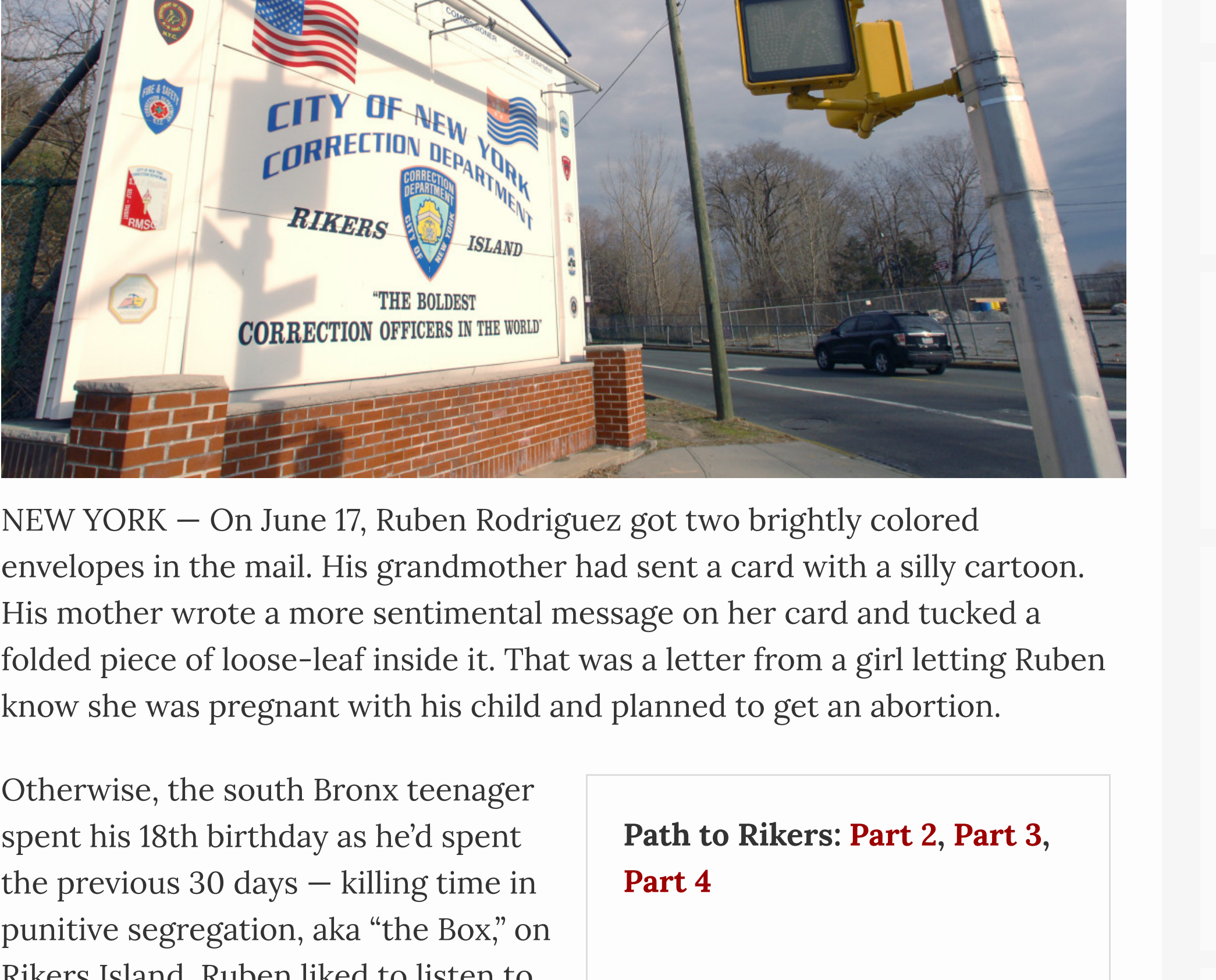


One Kid's Love for the Streets Leads to New York's Penal Colony

By Theresa Fisher | November 7, 2014



NEW YORK — On June 17, Ruben Rodriguez got two brightly colored envelopes in the mail. His grandmother had sent a card with a silly cartoon. His mother wrote a more sentimental message on her card and tucked a folded piece of loose-leaf inside it. That was a letter from a girl letting Ruben know she was pregnant with his child and planned to get an abortion.

Otherwise, the south Bronx teenager spent his 18th birthday as he'd spent the previous 30 days — killing time in punitive segregation, aka "the Box," on Rikers Island. Ruben liked to listen to his portable radio, but correction officers, known as COs, had confiscated his only AA batteries. The Department of Correction refused to comment for this story.

So he passed the hours doing what he could. He wrote letters. He dropped to the concrete floor and did push-ups to get strong. He paced around his 7-by-12-foot cell. Occasionally, he would yell back and forth to other inmates locked in solitude.

