



CA Bulletin

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Michael's Story: How the Juvenile Justice System Fails New York City's Youth *By Margaret Loftus, Juvenile Justice Project Associate*

The Juvenile Justice Project is currently working to reduce the use of youth detention in New York City. Despite public perceptions, most young people in detention have not committed violent or even serious crimes. Working as a lawyer in Family Court, I saw first hand how the system jails young people, not because of the serious or violent nature of their behavior, but because of underlying social issues with their families and communities. Unfortunately, this story of one of my clients portrays typical issues faced by young people in the juvenile justice system and the failed ways that this system routinely responds to youth.

When Michael was born, his mother

was addicted to drugs and unable to care for him. He was adopted by his maternal grandmother and grandfather. When he was fourteen, his grandmother died of a stroke. His grandfather was also very ill and unable to care for Michael who tried to manage on his own and did the shopping, cleaning and cooking. However, Michael became depressed and began missing school and smoking marijuana. When I met him, he had been arrested for smoking marijuana in public (a misdemeanor).

Normally, the police would have released Michael to his grandfather. In this instance, however, they were unable to reach him because the phone had been disconnected. Michael was taken to Family



Court where a case was filed against him. At his arraignment, Michael appeared with no family

members present. I explained that his grandfather was ill and that the phone was disconnected. The Probation Department representative reported that Michael had stopped attending school. The judge stated that if Michael's grandfather was too sick to come to court and make sure Michael went to school, he was too sick to be a proper caretaker. She sent Michael to a locked detention facility while he awaited trial.

Michael was taken to the Spofford Juvenile Detention Center. All of his personal belongings - down to his watch and underwear - were taken from him and he was issued a regulation outfit consisting of *(continued on page 3)*

Lockdown New York *By Robert Gangi, Executive Director*

This October, the CA's Prison Visiting Project released *Lockdown New York*, a report that details the serious problems plaguing disciplinary confinement units in the state's prisons. Based on 49 site visits to 26 lockdown units and structured interviews with 258 inmates, the report presents a unique and substantive piece of research, the first quantification of prisoners' experience in punitive segregation in New York, if not the nation. New York State makes excessive use of punitive housing, confining a far greater proportion of its inmates in 23-hour lockdown than most other states. Our gravest concern

focuses on the large number of severely mentally ill people locked

All too often, inmates with mental health problems are subject to



Photo taken by Chris Cozzone

up in these units - 23% of New York's disciplinary confinement inmates, about 1,000 prisoners on any given day.

harsh, harrowing conditions characterized by severe isolation and forced idleness. Frequently, they deteriorate to the point where they

engage in acts of self-harm or attempt to take their own lives. From 1998 to 2001, over half the suicides in New York's prisons took place in lockdown units, though the prisoners there represented less than 10% of the inmate population. In some cases, the issues raised in our report are truly matters of life and death.

Regrettably, government officials have chosen to ignore our findings, dismissing them as "phony issues." In fact, the state launched an attack on our organization, banning the report's principal author from the prisons and prohibiting all other CA representatives from entering *(continued on page 3)*

CA In the News

Albany Times Union

Inhumanity Behind Bars

The case against incarcerating the mentally ill is bolstered by a state watchdog group's report

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How much more evidence does the Pataki administration need before it alters the inhumane way it allows mentally ill prison inmates to be treated?

Times Union reporter Paul Grondahl explained in some detail in a series of stories last year just how ill-equipped New York's prisons are to accommodate the thousands of inmates who suffer from the haunting diseases of the mind. The worst of the abuses, he wrote, involved confinement to the segregated disciplinary housing units known as The Box. Mentally ill inmates are much more likely to be locked in The Box for 23 hours a day than the rest of the prison population. All too often, such extended isolation, along with a lack of psychiatric care, makes their anguish and illnesses even worse.

This week, the Correctional Association of New York is out with a report that says almost 25 percent of the 5,000 inmates in The Box statewide are mentally ill. In some units, more than 50 percent of the inmates are mentally ill. It's bad enough that so many people with mental illnesses--in New York, it's nearly 10%--are in prison at all.

