



PROTECTING KIDS. PROVIDING HOPE.

June 10, 2019

Stanley Richards, Vice-Chair  
NYC Board of Correction  
One Centre Street, Room 2213  
New York, NY 10007

Re: Limited Six (6) Month Variance Request from Minimum Standard §1-04(b)(2), “Overcrowding,” Including Single Occupancy Wet Cells at the Specialized Juvenile Detention Facilities (SJD)/Horizon Juvenile Center (HJC); Renewal of Continuing Variance Request from Minimum Standard §1-08(f), “Law Libraries” for Specialized Juvenile Detention Facility/Horizon Juvenile Center (HJC); Renewal of Continuing Variance Request from Minimum Standard §1-11, “Correspondence” for Specialized Juvenile Detention Facility/Horizon Juvenile Center (HJC); and Renewal of Continuing Variance Request from Minimum Standard §3-06(e)(5), “Nursery Program” Specialized Juvenile Detention Facilities(SJD)/Horizon Juvenile Center (HJC)

Dear Mr. Richards 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 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 New York City Department of Correction (“the Department”) seeks to renew four six-month limited variances related to each of the following BOC Minimum Standards: §1-04(b)(2) “Overcrowding”; §1-08(f) “Law Libraries”; §1-11 “Correspondence”; and §3-06(e)(5) “Nursery Program.” We are writing to request that the Board of Corrections (the “Board”) deny these variance requests. Instead, we urge the Board to require the Department to comply with existing minimum standards.

Minimum Standard §1-04(b)(2); Minimum Standard §1-08(f); and Minimum Standard §3-06(e)(5)

We would like to note that all three of the requested variances from these Minimum Standards are based on inadequacies of the physical design and space limitations of Horizon itself. It is not clear what the Department is considering for long-term solutions, which we view as critical to meeting the Department's obligations to youth at Horizon.

Regarding the requested variance from Minimum Standard §1-04(b)(2), the Department's March and April dry cell audit reports note several deficiencies, including (1) red lights (which the residents use to indicate that they need to use the bathroom) not working for several weeks in two rooms, (2) outdated information provided to staff and residents regarding procedures, (3) logbooks (a) missing required entries or (b) containing incomplete entries, (3) access to bathroom or drinking water exceeding the five-minute limit, and (4) a lack of recorded information about confined residents' access to bathrooms and/or drinking water. Children's Rights is concerned about the use of dry cells at all, and the dignity of residents having to ask to use the bathroom, particularly in the case of female residents.

Regarding the requested variance from Minimum Standard §1-08(f), we are pleased to note that according to the February and March audits, tablets were generally available to residents, an improvement from the November 2018 audit. Nonetheless, we would like to request that the Board require the Department to specify its plans to provide an actual law library for residents of Horizon.

Regarding the requested variance from Minimum Standard §3-06(e)(5), we again echo the concerns raised by the Board at the July 2018 meeting. Regardless of whether it is "very improbable that a pregnant youth would give birth during her short stay" at Horizon, the Department should be prepared for this eventuality and provide nursery program services there.

For all three of these requested variances, the proposed corrective actions seem designed as temporary fixes, and do not fully address the underlying inadequacies of the Horizon facility itself.

Regarding the requested variance from Minimum Standard §1-11, the Department does not provide sufficiently specific criteria pursuant to which prohibitions on certain correspondents would be based, nor the rationale for such prohibitions. Children's Rights believes there needs to be much greater clarity around this issue to the extent that it is beneficial to Horizon residents at all. Otherwise, the restrictions could very well end up being overbroad and punitive.

Sincerely,



Daniele Gerard  
Staff Attorney