

# THE LEGAL AID SOCIETY

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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***Legal Aid Condemns NYC Department of Correction for Violating Law in Placing Young People in Enhanced Supervision Housing, a Form of Isolated Confinement***

(NEW YORK, NY) – The Legal Aid Society, in a released issued [letter](#) to the New York City Board of Correction (BOC), condemned the New York City Department of Correction (DOC) for exploiting an “[emergency variance declaration](#)” to place young adults under 21 in Enhanced Supervision Housing (ESH), a form of isolated confinement. The overwhelming majority of young people sent to ESH are Black and Latinx, and the conditions to which they are subjected--included being shackled to tables during limited time out of their cells--are inhumane. DOC issued this declaration on Monday, and repeated it on Tuesday.

The claim of an “emergency” is an end-run around BOC minimum standards designed to protect the health and safety of everyone in City jails. Nothing in the declaration describes a true emergency such as a water main break. Instead, the declaration is simply a reiteration of the same vague security justifications the Department always advances in support of its efforts to keep youth in ESH.

The letter states:

*“You have heard years of moving testimony about the horrific impact of solitary confinement on any person confined in isolation. There is a plethora of documentation indicating the potential psychiatric consequences of prolonged isolated confinement, such as depression, anxiety and psychosis. Because these harms are more severe for young adults whose brains are still developing in key respects, the American Academy of Child and Adolescent Psychiatry as well as the United Nations opposes the use of solitary confinement in correctional facilities for young people. In the face of this evidence, we were heartened to see the most recent YA ESH variance request fail to come to a vote. It is unacceptable for the Department to subvert that decision by claiming emergency.”*

### **Background on Young Adults in Enhanced Supervision Housing:**

In January 2015, DOC, defending a lawsuit demanding an end to solitary confinement of adolescents, announced with great fanfare that they had voluntarily ended “solitary confinement” for people 21 and younger in the jails. At nearly the same time, DOC created a new highly punitive lockdown unit, the “Enhanced Supervision Unit” for adults. The ESH replicates most of the punitive features of former punitive segregation units with the added

twist that individuals in Level 1 ESH who are allowed out of their cells for several hours a day must be chained to desks. With assurances from the Department that the ESH would house only adults, the BOC granted the Department authority to open the ESH in January 2015.

Soon thereafter came the variances – an endless string of requests from DOC to house adolescents in ESH. These were the subject of enormous public opposition, testimony and debate, where BOC repeatedly informed DOC that the variance process could not be used to defeat the standards. When DOC again sought a variance to permit housing the youth in ESH on February 9, 2021, the Board did not grant it.

But DOC refused to relent on housing young people in lockdown units. DOC waited nearly two weeks to pass before declaring an “emergency,” with a document silent as to how the situation on February 22 or February 23 was different from the situation before the Board on February 9.

Allowing DOC to force an “emergency” exemption because the agency made no efforts to comply with the variance procedures forged by public rulemaking processes undermines the rule of law and erodes confidence in the integrity of government oversight. BOC should not lend its authority to this patent abuse of an “emergency” mechanism.

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