

TESTIMONY

The Council of the City of New York

Committee on Juvenile Justice
Sara M. Gonzalez, Chair

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

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

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

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

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Prepared by
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Thank you for the opportunity to testify concerning adolescents in the New York City adult jails. I am Nancy Ginsburg, and I supervise the adolescent practice of the criminal trial offices of Legal Aid's Criminal Defense Practice. The Legal Aid Society is the nation's largest and oldest provider of legal services to poor families and individuals. Our Prisoners' Rights Project (PRP) has successfully brought litigation challenging a variety of practices in the New York City jails. Each week PRP receives as many as 200 letters or phone calls requesting assistance from inmates in the New York City jails and state prisons. We attempt to remedy these problems by intervening administratively with the Department of Correction and other appropriate agencies.

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

We submit this testimony on behalf of the Legal Aid Society, and thank Chair Gonzalez and the Committee on Juvenile Justice for inviting our thoughts on the issue of training for Correction officers in the adolescent facilities of Rikers Island and the proposed legislation on issues of importance to court-involved adolescents. We look forward to the continued valuable contributions that we are sure the Committee will make in this area of vital concern to our City's teenagers.

Training for Correction Officers working in Adolescent Units at DOC

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

In New York City, boys are principally housed at the Robert N. Davoren Center (RNDC, formerly known as the Adolescent Reception and Detention Center), and girls are housed at the Rose M. Singer Center (RMSC). Boys who commit disciplinary infractions are housed in the Central Punitive Segregation Unit, a lock-down unit primarily for adult males. Some youth are also kept in pre-hearing detention before their infractions are adjudicated at the George R. Vierno Center (GRVC), another adult facility.

Our most recent statistics of our caseload show that fifteen percent of our teenage clients are in foster care, twenty-three percent have been exposed to domestic violence, thirty-five percent of the youth have substance abuse problems, twenty-three percent have mental health problems and thirty-five percent are classified in need of special education services. These numbers usually fluctuate within a ten percent range in each category at any given time.

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

acquire the skills necessary to change problem behavior to become psychologically mature.¹

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

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

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

¹Elizabeth 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.)

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

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

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

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

Increased staffing levels

We urge the Council continue to ask the DOC to provide more staffing in adolescent units. Many teenagers in custody are held in large dorms where they have easy access to each others' belongings and the environment lends itself to constant conflict. Smaller housing units lend themselves to improved supervision and reduced conflict. Adolescents experiencing the stress of incarceration and separation from their families and communities should have supervision that

approaches the 1:8 ratio that the Department of Juvenile Justice provides to 15 year olds.²

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

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

Resolution addressing passage of the JJDPA

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

² 9 NYCRR § 180.9(c)(15).

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

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

Isolation

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

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

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

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

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

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