforces the notion that LGBTQ
19 youth are bad or to blame for harassment directed
20 at them.

21 Lambda Legal commends the
22 intentions of the New York City Council to furnish
23 training in adolescent development to all New York
24 City Department of Correction corrections officers
25 who work in adolescent units. We strongly

1
2 recommend that this training include specific
3 guidance on how to create safe and welcoming
4 environments for LGBTQ youth. It is crucial that
5 New York City Department of Corrections recognize
6 that LGBTQ youth are in the midst of adolescent
7 development and have complex needs that require
8 the sensitivity and awareness of well-trained
9 staff in performing their duties without bias
10 towards, or criticism or judgment of, LGBTQ youth.
11 Training is a crucial aspect of creating cultural
12 change in agencies because it reinforces an
13 agency's commitment to providing appropriate and
14 inclusive care, and it replaces common myths and
15 misconceptions with practical, research-based
16 information regarding LGBTQ youth.

17 In 2009, the National Association
18 of Social Workers and Lambda Legal joined in
19 partnership to improve out-of-home care for LGBTQ
20 youth by implementing a national training
21 initiative. This project trained 40 master
22 trainers from across the country in turn to train
23 service providers in the child welfare, juvenile
24 justice and homeless systems of care. The 40
25 master trainers are now available to train child

1
2 welfare and juvenile justice direct service
3 professionals at no, or little, cost to respond
4 to, and meet the needs, of LGBTQ youth in care.

5 The following recommendations
6 provide further detail on what should be included
7 in any adolescent development training imparted to
8 the NYC DOC corrections officers. Training on
9 LGBTQ issues should be mandatory, comprehensive
10 and ongoing for all correction officers. It
11 should be made clear to all correction officers
12 that negative behaviors and attitude towards LGBTQ
13 youth cannot be tolerated. Educational materials
14 on LGBTQ issues, including books and films, should
15 be available for correction officers.

16 As part of the LGBTQ competence
17 training, correction officers should assess their
18 own personal beliefs and biases regarding
19 sexuality and gender, which may stem from a
20 variety of sources. Training on LGBTQ issues
21 should emphasize the distinction between one's
22 personal opinions and the professional
23 responsibility to provide safe, affirming and
24 supportive care to all youth.

25 The training should also reinforce

1
2 the correction officers' professional
3 responsibility to protect the right to safety for
4 LGBTQ youth, which includes protection from
5 physical and emotional harm from other juveniles
6 or the staff and from unreasonably restrictive
7 conditions of confinement.

8 All youth in the City or state
9 custody also have federal and state constitutional
10 rights to equal protection under the law. This
11 means that LGBTQ youth in the custody of NYC DOC
12 must be treated equally in the provision of
13 services and must be protected from harassment.
14 In addition, correction officers should learn
15 about their responsibilities to comply with the
16 New York State and New York City Human Rights Laws
17 statutory protections against discrimination.

18 Essential professional skills
19 should also be cultivated through training on
20 LGBTQ issues. For example, training should offer
21 advice for identifying the warning signs that a
22 young person may be experiencing anti-LGBTQ
23 mistreatment and include strategies for
24 intervening on behalf of victims. Specific
25 training should be provided on the existence of

1
2 enforcement of LGBTQ-inclusive nondiscrimination
3 laws.

4 The use of respectful language is
5 an important skill to build into the training.
6 Correction officers should understand that anti-
7 LGBTQ slurs should not be tolerated.

8 Training should also include
9 specific guidance on identifying and protecting
10 the safety of LGBTQ youth. LGBTQ youth should not
11 be inappropriately placed with an aggressive
12 population, with known sex offenders, or with
13 other youth who display anti-LGBTQ behaviors and
14 attitudes. Recognize the risk of harm to a young
15 person if he or she is openly LGBTQ or perceived
16 by others to be LGBTQ. Correction officers should
17 consider the maturity, physical size, offense
18 history and the risk factors, including sexual
19 orientation and gender identity, in determining
20 the appropriate level of security and confinement
21 of a particular youth. While placement decisions
22 are often tied to security classifications, LGBTQ
23 youth should be placed where qualified staff have
24 been trained to protect and support them.

