



**Testimony for the New York City Council
Committee on Criminal Justice Jointly with the Committee on Justice System
Oversight - COVID-19 in City Jails and Juvenile Detention Centers**

May 18, 2020

Thank you Chair Powers, Chair Lancman, and members and staff of the Council Committees on Criminal Justice and Justice System for the opportunity to comment on the City's incarceration of girls and young women during the pandemic.

Girls for Gender Equity (GGE) is an intergenerational advocacy and youth development organization that is committed to the physical, psychological, social, and economic development of girls and young women. GGE works to challenge structural forces, including racism, sexism, transphobia, homophobia, and economic inequality, which constrict the freedom, full expression, and rights of transgender and cisgender girls and young women of color, and nonbinary and gender non-conforming youth of color.

Overview

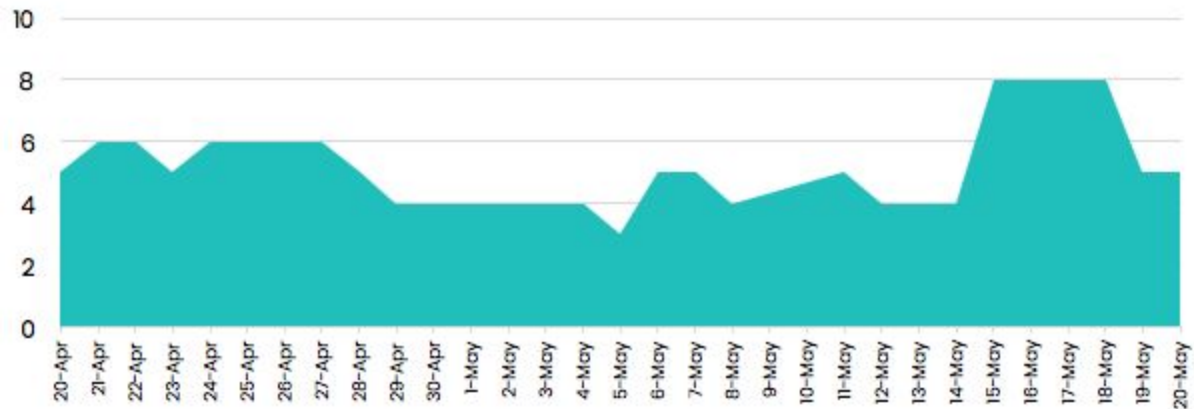
The pandemic has heightened the existing dangers of incarceration, particularly the risks of restricted freedoms and the inability of jails to provide access to wellness or wellness supports. New York City's youth incarceration system is rife with racial disparities and now works to extend the scope of health and healthcare disparities. Youth detention even under pre-pandemic operations all but ensured serious health and safety risks to young people, who experience administrative and physical violence and immediate and long-term health impacts of confinement.

On March 26th, when pressed on efforts to reduce the population of incarcerated young people, the Mayor remarked, "Obviously, the focus has been on addressing the issues around adults in our jail system, particularly those who are older or had preexisting conditions. That's where our focus has honestly been." This early inattention to incarcerated young people was unacceptable. Now, more recently, the Centers for Disease Control and Prevention issued a health alert to physicians regarding "multisystem inflammatory syndrome in children," or MIS-C – forcing the medical community and City administration to rethink how COVID-19 affects young people. Attention to the health and safety of young people must include attention to the health and safety of incarcerated young people, and we continue to call for the City to shift away from youth incarceration as a response to social, economic, and educational inequities.

During Tuesday's hearing, ACS testified to a collaboration with MOCJ, the Law Department, District Attorneys, and Probation that has led to the release of "over one-third" of youth in detention. However, as we detail in our testimony to follow, our tracking does not reflect a trend where the rate of discharges surpasses the rate of new admissions. There remains significant work to be done.

Tracking the Incarceration of Girls at Crossroads

OCFS has been posting daily Secure and Specialized Secure Detention bed capacity,¹ and we have been tracking the changing population of girls incarcerated at Crossroads over the past four weeks:



Early efforts to concurrently manage a pandemic and detention system led to the creation of medical isolation units at Horizon and the transfer of symptomatic youth from Crossroads. It has been established that spread is possible for people who are asymptomatic or presymptomatic, making this separation potentially more disruptive than it was effective. The oversight hearing did not address how it might be determined that young people in custody could safely report symptoms without fear, especially considering reporting leads to an upheaval and placement in medical isolation. **This pandemic has made it much more urgent to invest in and respond to public health crises with public health responses, rather than relying on criminalizing agencies to facilitate best practices.**

Further, the administration's testimony alleging access to "ample hand sanitizer, soap, gloves, PPE" only addressed staff working with symptomatic youth – neglecting to mention young people's access to supplies. Absent a testing or contact tracing strategy, we question the reporting offered by the administration that only a total of seven youth have tested positive, with five having recovered, and two youth recently diagnosed and in isolation at Horizon. Further, **there has been no public reporting of this information prior to this hearing testimony, and we call on the Council to mandate reporting and more information flow – potentially by incorporating ACS into Introduction 6183-2020.** We are worried for the young people in medical isolation at Horizon. We are surprised that over the past four weeks there have been zero girls incarcerated in Horizon according to OCFS statistics, raising the question of the actual gender breakdown of testing and positive tests.

