



Testimony of

Natalie Fiorenza  
Rachel Sznajderman  
Corrections Specialists

New York County Defender Services

Before the  
Committee on Criminal Justice

Oversight Hearing on Reducing Violence Among Young Adults in City Jails

March 28, 2022

We are Natalie Fiorenza and Rachel Sznajderman, Corrections Specialists at New York County Defender Services (NYCDS), a public defense office that represents thousands of New Yorkers in criminal cases in Manhattan’s Criminal Court, Supreme Court, and Family Court every year. We submit this testimony to report that reducing violence *among* young adults in the City’s jails begins with reducing violence *against* young adults in the City’s jails. Thank you, Chair Rivera, for holding this hearing to shed light on the unchecked and senseless violence proliferating in the young adult facilities of Rikers Island.

## **1. Background**

As Corrections Specialists at NYCDS, we provide a direct channel of communication with and advocacy for our incarcerated clients. When these clients express concerns relating to their health or living conditions in the jails, we intervene and advocate on their behalf to address underlying issues and unmet needs.

NYCDS currently represents roughly three-hundred individuals detained at Rikers Island. Of those, twenty-one are young adults aged 18-22. These individuals routinely report chilling levels of violence in their facilities. In advance of this hearing, we interviewed many of these clients to hear their perspectives on the vast, shocking culture of violence that they are subject to on a daily

basis. We found that much of the violence experienced by our clients is directly linked to 1) the blatant disregard for legally-mandated [Minimum Standards](#), especially in the Transitional Restorative Unit, and 2) abuse and outright cruelty at the hands of correctional staff.

## 2. Violation of Policies and Procedures in the Transitional Restorative Unit (TRU)

The Transitional Restorative Unit (TRU) was established following the December 2014 decision to end solitary confinement for 16-17 year-olds and subsequent decision to eliminate the use of solitary confinement for detainees aged 18-21.<sup>1</sup> Its stated purpose is to house and provide services to young adults exhibiting behavioral issues, with the ultimate goal of rehabilitation.<sup>2</sup> However, in practice, this unit is widely used a tool to threaten and abuse our young adult clients, and essentially functions as solitary confinement for young detainees.

The Department of Correction’s (“DOC”) directive on TRU requires that “[t]he Department ... provide group and individualized support for young adults in TRU to decrease the risk of subsequent aggressive behavior and ensure each individual’s successful reintegration to GP.”<sup>3</sup> This “group and individualized support” must entail the assignment and engagement of “Support Teams”, which are composed of correctional staff and counselors.<sup>4</sup> DOC guidelines further require that those housed in TRU be permitted no less than 14 hours out of cell time, as well as “access to services delineated in the New York City Board of Correction Minimum Standards,” such as regular meals, showers, daily recreation time, religious services, educational services, mail, commissary and the law library.<sup>5</sup>

Our clients resoundingly report that these regulations and minimum standards are blatantly violated, and that they have never heard of anything resembling a “Support Team” while in TRU:

**D<sup>6</sup>:** “I’m in TRU (Transitional Restorative Unit). I never get breakfast, they only give us two meals every day. I’m not allowed to contact my family. For five days we were locked in, and I had no shower that whole time. I went days without a mattress, just sleeping on the floor. They try to make people suffer. For the past 2-3 months, there’s been no rec. We’re supposed to get rec every day and that’s not happening at all. I asked a guard if I could get rec and she looked at me and said, ‘I don’t even like you.’ We don’t have access to anything, we just stay in the same spot all day.

---

<sup>1</sup> Board of Correction, [NOTICE OF RULEMAKING CONCERNING RESTRICTIVE HOUSING IN CORRECTIONAL FACILITIES](#), March 5, 2021. Pg. 3.

<sup>2</sup> *Id.*

<sup>3</sup> The City of New York Dep’t of Correction Directive, Classification #4494R-A, Transitional Restorative Unit (TRU), eff. 1/22/21.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Full names have been omitted for the safety and anonymity of the clients who spoke with us.

I was put in TRU because I came down to my unit, and saw that a bunch of guards were spraying. As soon as I saw that I turned right back around because I didn't want to get sprayed. Then they chased after me, sprayed me, and I was sent to TRU. I have asthma and they just threw me in a cell, I never saw a doctor, I was left there for hours.”

