



Testimony before the  
**New York City Council**

**Committee on Criminal Justice Services**  
Keith Powers, Chair

**Michael Tausek, Deputy Commissioner for Programming and Community Relationships**

**Acting Bureau Chief of Facility Operation Becky Scott**  
NYC Department of Correction

**L. Patrick Dail, Deputy Commissioner for Training and Development**

**Oversight Hearing on Department of Correction Programming**

**February 26, 2019**

Good morning Chair Powers and members of the Criminal Justice Committee. Thank you for this opportunity to discuss the Department of Correction's approach to programming for inmates. My name is Michael Tausek and I am the Deputy Commissioner for Programming and Community Relationships at the NYC Department of Correction (DOC). Joining me is Becky Scott, Acting Bureau Chief of Facility Operations, who has over twenty-five years of service with the DOC and Deputy Commissioner Patrick Dail, who recently joined the Department and oversees Training and Development.

Today I will briefly walk you through the Department's programming strategy, current reform efforts underway, and our plans for future improvement. I will also comment on Intro 261 and Intro 1184, the two bills being considered today.

**Background**

DOC offers a wide variety of program options that promote the acquisition of life skills, vocational skills, internal growth and wellbeing, and assist with successful reentry. The Department utilizes a number of approaches and programs for those in our care including but not limited to: the designation of program staff focused on group facilitation, contract providers, individualized reentry planning, tablet-based educational offerings, and workforce development courses.

It is our job to ensure that people are better prepared to contribute to their communities on their way out of custody than they were when they came in. We acknowledge the vital role that

programming plays in attaining that objective, and we do not take that responsibility lightly. The Department is dedicated to a programming vision that promotes prosocial behavior and provides individual services targeted to specific needs. For that reason, the Programs Division offers a vast array of programming that ranges from concrete skill building to supporting behavioral and emotional wellness. Program offerings also play a critical role in the Department's violence reduction efforts. Engagement in program reduces idle time, which is critical in eliminating violence and other negative behaviors.

The Programs Division within the Department of Correction has undergone recent structural changes that standardize operational processes. Previously, programming was overseen by two separate divisions within DOC: one division oversaw programming for the adult population and another division oversaw programming for individuals twenty-one years old and younger. Today, with the adolescent population no longer on Rikers Island, the two divisions have been combined into one division responsible for the coordination and provision of programming to all individuals in Department custody. Provision of services is now incorporated into a single unified structure, our data collection is more uniform and centralized, and our processes for identifying programming gaps and programmatic needs are enhanced. By more easily identifying gaps and areas for improvement, we are better able to address individual needs and advocate for sensible housing placements that allow access to more targeted programming.

In recent years, with support from this Committee, the City Council, and the Mayor, the Department has made significant advances in growing its network of program providers, its range of program offerings, and its responsivity to the distinct needs of different populations. While our programming is now structured under one division, we remain more committed than ever to providing everyone in our custody comprehensive evidence-based programs based on correctional best practices that address the distinct needs of each population and individual.

As a component of the Department's commitment to housing young adults in young-adult specific housing whenever possible, we are able to provide education and tailored programming accordingly. By developing creative solutions to safely house individuals with a history of violence, we created an opportunity to provide targeted programming designed to disrupt violent behavior and encourage pro-social behavior in its place. Further, we continue to provide and develop gender-responsive programming that addresses the unique needs of women and mothers in our custody. Our approach to programming is holistic, we leave no stone unturned, and we are always happy to meet with our programming partners to explore ways we can continuously improve our efforts.

## **Current Initiatives**

The Programs Division is committed to providing all individuals in custody with individualized programming that addresses core needs, provides opportunities for prosocial skill development, and prepares individuals for successful reentry into their communities. Program services include but are not limited to: Alcoholics and Narcotics Anonymous Groups, Alternatives to Violence Training, culinary programs, horticulture programs, behavior management and group counseling, job readiness training, life skills courses, parenting courses, literacy assistance, vocational training, and transitional assistance. We also offer engaging programs that provide soft skills training, such as Rikers Rovers and PAWS, a program in which rescue dogs are cared for and training by incarcerated persons, helping participants to develop a greater sense of accountability and responsibility. Similarly, the horticulture program tasks participants with caring for gardens on the facility's grounds, providing an opportunity to build soft skills while preparing for reentry into the workforce. Beginning in the spring of 2019, the Department will roll out a programs menu that will be given out during the intake process. The programs menu will be tailored to each facility and provide a comprehensive overview of the program and educational opportunities that are available as well as provide information on how to sign up for these offerings.

In recent months, the Programs Division has undertaken several reform efforts to improve the Department's ability to meet individuals' critically important educational, vocational, and therapeutic needs while in custody.

In an effort to incentivize positive behavior, the Department recently piloted an innovative incentive-based housing structure. This four-tiered pilot affords participants targeted programming and rewards sustained positive behavior with desirable privileges. For example, individuals in the lowest level received programming that addresses criminogenic thinking and promotes pro-social behavior. As individuals progress through the levels, they attain additional privileges, including access to tablets with educational content and entertainment. Individuals in higher levels, who have demonstrated positive behavior, gain access to vocational training and associated certifications to help facilitate outcomes such as meaningful and long-lasting employment upon release from custody. The pilot not only rewards positive behavior, but in doing so, it creates an incentive for otherwise disruptive individuals to pursue constructive engagement with programming that will better prepare them for re-entry into the community.

The Department has also undertaken a number of efforts aimed specifically at improving services for women in custody. Recognizing the unique needs of women in our care, the Department recently created and filled the position of Executive Director of Women's Initiatives. This role is tasked with gaining a holistic understanding of the needs of the women in the Department's custody and working with providers to tailor programs that meet their unique needs. Further, the Executive Director of Women's Initiatives works with the population to

identify and remove barriers to family visitation. The Department is proud to partner with the Children's Museum of Manhattan to offer off-island visits for incarcerated mothers who have at least 1 child under the age of 16. Originally, the Children's Museum visits were only available to sentenced women but two months ago, we were able to successfully expand the program to detained women as well. This visitation program, which was the first of its kind, is now being replicated by Departments across the country. The Department has also initiated efforts to improve family engagement, including expanding opportunities for children in foster care to visit their mothers outside of regular visit hours and without going through the regular visitor intake process.

In addition to those initiatives, we are very encouraged by our growing partnership with the Department of Education regarding the provision of educational services to individuals in our custody. Through a coordinated effort, DOC and DOE work directly with young people upon admission to DOC custody to encourage involvement in educational services. We recognize the value of focusing efforts on our shared goal of engaging people in educational and vocational services. The Department will continue to work with DOE and various providers to ensure similar opportunities are expanded and further developed.

Further, the Department is encouraged by the success of the Jails to Jobs initiative, which is supported in conjunction with MOCJ and offers intentional linkages with ICAN and SMART programs, provides access to employment and educational programs in our facilities and upon an individual's return to the community. The ICAN and SMART programs provide reentry planning, support individuals in procuring necessary identification documents, and connect individuals to services once they return to the community. By addressing educational, vocational, therapeutic and other needs in an individualized way, time inside jail can be used productively to lay a foundation that can prevent future interaction with the criminal justice system. These efforts improve lives, make our jails safer and more restorative, and ultimately lead to safer and stronger communities.

### **Future Improvements**

While the Department is encouraged by the success of recent efforts to engage various populations in meaningful programming, we acknowledge that we must address operational challenges and improve service provision to individuals in custody. The Department is committed to providing more transparent communications regarding the availability of programming in each facility and housing area. We are currently considering opportunities to advertise programming options, including through the use of newly installed video monitors in intake areas. We are considering solutions that better capture data pertaining to programming, which will provide us with the information necessary to most effectively roll out new programs and tailor existing program provision across our facilities. We are committed to building partnerships with service providers in order to better capture data regarding service provision and

attendance, in order to better match programs with distinct populations. We will continue to engage people and seek innovative ways to further increase participation.

Additionally, the Department will continue to improve and grow its volunteer services. We are always looking for new volunteer partners and encourage anyone interested in volunteering their time or interested in partnering with the Department to provide a program to contact the Department's office of volunteer services or the office of community partnerships. Contact information for both offices, and an application to obtain volunteer clearance, are available on our website. We are taking steps to improve the organizational structure of the office to better serve the incarcerated population and the incredible people who selflessly dedicate their time and energy to engaging our population. We celebrate all of our volunteers' initiative and thank them for their service to our population and to the City.

The Department is excited by the incredible progress we have made in recent years to grow, develop, and improve our program provision across our eleven operational facilities. As we continue to improve our program provision, we must continue to be responsive to our community partners and the volunteers who dedicate their time toward our shared goal of improving programming provision and impacting lives. Their input is invaluable to us and we look forward to creating a sustained dialogue moving forward in order to continue engaging our partners. In recent weeks, the Department piloted a revised security training based on the comments we had received from several provider organizations. The updated training focuses on security and situational awareness in a manner more appropriate for non-uniform staff. We've received positive feedback on the new training and will continue to be responsive to feedback that improves our training courses.

In addition, I am proud to announce the Department will be creating a program provider working group that will meet quarterly. This working group will enable the Department to get direct feedback from our programming partners and enable us to react to suggestions and concerns in real time. We will also be assigning providers with a point of contact in each facility who will assist them in getting escorted to their assigned classroom or housing unit in a timely manner. The Department has also been heavily involved in the Programming Subcommittee as a part of the Rikers Implementation Task Force and the Culture Change Working Group, and we look forward to the continued and productive engagement with community based organizations and program service providers.

With these partnerships, I am confident that the Department will continue to develop innovative solutions and improvements toward the imperative of providing individuals in our custody with the critical educational, vocational, and therapeutic opportunities to improve their lives and our communities upon their reentry.

### **Introduction 261**

Int. 261 would require the Department to provide all people in custody with an annual survey regarding their experiences in City jails. Although we appreciate the goals behind this bill, we believe that this sort of undertaking requires careful planning in order to create a methodologically sound survey that most accurately represents the experiences of those detained in New York City jails. Moreover, in our view, the results of this survey should produce information that can be acted upon. In order to create a survey that produces valuable and useful information, it is critical that the Department have a reasonable amount of time to investigate how to best conceptualize, rollout, compile, and evaluate this type of survey. We are determining what steps are needed to plan, create and implement this survey and look forward to working with the Council as our discussions progress.

### **Introduction 1184**

The Department believes all individuals in its custody should have access to a wide variety of reading materials. The intellectual engagement that is facilitated by reading cannot be overstated. The Department currently contracts with the New York Public Library, the Queens Public Library, and the Brooklyn Public Library, which provide library services to all 11 of DOC's facilities. Through these partnerships, individuals in our custody have regular access to books through mobile library services. Our library partners keep their shelves updated a variety of genres, including new releases, and ensure books are in good condition. These library services are available to people in custody weekly or bi-weekly, depending on the facility. Books and periodicals are available in English and Spanish and additional languages are available upon request. Many of the individuals in our care also have access to electronic tablets which contain reading materials in addition to educational programming.

The Department of Correction is committed to meeting the need for library access, and is open to expanding current efforts. The current library partnerships, which bring books directly to housing areas, are working well and it is unclear how creating dedicated library spaces would improve access. Mobile libraries and rolling book carts offer library services directly and safely. The Department already operates law libraries in each facility and is open to reimagining these spaces as joint library / law library spaces, but would need to investigate the logistics further.

While the Department supports the spirit of Int. 1184 and is committed to working with library partners and the Council to improve existing library services, we do not believe that this bill would have the desired outcome of actually increasing the level of access to reading materials.

### **Closing Remarks**

Although the Department has made substantial strides in improving our programming services, there is always more that can be done. The Programs Division continues to deploy innovative solutions to programming, and we recognize the opportunity to further expand our reach and impact. We are committed to working with our program providers, community partners, training staff, and uniform staff, to attain this goal. While the Department and our Programs Division is excited about the prospect of smaller, safer, and fairer facilities that meet our dynamic programmatic needs, we have no intention of waiting to initiate the important work of improving programming provision and the lives of individuals in Department custody. We find ourselves in a moment of unprecedented support from this Committee, the City Council, and the Mayor to achieve that vision, and we fully intend to attain it.

The Department appreciates the Council's interest and support in this very important work. We look forward to continue working with the Council to improve our program provision and programmatic resources. Thank you again for the opportunity to testify today and we are happy to answer any questions.

**Testimony by Brooklyn Public Library, The New York Public Library & Queens Library**

**New York City Council  
Committee on Criminal Justice  
Int. 1184-2018**

**A Local Law to amend the administrative code of the city of  
New York, in relation to books in city correctional facilities**

February 26, 2019

Good morning, my name is Nick Higgins. I am the Chief Librarian at Brooklyn Public Library.

Thank you, Chair Powers, Council Member Dromm and the members of the Committee on Criminal Justice for the opportunity to testify on behalf of NYC's three public library systems on Intro. 1184.

For nearly 40 years, the City's three libraries systems have filled critical educational and recreational literacy gaps for people incarcerated in DOC facilities by helping individuals develop and sustain a love of reading and a lifelong pursuit of knowledge. The Libraries operate book lending services for people incarcerated in all 10 NYC Department of Correction jails employing various service models to best fit each facility and population including mobile book carts, flexible standing libraries, and dedicated library spaces.

In FY18 31,000 incarcerated New Yorkers checked out over 68,000 books and magazines from our correctional libraries. Nearly 2,700 connections have been made between incarcerated New Yorkers and their families through our library-based video visiting program, and countless others have participated in monthly library-led English conversation groups, art and music programs, and early literacy classes. Though these efforts are impressive and reflect the hard work and commitment of our librarians and Corrections partners, with the right support from City Council and the DOC we could do so much more.

The Libraries' collective experience in running high-quality libraries for people in DOC custody puts us in a unique position to inform the proposed legislation. We are eager to contribute to discussing any plans on the expansion of library services. Providing access to books for everyone who is incarcerated in DOC jails is a goal that has driven our work from the beginning. We hope our experience and expertise can be used to increase access to quality library services in meaningful, sustainable, and practical ways - creating new readers and supporting those who already love to read.

The goals of the proposed legislation align with the promise of the City's Libraries to provide high quality, accessible, and relevant library services to all New Yorkers; especially to those individuals and families who find themselves increasingly marginalized. Based on our experience working in DOC facilities for many years, the potential positive impacts from an expanded library program are clear:

- It would establish access to educational opportunities and resources for people entering DOC facilities, and would provide a space to continue library engagement for individuals who had availed themselves of community libraries prior to incarceration.
- Similarly, robust access to library services in DOC facilities would create a stronger bridge back to a community library after an individual is released.
- Access to educational opportunities and thoughtfully developed library collections have the potential (along with many other coordinated interventions) to move the needle on recidivism rates.
- And finally, this critical corrections library work has until now been largely built around and sustained through key relationships among DOC and Library leadership. This legislation ensures library access for incarcerated New Yorkers now and in the future. It also, importantly, ensures accountability in the delivery of library service.

This legislation, if implemented, sends a strong signal to families of those involved with the justice system, victims of crime, justice reform advocates, and law enforcement that a significant investment in libraries and education can positively impact and strengthen our communities. As with any ambitious and principled legislation, the goals of this proposal come with implementation challenges:

- There is no language within the proposed legislation that requires a library professional to oversee and direct the services within the new library sites.
- In our professional judgment any library service offered to the public, particularly a service offered to vulnerable populations, should be staffed by library professionals who are accountable for collection development, circulation management, program facilitation, and reference.
- The lengthy daily operating schedule of the proposed library services would require a significant investment in staffing and collections.
- And finally, within the legislation there is no mention of consultation or guidance from library professionals in building, designing, or facilitating expanded library services, leaving the complex project presumably up to the DOC.

As we have been doing for decades, Brooklyn Public Library, The New York Public Library, and Queens Public Library continue to be poised to provide expert guidance on best practices in collection development and maintenance, staffing, circulation practices, and educational and recreational programming for an expanded library program within Department of Correction facilities.

Thank you again for the opportunity to testify today and we are available to answer any questions you may have.

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**New York City Council Committee on Criminal Justice  
Oversight – Department of Correction Programming  
Testimony of the Osborne Association**

**February 26, 2019**

**Presented by  
Darrin J. Brown, LMSW, MHSA, CASACIII  
Sr. Program Director, ICAN  
The Osborne Association**



**Transforming Lives, Communities,  
and the Criminal Justice System**

Thank you for the opportunity to speak with you today. My name is Darrin J. Brown. I am the Senior Program Director of the Osborne Association's ICAN program. ICAN, funded by the Department of Correction, provides jail-based services, including discharge planning, and post-release reentry services in the community. We provide curricula-based groups and discharge planning to men and women in 32 housing areas every day, totaling 80 hours of jail-based services per day across 6 jails<sup>1</sup>, reaching upwards of 4,000 people per year. We provide a wide range of therapeutic, educational, employment readiness and hard skills training services inside jails and case management, job placement, and housing referral in the community. The Osborne Association has been providing services in City jails for more than 25 years, starting with our Fresh Start culinary training program (the longest running program on Rikers), and including the ABL program for adolescents, and the RIDE and ICAN reentry programs. We are very experienced with programing in City jails, having worked under many Commissioners, Wardens and Deputy Wardens, in every single jail, and through starts and stops of countless initiatives.

