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Testimony of State Senator Daniel Squadron
to New York City Council Committee on Fire and Criminal Justice Services on the
Treatment of Adolescents at Rikers Island
October 7, 2014

My name is Daniel Squadron, and I represent the 26th District in the New York State Senate. My district includes the Manhattan neighborhoods of Tribeca, Battery Park City, the Lower East Side, Chinatown, the Financial District, Greenwich Village, Little Italy, SoHo and the East Village and the Brooklyn neighborhoods of Greenpoint, Williamsburg, Vinegar Hill, DUMBO, Fulton Ferry, Brooklyn Heights, Cobble Hill, and Carroll Gardens. I am the ranking member of the Senate Codes Committee. Thank you for the opportunity to testify at this hearing on the treatment of adolescents at Rikers Island, and I thank the Fire and Criminal Justice Services Chair Elizabeth Crowley for convening it.

Many of the problems at Rikers can, unfortunately, be seen in a single case recently chronicled in the *New Yorker*. Kalief Browder was 16 years old when he was arrested in May 2010, accused of stealing a backpack. He was sent to Rikers and spent three years in pre-trial detention.

Kalief was taken to Rikers to await trial because New York State is one of only two states nationwide (the other is North Carolina) where the age of adult criminal responsibility is 16.

Many studies have shown that locking kids up doesn't make us safer. In fact, the recidivism rate of first time offenders released from adult prisons is near 80 percent. In addition, studies have clearly indicated that youth jailed in adult systems are at greater risk of physical violence, including sexual violence, both by inmates and by guards. In addition, in the 2013 fiscal year, about 51 percent received a mental illness diagnosis, compared with about 38 percent for the overall population

As a 16-year-old, Kalief would have been in high school were he not awaiting trial at Rikers. Instead he spent more than 700 days in solitary confinement. He wanted an education, but because he spent so much time in solitary, much of his education consisted of filling out a worksheet that a correction officer would slide under the door, and at times, not even bother to pick up.

Even if he weren't in solitary, the options would have been dismal. A recent report issued by the U.S. Attorney for the Southern District of New York highlighted the problematic school environment for those trying to gain an education on Rikers. The report found that a disproportionate amount of violence against adolescents occurs at the island's schools. A frequently cited analysis by the RAND Corporation found inmate participation in correctional education programs reduced the chance of recidivism by 43 percent.

This is particularly disturbing since the U.S. Attorney's report also focuses on the developmental harm that solitary confinement can cause adolescents. I commend Commissioner Ponte for his decision to eliminate solitary confinement for 16 and 17 year olds by the end of this year, and the City Council for passing Intro 292 by Councilmember Dromm, which will increase reporting requirements on the Department of Correction's use of solitary confinement.

Also troubling is the use of solitary confinement as a punitive measure against those with a mental illness. On July 23, 2013, 140 adolescents (or 25.7% of the adolescent population) were in some form of punitive segregation housing, and 102 (or 73%) of those inmates were diagnosed as seriously or moderately mentally ill and development. Not only is the increased use of solitary confinement contrary to the national policy direction of diminishing reliance on solitary, but solitary heightens the risk of mental health problems, including suicide; and increases levels of inmate and detainee violence.

As of October 30th, 2012, 43 percent of adolescent males in custody were subject to the use of force at least once during their time at Rikers. While the adolescent population of Rikers is only 6 percent of the total population, they represent a disproportionate 21% of all incidents that are reported as use of force or serious injury. Adolescents were twice as likely to suffer blows to the heads as adult inmates. As the report notes, "staff appear to be poorly versed in conflict resolution and de-escalation skills."

Kalief Browder spent three years in pre-trial detention at Rikers -- not because he was convicted of a crime or found guilty, but because, despite a Constitutional guarantee of a speedy trial, he couldn't get one.

While awaiting the promise of a basic, foundational American right, Kalief had 31 court dates on his case, and grew from a 16 year old boy into a 20 year old man. He was offered plea deals repeatedly, but he asserted his innocence and refused to plea to a lesser charge.

Unfortunately, Kalief's case is not an outlier. A 2013 report showed that 8,063 felony cases had been pending more than six months, a 203 percent increase since 2000. That's more than half of all pending felony cases in the city. In the Bronx, where Browder was arrested, the median length of a case from arrest to disposition was 517 days, and 70 percent of felony cases surpassed the state's "speedy trial" guidelines.

And we don't know how many innocent people have pleaded guilty to a crime they didn't commit because they could no longer endure an indefinite confinement at Rikers, the consequence of a delayed trial.

Any system that jails the innocent for years at a time is both unjust and un-American. Kalief Browder spent three years locked up at Rikers because the system failed him. Broad reforms to the entire system are clearly necessary, and as the ranking member of the Senate Codes Committee, I intend to undertake a thorough review to identify changes that can address these crucial issues.

These kinds of conditions and policies are unacceptable in any case, but let's be clear who we are talking about here. As detailed in the U.S. Attorney's report, the vast majority of inmates are awaiting trial because they have not been convicted on the charge that brought them there or a

smaller fraction are serving one year or less, a sentence shorter than the maximum allowable for a misdemeanor.

The problems at Rikers Island are many and real, and must be addressed. The solution lies in a City focus on culture and internal policies, as well as reforms to State laws that have contributed to the conditions at Rikers today. The system must work better for everyone.

Thank you again for the opportunity to testify.