

Rachel Carrión

Testimony before the House Committee on Education and Labor  
Healthy Families and Communities Subcommittee  
Hearing on “Meeting the Challenges Faced by Girls in the Juvenile  
Justice System”

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Good afternoon. My name is Rachel Carrión and I am here today to talk about my experience with New York’s juvenile justice system. Thank you for this chance to tell my story.

My experience with the system started when I was 15 years old. I was arrested for the first time when I got into a fight with another girl and was charged with assault. When I was arrested, I was having a rough time in my life - my mother had just passed away and I was very depressed. In order to deal with my depression and loss, I began smoking marijuana to ease the pain I was feeling.

After my arrest, I was first sent to an alternative-to-detention (ATD) program run by Probation. In this program, I had to report every day to a center, which I did. However, I could not stop using drugs and the drug screenings the center did every week kept coming back positive. I needed help addressing my addiction, but instead of providing treatment, the ATD program sent me back to Family Court for violating the conditions of my release. The judge remanded me to a secure juvenile detention center in New York City where I was detained for six months while my court case proceeded. Eventually I was adjudicated a juvenile delinquent and sentenced to 12 months in a placement center in upstate New York, where I was supposed to get help in dealing with my substance abuse issues.

When I first arrived at the center, I was greeted not by treatment opportunities, but by a culture of violence among my peers and staff members. During my stay, I - like many other young girls in the juvenile justice system - had some horrible experiences, which have left me scarred for life. I saw fights between girls in the facilities, including girls in the facility jumping other girls and fistfights. Some of the fights were so bad that staff had to take girls to the Intensive Care Unit at the local hospital. Staff did nothing to prevent these fights or to help girls feel safe. Staff also regularly used excessive force to keep control in the center. Once, when I wanted to go outside, a staff person grabbed me by the hair and yanked me to the ground for trying to leave without permission.

Other staff would become too friendly with the girls and would even bring in cigarettes, drugs, and other contraband to give or sell to girl in the facility. Some male staff members took advantage of girls as well. After a few months on campus, a male staff member on campus who was in his 30s initiated a sexual relationship with me in exchange for bringing me drugs. In order to meet up, the staff member would arrange for me to leave the campus and pick me up in his car down the road from the facility. He would then transport me off campus to a local hotel. These activities were never documented and or questioned and although the staff member who I had the relationship with was eventually fired, it was only because he screened positive for drugs - not because he was sexually exploiting me.

Because of these experiences in the center, I continued to have a lot of behavioral problems that affected my rehabilitation. Although my family cared a great deal about me, the distance from my home in New York City and the upstate placement center kept them from visiting me, or being meaningfully involved in my reintegration plan. My addiction had never been treated and on my return home, my behavior began to spiral out of control. I started using heavier drugs and then began soliciting my body to support my growing drug habit. It got so bad that I left home and lived on the street, being sexually exploited by adult men

in exchange for money or drugs. Eventually I became pregnant with my daughter and I was arrested for prostitution.

Two days after giving birth to my daughter, with my family's help and support, I began my road to recovery by entering two private residential treatment programs: Teen Challenge and Odyssey House. Teen Challenge is a faith-based residential treatment program in Long Island that finally helped me to address my substance abuse issues. It was in Teen Challenge that I found my faith in God and the courage to start over in life. After beginning my treatment at Teen Challenge, I went to Odyssey House in the Bronx where I completed my treatment, obtained my GED, and received training to become a peer educator and a Home Health Aide. Being in a program close to my family let them visit me frequently, and they were very involved in my treatment. My brother and his wife took custody of my daughter and the Family Court allowed weekly supervised visits with my child with the goal of returning full custody to me if I completed my treatment. In this therapeutic community, I attended constant meetings and support groups, spoke to counselors and to my peers, and received positive feedback. This feedback helped me to learn to retrain my thinking so I know that I struggle with something that may never go away, but that can be maintained as long as I have support and am honest about how I'm feeling and continue to strive to complete my goals I have set for myself.

My experiences at the juvenile justice facility in and the treatment centers could not be more different. Not only did the juvenile justice system not address my underlying substance abuse issue and take me away from my family support system, but the experiences I had at the center actually made things much worse. It was when I came back to my community - close to my family and friends - that I had the support to make a positive change for myself.

By the grace of God, my hard work, and my family's dedication, I am now back on the right track. After completing the program, I got my

daughter back and I am now raising her with the help and support of my brother and his wife. I am interested in pursuing a career as a substance abuse counselor to help those who struggle with addiction, and have been accepted as a student at Bronx Community College, where I hope to begin classes in the fall. I am actively involved in the Promised Land Church in the South Bronx where I encourage and support other young women who have been through similar experiences. I also joined Community Connections for Youth, a grassroots non-profit organization that promotes and develops community-based alternatives to incarceration for youth. I serve as a member of the organization's Board of Directors, speaking out on issues faced by youth in the juvenile justice system and making sure the organization's programs meet the needs of the youth it serves.

This Committee is responsible for working on the Juvenile Justice and Delinquency Prevention Act (JJDP). Unfortunately, the current JJDP law does not have anything that protects youth in juvenile justice facilities from the conditions that I faced. I recommend that the Committee include language in the JJDP to make facilities safer for youth. I have attached recommendations on this issue from national juvenile justice organizations to my testimony.

In closing, I would like to encourage the Committee to make sure that no other girl has to go through what I did to get the treatment and help that they need. Thank you again for having me here today.