25 Correction officers should also be

1
2 trained to protect the rights of LGBTQ youth to
3 receive adequate medical and mental health care
4 services. Ignoring the healthcare needs of an
5 LGBTQ young person in state custody violates the
6 young person's right to safety. For example, if a
7 youth diagnosed with Gender Identity Disorder
8 exhibits a need for medical and physiological
9 intervention and nothing is done to address these
10 needs, their legal rights are violated.

11 The following is an non-exhaustive
12 list of model curricular and other educational
13 sources addressing LGBTQ issues. And, we're
14 providing the list in the testimony for the
15 training to be more comprehensive and inclusive.
16 Thank you.

17 CHAIRPERSON GONZALEZ: And, before
18 we move on, Mishi Faruqee, you could step to the
19 table, as well, thank you, Children's Defense
20 Fund.

21 NANCY GINSBERG: Good afternoon.
22 Thank you for the opportunity to testify
23 concerning the issue of adolescents in the New
24 York City adult jails. I am Nancy Ginsburg, and I
25 supervise the adolescent practice of the criminal

1
2 trial offices of the Legal Aid Society's Criminal
3 Defense Practice.

4 We submit this testimony on behalf
5 of the Legal Aid Society, and thank Chair Gonzalez
6 and the Committee on Juvenile Justice for inviting
7 our thoughts on the issue of training for
8 correction officers in the adolescent facilities
9 of Rikers Island and the proposed legislation on
10 issues of importance to Court-involved
11 adolescents. We look forward to the continued
12 valuable contributions that we are sure the
13 Committee will make in this area of vital concern
14 to our City's teenagers.

15 We applaud the Committee for
16 emphasizing the need for additional training for
17 correction officers in the area of adolescent
18 development. We support the requirement for
19 increased training, but recommend that the scope
20 of the training be expanded and the timeline
21 changed. In New York City, boys are principally
22 housed at the Robert N. Davoren Center and girls
23 are housed at the Rose M. Singer Center. Boys who
24 commit disciplinary infractions are housed in the
25 Central Punitive Segregation Unit, a lock-down

1
2 unit primarily for adult males. Some youth are
3 also kept in pre-hearing detention before their
4 infractions are adjudicated at the George R.
5 Vierno Center, also known as GRVC, which is
6 another adult facility.

7 Our most recent statistics of our
8 caseload show that 15% of our teenage clients are
9 in foster care, 23% have been exposed to domestic
10 violence, 35% of the youth have substance abuse
11 problems, 23% have mental health problems and 35%
12 are classified in need of special education
13 services. These numbers usually fluctuate within
14 a 10% range in each category at any given time.

15 The characteristics of the teenage
16 client base demonstrate a population of young
17 people who have profound needs and are in
18 desperate need of therapeutic intervention.
19 Social scientists posit that these youths are not
20 on a trajectory to become lifelong criminals, but
21 correctional interventions can push them in that
22 direction. Adolescence is a critical
23 developmental stage. Placement in a correctional
24 setting can disrupt educational and social
25 development. This, in turn, can undermine

1
2 prospects for pursuing an academic path, finding a
3 job and rejoining or creating their own families.
4 Studies show that successful programs follow the
5 lessons of developmental psychology by providing
6 young offenders with supportive social contexts
7 and authoritative adult figures and helping them
8 to acquire the skills necessary to change problem
9 behavior to become psychologically mature.

10 It is critical that the correction
11 officers who have daily contact with incarcerated
12 young people are aware of their histories,
13 understand their issues and have the tools to
14 address them in a constructive way. Jail is an
15 inherently stressful environment. Exposure to
16 overly punitive conditions while incarcerated can
17 exacerbate teenagers' prior life experiences.
18 Many of these teenagers are taken from their
19 families and homes for the first time and live
20 with the uncertainty of when and if they will be
21 allowed to return.

22 Many have serious mental health
23 problems stemming from years of neglect and abuse.
24 Depression, post-traumatic stress disorder and
25 bipolar disorder are the most common diagnoses

1
2 among this population. Teenagers with these
3 diagnoses can respond disproportionately to
4 actions that they perceive as aggressive. Their
5 behavior, which seems justifiable to them, is
6 often solely interpreted as hostile or aggressive
7 by staff. Their conditions are further
8 exacerbated by punishments meted out which place
9 them in solitary confinements 23 hours a day. We
10 believe that if the staff was better trained and
11 given the tools to understand the context of the
12 teenagers' behavior, their behavior would improve
13 and the remedies would be less punitive and more
14 effective.

