



PROTECTING KIDS. PROVIDING HOPE.

October 21, 2019

Jacqueline Sherman, Interim Chair  
Michelle Ovesey, Acting Executive Director  
New York City Board of Correction  
One Centre Street  
New York, NY 10007

Re: Limited Variance Request from BOC Minimum Standards §§ 1-03(c-d, i) (Personal Hygiene); §1-04(b)(2-3) (Single Occupancy, including storage and desk space); §1-05(a-c) (Lock-In); §1-06 (Recreation); 107(c) (Religion); §1-08(f)(4) (Law Library Access); §1-08(g)(2-4) (Legal Documents and Supplies Access); §1-09 (c-d, f) (Visiting); §1-11(c-d) (Correspondence); §1-12(d) (Incoming Packages); §1-13(a-c) (Publications); and §1-14(a-b) (Access to Media)

Dear Interim Chair Sherman, Board Members, and Ms. Ovesey:

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 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 in the custody of the Department of Correction.

Given Children's Rights' prior testimony to the Board,<sup>1</sup> we ask that the Board implement comprehensive rules for restrictive housing, instead of granting the Department's repeated requests for variances from minimum standards. This rulemaking should incorporate the Young Adult Plan, which recognizes that young adults are inherently different from adults, and much more like 16- to 18-year olds.

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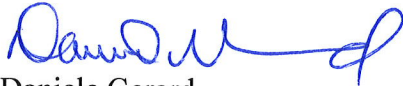
<sup>1</sup> See, e.g., Oct. 9, 2018 Testimony submitted by Children's Rights; Nov. 13, 2018 Testimony submitted by Children's Rights; Feb. 11, 2019 Testimony submitted by Children's Rights; July 9, 2019 Testimony submitted by Children's Rights.

At its October 22 meeting, the Board will vote on several variance requests regarding a recently implemented form of punitive segregation, "separation status housing." The variance request does not include any mention of young adults, due process provisions, or specific timeframes regarding how long an incarcerated person can be held in "separation status housing."

Children's Rights is particularly concerned regarding the treatment of young adults in "separation status housing." As our senior policy analyst Elissa Glucksman Hyne explained in last week's Jails Action Coalition meeting with Interim Chair Sherman, brain research shows that placing young adults in restrictive housing can cause significant neurological damage at this important developmental stage.<sup>2</sup> We also know that young adults placed in restrictive housing have issues accessing education and daily programming. They lack interactions with peers and other adults in their lives, which also causes them harm.

Children's Rights urges the Board to deny the Department's variance request. Instead, we urge the Board to vote to publish the full draft comprehensive restrictive housing rules for public comment. We urge the Board to expand reform efforts to fully realize the goals of the Young Adult Plan.

Sincerely,



Daniele Gerard  
Staff Attorney

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<sup>2</sup> See also Dec. 19, 2014 Public Comment submitted by Children's Rights.