



## **New York City Jails Action Coalition**

c/o Urban Justice Center  
40 Rector Street, 9<sup>th</sup> floor  
New York, NY 10006  
[www.nycjac.org](http://www.nycjac.org)

October 18, 2018

Hon. Keith Powers  
New York City Council  
250 Broadway, Suite 1815  
New York, NY 10007

Dear Council Member Powers:

The New York City Jails Action Coalition (JAC) writes to express our grave concerns over the proposed use of chemical agent spray at Horizon Juvenile Center. We are outraged that the City has repeatedly requested – and was recently granted – a waiver from the NYS Commission of Correction (SCOC) and Office of Children and Family Services (OCFS) allowing the NYC Department of Correction (DOC) to use chemical agent spray.

We urge you to oppose the presence of DOC staff at Horizon and to oppose any use of chemical agents against youth detained at the facility. We ask that the City Council demand transparency and accountability from City agencies related to their role at Horizon and the young people the Administration for Children's Services (ACS) and DOC are charged with serving.

JAC is an alliance of activists that includes formerly incarcerated individuals, their family members, and other community members working to promote human rights, dignity, and safety for people incarcerated in New York City jails. JAC formed in December 2011 because it recognized that the members of one of New York City's largest communities – the roughly 8,900 individuals incarcerated at Rikers Island and other City jails on any given day – far too often are neglected or abused by the very agencies and oversight committees designed to protect them.

We applaud the New York City Council's previous concern for the well-being of people incarcerated at DOC facilities, demonstrated by the City Council's oversight hearings and legislation aimed at improving transparency and accountability. We believe, however, that action is needed now more than ever to prevent the spread of the violent culture at Rikers Island to the Horizon Juvenile Center. We urge Council Members, collectively and individually, to:

- Express to the Mayor, ACS, and DOC your opposition to any use of chemical spray inside Horizon Juvenile Center or against 16- and 17-year-olds,
- Express to the Governor, OCFS, and SCOC your opposition to the waiver that will reportedly allow the use of chemical agent spray inside Horizon Juvenile Facility,
- Take steps to limit and ultimately end the presence of DOC officers at Horizon and speed the presence of ACS youth development specialists on site, and

- Adopt measures that forbid the use of chemical agents against young people in light of the detrimental effect and severe repercussions related to the health of a youth.

Raise the Age and the agreement to move 16- and 17-year-olds off Rikers Island and out of NYC DOC custody was a positive first step in rethinking our criminal legal system and moving towards a more just New York City. From the beginning, advocates have been deeply opposed to the presence of Department of Correction at Horizon. To fully realize the promise of Raise the Age, the City must not transfer the culture of violence embedded in one agency to a new facility, with the very same youth who were exposed to the dangers of Rikers Island. The result is simply to expand Rikers Island to Horizon.

The atrocities of violence under the NYC Department of Correction are well-documented. The Fifth Report of the *Nunez* Independent Monitor details disturbing behavior, including misuse of chemical spray, that is routinely reported by directly impacted people:

*“[M]any of the aspects of misuse of force that existed two years ago continue to plague the DOC, including head strikes, misusing chemical agents, use of prohibited holds, needlessly painful escort tactics, and incidents escalated by Staff (including hyper-confrontational Staff demeanor), and an overreliance on Probe Team responses...The Department does not consistently identify Staff misconduct when it occurs, and even when misconduct is identified, the Department does not always respond to it timely.”*

DOC’s pattern of misusing chemical spray is appalling and should raise significant alarms for all City officials. The possibility of transferring this misuse to Horizon undermines the purpose of Raise the Age. Violence cannot be remedied by more violence. Allowing the use of additional weapons inside a facility especially designed to house young people only continues and exacerbates the patterns of abuse and fear we know from Rikers Island.

During this crucial implementation period of the Raise the Age legislation, we urge you to denounce the use of any chemical agents inside the Horizon Juvenile Facility and oppose any requests for the state to approve the future use of this form of violence against youth in City facilities. We must do better for our young people.

Thank you for your consideration of our request. Please contact Jennifer J. Parish at [jparish@urbanjustice.org](mailto:jparish@urbanjustice.org) or (646) 602-5644 or Five Mualimm-ak at [five@incarceratednation.org](mailto:five@incarceratednation.org) or (646) 294-8331 if you have any questions for us.

Sincerely,

NYC Jails Action Coalition