15 The proposed legislation, an
16 amendment of Chapter 1 of Title 9 of the
17 Administrative Code of the City of New York to add
18 a new Section 9-130, is a step in the right
19 direction. The law, as proposed, requires eight
20 hours of training in adolescent development to all
21 correction officer staff. We support this
22 requirement, but ask that you consider expanding
23 the requirement. We propose the following
24 language in addition to the existing language.
25 The Department shall furnish eight hours of

1
2 training in adolescent development to all
3 correction officer staff. This training shall
4 include the behavioral and emotional effects of
5 abuse and neglect and common mental illness
6 diagnoses among teenagers.

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

12 Additional in-depth annual training
13 of 20 hours throughout the year shall be required
14 for all officers assigned to any facility housing
15 adolescents. This additional training shall
16 include access to mental health counseling and
17 crisis intervention services for youth, the
18 behavioral and emotional effects of abuse and
19 neglect and common mental illness diagnoses among
20 teenagers, skill-building in conflict management,
21 de-escalation techniques, management of assaultive
22 behavior, prevention of youth victimization by
23 youth or staff, communication skills with
24 adolescents, counseling techniques and needs of
25 specific populations; gender, race, ethnicity,

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2 sexual orientation and gender identity, disability
3 or youth with limited English proficiency, within
4 the facility.

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

10 We recognize that the use of the
11 Institute for Inner Development program has had
12 positive effects in the limited areas it is in
13 effect. Our clients report better relations
14 between the teenagers and staff and among the
15 teenagers themselves. We urge the City Council to
16 recommend that this program be expanded and that
17 other best practices programs be explored and
18 implemented in the facilities that house
19 adolescents.

20 We also urge the Council to
21 continue to ask the DOC to provide more staffing
22 in adolescent units. Many teenagers in custody
23 are held in large dorms where they have easy
24 access to each others' belongings and the
25 environment lends itself to constant conflict.

1
2 Smaller housing units lend themselves to improved
3 supervision and reduced conflict. Adolescents
4 experiencing the stress of incarceration and
5 separation from their families and communities
6 should have supervision that approaches the one to
7 eight ratio that the Department of Juvenile
8 Justice provides to 15-year-olds.

9 We propose that the language in the
10 resolution which reads, "Whereas, Advocates report
11 that current staff-to-adolescent ratio is
12 inadequate to provide the safety and proper
13 monitoring needed by incarcerated adolescents; and
14 Whereas, this inadequacy is evident in the current
15 rate of violence among the incarcerated adolescent
16 population at Rikers Island" be replaced with the
17 following language. "Whereas, best practices
18 suggest that adequate staffing levels should be
19 set at one to eight and provide the safety and
20 proper monitoring needed by incarcerated
21 adolescents; and, Whereas, the current inadequacy
22 in staffing is evident in the rate of violence in
23 the facilities which house adolescents at Rikers
24 Island." We recommend that language encouraging
25 the creation of smaller housing units also be

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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, or JDAI. JDAI's purpose was to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiatives 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 online at the website I have provided. I have brought a copy of the actual assessment tool developed by JDAI for your examination today. Those materials also recommend staff to inmate ratios of one to eight while the youth are awake.

The Legal Aid Society supports the passage of the reauthorization of the JJDP. In

1
2 addition to the mention of the significant
3 sections in the proposed Resolution, we recommend
4 adding mention of the proposed language in the
5 bill which directly relates to the issues being
6 discussed today. The bill emphasizes effective
7 training of personnel work who work with young
8 people in the juvenile justice system, both to
9 encourage the use of approaches that have been
10 proven effective and to eliminate cruel treatment
11 of juveniles. The bill also creates incentives
12 for the use of programs that research and testing
13 have shown work best. We recommend that
14 recognition of this provision be added to the
15 resolution.

16 We would like to raise one
17 additional issue that is not on the agenda today,
18 but is related and is extremely important to the
19 teenagers on Rikers Island. Many teenagers on
20 Rikers Island are disciplined with the use of
21 solitary confinement, colloquially referred to as
22 time in the "bing" or the "box". Such punishments
23 are meted out for fights, possession of
24 contraband, among other offenses. However, this
25 practice is contrary to best practices

1
2 recommendations for the detention of teenagers and
3 New York State statute which addresses program
4 requirements of juvenile detention facilities.