**J:** “When I was in TRU, there was no commissary. Food would only come once a day.”

Many other young adult clients report clear violations of the DOC rules and regulations surrounding TRU. Our clients consistently complain of meals that are delivered sporadically and sometimes, not at all. Out of cell and recreation time are nonexistent. Our clients are frequently cut off from their critical support networks, including their own parents and their legal teams. They are not given advance notice of their transfers, and instead are often abruptly removed from their cells without warning and forced into new housing.

To be clear, the environment in TRU in no way facilitates “rehabilitation,” or works to prevent future instances of violence, as it proclaims. Rather, our many conversations with those subject to this housing unit reveal that TRU serves as a mechanism through which violence can be perpetuated by DOC staff against young adult detainees by stripping them of their human rights. Make no mistake, the abuse and extreme neglect experienced by our young clients *is* violence.

### 3. DOC Staff Abuse of Power and Violence Against Young Adults

Addressing violence *among* young adults requires a robust examination of the conditions that lead to violent situations in the first place. In examining the root causes, our clients unanimously point to the role of DOC guards in encouraging and even manufacturing violent encounters.

**J:** “The guards want to test us. They put us together to see if we fight. This happened to me. I got into an argument with a guard, so I was moved to another housing area. As soon as I got to the new unit, I was jumped by everyone in there. The guards told them to do it. My nose was bleeding, my mouth was busted, I had two black eyes, two bruises on my forehead. It took me a whole month to heal.”

**D:** “ESU<sup>7</sup> comes all the time. They do a search, take whatever they want to take, then leave. They took everything I have. Books, clothes, photographs. Sometimes the captains will put

---

<sup>7</sup> ESU stands for “Emergency Services Unit.” It was originally designed to act as an elite tactical team that could quickly be dispatched to defuse emergency situations within the jail facilities. NYC Dept. of Corr. Emergency Services Unit, <https://www1.nyc.gov/site/jointheboldest/overview/emergency-service-unit.page>. However, as noted in recent federal monitor reporting, ESU has devolved into an alarmingly undisciplined and excessively violent presence at Rikers Island. *See, e.g.* Steven J. Martin, et al., 11th Federal Monitor’s Report, May 11, 2021, p. 48, available at <http://tillidgroup.com/wp-content/uploads/2021/05/11th-Monitors-Report-05-11-21-As-Filed.pdf> (“ESU’s pattern of unnecessary and excessive uses of force stand in obvious violation of the Use of Force Directive and the requirements of the Consent Judgment and the Remedial Order. A concerning number of ESU Staff 39 have exhibited problematic

people who they know have issues together so they fight each other. They do this on purpose, all the time. I'm not gonna lie, I'm nervous all the time, I never know what they'll do."

**S:** "ESU comes like three or four times a month. They call us dumb, bums, say they'll f--- our moms, stuff like that. There are no cameras in the cells so they take advantage of that. I'll have my hands up and they'll say things like, "oh, you're gonna punch me?" make it sound like they're in danger for the audio on their body cam to hear, so they can attack and spray us unprompted. Then they take our property, step all over our legal work. They threw pictures of my family in the toilet.

The other day we had a new inmate in here straight from intake. They locked him in his cell when he got here, which is normal, but when the CO was doing his tours to check in on us, he didn't check in on him. You can't see through that cell door at all - there isn't even a food slot. I told him, 'hey you need to go check on him. He could be suicidal, he could be hungry, we have no idea, he's new,' and the CO's response was 'I don't care. If he die, he die.'"

To claim that the issue of violence stems from the inherent nature of the people being held against their will in one of the most notoriously inhumane jails in the world is not only misguided, but racist and ignorant. The clients we spoke to are not violent people. They are children forced to navigate an exceptionally corrupt and abusive system, and forced to endure daily degradations and violations of their basic human rights. In addition to the deplorable conditions in which they are forced to live, which naturally exacerbates feelings of anger and frustration, DOC staff goes out of their way to be unnecessarily cruel and antagonize our clients. No human being, let alone a child, should ever have to bear the abuse that our young adult clients experience on a daily basis at Rikers.

