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BOARD OF CORRECTION
CITY OF NEW YORK
1 CENTRE STREET, RM 2213
NEW YORK, NY 10007
212 669-7900 (Office)
212 669-7980 (Fax)

Martha W. King
Executive Director

Record of Variance Action

On October 11, 2016, the NYC Board of Correction (BOC) voted to approve the Department of Correction's request for a limited variance from BOC Minimum Standard § 1-16(c)(1)(ii).

This variance allows the Department a three-month extension of time, commencing on October 11, 2016 and ending on January 11, 2017, to continue to house inmates ages 19 through 21 ("young adults") in Enhanced Supervision Housing (ESH).

Type of Variance: Limited

Date on which variance will commence: October 11, 2016

Time period, if any: Three months, ending January 11, 2017

Minimum Standard for which Variance is Granted: § 1-16(c)(1)(ii)

Date on which Board of Correction first approved variance (for renewals only): July 12, 2016

Requirements imposed as conditions on variance:

1. During the pendency of this Variance, each request for approval of a placement in ESH must be in writing and specify the reason why a less restrictive housing setting is not a safe option. The Chief of Department, or designee, must also specify his reason for approving the request. The request for approval and the Chief's approval thereof shall be sent immediately to the inmate who is the subject of the request, NYC Health + Hospitals and the Board.
2. During the pendency of this Variance, the Department shall provide the Board with a monthly, public report of implementation, which shall include the following information:
 - a) A monthly young adult census showing in which housing units and jails young adults are housed¹;
 - b) For each ESH placement of a young adult, the reason for placement; whether the placement was approved or disapproved by the Chief of Department, or designee; and the housing category in which the inmate was housed prior to placement (e.g., GP, SCH, TRU, Secure, ESH, REST, APU);

¹ Census shall be taken on the fifteenth day of each month (e.g., October 15, 2016).

- c) A monthly summary of young adults in TRU, SCH, Secure Unit, and ESH. The summary shall include, for each of these housing areas:
 - i. The average daily population of young adults held;
 - ii. The number of young adults placed;
 - iii. The number of young adults released;
 - iv. The number of young adults who had a previous placement(s) in ESH, TRU, SCH, or the Secure Unit other than as a step-down from TRU or Secure Unit during their current incarceration;
 - v. The number of young adults who met the criteria for a timely case review;
 - vi. The number of young adults who received such review; and
 - vii. The number of reviews that resulted in placement in an alternative housing area².

The Department shall provide the Board with its first monthly report by November 7, 2016 and shall provide a monthly report thereafter on the fifth business day of the following month.

- 3. On a monthly basis, the Department shall provide to the Board (a) placement notification and (b) periodic reviews paperwork for adolescents and young adults admitted to ESH, TRU, SCH, or Secure Unit. The Board must be provided with any supporting documentation considered in placement and review decisions.
- 4. By one month prior to expiration of this variance, the Department shall provide a public written report to the Board, evaluating the use of ESH for young adults. In this report, the Department shall advise the Board as to whether it believes ESH for young adults is effective and should continue.

² Timeliness is determined by the periodicity of reviews and determinations set forth in the relevant Department directive or draft directive.