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**BOARD OF CORRECTION**  
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Record of Variance Action

This variance allows the Department a three-month period of time, commencing on August 15, 2017 and ending on November 15, 2017, to house people in custody ages 18 through 21 in Enhanced Supervision Housing (ESH).

Type of Variance: Limited

Date on which variance will commence: August 15, 2017

Time period, if any: Three months, ending November 15, 2017

Minimum Standard for which Variance is Granted: 1-16(c)(1)(ii)

Date on which Board of Correction first approved variance (for renewals only): July 12, 2016

Requirements imposed as conditions on variance during its pendency:

1. Each request for approval of a placement of a young adult in ESH must be in writing and specify the reason(s) why a less restrictive housing setting is not a safe option. If the placement is to include the use of a restraint desk, the request for approval must include why ESH without restraint desks is not a safe option. The Chief of Department, or designee, must also specify his reason(s) for approving or disapproving the request for ESH placement. If the placement is to include the use of a restraint desk, the Chief or his designee must, separately, approve or disapprove this use and specify his reason(s) for approving or disapproving the use of a restraint desk. The request for approval and the Chief's or designee's approval or disapproval thereof shall be sent within 24 hours to the person who is the subject of the request, NYC Health + Hospitals, and the Board.
2. A young adult can only be placed in a Restraint Desk for out of cell time if the person has recently participated in an actual or attempted slashing or stabbing, or engaged in activity that caused serious injury to an officer, another person in custody, or any

other person, and provided that the use of a Restraint Desk is the least restrictive option necessary for the safety of others.

3. The Department shall provide the Board with a monthly public report on the implementation of the foregoing conditions. The requirements for this report are outlined in a document titled ESH and Secure Unit Variances – Public Reporting Condition, dated July 11, 2017, and available at: <http://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2017/July-11-2017/july-11-2017-esh-secure-unit-variance-report.pdf>.
4. On at least a monthly basis, the Department shall provide the Board access to all documentation considered in each ESH placement and review decision for young adults. This includes, but is not limited to, all records reviewed or created by ESH adjudication, Health + Hospital's placement review, the Chief's reviews, the ESH Entry Unit Review Committee, and the ESH 45-day periodic review. On a monthly basis, the Department shall transmit a list of all ESH placements and reviews.

The Department shall provide the documentation by the tenth business days of August, September, October, November, and December and the fifth business day of January.

5. By December 28, 2017, the Department shall submit an update to its June 2017 Evaluation of Enhanced Supervision Housing for Young Adults. The update shall focus on outcomes and include progress updates on the issues they and the Board identified in the initial report.
6. After a maximum of 30 days in the ESH Entry Unit, a young adult shall advance to a unit without mandatory desk restraints during out-of-cell time, unless: (1) he has been placed in the ESH Entry Unit more than once; and/or (2) he has engaged in disruptive, violent, or aggressive behavior while in the ESH Entry Unit; and/or (3) there is credible intelligence that he may engage in additional violence in an ESH Level 2 or Secure Unit. In those cases, the young adult will be moved to ESH Level 1 after 30 days in the ESH Entry Unit.
7. Where the Department is permitted to consider a young adult's activity occurring or actions committed at a time prior to the instant incident, such activity or actions must have occurred within the preceding year.