

CA Bulletin

A Force for Progressive Change in the Criminal Justice System Since 1844

Winter 2010



Members of the Coalition for Women Prisoners traveled to Albany

on January 19 to advocate for the ASFA Expanded Discretion Bill. Read more about the bill and the CA's other policy priorities inside...



CRISIS IN THE JUVENILE PRISONS

Just three months after a federal investigation by the Department of Justice (DOJ) found that excessive force was routinely used at four New York youth detention facilities—resulting in children suffering from broken bones, knocked-out teeth, concussions, and other serious injuries—Governor Paterson's Task Force on Transforming Juvenile Justice has released its own report shining more light on the state's badly broken system.

According to the Task Force—commissioned in 2008, and led by Jeremy Travis, president of the John Jay College of Criminal Justice—the problems uncovered by DOJ at the four prisons persist across the state's 28 juvenile facilities.

CA Executive Director Robert Gangi, a member of the 32 person panel that published the Task Force's report, is all too familiar with the myriad inequalities plaguing the state's juvenile justice system. The reports decried pervasive racial disparities: while children of color make up less than half of New York State's total youth population, black and Latino children account for over 95% of youth in city detention and over 86% of youth in state facilities. "An effective way for the state to address the system's deeply entrenched issues of overincarceration and racial disparity is to shut down underutilized facilities for youth," says Gangi.

New York spends \$210,000 to incarcerate a child for one year; in comparison, alternative programs cost between \$5,000 and \$15,000 per year.

The Task Force also included in its ranks several long-time members of the CA-led Juvenile Justice Coalition (JJC). The report's recommendations echo many proposals the JJC has advocated for, including diverting youth from jail and replacing many upstate facilities with smaller, closer-to-home placements and community-based alternatives to incarceration.

"Diverting youth to proven alternative programs that reduce recidivism and improve children's life outcomes not only makes perfect sense from a child development perspective, it makes sound fiscal sense for our state," says DeAvery Irons, Acting Director of the CA's Juvenile Justice Project. New York—currently facing a budget deficit of \$10 billion over the next two years—spends \$210,000 to incarcerate a child for one year; in comparison, alternative programs cost between \$5,000 and \$15,000 per year.

The Task Force's report urges the state to adopt measures to ensure the safety and well-being of children in its custody. The document calls for a system of oversight to prevent and deal with frequent reports of excessive use of physical force, and the expansion of

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PHOTOS: VANISSA W. CHAN



Correctional Association POLICY AGENDA FOR 2010

REDUCING OVERINCARCERATION

In the past 10 years, New York's adult prison inmate population has dropped by over 13,000 people, but the state has only reduced its capacity by 2,250 beds. There are still over 6,300 empty prison beds being funded by taxpayers—wasting millions of dollars each year. While Governor Paterson's 2010-2011 proposed budget includes closing four small adult facilities, the state can take additional steps to substantially lower the number of people it incarcerates by closing additional underutilized prisons and expanding work release programs, graduated sanctions for technical parole violators, and merit time eligibility. And, although the reforms enacted last April to the Rockefeller Drug Laws are substantial, the mandatory sentencing provisions that remain on the books will still result in the imprisonment of thousands of minor drug offenders each year. In the coming year, *Drop the Rock's* new prison downsizing campaign will lead outreach, advocacy, and education efforts—including an Advocacy Day in Albany on March 16—aimed at addressing this range of issues.

PROTECTING BONDS BETWEEN MOTHERS AND CHILDREN

The Adoption and Safe Families Act (ASFA)—which almost always requires a foster care agency to file a petition to terminate parental rights if a child has been in foster care for 15 of the last 22 months—has a disproportionate and devastating impact on incarcerated parents and their children. The **ASFA Expanded Discretion Bill** grants foster care agencies the discretion to delay, if necessary, filing papers to

terminate parental rights when a parent's incarceration or treatment program participation is a significant factor in why the child remains in foster care. This expanded discretion will give foster care agencies, attorneys, courts, parents and their children a more fair opportunity to work toward reunification and safe permanency options that do not involve severing family bonds forever.