A CAMPAIGN OF THE JUVENILE JUSTICE & DELINQUENCY PREVENTION COALITION

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## **FACT SHEET: NEEDED JJDPA REFORMS TO PROTECT INCARCERATED YOUTH**

What are the current JJDPA provisions regarding protection of youth in juvenile detention and correctional facilities?

The JJDPA currently does not address abusive conditions and practices in juvenile facilities. Traditionally, states have been responsible for institutional conditions and practices.

How should the JJDPA be strengthened to protect youth in detention and correctional facilities?

New provisions should be added to the JJDPA that:

- Require states to **stop dangerous practices** such as hog-tying and pepper spray that create an unreasonable risk of physical injury, pain, or psychological harm, and require states to assure that JJDPA funds are not used for dangerous practices;
- **Establish incentive grants** for States to reduce or eliminate state-supported use of dangerous practices, unnecessary use of isolation and room time, and unreasonable use of restraints;
- Establish incentive grants for States to provide **evidence-based mental health, substance abuse and rehabilitative services** to youth in custody;
- Provide financial support for States to conduct necessary **training for facility staff** and to adopt best practices in programming, behavior management, and security;
- Establish **community advisory groups to monitor** all juvenile detention and correctional facilities and, where appropriate, seek to improve conditions in those facilities;
- Require the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to **collect data from the states and report to the public on uses of dangerous practices, isolation and room time** in the nation's juvenile detention, correctional and residential treatment facilities; and

- Make best practices available nationwide through **research, training and technical assistance** to improve dangerous conditions of confinement and reduce unnecessary use of isolation and room time.

### Why are these changes needed?

Reports of **widespread abuses in institutions** across the country demonstrate the importance of updating the Act to ensure the safety of children in custody.

- In California, authorities failed to provide adequate medical and mental health treatment, and facility staff regularly used pepper spray on youth.<sup>i</sup>
- In Indiana, staff sexually assaulted youth in one facility, and failed to protect youth from violence in several juvenile facilities.<sup>ii</sup>
- In Mississippi, staff in state facilities hog-tied youth, put them in shackles, and stripped youth and put them in dark rooms for 12 hours a day.<sup>iii</sup>
- In Ohio, girls in a state facility were sexually assaulted by male staff.<sup>iv</sup>
- In Texas, youth filed hundreds of complaints over physical and sexual abuse and repeated use of pepper spray by staff in juvenile facilities.<sup>v</sup>
- In Maryland and Tennessee, youth were restrained on the ground by staff using dangerous methods; three youth died at two facilities in such restraints.<sup>vi</sup>

Youth should be safe when taken into custody; they should not leave the juvenile justice system worse off than when they entered. National experts agree that the best way to keep youth safe in custody is through a combination of adequate staffing; engaging programming; effective behavior management focused on positive youth development; and a clear system for responding to crises that incorporates effective de-escalation techniques and uses safe methods of physical restraint only as a last resort.

The federal government, through OJJDP, has an opportunity to improve the safety of incarcerated youth by requiring states to examine their staffing, programming and crisis response strategies in juvenile justice facilities and eliminate dangerous practices. States need more technical assistance and training in order to replace dangerous practices with safer approaches, and national data collection will support these efforts. Incentive grants can encourage innovation and develop more models of effective, safe care for youth in custody.

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<sup>i</sup> Rothfeld, Michael, "Juvenile Prison System Needs Reform Lawyers Say," Los Angeles Times, Feb. 18, 2008, <http://www.latimes.com/news/local/la-me-youth18feb18.0.5845357.story>; Boyd, Ralph, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, April 9, 2003, [http://www.usdoj.gov/crt/split/documents/la\\_county\\_juvenile\\_findlet.pdf](http://www.usdoj.gov/crt/split/documents/la_county_juvenile_findlet.pdf).

<sup>ii</sup> Kim, Wan, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, Aug. 6, 2007, [http://www.usdoj.gov/crt/split/documents/marion\\_juve\\_ind\\_findlet\\_8-6-07.pdf](http://www.usdoj.gov/crt/split/documents/marion_juve_ind_findlet_8-6-07.pdf); "Justice Department Reaches Settlement Regarding Conditions at Two Indiana Juvenile Justice Facilities," U.S. Fed. News Service, Feb. 8, 2006, [http://www.usdoj.gov/opa/pr/2006/February/06\\_crt\\_066.html](http://www.usdoj.gov/opa/pr/2006/February/06_crt_066.html); Schlozman, Bradley, Investigative Findings Letter, U.S. Department of Justice, Civil Rights Division, Sept. 9, 2005, [http://www.usdoj.gov/crt/split/documents/split\\_indiana\\_plainfield\\_juv\\_findlet\\_9-9-05.pdf](http://www.usdoj.gov/crt/split/documents/split_indiana_plainfield_juv_findlet_9-9-05.pdf).

<sup>iii</sup> Nossiter, Adam, "Lawsuit Filed Over Treatment of Girls at State Reform School in Mississippi," New York Times, July 12, 2007, <http://www.nytimes.com/2007/07/12/us/12prison.html>; Associated Press, "Mississippi

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<sup>iv</sup> Associated Press, “Ohio Settles Suit Over Juvenile Jails,” April 4, 2008,

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<sup>v</sup> Swanson, Doug, “Officials Indicted in Abuse at TYC”, The Dallas Morning News, April 10, 2007,

<http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/041107dntextyc.be59c6b.html>;

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<http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/100307dntextyc.35bdf47.html>.

<sup>vi</sup> Garland, Greg and Linskey, Annie, Restraint Called Common at School Youths Describe Practices at Facility

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