We appreciate the opportunity to discuss the two issues concerning the Committee today – access to books and reading materials for people held in our City's jails and the proposed annual survey of people in Department of Correction custody regarding quality of life and conditions inside. We will also briefly address processing and training of new DOC volunteers, which is the status of all non-DOC program staff.

First, regarding easy and regular access to books and reading materials, we support CM Dromm's proposal. When we ran the ABL program, serving all adolescents and young adults in DOC custody between 2012 and 2015, we maintained a library of approved books, including novels, non-fiction books, biographies, graphic novels, comics, magazines, study guides for High School Equivalency tests, computer literacy, etc. The library contents were approved by DOC, with few restrictions, and followed the requirement for paperback books only. It worked very well and was extremely popular among the young people we served. Youth checked out one book/magazine at a time and traded it in for a new book, etc. When ABL ended, our library did too. Currently, through ICAN, we provide access to reading materials through our book club group and our creative writing workshops. Participants love these groups, which provide them an opportunity to imagine, dream, and see analogs to their lived experience in other people's writing. We also incorporate excerpts from books and articles in all of our group syllabi, to explore ways of dealing with life issues.

Receiving books, magazines or newspapers is a valued and valuable resource for people in jail—sometimes long after a participant gets them. Reading can provide a productive way to pass time in jail, avoiding fights and behavioral problems, as well as aiding people to improve their literacy and prepare to return home. I have worked in correctional environments for much of my career and have been a clinician for over 20 years. I understand the use of incentives and the value of individuals earning privileges. But books—reading and learning—should not be included as a privilege to be earned or to be taken away as a punishment.

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<sup>1</sup> EMTC, RMSC, GRVC, AMKC, RNDC, VCBC

A jail-based library would surely create more universal access to reading materials than the current policy, which requires that only new paper-back<sup>2</sup> books sent directly from a vendor (Amazon, etc), with approved titles, have a chance of making into an incarcerated person's hands. This policy, focused on security, limits access to only those people whose family members or loved ones who have the means and desire to purchase books to be shipped to them in jail. Any proposed jail-based library should include designated funding for staffing and purchasing materials, including funds to replace books that get lost or damaged throughout the year. It does not seem a reasonable expectation that current staff assigned to jail posts have capacity to add library management to their responsibilities. We would strongly recommend that the Brooklyn Public Library receive funding to implement and manage jail-based libraries. They have the interest and expertise to support this service in jail facilities. They provide mobile library (book cart) services at BKDC and EMTC currently and they also run the Tele-Story program, helping children in the community and their detained parents connect via video-conference.

Regarding a survey of people detained and incarcerated in City jails, we support this proposal of CM Richards and strongly suggest that it be managed entirely by The Board of Correction, an un-biased independent entity. Any survey must be implemented carefully and with thoughtfulness regarding respondents' rights to privacy, anonymity, and freedom from reprisals to their feedback. While the City advances the plan to close Rikers Island and moves toward a borough-based jail model, feedback from those held in jails can help the City simultaneously keep vigilant focus on improving current conditions as much as possible.

Regarding volunteer processing and training for work inside, we acknowledge that demands in this area have rapidly increased, possibly outpacing the DOC's capacity. The Department of Correction has put forth considerable and commendable effort to increase access to programming for people inside our jails. This has meant bringing in many more providers over the past few years. Working in jail buildings made to house as many people as possible and not for programming, makes this challenging. It means that we and other providers are crammed into tight, often improvised, offices and are providing services in housing area dayrooms rather than proper classrooms or therapeutic spaces. It means that movement of civilians and people in custody is challenging in the jails while trying to both maintain security and make services accessible. Certainly some of these things can be improved through collaboration, which we enjoy with DOC, and through training of providers who are new to working in these spaces and under these circumstances.

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<sup>2</sup> Books and other reading materials are required to be paper back only for security reasons, which we understand and support. We are in agreement with this part of the current policy.

We do recommend and absolutely support DOC getting additional Volunteer Services staff to more quickly and properly process and prepare the enormous number of "volunteers" who want to and do provide various services on Rikers. This uptick in volunteers is related to DOC's efforts to comply with their commitment to provide 5 hours of services per day to every person in custody, as well as to comply with various litigation and consent decrees. The processing is complex and currently takes many months. Additional staff at DOC Volunteer Services would help alleviate some of the current burden and expedite the process. The additional staff for training of volunteers and updating and improving the training as well as making it more frequently available so that volunteers can gain access to this training as soon as possible would also be very helpful. We would urge DOC to consider including experienced providers, such as Osborne, in their volunteer training so that all aspects of training are covered and so that new providers can have access to experienced peer support. Working in our City's jails is tricky. Following all the rules, requires training on those rules and navigating DOC policies and culture requires training and guidance.

Osborne staff are available to work with the City Council, DOC and others to promote the safety and well-being of the participants, DOC staff and civilians that work in New York City jails. We are grateful for the Council's concern with current conditions inside City jails.

Thank you.

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TESTIMONY OF  
JULIA L. DAVIS, ESQ.  
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Committee on Criminal Justice  
*Oversight Hearing - Department of Correction Programming*

February 26, 2019

The Children's Defense Fund's (CDF) *Leave No Child Behind* mission is to ensure every child a healthy start, a head start, a fair start, a safe start and a moral start in life, and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for all the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities.

In New York, we are dedicated to improving conditions for youth across the State, based on research, public education, policy development, organizing and advocacy activities. We are a member of the Department of Correction's Adolescent and Young Adult Advisory Board. We co-lead the Raise the Age New York coalition, and sit on the Governor's Raise the Age Implementation Taskforce, with the purpose of ensuring that the law is implemented with fidelity to its principles.

We appreciate the opportunity to submit written testimony on the need for programs aimed at serving justice-involved youth in New York City.

**Access to Robust Programming is Necessary for All Youth in the City's Custody**

Whether adolescents who are now housed at the Administration for Children's Services (ACS) Crossroads and Horizon detention facilities<sup>1</sup>, or young adults who remain on Rikers Island<sup>2</sup>, the City must maintain its commitment to continued funding for programming that reaches as many youth as possible.

Adolescents and young adults in detention are significantly more likely than their non-justice involved peers to be disconnected from school, report having a disability, have unstable family relationships and housing, and be unemployed.<sup>3</sup> Programming designed

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<sup>1</sup> All adolescents who are remanded to detention are currently housed in ACS secure detention facilities.

<sup>2</sup> Young adults aged 18-21 who are remanded to detention are currently housed at Rikers Island in various jails overseen by DOC.

<sup>3</sup> See Schiraldi, Vincent, Bruce Western and Kendra Bradner. *Community-Based Responses to Justice-Involved Young Adults*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2015. NCJ 248900, available at: <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>.

for and targeted to their unique needs is essential to helping young people heal, thrive and succeed.<sup>4</sup> Programming within the City's detention facilities complements other mandated services for youth in these settings, including education, physical and mental health care, and recreation.

### **Programming For Youth 18-21 on Rikers Island Required By City Regulations: The Young Adult Plan**

In 2015 the Board of Correction promulgated rules prohibiting the use of solitary confinement – known as punitive segregation – for adolescents and young adults 21 and younger on Rikers Island. The new rules recognized the vulnerabilities of adolescents and young adults, and the negative impacts that solitary confinement has on young people's health and development.

The new rules also required the Department to replace solitary confinement for youth with a more developmentally-appropriate approach to working with young adults aged 18-21, including training for staff, new housing areas dedicated to youth, and “necessary alternative programming” intended to meet their unique needs.<sup>5</sup> To comply with these regulations, the Department has created, and subsequently amended, its “Young Adult Plan” over the last few years.<sup>6</sup>

#### Young Adult Housing Areas: Creating a Program-Rich Environment for Youth

As of January 31, 2019, there were 646 young adults in detention on Rikers Island, representing 621 male and 25 female youth in custody.<sup>7</sup> Experts recommend that “detained young adults should be housed separately from older, more sophisticated inmates whenever possible.”<sup>8</sup>

Despite the legal requirement to house all young adults aged 18-21 separately from adults (22 years old and older)<sup>9</sup>, the Department continues to commingle many 19-21 year olds with older incarcerated people. The Department has stated that its obligation to house “substantially all” young adults in exclusive young adult housing areas should “be quantified as no less than **50% of the general population of young adults (both male and female) at any given time.**”<sup>10</sup> We are concerned that youth who are placed away from the dedicated units and are commingled with older adults will be less likely to engage in, or have access to, the age-appropriate programming to which they are entitled.

Moreover, the Department has indicated that it will use young adult's expressed interest in education or programming at intake to determine whether they should be placed in

<sup>4</sup> *Id.* at 9-10.

<sup>5</sup> See Minimum Standards §§ 1-02(c)(2) and 1-17(a) and (b).

<sup>6</sup> Department of Correction Young Adult Plan Update, dated Feb. 5, 2019, available at: <https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/February/Young%20Adult%20Plan%20Update%20February%202019.pdf>.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> Schiraldi, et al., available at: <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>, at 10; see also 14-15.

<sup>9</sup> Minimum Standard § 1-02(c)(1). DOC does not commingle 18 year olds.

<sup>10</sup> See FN 8, at 1. Emphasis added.

young adult-only housing.<sup>11</sup> Because so few youth were enrolled in school or engaged in programming at the time of their entering the jail, solely using a young person's expressed interest when entering the facility (described by the Department as "an overwhelming process"<sup>12</sup>) will result in missing key opportunities to connect youth with supports while they are detained.

### Ensuring Access to Young Adult Programming, Regardless of Housing Area

All youth should participate in programming, unless there is some individualized reason based on their health, well-being or immediate safety that they cannot. Detained youth must be able to connect with "treatment, education and work-force development [led by] specially selected and trained staff, [and] be designed ... to reflect a more youth friendly and less correctional atmosphere."<sup>13</sup>

Based on our understanding, access to programming is currently restricted based on housing areas, and many of the opportunities (including Family Days and certificate programs) are only permitted for the small minority of young adults in the highest performing housing units. For example, workforce training and credential programs (e.g., carpentry, plumbing, culinary arts, electric, automotive, building maintenance, welding, cosmetology, make-up artistry, social media marketing) are only permitted for youth in the highest performing housing areas.

Indeed, following the Department's most recent presentation before the Board of Correction on February 12, 2019, it is not clear:

- Which programs<sup>14</sup> are available to all young adults, regardless of whether they are placed in Young Adult-exclusive units, comingled units with older adults, protective custody, or other specialized units;
- Whether 5 hours of programming daily is available to every young adult regardless of their housing area/placement;
- How the Department continues to try to engage young adults in programming opportunities after they complete their intake/admission, regardless of their housing area/placement;
- Which programs are used as "motivation" or "rewards" for individualized or housing area behavior compliance; or,

<sup>11</sup> *Id.*

<sup>12</sup> See Department of Correction Young Adult Plan Update, dated Feb. 5, 2019, available at: <https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/February/Young%20Adult%20Plan%20Update%20February%2019.pdf>, at 3.

<sup>13</sup> Schiraldi, et al., available at: <https://www.ncirs.gov/pdf/files1/nij/248900.pdf>, at 14.

<sup>14</sup> See Department of Correction Young Adult Plan Update, dated Feb. 5, 2019, available at: <https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/February/Young%20Adult%20Plan%20Update%20February%2019.pdf>, at Appendix A and B (listing "programs offered to young adults").

- Whether there are adequate numbers of correction staff to supervise and escort young adults to programming and other mandated services (including legally required education and health care).

It is important to recognize that over the past two years, programming offered through the Friends of Island Academy Youth Reentry Network has transformed the experiences of young people at Rikers, especially for adolescents and young adults at RNDC. This has contributed to the safety and well-being of incarcerated youth and staff. Despite this success, it is unclear which programs and contractors the Department will continue to work with, and whether it plans to change the current array of programs and/or the amount of funding for young adult programming.

We urge the City Council to explore these issues and concerns, and preserve the funding and supports for young adults in the Department of Correction's custody.

### **Programming for Adolescents in Raise the Age Facilities: Horizon and Crossroads**

Generally, all youth entering, living in, and returning home from detention, require stable, continuous and coordinated care. Programming and services within facilities must identify young people's individualized strengths and vulnerabilities, help mitigate trauma, promote safety and security for youth and staff inside, and help ease the transition home.

#### Horizon

As a result of Raise the Age, the City removed all 16 and 17-year olds from Rikers Island, relocating them to Horizon Juvenile Detention Center in the Bronx. Horizon is home to not only the youth formerly held on Rikers Island, but also all newly arrested and remanded 17 year olds (so called "gap 17s" whose cases are not adjudicated under Raise the Age until October 2019).

Nowhere was the need for consistent, stable youth engagement and programming more necessary than during the first month of the transition of youth off of Rikers Island. Horizon's administrators implemented 180 hours of programming per week, working closely with Friends of Island Academy. The continuity of these relationships--begun with youth while they were still on Rikers--helped smooth the transition. After an adjustment period in the first two weeks, incidents at Horizon decreased significantly, as did injuries

to staff<sup>15</sup> and youth.<sup>16</sup> Rates of use of force against youth dropped 50%.<sup>17</sup> This was achieved, in part, through this undisrupted programming and service delivery, and without the use of pepper spray.

The Friends of Island Academy, and other community based partners, were essential to reducing the violence and creating a safer facility. Their continued work, and that of other organizations serving youth in Horizon, is critical to the continued progress.

### Crossroads

At Crossroads Juvenile Center in Brooklyn, where children charged as juvenile delinquents (JDs), juvenile offenders (JOs), and Adolescent Offenders (AOs) are held, providers including Friends of Island Academy, work with youth in the facility, and follow young people back into their communities after their release. These ties, built within the facility, and continuing after young people return home, help youth navigate school re-enrollment and engagement with necessary services and supports.

In addition, Children's Defense Fund-NY works ACS to operate a Freedom School at Crossroads, which is a literacy-based summer program for youth. The program aligns with positive youth development principles, encouraging youth engagement in academics, promoting healthy social development, civic engagement and social action, intergenerational servant leadership development, and nutrition, health and mental health.<sup>18</sup>

We urge the City Council to continue to ensure that these youth in both Horizon and Crossroads have access to these programming and supports.

Thank you for the opportunity to testify before the Committee. If you have any questions or you would like further information, please contact: Julia L. Davis, Director of Youth Justice and Child Welfare, Tel. 212-697-0882, [jdavis@childrensdefense.org](mailto:jdavis@childrensdefense.org).

<sup>15</sup> During the first two weeks of October, COBA reported "more than 40 staff had been injured", and that a total of 42 Horizon correction officers were out of work because they had been injured on the job. See *Prayer Vigil to Demand Change*, News 12, Oct. 9, 2018, available at: <http://bronx.news12.com/story/39259130/horizon-corrections-officers-hold-prayer-vigil-to-demand-change>; *Teen inmates went ballistic on corrections officers over do-rags*, Sara Dorn, New York Post, Oct. 13, 2018, available at: [https://nypost.com/2018/10/13/teen-inmates-went-ballistic-on-corrections-officers-over-do-rags/?utm\\_campaign=iosapp&utm\\_source=twitter\\_app](https://nypost.com/2018/10/13/teen-inmates-went-ballistic-on-corrections-officers-over-do-rags/?utm_campaign=iosapp&utm_source=twitter_app). COBA reports that 53 staff were injured over the first 42 days. This means that only 11 staff were injured in the following month between 10/12 and 11/11. This is a significant reduction in injuries to correction staff. <https://www.cobanyc.org/sites/default/files/press-release-11-29-18.pdf> at 2.

<sup>16</sup> The federal court monitor reported that 40 youth injured during the first 28 days of October. See *Letter from Office of the Nunez Monitor*, Oct. 31, 2018. Electronically filed with the Court (SDNY) Case 1:11-cv-05845-LTS-JCF, Doc 319. COBA states the same number -- 40 "inmates" -- were injured over the first 42 days. See <https://www.cobanyc.org/sites/default/files/press-release-11-29-18.pdf> at 2. Thus, there were no reported youth injuries over the following 2 weeks.

<sup>17</sup> See *Letter from Office of the Nunez Monitor*, Dec. 4, 2018. Electronically filed with the Court (SDNY) Case 1:11-cv-05845-LTS-JCF, Doc 320.

<sup>18</sup> See generally, <https://www.childrensdefense.org/programs/cdf-freedom-schools/>.



