



PROTECTING KIDS. PROVIDING HOPE.

October 9, 2020

Jennifer Jones Austin, Chair
Margaret Egan, Executive Director
New York City Board of Correction
One Centre Street
New York, NY 10007

Re: Restrictive Housing Rulemaking and Solitary Confinement

Dear Chair Jones Austin, Board Members, and Ms. Egan:

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 are concerned about the welfare of young adults and youth at Rikers and Horizon.

The Board of Correction email regarding the October 13 meeting stated that the "Board will not vote on new restrictive housing rules at the October public meeting. The Board has committed to publishing the rules for public review at least ten days prior to a vote and plans to schedule a vote for a future public meeting." We thank you again for committing to providing this notice to the public and advocates. But we are troubled about the delay, and what it may mean for young adults and solitary confinement. We believe that the proposed rules should require the Department of Correction to abolish certain practices immediately. In addition, we remain concerned about the future of the Young Adult Plan.

1. *Solitary confinement*

This is torture. Proposed Rule § 6-07 should be amended to abolish solitary confinement outright. As a member of the New York City Jails Action Coalition, Children's Rights supports the Coalition and #HALTsolitary campaign's [*Blueprint for Ending Solitary Confinement in NYC Jails*](#) to end this barbaric practice.

2. The use of restraint desks

In the 2019 draft of the rules, pursuant to Proposed Rule § 6-36(e), shackling young adults to desks will be permitted until March 2022. There is no reason to wait that long to end this cruel and inhumane practice; it should no longer be permitted in Enhanced Supervision Housing, in the Secure Unit, or anywhere else.¹

3. Other forms of restrictive housing

The Department of Correction’s continued reliance on Young Adult Enhanced Supervision Housing (“ESH”) and the Secure Unit presents a serious problem. ESH was introduced by the Department in response to the phasing out of punitive segregation, but placement in ESH and the Secure Unit 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.² When young adults are placed in ESH and the Secure Unit, they are isolated from beneficial contacts, especially the few existing normalizing activities available in detention. The same thing is true for separation status housing.

It does not appear that either the Board or the Department has a current plan for allocating resources for management, officers, training, programming, and schools for addressing the needs of incarcerated young adults. In addition, there does not seem to be a comprehensive plan in the works for this vulnerable population after Rikers closes.

Children’s Rights remains deeply troubled about the lack of a plan, and calls on the Board and the Department to develop one that truly and immediately addresses the needs of incarcerated young adults—including abolishing ESH, the Secure Unit, and separation status housing.

Sincerely,



Daniele Gerard
Staff Attorney



Tobin Kassa
Paralegal

¹ See, e.g., Children’s Rights testimony before the Board dated November 12, 2018 and July 9, 2019.

² See Dec. 19, 2014 Public Comment submitted by Children’s Rights —*Older Youth Development: Insights from Child Welfare and Implications for New York City Department of Correction Policy and Practice*.