



PROTECTING KIDS. PROVIDING HOPE.

January 7, 2019

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

Re: Continuing Variance Request from Minimum Standard §1-04(b)(2) "Single Occupancy" Wet Cells for Raise the Age Specialized Secure Detention Facilities and Specialized Juvenile Detention Facilities; Limited Six (6) Month Variance Renewal Request from Minimum Standard §1-08(f) Regarding Access to Law Libraries at the Specialized Juvenile Detention Facility/Horizon Juvenile Center (HJC); Limited Six (6) Month Variance Renewal Request from Minimum Standard §3-06(e)(5), "Treatment," Including Nursery Program, at the Specialized Juvenile Detention Facilities (SJD)/Horizon Juvenile Center (HJC); Limited Six (6) Month Variance Renewal Request from Minimum Standard §1-11(a), Regarding Correspondence at the Specialized Juvenile Detention Facility/Horizon Juvenile Center (HJC); Limited One Month (1) Month Variance Renewal Request to Board of Correction Minimum Standard §1-02(c)(1) Regarding Co-mingling Young Adults (19-21 years old) with Adults (22 years old and older)

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 corrections policy, as our clients are disproportionately represented in young adult correction facilities. We are concerned about the welfare of young adults at Rikers and Horizon.

Minimum Standard §1-04(b)(2); Minimum Standard §1-08(f); and Minimum Standard §3-06(e)(5)

We would like to note that all three of these requested variances seem to be based on inadequacies of the physical design and space limitations of Horizon itself; it is not clear what the Department of Correction (the "Department") is considering for long-term solutions, which we view as critical to meeting the Department's obligations to youth at Horizon.

Regarding the requested variance from Minimum Standard §1-04(b)(2), the Department's October and November dry cell audit reports note several deficiencies, including (1) lack of information provided to staff and residents regarding procedures, (2) logbooks (a) missing required entries, (a) containing incomplete entries, or (c) missing altogether, and (3) access to bathroom or drinking water exceeding the

five-minute limit. Children's Rights is concerned about the use of dry cells at all, and the dignity of residents' having to ask to use the bathroom, particularly in the case of female residents.

Regarding the requested variance from Minimum Standard §1-08(f), which Children's Rights has testified about previously regarding access to a law library at Rikers, the Department's November audit showed there was no way to tell "if the requirement that youth be provided with access to Lexis/Nexis research capacity via tablets was met"; nor could other audits be properly conducted. This is very troubling. We would like to request that the Board of Correction (the "Board") require the Department to specify its plans to provide an actual law library for residents of Horizon.

Regarding the requested variance from Minimum Standard §3-06(e)(5), we echo the concerns raised by the Board at the July 2018 meeting. Even if it is "very improbable that a pregnant youth would give birth during her short stay" at Horizon, the Department should be prepared for this eventuality and provide nursery program services there.

For all three of these requested variances, the proposed corrective actions seem designed as temporary fixes, and do not fully address the underlying inadequacies of the Horizon facility itself.

Regarding the requested variance from Minimum Standard §1-11(a), the Department does not provide any criteria pursuant to which prohibitions on correspondence would be based, nor the rationale for such prohibitions. Children's Rights believes there needs to be much greater clarity around this issue to the extent it is beneficial to Horizon residents at all. Otherwise, it seems that the restrictions could very well end up being overbroad and punitive.

Regarding the requested variance from Minimum Standard §1-02(c)(1), we are happy to learn that "young adult-involved assaults on staff with major injuries are down 35 percent and young adult-involved assaults on staff with minor injuries are down by 48 percent" over the past three years, that officers are receiving training, and about other commendable steps the Department has taken. But we are leery that reductions in violence are due to co-mingling. As we have testified regarding this variance in the past, Children's Rights believes that there are more effective, long-term methods to reduce violence, including more age-appropriate programming, more services, and continued better training for officers.

We look forward to a productive discussion in February regarding the Department's progress on full implementation of the Young Adult Plan, including housing inmates ages 19- through 21-years old "separately and apart from inmates over the age of 21."

Sincerely,



Daniele Gerard  
Staff Attorney



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Paralegal