5 While we recognize that teenagers on Rikers Island
6 are not considered juveniles for purposes of
7 criminal prosecution, they are considered
8 juveniles for every other purpose in New York
9 State. At a minimum, the treatment standards for
10 teenagers in detention facilities or jails should
11 comport with juvenile detention standards
12 established by the New York State Legislature.

13 9 NYCRR Section 180.9(11)

14 specifically prohibits the use of room confinement
15 for punishment for juveniles. The law states that
16 room confinement shall be authorized only in cases
17 where a child constitutes a serious and evident
18 danger to himself/herself or others and a review
19 of the necessity for continued confinement of each
20 child shall be made at least one time in each 24-
21 hour period by the head of the institution or
22 designee, to effectuate the return of the child to
23 the regular program as soon as the child is no
24 longer a danger to him or herself or others.

25 We strongly urge the City Council

1
2 to address the use and overuse of solitary
3 confinement of adolescents held on Rikers Island
4 and to bring the practices in line with the
5 requirement for detained teenagers under the age
6 of 16. Solitary confinement, or being locked down
7 for 23 hours a day, exacerbates pre-existing
8 symptoms of mental illness and gives rise to new
9 symptoms. A disproportionate number of mentally
10 ill teenagers, as well as adults, end up in
11 solitary confinement because the staff lack the
12 tools to effectively manage them in general
13 population. This practice is inhumane and
14 potentially has long-term negative consequences
15 far beyond the reach of the criminal case.

16 We recently represented a 17-year-
17 old boy who attempted suicide while in
18 disciplinary confinement after being there for
19 over forty days. Such situations are unacceptable
20 and must be addressed. JDAI also recognizes the
21 harmful effects of solitary confinement for
22 juveniles and specifically prohibits it in similar
23 language to the statute in New York.

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

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2

CHARISA SMITH: Good afternoon.

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My name is Charisa Smith. And, I am the Director

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of the Juvenile Justice Project at the

5

Correctional Association of New York. For nearly

6

165 years, the Correctional Association has

7

advocated for more humane and effective criminal

8

justice policies in New York State. The Juvenile

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Justice Project coordinates the Juvenile Justice

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Coalition, an alliance of over 50 organizations

11

working to promote a more fair and effective

12

juvenile justice system.

13

I would like to thank Chairperson

14

Sara Gonzalez and the Juvenile Justice Committee

15

for the opportunity to present this testimony.

16

Proposed bill 969 defines

17

adolescent development as "the process through

18

which adolescents acquire cognitive, physical,

19

psychological and emotional abilities." Training

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COs on that process a very positive first step.

21

However, the training requirement should be

22

broadened. One study found that 90% of juvenile

23

detainees reported experiencing at least one

24

traumatic incident.

25

In 2006, research revealed that at

1
2 least one quarter of youth in the juvenile justice
3 system were in significant need of mental health
4 treatment and this is a low estimate. OCFS reports
5 that 65% of youth in their facilities have special
6 education needs. Most youth in the justice system
7 also come from single parent families and
8 impoverished communities. And, the same is true
9 in DOC. Further, scholars from institutions, like
10 the MacArthur Network, have used brain research to
11 identify the precise reasons why adolescents take
12 more risks, seek thrills, and are more susceptible
13 to peer pressure than adults.

14 For these reasons, COs and DJJ
15 staff must be trained about childhood and
16 adolescent brain development, trauma, mental
17 health disorders, substance abuse, educational
18 barriers, family influences, poverty and the way
19 those risk factors interplay with, and concretely
20 impact, adolescent criminal behavior. More than
21 eight hours of training will be crucial. These
22 staff persons have the most contact with
23 adolescents during incarceration. They need to
24 get the full picture and understand all the
25 reasons why youth in their custody have acted out

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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 two 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.

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2 Resolution 1931 urges the DOC to
3 increase staffing levels in adolescent facilities,
4 suggesting that they reflect similar ratios as in
5 DJJ. This Resolution should be applauded.

