

Testimony of Mishi Faruqee

Director of the Juvenile Justice Project  
Correctional Association of New York

Regarding the Proposed Amendments to the Minimum  
Standards for New York City Correctional Facilities

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Good morning. My name is Mishi Faruqee and I am director of the Juvenile Justice Project of the Correctional Association of New York. Founded in 1844, the Correctional Association of New York is a non-profit criminal justice advocacy organization. For over 160 years, the Correctional Association has visited New York State prisons and has made recommendations to policymakers and lawmakers on ways to improve conditions of confinement. The Juvenile Justice Project seeks to create more fair, humane and effective policies for young people who enter our juvenile justice and criminal justice system. The Juvenile Justice Project coordinates the Juvenile Justice Coalition, a coalition of organizations that work with youth involved in the juvenile justice and criminal justice system. In addition, we run a youth leadership program that works with formerly incarcerated youth.

On behalf of the Correctional Association of New York and the Juvenile Justice Project, I would like to thank the Board of Correction for the opportunity to present this testimony on the Board's proposed amendments to the minimum standards for New York City correctional facilities.

As an organization that advocates on behalf of incarcerated youth, we believe that some of the Board's proposed amendments will diminish the safety and basic rights of adolescents incarcerated on Rikers Island. Of particular concern to us are the Board's proposed amendments that would enable the Department of Correction to increase the number of detainee it confines in dormitories. The changes would reduce the required square footage per inmate and allow the DOC to confine as many as 60 detainees in dormitories. The Board asserts that these amendments would not adversely affect safety or security. We strongly disagree with this conclusion.

In proposing an amendment to increase the number of detainees in the dormitories, the Board has pointed to a marked drop in slashings and stabbings as evidence of the decreased violence in DOC facilities. While this decrease is to be commended, we believe that it is not the only measure of violence in the dormitories. In fact, we believe that violence continues to be endemic in the adolescent dormitories and that one of the root causes of this violence is the one -to-fifty staff-to-prisoner ratio in the dormitories. Increasing the allowable number of young people in a housing area to 60 will further undermine safety for prisoners and staff members.

Through our coalition and youth leadership work, we have spoken with dozens of young people who have been detained at Rikers Island. The youth have consistently described troubling levels of violence in the housing areas, particularly at the Robert N. Davoren Center (formerly the Adolescent Reception and Detention Center) a facility which confines the 16-to 18-year-old male detainees. Young people describe an atmosphere characterized by daily fights, power struggles, and intimidation. One young man summed up his experiences in the adolescent housing areas in the following terms: "It's like battle camp for kids, the survival of the fittest."

The overarching concern reported to us is the failure of correctional officers to prevent or effectively respond to violence in the adolescent housing areas. Youth consistently reported that staff instigate, perpetuate, sanction or ignore much of the violence in the dormitories. Because there is only one correctional officer patrolling each dormitory containing up to 50 prisoners, the staff members rely on the cooperation of the prisoners to maintain some semblance of order in the housing areas. In the adolescent units, this dynamic takes on a particularly insidious form. We have received dozens of independent accounts from youth that staff in effect appoint a few youth to serve as "teams" that maintain control of the dormitory. Youth reported to us that staff members allow gang-affiliated youth and/or youths with the toughest reputations for fighting to control other prisoners in the dormitories.

Young people describe how certain prisoners control aspects of life in the dormitories including the distribution of food, interactions in the dayroom, and the exercise of telephone privileges. J.V., a 19-year-old from the Bronx, described to us his experience in a Rikers dormitory: "You had to join a gang so you could live. If not, in every house they want to take your food, your phone call... If you want to be by yourself you don't want to live in Rikers. If you're 16, 17, 18, it's like hell." Jeffrey, also age 19 from the Bronx, characterized life in the dormitories in the following terms: "Somebody's always getting violated, punched, choked out – all through the house until you go to sleep... You have to fight to win or [you are] going to wind up hanging yourself from a towel." Given these descriptions of the conditions in the adolescent units, it is extremely troubling that the Board is considering an amendment that would exacerbate violence in the dormitories.

Not only do we urge the Board to reject the proposed amendment to increase the number of prisoners in the dormitories, we urge the Board to explore promoting new standards to increase safety and security in the housing areas. Most importantly, we urge the Board to consider the special needs of adolescents in DOC custody. It is important to note that New York is one of only three states that automatically treats 16-year-olds as adults in the criminal justice system. Although the New York State penal code considers 16- and 17 year-old to be adults, most citizens would recognize that adolescents are indeed developmentally different than adults. Adolescence is a critical transition phase from childhood to adulthood. Currently, the conditions that adolescents experience in DOC facilities is completely antithetical to helping young people develop into healthy, successful adults. We urge the Board to promote best practices such as staff training in adolescent development, structured youth programming (particularly in the after-school and evening hours) and greater availability of counseling and mental health services for adolescents.

Again, I would like to thank the Board for this opportunity to testify today.