What's indefensible is how they're subjected to additional punishment.

The Correctional Association report reads in places like a combination of Orwell and Kafka. For example, when inmates in The Box try to hurt or kill themselves, as they do with horrifying regularity, the prison system's response is to punish them with even longer stays in the very places that help to drive them so mad.

Yet to hear the state Department of Correctional Services, such concerns don't even warrant a serious response. "Phony issues," says Commissioner Glenn Goord. . . .

Talk about arrogance. Mr. Goord, and the others in the Pataki administration, seem to have forgotten the rather unique role of the Correctional Association. It is specifically authorized by state law to visit prisons and interview inmates and employees.

New York's prisons would be better administered, and more civilized places, if the Correctional Association was treated more appropriately. A healthy step in that direction would be for Mr. Goord and his associates to give a thoughtful read to its report about the disgraceful mistreatment of the mentally ill.

Comings & Goings

Sadly, several people have recently left the CA: Julie Kowitz, former WIPP Director, to pursue other professional interests (Julie is also having a baby this winter--congratulations!); Claudine Pied, former Development Associate, for a professorship in anthropology; Dara Orenstein, former WIPP Associate, to enroll in a doctoral program in American Studies; Malika Kelly, former JJP Youth Organizer to begin her college career at Pace; Kristin Lamar, JJP summer intern, and Martha Schlatter and Alanna Martin, WIPP summer interns, to return to their respective academic careers. The CA board and staff extend deep gratitude for their excellent work and commitment, and wish them the best of luck in all their future endeavors.

Happily, a number of new people have joined the CA: Rebecca Sherr as our Development Assistant, Andre Holder as our Juvenile Justice Project Youth Organizer, and Tamar Kraft-Stolar, returning as our Public Policy Project Associate. Welcome!

The Metro Section

The New York Times

Report Says Nearly One-Fourth of State Inmates in Isolation Are Mentally Ill

By PAUL von ZIELEBAUER

"These are serious human-rights abuses," said Robert Gangl, the Correctional Association's executive director. "There are people who die needlessly in NYS prisons because they are put in there when they're mentally ill, and they kill themselves."

Newsday

Thursday, June 12, 2003

Close Spofford Youth Jail to Save Money and Lives

By Mishi Farooq



"Alternative-to-detention programs have also proven to be more effective than secure detention in reducing re-arrests and recidivism among youth..."

The Post-Standard

Society wrongs battered women who strike back

By Julie Kowitz

Survivors of abuse need help, not prison

"We must recognize how domestic violence underlies women's criminality, not to excuse it, but to better address it."

Newsday

VIEWPOINTS

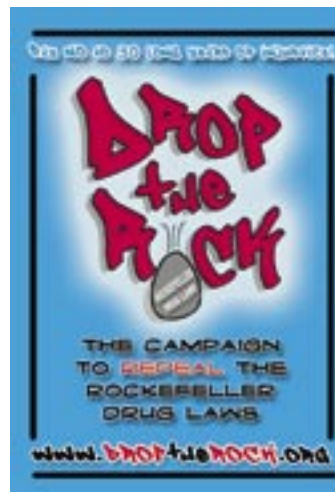
Pataki Is a Laggard on Drug Laws

By Robert Gangl and Vincent Schiraldi

"George Pataki ended his ninth Legislative session in June without having brought about [change in] the Rockefeller Drug Laws, despite his call for dramatic reform in his last three State of the State speeches, and despite promises made during the 2002 gubernatorial race..."

Drop the Rock Update

After being heavily criticized by the State Assembly, Governor Pataki's latest Rockefeller Drug Law reform proposal failed to become law. As the plan did not address the critical issue of judicial discretion, Drop the Rock, along with many other advocates, viewed this outcome as positive. For more information on Drop the Rock's current activities and strategies to build pressure on elected officials when the legislative session resumes in January 2004, visit www.droptherock.org or contact Tamar Kraft-Stolar 212-254-5700 x306 or tkstolar@correctionalassociation.org.



