



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

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July 2nd, 2019

Jacqueline Sherman, Interim Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

RE: Limited Six (6) Month Variance Renewal Request to Board of Correction Minimum Standards Section 1-02 Regarding Commingling Young Adults (19-21 Years Old) with Adults (22 Years Old and Older)

Dear Interim Chair Sherman,

Pursuant to §1-15(f) of the New York City Board of Correction’s (“Board”) Minimum Standards, the New York City Department of Correction (“Department”) writes to request a six (6) month limited variance renewal from Board Minimum Standards, §1-02(c)(1), which as of August 12, 2019¹ requires individuals aged 18 through 21 be housed separate and apart from individuals over the age of 21. While the scope of the Board’s Minimum Standards §1-02(c)(1) is applicable to young adults ages 18 to 21 years-old, the Department is seeking for this variance to apply only for young adults ages 19 to 21 years-old. This renewal would take effect August 12, 2019, the date upon which the current variance is set to expire. Given that the Board is not holding a Public Meeting in August, the Department is requesting this Limited Variance Renewal in the July Public Meeting.

Since 2015, when this variance request was first made, the Department has worked diligently to continue to improve the environment for young adults in our custody. The Department remains steadfast in its commitment to the young adult population and to maintaining a management approach that supports their safety, educational, and programmatic needs, including access to re-entry services. When the Department created the Young Adult Plan (Plan), it envisioned a program that fostered a safer environment through increased staffing ratios and the incentivizing of positive behavior. The Plan is a living document that is constantly being reevaluated and reassessed so as to make improvements and adjustments that better serve the needs of young adults in real time. There is perhaps no clearer example of the Department’s need for a nimble approach to young adult housing than its attempt at co-locating over 700 young adults in GMDC in summer 2016. Originally envisioned as a supportive measure for the young adults in the Department’s care, co-locating that many young adults, many of whom were classified as members of security risk groups, resulted in a sudden spike in violence in the facility. While the Department remains committed to a

¹ Based on variances granted by the Board on September 8, 2015, December 16, 2015, January 12, 2016, July 23, 2016, January 10, 2017, July 11, 2017, January 9, 2018, July 10, 2018, January 8, 2019, and February 12, 2019 extending the October 15, 2015 deadline for the housing of individuals ages 19 to 21 separately and apart from individuals over the age of 21.

young adult housing strategy that prioritizes housing young adults in pure young adult housing, so long as they can reasonably and safely be housed in that manner, it also requires the flexibility to comeingle with individuals over age 21 those young adults who engage in violent or assaultive behavior or who pose security risks to other young adults with whom they cohabitate. As demonstrated the impact of the co-location attempts at GMDC, the ability to comeingle certain young adults is imperative for the overall safety and security of everyone who lives and works in DOC facilities.

The Department has pledged to continue to house all 18-year-old males in young-adult-only housing. The Department has also made young adult only housing the presumption for males ages 19-21 if they are enrolled or seeking Department of Education related services, or have expressed interest in participating in programming services, and are not housed in a restrictive housing area with less than 14 hours of lock out time (e.g., Enhanced Supervision Housing). Further, the Department will continue to make every effort to house young adult males ages 19-21 in young adult-only-housing unless, after a case-by-case determination, it is determined that a young adult has engaged in violent or assaultive behavior towards staff or other individuals in custody, or engaged in actions that threaten the safety and security of the facility, and would be more safely housed in commingled housing. The intention is to respond to specific threats in real time, adjusting the housing assignments of young adults when they pose a threat to the safety of others in their current housing assignment. This may mean moving to another young adult only unit or to a commingled unit. In exceptional circumstances, a young adult with no history of violence may be moved if necessary for the safety and security of the individual and/or the facility. Conversely, a young adult with a history of violence or assaultive behavior may still be housed in young adult only housing if a safe placement can be determined.

As discussed in previous hearings, the Department has pledged to house substantially all young adults in young-adult-only housing. As of the June 2019, there were a total of 416 (68%) young adults housed in young-adult-only housing units, and a total of 193 (32%) young adults housed in a commingled setting. Comparatively, in the January 2019 Young Adult Monthly Progress Report, there were a total of 413 (64.5%) young adults in young-adult-only and a total of 227 (35.5%) young adults in a commingled setting.

Regardless of the type of unit a young adult is housed in, the Department remains committed to affording all young adults with opportunities to engage in programming and educational services. Individuals housed in both co-mingled and pure young adult housing receive dynamic and targeted programming led by experienced instructors, nonprofit partners, and DOC staff. Program offerings range from group emotional support to hard skill building. As of June 17, 2019, young adult enrollment at East River Academy was as follows: 45 students at RNDC Annex, 131 students at RNDC Main, 31 students at EMTC, 2 students at NIC, 21 students at OBCC (ESH), 25 students at GRVC Main, 6 students at GRVC Secure Unit (11B), and 15 students at RMSC. If a young adult is in a commingled unit within a facility that does not have a school, the Department will prioritize rehousing that young adult in the safest manner possible. The Department has continued to deploy an educational outreach team to the Robert N. Davoren Center (RNDC), the facility that currently houses the majority of the Department's young adult population. The educational outreach team works to encourage young adults to opt into educational program, specifically targeting those young adults who did not express an interest during the intake process. A DOE-DOC working group was also formed to address issues of school attendance and safety, among others. The Department

recognizes that its young adult population has distinct needs that are separate from the adult population and is committed to providing age-appropriate programs and services to all of the young adults in our care.

The Department's balanced approach to the management of the young adult population ensures that appropriate housing placement, be it comingled or young adult exclusive, is made based on an individualized consideration of each young adult's needs.

The Department appreciates the Board's consideration of the six (6) month limited variance renewal request, which would allow for the comingling of young adults (19 to 21 years-old) with adults (22 year-olds and older). We look forward to continuing to work together to ensure safe and successful management of the Department's young adult population.

Sincerely,



Cynthia Brann

cc: Martha King, Executive Director