



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

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December 20, 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 Co-mingling Young Adults (19-21 years old) with Adults (22 years old and older): 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 January 13, 2018¹ 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, 2018, the date upon which the current variance is set to expire.

Since 2015 when the Department first sought and was granted a limited variance to extend the deadline for housing young adults (19 to 21 years old) separate and apart from adults (22 years old and older), we have gained a better understanding, through continual experience and evaluation, of the importance of a diversified and targeted approach to correctional practice for the young adult population. This approach is founded upon the notion that meeting the unique needs of young adults is best achieved through the utilization of both young adult specific housing as well as co-mingled young adult (19 to 21 years old) and adult (22 years old and older) housing. This methodology provides optimal flexibility in determining what housing option is most suitable for each young adult.

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 Use of Force (UOF) and fights compared to houses with higher proportions of young adults; especially compared to houses with all young adults. These findings are consistent with the Nunez Monitoring Team's experience employing a similar housing strategy in other jurisdictions. Additionally, there has been noted decreases in incidents involving young adults (18 to 21 years old). Between FY15 and FY17, young adult-involved UOF with serious injury is down by forty-two (42%) percent, UOF with minor injury is down by eighteen (18%) percent, and young adult Assault on Staff decreased by forty-eight (48%) percent. Maintaining the ability

¹ Based on variances granted by the Board on September 8, 2015, December 16, 2015, January 12, 2016, July 12, 2016, January 10, 2017, and July 11, 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.

to co-mingle young adults (19 to 21 years old) with adults (22 years old and older) is an integral component in the management of the young adults in our custody. An estimated forty-four (44%) percent of the young adult population is housed in a co-mingled setting, with forty-one (41%) percent of co-mingled young adults housed in general population. Within co-mingled units young adults are receiving programming through our adult programming division. Recognizing that a comprehensive housing strategy inclusive of co-mingling is essential, 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. As we enter 2018, the Department urges the Board to initiate rulemaking that allows for this custody management option.

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. In addition, the intention is still to house a majority of young adults in one facility. Currently, George Motchan Detention Center (GMDC) is in the midst of several repairs, the result of which, over twelve (12) housing units remain closed.

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