



PROTECTING KIDS. PROVIDING HOPE.

October 7, 2018

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

Re: Limited Six (6) Month Variance Renewal Request to BOC Minimum Standards Regarding Co-Mingling Young Adults (19- to 21-years old) with Adults (22 years old and older): Section 1-02

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

BOC Minimum Standards §1-02(c)(1) requires that young adults aged 18 through 21 be housed separately and apart from inmates over the age of 21. The New York City Department of Correction ("the Department") seeks a six month limited variance renewal from BOC Minimum Standards §1-02(c)(1), last granted on July 10, 2018, which allowed the Department to co-mingle young adults ages 19- to 21-years old with adults 22 years old and older.<sup>1</sup>

We urge the Board of Correction ("the Board") to deny this variance request. We are opposed to the co-mingling of 19- to 21-year olds with adults older than 21. We ask that the Board instead require the Department to provide access to young adult housing, programming, and services for all young adults. We also ask that the Board require the Department to report on the progress of ensuring that age-specific programming, including education, continue to be offered regularly to every young adult housed at Rikers.

At the July 10, 2018 BOC meeting, the Department reported that only 43% of eligible males and 96% of eligible females were in young adult housing units. The Department has since reported that, as of

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<sup>1</sup> Based on variances granted by the Board of Correction on September 8, 2015, December 16, 2015, January 12, 2016, July 12, 2016, January 10, 2017, July 11, 2017, January 9, 2018, and July 10, 2018 extending the October 15, 2015 deadline for the housing of young adults ages 19 to 21 separately and apart from inmates over the age of 21.

October 1, 2018, only 52% of eligible males and 90% of eligible females were living in young adult housing units.<sup>2</sup> These percentages deny young adults access to age-specific housing, programming, and services.

It is widely acknowledged that development continues through early adulthood, and providing age-specific programming ensures that this development continues.<sup>3</sup> As we have testified in the past, this developmental period is also a time of greater risk, when a youth's environment can have substantial influence on decision-making. Research has shown that the window of opportunity to impact youth development and promote resilience closes in the mid-twenties. It is critical that adults working with older youth address their need for family supports, education and training opportunities, employment, opportunities to contribute to a community, adequate health and mental health supports, and supportive relationships with others.<sup>4</sup>

By restricting young adults to co-mingled housing units, the Department is effectively cutting off young adults' regular access to key programs and services. This could stunt the progress of young adults housed with adults 22 years and older.

The Department's current stance that complying with provisions of the Minimum Standards "would undermine the benefits and positive trends in violence reduction"<sup>5</sup> directly contradicts its earlier plan "to house the majority of young adults in one facility following transfer of sixteen and seventeen year olds to Horizons as part of Raise the Age (RTA)."<sup>6</sup> As of Monday, October 1, all 16- and 17-year olds had been transferred to the Horizon Juvenile Center.

We would like to take this opportunity to point out that there are safer and more effective opportunities not only for young adults to be exposed to specific and positive adult influences, but also to contribute to violence reduction. We would be happy to meet with Department officials and other advocates to discuss best practices in this area. Young adults have unique needs; they should be in unique housing to address these needs.

At the George Mochan Detention Center (GMDC), young adults were in fact provided with age-specific programming and services to promote their continued development and successful re-entry into their communities.

Unfortunately, as you know, GMDC has been closed, after undergoing a multi-million dollar renovation. The 18-year olds housed there have been transferred to the dilapidated Robert N. Davoren Center (RNDC). We understand that GMDC has the capacity to hold all young adults from 18- to 21-years old, and has the capacity to provide the requisite programming and services to these young adults.

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<sup>2</sup> October 3, 2018 Department Variance Renewal Request.

<sup>3</sup> Schiraldi, Western, and Bradner "Community-Based Responses to Justice-Involved Adults" (Sept. 2015) <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>.

<sup>4</sup> December 18, 2014, Older Youth Development: Insights from Child Welfare and Implications for New York City Department of Correction Policy and Practice Public Comment submitted by Children's Rights to the Board of Correction.

<sup>5</sup> October 3, 2018 Department Variance Renewal Request.

<sup>6</sup> June 28, 2018 Department Variance Renewal Request.

We respectfully request the Board to address the following questions:

- Why was GMDC closed if it provided adequate space and opportunity for programs and services for all young adults?
- How does the Department plan to provide services to young adults who are co-mingled with adults 22 years and older? We are concerned that young adults who are co-mingled with adults 22 years and older are not able to access services and programming.<sup>7</sup>
- What are the Department's plans to enhance staffing ratios for young adults?

Finally, we would like to take this opportunity to note our dismay at the violence that recently occurred at the Horizon Juvenile Center. We hope that in the Department's update on Raise the Age currently on the agenda for the October 9th meeting, Department officials detail how they plan to ensure that there is no recurrence, what steps they are taking to make sure inmates and staff are safe, and what steps are being taken to ensure that sufficient numbers of youth development specialists will soon be employed at the facility. The Department needs to ensure that appropriate programming and staff are available to manage this unique population. That is required at Horizon for 16- to 17-year olds, and at Rikers for 18- to 21-year olds.

We appreciate your consideration of these concerns.

Sincerely,

Daniele Gerard  
Staff Attorney  
Children's Rights

Meghan Kacsmar  
Paralegal  
Children's Rights

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<sup>7</sup> See Rosa Goldehnsohn, Politico, "With Rikers closure still years off, de Blasio backs away from young adult reforms" (Sept. 2018), <https://www.politico.com/states/new-york/albany/story/2018/09/05/with-rikers-closure-still-years-off-de-blasio-backs-away-from-young-adult-reforms-594152>.