SECURING JUSTICE FOR SURVIVORS OF DOMESTIC VIOLENCE

Domestic violence and women's pathways to prison are inextricably linked: an estimated 82% of incarcerated women in New York were severely physically and/or sexually abused as children and 75% suffered severe physical violence by an intimate partner during adulthood. The **Domestic Violence (DV) Survivors Justice Act** will expand judicial discretion and permit judges to sentence DV survivors convicted of crimes committed as a result of abuse to shorter prison terms and, in some cases, alternative to incarceration programs. The bill will also allow survivors currently in prison to petition the court for resentencing and require the parole board to consider the effects of domestic violence when making release decisions.

PROTECTING THE RIGHTS OF YOUTH IN CARE

The **Bill of Rights for Youth in Care** would legally define the basic rights of detained and incarcerated youth in New York State, and codify recent policy changes that protect the safety and well-being and promote the rights of lesbian, gay, bisexual, and transgender youth in detention.

FOLLOWING UP ON PAST ADVANCES

The CA and our allies have achieved a number of landmark advances in recent years—but the work always continues. Once a policy has changed, we closely monitor its progress on the ground, engage in budget advocacy, meet with agency officials, and when necessary, join with other coalitions and concerned citizens to press for meaningful application of the legislation.

We are now actively involved in monitoring the implementation of the following policies:

Anti-Shackling Law

Passed in August 2009; bans the practice of handcuffing and shackling pregnant women during labor, birth and post-delivery recovery.

Department of Health HIV/ Hepatitis C Oversight Law

Passed in September 2009; mandates the New York State Department of Health to monitor the medical care provided to people living with HIV and hepatitis C in prisons and jails in New York.

LGBT Non-Discrimination Policy

Instituted in March 2008; outlines agency-wide policy and best practice guidelines for protecting the rights and promoting the welfare of lesbian, gay, bisexual and transgender youth in Office of Children and Family Services (OCFS) custody.

Rockefeller Drug Law Reform

Passed in April 2009; restores judicial discretion for broad categories of first and second time drug offenses, allows certain

DIVERTING YOUTH TO ALTERNATIVE PROGRAMS

Community-based alternative-to-detention programs have succeeded in increasing positive life outcomes and significantly decreasing recidivism rates for court-involved young people. Currently, individual counties and New York State each contribute 50 percent towards the costs of detaining and placing a youth in custody, but no such cost-sharing mechanism exists for alternative programs. **Re-Direct NY** would encourage localities to create and utilize more community-based alternatives by establishing a 65% reimbursement rate for such programs. The counties could use the reimbursement to invest in prevention programs that strengthen family and community supports for children.

CLOSING JUVENILE PRISONS

As a result of a steady decrease in the population of incarcerated youth and a targeted advocacy campaign by the CA and its allies, New York State has closed or downsized 14 juvenile placement facilities and evening reporting centers over the last two years. Governor Paterson's 2010-2011 Executive Budget, released in late January, calls for the consolidation and downsizing of four additional facilities. The CA-led Juvenile Justice Coalition will continue advocating for the closure of dangerous and under-utilized facilities for youth, beginning with a campaign aimed at pressuring New York City to defund the notorious Spofford Juvenile Center, also known as "Bridges." The Project will release a policy report this spring that shows how expanded diversion initiatives can successfully reduce the need for secure detention and allow the City to close the facility without any increased risk to public safety.