JUSTICE FROM COURTROOM TO COMMUNITY

**Written Comments of Steffi Jean-Jacques, Youth Represent  
New York City Council  
Committee on Criminal Justice  
Oversight: Department of Corrections Programming  
February 26, 2019**

Youth Represent is a holistic youth defense and advocacy organization. Our mission is to ensure that young people affected by the criminal justice system are afforded every opportunity to reclaim lives of dignity, self-fulfillment, and engagement in their communities. We provide criminal and civil reentry legal representation to young people age 24 and under who are involved in the criminal justice system or who are experiencing legal problems because of past involvement in the criminal justice system. We also engage in policy advocacy and train the next generation of leaders through our Youth Speakers Institute. Our interdisciplinary approach allows us to understand the full extent of our clients' legal and practical challenges, so we can effectively represent them as they make the journey from courtroom to community. We thank Chair Powers and the entire committee for the opportunity to provide this testimony.

Youth Represent has been fortunate to partner with the City via the Friends of Island Academy Youth Reentry Network to provide comprehensive legal services to young people incarcerated at Rikers Island and upon release. Through this partnership we have a weekly presence at Rikers Island where we provide legal consultations to young people aged 16—21 who are housed at RNDC, EMTC and RMSC. Since Raise the Age went into effect we also serve youth at Horizon and Crossroads Juvenile Centers.

Since the beginning of our partnership with Friends of Island Academy we have had individual legal consultations with over 250 young people. We have supported participants with school suspensions, school transfers, family court representation, summons court representation, criminal record reviews, voluntary surrenders, maintaining housing stability, and bail/mitigation support. Our innovative model incorporates youth development principles such as motivational interviewing and meaningful participation into the legal services we provide. During the course of the partnership, we have seen time and again the powerful impact of youth-centered, wraparound services upon the lives of young people while incarcerated and long after their release. In our comments today we would like to focus on:

- 1) The critical impact of client-centered legal services for incarcerated youth;
- 2) The vital importance of effective programming on Rikers and at Horizon and Crossroads that addresses the social, psychological, and economic as well as legal issues faced by incarcerated youth, and of the continuity of those programs as Raise the Age is implemented; and
- 3) Facilitating access to programs for youth, especially at Rikers Island.

## Critical Legal Services for Incarcerated Youth

Any time in jail can jeopardize housing, employment, education and a vast array of other opportunities, trapping people in a cycle of incarceration and poverty. The stakes are set even higher when a young person becomes entangled in the justice system.

The Friends of Island Academy Youth Reentry Network represents a historic investment by New York City in breaking this cycle by providing pre- and post- release support to justice involved youth 16-21 leaving incarceration, following them from incarceration into their communities. Launched in 2016 at Rikers Island, the Network expanded in 2018 to serve 16 and 17 year olds housed at Horizon and Crossroads Juvenile Center pursuant to Raise the Age, while continuing to serve youth at Rikers up to age 21. Over the past two years, these services have transformed the experiences of incarcerated youth, especially at RNDC on Rikers Island. Friends advocates and the extensive network of organizations they contract with (including arts, credible messenger, horticulture, legal and other programs) provide services that are absolutely essential to youth. Without the full network of programs, Rikers, as well as Horizon and Crossroads, would be less safe for both youth and staff.

**As a subcontractor providing legal services since the Network was launched, we have witnessed firsthand the tremendous impact of effective and comprehensive legal support for incarcerated youth.** Two recent cases highlight the need for our vigorous advocacy on Rikers and demonstrate how such advocacy can positively transform our clients' lives once they return to their communities:

When we met Amber<sup>1</sup> in May of 2018, she was incarcerated at Rikers on felony shoplifting charges and also facing a warrant in Rockland County, but had no access to an attorney there. Our attorney and senior paralegal built an immediate rapport with Amber and learned that she had been injured by a police officer in the course of her Rockland County arrest. We arranged a hospital visit where it was identified for the first time that Amber's knee was dislocated and required ongoing medical attention.

In October, Youth Represent connected Amber to the Mass Bail Out Action led by the Robert F. Kennedy Human Rights Organization (RFK) and secured her release, but she was immediately arrested on the Rockland County warrant. We continued our support, contacting both the local public defender and a civil rights attorney interested in Amber's case. Through persistent advocacy and comprehensive information about Amber's situation, we helped secure her release without bail.

Since Amber has been back in New York City, Youth Represent has played a critical role coordinating between her lawyers in Rockland and New York City while providing essential support to ease Amber's transition home. Prior to her pretrial incarceration, she was attending classes at LaGuardia Community College, sustaining an apartment on her own and working to

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<sup>1</sup> Client names have all been changed.

provide for herself. She expressed her desire to go back to school next semester and find a job as soon as possible. We helped her re-enroll in college, connected her to an employment program, and helped her secure a metro card and prepaid cell phone. In November, Amber's Rockland County case was dismissed, but she is still facing felony charges in New York City. Our staff has continued to provide courtroom advocacy with the goal of helping Amber avoid a felony conviction and any further incarceration. We are also providing her tools to regain control of her life and advocate for herself, demonstrating what empowerment is in terms of an attorney-client relationship.

For a young person like Amber, there is not one single legal case to open and then resolve. Her intertwined legal and reentry needs demonstrate the importance of flexible, continuous services that center a young person's priorities and rely on trust and relationship-building to position them for lasting success.

Brittany reached out to Youth Represent for advice because she was facing arrest for an outstanding warrant in New York City. A Youth Represent staff attorney explained the voluntary surrender process and based on the information, Brittany decided to turn herself into the police with our support. We obtained a letter from Friends of Island Academy and accompanied Brittany to the precinct where we invoked her right to counsel and followed her progress through central booking while keeping her loved ones updated. We contacted the Legal Aid attorney in arraignments and ensured that she was fully briefed on the entire situation and had two letters of support in hand by the time Brittany appeared before the judge.

When Brittany's bail was set at \$2,500, we immediately notified Friends of Island Academy and set up a meeting so that she had additional support on her first day at Rikers. In conjunction with Brittany's public defender, Youth Represent drafted and argued a second bail review on the record to reduce Brittany's bail. Thankfully, bail was decreased to \$1,500. Youth Represent then assisted Brittany's family navigating the bail process, informing the family of the legal limits bail bondsmen are bound to and helping them post bail for Brittany within four days.

Our advocacy provided Brittany the support she needed to address her out-standing warrant and was key to reuniting her with her family after bail was originally set at an amount they could not afford. By relying on youth development tools like focusing on strengths, engaging family, and emphasizing each young person's involvement and decision-making role in their case, Youth Represent helps young people like Brittany move from crisis to stability and from courtroom to community.

### **How Our Programming Network Strengthens Our Impact**

Our legal work is only successful because we exist in the context of other critical services provided by youth-oriented partner organizations, including preventative services, mental health and substance abuse treatment, counseling, criminal and juvenile defense, mitigation,

credible messenger mentoring, career development, and reentry services that follow young people from incarceration into the community. These continuous and coordinated services are essential at every point in the system, especially as Raise the Age legislation is implemented.

Ongoing investment in this thick network of positive youth development programs has been particularly crucial to the success of Raise the Age implementation, especially for youth detained at Crossroads and Horizon Juvenile Centers, and for older youth who are still detained at Rikers Island. Success for youth incarcerated at Rikers hinges upon whether program staff are able to engage, advocate, educate and mentor them effectively, as well as provide continuous post-release services and opportunities focused on the grim collateral consequences that can stem from involvement with the justice system.

Holistic efforts spearheaded by youth program providers on Rikers not only align with the Department's programming goal of promoting employment and other opportunities, but also specifically address the particular barriers that prevent justice involved youth from achieving their goals. **For this reason, it is essential that the Department maintain continuity of programming—in both providers and funding level—as services for youth arrested at 16 and 17 transition from Rikers to Horizon and Crossroads.**

### **Facilitating Access to Programs and Services for Incarcerated Youth**

While we understand the inherent difficulty and complexity of providing services in a jail environment, we believe that modest changes in policy and practice at Rikers Island could vastly improve access to essential services for youth.

**1. Movement between housing areas for program staff.** For as long as we have had a presence on Rikers, our ability to provide services to clients has consistently been undermined by the difficulty of between housing units caused by the unavailability of escorts, even where there were no other safety issues (i.e. a lockdown of the facility) present. All too frequently, the problem seems to be a lack of basic communication and coordination among DOC correction officers and other staff.

In the interest of ensuring that young people are able to fully engage in essential programs and services at Rikers, we recommend the implementation of a standard process and schedule for escorting program providers among housing units. This schedule should be posted and visible throughout all housing units and should be interrupted only by serious safety concerns.

**2. Processing time for organizational staff and volunteers to gain clearance.** While we recognize the importance of ensuring that everyone on Rikers, including volunteers, receives formal clearance, the time it takes to gain such clearance hinders our ability to provide essential services. By way of example, nearly 5 months passed between the day I submitted the clearance material to the day I finally obtained volunteer approval. A new staff attorney at Youth Represent submitted her application on January 7<sup>th</sup>, 2019; that application has not even been processed to allow her attendance at the initial

volunteer training. This staff attorney's ongoing lack of access to Rikers limits our capacity to provide legal services to young clients.

To be clear: our objection here is not to the required screening or to the training demands, but to the fact that the substantial delay in processing results in individuals on Rikers missing out ability to access core services.

### **Conclusion**

We hope our comments highlight how indispensable the Youth Reentry Network is for incarcerated youth and the critical importance of continuing all programming at current levels for youth housed at Rikers as well as Horizon and Crossroads Juveniles Centers. We are also eager to work with Department to help improve access to Rikers for program providers and access to programs for incarcerated youth, and are hopeful that support from the Committee can move that process forward. If you have any questions please don't hesitate to reach out to me directly at (646) 759-8081; [sjean-jacques@youthrepresent.org](mailto:sjean-jacques@youthrepresent.org). Thank you.



PROTECTING KIDS. PROVIDING HOPE.

February 26, 2019

Hon. Keith Powers, Chair  
New York City Council Committee on Criminal Justice  
250 Broadway, 14<sup>th</sup> Floor  
New York, NY 10007

Re: Oversight - Department of Correction Programming: Young Adult Plan

Dear Mr. Powers and Committee Members:

Since 1995, Children's Rights has been a national advocate for youth in state systems. We are also a member of the Department of Correction's Adolescent and Young Adult Advisory Board and the New York City Jails Action Coalition. Our experience with adolescents and young adults in foster care and juvenile justice systems often brings us in contact with young adult and youth corrections policy, as our clients are disproportionately represented in young adult and juvenile correction facilities. We are concerned about the welfare of young adults and youth at Rikers and Horizon. We testify regularly before the Board of Correction.

As you know, the Young Adult Plan commits the Department of Correction (the "Department") to providing age-appropriate programming to all young adults, not just the best performing youth, which necessarily includes even the most challenging young adults.<sup>1</sup> Specifically, the stated mission of the Young Adult Plan is to "provide all young adults in DOC custody with comprehensive, individualized, outcome-oriented jail and community based services in safe environments that are conducive to learning."<sup>2</sup>

The February 2019 Update to the Young Adult Plan (the "Update"),<sup>3</sup> however, underscores many roadblocks to full implementation of the Young Adult Plan.<sup>4</sup> Our concern regarding programming is that it often seems limited to young adults in the highest performing housing units, *i.e.*, the units with the best-behaved young adults.

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<sup>1</sup> 2017 Young Adult Plan, *see, e.g.*, pages 3, 6, 15, 17 [https://www1.nyc.gov/assets/doc/downloads/press-release/BOC\\_YA\\_presentation\\_n.pdf](https://www1.nyc.gov/assets/doc/downloads/press-release/BOC_YA_presentation_n.pdf)

<sup>2</sup> 2017 Young Adult Plan at page 3.

<sup>3</sup>

<https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/February/Young%20Adult%20Plan%20Update%20February%202019.pdf>

<sup>4</sup> According to the Department of Correction, in January 2019, there were 621 male young adult inmates and 25 female young adult inmates in custody at Rikers. Update at page 2.

First, it is hard to determine how many young adults are actually participating in programming at Rikers. The Update maintains that the Department “offers 5 hours of programming in the majority of [general population] housing areas.” Page 5. It is unclear if “offers” means “provides.” It is also unclear how large a majority this is. For example, in the Update, the Department concedes in another context that “substantially all” means only “no less than 50%.” Page 1. If a “majority” of the housing areas is limited to “no less than 50%” of the housing areas, then a substantial number of young adults are not getting the programming they need.

Providing age-appropriate programming for less than all of general population housing areas where young adults reside is simply not sufficient. Instead of establishing a plan and setting benchmarks for providing age-appropriate programming for all young adults, the Department seems to rely only on its intention to “better match individuals with their programmatic needs.” Page 4.

Second, it is not clear if 19- to 21-year olds have access to the same programming offered to 18-year olds, or if there are enough programming slots available for every young adult who wants to participate. For example, it seems that the most popular programs for comingled young adults include CBT, Life Skills, and Healthy Relationships.<sup>5</sup> Are enough of these classes available, or do young adults get placed on a waiting list?

Furthermore, the Update provides no programming data specific to the 18-year olds who are all housed at the Robert N. Davoren Center.<sup>6</sup>

Third, it is widely acknowledged that development continues through early adulthood, and providing age-appropriate programming ensures that this development continues.<sup>7</sup> This developmental period is also a time of greater risk, when a youth’s environment can have substantial influence on decision-making.<sup>8</sup> Research has shown that the window of opportunity to affect youth development and promote resilience closes in the mid-twenties.<sup>9</sup> It is critical that adults working with older youth address their need for family supports, education and training opportunities, employment, opportunities to contribute to a community, adequate health and mental health supports, and supportive relationships with others.<sup>10</sup>

As the MacArthur Foundation has reported in the context of juvenile justice systems, “[t]he most effective programs and services are those that seek to meet youth’s needs and influence their development in a positive way, by promoting contact with prosocial peers and adult role models, actively engaging parents and family members, offering tools to deal with negative influences

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<sup>5</sup> Update, Appendix A.

<sup>6</sup> Update, Appendices A and B.

<sup>7</sup> Schiraldi, Western, and Bradner “Community-Based Responses to Justice-Involved Adults” (Sept. 2015) <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>.

<sup>8</sup> MacArthur Foundation & Models for Change Resource Center Partnership, *Systems Reform in Juvenile Justice, Because Kids are Different: Five Opportunities for Reforming the Juvenile Justice System* (2014), at 5-6; Jim Casey Youth Opportunities Initiative, *Success Beyond 18: A Better Path for Young People Transitioning from Foster Care to Adulthood* (2013), at 5 (citing World Health Organization, *Adolescent Development* (2012)).

<sup>9</sup> Jim Casey Youth Opportunities Initiative, *The Adolescent Brain: New Research and its Implications for Young People Transitioning from Foster Care* (2011), at 14.

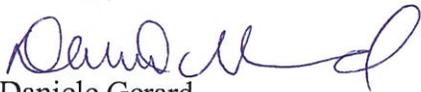
<sup>10</sup> See *id.*

that youth may face in their communities, and engaging youth in educational programming and employment that will prepare them for conventional adult roles.”<sup>11</sup> Youth have better outcomes if their unique needs are addressed, and they are not required to navigate systems created for older adults.

Finally, the Update does not include a Department statement on what a successful implementation of programming pursuant to the Young Adult Plan would encompass. The Young Adult Plan as initially designed provides an opportunity to align Department rules with best practices in youth development. By doing so, older youth will be safer and less likely to re-enter detention after their release. The lack of a clear plan and benchmarks does not bode well for young adults housed at Rikers.

We urge the City Council to remain engaged, and to hold the Department accountable for providing continuous, dedicated programming for all young adults at Rikers. We urge the City Council to set specific benchmarks and timelines for meeting the programming requirements and other goals laid out in the Young Adult Plan. Otherwise, we fear that the Department’s continued requests to the Board of Correction for variances from the Board’s minimum standards will constitute the actual implementation, or lack thereof, of the Young Adult Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniele Gerard", written in a cursive style.

Daniele Gerard  
Staff Attorney

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<sup>11</sup> MacArthur Foundation & Models for Change Resource Center Partnership, *Systems Reform in Juvenile Justice, Because Kids are Different: Five Opportunities for Reforming the Juvenile Justice System* (2014), at 7.



**TESTIMONY**

The Council of the City of New York

Committee Criminal Justice Service

Re: Oversight-Department of Correction Programming

Int. 0261-2018 – Requiring the Department of Correction to conduct a survey related to inmate quality of life

Int. 1184-2018—Books in city correctional facilities.

February 26, 2019  
New York, New York

The Legal Aid Society  
199 Water Street  
New York, NY 10038

Good morning. I am Nancy Ginsburg, Director of the Legal Aid Society's Adolescent Intervention and Diversion Project in the Criminal Practice, a specialized unit dedicated to the representation of adolescents aged 13 to 18 who are prosecuted in the adult criminal courts. I submit this testimony on behalf of the Legal Aid Society, and thank Chair Powers for inviting our thoughts on the issue of conditions of incarceration for our clients in the custody of the New York City Department of Correction. Our focus today will be on programming options for adolescents and young adults.