At the time we began tracking the population of girls incarcerated, the Daily News reported 27 people had tested positive for COVID-19 at Crossroads, according to a representative from Local 371.² It is not clear how many people enter and exit Crossroads, but given 61 young people incarcerated at Crossroads on April 20th and 246 staff at Crossroads listed in the FY21 Executive Budget Supporting Schedules, 27 of 307 people implies Crossroads was operating at an infection rate of 11% – even without transparency around the availability of youth testing.

¹ See <https://ocfs.ny.gov/programs/youth/detention/census.php>

² Gartland, Michael. (2020, April 19). Worker and kids in Brooklyn juvenile detention center test positive for coronavirus at alarming rate. Retrieved from <https://www.nydailynews.com/coronavirus/ny-coronavirus-acs-outbreak-test-positive-20200419-a4ow2weqhiblplwqzynpd57w2y-story.html>.

We are extremely concerned about conflicting reports of mask distribution, quality of and youth engagement in remote learning – including access to electronic devices and live educators in lieu of packets – access to phones and tablets, and family video conferencing. ACS testified yesterday that they have not seen kids leaving as quickly during the pandemic as is typical, leading to a slowly increasing population – amplifying the existing dangers of exposure and confinement. **According to our tracking, the population of young people in detention has jumped from 67 to 79 between April 20 and May 20 – a jump of 18%.**

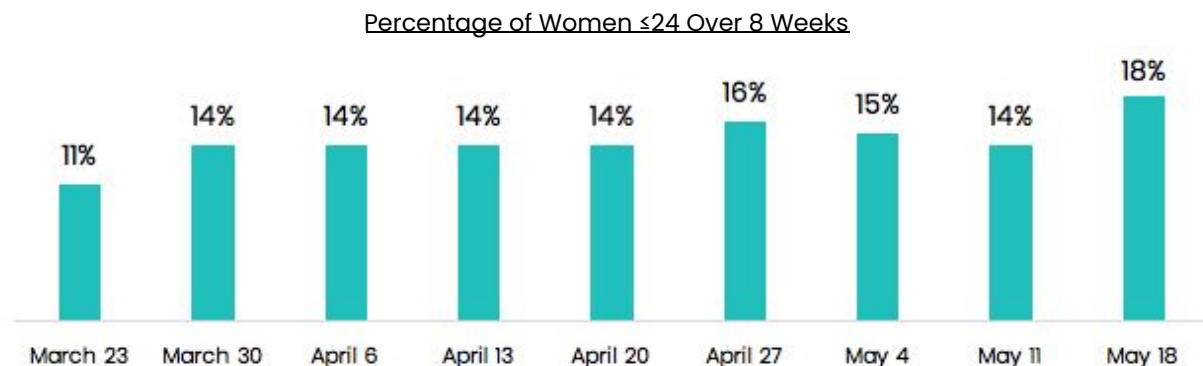
Budget Implications of Girls' Incarceration

Now that New York is facing sustained fiscal downturns because of the pandemic, the Council has another reason to reduce confinement of young people and provide better support for those who remain in their communities: the tremendous cost of youth incarceration. The most recent Mayor's Management Report prices average daily cost per youth per day in detention at \$1,651. At that price, **the total cost of incarcerating girls at Crossroads during the past 31 days adds up to \$262,509.**

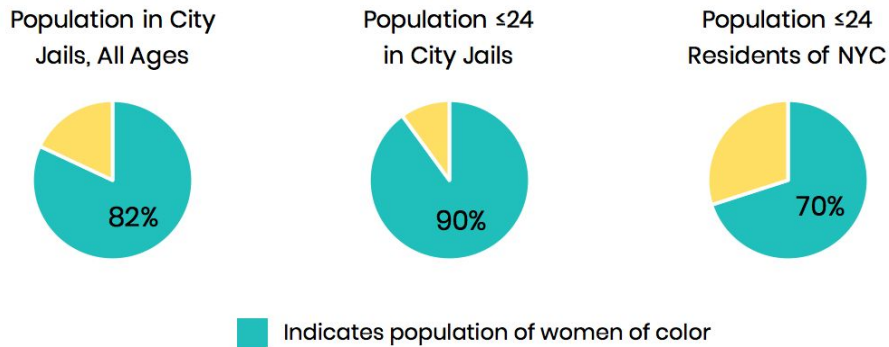
To slow the spread, jurisdictions are adopting policies to shrink correctional populations by accelerating releases and restricting admissions. **GGE was recently selected to deliver the city's first-ever gender-responsive diversion program for young women and girls in the juvenile justice system as an alternative to placement in juvenile detention, and/or otherwise referred by ACS.** GGE will partner with the Vera Institute and STEPS to End Family Violence to offer a new approach to services for girls referred by ACS as part of a three-year demonstration project – demonstrating to New York City and people across the country who care about women and girls in the justice system that a new model to serve girls who survive multiple traumas is attainable.

Tracking the Population of Young Women Incarcerated in City Jails

For the past eight weeks we have also been tracking the changing population of women incarcerated in the City's jail system. With the exception of a growth in population last week, the population has been declining. However, **with that declining population the percentage of women under the age of 24 and the percentage of women of color, has increased:**



The population of young people ages 24 and younger has decreased by only 9% while the overall population has decreased by 41% – indicating young women are being left behind. Further, compared to the general population of incarcerated women, the youngest women incarcerated are disproportionately women of color:



As young women of color are disproportionately represented in the population of incarcerated young women as compared to the residents of New York City, **the City is disproportionately placing young women of color at risk by neglecting to expedite their release from the jail system.**

Thank you again for the opportunity to submit testimony.

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