6 However, the Resolution needs to be extremely
7 specific in insisting that DOC create the same
8 staffing levels as DJJ's secure detention, eight
9 to one during the day and 12 to one at night. For
10 years, advocates have been encouraging DOC to
11 increase staffing levels. It took Christopher
12 Robinson's tragic beating death to awaken us all
13 to the need for more COs. The U.S. Department of
14 Justice recommends that juvenile incarceration
15 facilities have one direct staff to eight to ten
16 youth during waking hours and one to every 16-20
17 youth during sleeping hours. Even in the
18 Institute for Inner Development at Rikers, youth
19 to staff ratios are high.

20 Having adequate numbers of staff,
21 and extensive staff education, are the key to
22 helping incarcerated youth to live in a positive,
23 safe, least restrictive environment. If done
24 thoroughly, staff training can better equip COs to
25 truly help adolescents succeed while in custody.

1
2 Finally, I thank Chairperson
3 Gonzalez for her leadership in introducing
4 Resolution 1930. I hope that City Council
5 colleagues will enact this Resolution as soon as
6 possible to help Senate reauthorize the JJDP
7 Court-involved youth across America need well-
8 funded services and supports, particularly during
9 an economic crisis when community resources are
10 dwindling. The JJDP would fund juvenile justice
11 programs and promote progressive juvenile justice
12 reform. It would tackle the racial injustice of a
13 system where 86% of youth in OCFS custody and 98%
14 of youth in DJJ custody are youth of color.
15 Reauthorizing the JJDP would also enhance public
16 safety by funding innovative approaches to
17 reducing recidivism, addressing unnecessary
18 incarceration, eliminating inappropriate treatment
19 of minors as adults and providing crucial reentry
20 services.

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

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2 Thank you for this opportunity to
3 speak today.

4 CHAIRPERSON GONZALEZ: Is Darlene
5 Mealy. Welcome.

6 MISHI FARUQEE: Good afternoon. My
7 name is Mishi Faruqee. And, I'm the Director of
8 the Youth Justice Program at the Children's
9 Defense Fund New York. I don't actually have
10 written testimony to submit today. But, I just
11 wanted to testify in order to make a few points.

12 Also, based on the testimony from
13 the Department of Correction, we heard the
14 Department of Correction testify today that they
15 are hoping to get federal money to expand the IID
16 program so that they can expand it to 80% of the
17 adolescent units. And, I just wanted to emphasize
18 that this is a backtracking from previous
19 testimony from the Department of Correction that
20 they wanted to expand the IID program to every
21 adolescent unit. And, I think that it's important
22 to recognize this. I think that the IID program,
23 you know, with others, you know, we have heard
24 positive outcomes from the IID program. And, I
25 think that it's important that it be expanded to

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2 every adolescent unit and that it not just be in
3 80% of the units. And, that it not be only if the
4 Department of Correction get federal funding for
5 this. I think that it's, you know, it is
6 important that this program be in all the
7 adolescent units.

8 Having said that, I think it's also
9 important to recognize that the IID program is
10 not-- should not be mutually exclusive from having
11 more comprehensive training in adolescent
12 development. And, I think that's what the
13 Department of Correction was testifying today that
14 rather than creating a curriculum that all
15 correctional officers receive in adolescent
16 training, that they want to just train specific
17 officers to be housed who are in the IID program.
18 And, I think that those two things should not be
19 mutually exclusive. The Department of Correction
20 should expand the IID program. But, they also
21 should be required to train correctional officers
22 in adolescent development. And, I think that the
23 training should be expanded to, you know, how
24 Charisa and Nancy described.

25 I think it's also important to

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2 recognize that the adolescent training that they
3 currently are providing is just in bullying and
4 intelligence gathering, which I think is not
5 comprehensive enough. And, it sounds like if they
6 don't get federal funding for the IID program,
7 that they will, you know, that will be the full
8 extent of training in working with adolescents is
9 just training in bullying and intelligence
10 gathering, which is not adequate.

11 The other point that I think, you
12 know, it's already sort of been emphasized, but I
13 think it's really important is when we're talking
14 about staffing levels, that the IID program has
15 very, very high staffing levels. The IID staffing
16 levels are similar to any of the other adolescent
17 units. And so, when we visited the IID program,
18 the staffing level was 50 to one. So, 50 young
19 people and one correctional officer.