The Legal Aid Society is the nation's oldest and largest provider of legal services to low-income families and individuals. As you know, from offices in all five boroughs, the Society annually provides legal assistance to low-income families and individuals in more than hundreds of thousands of legal matters involving civil, criminal, and juvenile rights issues. The Criminal Practice has a specialized unit of lawyers and social workers dedicated to representing many of our youngest clients prosecuted in the criminal system. The Adolescent Intervention and Diversion Project provides enhanced representation for our most vulnerable clients who are often involved in many systems in addition to being court-involved: foster care, special education, mental health, substance abuse.

The Prisoners' Rights Project ("PRP") of The Legal Aid Society has addressed systemic and institutional problems in the New York City jails for more than 40 years. It is class counsel in *Nunez, et. al. v. City of New York, et al.*, 11-cv-5845 (LTS)(JCF), in which the City committed to reduce excessive force in the City jails and revamp its treatment of younger incarcerated people, and in *Handberry v. Thompson*, No. 96-cv-6161 (S.D.N.Y.) (GDB), which secures general and special education for high-school eligible youth confined by the New York City Department of Correction ("DOC"). Each week PRP receives and investigates numerous requests for assistance from individuals incarcerated in the City jails. Years of experience, including daily contact with inmates and their families, has given The Legal Aid Society a firsthand view of problems in the New York City jails.

Because of the breadth of The Legal Aid Society's representation, we are uniquely positioned to address the issue before you today. Our extensive experience indicates that community safety is best protected when appropriate services are identified and accessed for our incarcerated clients. Programming prevents idle time and promotes skill building that can lead to reduced conflicts in the jails, critical behavioral, educational and workforce skills necessary upon release, and reduced future entry into the jail system. The Legal Aid Society strongly supports a comprehensive menu of programming to meet the range of needs of the young people held in the custody of the Department of Correction.

## **Issues Facing Incarcerated Young People**

Young people incarcerated in our City jails have profound needs and are in desperate need of services and therapeutic interventions. Social scientists posit that young people who are court-involved are not on a trajectory to become lifelong criminals, but incarceration can push them in that direction. Adolescence is a critical developmental stage and placement in a correctional setting can disrupt educational and social development. These disruptions, 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, during incarceration and elsewhere, follow the lessons of developmental psychology by providing young offenders with supportive social contexts, authoritative adult figures and help to acquire the skills necessary to change problem behavior and to become psychologically mature.<sup>1</sup>

### *Prior Neglect and Abuse*

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

### *Mental Health Needs*

Many incarcerated young people struggle with mental health issues. The most prevalent diagnoses of court-involved youth are attention deficit disorder, post-traumatic stress disorder, and depression. Young people with these diagnoses may respond disproportionately to actions that they perceive as aggressive. Their symptomatic behavior, which seems justifiable to them, is often solely interpreted as hostile or aggressive. Without consistent treatment, structure and services, these teens cannot complete their education or hold meaningful jobs. Additional treatment resources in the community, including residential options will reduce the number of incarcerated youth.

### *Trauma*

According to a study conducted by the VERA Institute, "[approximately 85 percent of young people assessed in secure detention reported at intake at least one traumatic event, including sexual and physical abuse, and domestic or intimate partner violence. Furthermore, one in three young people screened positive for Post-Traumatic

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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).)

Stress Disorder (PTSD) and/or depression.”<sup>2</sup> ACS reports that 40% of youth in detention were referred for mental health services.<sup>3</sup> OCFS reports a similar number in the population admitted in 2014, noting that 42% of admitted youth had mental health service needs.<sup>4</sup>

A history of trauma can also affect brain development and increase the harm to youth from isolated confinement. Exposure to trauma can create a near-constant state of fight-or-flight mode for anyone. For traumatized youth, this survival mode supersedes typical brain development. These traumatized youth are thus even less able to control their mood swings and impulses.<sup>5</sup>

### *Poor Family Support*

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

### *Education*

Many youth arrive in jail with severe educational deficits: for the 2016-17 school year, 34% of students in District 79, which provides educational services to incarcerated young people, were classified as in need of special education services, and almost half have reading and math proficiency four or five grades below grade level.<sup>6</sup> Education in jail is of paramount importance not only to ensure their successful reintegration to the community upon release, but also to provide them with rehabilitative activities while in custody. Idleness breeds violence, and leaving adolescents to languish in housing areas rather than engaging in productive school activities is a recipe for trouble.

<sup>2</sup> Innovations in NYC Health and Human Services Policy: Juvenile Detention Reform, Vera Institute of Justice, January 2014. available at <http://www.vera.org/sites/default/files/transition-brief-juvenile-detention-reform.pdf>.

<sup>3</sup> 2018 Mayor's Management Report, Administration for Children's Services, p. 183.

<sup>4</sup> NYS Office of Children and Family Services, Division of Juvenile Justice and Opportunities for Youth, 2016 Annual Report Youth In Care.

<sup>5</sup> American Academy of Pediatrics, Policy Statement: Health Care for Youth in the Juvenile Justice System, 128 PEDIATRICS 1219, 1223-24 (2011), available at <http://pediatrics.aappublications.org/content/early/2011/11/22/peds.2011-1757.full.pdf> (reviewing the literature on the prevalence of mental health problems among incarcerated youth); OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, NATURE AND RISK OF VICTIMIZATION: FINDINGS FROM THE SURVEY OF YOUTH IN RESIDENTIAL PLACEMENT 4 (June 2013), available at <http://www.ojjdp.gov/pubs/240703.pdf> (finding that 56 percent of youth in custody experience one or more types of victimization while in custody, including sexual assault, theft, robbery, and physical assault).

<sup>6</sup> [https://doc-0k-a0-apps-viewer.googleusercontent.com/viewer/secure/pdf/3nb9bdfcv3e2h2k1cmql0ee9cvc5l0le/guk41v9dsbc53853112s9qg5btr00d4l/1550788650000/drive/\\*ACFrOqBP18h\\_i3TdVWFFIHzeR2OTowH3BlqpwXJcXu3TEhGMweruniLXCXR308Nlc9NI0kJDUHZTq\\_A4\\_6tWh5lqNXP6vmJqiqCIAaf3EOv6JYsQ9s6l6yUkGx88U=?print=true](https://doc-0k-a0-apps-viewer.googleusercontent.com/viewer/secure/pdf/3nb9bdfcv3e2h2k1cmql0ee9cvc5l0le/guk41v9dsbc53853112s9qg5btr00d4l/1550788650000/drive/*ACFrOqBP18h_i3TdVWFFIHzeR2OTowH3BlqpwXJcXu3TEhGMweruniLXCXR308Nlc9NI0kJDUHZTq_A4_6tWh5lqNXP6vmJqiqCIAaf3EOv6JYsQ9s6l6yUkGx88U=?print=true)

### *Challenges Facing Young Women in Jail*

While teenage girls and young women charged with crimes face many of the same issues as teenage boys and young men, several areas of concern affect the former in particular. Most young women who enter the criminal court system have experienced sexual, emotional and/or physical abuse in their past, suffer from mental health problems, and have a history of substance use. One or any combination of these factors can contribute to the conduct resulting in criminal or delinquency proceedings. Indeed, research indicates that abuse (sexual, emotional and/or physical) may be the most significant underlying cause of such high-risk behaviors for girls.<sup>7</sup> Victimization can lead to an increase in violent behavior, substance abuse and other self-harming behaviors and poor self-esteem.<sup>8</sup>

In fact, the National Mental Health Association estimates that more than 70% of incarcerated girls nationwide report sexual and physical abuse. Due to repeated exposure to trauma and violence, up to 50% of incarcerated girls fit the criteria for a diagnosis of post traumatic stress disorder (PTSD) as well.<sup>9</sup> The extent of mental health problems among these girls is staggering. Almost 70% of girls in the juvenile justice system have histories of physical abuse, compared to a rate of about 20% for teenage females in the general population.<sup>10</sup> A 1997 study of boys and girls in juvenile justice facilities found that 84% of girls needed mental health assistance, compared to 27% of boys.<sup>11</sup> It is certain that many of these mental health issues stem from histories of abuse so many of the girls have endured. Yet the juvenile and criminal justice systems traditionally focus on the girls' actions instead of the trauma they have endured and how that trauma might be related to the behavior for which they are charged.

### **Goals of programming in jail and detention**

Programming for incarcerated young people serves a number of functions: improving behavior and decision-making skills in facilities and upon release, reducing idle time, building academic and literacy skills, and teaching workforce skills. Additionally, the provision of programming, particularly by individuals from the community, provides an opportunity for young people to build positive, ongoing relationships with adults who can help in navigating the stressors of incarceration and potentially aid the transition once released.

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<sup>7</sup> *Adolescent Girls with Co-Occurring Disorders in the Juvenile Justice System*, at 3, The National GAINS Center for People with Co-Occurring Disorders in the Justice System, December 1997.

<sup>8</sup> *Id.*

<sup>9</sup> *Mental Health and Adolescent Girls in the Justice System*, National Mental Health Association (1999).

<sup>10</sup> Laurie Schaffner, *Female Juvenile Delinquency: Sexual Solutions, Gender Bias, and Juvenile Justice*, 9 *Hastings Womens L.J.*, 4 (1998)

<sup>11</sup> *Adolescent Girls with Co-Occurring Disorders in the Juvenile Justice System*, at 5, The National GAINS Center for People with Co-Occurring Disorders in the Justice System, December 1997. In New York City Fiscal Year 2006, the NYC Department of Juvenile Justice reports that 68% of children admitted to DJJ facilities required mental health services. Mayor's Management Report.

Programming options should include a variety of interests and take into consideration the wide range of functional levels within the population. Broad programming creates an environment where as many people as possible can be engaged. Options should include: education, games, arts (including written, visual, music and theater), individual and group counseling, athletic options, behavioral therapy, credible messenger led activities, parenting skills, culinary, horticulture, and more advanced workforce skills where certificates can be earned and applied upon release.

### **The environment must support the delivery of programming services**

As a result of the settlement of the *Nunez* case, the City committed to providing a spectrum of meaningful programming for adolescents and young adults. We worked closely with the Department of Correction to help inform the process of choosing the most appropriate services for this population. While we appreciate the efforts made to establish a wide menu of services, these programs are only as effective as the jail setting allows. We have observed increasing issues in the various jails where young people are housed.

We have heard repeated reports that programming providers' entry to the facilities has been delayed, sometimes for many hours; that young people are not informed of the services by all officers in all housing units; that long delays occur in escorting the young people to programs even when there is no apparent security reason for the delay; that some officers do not support the environment necessary to deliver the services. Delays reduce the level of programming available to the young people: services that are supposed to last for an hour, can be reduced to twenty minutes. Despite the City's professed commitment to the provision of services, providers face unnecessary obstacles in delivery.

The closing of the George Motchan Detention Center (GMDC) on Rikers Island in summer 2018 exacerbated this problem. GMDC was the jail holding the 18-21 year old male youth. DOC had spent considerable time and resources to create space in GMDC that was conducive to the delivery of programming, and to engage staff to support programming. But those physical spaces were not available in the buildings where the youth were transferred once GMDC closed. This has led to a situation where programming is often pushed into the housing areas. However, despite the fact that there is a set schedule for programming, some officers do not support it. They talk during programming and create other distractions. Televisions blare in the areas while providers are trying to run groups.

Additionally, across the board, providers report extensive delays in DOC approval of clearances to allow program staff to gain entry into the facilities. Applications for renewal seem to languish, sometimes for up to six to eight months. This creates multiple problems. The most obvious is the interruption of services, however, equally, if not more important, these delays interfere unnecessarily with the relationship building between the providers and the young people who are incarcerated. It is remarkably unsettling for young people who are just starting to engage in services with

adults with whom they are forming trusting relationships, only to lose contact with those adults in the middle of the process. Incarceration itself is an unsettling experience, to say the least, for young people and programming provides a sense of normalcy and relationship for those deprived of that by the jail setting. Creating unnecessary interruption in these services exacerbates an already unstable environment.

Another obstacle in the delivery of services is the security division of the Department of Correction appears to determine which young people are eligible for services, and to decide what programming individuals should receive. We strongly believe that these decisions should be made collaboratively with the program providers who have a history of assessing the need for the type of services, in delivering programs in the facilities and have developed a relationship with the young people. Additionally, the voice of those incarcerated should be considered in this process. It appears that certain housing areas receive a wealth of programming, while others receive little to none. Additionally, young people are constantly moved from one housing area to another, creating interruptions in service provision and relationship building with adults who provide those services. Maintaining positive relationships should be a security concern as well and given that idle time creates even more security issues, we urge that all young people have access to some programming options.

### Training

New York should train all DOC, DOHMH and DOE staff members in Think Trauma, a program in use in the juvenile secure facilities in NYC and available from the National Child Traumatic Stress Network. Mental health professionals from Bellevue Hospital have trained staff and youth in the juvenile secure detention facilities run by ACS/DYFJ in this curriculum. This training provides an overview for staff of how to work towards creating a trauma-informed setting which is a process that requires not only knowledge acquisition and behavioral modification, but also cultural and organizational paradigm shifts, and ultimately policy and procedural change at every level of the facility.<sup>12</sup> This curriculum helped the staff to better relate to the youth, and helped to identify a greater number of youth in need of mental health services.

Our treatment of adolescents and young adults in our justice system should reflect our understanding of these differences and the ways they affect an adolescent's behavior and well-being. For example, because of the impulsivity of youth, the threat of punishment will not have the same deterrent effect on a young person as it would on an adult. It is critical that the correction officers who have daily contact with incarcerated young people understand adolescent development and behavior and have the tools to interact with teenagers in a constructive way. Jail is an inherently stressful environment. We believe that if the staff is better trained and given the tools to understand the context of the young people's behavior, their behavior would improve and the remedies would be more effective.

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<sup>12</sup> <http://www.nctsn.net/products/think-trauma-training-staff-juvenile-justice-residential-settings>

### **The value of credible messengers**

Credible messengers are community members with relevant life experience and that give them the authority to challenge and transform the thinking, attitudes, and behavior of others. Credible messengers function in jail and detention as mentors whose life experiences enhance their ability form meaningful personal connections. They are from similar backgrounds and able to equip young people with the tools to change their lives while providing them with a living example of hope and transformation.<sup>13</sup>

Credible messengers serve a number of roles in jail and detention settings. From the point of view of the young people, they serve as trustworthy adults who truly understand their perspective. Because of this relationship, credible messengers have provided critical support in the facilities in intervening and heading off conflict, helping the young people to develop skills to negotiate differences and disagreements that may be challenging for them. This leads to less violence and important skill building.

Unfortunately, we have seen a reduction in access to the jails for the credible messengers. Counselors have reported an increase in conflicts where credible messengers have been removed. Individuals within the credible messenger groups have been denied clearances to enter the buildings despite having clearances and working in this capacity in the state prisons. The model of credible messengers relies on the provision of services by people who have criminal histories. These individuals have committed themselves to taking the lessons they have learned and helping those younger than themselves make better decisions and avoid the mistakes they made. These interactions can only occur if the credible messengers are allowed into the facilities. Credible messengers are achieving impressive outcomes in the Department of Probation and the City's Cure Violence model.<sup>14</sup> We urge the Department of Correction to make the same commitment to the model to foster conflict resolution and improved decision making among our incarcerated young people.

### **The effects of raise the age**

Implementation of raise the age began on October 1, 2018, when the process of prosecuting 16 year olds changed drastically and the 16-17 year olds were transferred from Rikers Island to the Horizon Juvenile Center. We are pleased to see that the programming options moved with the youth into Horizon and that all 16 and 17 year olds are receiving services. We are hopeful that funding levels will be maintained so that this level of funding can be sustained.

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<sup>13</sup> [http://home2.nyc.gov/html/prob/html/messaging/cm\\_what\\_is.shtml](http://home2.nyc.gov/html/prob/html/messaging/cm_what_is.shtml)

<sup>14</sup> [https://www.urban.org/research/publication/arches-transformative-mentoring-program/view/full\\_report](https://www.urban.org/research/publication/arches-transformative-mentoring-program/view/full_report);  
<http://cureviolence.org/results/scientific-evaluations/nyc-evaluation-johnjay/>

We are concerned, however, that while hundreds of hours of programming are being afforded to the youth in Horizon, the commitment to programming on Rikers Island appears to have been reduced. It is our understanding that the facility housing the 18 year olds, Robert N. Davoren Center, has less than 100 programming hours a month, and the other facilities receiving services through the network, RMSC, EMTC and GRVC (not including workforce development) each receive less than 50 programming hours a week for the entire population. We urge the Council to explore whether the allocation of services is sufficient to meet the need as we have concerns that it falls woefully short.

### **Re-entry**

Most adolescents and young adults who are incarcerated, return to their communities from the detention or jail facilities. The vast majority of these young people return to a small number of neighborhoods: primarily the South Bronx, Central Brooklyn, South Queens, the north shore of Staten Island and Harlem. This map of the most affected neighborhoods has been consistent for decades and crosses the many systems of care provided by the City.

