



NEW YORK CITY DEPARTMENT OF CORRECTION  
Cynthia Brann, Acting Commissioner

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July 3, 2017

Derrick D. Cephas, Acting-Chair & 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 limited variance renewal from BOC Minimum Standards, §1-02(c)(1) which as of July 13, 2017<sup>1</sup> 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 July 13, 2017, the date upon which the current variance is set to expire.

Over the last several years the Department has moved away from traditional correctional management practices and towards a customized management structure that focuses on the individualized needs of different inmate populations. Reforms have resulted in dramatic changes in the management of young adults: the elimination of punitive segregation for all young adults 18 to 21 years old, the expansion of programming in housing units and violence reduction.

Throughout the evolution of the Young Adult Strategy plan, the Department has diligently worked to advance impactful reforms for the housing of young adults within a secure and structured construct. Department-wide there have been noted decreases in incidents involving young adults (18 to 21 years old). Between FY15 and FY16, young adult-involved Use of Force (UOF) with serious injury is down by fifty-eight percent (58%), UOF with minor injury is down by ten percent (10%), and young adult' Assault on Staff decreased by twenty-seven percent (27%). In GMDC, over the course of a thirteen (13) month period<sup>2</sup>, there were significant decreases within key security indicators.

Co-mingling young adults (19 to 21 years old) with adults (22 years old and older) has contributed to violence reduction, with a particularly meaningful impact on in-unit violence. Lower proportions of young adults with respect to overall house count demonstrated decreased occurrences of UOF and fights compared to houses with higher proportions of young adults; and especially compared to houses with all

<sup>1</sup> Based on variances granted by the Board on September 8, 2015, December 16, 2015, January 12, 2016, July 12, 2016, and January 10, 2017 extending the October 15, 2015 deadline for the housing of inmates ages 19 to 21 separately and apart from inmates over the age of 21.

<sup>2</sup> Data covers June 2016 to June 2017.

young adults. These findings are consistent with the Nunez Monitoring Team's experience employing a similar housing strategy in other jurisdictions. An estimated fifty percent (50%) of the young adult population is housed in a comingled setting, with a plurality, thirty-five (35%) housed in general population.<sup>3</sup> Within co-mingled units young adults are receiving programming through our adult programming division. Retaining the ability to co-mingle young adults (19 to 21 years old) with adults remains essential.

Notwithstanding the housing setting, fostering rehabilitation and engagement with young adults through the provision of programming aimed at positive behavior modification, both during incarceration and reentry to the community is a fundamental component of the Young Adult Strategy plan. Key changes have been instrumental in addressing the needs of young adults. Listed herein are some examples. In July 2017, 350 tablets will be deployed for programming purposes. Enhanced programming will be further expanded from three (3) to five (5) hours. Reentry services, once only available for high-risk adults, is now accessible to adolescents and young adults in the Department's custody, regardless of risk.

Current accomplishments and the continued success of the Young Adult Strategy plan is contingent upon thoughtful housing allocations that incorporates a multitude of factors including classification, tailored programming that suit young adults' educational and behavioral needs, staffing ratios and training. To date, the Department has established a tiered response approach consisting of Second Chance, Transitional Restorative Unit (TRU), Secure Unit, and Enhanced Supervision Housing (ESH). Co-mingling young adults (19 to 21 years old) with adults is an integral component of this dynamic plan.

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 as it would undermine the benefits and positive trend in violence reduction that we have seen to date. Recognizing the critical importance of maintaining the ability to co-mingle young adults (19-21 years old) with adults (22 years old and older), the Department began pursuing rulemaking. On March 31, 2017, the Department submitted a letter to the Board regarding the advancement of restrictive housing rulemaking and proposed subject matter, inclusive of the use of co-mingling. The continued use of this strategy is necessary and will be part of an ongoing dialogue with the Board relative to rulemaking. The Department urges the Board to move forward in the advancement of restrictive housing rulemaking and the inclusion of this vital management option.

The Department appreciates the Board's consideration of the six (6) month limited 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,



Cynthia Brann

cc: Martha King, Executive Director

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<sup>3</sup> Data based on a snapshot on 4/27/17.