

Upstate Economy Built on Incarcerating Young People and Adults

March 26, 2010 by [David Mark Greaves](#)

“It is shameful. We have to close the system down.” Montgomery

It was because of the abuse and mistreatment of young people held in the New York State juvenile justice system, that the Department of Justice cited the state for violating their and said that if the situation was not corrected, then the Justice Department would sue the state. In response to this edict, a task force was commissioned to examine the issue and to make recommendations.

Based on the DOJ report and the task force findings, State Senator Velmanette Montgomery, Chairperson of the Senate Committee on Children and Families, has proposed a New York State Juvenile Justice Reform Agenda and gathered non-profit organizations, clergy and other advocates in the reform effort to make presentations and recommendations so that the effort to begin the reform will go forward “from our perspective,” said the Senator.



DeAvory Irons, Director, Juvenile Justice Project, The Correctional Association of New York, helped provide the “constant work” needed to craft the reform legislation.

In an effort to put the gathering into context, Montgomery read from the CDF bulletin saying, “The New York State juvenile justice system is not only broken, it is an expensive program that almost guarantees rearrest and reincarceration.” The CDF says that “this system costs \$210,000 per youth per year and with a rate of 75% rearrest within 3years, New York is funneling money into one of the surest pipelines into the adult system.”

The Department of Justice report also found that institution staff brutalized the youth and were not punished for it. “The real crimes are being committed against our young people and yet we are locking them up. We are failing them,” said Rev. Emma Jordan-Simpson, Executive Director of the Children’s Defense Fund of New York. “There is a cradle-to-prison pipeline in New York, and we are feeding people from these

particular communities into New York’s juvenile justice system. And the juvenile justice system is absolutely a training ground for the adult prisons.

Even in a budget crisis, we would rather spend \$210,000 to incarcerate a child 500, 600, 900 miles from home rather than investing in an alternative to detention program that, on the low end, may cost \$1,500/child or with intensive family therapy, may cost \$15,000 per child. And have the child and their families served in their communities. This is absolutely ridiculous and we have to say it’s not going to happen on our watch.”

What is happening now said Montgomery is this is a system that disproportionately affects youth of color from impoverished communities. “Black children in New York City are 32 times more likely to be incarcerated than

white children. More than 85% of the people in the state youth prisons are children of color with African-American youth representing 60%.” Reading on from a Children’s Defense Fund bulletin, Senator Montgomery said, “Now this is shocking: ‘Misdemeanor arrests of Black youth in New York City increased 19.7% (almost 20%) and misdemeanor arrests of Hispanic youth in New York City increased 42%.’ Mind you, most of the young people who are in the system are there because of misdemeanors. They didn’t commit a felony. So they’re just naughty kids, and there’s nowhere for them to go except into this system.”

A system that the DOJ found brutalizes young people for the most minor infraction of the rules. “Including one youngster being beaten and injured because she took an extra cookie from the cafeteria,” said Montgomery as an example “We’ve been cited for excessive abuse, failure to protect young people from harm and failure to provide adequate mental health treatment.”

The foremost task force recommendation, said Senator Montgomery, was to “immediately reduce the use of institutional placement and downsize or eliminate underutilized facilities. And reinvest in communities. Right now we’re funding detention and not alternatives to incarceration.”

Currently, 50% of detention costs are reimbursed by the state while alternative programs are not reimbursed at the same rate. “So there is a perverse incentive to lock people up, far away from home.” Which is why the CDF supports Redirect New York effort which will “create a funding stream for alternative to detention and alternative to incarceration programs,” and at the same time, bring those resources into the home districts.

“The reason the legislation Redirect New York is so important, said Rev. Jordan-Simpson, “is that if you look at the communities where our young people are coming from, you have to be mindful that the child-serving systems in these communities have failed them. The schools, child welfare systems, church doors are not open 24/7, families and community institutions.” There is no reason for our young people to fail the Rev. Jordan-Simpson, “Actually, it’s not them that’s failing, we are,” she said.

A point that was repeatedly made was that these are children in this system. “We’re not talking about felons or violent criminals. These are young people who are struggling with mental health issues and our answer is to lock them up hundreds of miles away from home. Young people with family trauma. They are not hardened criminals, but they will become that. We will pay for it now and in the future.”

We’re talking about young people who committed misdemeanors and we’re locking them up routinely while the state refuses to punish the adults who are working in that system and according to the Department of Justice report, refuses to hold the adults in that system accountable for their brutality. It’s an absolute waste of human capital and we should be ashamed of ourselves.

Reverend David Hampton of Bethany Baptist Church said, “We have to step up and be advocates for our young people. Outside interest groups benefit from our demise and whose existence depends” on the social pathologies in our communities. “And we can’t let that happen.”

Rev. Jordan-Simpson asked, “If we can determine that there are some industries that are too big to fail, if there are some corporations that are too important to the American economy for there not to be government intervention in their success, then why not for our children?”

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