

October 8, 2025

VIA EMAIL

Jess Dannhauser, Commissioner
New York City Administration of Children's Services
150 Williams St.
New York, NY 10038
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Re: ACS's Failure to Remedy Unconstitutional Conditions in Secure Detention

Dear Commissioner Dannhauser,

We were surprised and disappointed in our recent meeting with the Administration for Children's Services ("ACS"). Despite being aware of the unsafe, inappropriate, and dehumanizing conditions for close to **100 youth in secure detention without any assigned housing**, ACS's Division of Youth and Family Justice ("DYFJ") continues to fail to take meaningful steps to protect these young people and provide for their basic needs. Moreover, DYFJ has refused to provide the basic information necessary to ensure any level of transparency or accountability for their care of this population. Rather than take necessary action to address this festering wound in New York City's detention system, DYFJ continues to apply band-aids that serve to support the status quo. We demand that immediate and significant action be taken to address the problem of unhoused youth – youth without an assigned room in ACS's secure detention facilities.

At any moment, ACS denies a third of the young people in its care basic necessities

On any given day, almost 100 youth in DYFJ's two secure detention facilities, Crossroads in Brooklyn and Horizon in the Bronx,¹ do not have a room to sleep in or a space to keep their belongings. On top of the overcrowding, these youth are subjected to inadequate and unhealthy sleeping conditions, lack of access to bathrooms and property, increased risk of violence, and inconsistent access to programming and educational services. In addition, ACS segregates certain youth during daytime hours, further depriving them of programming and education with their peers.

¹ Youth in these facilities are remanded by New York City's Family Court or Youth Part into the care of ACS while their case is pending. They are pre-trial which means they have **not** been adjudicated or found guilty of any wrongdoing.

ACS must identify alternatives now rather than continuing to rely on the eventual expansion of Horizon, which is currently four or more years from completion, to excuse current problematic conditions for unhoused youth.

DYFJ Places Youth in Unsanitary and Inadequate Living Conditions

Rather than provide youth with the basics – a room and bed – which state regulations require,² DYFJ sardines them into classrooms, hallways, visiting areas, and other common spaces not designed as housing. Some youth are made to sleep in plastic beds commonly referred to as “boats,”³ directly on the floor, or on chairs.

Because of the temporary nature of their sleeping space, these young people are only allowed to sleep a maximum of five to six hours. Youth are not brought to this alternative sleeping spot until 11:00 or 12:00 at night and are wakened at 5:00 in the morning. Many youth are relegated to these sleeping conditions for months – despite the well-established fact that the duration of sleep has a direct impact on adolescents’ physiological development and neurological maturation. This incessant restriction on sleep for any person, let alone a growing adolescent experiencing the trauma of incarceration, is unacceptable.

Aggravating these crowded conditions, and likely a result of them, is the increased instance of vermin and rodents in the facilities. We understand instances of vermin impact youth at all hours of the day, but they particularly do so at night and especially for youth required to sleep in “boats” on the floor. These instances of vermin, exposing all youth to the risk of disease and infection, are intolerable.

Youth in “boats” are afforded no privacy or space for individual reflection, respite, or review of legal materials. The obvious impact of these horrific conditions is not limited to physical effects. The stress associated with these conditions can result in negative adjustment reports that then influence the disposition of a youth’s legal case. A therapist from Bellevue Juvenile Justice Mental Health Services, which serves youth in the DYFJ facilities, recently testified that the environment is “very chaotic. It’s a pretty dangerous space. It’s very dirty. It’s unpredictable. It’s loud. There’s absolutely no consistency. There’s a lot going on. There’s — my word would be chaotic at all times. **It’s unsafe.** There’s nothing normal or comfortable about it.”

Youth languish in these dangerous conditions for days, weeks and even months on end. One youth has had unstable housing for almost five months and has been completely without a room for at least two months – being moved between facilities to whatever hallway or common space DYFJ could squeeze him in.

DYFJ suggests that youth who suffer these extreme experiences are outliers. Not so. With almost 100 youth being moved around the facility in temporary spaces on any given day and with

² Youth must be provided with “a bed properly equipped, and with sufficient and conveniently located clothing storage space for their own private use.” N.Y. Comp. Codes R. & Regs. Tit. 9 §§ 180-3.6(b)(8)(iii); 9 NYCRR 180-1.9(c)(18).

³ See e.g., BarkerBunk, <https://www.bobbarker.com/barkerbunk>.

a 12 percent increase in the average length of stay in detention,⁴ this is a common practice, not an aberration.

DYFJ Fails to Protect Youth in its Care from Violence

Youth face the risk of assault and other violence due to a lack of security and limited staffing exacerbated by increased overcrowding. The rate of youth-on-youth assaults and fighting with injury in the facilities has trended up over the last fiscal year.⁵ Indeed, as is wholly unsurprising and consistent with the recent Mayor’s Management Report, the increase in violence is related to “a significant increase in population in a limited space, which presented additional stressors on the detention environment.”⁶ These stressors cannot be ignored.

