



NEW YORK CITY DEPARTMENT OF CORRECTION

Cynthia Brann, Commissioner

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February 3, 2021

Jennifer Jones Austin, 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 §1-05(b) and §1-08(f) regarding the use of the Secure Unit

Dear Chair Jones Austin,

Pursuant to §1-15(f) of the New York City Board of Correction's ("Board") Minimum Standards, the New York City Department of Correction ("Department") requests a six (6) month limited variance renewal from BOC Minimum Standards §1-05(b) "Lock-in" and §1-08(f) "Access to Courts and Legal Services" for the purpose of maintaining the use of the Secure Unit. The Department requests this renewal to take effect on February 25, 2021, the date on which the current variance is set to expire.

The Department implemented historic reforms through the elimination of punitive segregation for young adults and the development of a safe housing continuum to address both the immediate security concerns and the behavioral needs of young adults who commit violent acts while in the Department's care. The Secure Unit offers age-appropriate rehabilitative programming in a progressive housing structure to address the unique educational, social, and behavioral needs of qualifying young adults. The Secure Unit is one of the Department's primary alternative housing options for young adults who engage in persistent violence and dangerous behavior that cannot be safely managed in general population housing without placing other young adults at risk of harm. Through its operation, the unit has evolved to best support positive behavior change and prepare a challenging population of young adults for a safe reentry into general population housing and the community.

Secure Unit placements are most often prompted by a specific violent action, such as an assault with injury or an assault with a weapon. The Chief of Security's Office approves all placements with significant care and consideration for all alternative housing options. Placements in the Secure Unit are often considered as an alternative for young adults whose violent history or current actions do not reach the level required for placement in Enhanced Supervision Housing, but still require removal from their current housing area and a high level of security in tandem with intensive programmatic and therapeutic offerings. Ultimately, it is the responsibility of the Chief of Security to make a determination that not only supports the rehabilitation of the young adult in question, but also ensures a safe and productive living environment for the rest of the population. As of the date of this letter, there are eighteen (18) young adults housed in the Secure Unit. Since its creation in 2016, a total of two hundred and three (203) young adults have received placement and services in the unit.

The Secure Unit maintains a multi-phase structure in which most young adults are placed in Phase I and progress through Phases II and III prior to returning to general population housing. Phase I allows for a minimum of ten (10) hours of daily out-of-cell time, Phase II allows for twelve (12) hours, and Phase III allows for fourteen (14) hours in alignment with general population housing. In calendar year 2020, young adults who were placed in Secure Unit spent an average of sixty-five (65) total days in the unit. In addition to out of cell time, commissary spending limits increase with each phase in order to further incentivize progression. In accordance with the current variance conditions, phase progression is entirely dependent on whether the young adult engaged in violent, aggressive, or disruptive behavior during the preceding review period.

Progression of young adults through the three phases of the Secure Unit is managed and evaluated by a multi-disciplinary support team who remain in close communication with the young person throughout their time in the program. This team is comprised of a Deputy Warden, Unit Manager (Assistant Deputy Warden), Area Supervisor (Captain), steady Correction Officer, Program Counselor, mental health provider (when applicable), and other relevant service providers. The team meets on a weekly basis with every young adult in the unit to discuss their individual needs and associated goals for positive behavior change in the context of their progression back to general population. The goals for each young adult are developed, with the support of a program coordinator, during the Secure Unit orientation and are then detailed in the young adult's individualized support plan (ISP). These weekly discussions encourage individuals to refrain from engaging in violent or disruptive behavior and keep young adults informed of their progress through the unit. Trained and dedicated staff members, both uniform and non-uniform, make considerable effort to engage the young adults in the unit and work with them to further advance their behavioral goals and personal growth.

Since the establishment of the Secure Unit in 2016, forty-five (45) young adults were placed in unit on multiple occasions. The Department works to deter young adults from this type of continued violent behavior, and its strongest tool for deterrence within the unit is the provision of therapeutic and supportive programming. Although the current variance conditions do not consider programming as a requirement for progression, all staff, including steady correction officers, make every effort to encourage young adults to participate through targeted conversations and one-on-one counseling sessions. Ensuring that therapeutic and rehabilitative programming is a fundamental part of each young adult's stay in the unit is critically important for their development, as well as facility safety and the safety of all young adults and people in custody.

During this reporting period both in-person and self-guided programming was provided within the Secure Unit. In-person programming included dialectical behavioral therapy, anger management, coping skills development, and interactive journaling. Programming staff also continued to provide individual counseling services to young adults. Self-guided programming packets are additionally distributed as appropriate. The current circumstances amidst the COVID-19 pandemic require the Programming Division to remain responsive to the ever-changing conditions within the jails. The Programming Division continues to make every effort to provide in-person programming whenever possible and self-guided programming when necessary. Self-guided materials are tailored to goals each individual sets within their ISPs and include components on pro-social development, anger management, and dialectical behavioral therapy among others. Additionally, law library services continue to be provided to young adults through a request and delivery system.

Educational services also remain a priority within the unit. Throughout the pandemic, the Department has innovated its service delivery model in order to provide educational packets compiled by DOE instructors and tablets which allow for remote learning and direct messaging with instructors. Both DOE and the Department additionally established call-in hotlines to ensure all students have access to educational services no matter where they are housed within the Department's facilities.

The Department's young adult housing continuum ensures a tailored approach to rehabilitation and behavioral management for young adults who perpetrate persistent violence towards others while in Department custody. The Secure Unit remains a critical piece of that continuum. Secure is utilized for those whose behavior does not rise to the level warranting an ESH placement, but still requires strong supervision and a concentration of available and targeted programming. Having these varied options is vitally important when considering the individual needs and circumstances of each young adult in custody. The Department appreciates the Board's continued collaboration in the development of the Secure Unit and their consideration of this six (6) month limited variance renewal as the Department awaits the Board's restrictive housing rulemaking.

Sincerely,



Cynthia Brann

cc: Margaret Egan, Executive Director