

Children's Rights

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<https://www.childrensrights.org/despite-ban-new-york-youth-remain-in-solitary-confinement/>

Public Facing Advocacy Writing

By Diana Cruz, Intern for Robert F. Kennedy Human Rights

Photo by Richard Ross

This guest blog post originally appeared on the Robert F. Kennedy Human Rights [blog](#) and was written by Diana Cruz, an intern for Robert F. Kennedy Human Rights and a rising sophomore at Brown University.

On January 12, 2015, New York City Mayor Bill de Blasio made an [announcement](#) prohibiting solitary confinement for all those incarcerated 21 and younger at Rikers Island. As of this year, the city has yet to completely execute the ban's implementation. The Mayor of New York has broken a promise to our youth, deadening a bright future before it could see light.

Evading the Law

Last month the New York Times revealed that since 2015, according to data from the Department of Corrections, New York City has conspicuously [increased its transfer of incarcerated people](#) to jails outside the city where the solitary ban is not legally binding. This dubious practice is effectively circumventing the city's ban and allowing for the solitary confinement of youth incarcerated in New York City, including teenagers. Correctional officers have cited a need to preserve the safety of both those incarcerated and guards as grounds for these transfers. Most of the people transferred are relocated on account of assaulting a prison guard. The Department of Corrections claims transfers to be the best method of protecting those who are currently incarcerated from vengeful acts.

The Nature of County Jails

Youths transferred out of New York City tell a different story. Steven Espinal, 19, was moved to Albany County Correctional after, according to prosecutors, led an attack that ended in the grave injury of a Rikers guard. Upon his arrival at Albany, Espinal was beaten so severely by guards that he lost hearing in his left ear and passed blood in his urine. While the guards stomped and kicked Espinal, they shouted, "This ain't New York City. We do what we want." Mr. Espinal was then sentenced to 20 months (600 days) in solitary confinement following his release from the hospital.

In response to multiple claims of abuse from other young men recently transferred to Albany, Sheriff Craig D. Apple Sr., flatly denied these claims as frivolous attempts to return to city jails; "My staff has not done anything to these people whatsoever. Despite the sheriff's perfunctory dismissal of wrongdoing, youths transferred from the city continue to cite abuse, including beatings from correctional officers and prolonged solitary confinement for minor infractions. These acts of abuse are often accompanied by the taunt 'This is for Rikers.'"

A Greater Loss

For young men who are incarcerated or awaiting a trial date, the transfer to Albany County Correctional not only impacts their mental health and physical safety, but also infringes on their right to due process. Youth held pretrial have missed many court dates due to the two-and-a-half hour drive between New York City and Albany. They are often transported late or forgotten by prison staff, elongating their cases and increasing the pressure to forgo the trial process and accept [plea deals, an unconstitutional practice](#) that disproportionately impacts low-income, communities of color.

Action by Robert F. Kennedy Human Rights

Through a strategic implementation of legal advocacy, public campaigns, and system disruption, Robert F. Kennedy Human Rights strives to uphold its [humanitarian commitment](#) to fight for justice in our criminal legal system.

On July 26, 2017, Robert F. Kennedy Human Rights [posted \\$100,000 bail](#) for 17-year-old Pedro Hernandez. Hernandez spent a year caged on Rikers Island awaiting trial for a crime he did not commit, despite multiple witnesses and the victim declaring Pedro's innocence. No one should disappear into a jail as notorious as Rikers Island simply because they can't afford bail, said Kerry Kennedy, President of Robert F. Kennedy Human Rights. The clear injustice of Pedro Hernandez's situation breaks my heart, as it should the hearts of all New Yorkers who desire an effective justice system.

In addition to Hernandez's release, Robert F. Kennedy Human Rights has supported the [#CLOSERikers](#) campaign, partnered with local charitable bail funds on the [#ClassroomNotCages](#) campaign, and mobilized volunteers to join the Dollar Bail Brigade, aimed at engaging the community in criminal justice reform, granting individuals held in pretrial detention their freedom, and shutting down the notoriously violent Rikers Island jail.

Join Us

Solitary confinement of youth is inhumane, and can even rise to the level of torture according to the [United Nations Committee Against Torture](#). Its cruel nature results in [mentally deteriorated](#) individuals who display [higher rates of violent aggression, self-mutilation, and suicide](#). It is an [ineffective](#) and [expensive](#) operation, costing the state [two to three times](#) more than conventional facilities and delivering [higher recidivism rates](#) than those demonstrated by people kept in the general prison population.

Solitary confinement is the manifestation of the persecution of people of color by the criminal legal system; it is an inhumane practice that should not be tolerated in New York City.

Our prison industrial complex is a notoriously change-resistant institution, but New York City made a promise in 2015. The youth of the city are relying not only on this promise, but a complete restructuring of our carceral state. They are relying on fellow New Yorkers to call for the abolition of solitary confinement and imperative criminal justice reform. They are relying on you, [join us](#).

A Box by Diana Cruz

There is a box, an empty void that swallows all who enter, young, old, meek, strong. An endless void.

There is a boy in a box, whose small frame shakes in fear of the darkness of this hole that seems to envelop him, seems to become him.

There is a young man in a box a makeshift den warmed by his frustrations, lit by his anger, who feels everything, his own wretched pain coupled by the wails of despair of his neighbors.

There is a man in a box, who feels nothing, anymore nothing but the weariness in his bones, as the cracks come undone

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