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We urge the Council to spearhead an analysis of need and to explore dedicating specific services that support the residents in these communities which would include a continuum of services from preventive to a robust menu of re-entry services for those released from incarceratory settings. Continued service provision by the groups dedicated to the population while incarcerated should be considered, as well as the support of already existing community based services and development of services in communities that lack them.

### **The need for continued funding and oversight**

We call upon the Council to ensure that funding is made available for continued programming options in detention and jail and for re-entry. Organizations and individuals must be funded to provide this critical work and gaps in funding create unnecessary interruptions, or worse, cessation of services. The agencies administering the facilities must also be committed to supporting the provision of services and the Council can provide critical oversight in this area.

### **Int. No. 261 and Int. No. 1184**

The Legal Aid Society supports both Int. 261 and 1184. We do have concerns about the administration of a survey by the Department of Correction, however, as it exposes individuals to potential retaliation as a result of their comments. We suggest that all surveys be anonymous and the language allowing for personal identification with consent be stricken from the bill language. We also suggest that community-based providers and advocates have input into the design of the survey.

## **Recommendations**

- Expedited clearance process for program providers
- Continued funding for programming
- Expanded criteria for which individuals are permitted to provide services to incarcerated young people.
- Funding for re-entry services as a continuation of services provided during the period of incarceration
- Exploration of the idea of creating a citywide advisory board to explore supports for court-involved adolescents and young adults while incarcerated and in the communities.
- Training and supervision for correction officers' support and facilitation of programming
- Expanded oversight of the DOC's support of programming
- Accountability for wardens to ensure programming is provided in their facilities.

## **Conclusion**

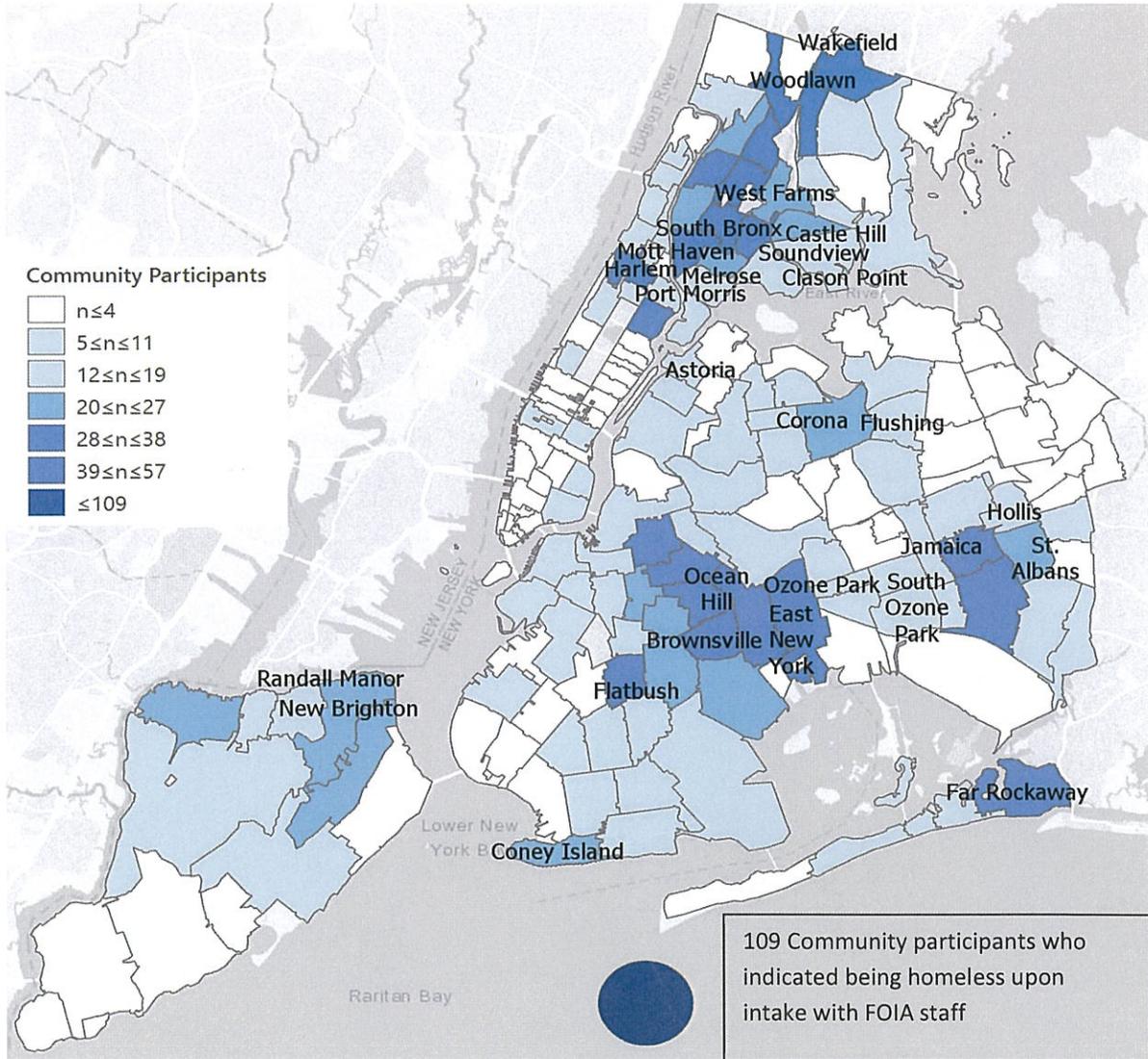
We thank the Committee for this public forum. The City Council plays and must continue to play an important role in understanding, monitoring and tracking the conditions of confinement for individuals incarcerated in the City jail and detention system. We encourage the Council to hold the Department of Correction to the reforms that are necessary to safeguard incarcerated young people.

Dated: February 26, 2019

Contact: Nancy Ginsburg  
Director, Adolescent Intervention and Diversion Program  
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**Testimony of**  
**FRIENDS OF ISLAND ACADEMY**  
 Before the City Council Committee on Criminal Justice  
 February 26, 2019

*Department of Correction Programming*



**Over a two-year period ending December 31, 2018, 2828 young people ages 16 to 21 met with Friends' Youth Advocates on Rikers Island within 48 hours of their admission.**

**Of these, 2219 were discharged to communities across New York City.**

**Of these, 1262 youth engaged with their Advocates in their neighborhoods after release.**

**This map reflects neighborhoods where the 1262 youth returned.**

*Chairman Powers and Members of the Committee on Criminal Justice:*

On behalf of Friends of Island Academy, I thank the Committee on Criminal Justice for the opportunity to address you. My name is Messiah Ramkissoon and I serve as Director of Programs and Community Partnerships at Friends of Island Academy. Friends is a non profit organization which was founded in 1990 on the school floors of Rikers Island.<sup>1</sup>

I want you to know about a comprehensive model of youth supports which we piloted at Rikers Island 3 years ago in collaboration with a rich array of youth-focused organizations City-wide - many of which are here today. Through the Network:

- We meet kids within 48 hours of their admission to custody (Rikers and Horizon) and introduce ourselves as their Friends' Advocate;
- We reach out to their families, attorneys and support systems while they are in custody and use their time throughout custody to develop a caring, mentoring relationship;
- We leverage the relationships which we developed with them in custody to engage them post release for as long as we can, working with them on their needs, goals and aspirations.
- Working through their defense attorneys, we advocate in court on their behalf to minimize lengths of stay and further incarceration;
- We pick up sentenced young adults (18 to 21) when they have completed their sentences on Rikers and drive them home, with a plan to meet up and work on their goals.
- We deliver and facilitate programming on Rikers Island through partnerships with community-based, youth-focused partners - 7 days per week in housing areas in custody.

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<sup>1</sup> The New York City Board of Education opened alternative high schools on Rikers Island during the 1980's. Formally known as the Austin McCormack Alternative High School, the schools on Rikers were called Island Academy. In 2010, a restructuring of the schools by the NYC DOE resulted in a new name, East River Academy.

Collectively these organizations offer enrichment such as arts-based programming, cognitive behavioral supports, transformative mentoring through credible messengers, life-skills supports, and legal support for the collateral consequences of arrest and conviction. My role in this is to identify, vet, support and work with our partners. I know first-hand that their impact is unprecedented.

We are privileged to have a unique and extraordinary set of 40+ partnerships who provide workshops weekly within the housing areas at 4 facilities at Rikers. Together, we seek to ensure that programming results in connections for youth post-release at the neighborhood level.

Right now, the Network provides 45 hours of workshop sessions per week. Attached to my testimony is the list of organizations and the number of hours each provided, by facility during the month of January - including at Rikers, Horizon and Crossroads.

We urge the City's continued support for this Network and for our partner organizations. To make this work better, we offer the following recommendations to ensure effective delivery of programming:

- Address the backlog of clearances by expediting DOC's approval of volunteer ID applications, especially renewals;
- Extend renewal periods to 18 months instead of its current 12 months to minimize average wait times for getting clearance;
- Facilitate the escorting process to better enable providers to get to housing areas;
- Build flexibility into the ID approval process which would allow access by providers who have prior justice system involvement and who often are the most impactful with youth.
- Invest in DOC's ability to hire staff to support these initiatives.

- Build on our existing infrastructure to facilitate post-release continuity with providers at the neighborhood level.

I can't emphasize enough the value of this programming for young people - for their health and wellbeing and for their future pathways. And incidentally, it allows for a less unhealthy jail system.

Thank you for the opportunity to address you.

Respectfully submitted:

Messiah Ramkissoon

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Program Provider by System/Facility - Rikers Island

Program Provider by Facility	Total Hours of Programming Provided	Number of Duplicated Participants	Number of Unique Participants
<b>RNDC</b>			
Artistic Noise	6	22	13
Barcode Fitness	10	71	18
CCA	2	12	12
Chess NYC	14	42	30
Elite Learners Inc.	4	19	19
Giant Thinking	21	133	78
Lead by Example	2	15	14
The F.A.R.M.	18	48	36
The Possibility Project	4	13	8
Urban Art Beat	6	16	6
Youth Education Development	6	12	9
<b>RNDC Total</b>	<b>93</b>	<b>403</b>	<b>164</b>
<b>EMTC</b>			
Artistic Noise	10	33	14
CCA	8	17	7
Giant Thinking	8	45	14
The Possibility Project	3	15	9
<b>EMTC Total</b>	<b>29</b>	<b>110</b>	<b>25</b>
<b>RMSC</b>			
Educate 2 Empower	8	12	3
Elite Learners Inc.	4.5	29	17
Girl Vow	14.75	28	10
Urban Art Beat	5.25	16	4
YAFFA	6	22	15
<b>RMSC Total</b>	<b>38.5</b>	<b>107</b>	<b>25</b>
<b>GRVC</b>			
Giant Thinking	42	360	75
<b>GRVC Total</b>	<b>42</b>	<b>360</b>	<b>75</b>
<b>RIKERS TOTAL</b>	<b>202.5</b>	<b>980</b>	<b>288</b>

**Unduplicated Youth Engagement in Custody and Discharged**

(as of Dec 31, 2018)

Facility	Youth Intakes in Custody			Youth Discharged to Community			Youth Engaged in Community
	Dec 2018	YTD FY 19	Cumulative Since inception	Dec 2018	YTD FY19	Cumulative since inception	Cumulative since inception
HOJC (Horizon)	5	35	40	8	39	39	22 (56.4%)
RNDC	11	208	1166	54	395	947	573 (60.5%)
RMSC	8	72	419	15	105	334	137 (41.0%)
GMDC			644			450	279 (62.0%)
EMTC	17	128	559	33	152	449	251 (55.9%)
<b>Total</b>	<b>41</b>	<b>443</b>	<b>2828</b>	<b>110</b>	<b>691</b>	<b>2219</b>	<b>1262 (56.9%)</b>



**TESTIMONY OF:**

**Kelsey De Avila, LMSW**  
***BROOKLYN DEFENDER SERVICES***

**Presented Before**

**The New York City Council Committee on Criminal Justice**

**Oversight Hearing on Department of Correction Programming**

**February 26, 2019**

My name is Kelsey De Avila and I am the Project Director of Jail Services at Brooklyn Defender Services. BDS provides comprehensive public defense services to nearly 30,000 people each year, thousands of whom are detained or incarcerated in the City jail system either while fighting their cases or upon conviction of a misdemeanor and a sentence of a year or less. Thank you for the opportunity to address the Council and share with you all testimony based on the experiences of our clients whose voices are underrepresented at today's hearing.

BDS supports high quality, effective and targeted programming for people in our City jails because programs 1) help ensure that people have skills that can transfer when they return to our communities; 2) assist in criminal and family court proceedings; 3) and reduce idleness, resulting in a corresponding decrease in violence. Unfortunately, we hear from our clients far too often how these critically important programs are insufficient. We hear repeatedly that programs are not readily available or are extremely limited; the few that are available are woefully inadequate. When asked about programming, our clients respond with the regular refrain that they are provided a "worksheet" with no follow up and little meaning. During a recent visit, our client informed us they spent the morning in programs learning new jokes. We are confident he did not sign up for a comedy class. These stories are unsurprising but continuously disconcerting.

People want programming. Our clients seek to better themselves and prepare for the future. Nonetheless, when these "programs" are really "busy work"—rather than a critical component to building meaningful skills—programming in our jails is not fulfilling its necessary goal of serving our incarcerated population.

Beyond the value of the programming itself, judges often consider work that incarcerated people do towards self-improvement. People who are able to demonstrate—through certificates or otherwise—that they have completed some sort of course while incarcerated are often viewed

more favorably by the court. This leads to increased potential for bail or bond and more favorable dispositions.

Programming not only is a tool to better oneself, but it is a tool that has and will reduce idleness, a leading factor of violence in our City jails. Unfortunately, rather than bolstering programming to combat these underlying causes of violence, DOC has done just the opposite. DOC restricts programming as a punitive measure, limiting access for some of the people who would likely benefit most. The severe limitation on productive activities in the restrictive housing units is especially problematic, as isolation and abuse only amplify the cycle of violence that programming—and all of us—seek to end. Programming should not be viewed as a hollow activity, but a priority and a positive pathway to reducing violence in our City jails.

BDS is willing to partner with the Council to help identify existing program models and outside community organizations that are well trained to provide meaningful programs for people in our City jails.

### **Improving Communication with the Defense Bar**

It is not uncommon for defenders to seek information on the availability of programs within the Department, as they should when working through all possible advocacy avenues when representing a person. The reality, unfortunately, is DOC lacks an established and transparent system of programming. Our staff has attempted to determine which programs are available at which facilities. In doing this research, including speaking to staff at various programs, we discovered that the placement of programs into certain facilities is, for the most part, arbitrary. Further limiting, while a program may be in a particular facility, it is only often only available to clients that are housed within specific units in that facility. The schedule and availability of these programs are constantly changing, making it difficult for our clients to maintain access to the program they may need or want to participate in.

When advocating for programs, it is crucial that defenders, attorneys and social workers alike, have access to a schedule of available programs that is regularly updated. It needs to clearly identify eligibility requirements, if any, and how a person can sign up and attend. No such list exists. The lack of transparency and available information from DOC program staff is abysmal, and one that can be easily rectified. Our office is willing to work with the Department on how best to share information so people in our jails and their advocates are provided with concrete and accurate information.

### **DOC Protocols are a Hindrance to Services**

In 2015, then Commissioner of DOC, Joseph Ponte and Mayor Bill de Blasio announced their 14-Point Plan to reduce violence. A key component of the program involved designing “effective inmate<sup>1</sup> education opportunities and services that will result in a comprehensive idleness reduction program that envisions an expansion of non-school classes and other activities such as fatherhood initiatives or workforce development, so that *all* inmates will have the option of

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<sup>1</sup> We should refrain from using dehumanizing language such as “inmate”, “convict”, “felon”, “ex-con” and instead use person first language such as “person”, “people” and the person’s name.

attending a minimum of five hours of classes or programming daily, from one hour now.”<sup>2</sup> We appreciate the Department’s efforts to expand availability of programming throughout a single day, but also their commitment to doing so for “all inmates.” Unfortunately, this stated goal is far from the current experience of many of our clients. People regularly report not having equal access to programs based on their housing location; based on their classification; or based on their age. Our clients face the following issues when actively trying to participate in programming while in DOC custody.

### *DOC Security Classification*

All too often, individuals incarcerated in City jails are denied the opportunity to access particular programs or treatment because of high security classifications, housing placements, or disciplinary consequences. These programs, which serve as powerful evidence that a person is productive, engaged and wants to participate in their own defense and well-being, are all-too-often unavailable to our clients because of alleged security concerns. Programs that could help alleviate violence and danger in the City jails far too often takes a backseat to DOC’s purported security mission. Correctional staff regularly serve as an impediment, rather than a conduit, to program access.

One glaring example is drug treatment programs, which include a critical flaw. Broad groups of people are denied access to important programs that support people with substance use disorders because they are classified as high security by DOC or as a result of unsubstantiated gang allegations, based on no standard of evidence and with no meaningful opportunity to appeal. However, even if a person is classified as gang involved or high classification, they should be afforded the opportunity to better themselves through programming. In often times, these are the first interactions of any meaningful programmatic interventions. For instance, the substance use treatment program “A Road Not Taken (ARNT)” provides a supportive environment for people struggling with addiction who are housed among peers and participate in extensive programming. Yet individuals identified by DOC as high classification are ineligible to participate.