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Getting Out Benefit Reading a Success

The Women in Prison Project's June 9th benefit reading of Marsha Norman's outstanding play, *Getting Out*, directed by Bob Balaban, was a great success. More than 450 people attended the reading at the John Jay College Theater. In addition to raising funds, the event served as an important and moving public education effort, dramatically illustrating the issues facing formerly incarcerated women returning home from prison. We extend deep thanks to all those who so generously gave time and resources to make the event possible: Marsha Norman, Bob Balaban, cast members Halle Feiffer, Danny Glover, Sarah Jones, Chad Lowe, Mercedes Ruehl, Roy Scheider, Hilary Swank and all other performers, producer Kathy Engel, coordinator Barbara Brancaccio, former Women in Prison Project Director Julie Kowitz, former Women in Prison Project

Associate Dara Orenstein, ReConnect Program Coordinator Denisse Andrade, the CA staff and board, the formerly incarcerated women who attended the production and

We believe that art is an essential component of our work: it can effectively communicate the realities of the criminal justice system



Photo by Diane Greene Lent

From Left to Right, Third Row: Danny Glover, Sarah Jones, Mercedes Ruehl, Second Row: Hilary Swank, Adwoa Nyameche, Former WIPP Director Julie Kowitz, Roy Scheider, Marsha Norman, Lorenzo Pisoni, Front Row: Chad Lowe, Halle Feiffer, Michael Simpson, Bob Balaban

inspired us with their courage and strength, and everyone else who helped make the night possible.

and the stories of those bound up in that system. Historically it is often art, telling the stories of

people's experiences, that moves people to action and deepens understanding of critical social issues.

With this in mind, we recently began the process of developing an Artists Advisory Council at the CA. Working on *Getting Out* made clear how powerful an effort of this kind can be and how much enthusiasm exists among artists to support our work. We sent a letter to all *Getting Out* participants inviting them to join the Artists Advisory Council. With Marsha Norman and Sarah Jones agreeing to act as Council Co-Chairs, we're on our way to creating an effective ongoing artists program at the CA.

For more information about the Women in Prison Project, contact Denisse Andrade, 212-254-5700 x311 or Tamar Kraft-Stolar, x306.

For more information about the Artists Advisory Council, please contact Bob Gangi, 212-254-5700

Michael's Story *(cont. from page 1)*

previously worn socks, underwear and a beige jumpsuit. Each item had the initials DJJ (Division of Juvenile Justice) printed on it in big letters. Michael was then escorted to a cell with a bed and a thin blanket. Spofford was very frightening and oppressive to Michael. He felt more and more depressed and he often cried in his cell at night.

The trial was three days later. We lost. The case was adjourned for the sentencing phase at which time the judge would decide whether Michael should be sent home or placed away from home for a period of one year. The reports to the court detailing Michael's mental health and social history indicated that he had a substance abuse problem and was suffering from depression. Eventually, the judge granted Michael probation and sent him home with his grandfather. The Court ordered Probation to help the grandfather enroll Michael in school and

counseling and to find an after-school program for him.

Michael's grandfather was too sick to take him to the high school placement office so Michael had no one who could legally enroll him in school. He ended up missing the first four months. Because of the waiting list at the clinic that took his insurance, he received no treatment for his depression or his substance abuse problems. Michael started smoking marijuana again and was re-arrested for possession. He was sent to back Spofford. Michael had officially violated probation and the judge placed him with the NYS Office of Children and Family Services (OCFS) for one year. He was sent to a medium-secure facility in upstate New York, seven hours from home.

It was about this time that I started working on the Juvenile Justice Project so I have lost track of Michael. I can only hope that he has finally found some help that

has interrupted his cycling through the system. Young people like Michael and what happens to them are what make the Project so critical. We work to make the juvenile justice system accountable for its failures and to reduce the numbers of young people who face the disruptive and profoundly disturbing experience of being incarcerated. We strive to end the practice of needlessly jailing young people and to redirect public funding from costly detention facilities to services and programs that address the underlying social problems that so often cause youth to become ensnared in the criminal justice system.

