



New York City Jails Action Coalition

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

January 13, 2017

BY E-MAIL

NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Dear Members of the Board of Correction:

We are outraged that the Department of Correction (DOC) is flouting the Minimum Standards and engaging in gamesmanship with the Board's procedures. At the Board meeting on Tuesday, January 10, 2017, the DOC chose to withdraw its variance request regarding the placement of young adults in Enhanced Supervision Housing (ESH). The variance was on the agenda for discussion and a vote, but the DOC preempted any discussion or action at the meeting by withdrawing its requested variance. Yet, late Wednesday, January 11, 2017, the DOC submitted an emergency variance request on the exact issue, knowing that the Board is not scheduled to meet for another month. The DOC has preempted the Board's process of careful consideration and removed the process from public eyes and the opportunity for public comment.

This action to circumvent Board scrutiny and avoid transparency must not be tolerated. The current situation is not an emergency and could have been addressed at the meeting but for the DOC's decision to withdraw the matter. The DOC email alleging an emergency includes **no facts** that are new and were not known on Tuesday. The Board must not go along with the fiction of an "emergency" situation as the Department has failed to explain how it was that they did not require this variance on Tuesday but did on Wednesday.

The practice of placing young adults in ESH, where they are isolated for 17 to 24 hours a day and during release are shackled in restraint desks, poses a great risk to the health and well-being of these young adults. The Board must not ignore the fact that due to developmental and neurological differences between adults and young adults, 16 to 21 year olds were excluded from ESH entirely in January 2015, when the Board adopted rules regarding these units. With the addition of restraint desks, the ESH is now operated in an even more punitive and psychologically and physically harmful fashion. The Board has never approved the use of restraint desks for young adults and should not allow the Department to continue this torturous practice.

We ask that the Board issue a notice of violation, and if the DOC fails to remove all young adults from ESH, take legal action to enforce its rules.

Sincerely,

NYC Jails Action Coalition