In a recent case, one BDS criminal defense attorney successfully advocated that her client, who had a history of substance use, would serve reduced jail time if he participated in the ARNT program. Despite agreement of the client’s parole officer and the District Attorney, the attorney learned from Correctional Health Services that the client was denied entry into the program because of his high classification, the result of a decade-old incarceration where DOC identified him as gang affiliated and provided no opportunity to appeal. Although the client is not in a gang and was fully committed to participating in the program and turning his life around, he was not able to move forward with the agreement because of the classification.

Participation in these programs impacts our clients in numerous ways: their ability to fight criminal cases in court, helping treat disorders, allowing them to participate more effectively in their own defense, and demonstrating to the court their commitment to change. DOC and

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<sup>2</sup> *Mayor de Blasio, Commissioner Ponte Announce 14-Point Rikers Anti- Violence Agenda*, March 12, 2015, available at: <https://www1.nyc.gov/office-of-the-mayor/news/166-15/mayor-de-blasio-commissioner-ponte-14-point-rikers-anti-violence-agenda#/0>.

Correctional Health Services should make programming available to all who may benefit medically, regardless of classification or sentence. Situating access to treatment and medical decision-making as the exclusive domain of healthcare providers, not DOC, is essential.

### *Punitive Measures for Young Adults*

Back in 2015, after the Mayor announced the elimination of solitary confinement for adolescents and young adults,<sup>3</sup> the Department, in partnership with numerous advocates and program providers created the Adolescent and Young Adult Advisory Board (AYAAB) whose main goal was to create the Young Adult Plan addressing the programmatic needs and effective strategies to reduce violence within this age group. These efforts were coordinated primarily around GMDC on Rikers Island. The facility was based heavily on supportive and vocational programs, so much so that it was nicknamed the Programming Hub. Unfortunately the Department soon sought, and won, a variance from the Board of Correction to allow young adults to be housed in a restrictive and overly punitive unit called Enhanced Supervision Housing (ESH). This unit was never intended to include anyone under the age of 22. ESH standards require DOC to provide “programming aimed at facilitating rehabilitation, addressing the root causes of violence, and minimizing idleness” in ESH housing units. Within this housing unit, young adults are allowed up to five hours of programming daily, but are mechanically restrained—including on both legs—throughout. Young people are forced to make an impossible choice: forgoing their physical freedom to participate in a program while literally strapped down, or forgoing their mental engagement by skipping the program but being free to move their limbs. For those that choose physical freedom, they face a dead end: In order for a young person to progress to a less restrictive unit and potentially general population, they are required to participate in programming

BDS, countless other advocates, and impacted individuals have voiced our concerns with the Department’s practices in these units time and again: these units are overly punitive in design and character; isolation of this type is particularly dangerous for young people whose minds are still developing; the practice of restraining young people in these units to desks during their out-of-cell time is especially inappropriate in the case of people who have not been convicted of any crime; isolating young adults in ESH and Secure is not an effective means to reducing violence; the list goes on.

Addressing behavior is essential to the safety of a facility, but strategies DOC employs are ineffective and danger: humiliate a young person who only wants to participate in programming, a factor that is necessary to progress out, is not the solution. By disregarding the conditions of these facilities, we are actively working towards ignoring the reality of these units and the harmful impact they potentially have on individuals incarcerated in our City jails.

### *Facility Wide Lockdowns Result in Group Punishment*

In the past month alone, our office has been made aware of numerous facility-wide lockdowns. When this occurs, access to services, treatment and programming is severely limited and in some

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<sup>3</sup> Michael Winerip and Micheal Schwartz, *Rikers to Ban Isolation for Inmates 21 and Younger*, January 13, 2015, available at: <https://www.nytimes.com/2015/01/14/nyregion/new-york-city-to-end-solitary-confinement-for-inmates-21-and-under-at-rikers.html>.

cases, simply denied. The Department quickly resorts to facility-wide lockdowns despite having the ability to isolate the lockdown to a specific area rather than punishing those who have no involvement in the alleged incident.

As a security response that impacts a large number of people and services, lockdowns also contribute to perceptions of unfair and excessive punishment, frustrations, and tensions in the facilities. We commend the NYC Board of Correction and City Council Member Daniel Dromm in their efforts to monitor and report the Department's excessive use of lockdowns. We need to continue to hold the Department accountable when they use a tool unnecessarily that will hinder group access to programming and mandated services.

### **Int. No. 261**

Brooklyn Defender Services does not support Int. No. 261 in its current form. Our office firmly believes in the importance of data and City departmental transparency. Unfortunately, as drafted, Intro. 261 does not achieve these goals and instead poses a potential risk for our clients' safety. We appreciate the Council's efforts to learn more about the lived experiences of current detainees in our City jails. Nonetheless, sharing information with an agency that has repeatedly failed to keep people safe and keep information confidential endangers our clients. The Department should not be responsible for distributing, receiving nor analyzing surveys from those in its custody where people are expected to address "*DOC staff treatment.*" Retaliation or the threat of retaliation are a true part of the lived experience of many of our clients, and a real threat anytime a person reports an incident in the jails, even more so if they are reporting to the entity that is responsible for the retaliation in the first instance. We believe there are safer and more secure ways to find and report on an incarcerated person's experience that do not require DOC's involvement or facilitation. Our office is willing to work with the Council and strategize how best we can highlight and learn from the daily experiences of the thousands of people incarcerated in our City jails.

We also believe any survey or data collection that requires people to disclose experiences should result in substantive changes. Too often we ask and exploit the experiences of incarcerated people without making necessary systematic changes.

### **Int. No. 1184**

BDS supports Int. No. 1184 and we believe everyone should have equal and consistent access to books, especially those who are held in our solitary confinement units. We ask the Council to work closely with the New York Public Library on implementation and how best to support people gaining access to books in our City jails.

### **Conclusion**

Programs are essential for self-advancement, criminal proceedings and reducing violence in our City jails. Unfortunately, programs are not readily available. Without equal opportunity, without equal access and without hindrance from the Department of Correction, they often go unutilized. Without access to the programming offered elsewhere such as drug and alcohol counseling,

group mental health meetings, re-entry focused programs such as I-CAN, or anger management, individuals<sup>4</sup> are often underserved compared to those in general population.

The Council has the authority to visit any DOC facility of their choosing, access that a majority of our society will never witness. We encourage the Council to visit, speak with people currently detained and sentenced to our City jails and learn from those closest to the problem to find our solutions. Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact our clients.

If we can provide further assistance or answer any questions, please feel free to reach out to Saye Joseph at [sjoseph@bds.org](mailto:sjoseph@bds.org).

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<sup>4</sup> There are various housing units within the DOC other than general population that have limited access to programming. These housing units includes, but not limited to, Mental Observation, Transgender Housing Unit, Pregnancy/New Mothers Nursery and Protective Custody.

**NYC Books Through Bars-Statement to City Counsel**  
**Re: Intro. 1184**

**February 26, 2019**

NYC Books Through Bars has been sending books to incarcerated people for over 20 years. How we work is simple. Our books are largely donated by the public, publishers, authors, and independent bookstores. People who are incarcerated or their family members write letters to us with their requests, and we do our best to send books that meet the person's needs and desires. We are a collective of volunteers who come together to raise money only to cover the costs of postage and packing supplies we use to ship books.

We do not consider ourselves a service organization or a charity. We do not do what we do to merely fill a hole in the prison industrial complex, one that profits from the incarceration of the poor and marginalized. Just to be clear, we do not consider it *our* job to build or stock prison libraries. We send books to people directly rather than institutions.

We believe that political education is necessary for liberation and for the day when our society can be free of the scourge of prisons and jails. We receive countless letters from people behind bars who tell us of the impact of books on their lives. Books are not just a means of escapism or entertainment, though that comfort is not insignificant to someone deprived of sunlight and human contact in isolation. People also tell us that books have been catalysts for personal transformation.

For example, we received this request in a letter a little while ago:

*I respectfully request as many books as possible...I would like to request self-help books that would help me with thinking positive, anger, etc. Just anything that can help me change for the better or something about life after prison. I also love spiritual books. This is my first time in prison and I'm really trying to change my life.*

This excerpt is from another letter from someone who wrote to us, seeking to achieve certain personal and educational goals:

*I love to read and push my education especially since coming to prison. I was a ninth grade dropout, but since my arrest have received my GED. That was nine*

*years ago. Unfortunately, I haven't been able to enter college due to low funds and not staying in a prison long enough. Anyway, I would extremely appreciate any books on the subjects of physical therapy, fitness, nutrition or writing/to be a writer-creative writing/poetry.*

A woman who wrote to us last June, reminding us of how much the simple act of being remembered and treated with dignity means to those on the inside:

*Thank you so much for sending a few books my way...I told you what I wanted, and you magically granted my wish. I don't know how you got involved with giving books to inmates so I don't know if you understand the depth of my gratitude or how much it means to me. Being given books is like being given hope, dignity, humanity, knowledge is power and you so willingly gave it. For reference, you sent me: 1) *The Immortal Life of Henrietta Lacks*; the graphic novel *Gnome*; *Race to the Finish: Identity and Governance in an Age of Genomics*; *Earth Odyssey: Around the World in Search of Our Environmental Future*. They each fit my interests well and are fantastic picks!*

The comments of the person who wrote this letter also show how much potential we waste by incarcerating people. Given her interest areas, it's evident how much thought she is putting into the world we inhabit beyond those prison walls, one that she is unable to access just yet.

Finally, we received a letter from a young father incarcerated in Brooklyn:

*I'm a father of an 11 year old daughter (who needs me in her life). I heard that it's possible that I can maybe request and receive some books from you free of charge. If this is true, from your kind heart if it's possible, can you send me some books of becoming a better father/man, Christian living, spiritual living books, sports books, prison/incarceration books, and true story books, for example, about a person who had a rough life while young and overcame his obstacles; investment books and whatever books you feel would be helpful while my stay here behind walls.*

Last year, Books Through Bars faced challenges when New York State DOCCS rolled out a policy that restricted packages from families and other members of the public. Instead, those in prison would have to rely on a handful of costly private vendors to receive warm clothing, food items, and books.

As we noted then, private industry is a poor substitute for a public library. While the private vendor approved by DOCCS offered some mainstream market fiction, the selection for people of color, those who are LGBTQ, or those who do not speak English was woefully limited. As far as political education, the vendor offered many Ayn Rand titles, including a boxed set, but nothing by Howard Zinn or Noam Chomsky. The books cost more from these vendors than they cost at bookstores, which is still much more than people who have little or no money in their commissary can afford. From what we can tell, the people who write to us have to scrounge for money for the stamp to put on the envelope. We were all tremendously relieved when the policy was suspended. Our sister organization in Pennsylvania has recently warded off similar threats to their work by the Department of Corrections there.

Against the backdrop of these recent endeavors by prison officials to curtail what people who are in prison may receive from the outside world, this bill is a step in the right direction in that it recognizes the importance of providing access to free books. We are glad that the bill includes a proviso that books will not be censored with the exception for those that “contain instructions on the manufacture or use of dangerous weapons or explosives, plans for escape, or other materials that may compromise the safety and security of the facility.” However, we find that all too often this last exception, “materials that may compromise the safety and security of the facility” can be a catchall that can be applied arbitrarily. At worst, it has been used to bar political books from entering prisons, such as those discussing civil rights or critiquing the government. To that end, we think the bill is wise to require jail staff to maintain a list of books that are denied under these exceptions, which will then be made publicly available to all of us. This transparency is important because we should not allow censorship to take place in our names. We hope that City Council will be vigilant in making sure that books are not censored based on the belief that ideas are dangerous, particularly those that relate to liberation.

As the bill focuses on city jails, it will address the needs of a population we are not well-equipped to serve—those waiting for trial dates, which can take indeterminably long. By the time people at Rikers or the city jails hear about our program, they have likely been transferred elsewhere. Unfortunately, individuals awaiting trial are also often not served by educational or vocational programs due to the transient nature of their imprisonment. Thus, these individuals find themselves in a purgatory of sorts.

Another population that is in great need of books is the many men and women who have been designated to the Special Housing Units i.e. the “SHU” for various

reasons. While the bill mentions that the prison library will not be required to function during periods of lockdown, it does not mention how books will be available to those whose privileges have been restricted. The importance of books to the survival of those forced to endure long hours with little human contact is self-evident.

We can't help but note that the bill does not appear to provide any funding. We hope that the City Council bill will do more than create empty shelf space. Currently, it appears that these libraries will be filled using donated books from publishers, organizations, and others. We hope that staff will also endeavor to locate quality books that will open doors for people. For example, we often receive requests for dictionaries, GED books, math books, and history books. Our volunteers actively work to find books that meet these needs. We encourage the City Council to require jails to budget for programming that fills the educational needs of residents who are waiting behind bars – many of whom are young and still in school when they are arrested, like Kalief Browder who was a high school student when he was arrested on allegations of stealing a backpack. As we all know, this was only the beginning of the tragedy that is his story.

We would like to believe that New York City is also interested in the project of abolition, for which closing Rikers is one step. Building jails in the five boroughs is obviously not the next step. We need to drastically reduce the number of people we incarcerate, which means we need to end the heavy-handed policing of our communities. We would like to believe that this bill requiring jail officials to provide access to libraries is part and parcel of a larger conversation around how we can stop warehousing people in cages. It's time we truly commit ourselves to addressing our social problems in more enlightened ways.

SYLVIA RIVERA  LAW PROJECT

TESTIMONY OF:

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PRESENTED BEFORE:

The Committee on Criminal Justice

**Oversight - Department of Correction Programming**

**February 26, 2019**

Members of the Committee,

Thank you for the invitation to testify before you all today on the issue of programming within the New York City Department of Correction. My name is Mik Kinkead and I am a staff attorney and the Director of the Prisoner Justice Project at the Sylvia Rivera Law Project (“SRLP”). SRLP is one of the oldest non-profits in New York City offering legal services to transgender, gender non-conforming, and intersex people (TGNCI people) by TGNCI people. We specifically focus on working with TGNCI people who are low-income and/or people of color at the intersection of transphobia, sexism, racism, and classism.

We offer direct legal services to people in the New York City area, including those held by the NYC Department of Correction (NYC DOC) and people incarcerated by New York State’s Department of Correction and Community Supervision (NYS DOCCS). Not only do we serve TGNCI people in the city jails broadly, since August 2015, I have provided legal and cultural programming twice a month to individuals housed in the Transgender Housing Unit (THU). When the unit moved from the men’s Manhattan Detention Complex (MDC) to the Rose M. Singer Center (RMSC) on Rikers Island this programming also traveled and, after a few months of confusion, we were able to begin programming again in September 2018. Beginning in March, I will also be teaching classes in the second THU at RMSC and will therefore be there once a week. I have personally served close to 100 TGNCI individuals in the NYC DOC. We are, to our knowledge, the only TGNCI-lead and specialist organization currently in the NYC DOC. I am pleased to be able to speak now on the specific issue of programming.

### **Programs Matter**

I want to start with the simple but important statement that programs matter. All programs matter. We detain and jail huge cross-sections of humanity and an opportunity to practice one’s religion, to earn a GED, to develop a new vocational skill, or to release bottled-up emotions through yoga and art are all equally important. Not every person will like every program. But as 85% of people in our jail system are detainees there is no reason for people to lose their momentum in their schooling, career, or inner work simply because they cannot afford bail.

I have seen the importance of programming myself. When the THU was at MDC there were many creative and arts programs that came in such as yoga and art therapy. Yet such programming is only the beginning of what is needed in the unit. Without access to the programming offered elsewhere such as drug and alcohol counseling, group mental health meetings, re-entry focused programs such as I-CAN, or anger management, individuals are often underserved compared to those in general population. In addition, the women were not being offered the programming available at RMSC which is often specific to opportunities for women.<sup>1</sup> Now that the unit has moved to RMSC I see transgender women going to groups specific to

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<sup>1</sup> Further information on programming available while the THU was at MDC can be found in the Board of Correction’s Assessment of the Transgender Housing Unit published online February 2018 and available here: <https://www1.nyc.gov/assets/boc/downloads/pdf/Reports/BOC-Reports/THU%20FINAL%20Feb%202018.pdf>

women, there are opportunities to engage in re-entry work, I-CAN, and other opportunities. The full range of vocational, gender-affirming and artistic programming has been slowly opening and it is an incredibly positive thing to witness.

Attached to this testimony are some of the essays, poems, and artworks produced by women in the classes I teach. Much of what is produced the women keep for themselves or ask that it not be shared. These few pieces have been posted to the SRLP website as examples of the kind of creative work we can do in our class. Our program is unique in being taught by transgender and gender non-conforming people for transgender and gender non-conforming people.<sup>2</sup>

I have also seen my own ability to be in the unit teaching a class and assist in diffusing tensions or calm frayed nerves by simply engaging people in talking, writing, and thinking. By having classes that focus on engagement when people come home - such as trans-health specific clinics, legal services for name changes, or even being prepared to know your rights as a transgender person against discrimination in job and housing searches - people feel invested in coming home with hope and optimism towards a different future.

