



## **New York City Jails Action Coalition**

c/o Urban Justice Center  
40 Rector Street, 9<sup>th</sup> floor  
New York, NY 10006

May 9, 2016

### **BY E-MAIL**

Stanley Brezenoff, Chair  
Members of the Board  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

### **Re: DOC Variance Request dated April 27, 2016**

Dear Members of the Board of Correction:

The Board should not vote at its May 10 meeting on the Department of Correction (DOC) request for a variance from Minimum Standards § 1-05(b) and § 1-08(f) to establish Secure Units for young adults. The Legal Aid Society's May 5, 2016 letter describes in detail the inadequacies of the DOC request. We echo those concerns.

We are particularly troubled that the Board would consider increasing the amount of lock-in time for 18 to 21 year olds without adequate notice to interested parties and without sufficient factual justification.

#### **Inadequate Notice**

The Board well knows that there is significant public interest in this topic, yet it failed to circulate the variance request to interested parties in advance of the May 10 meeting. We have repeatedly called for transparency in the Board's functioning and the opportunity for the public to comment before the Board takes action. We urge you to delay any vote on the variance request until after adequate notice of the request has been provided. We also ask that the Board resume its practice of circulating variance requests and other information to interested stakeholders in advance of Board meetings.

#### **Inadequate Justification for Increasing Lock-in Time**

Any increase in lock-in time should be carefully scrutinized and rejected if not supported by substantial evidence of the need for limiting out-of-cell time. The DOC request fails to explain why its three-tiered approach requires that young adults in Secure Units be afforded reduced time out of cell. The DOC claims that the three levels of response provide "progressively more structured and more therapeutic housing types." But the DOC completely ignores the fact that a unit that provides less than the required 14 hours lockout time is in fact punitive – not

therapeutic. The Board must not countenance the creation of a unit that allows for *indefinite* punishment of young adults.

We believe that the DOC needs to reconsider the design of the Secure Units with input from the Board of Correction and the Adolescent and Young Adult Advisory Board. To the extent that a unit with reduced lockout time is deemed absolutely necessary, the DOC should ensure that adequate due process protections are provided, that time restrictions on placement in the unit are established, and that the operation of the unit is evaluated and reported on regularly with a goal of phasing out the unit once an alternative can be devised.

Thank you for considering our concerns.

Sincerely,

NYC Jails Action Coalition

cc: Martha King, Executive Director