



May 25, 2016

Martha King, Executive Director  
Chair Stanley Brezenoff  
Board Members  
New York City Board of Correction  
1 Centre Street  
New York, NY 10007

**RE: Secure Unit and Request for Variance to Extend Punitive Segregation**

Dear Ms. King, Chair Brezenoff, and Members of the Board,

I write with regard to the Department of Corrections' May 24, 2016 Variance Request and proposal to establish a "Secure Unit" to house 18-21 year olds. Brooklyn Defender Services supports an end to Punitive Segregation for this cohort and all people in New York City jails, and we were eager to usher in this change 6 months ago at the initial deadline, January 1, 2016. We are saddened by the repeated and interminable delays that leave our young clients subjected to torturous conditions in city jails.

The Department's May 24, 2016 Variance Request describes their effort to establish a new Secure Unit that they claim is necessary to end punitive segregation, and the challenges they have faced in that effort. The Variance Request raises a number of important concerns we hope the Board will consider before permitting any additional delay in abolishing solitary confinement for young people.

The Department notes that there are presently 32 young adults in punitive segregation, and that only 12 of those would be eligible for placement in the Secure Unit. This fact raises some questions about the delay in ending punitive segregation as well as the Department's plans to construct a large number of Secure Units. Per the Department's Variance Request, they believe **20 of the 32 young adults in Punitive Segregation could be safely managed in SCHU or TRU**. If this is the case, why are these individuals still in Punitive Segregation? In light of the well-established harm young people experience as a result of solitary confinement – which the Department itself has acknowledged – **these individuals should be immediately transferred to less restrictive settings as a condition of granting any Variance**. Every day spent languishing in a cell for 23 or 24 hours feels like an eternity to the young people in solitary confinement. We must spare them this torture.

In light of the small number of people the Department has identified who they believe require placement in a restrictive setting, the Board should **apply a condition on any Variance adopted that guarantees additional out of cell time for the young people who could remain**

**in punitive segregation. This out of cell time should include congregate recreation and day room time, access to program counselors and activities consistent with the therapeutic goals proposed for the Secure Unit.**

The details included in Department's Variance Request raise concerns about the role of the unit within the young adult plan. The Department describes that already more than 40 young adults have been safely transitioned to less restrictive settings and that the majority of the remaining 32 are anticipated to transition safely as well. Because the Department feels only 12 people currently require Secure Unit placement, why is there a plan underway to build four housing units at GRVC and additional units at OBCC? Constructing excess capacity in this restrictive setting may suggest that people who have so far been safely housed in less restrictive settings will be transferred to the Secure Unit. **If any Variance is granted, the Board should establish as a condition that no young person may be transferred to the Secure Unit without *present* and *ongoing* acts of violence. Their past behavior should not be utilized to justify placement in the Secure Unit if they are safely managed in a less restrictive setting.** As a principle, young people should be housed in the least restrictive setting possible at all times.

Although the Variance Request has now been circulated, the Draft Directive related to the Secure Unit has not. **The Department and the Board should circulate the Draft Directive for comment by experts and interested parties.** It is possible that many of the concerns we have raised previously and in this letter will be resolved after reviewing a Directive. Absent a better understanding of the operations and admission process to the unit, we are left to offer speculative concerns based on the limited information we have and ask the Board to place conditions on the Variance as a stop-gap.

Thank you for your consideration of these comments; we look forward to working with the Board and Department to swiftly bring about the long-awaited end to solitary confinement for young people in New York City.

Sincerely,

*Riley Doyle Evans*  
Jail Services Coordinator