



January 8, 2016

Stanley Brezenoff, Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Variance Request to BOC Minimum Standards Regarding Implementation of the Young Adult Plan:
Section 1-17 "Limitations on the Use of Punitive Segregation"

Dear Mr. Brezenoff:

Pursuant to §1-15(b)(1)(i) of the New York City Board of Correction's ("Board") minimum standards, the New York City Department of Correction ("Department") requests a limited variance until June 1, 2016 from the BOC Minimum Standards §1-17(b)(1)(ii) which requires as of January 1, 2016, the exclusion of inmates ages 18 through 21 from punitive segregation, for the purpose of implementing the newly created Young Adult Strategy. The variance would go into effect on February 29, 2016, the date upon which the original limited variance is set to expire.

The Department has taken an unprecedented step in the correctional management of young adults (18 to 21 year olds) by replacing the punitive segregation-based model of management with a plan that incentivizes positive behavior with heightened programming and staffing. Adoption of this groundbreaking plan necessitates the establishment of specialized housing in combination with appropriate programming and staff training. On October 28, 2015, the Department submitted a limited variance request to the Board seeking additional time from the January 1, 2016 deadline for the elimination of punitive segregation for young adults to February 29, 2016. In the time since the Board granted the extension, the Department has made a good faith effort to comply with the minimum standards within the new time frame, but certain issues and considerations have arisen.

As extensively discussed in the Department's December 15, 2015 limited variance request for an extension on the deadline for the provision of separate housing for young adults from adults, structural security concerns within George Motchan Detention Center (GMDC), the facility deemed most suitable for housing the young adults, coupled with the recent assaults on staff necessitated an extension on the establishment of separate young adult housing. As the Department works diligently to resolve the housing issues and establish alternative secure housing units, it remains critical that we maintain the authority to utilize punitive segregation for young adults.

As detailed in the Department's Young Adult Plan update, which is submitted with this notice to the Board, young adult housing, alternatives to punitive segregation units, specialized staff training, and comprehensive young adult programming must be instituted prior to the elimination of punitive segregation for this population. The elimination of punitive segregation is a key component of the

overall plan and requires careful consideration and incorporation of effective alternatives that address disciplinary issues while maintaining the safety and security of staff and inmates. The Young Adult Plan update outlines the tier response protocol structure that utilizes three levels of progressively more restrictive but more therapeutic alternative housing types for inmates who infract. An inmate's placement in any one of the three housing options will be based on specific criteria that accounts for the severity and persistence of the violent behavior. Young adults placed in any of the three units will be provided with notice and such placement will be subject to periodic reviews to determine the continued appropriateness of the placement and whether a more or less restrictive housing option is appropriate. The success of this plan is dependent on the Department's ability to lay a solid foundation to build upon prior to moving forward.

To that end, starting in February 2016, the Department will initiate the transition of the young adults out of punitive segregation and into alternative housing. This transition will be advanced in phases beginning with the placement of young adults in the least restrictive housing alternatives. In March 2016, the Department will aim to establish the secure unit which will be designated as the most restrictive alternative housing unit. This unit will be instituted through a short-term pilot program and will house only the most serious and persistently violent young adults. The unit will be monitored over the course of a 60 day period to assess the unit's effectiveness in controlling violence. If the transition, as outlined above, is proven to be both successful and safe it is anticipated that the Department will be able to eliminate punitive segregation for young adults by June 1, 2016, pursuant to our confidence in the safe management of these alternative units.

Completion of the requisite components of the plan and the elimination of punitive segregation for this population cannot be achieved by January 1, 2016, so the Department is unable to fully comply with the minimum standards by that date. Therefore, the Department is seeking an extension of this deadline to June 1, 2016.

The Department appreciates the Board's consideration of these matters. We look forward to continuing to work together to ensure that the inmates in the Department's custody are provided with the best care possible.

Sincerely,



Joseph Ponte

cc: Martha King, Executive Director