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Jennifer Jones Austin, Chair  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

RE: Limited 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 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 until such a time that the Department implements the Board's restrictive housing rulemaking and the Risk Management and Accountability System ("RMAS"). The Department requests this renewal to take effect on August 27, 2021 and remain in effect until November 1, 2021.

The Secure Unit is designed to provide programmatic and therapeutic engagement to young adults in a structured setting that enables and prioritizes each young adult's focus on rehabilitation by addressing individualized root causes of violence and supporting associated needs. Young adults who are placed in the Secure Unit have typically committed a serious act of violence while in custody, such as an assault with injury, an assault while using a weapon, or another act of a similar seriousness. Accordingly, the Secure Unit provides the Department a safe housing option for young adults whose history of violent behavior may not reach the level required for placement in Enhanced Supervision Housing, but still requires a high level of security in tandem with intensive programmatic and therapeutic offerings.

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 addition to out of cell time, commissary spending limits increase with each phase in order to further incentivize progression. As of the date of this letter, there are sixteen (16) young adults housed in the Secure Unit. 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.

In order to encourage positive behavior and rehabilitation, each individual in the Secure Unit meets with the Support Team on a weekly basis. The Support Team consists of a Deputy Warden, Unit Manager (Assistant Deputy Warden), Area Supervisor (Captain), steady Correction Officer, Program Counselor, a mental health provider (when applicable), and other relevant service providers. These weekly meetings provide an opportunity for the group to discuss and refine individualized goals for positive behavior change. These goals are identified

by the young adult during the Secure Unit orientation with the support of a program coordinator and are then detailed within the young adult's individualized support plan (ISP). The support plan maps out an individual's long and short-term goals in order to address the problematic behaviors that led to the individual's placement in the Secure Unit. Following the development of the ISP, these goals are shared with the entire Support Team and the plan is then used as a foundation for discussion and modification during weekly meetings.

The Department works to deter young adults from continued violent behavior, and the 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 for facility safety and the safety of all young adults and people in custody.

During this variance period, the Department added two new programming staff members to the Secure Unit. Programming counselors provide individual and group programming on a daily basis, including evidence-based programming curricula that supports young adults in achieving goals articulated in their ISPs. Self-guided programming materials were also distributed during this variance period with the support of community partners. Self-guided programming materials cover a variety of topics, including life skills, coping with anger through anger management, and creative arts activities. Additionally, non-uniform staff facilitate structured recreation within the quads throughout the week. Law library continues to be offered to young adults through a request and delivery system, and through the availability of in-unit kiosks and typewriters.

All young adults have the opportunity to enroll in educational services upon admission into Department custody and at any time while in custody. Educational services continue to be provided to individuals in the Secure Unit through educational learning packets prepared by the NYC Department of Education (DOE). These packets are then distributed by the Department's Educational Services Unit. In partnership with the DOE, a call-in hotline number was established and accessible to all young adults regardless of their housing placement that allows them to speak with a teacher should they have any questions or need assistance.

The Department is committed to utilizing a tailored approach to the behavioral management of young adults in our custody, particularly those who perpetrate serious violence. This includes the provision of young-adult-specific programming and incentives in housing areas with specially trained staff. Since 2016, the Secure Unit has been a critical part of this curated approach, and, as much as possible, the Department will carry forward lessons learned from its operation into the implementation of the young adult RMAS housing areas. The Department appreciates the Board's ongoing collaboration during this transition period and their consideration of this limited variance renewal, which would expire on November 1, 2021 when the Secure Unit will be replaced by the RMAS model.

Sincerely,



Vincent Schiraldi

cc: Margaret Egan, Executive Director