



NEW YORK CITY DEPARTMENT OF CORRECTION

Vincent Schiraldi, Commissioner

Office of the Commissioner

75-20 Astoria Boulevard, Suite 305

East Elmhurst, New York. 11370

Phone 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 BOC Minimum Standards Section 1-16(c)(1)(ii) Regarding the Use of Enhanced Supervision Housing (ESH) for Young Adults (18 to 21 years old)

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 Board Minimum Standards §1-16(c)(1)(ii), which requires that young adults (ages 18-21) be excluded from placement in Enhanced Supervision Housing ("ESH") for the purpose of maintaining the use of ESH until such time that the Department implements the Board's revised restrictive housing rules and the Risk Management and Accountability System ("RMAS"). The Department requests this renewal to take effect on September 17, 2021 and remain in effect until November 1, 2021.

Over the past several years, the Department worked to develop a safer and more humane corrections system in New York City and remains committed to meaningful collaboration with the Board and external stakeholders in pursuit of that shared vision. The Department's current work to implement RMAS in place of punitive segregation and ESH exhibits a continued spirit of innovation and partnership seeking to enhance and support positive outcomes for all those in the Department's care as well as to ensure the safety of staff and other people in custody. Until such a time that RMAS can be carefully and thoughtfully implemented, however, the Department requires the continued ability to house young adults in ESH Level 2. Young Adult ESH ("YA-ESH") serves the integral function of interim safe housing for the small subset of young adults who engage in egregious acts of violence or persistent violent behavior. During this period of important and systemic change, the Department requires the operational latitude to allow for a balanced custody management approach as we work towards a successful transition to RMAS.

In April 2021, the Department eliminated the use of YA-ESH Level 1. The elimination of ESH Level 1 for young adults was possible because the Chief of Department developed and refined a thoughtful and deliberate system of conducting individual assessments of each young adult who engages in serious violence while in custody in order to determine the most appropriate and least restrictive housing option available. The Chief of the Department continues to consider the involved young adult's individual circumstances, including such factors as age, custody status, potential SRG status, past violent acts, any separation orders that might be in effect, and their health or mental health needs. Further, the Chief considers the unique circumstances surrounding the precipitating incident and assesses factors that motivated the violence, including the way the act was carried out, and the safety of the young adult in a prospective new setting. As of August 26, 2021, there were 21 young adults (or approximately 4% of young adults in custody) housed in ESH Level 2. Since March 17, 2021, the date upon which the current variance began, 33 young adults have

been placed in ESH based on a slashing, stabbing, possession of a dangerous article, assault on inmate, and/or assault on staff.

Above all, the Chief's assessment considers the safety of the young adult and those around him, including other individuals in custody and members of staff. With consideration for the many factors described above, the Chief determines an appropriate housing setting from an array of existing general population and special housing types, including but not limited to the Secure Unit, ESH Level 2 in compliance with current ESH variance conditions, alternative young adult only general population housing, and commingled housing at the Robert N. Davoren Center ("RNDC") in compliance with the Department's current commingling variance. Any determination to commingle a young adult will additionally be made by the Department's Assistant Deputy Warden of the Custody Management Centralized Movement Unit, and in full compliance with the Department's current commingling variance which notably involves the creation of an individual programming plan. Any young adult placed in general population housing at the North Infirmary Command ("NIC") based on their involvement in incidents pursuant to the previously existing young adult ESH criteria for placement in ESH Level 1 are housed in young adult only housing with a minimum of fourteen (14) hours daily lockout, provided an Individual Support Plan (ISP), and receive twenty-one (21) day periodic reviews for placement into alternative housing.

The Department is committed to continuing the programmatic engagement of all young adults in the Department's custody, whether they are housed in ESH or another housing type. All young adults in ESH continue to be engaged in the process of completing their Individual Support Plans (ISPs) in order to guide their progress through ESH and back to general population housing as well as to reinforce the benefits of targeted programming. In-person services such as individualized counseling and social services will additionally continue to be available to young adults in ESH by request through a service request slip system and can also be requested when program counselors are in the units to provide in-person engagement. Furthermore, along with the provision of in-person services, self-guided programming packets containing workbooks and worksheets are distributed to young adults.

The Department continues to partner with the Department of Education ("DOE") to deliver educational services to young adults regardless of where they are housed within Department facilities. On March 13, 2020, the DOE suspended in-person education as a result of the COVID-19 pandemic. Currently, during the summer school educational services are being afforded to young adults identified by the DOE as mandated 12-month Individual Education Plan (IEP) students. Educational specialists from the Department's Educational Services Unit continue to conduct outreach and recruitment efforts within the young adult population. The Department continues to operate the DOC educational assistance hotline to answer questions from students and assist in their learning.

The Department appreciates the Board's partnership in the ongoing implementation of RMAS. In submitting this letter, we ask for the Board's consideration of this limited variance renewal request to permit the continued use of ESH Level 2 for young adults while the Department works toward implementing RMAS. We look forward to continuing to work with the Board in order to ensure safe and appropriate housing for everyone in the Department's care.

Sincerely,



Vincent Schiraldi

cc: Margaret Egan, Executive Director