



July 11, 2016

Stanley Brezenoff, Chair  
Board Members  
New York City Board of Correction  
1 Centre Street  
New York, NY 10007

Dear Chair Brezenoff and Members of the Board,

In January 2015, the Board took an unprecedented step to limit the use of solitary confinement for young people. The Statement of Basis and Purpose introducing the Board's January 13, 2015 rules reads, "The Board recognizes that such housing presents a serious and unacceptable threat to the physical and mental health of certain categories of inmates," including 18-21 year olds. That threat remains serious and unacceptable 19 months later. The Department has failed to abide by commitments they made when previous Variances were granted and should not be granted an additional Variance.

Brooklyn Defender Services has stood alongside fellow advocates, service providers and other community members to support the Board's efforts to end solitary confinement for young people because we see the harm wrought on our clients by 23 to 24 hour isolation in a small cell. We also remember vividly a time when dozens of our young clients were spending months in solitary confinement and the jails were horrifically violent. We know, as do you, that solitary confinement does not make our jails safer; it causes harm to developmentally vulnerable young people, and is contrary to fundamental human dignity.

The Department had nearly a year to develop and implement plans to achieve this goal before the January 1, 2016 deadline, and lead New York City toward ending the torture of solitary confinement for young people. When the Department sought their first extension of 6 months in January 2016, BDS and others raised serious concerns about the slippery slope on which the Board was embarking by granting the Department more time to comply with a law expressly adopted to protect young people from harm.

During the January 12, 2016 meeting, the Board addressed these concerns with the department during a back and forth with chief of staff Jeff Thamkittakasem. Among other assurances, Mr. Thamkittakasem made the following commitments in response to questions about extended Variances and the need for reporting as the young adult plan took shape:

*The reporting, as judge Hamill said, is very important. It's very important for us, it's very important for you to hold our feet to the fire, to hold you as our oversight. We*

*obviously are committed and we would like to keep it at 6 months and report to you. We would take advantage of the Adolescent Working Group to kind of give an update to where we are on the Young Adult strategy every week on Tuesday with stakeholders as well as the board. [...] we would report every month, to detail every month if there are any concerns or delays, but we'd like the flexibility to go to the 6 months.*

*The request for the 6 months is that buffer, but we don't hope to, we're not looking to blow passed that, I think we can achieve it and the best commitment I can give you is that we're opening up our doors to be transparent about exactly where we stand on those things so we can meet that goal.*

Despite these commitments in January, the Board and advocates addressed another 30 day Variance in June, without clear information about the operations of the Secure Unit. Again, serious concerns were raised about ongoing delays to ending punitive segregations for young people. After this additional Variance was granted in June, the Adolescent and Young Adult Advisory Board toured the Department's new Secure Unit on June 28, 2016, which had not yet opened. There was no indication from staff during that tour that the present Variance request was forthcoming. Indeed, in Commissioner Ponte's letter to the Board dated June 27, 2016, the Department states explicitly that delays in consolidating young people at GMDC "will not impact the ending of punitive segregation for this population." Yet on June 30, 2016 two the Variance request was circulated by the Board.

To submit this Variance request without warning to members of the Adolescent and Young Adult Advisory Board, and apparently to the Board of Correction, is a far cry from the transparency promised by the Department. Despite claims about an "Emergency Situation," which is described only in general terms, the Department did not uphold the commitments it made to the Board during its initial Variance request, and has been in violation of city law adopted expressly to protect the human rights of people in their care.

The Variance request and related correspondence notes a very small number of young people presently in solitary confinement. We urge the Board to enforce the law it so courageously adopted and require that these individuals be housed in a setting where they will be safe and receive adequate programming and services to address their needs. To maintain punitive segregation will likely result in an increasing number of young people being placed in the unit and a renewed set of challenges in moving those people out at a later date. The Department has achieved a remarkable reduction in the census in isolation among this cohort and the Board should capitalize on this moment to end the practice altogether. We urge you to deny any variance extending punitive segregation for our young clients.

We have concerns about the Secure Unit as well, which we will raise with the Board and Adolescent and Young Adult Advisory Board in more detail going forward. In short, the unit includes a dayroom divided into four cages, each meant to house as many as 8 individuals. We are concerned the unit won't succeed if it is too crowded and staff is not invested in its success. As New York City moves away from the use of solitary confinement, we urge the Board and the Department to think more creatively about alternatives – to move away from a continuum of

bigger cages holding more people. In the meantime, we urge the Board to closely monitor the unit, and engage advocates during this process. Thank you for your consideration of our comments.

Sincerely,

*Riley Doyle Evans*  
Jail Services Coordinator