And, he thought about his childhood.

On his 14th birthday, Ruben's mother took him to Macy's to buy polo shirts before cooking him a big fried chicken dinner. Despite spending his next three birthdays in assorted programs for juvenile offenders, Ruben never imagined at 14 he would begin adulthood alone in a jail cell.

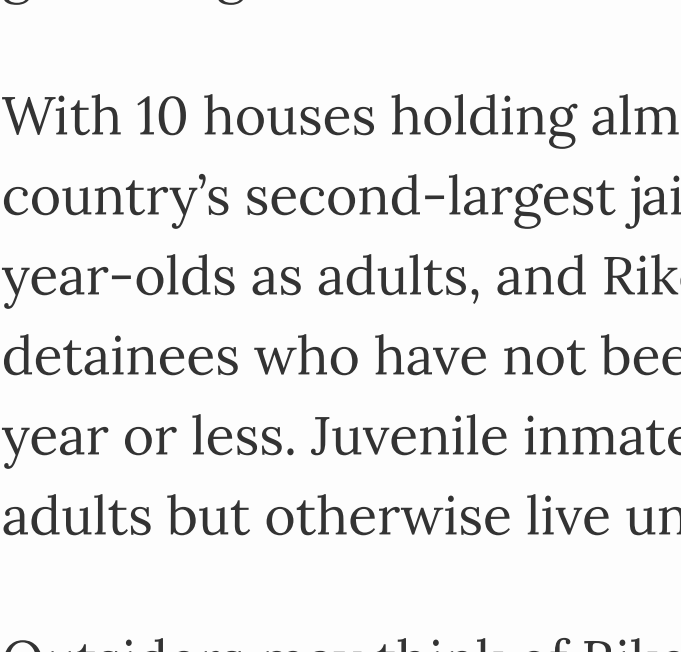


Photo from Facebook, taken in 2009.

As of October, Ruben has spent all but two weeks of 2014 on Rikers Island, bouncing between communal general population units, known inside as GP, and punitive segregation in both juvenile and adult facilities.

Ruben is one of two teenagers accused of fatally assaulting 28-year-old Luis Melendez with wooden poles, according to the criminal complaint. Melendez was found bleeding with injuries to his head, face and torso, records show. He was taken to the hospital, where he was pronounced dead.

Bronx district attorneys charged Ruben with murder in the second degree plus two lesser charges.

Rikers Island, New York City's own penal colony, sits in the middle of the East River between the Bronx and Queens. On clear August days, the river forms a glistening buffer around the 400-acre, labyrinthine.

With 10 houses holding almost 12,000 incarcerated New Yorkers, Rikers is the country's second-largest jail. New York is one of only two states to try 16-year-olds as adults, and Rikers houses hundreds of teen inmates, both pretrial detainees who have not been convicted and inmates serving sentences of one year or less. Juvenile inmates on Rikers Island do not share a house with adults but otherwise live under the same policies and conditions.

Outsiders may think of Rikers Island as an anarchic den of violence in desperate need of reform, especially after the August report from the Department of Justice charging sweeping civil rights violations. But to teens like Ruben, "the Island" is a structured extension of the gang-ruled streets familiar from childhood.

Ruben's story is an illustration of the need for policy changes that could bring about a more rehabilitative and humane approach on Rikers Island. But it also underlies the reality the criminal justice system faces when confronted with a young person who at times shows little interest in rehabilitation.

In August, on the heels of mounting scrutiny over inmate abuse at Rikers, the Justice Department issued a damning 80-page report based on a two-year civil rights investigation. The report described teen inmates as victims of a "deep-seated culture of violence."

COs, federal investigators found, used excessive and unnecessary force as a primary means of punishment, even in response to minor provocations. Physical abuse took place in areas of the jail without surveillance cameras and left teen inmates with serious injuries including broken jaws and lacerated scalps.

The report called Rikers correction staff "a broken organizational culture within the facilities that is largely defined by anti-inmate attitudes and a powerful code of silence."

The report also condemned over-reliance on punitive segregation, specifically for teenagers. Studies have shown that adults can suffer lasting psychological and neurological damage from a few days of solitary confinement. Teenagers, who are still in a vital phase of brain development, are even more susceptible to long-term harm, experts say. Rikers' teen population, according to the federal investigation, already has a disproportionately high rate of mental illness.

The overall treatment of adolescents at Rikers, the Justice Department concluded, amounts to a violation of constitutional rights protected by the Eighth Amendment and due process clause of the 14th Amendment.

