



NEW YORK CITY DEPARTMENT OF CORRECTION  
Joseph Ponte, Commissioner

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

718 • 546 • 0890  
Fax 718 • 278 • 6022

October 7, 2016

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

RE: Six (6) Month Limited Variance Request to BOC Minimum Standards: Regarding Implementation of the Young Adult Plan and Inclusion of 18 year olds for Placement in Enhanced Supervision Housing (ESH) - Section 1-16(c)(ii)

Dear Mr. Brezenoff:

On October 5, 2016, the New York City Department of Correction (“Department”) submitted a six (6) month variance renewal to BOC Minimum Standards §1-16(c)(ii)<sup>1</sup> to allow for the continued use of Enhanced Supervision Housing (ESH) for young adults ages 19 to 21 years old. As stated in the above referenced letter, continued use of ESH for young adults is a key component to safely ending punitive segregation for this population. Recognizing the value of ESH as a housing option for problematic young adults in our custody, the Department is seeking to also have the option to house 18 year olds in ESH, who meet the required criteria.

Pursuant to §1-15(b) of the New York City Board of Correction’s (“Board”) minimum standards, the Department requests a six (6) month limited variance to BOC Minimum Standards §1-16(c)(ii)<sup>2</sup> for the purpose of housing 18 year olds in ESH. It is not our intention to co-mingle 18 year olds with adults, 22 years old and older. To date, we have not utilized ESH as a housing option for 18 year olds in our custody. As we evaluated the totality of the Young Adult plan, the Department determined that ESH could provide an essential enhancement to the alternative housing tools for all young adults, inclusive of the 18 year olds. This limited variance would enable us to institute ESH for young adults ages 18 to 21 years old which would be maintained within the parameters established in Minimum Standards §1-16. If the inclusion of ESH as a housing option for the young adults (18-21 years old) proves beneficial, the Department will work with the Board to effectuate a package of rule changes.

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 rule making related to these alternative housing options.

<sup>1</sup> On July 12, 2016, the Board granted the Department a limited variance to §1-16(c)(ii) to allow for the use of ESH for young adults ages 19 to 21 years old. The variance granted by the Board is set to expire on October 11, 2016.

<sup>2</sup> This provision of the Minimum Standards precludes inmates ages “18 through 21” from placement in ESH.

The Department appreciates the Board's consideration of this six (6) month limited variance to permit the placement of 18 year olds in ESH. We look forward to further collaboration with the Board in the successful adoption of the Young Adult Strategy plan.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Ponte".

Joseph Ponte

cc: Martha King, Executive Director