



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

Rebecca Kinsella – Youth Social Worker

BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council Committee on Juvenile Justice
Oversight Hearing**

on

Examining Family Engagement for New York City's Detained and Placed Youth

September 21, 2016

My name is Rebecca Kinsella. I am a youth social worker at Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. I thank the City Council Committee on Juvenile Justice and Chair Fernando Cabrera for the opportunity to testify today about the many ways that the City Council can foster engagement between detained youth and their families.

Brooklyn Defender Services' has a specialized adolescent unit, called the Brooklyn Adolescent Representation Team, or BART. Our team represents over two thousand adolescents ages 13-21 annually. In the past five years, BART has represented over 150 youth ages 13-15 charged with JO offenses, many of whom are detained in ACS facilities pre-trial. My caseload includes adolescents detained at Crossroads, an ACS detention facility in Brooklyn, as well as young people detained on Rikers Island. While ACS offers family days on weekends that have gone a long way in promoting family engagement, there is still more that they could be doing to limit the harm to youth in their custody. If the City Council is truly committed to protecting court-involved youth, they must act to move 16- and 17-year-olds off of Rikers Island as quickly as possible to limit the pervasive violence that harms detained youth and their families who visit them.

Introduction

J is a 15-year-old client charged under the Juvenile Offender statute in Kings County Supreme Court. For the past 17 months, he has been detained at Crossroads in Brooklyn. While he awaits trial or disposition of his case, J has been very active in school and has made the most of the programming that is provided at Crossroads. Many staff have acknowledged his growth and increased maturity since arriving at Crossroads. However, J's mother has several other young children, making it difficult for her to visit regularly. Crossroads staff reported to me that they have seen J fall into a depression because he rarely has visits from his family. While J's mother wants to be a support to her son during this extremely trying time in his life, her caregiving responsibilities and economic challenges limit her ability to visit him at Crossroads. ACS, with the City's support, can and should do more to promote family engagement to ensure that J and his mother and siblings continue to reconnect to limit tension and instability when he eventually returns home.

Family engagement during detention is critical to minimize harm to youth and the family upon reentry to the home. We represent many young people in adult court who return home from juvenile detention without sufficient support and are quickly re-arrested because of fights in the home. When the youth arrives in arraignments, DAs ask for and judges frequently issue an order of protection, preventing the youth from returning home, effectively making him or her homeless. According to Covenant House, 50% of adolescents aging out of foster care and the juvenile and criminal justice systems will be homeless within six months. When youth are kicked out of the home or ordered out of the home by a judge they have very few options because many are unprepared to live independently, have limited education and no social support. This leads to couch surfing, repeated shelter visits, trading labor or sex for a place to stay, and all too often, another round of criminal justice involvement.

Parental and family engagement by the juvenile justice system is proven to be effective for better youth outcomes. A National Academy of Sciences (NAS) report cited evidence that a relationship with a parent or other adult figure can have a positive impact on an adolescent, serving as a protective buffer against external negative influences. Other research has shown that family visitation for youth is associated with better behavior and improved academic performance. And it is clear that most families want to play a bigger role: in a survey of family members, 86 percent said they wanted to be more involved in their children's treatment while they were incarcerated (Justice for Families, 2012).¹

¹ Vera Institute of Justice, "Family Engagement in the Juvenile Justice System," available at <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-juvenile-justice.pdf>.

This hearing and any successfully implemented recommendations that come out of it will not only foster family engagement but may have the additional effect of preventing future criminal justice involvement and youth homelessness, ultimately keeping our communities and our young people safe.

Family Engagement at Crossroads and Horizons

BDS represents youth detained at Crossroads in Brooklyn and other ACS, OCFS, DOC and DOCCS facilities across the City and State. While Crossroads makes more concerted efforts to ensure family engagement than “adult” facilities, there remain many areas for improvement.

Problem 1: Restrictions on who may visit limit opportunities for family engagement.

Families in the twenty-first century often include parents, caregivers and siblings who may not be blood relatives. Yet ACS’ visitation policies do not always take these realities into account. For example, siblings are not allowed to visit Crossroads without a birth certificate and the parent that accompanies the sibling must be a biological parent. These rules make visiting difficult for many loved ones. A parent who does not have a birth certificate for a young child will be turned away from the visit when they fail to bring the birth certificate or are forced to find childcare. Siblings who miss their brother or sister are unable to visit unless the parent that accompanies them is a biological one. These rules have the adverse effect of limiting family engagement and harming young people who need the support of their loved ones while they are incarcerated.

Solution: The City should call upon ACS to allow people to define their own families without requiring the presentation of birth certificate or the presence of a biological parent. The City should also fund childcare during visiting hours so that parents can bring young siblings to the facility.

Problem 2: Visiting times are limited and inaccessible for many parents.

As noted above, many of our client’s parents and loved ones have other children in the home that they are supporting. Requiring parents to take time off work or away from the home is a significant barrier for many parents who live paycheck to paycheck or who have caretaking responsibilities.

Solution: The City Council should require ACS to offer a greater variety of visiting times to accommodate parent work or caregiving schedules.