### **Equal Access to Programming is Important**

An ongoing concern I have had is that not all people have equal access to programming. Programming can often be used as an incentive towards “good behavior” but in some units certain programming is not available at all.

Individuals in intensive mental health units are not granted access to non-mental health programs. Vocational, educational, arts, and other programs do not come to these units as if the mental health programming itself covers the full range of a person’s needs. It is fundamentally unfair that individuals who have demonstrated an ability to participate in programming are limited by their co-existing mental health needs to only certain programs.

Likewise, individuals housed in the THU still cannot access intensive mental health or intensive drug and alcohol treatment programs that require residing in a specific unit. While allegedly transgender women could be housed in these units, to date, I and other advocates, know of no trans woman accessing intensive mental health or intensive drug and alcohol treatment programs at RMSC. To do so, they must transfer to a men’s jail and be housed with men. This is not uncommon from the choice many transgender women previously made when the THU was held at MDC and had significantly less programming.

As an example, in 2016, I met with a detained transgender woman who attempted to live in men’s general population rather than go to the THU. While in the men's jails, she survived incidents of sexual violence including having other incarcerated people expose themselves to her,

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<sup>2</sup> These posts can also be found on our website using the following URLs: <https://srlp.org/freedom-by-jasiyah-colon/>, <https://srlp.org/thu-april-writings/>, <https://srlp.org/voices-from-the-thu-brookes-essay-on-the-brooklyn-detention-center/> .

having officers grope and fondle her breasts on her way to and from her cell, and being asked on numerous occasions to provide sexual acts in exchange for "not being written up." When I asked her why she had not wanted the THU as a potential placement, she replied that she didn't want to go somewhere where she could not engage in programming. The sexual violence she endured - that no person in the City's custody should endure - was for her worth the opportunity to show her criminal court Judge that she was engaged, participatory, and eager to proceed with any treatment options the Judge might offer. People who are able to produce certificates indicating that they have completed some sort of course while incarcerated are often viewed more favorably by the court.

*No person should have to make housing decisions that weigh whether or not to live free from sexual violence.*

If individuals in certain housing - mental health and THU specifically - cannot engage in the full scope of programming including mental health, drug and alcohol treatment, vocational, and artistic, then they are being forced to choose treatment of one identity over another. Programs make a huge difference in how a person engages and behaves while detained. Offering equal access to programming not only creates better conditions to all people on the inside, it will also increase everyone's overall safety as there are opportunities for growth and investment.

### **Facilities Appear to be Lacking in Resources**

I have taught at MDC and at RMSC. The difference between the two facilities is staggering. I must express gratitude to the social workers and programs staff who tried very hard to allow me access to MDC, however, during the three years my class was taught at MDC there was an ongoing pattern of denials. Too often I would arrive at the pre-arranged time only to be told that no escort was available. Waiting for an escort would, at times, last two hours so that there would be a shift change and more officers available. At times my clearance wouldn't be at the front gate and I would have to wait again while programs officers were called to re-issue the clearances. This happened on an ongoing, regular basis and, at times, this meant I would be in the unit at MDC while all the women would be locked in their cells for count, out to recreation or medical call, or having other programs thus making my program inaccessible.

The programs staff at RMSC should be commended for doing what I have perceived to be a truly great job at ensuring my clearance is almost always ready and, for the first time in three year, being my necessary sponsor in order to receive a volunteer ID which significantly eases my ability to access the unit. Other volunteers have informed me that such a robust and well-staffed programs unit in terms of both appointed escort officers and civilian staff is fairly unique to RMSC. An investigation into whether other units have dedicated officers and fully staffed offices to ensure all individuals regardless of where they are housed can consistently access volunteer-run programs would be recommended.

### **The Process To Become a Volunteer ID is Unclear**

Now that I have finally obtained my volunteer ID, I have some further insight into the process of volunteer-run programming within the Department.

The screening process is incredibly unclear. This fall, while registering individuals to vote, volunteers were informed they should have no “criminal involvement” of the past two years. The phrase “criminal involvement” is vague - arrests? violations? actual criminal charges? It is unclear what this means and therefore keeps out a far wider range of individuals.

On the official volunteer website it simply states that one “must successfully complete a background investigation.”<sup>3</sup> But it is unclear what the background investigation is looking for. Is this for any arrests, even if they were unlawful or no charges were made? Are they related to immigration status or unpaid child support? If the criteria is unclear then people cannot know what to expect and, ultimately, cannot ask for a review of a denied application.

Unlike nearly any other aspect of civil life - housing, employment, Benefits - there doesn't seem to be an assumption that people will be given an opportunity to prove changed circumstances, lack of meaningful nexus, or even incorrect reporting on their criminal record. It appears that any criminal history will bar an individual from volunteering even if that history might be the very reason why that person will be such an effective volunteer.

Volunteering in the THU is something I look forward to every week. It is part of my job I love the most. I see what a difference it makes and I am so glad to be there. But it isn't easy. It took me three years to gain a volunteer ID card. The commute, planning exactly how much I can bring in order to squeeze into impossibly small lockers, the waiting on the buses to take me to the facility - often in the cold or rain, the waiting in general. More people would provide these important services if the application process was clearer and if the qualifications were clearer. More people who are similarly situated to the populations served would be involved if the application process was more narrow and allowed for a clear discussion around why someone has, or has not, been found to be suitable.

### **Volunteer Trainings Perpetuate Many Oppressive Dynamic**

The mandatory security training that volunteers are required to complete every year is deeply troubling. When I participated this December the trainer showed us almost entirely videos of individuals being attacked on the streets or subways and then asked us how that person could have been more aware. It was unclear how this would prepare any new volunteer for their work. In addition, one of the videos appeared to feature a transgender woman yelling at someone on a subway. In response to this video, audience members - future and current volunteers - offered the incredibly harmful commentary that the first thing to be aware of would be that “that's a man.”

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<sup>3</sup> City of New York Department of Corrections “Volunteer Opportunities” [http://home2.nyc.gov/html/doc/html/job/volunteer\\_opp.shtml](http://home2.nyc.gov/html/doc/html/job/volunteer_opp.shtml) last visited February 25, 2019

This reifies and perpetuates the idea that transgender and gender non-conforming people are suspect or suspicious because of our gender identities. As someone who specifically serves transgender and gender non-conforming people in the jail, I know how true this is as I hear people say “that person shouldn’t be at RMSC, they’re a man” or “that person is so confused about who they are they are probably confused about everything” all the time.

This may not have been the intent of the trainer, regardless, this discriminatory and bordering-on-unlawful exchange wasn’t interrupted or questioned. The trainer simply moved on to the next video without taking the opportunity to share that as volunteers with DOC we must treat everyone with respect and dignity, and, if we cannot respect pronouns, names, or identities, we should remove ourselves from volunteering.

This leads me to my last comment, which is simply that the training reified the division between “us” and “them.” The trainer stated we should report to DOC any person we know *at all* so that our program or the individual could be moved. We are also supposed to always maintain an arm’s length distance from every detained individual. If we have a family member, friend, or some other community member on the inside we must report it. Yet there is no inherent wrong in knowing a person on the inside. Most people who are interested in becoming a volunteer are interested because they know why volunteering matters. They know someone who is involved in criminal legal proceedings and that has effected their choices in the world. These standards reinforce a hierarchy of service providers and those on the inside and the idea that people detained should not be able to experience important human contact like appropriate consensual touch - a handshake, a hug when they graduate a program, a tap on the arm to get them to re-focus during a class. Recently, a student in one of my classes began crying as she recounted how her whole family has turned their back on her ever since she came out as transgender. She was sharing how alone and isolated and hopeless she felt. To not have squeezed her hand, to not have helped her find tissue and dry her eyes, to not have asked “may I give you a hug?” and then hugged her would have been inhuman and would have reinforced her very feelings of isolation. These appropriate and consensual touches make a difference. They, in addition to programming itself, give people a reason to hope, believe, and invest in themselves.

### **Conclusion**

Programming matters. Programming specific to a person’s identities and full self matter and not only increase an individual’s overall mental health and engagement, they increase the likelihood that a person is working effectively with their defender, social worker, re-entry planner, and outside support system. Consistent programming makes an enormous difference. It also makes an enormous difference to be able to relate on a specific level - be that religious, experience in the criminal legal system, gender, or any other identity. I urge the Department to make the programming process more clear, invest in more programming at all facilities including the support staff such as escort officers to ensure ease, and to create new trainings and standards that don’t reify horrible divisions.

I believe that many external community organizations would be happy to work with the Department on these changes, and SRLP would be happy to continue to work with this committee and to answer any further questions on this topic.

Thank you,

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*As it is Valentine's Day, we wanted to celebrate all the ways that love happens! What do you love about yourself? What does it mean to love our trans and gender non-conforming siblings? Share below!*



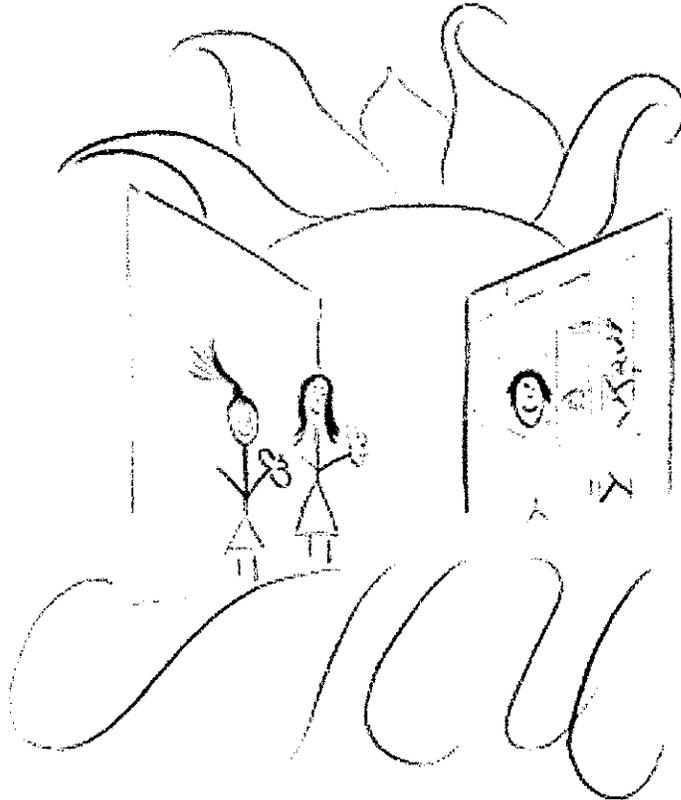
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## Voices from the THU: Brooke's Essay on the Brooklyn Detention Center

October 17, 2018

SRLP is honored to share the following essay written by Brooke during our recent class at the Transgender Housing Unit of the NYC jails. This is a unit within the Rose M. Singer Women's Jail which specifically houses transgender women. As it was SRLP's first class since the THU moved from a men's jail to a women's jail, Mik asked the women to share their stories and thoughts concerning the move. This is Brooke's:



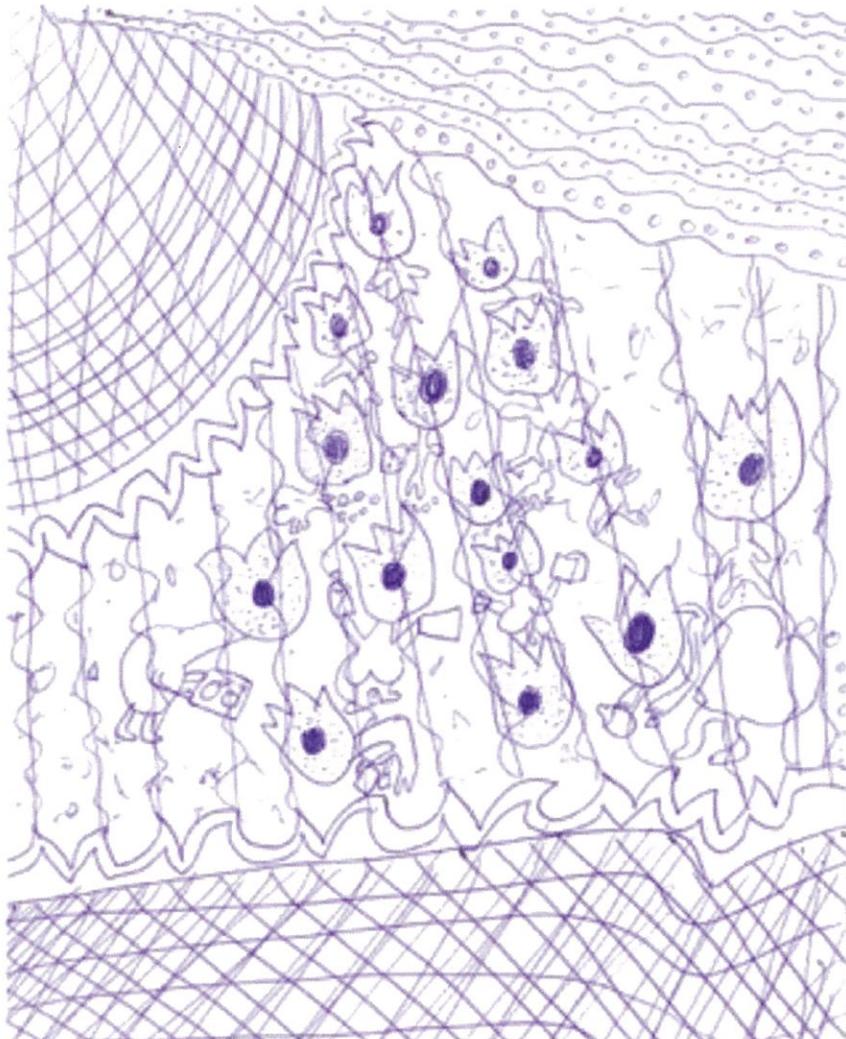
*A drawing of the THU by Kloe, September 2018.*

As the officer unlocked my cuffs, I was dazed by the bright blooming pastels of Rosie's Intake unit. "I'm sorry about that earlier" she told me "I've had my days with racism too." She was Black and a lesbian and one of the very few friendly faces I had seen in the last week. We had spent the last two hours together on a rickety steel DOC bus. We had just stepped off a two hour bus ride with a man in the back seat who called me all the usual slurs. T\*\*\*\*\*, cocksucker, f\*\*\*\*\*. I'd become numb to this language from daily beatings in the Brooklyn men's prison.

A man in the back seat had reached the end of his rope. "I'll snap your neck. I'll snap your neck. I'll snap your neck." He was attacking whomever he could, which often meant the t\*\*\*\*\* in the front seat.

The officers in intake were laughing around the central dock: "step through here, miss." I passed through the metal detector with a dull sense of relief. I knew I was finally safe. The women here treated me so gently. A nervous nurse actually apologized to me when she found me on the toilet trying to bring me dinner.

I spent the last week in the Brooklyn men's prison. For the first few days I hid in my 6' x 9' cell, sleeping or feigning sleep to avoid the men held there. I had regular visitors harassing me through my cell bars. "We don't want any gays on our floor" was a phrase accompanying every interaction. I pretty quickly stopped talking to people. I tried answering questions about being a transitioning woman and was universally met with laughter and listeners telling each other how crazy I was.



*Image of the THU as drawn by Kim, September 2018.*

People asked me if my tits were real, what my genitals were like, how I liked to have sex, even after I stopped responding from behind my bars. I remained a side-show attraction. Men continued to shout through the bars, wake me up by slapping my feet with a towel, take things off my table, and one incident where someone tried to rip my property document from my hand.

I waited awake in the night for hours for an officer to pass so I could request transfer to protective custody or a trans unit. Most officers shrugged me off and continued making the night rounds. Some told me to wait for a captain and left. I spoke with a handful of captains with concerns about my safety, one or two later sent a transfer request document. I think most wouldn't do anything because the jail was too full. During the 24 hour intake, I had been in my own cell for a few hours but mostly held in larger units with men. It was easier to blend with a baggy brown shirt enveloping my chest.

Rosie's is friendly. It's the exception that an officer misgenders me. I only got gendered correctly 3-4 times in the men's prison. Mostly by nursing staff. Almost every officer has listened to my concerns; again, the inverse of Brooklyn house. I have easy access to social programs, medical treatment.

I did not have phone use for the first 5-6 days in Brooklyn, meaning all these pleas for better treatment fell on the deaf ears of staff.