(Names were changed to protect the identity of people mentioned in this article.)

For more information about the Juvenile Justice Project, contact Project Associate Margaret Loftus at 212-254-5700 x316 or Project Director Mishi Faruquee at 212-254-5700 x315.

Lockdown

(cont. from page 1)

lockdown units, the very areas we criticized in our report.

The CA does not accept the state's actions and will use all means – legal, political, and otherwise – to regain our legislatively mandated access to NY's prisons and to carry out our essential work for the fair and humane treatment of the people confined there.

Lockdown New York also contains a series of recommendations to remedy the problems described, including: establishing an independent oversight board, banning the placement of mentally ill prisoners in disciplinary confinement, and allocating the resources needed to create correctional psychiatric programs. In the coming months, the Correctional Association will work with allies in the criminal justice field and the larger community to garner support for these proposals and promote their implementation as significant matters of state policy.

People interested in helping us advocate for policy changes or in supporting our continued, unfettered access to prisons should contact Bob Gangi at 212-254-5700 x305.

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New Publications

To obtain a copy of these reports, please visit www.correctionalassociation.org or contact the CA at 212-254-5700 x300 or arosado@correctionalassociation.org.

1) **Alternatives to Detention and Placement in New York City. A Guide to Detention and Dispositional Alternatives for Youth in New York City Family Court** provides a detailed listing of all available community-based alternative-to-detention programs for young people in juvenile court.

2) **Lockdown New York: Disciplinary Confinement in New York State Prisons** features findings from visits to nearly every disciplinary housing unit in the state prison system and includes descriptions of conditions problems in these places based on interviews with over 250 inmates as well as correction officers, superintendents and national corrections experts.

Upcoming Publications

1) **When "Free" Means Losing Your Mother: The Collision of Child Welfare Policy and the Incarceration of Women in New York State** explores the crisis of families broken apart by incarceration and the risk many mothers with kids in foster care face of being separated from their children forever. (Estimated release date: Jan. 2004)

2) **Mental Health in the House of Corrections** captures the experiences of inmates with mental illness in the state prison system and the quality of care they receive. Site visits to 21 prisons reveal a burgeoning population of mentally ill prisoners, high-quality care in some units, poor care in others and general service and staffing deficiencies that plague the delivery of treatment. (Estimated release date: Feb. 2004)

By now we hope you have received our latest appeal urging you to join us in working for a more fair, humane and effective criminal justice system and a safe, more just society.

The Correctional Association is a not-for-profit organization recognized under I.R.S. regulations as a 501(c)(3). Although we receive some funding from foundations and government agencies, these sources are often insufficient and/or unpredictable. We rely on support from interested and concerned individuals to continue to address the most pressing criminal justice issues of the day.

If you've already responded, our deepest thanks. If not, here's your chance! Please complete the enclosed donation envelope and send in your fully tax-deductible gift today. For more information contact Susan Gabriel at 212-254-5700 ext. 309 or sgabriel@correctionalassociation.org.

Founded in 1844, the Correctional Association of NY monitors prison conditions and conducts policy analysis, applied research and advocacy on pressing criminal justice issues.

www.correctionalassociation.org

Robert Gangi
Executive Director

Juvenile Justice Project

Mishi Faruque
Director

Margaret Loftus
Project Associate

Andre Holder
Youth Organizer

Prison Visiting Project

Jennifer R. Wynn
Director

Alisa Szatrowski
Project Associate

Women in Prison Project

Denisse Andrade
ReConnect Coordinator

Public Policy Project

Tamar Kraft-Stolar
Project Associate

Development Office

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Interns

Sandrine Poisson
Public Policy Project

Oluwatosin Kolade
Public Policy Project

Cory Feldman
Women in Prison Project