



PROTECTING KIDS. PROVIDING HOPE.

May 13, 2019

Derrick D. Cephas, Chair
NYC Board of Correction
51 Chambers Street, Room 923
New York, NY 10007

Re: Six (6) Month Limited Variance Renewal Request – Secure Unit – to BOC Minimum Standards §1-05(b) Lock-in and §1-08(f) Access to Courts and Legal Services

Dear Mr. Cephas 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 and Horizon.

The New York City Department of Correction ("the Department") seeks to renew two six (6) month limited variances related to each of BOC Minimum Standards §1-05(b), "Lock-in" and §1-08(f), "Access to Courts and Legal Services." These variances would restrict young adults to ten hours a day of out-of-cell time and to the continued provision of legal services and materials on the Secure Unit. We are writing to request that the Board of Correction (the "Board") deny these variance requests. Instead, we urge the Board to require the Department to comply with existing minimum standards.

These Secure Unit variances for 18- to 21-year olds have been extended by the Board six times since November 2016. But social science and neurological research that guide best practices for working with older youth in foster care show that up to the age of 25, young people need developmentally appropriate services and connections with community.¹ Young adults placed on the Secure Unit are cut off from the few existing normalizing activities available in detention, including access to the physical law library, school, and programming such as that available at RNDC.

We remain concerned that young adults are spending too much time in their cells on the Secure Unit. As you know, with some exceptions, "No prisoner shall be required to remain confined to his or her cell" for more than eight to ten hours in a day. But young adults on the Secure Unit can spend 14 hours in

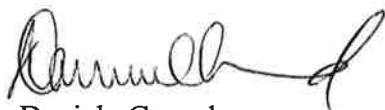
¹ See December 19, 2014 Public Comment submitted by Children's Rights

their cells. This is too long for adults, and certainly too long for young adults. In addition, by not allowing the young adults on the Secure Unit to leave the unit to go to the law library, to school, and to participate in programming, the Department confines them to the unit itself even when they are on lock-out. We note that the Secure Unit Compliance Audit – March 2019 shows that of young adults housed on the Secure Unit in Phase III, many were out of their cells for longer than the ten hours requested by the Department. Granting this variance request would be a step backwards for these young adults, and for the Department.

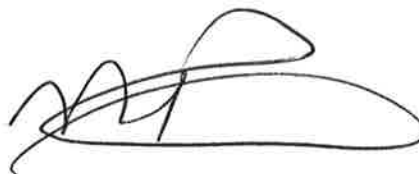
Just as punitive segregation is harmful and inappropriate for young adults, placement on the Secure Unit is also harmful and inappropriate for young adults. At least when they are there, they should be on lock-out for the full 14 hours.

We appreciate your consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniele Gerard', with a stylized flourish at the end.

Daniele Gerard
Staff Attorney

A handwritten signature in black ink, appearing to read 'Meghan Kacsmar', with a large, looping flourish.

Meghan Kacsmar
Paralegal