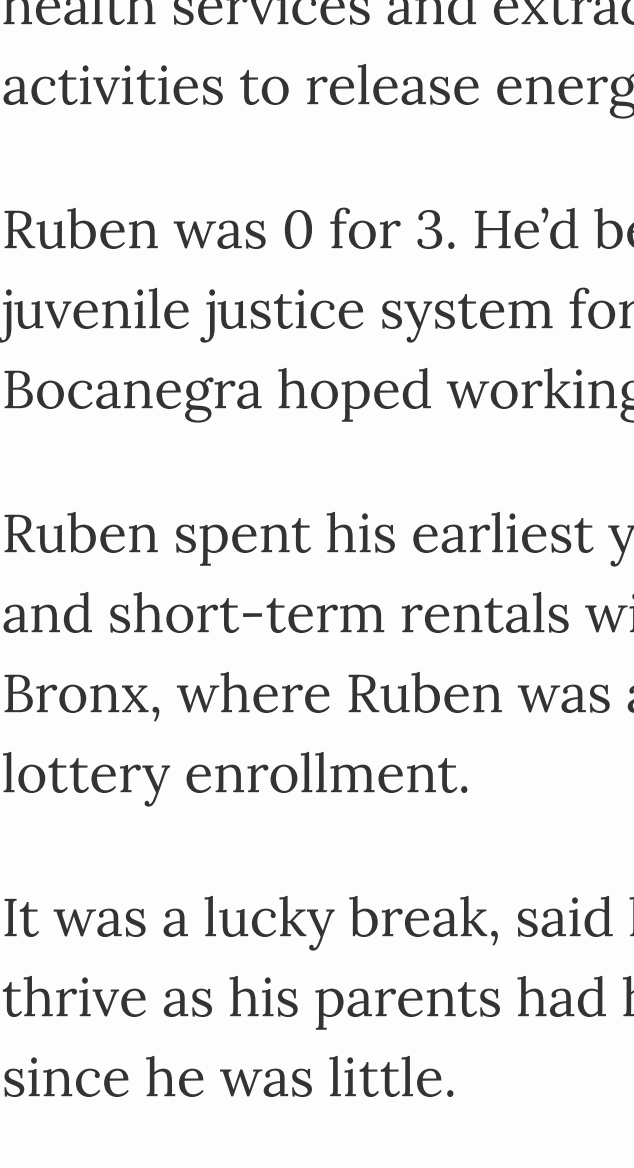


Photo from Facebook.

To Ruben, it's just part of making it on "the Island." In the eight months he's spent there, he has only grown more accustomed to life on Rikers. He's come to see savagery as commonplace — something to endure as a rite of passage.

Since he is waiting to stand trial for homicide, he will likely stay on Rikers for the better part of another year, if not longer.

Officials from the City of New York Department of Correction (DOC) and other city government officials pledged renewed commitment to improving conditions at Rikers in the wake of the report.

Most notably, DOC Commissioner Joseph Ponte publicly pledged to end all punitive segregation for 16- and 17-year-old inmates by 2015. It will be replaced by "alternative options, intermediate consequences for misbehavior and steps designed to pre-empt incidents from occurring," Ponte said in a memo to Mayor Bill de Blasio that was obtained by The New York Times.

Since he is now an adult inmate, Ruben won't get this minimal protection.

To many juvenile justice advocates, eliminating solitary confinement is a matter of ethical decency but does not change Rikers Island enough to make it an acceptable place for youths to live. Some advocates want to relocate Rikers adolescent inmates while others want to shut down the jail altogether.

Falling in Love with the Streets

In the fall of 2011, Ruben, then 15, and his mother Rosalina Sanchez went to see Jeannette Bocanegra of Community Connections for Youth (CCFY), a nonprofit devoted to community-based alternatives to youth incarceration.

Bocanegra, whose son went through the criminal justice system, is the group's family and community organizer. She has identified three kinds of support every youth in the group needs in addition to a loving family: a strong school system, mental health services and extracurricular activities to release energy.

Ruben was 0 for 3. He'd been in the juvenile justice system for three years. Bocanegra hoped working with CCFY could be a turning point for Ruben.

Ruben spent his earliest years in Harlem, bouncing between family shelters and short-term rentals with his parents. The family moved to the south Bronx, where Ruben was able to attend a Catholic elementary school through lottery enrollment.

It was a lucky break, said his father, Ruben Rodriguez Sr., but Ruben didn't thrive as his parents had hoped. Ruben says he has felt uncontrollable anger since he was little.

By third grade, Ruben's teachers were calling home several times a week. In fifth grade, shortly after his parents split up, Ruben was expelled from school for general misbehavior, his father says. His parents tried to temper Ruben's spiraling rebellion, but he had fallen in love with the streets. He looked up to the older boys who roamed the Grand Concourse in warring brotherhoods, with smooth metal handguns weighing down their designer denim.

The allure of gang membership easily won Ruben over. At age 12, he joined the Crips. He was also part of WTG, short for "We the Greatest."

