



February 28, 2024

Dwayne C. Sampson, Chair
Jasmine Georges-Villa, Executive Director
New York City Board of Correction
One Centre Street
New York, NY 10007
VIA EMAIL

Re: BOC Minimum Standard § 1-06 Recreation and April 6, 2023 North Infirmary Command Fire

Dear Chair Sampson, Executive Director Georges-Villa, 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. 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 on behalf of young adults, 18- to 21-years old, incarcerated on Rikers Island.

Recreation: Minimum Standard § 1-06

As the Department of Correction is well aware, recreation is critical for the physical, mental, and emotional well-being of all people, including incarcerated persons. The Department's minimum standards codify this importance, recognizing that out-of-cell recreation is "essential to good health" and "contributes to reducing tensions within a facility," thus requiring every incarcerated person to have access to at least one full hour of outdoor recreation with "direct access to sunlight and air" seven days per week, weather permitting.¹

The importance of meaningful recreation time is not only emphasized by the Department, but also prioritized by both the American Bar Association and the United Nations Standard Minimum Rules for the Treatment of Prisoners. These Minimum Rules provide that "[e]very prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits."² The Rules are based on an abundance of academic and medical research documenting a strong, positive association between moderate or vigorous exercise and mental or physical well-being, and conversely, the strong association between inactivity and poor mental or physical health.³

While access to recreation is important for all incarcerated persons, it is absolutely critical for young adults. Social science and neurological research that guide best practices for working with older youth show that adolescent development does not end at age 18. Young people continue to mature well into

¹ BOC Minimum Standard § 1-06(a) and (c) Recreation

² https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

³ 2015 Board of Corrections Report: Barriers to Recreation at Rikers Island's Central Punitive Segregation Unit

their mid-twenties, making them uniquely vulnerable.⁴ A key part of young adults' maturation process is access to recreation, specifically outdoor recreation, which studies show can improve a wide range of critical functions such as social and cognitive development, physical activity, and vision.⁵ Young adults desperately need access to this resource for the months and sometimes years they spend on Rikers. Furthermore, as with programming and education, recreation is also critical to reducing violence and use of force on the Island. It would go a long way toward addressing the concerns Department staff testified about today.

As we heard at today's Board of Correction meeting, incarcerated persons are being denied access to recreation for as long as a year. This is, once again, a staffing issue caused by COBA itself and a lack of coordination by Department management that Board Member Franco emphasized.

April 2023 NIC fire

We call on the Department to address the numerous failures that led to the fire at the North Infirmery Command (NIC) on April 6, 2023. It is unfathomable that NIC staff shut off the sprinkler system water supply to the NIC housing area and, on top of this, that the Department does not know how long the water was shut off prior to April 6, 2023. This failure, coupled with many others, led to detrimental consequences for every person incarcerated at NIC.

The consequences of smoke inhalation are multi-fold, ranging from damage to the respiratory tract to worsening heart and lung conditions.⁶ This has been well-known for decades – there is no justification for failing to allow individuals to exit their cells for over 25 minutes while fire and smoke spread. Has the Department not learned the lessons of the Triangle Shirtwaist Factory fire?

On behalf of young adults and all those incarcerated on Rikers, we urge the Board to hold the Department accountable to address these failures on Rikers.

We urge you once again to join us in advocating to close Rikers by August 2027 in accordance with the law. The matters before you today serve to underscore that the Island is irredeemable. As the oversight body responsible for city jails, please make it possible for every incarcerated person on Rikers to have access to recreation. Please make it impossible for human beings to be locked in cells while fire and smoke billow around them.

Respectfully,



Daniele Gerard
Senior Staff Attorney

⁴ Schiraldi, Western, and Bradner "Community-Based Responses to Justice-Involved Adults" (Sept. 2015) <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>.

⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9859594/>

⁶ <https://www.healthline.com/health/smoke-inhalation#symptoms>