



PROTECTING KIDS. PROVIDING HOPE.

September 14, 2021

Jennifer Jones Austin, Chair  
Margaret Egan, Executive Director  
New York City Board of Correction  
One Centre Street  
New York, NY 10007

Re: Renewal of Limited Six (6) Month Variance Requests from Minimum Standard §1-02 Regarding Commingling Young Adults (18-21 Years Old) with Adults (22 Years Old and Older); Limited Six (6) Month Variance Renewal Request to Several Board of Correction Minimum Standards Regarding the Department's Use of Separation Status Housing; Minimum Standard 1-16(c)(1)(ii) Regarding the Use of Enhanced Supervision Housing (ESH) for Young Adults (18 to 21 years old); and Minimum Standards §1-05(b) "Lock-in" and §1-08(f) "Access to Courts and Legal Services" Regarding the Use of the Secure Unit

Dear Chair Jones Austin, Board Members, and Ms. Egan:

Since 1995, Children's Rights has been a national advocate for youth in state systems. We are also a member of 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 on Rikers Island.

Once again, we call on the Board of Correction to deny all of the Department of Correction's variance requests. Each time we appear before you, we urge you to deny them for their detrimental effects on young adults. This time, however, rather than go through all of the same reasons that rarely seem to persuade the Board, we suggest that the Department's years-long requests for variances represent the very definition of insanity—doing the same thing over and over expecting different results.

Subjecting individuals to restrictive housing units does not seem to lessen the violence rampant on the Island. Denying incarcerated persons less than 14 hours out-of-cell time does not seem to lessen the violence rampant on the Island. Withholding meaningful age-appropriate congregate programming does not seem to lessen the violence rampant on the Island. The "developed

awareness among the population that a refusal to comply with search procedures results in separation status placement”<sup>1</sup> does not seem to lessen the violence rampant on the Island.<sup>2</sup>

None of the variances before you today assures better conditions on Rikers for young adults or for anyone else. Neither separation status housing, nor ESH, nor the Secure Unit provides the essential components of a functioning, competent system. Commingling young adults does not provide them access to the programming or educational opportunities ostensibly available to young adults housed at RNDC. In addition, the requisite reports from the Department regarding ESH and the Secure Unit have not been made publicly available since May 2021. This makes it exceedingly difficult, if not impossible, to know what is actually happening on Rikers in these units.

Time after time, in report after report, the *Nunez* monitor describes horrific levels of violence affecting young adults and adults. Advocates have been told that violence among young adults is nine times higher than among adults. The August 24, 2021 letter from the monitor to the court concerning the current crisis on Rikers emphasizes the “systemic dysfunction” in New York City’s jails. No matter how much the Department clamors for euphemistically named forms of punitive segregation, conditions do not improve on Rikers for young adults or those barely a few years older. Among the many people who have died in custody this year, one was 24 and one was 25 years old.

It is long past time for a complete, thorough, and effective overhaul of the carceral system in New York City. We implore you to start by denying these variances.

Sincerely,



Daniele Gerard  
Senior Staff Attorney



Tobin Kassa  
Paralegal

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<sup>1</sup> September 10, 2021 Limited Six (6) Month Variance Renewal Request to Several Board of Correction Minimum Standards Regarding the Department’s Use of Separation Status Housing

<sup>2</sup> Separation status reports indicate that only five individuals have been placed in separation status housing since September 2020. If used so infrequently, surely there is a more humane method to retrieve contraband.