#### **4. Messages From NYCDS Clients to New York City Council**

---

behavior that should have either prevented their appointment to ESU in the first place or triggered their removal from the ESU Team ... ESU Teams do not appear to approach each situation with any type of tactical plan and often their approach simply leads to chaos and, subsequently, to serious security breaches (e.g., unsecured doors, failure to utilize cuffing ports, etc.) that create further disorder and often generate additional reasons to utilize force. ESU Teams are far too frequently hyper-confrontational and unprofessional. They almost always fail to first attempt de-escalation when they arrive on the scene and appear to presume force will be required no matter the circumstance. When force is employed, ESU Staff often utilize improper head-strikes, violent body slams and take downs, violent wall slams, painful and unsafe escort holds, unnecessary use of OC spray, and prohibited holds. Further, ESU Staff's default response is often exceedingly disproportionate to the level of threat, including the use of high impact strikes, OC grenades and/or batons. ... Moreover, ESU Staff are not transparent about their activities, as they all too often file incomplete or false reports and fail to properly utilize handheld cameras, especially during in-cell applications of force. Together, these aggressive tactics and the misapplication of the Department's Use of Force Directive produce an unacceptable number of unnecessary, excessive, and/or avoidable uses of force, many of which also result in serious injury. As a result, ESU's involvement has a cascading negative impact that only elevates the level of chaos and disruption in both the housing units and the Facilities, far beyond the incidents themselves.")

Upon being told about this hearing, several of our clients expressed a wish to convey messages to the City Council. Their statements are as follows:

**Q:** “We’re supposed to get mandatory rec, it’s being denied by guards. We’re not getting our packages. The phones get cut off randomly, with no explanation. They threaten to spray us all the time. Our rights are being denied with no explanation, this is going to cause people to be upset.”

**D:** “I just don’t like the fact that we’ve been violated, that we have no rights.”

**S:** “The only thing COs respect here is violence”

## 5. Conclusion

Nobody can deny that the level of violence and chaos in the young adult facility is an emergency, an absolute crisis that needs immediate intervention. However, what is also clear from the direct accounts of those living in RNDC is that the violence that does occur is manufactured and perpetuated by Department of Corrections staff.

First, it is common practice for correction officers to intentionally place people who have known poor relationships with each other in close proximity, and then failing to intervene when fights inevitable occur. We also hear widespread reports of DOC staff explicitly ordering detainees to physically assault someone who is causing them trouble. Furthermore, as widely documented by the federal monitor, the Department’s gross mismanagement, incompetence, and shocking unprofessionalism has created extremely unsafe conditions that precipitate violence and chaos.<sup>8</sup> Chief among the basic security practices which routinely go ignored is the failure to simply secure cell doors, allowing detainees to wander from one unit to another and creating an opportunity for known enemies to wind up in violent encounters. Finally, the Department of Correction promotes the violence that exists in RNDC through the systematic denial of basic services and human rights: the right to go outside, to eat, to shower, to get a haircut, the right to possess a spare pair of socks and underwear or a photograph of your family, the right to speak with your attorney, and the right to speak to your parents. All of these measures serve to agitate, traumatize and de-stabilize these vulnerable young people.

We thank the City Council for holding this hearing to investigate the unchecked violence among young adults at Rikers Island, and we urge this Committee to specifically scrutinize the role that the Department of Correction plays in perpetrating the unconscionable levels of abuse these vulnerable individuals experience.

---

<sup>8</sup> Steven J. Martin et al., Special Report of the Nunez Independent Monitor, March 16, 2022, p. 15., available at <https://storage.courtlistener.com/recap/gov.uscourts.nysd.383754/gov.uscourts.nysd.383754.438.0.pdf>.

For any questions about this testimony please email us at [nfiorenzo@nycds.org](mailto:nfiorenzo@nycds.org) and [rsznajderman@nycds.org](mailto:rsznajderman@nycds.org).

**New York County Defender Services**

100 William St, 20<sup>th</sup> Floor, New York, New York 10038 | t: 212.803.1500 | f: 212.571.6035 | [nycds.org](http://nycds.org)