



Incarcerated Nation Network - 1204 Tinton avenue Bronx New York 10456

February, 2021

**BY EMAIL**

Jennifer Jones Austin, Chair  
Members of the Board  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

**Re: Department of Correction Emergency Variance Declarations**

Dear Chair Jones Austin and Members of the Board:

We the members of the Incarcerated Nation Network,inc urge the Board to issue a Notice of Violation in response to the Department of Correction continuing to hold young adults in Enhanced Supervision Housing (ESH) in contravention of Minimum Standard § 1-16(c)(1)(ii).

In blatant disregard for the Board's rules and authority to grant variances from those rules, the Department continues to subject young adults to the harmful conditions of ESH. At the February 9, 2021 Board meeting, the Board refused to extend beyond February 21, 2021, the ESH variance, which had been granted repeatedly since July 12, 2016. Instead of preparing to transition young adults out of ESH and into other settings after the Board meeting, the Department persisted in its use of ESH with even more young adults being held in ESH on each day since the variance lapsed.<sup>1</sup> Issuing emergency variance declarations on February 22, 23, 24, and 25, the Department flouted the requirements of Minimum Standard § 1-15(b)(3), which permits the Department to declare an emergency variance for a period of less than 24 hours when an emergency.

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<sup>1</sup> According to the Department's emergency variance declaration dated February 22, 3 young adults were in ESH level 1 and 15 in ESH level 2. The February 23, 2021 declaration states that 6 young adults were in ESH level 1 and 16 in ESH level 2. The February 24, 2021 declaration states that 6 young adults were in ESH level 1 and 20 in ESH level 2. The February 25, 2021 declaration states that 10 young adults were in ESH level 1 and 15 in ESH level 2.

situation prevents the Department from complying with the rules. There are, No such emergency that exists. The Department is simply continuing its practice in defiance of the Board's authority to approve or deny variance requests.



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The Department's variance request was considered and rejected at the last Board meeting. During public comment on the request, the Board was presented with significant reasons that the variance should be denied, including the following but are not limited to :

- the harm that conditions in ESH cause to young adults' health and well-being;
- the extreme isolation that many young people experience in ESH;given the great amount of data that proves each of these youth then become clients of mental health, increasing their chances to be emotionally unstable and cause further harm to themselves & others
- the Department's failure to provide for their educational needs;this is exaggerated once confined to isolation
- the lack of age-appropriate programming in ESH;young people are very receptive to programming as their brains develop in the same young ages that we confine them in restricting them from growth and positive development.
- the increased levels of anger, anxiety, and depression that this punitive environment engenders;
- the consequences of not appropriately addressing anger, anxiety, and depression;we are increasing trauma within the youth at a young age where damage is permanent.
- due process violations in ESH placements;additional criminal or punitive segregation charges should include proper legal representation and support aside from the fact that their placement alone equals to a loss of due process.
- the dehumanizing effect of shackling a young person to a restraint desk;and the trauma that results from shackling and isolation;to youth their brains are being damaged from the distress of isolated brain deterioration (2)
- young adults' need for developmentally appropriate services, programming, and social connections;

The Incarcerated Nation Network,inc Youth Anti Prison Project works to support Justice Impacted young adults who are facing long community supervision sentences. As a organization that works with youth incarcerated in city facilities and provide reintegration, post incarceration redirection for returning citizens. How damaged they are when we get them depends on how much this board is doing to protect them while detained within a correctional setting.we urge the Board to Look at the human damage on top of the moral obligation that harms kids in correctional custody. The violations of the minimum standards is just the beginning of long term trauma inflicted.

(2) <https://www.nyclu.org/en/publications/report-boxed-true-cost-extreme-isolation-new-yorks-prisons-2012>

**Extreme isolation negatively impacts prison and community safety.** The psychological effects of extreme isolation can fuel unpredictable and sometimes violent outbursts that endanger prisoners and corrections staff. Prisoners carry the effects of extreme isolation into the general prison population. They also carry them home. Nearly 2,000 people in New York are released directly from extreme isolation to the streets each year. While in the SHU, prisoners receive no educational, vocational, rehabilitative or transitional programming, leaving them less prepared to successfully rejoin society.