



PROTECTING KIDS. PROVIDING HOPE.

July 9, 2019

Stanley Richards, Vice-Chair
NYC Board of Correction
One Centre Street, Room 2213
New York, NY 10007

Re: Limited Six (6) Month Variance Renewal Requests for BOC Minimum Standard §1-16(c)(1)(ii), Use of Enhanced Supervision Housing (ESH) for Young Adults (18 to 21 years old), and BOC Minimum Standard §1-02(c)(1), Regarding Co-Mingling Young Adults (19-21 years old) with Adults (22 years old and older).

Dear Mr. Richards and Board Members:

Since 1995, Children's Rights has been a national advocate for youth in state systems. We are also a member of the Department of Correction's Adolescent and Young Adult Advisory Board and the New York Jails Action Coalition. Our experience with adolescents and young adults in foster care and juvenile justice systems often brings us in contact with young adult and youth corrections policy, as our clients are disproportionately represented in young adult and juvenile correction facilities. We are concerned about the welfare of young adults and youth at Rikers.

We refer the Board to our previous testimony at the Board's October 9 and November 13, 2018, hearings, as well as the Board's February 11, 2019 hearing.

Minimum Standard §1-16(c)(1)(ii): Use of Enhanced Supervision Housing (ESH) for Young Adults (18 to 21 years old)

Since the ESH variance was first approved on October 11, 2016, the Board has extended the variance for 18 to 21-year olds six times. ESH was introduced by the Department in response to the phasing out of punitive segregation, but placement in ESH is harmful and inappropriate for young adults. The social science and neurological research that guides best practices for working with older youth shows that young people under age 25 need both developmentally appropriate services and connections with community.¹ When young adults are placed in ESH, they have few opportunities to build or grow lasting relationships with family and caring adults. Instead, these youth are isolated from beneficial contacts, especially the few existing normalizing activities available in detention.

¹ See December 19, 2014 Public Comment submitted by Children's Rights.

Additionally, the variance fails to address many of the concerns raised in the Board's July 2017 report, "An Assessment of Enhanced Supervision Housing for Young Adults," such as the use of restraint desks in ESH, adolescent and young adult visitation restrictions, access to mental health services, and more. It is especially alarming that the Department insists on continuing to use restraint desks in ESH.

We therefore urge the Board to deny this variance request. We instead request that the Board set a deadline for the discontinuance of the use of restraint desks and a deadline for the discontinuance of the use of ESH for any young adults at Rikers.

Minimum Standard §1-02(c)(1): Regarding Co-Mingling Young Adults (19-21 years old) with Adults (22 years old and older)

We urge the Board to deny this variance request. Instead, we ask the Board to require the Department to set a firm timeline for ending co-mingling and provide access for all young adults to young adult housing, programming, and services. The practice of co-mingling produces no evidence that it reduces violence. As Children's Rights has previously testified regarding this variance, there are more effective and lasting methods to reduce violence, including an increase in services and age-appropriate programming, as well as continued better training for officers.² By placing young adults in co-mingled housing units, they are effectively cut off from regular access to important programs and services. This could stunt the progress of those young adults housed with adults 22 years old and older.

In order to justify this practice, we urge the Board to require the Department to provide research that determines co-mingling young adults with older adults causes a reduction in violence and increases safety. We also urge the Board to ask why the Department can ensure the safety of 18-year olds housed separately, but relies on co-mingling 19 to 21-year olds to ensure their safety.

Moreover, this variance request is worrisome in light of the Young Adult Plan Update's lack of specific uniform processes regarding admission to Rikers. The Department only states that it "aspires" to house all young adults with their peers. Pages 1, 7. It not only fails to present detailed plans to do so, but it appears that co-mingling housing occurs in many adult facilities. Furthermore, the Department states that it:

"will make appropriate effort to house young adult male inmates ages 19-21 in young adult only housing unless after a case-by-case determination it is determine that a young adult inmate has engaged in violent or assaultive behavior towards staff or other individuals in custody, or engaged in actions that threaten the safety and security of the facility, and would be more safely housed in comingled housing." Page 1.

² See October 7, 2018 testimony submitted by Children's Rights.

However, it is unclear how these “case-by-case determinations” are made. We believe that these vital housing decisions must be based on established protocols or evidence-based policy, rather than the individual discretion of intake staff.

In addition, there remains no set benchmark for the percentage of young adults that the Department will keep in young adult only housing. The Board’s July 2018 [variance](#) required that the Department create a plan to house “substantially all young adults (18-21) in young adult housing, consistent with Minimum Standard 1-02(c).” Yet, the Department conceded in the Update that “substantially all” means only “no less than 50%.” Page 1. One third of young adults at Rikers remain in co-mingled housing areas and there remains no discernible plan to either relocate them or create more young adult-only housing. Page 2.

We urge the Board to deny these both of these variance requests until more specific solutions to the above-mentioned issues are implemented.

Sincerely,



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