*If you have a loved one who is transgender, gender non-conforming, and/or intersex and they are being housed incorrectly, please reach out to our Prisoner Justice Project for assistance. You can contact Mik via email at [mik@srlp.org](mailto:mik@srlp.org) or by calling 212-337-8550 x302.*

## **“Freedom” by J’asiyah Colon**

April 13, 2018

*The following essay was written by one SRLP’s PAC members while she was held in the Transgender Housing Unit (THU) of the NYC jails. This essay was inspired by an article on Sylvia Rivera and Marsha P. Johnson and their legacy of resistance. – Mik*

I am a 34 year-old Puerto Rican trans woman named J’asiyah A. Colón. I have a lot of friends who are trans. We love the trans women of color and everyone that was there on June 28, 1969, because they did everything to not take no as an answer. They gave me the power and the strength to live and walk with my head up and not to think that something is wrong with being me. I know now that there is nothing wrong with me, just them. I pray for my sisters. I pray for Marsha P. Johnson. She was a fighter for friends and family and did not have to die young. I’m mad that they did not find anything out yet about her case. I pray for Sylvia Rivera, because she was one strong woman, only 17 years old when she was fighting for us. She did not care, and I love her for that. She was the first bystander to throw a bottle. “Wow! Yes, stand up here 17 and strong.” I would have done the same thing for us to live free. And we are still fighting today, and we have freedom to walk free because of them, so thank them for that and thanks to everyone that is fighting now for us. I want to say love yourself and be happy, because I love you all my brothers and sisters. I thank you all for what you are doing and what you have done, and I stand with you on anything you do for us and our FREEDOM.

Love,

J’asiyah A. Colón

## **THU April Writings**

April 13, 2018

*The following submissions were written by some of our PAC members while they were inside the Transgender Housing Unit of the NYC jails. SRLP teaches classes in this unit twice a month. Sometimes members ask us to share their writings or drawings from the unit. Below are two submissions from recent classes. – Mik*

### **“Deep in My Heart” by T.W.**

Deep in my heart I would love to share my personal feelings, I just don't think people are ready to listen.

Deep in my heart, I am so Deeply in love with my husband.

Deep in my heart, I appreciate all my close friends and family.

Deep in my heart I pray that all goes well with everyone's cases.

Deep in my heart, I wish I can rewind my life and start over.

Deep in my heart, I wish I never picked up any kind of drugs.

A message from T.W.: [I want] everyone [to] know that they too can express they feelings and not have a silent voice, but to use they voice to be heard.

### **“I never knew loving someone could be so hard” by Darius Henry**

Write to the prompt, “I never knew...”

Loving someone could be so hard. It could be so much of a struggle. You would want to believe it is supposed to be as beautiful as the day the world was created, but it may not be the case sometimes. Sometimes I feel love can be evil or bad and the reason I say this is because it takes you out of your element at times. You could love so hard that it can make you violent when separation comes into the equation. Is this healthy? I'm undecided. I want to love and I want to be loved, but I've seen love hurt and when people hurt, they hurt others. So, is love good for the soul? I don't know, you analyze it for a second and find your conclusion.

Darius Henry

# CENTER FOR APPELLATE LITIGATION

120 WALL STREET – 28<sup>TH</sup> FLOOR, NEW YORK, NY 10005 TEL. (212) 577-2523 FAX 577-2535



February 26, 2019

VIA EMAIL

Committee on Criminal Justice  
New York City Council  
City Hall Park  
New York, NY 10007

Re: Int. No. 1184-2018

Dear Committee on Criminal Justice:

We operate Books Beyond Bars, a program founded by attorneys at the Center for Appellate Litigation. We thank the Committee for the opportunity to submit written testimony in support of Int. No. 1184.

## **About the Center for Appellate Litigation**

The Center for Appellate Litigation (CAL) is a non-profit public defense law firm, founded in 1997, dedicated to the pursuit of equal justice under the law for indigent New Yorkers in their criminal appeals and other post-conviction proceedings. We believe all people deserve dignity, respect, and the right to be heard and treated fairly.

CAL endeavors to help our clients, not only by challenging legal errors and advocating for legal reforms, but also by developing holistic and effective approaches to achieving justice that extend far beyond our legal practice. To this end, a team of CAL attorneys, client advocates, and our in-house licensed social worker, manages a suite of support services to help our clients endure incarceration and to facilitate their successful reintegration.

CAL's Books Beyond Bars (BBB) program is the newest component to our holistic approach to client advocacy. Founded in November 2016, BBB's simple mission is to provide reading materials to indigent, justice-involved individuals. BBB's goal is to encourage literacy, education, self-empowerment, and personal growth—or simply to provide a brief escape from the isolation and dehumanization of the criminal justice system.

Since inception, BBB has sent over 2,000 books and magazines to indigent individuals in New York jails and prisons. Initially a program limited to CAL's clients, BBB now also sends reading materials to the clients of two other major public defense offices, covering incarcerated individuals across New York City. We hope to continue to grow.

### **CAL and BBB urge the City Council to support Int. 1184**

CAL and BBB commend the City Council for taking the time to focus on access to reading materials for those incarcerated in New York City's jails. Int. No. 1184 is a step in the right direction towards ensuring that individuals incarcerated in New York City's jails are treated with dignity and have access to tools for self-empowerment and personal growth.

Requiring the Department of Correction to maintain a library offering general interest books will allow incarcerated individuals, including our clients, a brief escape from the trying realities of jail—"a place in which to lose [themselves]" and "imagine different endings and better possible worlds."<sup>1</sup> Our clients agree. As one incarcerated client recently wrote to us:

I have received the book and would like to thank you for taking the time out to send it. I have to say that this book have me like a kid again ... When I read the book it unlock things inside of me, it's like I'm being set free, like someone gave me back my liberty ... I would never forget this nice thing you've done for me. And you might think to yourself, for a book. But it's not just a book, it's the path that this book is about to set me on.

A general interest library will also serve an important practical purpose. Inmates who receive some access to educational opportunities are significantly less likely to return to prison after release and are more likely to find employment than peers who do not receive such opportunities. Expanding access to these reading materials can therefore only serve to further the ostensible aims of the corrections

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<sup>1</sup> Roxane Gay, *What We Hunger For* (2012).

system. Most incarcerated individuals will come back to live in New York City after their release. It is important that they have the tools to reintegrate and find personal success and fulfillment. We believe that Int. No. 1184 is a good step in that direction.

Knowledge is power. As Ray Bradbury famously said: “You don’t have to burn books to destroy a culture. Just get people to stop reading them.” New York City rightly celebrates its rich and diverse cultural history. The provision of access to a library for individuals in its jails would seem a minimal measure to convey to them that the City remains committed to their welfare and cares about them as human beings.

### **Conclusion**

CAL and BBB support the passage of Int. No. 1184. We commend Council Member Daniel Dromm, and urge the City Council and Mayor to support this bill and sign it into law. Thank You.

Respectfully submitted,



Ben A. Schatz, Esq.  
Senior Appellate Counsel



Lauren Restivo  
Legal Extern

VIA EMAIL ([smaguire@council.nyc.gov](mailto:smaguire@council.nyc.gov))

**The Bronx  
Defenders**

**Redefining  
public  
defense**

**New York City Council  
Committee on Criminal Justice  
Hearing re: Oversight - Department of Correction Programming  
February 26, 2019  
Written Testimony of The Bronx Defenders  
By Elizabeth Williams**

Good morning Chairman Powers and members of the Committee on Criminal Justice. My name is Elizabeth Williams and I am a social worker in the Criminal Defense Practice at The Bronx Defenders. Thank you for the opportunity to testify before you today.

The Bronx Defenders (“BxD”) has provided innovative, holistic, and client-centered criminal defense, family defense, immigration representation, civil legal services, social work support, and other advocacy to indigent people in the Bronx for more than 20 years. Our staff of close to 400 represents nearly 28,000 people every year and reaches thousands more through community outreach. The primary goal of our model is to address the underlying issues that drive people into the various legal systems and to mitigate the devastating impact of that involvement, such as deportation, eviction, the loss of employment and public benefits, or family separation and dissolution. Our team-based structure is designed to provide people seamless access to multiple advocates and services to meet their legal and related needs.

As a member of the criminal defense team, I provide support and advocacy to clients who are incarcerated. Part of my work includes assessing my clients’ needs and connecting them with available therapeutic, educational and employment related services. The perspective I offer today is informed by the experiences of our clients’ engagement in programming while in the custody of the Department of Corrections (DOC).

The Bronx Defenders is deeply committed to the work of decarceration and closing Rikers Island. We believe justice and the presumption of innocence demand dramatically decreased reliance on jail in the criminal legal system. To the extent that our clients are incarcerated pretrial, however, we believe that DOC must provide services and support that are therapeutic rather than punitive, and that maximize our clients’ chances for successful reentry in the community. Ideally, voluntary participation in educational, vocational, therapeutic, and prosocial programming would address underlying issues leading to our clients’ criminal justice involvement, decrease the likelihood that they will be involved in violence, and prepare them for

future reentry. Sadly, DOC programming often fails to live up to this ideal. We are hopeful, however, that a radical reorientation of the culture of corrections, informed by the experiences of those most profoundly affected, is possible. We believe that the availability of high-quality programming tailored to address our clients' underlying needs and future goals could positively affect their reentry efforts. The Bronx Defenders supports Int. No. 260, as any plans to improve conditions and access to programming must be informed by our clients' experiences while incarcerated. The annual survey of conditions of confinement and treatment by corrections officers is a critical step to addressing long-standing issues for our clients who are incarcerated pretrial.

### **Bronx Defenders clients' experiences in DOC programming**

Our clients are often referred for DOC programming based on the mental health or substance abuse histories they disclose. During DOC admissions, intake assessments are conducted by DOC staff and referrals are made. For example, people who enter DOC facilities and disclose a history of substance abuse, the SMART Program and FedCap is available to provide individual counseling and therapeutic groups on topics such as relapse prevention. Clients who are identified as being high-risk for recidivism based on their previous incarceration are eligible for participation in the I-CAN program, operated through the Osborne Association and Fortune Society. Through I-CAN, our clients gain workforce development skills and trade skills certifications they can use when they return home. However, when clients complete a prescribed cycle of groups, they report repeating the same classes because there are no additional options following their program completion.

While a majority of our clients find music and art programming to be positive emotional outlets while they are in custody, this programming is typically provided by non-DOC programs. These programs occasionally provide outreach presentations to our office in efforts to coordinate with our clients. However, their inability to regularly offer regularly scheduled programming, due to security clearances and other logistical issues, causes confusion regarding whether programs are actually available to our clients. Additionally, staff turnover becomes an issue for our clients trying to build relationships with programs and for advocates trying to coordinate support. We urge DOC to increase regular access to music and arts programming, and incorporate these therapeutic outlets on all housing units. We further support Int. No. 1184, as regular access to books can similarly provide a therapeutic outlet for people in detention. Our staff regularly sends donated books to our clients. The requirement that DOC maintain a library of general interest books would ensure broad access across all who are coping with the experience of incarceration.

### **Lack of transparency and centralized information regarding DOC programming**

Every day, our clients tell us about the barriers to accessing accurate information about programs that might be available to them. Without a central process by which we can access up-to-date program information, my colleagues face similar challenges in advocating for those clients who are interested in engaging in programming. One of our clients expressed interest in Rikers Rovers, a dog training program in which clients are responsible for their assigned dog's daily care and socialization. He knew the program operated across from his unit however, when my colleague inquired with DOC staff, she learned that the class would be ending and would no longer be available to clients in his facility. Programs abruptly end without explanation or notice to clients or advocates. In fact, we find that our clients often have information before their advocates do, because there is no consistent communication with DOC staff about the changing landscape of program options. The lack of communication with program staff and the dearth of information available to advocates limits our ability to support our clients' regular engagement in programming.

### **Lack of programming uniformity across DOC facilities**

We have learned through stakeholder meetings that DOC programming is intended to be standardized across all housing areas in all facilities, but our clients' experiences have contradicted that goal. While standard programming is generally available to our youngest clients, ages 16-24, the experience changes significantly for clients outside of this age range. Our clients over the age of 25 report that access to programming greatly varies across facilities. This often causes disruption in our clients' engagement in programming if they are unexpectedly moved from their housing unit and find no option available in their new unit. Our older clients, generally those over the age of 50, and those who are facing more serious charges or have higher bail, often report no access to programming at all.

Even when programs are available across housing units, some clients are routinely denied access related to charge, bail, or security status. One of our clients at GRVC described that his building is structured by three levels. Each level is offered programming, and clients are able to earn privileges as they progress through each level. Those who achieve the highest level are able to use smart tablets, which is significant for individuals who are isolated from their families, friends, and communities. A reward-based system of access to programs and privileges that excludes people with particular charges or high bail amounts seems contradictory to the goal of ensuring equal access to standard, high-quality programming.

As advocates, we need a centralized contact to obtain accurate information regarding program options and eligibility for our clients. With this information, we would be better equipped to

support our clients' engagement in programming responsive to their identified goals. The program letters of support are often invaluable in providing our clients a sense of accomplishment and offers judges and prosecutors valuable insight into our clients' lives and motivation to change.

It is my hope that this testimony will support your efforts to provide broader oversight of and create changes to the Department of Corrections' existing programming structure. We support both bills under consideration today, and offer the following ideas for your consideration:

1. Increase transparency and centralize information about the availability of programming to advocates and clients
2. Ensure that DOC's goal of providing standard programming across housing units is accessible to all who are interested, without preclusions based on charge, bail amount, security status, or housing unit
3. Expand the variety of educational, vocational and therapeutic programming, including music and arts, to support our clients' successful re-entry into the community upon release

Thank you for the opportunity to provide this testimony.

16th flr

# 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: 2/26/2019

(PLEASE PRINT)

Name: Mik Kinkead (on overflow in 16<sup>th</sup>)

Address: 147 W. 24<sup>th</sup> St. 5<sup>th</sup> Floor

I represent: Sylvia Rivera Law Project

Address: same

on 16

# 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: 2-26-19

(PLEASE PRINT)

Name: DARRIN J. BROWN

Address: 175 REMSEN ST BKLYN N.Y. 11201

I represent: OSBORNE ASSOC.

Address: SAME AS ABOVE

on 16

# 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: 2/26/19

(PLEASE PRINT)

Name: Maria Ruyter

Address: 245 W 107 St Apt 152

I represent: Columbia University Justice in Education

Address: 2960 Broadway 10029



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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: Kelsey DeAvila

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

I represent: Brooklyn Defender Services

Address: 177 Livingston Street, Brooklyn NY

**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: 2/26/19

(PLEASE PRINT)

Name: Steffi Jean Jacques

Address: Youth Represent

I represent: Youth Represent

Address: 11 Park Place Suite 1512 NYC 10007

**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: 2/26/19

(PLEASE PRINT)

Name: Julia Davis

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

I represent: Childrens Defense Fund NY

Address: 815 2nd Ave 8th Floor NYC 10017

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1184 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/26/19

(PLEASE PRINT)

Name: Beena AHMAD

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

I represent: Nyc Boats Through Bars

Address: 123 Columbus St, Brooklyn, NY

**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: JULIA DAVIS

Address: 815 2nd Ave NY NY 10017

I represent: Children's Defense Fund

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: \_\_\_\_\_

(PLEASE PRINT)

Name: Elizabeth Williams

Address: 360 E. 161st Street Bronx, NY 10451

I represent: The Bronx Defenders

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: 2/26/18

(PLEASE PRINT)

Name: Kelsey DeAngis

Address: 177 Livingston St.

I represent: BROOKLYN Defender Services

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: 2.26.19

(PLEASE PRINT)

Name: Nancy Ginsburg

Address: 49 Thomas St

I represent: Legal Aid

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1184 Res. No. 241

in favor  in opposition

Date: 2/26/19

(PLEASE PRINT)

Name: Michael Trush

Address: NYC Department of Corrections

I represent: NYC DOC

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

261

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

in favor  in opposition

Date: Tues 2/24/19

(PLEASE PRINT)

Name: L. Patrick Dail

Address: Bulova bldg Astoria Blvd

I represent: NYC DOC

Address: East Elmhurst, Queens

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 261 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/26/19

(PLEASE PRINT)

Name: Becky Scott

Address: 420 46th St Copiague NY

I represent: New York City DOC

Address: 75-20 Astoria Blvd. E. Elmhurst

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1184 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/26

(PLEASE PRINT)

Name: Diego Hernandez Sandoval

Address: Brooklyn Public Library

I represent: 10 Grand Army Plaza

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

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1184 Res. No. 198

in favor  in opposition

Date: 2/26

(PLEASE PRINT)

Name: Nick Higgins

Address: Brooklyn Public Library

I represent: 10 Grand Army Plaza

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: 2/26/19

(PLEASE PRINT)

Name: DANIELE GERARD

Address: 355 RIV

I represent: CHILDREN'S RIGHTS

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: 2/26/19

(PLEASE PRINT)

Name: Nili Ness

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

I represent: Queens Library

Address: 89-11 Mewick Blvd

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

**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: Emily Jacobson

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

I represent: New York Public Library

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

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

**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: Messiah Ramkissoon

Address: 127 W. 127th Street Suite 125 NY, NY 10027

I represent: Friends of Island Academy

Address: 127 W. 127th St. Suite 125 NY, NY 10027

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