



PROTECTING KIDS. PROVIDING HOPE.

January 12, 2022

New York City Board of Correction
One Centre Street
New York, NY 10007

Re: Board of Correction Meeting January 11, 2021

Dear Acting Chair Sherman 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 New York City Jails Action Coalition and the reconstituted Young Adult Task Force. Our experience with adolescents and young adults in foster care and juvenile justice systems often brings us into contact with young adult and youth corrections policy, as our clients are disproportionately represented in young adult and juvenile correction facilities. We advocate for young adults incarcerated on Rikers Island.

Yesterday's shocking testimony before the Board regarding the current hunger strike on the Island, as noted in Point No. 3 below, should make it crystal clear that the Department is incapable of running the Island under anything approaching humane principles. Please take clear and forceful action immediately to bring Rikers into compliance with all Minimum Standards.

Specifically:

1. The December 2021 *Nunez* report notes that conditions on Rikers have "substantially worsened" since 2015.¹ It describes the Department's frequent use of force as "a foregone conclusion to address any issue" without consideration for other interventions.² The report points out that younger people are highly susceptible to the stressors of confinement and exhibit challenging behaviors while in custody.³ Staff who supervise young adults must therefore have specific skills to effectively prevent violence and other types of disorder.⁴ We and other advocates have requested this kind of training for years, well before and during both the pandemic and correction officers' irresponsible and unconscionable no-shows that continue with impunity.

¹ Twelfth Report of the *Nunez* Independent Monitor (Dec. 6, 2021) at 8.

² *Id* at 20.

³ *Id* at 22.

⁴ *Id*.

- a. The report points out that the rates of use of force not only for 18-year-olds, but also for all young adults, increased significantly from already extreme levels. Rates were at or near all-time highs.⁵ The report also notes that young adults face “a dearth of programming and an excess of idle time, which contributes to the frustration, chaos, disorder and violence at the facility.”⁶ Congregate programming, as noted below, must be an integral part of every young adult’s day.
 - b. Children’s Rights is alarmed by recent reports in the press regarding the treatment of solitary confinement as a laughing matter. The rhetoric that incarcerated individuals should “enjoy . . . the reprieve” from transferring out of P-SEG because of plans to restore solitary confinement is appalling. We are particularly concerned about how this change in policy will affect young adults held in ESH and Secure.
 - i. We emphasize that every incarcerated person, especially young adults, should always have 14 hours lock-out time. Any less is inhumane, and does not lessen the violence rampant on the Island—the very problem that solitary confinement, under any name, supposedly addresses. Interaction with other human beings, including regular congregate programming, is essential to avoid adverse mental health effects for a population that already suffers high rates of mental illness. We need only remind you of the tragedy of Kalief Browder. We urge the Board to determine exactly what Department policy will be going forward and to end any form of solitary confinement for young adults.
2. We fear the newly reconstituted Young Adult Task Force will not survive the current transition in city government. We remind the Board that the Task Force provides invaluable information and insight into programming, education, services, and re-entry for young adults. We implore you to require the Department to maintain this task force.
 3. The Department should have reported on the hunger strike involving a reported 200 incarcerated persons as soon as it began. We don’t know which is worse—that the Department knew about the hunger strike and kept it from the Board, or only found out about it yesterday based on Christopher Boyle’s testimony. We call on you to get to the bottom of this and address the strike and the humanitarian crisis on Rikers immediately.

New York City spends hundreds of thousands of dollars per inmate per year.⁷ Surely incarcerated persons, especially young adults (not to mention the taxpayers), deserve that such funding be spent both humanely and effectively. The solutions to all the problems raised at yesterday’s Board meeting are obvious and achievable. It is long past time for a complete, thorough, and effective overhaul of the carceral system in New York City. We call on you to use your oversight authority to begin this overhaul today.

Sincerely,



Daniele Gerard
Senior Staff Attorney



Tobin Kassa
Paralegal

⁵ *Id* at 123-4.

⁶ *Id* at 127.

⁷ <https://www.bloomberg.com/news/articles/2021-03-10/nyc-spent-half-a-million-dollars-per-inmate-in-2020-report-says>