In the past month alone, youth have been subjected to serious assaults. One youth had to get **70 stitches in his face** after being left without proper DYFJ supervision. Another two youth were “jumped” and injured while unhoused. This fight broke out over mattresses availability—specifically, because **DYFJ had not ensured each youth had a mattress, and the young people were forced to fight to be able to have a bed**. Youth have repeatedly been hospitalized—requiring medical intervention including stitches, wired jaws, and teeth removal—following stabbings, slicings, and group attacks.

DYFJ also fails to notify the parent(s), guardian(s), or attorney when a young person is injured in these facilities, further isolating and neglecting these youth.

DYFJ Denies Unhoused Youth Consistent Education and Programming

In addition to these unsafe and unacceptable conditions, DYFJ fails to provide youth with the consistent programming and education to which they are entitled.⁷ School-aged youth are required to receive full time instruction while in detention. And the law requires programming be “design[ed] to provide impactful and meaningful educational and vocational learning platform[s] that meet youth’s individual needs.” N.Y. Comp. Codes R. & Regs. Tit. 9 §§ 180-3.13(b). While we recognize that the Department of Education oversees the curriculum provided to these youth, ACS has failed to provide access to classrooms and to basic education materials necessary to succeed. ACS is charged with movement and supervision of the detention population, yet ACS does not bring young people to school. This impacts both the unhoused population and entire halls due to the use of educational and other areas for sleeping spaces.

⁴ Mayor’s Management Report, Sept. 2025, p. 249-251, available at https://www.nyc.gov/assets/operations/downloads/pdf/mmr2025/2025_mmr.pdf.

⁵ *Id.* (finding the rate of youth-on-youth assault increased from 0.16 to 0.17 between fiscal years 2024 and 2025).

⁶ *Id.* at 250.

⁷ New York Education Law § 3205(1)(a) provides that “[i]n each school district of the state, each minor from six to sixteen years of age shall attend upon full time instruction.” New York City has extended its compulsory school requirement to include children from five to seventeen years of age. *See* Chancellor’s Regulation A-101(I)(C)(4). New York State regulations require a minimum of 990 instructional hours for pupils in grades 7-12 spread over a minimum of 180 instructional days. 8 N.Y.C.R.R. 175.5(c)(3).

Years of DYFJ Neglectful and Unlawful Conduct

This is not a new problem. Youth have been subject to overcrowding and unsafe, unsanitary, and unlawful conditions for more than **two years**.⁸ Yet, no meaningful change has occurred.

Not only is DYFJ aware that youth in its care are neglected and subjected to violence, but it continues to ask permission from the state to subject youth to these conditions—by requesting waivers of housing requirements. Instead of placing any limits on this practice, DYFJ continually seeks to expand its use. Indeed, DYFJ now has discretion to subject *all* youth in secure detention to this practice and to have them sleep in *any* “non-traditional sleeping accommodation.”⁹ **And, rather than assist ACS in finding alternatives that keep young people safe and secure, the state continues to sign off on this practice and turn its back on these youth.**

It is also cheaper for ACS to continue these unlawful practices. According to the recent Mayor’s Management Report, the average daily cost per youth in detention has been in decline and decreased \$1,021 per youth in fiscal year 2025.¹⁰ As the report stated, “[w]hile overall expenditures have increased slightly, **the increase in average daily population is responsible for the decline in average daily costs per juvenile in detention.**”¹¹ It is incumbent on ACS not to sacrifice the well-being of youth—who are predominantly Black and brown¹²—by taking the easier, cheaper route of supporting the status quo, but rather to make the investments necessary to provide adequate conditions in its facilities.

While of course it is true that ACS cannot control how many youth are sent into secure detention, the fact that the number of youth has increased does not free DYFJ of its responsibility to properly care for each and every one of them. DYFJ is charged with caring for youth in its detention facilities and must do better for the youth in its care.

ACS Must Significantly Limit These Practices and Commit to Finding Alternatives for Unhoused Youth

While overcrowding presents a litany of concerns for all youth housed at Horizon and Crossroads, the disproportionate impact to unhoused youth must be remedied immediately. When confronted by youth or their advocates, DYFJ’s response has been to deny any problem and simultaneously maintain there is nothing it can do. This defies belief. Were these youth from

⁸ See, e.g., Teens in NYC detention centers are sleeping on the ground due to overcrowding, staff say (Nov. 6, 2023) <https://gothamist.com/news/teens-in-nyc-detention-centers-are-sleeping-on-the-ground-due-to-overcrowding-staff-say>.

