



NEW YORK CITY DEPARTMENT OF CORRECTION
Vincent Schiraldi, Commissioner

Office of the Commissioner
75-20 Astoria Blvd., Suite 305
East Elmhurst, NY 11370

718 • 546 • 0708
Fax 718 • 278 • 6022

September 10, 2021

Jennifer Jones Austin, Chair
NYC Board of Correction
2 Lafayette, Room 1221
New York, NY 10007

RE: Limited Variance Renewal Request to Board of Correction Minimum Standards Section 1-02 Regarding Commingling Young Adults (18-21 Years Old) with Adults (22 Years Old and Older)

Dear Chair Jones Austin,

Pursuant to §1-15(f) of the New York City Board of Correction (“Board”) Minimum Standards, the New York City Department of Correction (“Department”) requests a limited variance renewal through November 30, 2021 from Board Minimum Standards, §1-02(b)(4), which requires that individuals in custody ages eighteen (18) through twenty-one (21) be housed separate and apart from individuals over the age of twenty-one (21). The Department requests this variance to take effect September 17, 2021, the date upon which the current variance is set to expire. If granted, the Department will utilize this final variance period in order to work toward a practice of young adult housing in compliance with the Board’s Minimum Standards and new Rulemaking.¹

The Department is committed to housing young adults in productive and safe environments with their peers. Over the past several months, the Department has made significant strides to reduce the number of young adults commingled with adults in the limited circumstances permitted by the current variance. As a result of these efforts, only ninety (90) or 19% of young adults Department-wide are housed in units with adults as of September 8, 2021, the majority of whom (80 young adults or 89% of commingled young adults) are commingled temporarily in COVID new admissions or health units. As of September 8, 2021, only one (1) young adult is commingled in the Robert N. Davoren Center (“RNDC”) in compliance with current variance conditions as a result of their engagement in violent behaviors.

The Department will continue these commingling reduction efforts over the next months in order to transition away from the practice of commingling young adults with adults due to behavioral issues or other identified needs. However, until new behavioral management practices can be implemented and new young adult-specific housing areas can be developed, there remains a critical management need to commingle certain young adults with adults when necessitated by health, operational management priorities, and safety for all individuals in custody and staff. The Department additionally requests the continued ability to temporarily house young adults with adults in COVID-19 quarantine new admissions housing areas until young adult new admission quarantine units can be opened and young adults currently commingled in new admission quarantine units can be rehoused in young adult general population housing following medical

¹ Board Minimum Standards permit the ongoing commingling of young adults with adults in the limited circumstances of specialized medical housing units, specialized mental health housing, pregnant person housing, and in the Department nursery.

clearance. The Department additionally requests the continued ability to commingle young adults in the Special Considerations Unit (“SCU”) and at the Rose M. Singer Center (“RMSC”), where the low census of young adults presents housing challenges for young adults with separation and/or security considerations.

During this short transitional phase, all determinations to house a young adult in a housing area with adults based on a safety need will continue to be made on a case-by-case basis in consideration of all alternative housing options and with multiple processes of consideration and review. In accordance with the current variance, commingling is only permitted when a young adult is housed in a restrictive housing area with fewer than 14 hours lock-out (e.g., ESH); has engaged in violent or assaultive behavior towards staff or other people in custody; has engaged in actions that threaten the safety and security of the facility; qualifies for protective custody and cannot safely be housed in a young adult protective custody unit; has a centrally monitored case; is being quarantined as part of the new admission process during the COVID-19 emergency; has applied and been accepted into the SCU; or is a young adult housed at RMSC. Further, young adults who are commingled exclusively as a result of their involvement in violent or assaultive behavior, or whose actions threaten the safety and security of the facility, may only be commingled in RNDC. Many young adults housed in RNDC are provided continued access to programmatic resources like the Programs, Education, and Community Engagement Center (“PEACE Center”) for scheduled workforce programming. Over the next several months, the Department hopes to continue conversations around long term solutions for young adult management in circumstances where there are few young adults with specific housing needs, such as the in the SCU, protective custody, centrally monitored cases, and at RMSC.

The Department will continue to ensure transparency and access to Department information as it pertains to commingling practices for both the Board and the public. Accordingly, the Department continues to provide the Young Adult Monthly Progress Report to the Board for publication, as well as a bi-weekly report listing all commingling determinations and all associated paperwork. The Department additionally continues to provide a weekly census to the Board enumerating all housing areas where young adults are commingled, as well as the number of young adults who were moved from commingled to young adult housing during the preceding week. Despite the planned elimination of behavioral-based commingling practices, the Department will continue providing substantial reporting on young adult housing in compliance with the Board’s new rulemaking.

The Department appreciates the Board’s consideration of this limited variance renewal request, which would allow for the limited commingling of young adults (18-21 years old) with adults (22 years old and older) through November 30, 2021. We are committed, in partnership with the Board, to ensure a safe and supportive management approach for all young adults in Department custody and will continue to refine our management approach to the individual needs of each young person in Department custody over this variance period such that behavioral-based and restrictive housing commingling can be eliminated by December 1, 2021.

Sincerely,



Vincent Schiraldi

cc: Margaret Egan, Executive Director