Most WTGs, like Ruben, also joined a heavyweight gang like the Bloods, Crips or Latin Kings. Gang pride and gun worship went hand in hand. Ruben shot his first gun at age 11. And, while he wouldn't own his own .44 caliber handgun until he was 17, he often toted a loaner.

Ruben also incurred his first arrest, for fighting, at age 12. Getting handcuffed didn't rattle him. The threat of leaving the Bronx to live upstate — lockup — didn't even occur to him. Ruben was just a starry-eyed tween who held Bob Marley and 17-year-old gang members in equal esteem.

Over the next few years, Ruben racked up demerits and sunk further into the system. He got kicked out of an alternative school for carrying a screwdriver and ran away from a residential program located outside the city. A Bronx social services agency then referred Ruben's parents to CCFY.

When Bocanegra met Ruben, she thought, "Just a little boy," and hugged him. With no time for breakfast, she poured him a bowl of cereal and set out cheese and crackers. Then they started chatting about everything except what he'd done wrong. After a little while, Ruben opened up.

"He was a polite kid. Sweet. Needy," said Bocanegra, recalling their meeting. "I knew he needed to get help in his community."

Bocanegra and the CCFY youth specialists would provide two services for Ruben. First, he'd get a mentor, probably a 20-something guy who'd been through the system and turned his life around. Additionally, he would enroll Ruben in activities.

Though there are a number of programs for New York's kids who have been in trouble with the law, too many are in the financial district or midtown Manhattan, Bocanegra says. She believes that youth, particularly criminal justice-involved youth, benefit most from social services located in their communities. Traveling 40 minutes to a corporate tower for group therapy can turn off kids from a starkly different part of the city.

Ruben was supposed to return to CCFY for a follow-up appointment but it never happened. He got in trouble for stealing a cellphone within days of his visit and was removed from the program. After temporary placement in a group home, Ruben left for another alternative school outside the city.

Bocanegra said she would have been happy to keep working with him — CCFY doesn't turn away youths who want to be there. In her mind, Ruben missed out on exactly what he needed.

In total, Ruben was enrolled in about seven different programs for juvenile offenders after his expulsion from middle school and first arrest. Neither Ruben nor his father can remember the exact number. What is clear is that Ruben never went to a "normal" high school. No cheesy homecoming rallies or varsity tryouts. No school plays or career days. No class trips or proms.

Instead he hopped from institution to institution, learning to survive.

His time at the Finger Lakes Residential Treatment Center, a higher-security juvenile facility six hours away, was a perfect example of this. Fingerlakes offered skills training, therapeutic services and academic classes, but it was still another version of streets. Ruben says now. Same people, same posturing, same power plays.

In the fall of 2013, after 18 months away, Ruben came home from Finger Lakes to get back on the streets. He had no interest in a fresh start. At 17, he was aging out of juvenile detention.

His next stop would be Rikers Island.

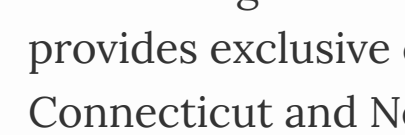
Making It Through Winter

In November 2013 he got arrested for gun possession and spent four months on Rikers Island. He served about three-quarters of his sentence in the Box — solitary confinement.

Ruben seemed to adhere to his probation terms since getting out of jail in late March. But after two weeks, he was on his way to the 44th precinct.

Police suspected him of assaulting Melendez. After keeping him overnight, he was sent back to Rikers Island.

NOTE TO READERS: I conducted all interviews with Ruben Rodriguez on Rikers Island, where security rules prohibited taking notes of any kind.



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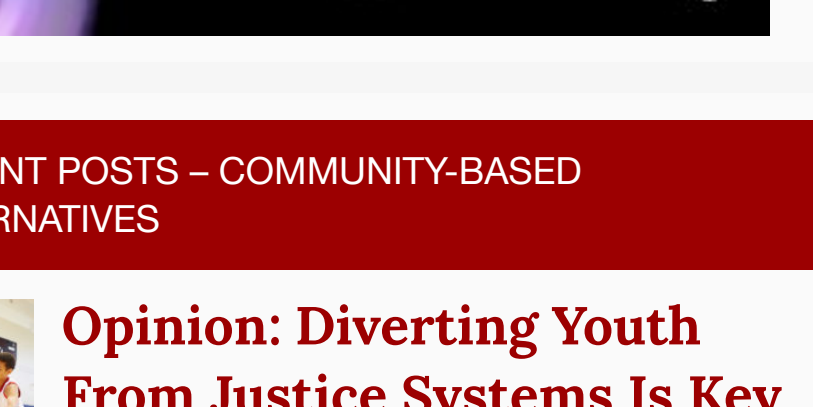
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