⁹ DYFJ Amended Waiver Request, at 1 (Sept. 1, 2025).

¹⁰ Mayor’s Management Report, p. 250, Sept. 2025, available at https://www.nyc.gov/assets/operations/downloads/pdf/mmr2025/2025_mmr.pdf (emphasis added).

¹¹ *Id.*

¹² New York City Administration for Children’s Services Quarterly Detention Demographics Report Fiscal Year 2025 3rd Quarter (January 1, 2025–March 31, 2025), available at <https://www.nyc.gov/assets/acs/pdf/data-analysis/2025/detention-demographic-q3.pdf>.

privileged families, and not poor families of color,¹³ this problem would have been solved before it began. Nor are we talking about the kinds of numbers at issue with, for instance, closing Rikers Island. We are talking about approximately 100 unhoused youth on any given day. Indeed, with a proposed Fiscal 2026 budget of \$2.91 billion for ACS, DYFJ, and New York City have abundant resources to do better.¹⁴

We are calling on ACS to take the first step in remedying its practices regarding unhoused youth and commit to the following:

- Create and maintain written policy document(s) outlining the rules of both facilities in regard to the unhoused population (youth not assigned a room) that provides for the implementation of the remedial measures below;
- Impose a maximum duration of displacement for youth without an assigned room;
- Enforce the prohibition on withholding a room, education, or programming for punitive purposes;
- Prohibit the denial of a room for a youth when any room on any gender-aligned hall is available;
- Provide all youth without an assigned room with the programming, education, and meals they would be provided if assigned to a room on a hall;
- Memorialize a standard rubric or criteria that must be considered for a youth to be designated without a room and provide that completed form to the youth, their parent/guardian, and attorney;
- Provide youth with toiletries, clean clothes and the opportunity to shower as soon as possible but no later than 12 hours after arrival into the facility and each day thereafter;
- Provide a secure space for youth without a room to keep their belongings;
- Prohibit the relegation of youth to a “non-traditional sleeping” space for more than four hours, outside of regular sleeping hours;
- Publicly report updated statistics (without personal identifying information) regarding available beds, number of youth without an assigned room in each facility, population census, and hall census, at least quarterly;
- Provide notice to parents, guardians, and attorneys of youth who are without an assigned room within 48 hours of such designation; and
- Provide notice to parents, guardians, and attorneys of youth who are being deprived programming or education due to displacement reasons within 48 hours.

¹³ *Id.* The majority come from families of color and many from zip codes where the median household income is barely a quarter above the federal poverty line for a family of four. *e.g.*, U.S. Census Bureau (2023), *American Community Survey 5-year estimates*, retrieved from Census Reporter Profile page for 11212, <http://censusreporter.org/profiles/86000US11212-11212/>.

¹⁴ Report on the Fiscal 2026 Executive Plan and the Fiscal 2026 Executive Capital Commitment Plan for Committee on Finance and the Committee on Children and Youth at 2, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2025/05/Administration-for-Childrens-Services.pdf>.

In addition to the requests above, ACS should support additional measures which will have a positive effect on the population in the facilities, including but not limited to:

- Utilize open beds in ACS's own limited and non-secure placement facilities under its "Close to Home" initiative;
- Move juvenile offenders, or at least do not oppose the movement of juvenile offenders—who account for a quarter of the population in secure detention facilities—to non-secure detention facilities (locked facilities with greater access to community-based rehabilitative services);
- Work with the Mayor's Office of Criminal Justice to quickly build greater access to alternatives to detention and incarceration, including effective programs that were needlessly shuttered, such as Esperanza.

ACS has refused to consider or support these alternatives that could alleviate some of the overcrowding issues at these facilities. Instead, DYFJ has alarmingly raised the specter of transferring youth to Rikers, seemingly suggesting that these transfers are the only available alternative to overcrowding at its facilities. **Suggesting the transfer of youth to one of the most notoriously violent and mis-managed facilities in the country, from an agency charged with their care and protection, is unacceptable. Worse still is DYFJ's support of petitions to move youth to Rikers—currently happening in at least the Bronx and Staten Island.**

Please promptly and publicly share your response to these basic limits and commit to better alternatives to address the unjust and dangerous practices detailed in this letter.

Best regards,

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Special Litigation and Law Reform Unit

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CC: Althea Stevens, Chair, Committee on Children and Youth, New York City Council;
Sandy Nurse, Chair, Committee on Criminal Justice, New York City Council;
Linda Lee, Chair, Committee on Mental Health, Disabilities and Addiction, New York City Council;
Jumaane Williams, New York City Public Advocate;
Jabari Brisport, Chair, Committee on Children and Families, New York State Senate;
Andrew Hevesi, Chair, Committee on Children and Families, New York Assembly;
Commissioner DaMia Harris-Madden, Commissioner, Office of Children and Family Services