



**THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER**

TESTIMONY OF NEW YORK CITY COMPTROLLER
SCOTT M. STRINGER

BEFORE MEMBERS OF THE
COMMITTEE ON JUVENILE JUSTICE AND THE
COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES
OF THE NEW YORK CITY COUNCIL

OCTOBER 8, 2014

Thank you, Chairperson Cabrera and Chairperson Crowley, for holding this hearing today on an issue of critical importance to our City: the treatment of young people at our City jails.

Recent months have made clear the disturbing treatment of juvenile prisons in City facilities. Reports by the United States Attorney and by investigative journalists at the New York Times have exposed persistent and pervasive patterns of brutality and force, dealt out to offenders as young as 16. According to the US Attorney, 43% of young men in custody as of 2012 were subjected to use of force by Rikers staff. These are young men and women who are awaiting trial and not yet convicted of any crime.

The fact that our children are jailed at all makes New York an outlier among our states. Today, New York is one of only two states that continues to prosecute 16- and 17-year olds through the adult criminal justice system.

- According to Chief Judge Lippman, up to 50,000 16- and 17-year-olds are arrested annually in New York, mainly for minor, non-violent crimes, and prosecuted as adults in criminal courts;
- New York spends roughly \$266,000 per child yearly to house young offenders in detention facilities;
- And the return on that investment is horrendous: an 89% recidivism rate for boys and an 81% recidivism rate for girls over a 10-year period.

This system imposes huge costs on our City and State—not just in terms of taxpayer dollars, but also in the opportunity lost when young people are unable to learn from their mistakes and find that the doors of rehabilitation and redemption are closed to them.

As a result, I supported the State bill raising the age of criminal responsibility to 18 years-old, S1409/A3668A, in Albany this year and I urge the Council to pass Resolution 378, which calls on the State Legislature to pass and the Governor to sign this bill into law.

As we support legislation raising the age for criminal responsibility, we must also address the urgent crisis facing adolescents in New York City jails.

My office recently issued a ClaimStat report showing that Personal Injury Correctional Facility claims rose 37 percent between FY 2013 and FY 2014 and have risen 114 percent since FY 2009. This rise in claims not only highlights the increase in violence at Rikers, but has also led to a rise in settlements and judgments against the City, costing taxpayers millions of dollars.

The subsequent ClaimStat Alert also provides a facility-by-facility breakdown, showing how claims activity at certain jails has soared in recent years.

At the Robert M. Davoren Center, where most adolescents are held, claims rose 72 percent in the last fiscal year alone. In addition, claims have risen by 174 percent over the past five years at the Otis Bantum Correctional Center, which includes the largest segregation unit, where inmates are held in solitary confinement.

While other jurisdictions have reduced solitary population, New York City has gone the other way. That's bad for public health and costly to the public purse.

We've known this for centuries.

In 1831, Alexis de Tocqueville visited the United States for a ten-month tour of penitentiaries, including Auburn prison near the Finger Lakes.

What Tocqueville witnessed at Auburn was a system of solitary confinement that caused grave harm to individuals. "[T]his absolute solitude, if nothing interrupts it, is beyond the strength of man; it destroys the criminal without intermission and without pity; it does not reform, it kills."¹

Tocqueville's eloquent testimony has been buttressed by modern scientific study and current jurisprudence. Solitary confinement has been demonstrated to have an insidious and lasting effect on the psychology and wellbeing of minors. Punitive solitary confinement can even exacerbate the rate of violence incidents and self-harm in a prison.² Consequently, it comes as no surprise that other states that have sharply limited solitary confinement, such as Mississippi, have witnessed a steep decline in prison violence and significant monetary savings.³

¹ Alexis de Tocqueville and Gustave de Beaumont, "On the Penitentiary System in the United States and Its Application in France," available: http://www.correctionhistory.org/tocqueville/html/B&T_report1.html.

² <http://www.jstor.org/stable/10.1086/500626>;

<https://www.aclu.org/files/assets/Alone%20and%20Afraid%20COMPLETE%20FINAL.pdf>.

³ <http://www.nytimes.com/2011/08/02/opinion/cruel-isolation-of-prisoners.html>; Mississippi reduced its solitary population from nearly 1,000 to about 150.

In recent years, the Supreme Court of the United States has issued a series of rulings limiting criminal punishment of adolescents. The Court has distilled scientific studies about youth psychology and brain development into a clear and unambiguous conclusion: youth matters.

The same conclusion applies to the treatment of the hundreds of adolescents at Rikers Island—which include some of the most troubled and vulnerable youth in New York City. Together, we can root out the culture of violence at Rikers and make sure that these teenagers have the opportunity to continue their education and have access to the support they need to succeed.

In June, City Hall responded to the increase in violence at Rikers and concerns about mental health treatment by forming the Task Force on Behavioral Health and the Criminal Justice System, which is charged with developing a plan to “transform the city’s criminal justice system, so that it addresses the needs of individuals with behavioral and mental health issues more appropriately and effectively.”

Thus, while I am encouraged by the recent announcement of the Department of Correction (DOC) that it will end the use of solitary for 16- and 17-year-old inmates by the end of 2014, the DOC should engage in a broader review of its use of solitary at Rikers.

We believe that our ClaimStat report is yet another tool—along with the groundbreaking report by U.S. Attorney Bharara—for Commissioner Ponte to use to craft reform that makes Rikers safer for inmates and corrections officers alike.

Thank you.