REFORMING SUBSTANCE ABUSE TREATMENT

The CA's Prison Visiting Project is in the final stages of a two year study of in-prison substance abuse treatment programs. In the months ahead, the Project will issue a special report on the subject and distribute it to the legislature, relevant agencies, incarcerated people and members of the media. As the CA continues to monitor the quality of programs behind prison walls, the report's recommendations will help to shape our advocacy strategy and inform our agenda as we press for significant improvements. ■



individuals currently incarcerated under the laws to apply for resentencing, and allocates \$70 million in funding for alternatives to incarceration and drug treatment programs in prison and in the community.

Safe Harbor for Sexually Exploited Children Act

Signed into law in 2008; stops the criminal prosecution of children who are arrested for prostitution-related charges and creates a range of specialized services such as safe-houses, counseling, and crisis-

intervention for exploited youth. Actual implementation of the legislation is set for this April, but is contingent on funding.

Special Housing Unit (SHU) Exclusion Law

Signed into law in January 2008; diverts most prisoners with mental illness from punitive disciplinary confinement, prohibits prisons from placing them on restricted diets, and establishes minimum standards for mental health assessment and treatment. ■

Correctional Association Staff

Robert Gangi, Executive Director

Juvenile Justice Project

DeAvery Irons, Acting Director

Prison Visiting Project

Jack Beck, Director

Cindy Egler, Associate

Public Policy Project

Caitlin Dunklee, Associate Director

Women in Prison Project

Tamar Kraft-Stolar, Director

Serena Alfieri, Associate Director of Public Policy

Andrea Williams, ReConnect Program Director

Stacey Thompson, Coalition for

Women Prisoners Associate

Jacqueline Velez, Project Assistant

Development

Marci McLendon, Director

Sam Streed, Associate Director

Caitlin Kundrat, Development and

Communications Associate

Laura Davidson, Director of Operations

Richard Bryant, Fiscal Manager

Carnell Hayes, Office Assistant

Josephine Rivera, Administrative Assistant

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psychological and drug abuse counseling. According to the Task Force, only 55 psychologists and clinical social workers are assigned to work at the New York State prisons that house youth.

The Juvenile Justice Project will continue to promote its aggressive reform agenda. In the months ahead, the Project will organize an Advocacy Day in Albany, complete a substantive policy report, and reach out to editorial boards, media outlets, state officials, and the general public to gain support for an array of critical juvenile justice reform measures. (See inside for more detail on the Juvenile Justice Project's and the rest of the CA's 2010 policy agenda.)

The findings of DOJ and the Task Force have already encouraged some state leaders to take immediate action to address blatant disparities in the system. Governor Paterson's 2010-2011 budget, released in late January, calls for the consolidation and downsizing of four juvenile facilities—including the notorious Tryon Juvenile Center, where, according to the DOJ report, staff mistreatment of youth is especially commonplace—and also allocates \$18.2 million to increase staff-to-youth ratios in the facilities and improve medical and mental health services.

Policymakers must continue to take steps that rightfully put New York's children first. The community is watching, and the CA will work to keep the pressure on and hold them accountable for their policy choices. ■

To read a copy of these reports, or to learn more about the work of the Juvenile Justice Project, please visit www.correctionalassociation.org.

**PUT
PEOPLE
BEFORE
PRISONS**

**ADVOCACY
DAY 2010
TUESDAY, MARCH 16
ALBANY, NY**

CUT CRIME | SAVE MONEY | BUILD COMMUNITIES
CLOSE EMPTY PRISONS REPEAL THE ROCKEFELLER
DRUG LAWS REFORM PAROLE EXPAND WORK RELEASE
AND MERIT TIME INVEST IN OUR NEIGHBORHOODS

SIGN UP TODAY!



To get involved and find out about buses leaving from your area, contact Caitlin Dunklee at 212-254-5700 or email cdunklee@correctionalassociation.org

www.droptherock.org

2090 Adam Clayton Powell Blvd., Suite 200, New York, NY 10027 | 212-254-5700 | www.correctionalassociation.org

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The Correctional Association of New York
2090 Adam Clayton Powell Blvd. • Suite 200
New York, NY 10027

