



NEW YORK CITY DEPARTMENT OF CORRECTION
Joseph Ponte, Commissioner

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October 5, 2016

Stanley Brezenoff, Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

RE: Six (6) Month Limited Variance Renewal Request to BOC Minimum Standards: Regarding Implementation of the Young Adult Plan and Use of Enhanced Supervision Housing (ESH) Section 1-16(c)(ii)

Dear Mr. Brezenoff:

On October 11, 2016, the NYC Department of Correction (“Department”) will end the practice of punitive segregation for young adults ages 19 through 21 years old, resulting in the complete elimination of punitive segregation for inmates ages 16 through 21 years old in our custody. This is an unprecedented milestone in New York State correctional history and even more importantly across the nation. To date, no other State has accomplished comparable punitive segregation reforms.

Over the last two years, the Department has continually affirmed our commitment to the elimination of punitive segregation for adolescents and young adults in our custody. During that period, remarkable strides have been made to that end. Each step of the way, we assessed our progress and setbacks to ensure that safety for staff and inmates remained paramount. The Young Adult plan that exists today is founded upon thoughtful evaluation, flexibility, and adjustments with the needs and safety concerns of staff and young adults always at the forefront. The plan began with a tiered response protocol, and the establishment of three (3) core alternative to punitive segregation housing units: Second Chance, Transitional Restorative Unit (TRU), and Secure Unit. Each housing option provides a progressively more therapeutic and structured approach geared towards incentivizing positive behavior with heightened programming, inmate engagement, and staffing. All three (3) units have been stood up and operationalized. The initial plan also called for a centralized housing construct whereby the majority of young adults would be housed within one facility, George Motchan Detention Center (GMDC). Pronounced spikes in violence occurring in June resulted in both immediate and long-term appraisal of the plan. Additionally, the Department acknowledged that maintaining only one (1) facility for the housing of young adults (GMDC) was not suitable for the overall management of this population.

Since that time, the Department engaged in a comprehensive survey of our young adult management plan and contemplated further critical enhancements. Preliminary findings indicated that additional housing options were integral to the successful adoption of the young adult strategy. It was recognized that the incorporation of Enhanced Supervision Housing (ESH) into the management plan could serve to address a noted deficiency. In July, we requested and were granted a three (3) month limited variance to allow the Department to use ESH for the placement of young adults (19 to 21 years old). Over the course of the last three (3) months, we have deliberatively considered the placement of young adults into ESH. To date, four (4) young adults deemed appropriate for initial placement by the Chief of the Department, have been transferred into the unit. When

the Department initially contemplated using ESH, we did so based on the notable reductions in violence and infractions due to incentivized programming coupled with decreases in violent incidents when young adults are co-mingled with adults. Preliminary analysis reflects that ESH is a beneficial addition to the management of problematic young adults in need of the unique rehabilitative programming and structure provided.

Pursuant to §1-15(f) of the New York City Board of Correction's ("Board") minimum standards, the Department requests a six (6) month renewal to the limited variance granted by the Board on July 12, 2016, from BOC Minimum Standards §1-16(c)(ii) which requires that "as of January 1, 2016, inmates ages 18 through 21, provided that sufficient resources are made available to the Department for necessary staffing and implementation of necessary alternative programming" be excluded from placement in Enhanced Supervision Housing (ESH). The limited variance that was granted is set to expire on October 11, 2016. As provided by the underlying limited variance and its applicability to the co-mingling of young adults with adults in ESH, while the Minimum Standards provision is applicable to 18 through 21 years olds, the variance would be exclusively for inmate's ages 19 through 21 years old. The Department is also seeking to establish a new young adult ESH which would apply to all young adults ages 18 through 21 years old, and in this context we are requesting that the limited variance be applicable in the manner set forth in BOC Minimum Standards §1-16(c)(ii).

The Department is requesting this variance renewal to continue and further expand the use of ESH for the young adult population. This is necessary to end the practice of 23-hour lock down punitive segregation in a safe manner. If the inclusion of ESH as a housing option for the young adults (18-21 years old) continues to prove beneficial, the Department will work with the Board to effectuate a package of rule changes. In the interim, the limited variance would enable 1) the continued co-mingling of young adults (ages 19 to 21 years old) with adults (22 years old and older) within ESH and 2) the establishment of a new young adult ESH (for young adults ages 18 to 21 years old) that would be maintained within the parameters established in Minimum Standards §1-16.

The Department has made a good faith effort to fully comply with the Minimum Standards. However, based on spikes in violence that occurred in June, the assessments and custody management restructuring that followed, and the necessity of ESH as part of the Young Adult plan, we need the variance while we move towards fuller rule making related to these alternative housing options.

Ending punitive segregation for all adolescents and young adults in DOC custody is a momentous event in correctional history. We have worked diligently to reach this point and recognize and appreciate the long road that lead us here. It is critical to understand the role of ESH in the advancement and evolution of the Young Adult plan as an additional housing model that will allow for initial placement and assessment of those involved in violent events.

The Department appreciates the Board's consideration of this six (6) month limited variance renewal to permit the following: 1) the continued co-mingling of young adults' ages 19 to 21 years old with adults in ESH and 2) for the establishment of a new young adult ESH for the housing of young adults' ages 18 to 21 years old. We look forward to further collaboration with the Board in the successful adoption of the Young Adult Strategy plan.

Sincerely,



Joseph Ponte

cc: Martha King, Executive Director