



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

Office of the Commissioner
75-20 Astoria Blvd., Suite 305
East Elmhurst, NY 11370

December 14, 2020

718 • 546 • 0708
Fax 718 • 278 • 6022

Jennifer Jones Austin, Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

RE: Limited One (1) Month Variance 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 Chair Jones Austin,

Pursuant to §1-15(f) of the New York City Board of Correction (“Board”) Minimum Standards, the New York City Department of Correction (“Department”) requests a one month limited variance from Board Minimum Standards, §1-02(c)(1), which requires individuals in custody ages 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 seeks for this variance request to apply only for young adults ages 19 to 21 years-old in limited circumstances. The Department requests this variance to take effect December 14, 2020, the date upon which the current related variance is set to expire.

The Department has made significant efforts to house all young adults in young adult only housing following the November Board meeting. Despite these efforts, there remains a critical management need to commingle certain young adults with adults when a safe placement in young adult only housing is not available. The Department requests the ability to commingle young adults with adults in a limited manner, only when required by management needs pertaining to safety. Specifically, the Department seeks the ability to commingle young adults with adults only when the young adult: (1) Is housed in a restrictive housing area with less than 14 hours lock-out; (2) Has engaged in violent or assaultive behavior towards staff or other people in custody; (3) Has engaged in actions that threaten the safety and security of the facility; (4) Qualifies for protective custody and cannot safely be housed in a young adult protective custody unit; (5) Is being quarantined as part of the new admission process during the COVID-19 emergency; (6) Has applied and been accepted into the Special Considerations Unit; (7) Has a centrally monitored case; or (8) Is housed at the Rose M. Singer Center (“RMSC”). As of the date of this letter, fewer than forty-five (45) young adults in custody would be considered for commingling per the above criteria, with the majority of those young adults temporarily commingled in quarantined new admission housing.

In such limited circumstances, the Department is committed to making commingling determinations on an individual basis, in writing, and in consideration of all alternative housing options. The Department is additionally committed to providing such determination to the young adult in writing within forty-eight (48) hours. In recognition of the importance of age-specific programming provision, the Department will provide individual support plans and access to young adult programming and supports for all commingled young adults, as well as access to the Programs, Education, and Community Engagement Center (“PEACE Center”) for all young adults who can be safely commingled at the Robert N. Davoren Center (“RNDC”).

The Department is further committed to ensuring transparency and access to Department information as it pertains to commingling practices for both the Board and the public. Accordingly, the Department will continue providing the Young Adult Monthly Progress Report to the Board for publication, as well as a bi-weekly report listing all commingling determinations and all associated paperwork. The Department will further provide a weekly census to the Board enumerating all housing areas where young adults are commingled, as well as the number of young adults who were commingled during the preceding week.

The Department appreciates the Board's consideration of this critical one (1) month limited variance renewal request, which would allow for the limited commingling of young adults (19-21 years-old) with adults (22-year-olds and older). Despite significant efforts to rehouse all commingled young adults, the Department is unable to fully comply with Minimum Standard §1-02(c)(1) without a serious risk of harm to the population and staff. We are committed, in partnership with the Board, to ensuring a safe and supportive management approach for all young adults in Department custody and will continue to refine our management approach to the individual needs of each young person in Department custody.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia Brann". The signature is written in a cursive, flowing style.

Cynthia Brann

cc: Margaret Egan, Executive Director