Problem 3: Crossroads is far from the subway and other public transportation.

Public transportation in East New York is limited and infrequent. This makes traveling to Crossroads difficult for parents who are negotiating work and childcare obligations.

Solution: The City should both improve transportation options in East New York and should also fund a van or shuttle system that could pick parents up at their homes or central neighborhood locations (like libraries) and take them to Crossroads, Horizons and Rikers.

Problem 4: Lack of privacy during visits and phone calls

Visiting rooms at both Crossroads and Horizons are large and parents meet when their children without any privacy. Caseworkers allow youth to call their parents or guardians for 10, 20 or 30-minute intervals, depending on their behavior. However, calls are not private. This lack of privacy negatively affects family relationships because, often times, neither parent nor child feels like they may speak candidly. This also discourages open conversations about the case and plea offers, leaving adolescents forced to choose between discussing the private details of their case in a public space or in front of their caseworkers, or making life changing decisions on their own without family support.

Solution: ACS should work with defenders and other stakeholders to determine how to allow youth and their parents private opportunities to speak to discuss their case and other confidential concerns.

These concerns aside, I want to acknowledge and ask the Council to support ACS in continuing family days on weekends. On family days, siblings and parents are invited to the facility to spend the day with their loved one on site and engage in special programming that may involve food, games or art. A recent family day at Crossroads involved the presentation of a mural that the young people had painted. Family days provide an important opportunity for youth, their parents and their siblings to celebrate the adolescents successes and reconnect as a family.

Family Engagement at Rikers Island

The youth that I represent on Rikers Island are no different from their younger peers in ACS facilities, except that they face significantly more trauma while awaiting their trials on Rikers.

Problem 5: Young people on Rikers face sexual assault and violence on a daily basis.

Pre-trial detention at Rikers Island has a devastating effect on youth and their families. The horrors that youth experience on Rikers Island are well-documented, and include physical and sexual abuse, estrangement from their

families because of the barriers to phone calls and visits, and limited educational and programming opportunities.²

Solution: The City Council should ensure that 16- and 17-year-olds are removed from Rikers Island and transferred to ACS facilities as soon as possible. ACS facilities do a better job of protecting young people in their custody than youth detained in NYC Department of Corrections facilities. In BDS's experience, youth in ACS detention facilities have better access to programming, are better able to maintain relationships with their families, and suffer less abuse at the hands of facility staff and other young people.

Mayor Bill De Blasio announced in July that the Mayor's Office of Criminal Justice has a plan to move the 200 16- and 17-year-olds currently on Rikers to Horizon Juvenile Center within four years and at a cost of \$300 million.³ We believe that the timeline and proposed cost are grossly overestimated and urge the City Council to work with the Administration to move the young people to ACS facilities more quickly.

Problem 6: Parents face sexual assault and violence when they attempt to visit their children at Rikers.

Visiting Rikers is nothing short of a nightmare. Rikers guards regularly sexually assault our clients' family members. They are subject to strip searching and body cavity searches. Just last week NBC 4 I-Team reported on 25 women who have come forward alleging that correction officers at NYC jails abused them when they came for visits.⁴ Many parents travel for hours, enduring the humiliation of searches and only to arrive at Rikers to learn that their child will not be allowed to see them that day or that the facility is on lockdown.

Solution: City Council should work with the Board of Corrections and the NYC Department of Corrections to ensure that these unlawful and abhorrent practices cease immediately. In the longer run, the Council should work with the Independent Commission on NYC Criminal Justice and Incarceration Reform, along with other stakeholders such as defender offices, to shut down Rikers Island as quickly as possible and divert people from DOC facilities as they await resolution of their cases.

² See, e.g., Legal Aid Society, Testimony of Nancy Ginsburg before the Committee on Fire and Criminal Justice Services and Committee on Juvenile Justice, Oct. 8, 2014, available at http://www.legal-aid.org/media/189855/testimony_10.8.14.pdf (detailing abuse and trauma perpetrated against youth detained on Rikers Island).

³ William Neuman, "New York City wants to move 160 and 17-year-olds from Rikers Jail to Bronx Center," *N.Y. Times*, July 20, 2016, available at http://www.nytimes.com/2016/07/21/nyregion/rikers-jail-youths-bronx-center.html?_r=0.

⁴ NBC 4, "I-Team: More than 25 women allege sex abuse by correction officers at NYC jails," Sept. 15, 2016, available at <http://www.nbcnewyork.com/investigations/Rikers-Island-Sex-Abuse-Correction-Officer-Lawsuit-Claim-Investigation-Department-Correction-393576031.html>.

Conclusion

The challenges facing court-involved youth are immense. City Council efforts to support family engagement during incarceration would go a long way in supporting our young people, making our communities stronger and safer and preventing youth homelessness.

Thank you for your consideration of my comments. We are grateful to the Council for bringing to light the issues the barriers that separate detained youth and their families. Please do not hesitate to reach out to me with any questions about these or other issues at (718) 254-0700 (ext. 362) or rkinsella@bds.org.