20 And, I know, Council Member
21 Gonzalez, that you've, you know, raised the
22 concern about staff burnout. And, I think when
23 you have one correctional officer and 50 inmates,
24 there's always the potential for staff burnout.
25 But, particularly when in a program like the IID

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2 program, which is a very intensive program where
3 the correctional officer is actually interacting
4 on a regular basis conducting groups with the
5 young people, I think a ratio of one to 50 really
6 is not adequate. So, I think that the Resolution
7 that you propose is really important to increase
8 the ratios to be similar to the Department of
9 Juvenile Justice, the one to eight ratio and that
10 that ratio really needs to be, not only in the IID
11 program, but all of the adolescent units.

12 My concern is that the Department
13 of Correction is sort of presenting the IID
14 program as the cure all to violence in the
15 adolescent units at Rikers. And, I think as we
16 talked about the IID program is, you know, appears
17 to be working. It appears to have positive
18 results. But, it can't be the only solution. So,
19 we really do need to have comprehensive training
20 in adolescent development and higher staffing
21 levels.

22 And then, the other issue I just
23 wanted to raise and we strongly support the
24 Resolution supporting the Juvenile Justice
25 Delinquency Prevention Act. And, as you know, one

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2 of the core requirements of the Act is that states
3 address racial disparities in the juvenile justice
4 system. They address what's called DMC,
5 disproportionate minority contact in order to get
6 federal funding.

7 And so, I urge, you know, Council
8 Member Gonzalez and the Council to introduce
9 legislation as a companion to the legislation that
10 already passed requiring data, you know, the data
11 requiring-- the bill that passed the Council
12 requires adolescent census data disaggregated by
13 age and gender. And, we hope that you will pass a
14 bill requiring data disaggregated by race and
15 ethnicity, as well, because we need to have that
16 data regularly reported on the race and ethnicity
17 of the young people who are incarcerated in order
18 to be able to measure-- first, to measure the
19 disparities and then, also for the City and the
20 state to come up with strategies on how to address
21 those disparities. Thank you.

22 CHAIRPERSON GONZALEZ: Okay. Thank
23 you. And, I just want to say to all of you, and
24 especially those of you that's sitting at the
25 table right now, I think that your support

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2 throughout the years and your support in respect
3 to children and the safety of these children and
4 these young people that are incarcerated has been
5 incredible in respect to the Council and myself.

6 We are not in a perfect world.
7 And, if we were, we wouldn't have to be sitting
8 here today. But, I just want to say that keep up
9 your advocacy. Your support is truly appreciated.
10 I heard your recommendations. We do have it on
11 the record. We're going to be looking at it. We
12 will continue to have dialogue with the
13 Administration. We will continue to work on this.
14 And, it is, you know, for us, as I said earlier,
15 legislators, it is our responsibility to author
16 bills that are going to hopefully improve services
17 in the City of New York. Are they perfect
18 immediately? Probably not. But, we're going to
19 work at it with people like yourselves holding us
20 accountable and telling us what's going out there.
21 That's so important, to me and to us. So, I want
22 to thank you, again. And, we'll continue to
23 speak.

24 And, you know, it's been quite a
25 few years, and I just want to say this today, of

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2 working really hard on this Committee. And, I do
3 see a difference. And, I see that we're moving in
4 the direction that we probably should have been
5 there already. But, we continue to move. And, we
6 will be having conversations. And, we welcome all
7 your comments. So, I thank you so much.

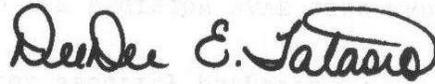
8 And, I also want to thank Lisette
9 Camillo, our attorney and also, William Hongach,
10 who is our policy analyst and I want to thank my
11 colleagues. And, they are sort of coming in in
12 spurts. There's a lot of meetings going on. So,
13 I thank you. But, this is an issue that will
14 continue to be important to us. And, we have to
15 stay on top of it. And, there are little things
16 that may change here and there, but at some point,
17 we will get where we're going. So, I do thank
18 you. Have a nice day. Meeting adjourned.

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C E R T I F I C A T E

I, DeeDee E. Tataseo certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "DeeDee E. Tataseo". The signature is written in black ink and is positioned above a horizontal line.

Date

July 23, 2009