



NEW YORK CITY DEPARTMENT OF CORRECTION
Joseph Ponte, Commissioner

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December 27, 2016

Derrick D. Cephas, Vice-Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: Limited Six (6) Month Variance Renewal Request to BOC Minimum Standards Regarding Implementation of the Young Adult Plan and Co-mingling Young Adults with Adults: Section 1-02

Dear Mr. Cephas:

Pursuant to §1-15(f) of the New York City Board of Correction's ("Board") minimum standards, the Department writes to request a six (6) month variance renewal from BOC minimum standards, §1-02(c)(1) which as of January 13, 2017¹ requires inmates ages 18 through 21 be housed separate and apart from inmates over the age of 21. While the scope of the BOC minimum standards §1-02(c)(1) is applicable to young adults ages 18 to 21 inclusive, the Department is seeking that this variance apply only for young adults ages 19 to 21 years old. This renewal would take effect on January 13, 2017, the date upon which the current variance is set to expire.

Over the last two years, the Department has made significant strides in the implementation of a young adult plan that recognizes the unique needs of this population within a secure and structured construct. This culminated in the historical elimination of punitive segregation for all young adults' ages 18 to 21 years old. Continual assessments of the plan has facilitated further refinements in the advancement of a correctional approach founded upon violence reduction and facility safety for staff and inmates alike. As we have repeatedly reiterated, no management plan can be supported without a foundation of safety. The Department has been co-mingling young adults (19 to 21 years old) with adults (22 years old and older) in a range of housing settings such as Enhanced Supervision Housing (ESH) and the Accelerated Programming Unit (APU). Preliminary analysis found that co-mingling young adults in houses with adults had a meaningful impact on in-unit violence. In particular, co-mingled houses with lower proportions of young adults with respect to overall house count demonstrated decreased occurrences of Uses of Force (UOF) and fights compared to houses with higher proportions of young adults; and especially compared to houses with all young adults. These initial findings are consistent with the Nunez Monitoring Team's experience employing a similar housing strategy in other jurisdictions.

The Department has made a good faith effort to comply with the noted provisions of the minimum standards within the six (6) months prescribed in the variance but we cannot do so at this time. In June, as the Department made a good faith effort towards eliminating co-mingling of young adults with adults and transferred over 700 young adults, among which included an exceptionally high increase in the number of high-risk young adults in George Motchan Detention Center (GMDC); a pronounced spike in violence

¹ Based on variances granted by the Board on September 8, 2015, December 16, 2015, January 12, 2016, and July 12, 2016 extending the October 15, 2015 deadline for the housing of inmates ages 18 to 21 separately and apart from inmates over the age of 21.

required immediate action and assessment. These high rates of violence demonstrated that eliminating co-mingling could not be accomplished without jeopardizing the safety of staff and inmates. These safety concerns coupled with noted preliminary benefits to co-mingling necessitate the requested variance renewal. Additional time is needed to further validate the positive initial findings related to violence reduction. It is imperative that we maintain the ability to co-mingle young adults (19-21 years old) with adults (22 years old and older) as we continue to evaluate the overall young adult plan and benefits of co-mingling particularly within restrictive housing units like the blended ESH units. If the initial outcomes continue to demonstrate the benefits of co-mingling young adults with adults, the Department will work with the Board to advance rulemaking.

The Department appreciates the Board's consideration of the six (6) month variance renewal, which would allow for the co-mingling of young adults (19 to 21 years old) with adults (22 years old and older). We look forward to continuing to work together to ensure the successful management of the Department's young adult population and to achieve compliance through future rulemaking.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Ponte".

Joseph Ponte

cc: Martha King, Executive Director