



NEW YORK CITY DEPARTMENT OF CORRECTION
Joseph Ponte, Commissioner

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December 15, 2015

Stanley Brezenoff, Chair
NYC Board of Correction
51 Chambers Street, Room 923
New York, NY 10007

Re: Limited Variance Request to BOC Minimum Standards Regarding Implementation of the Young Adult Plan: Section 1-02

Dear Mr. Brezenoff:

Pursuant to §1-15(b)(1)(i) of the New York City Board of Correction's ("Board") minimum standards, the New York City Department of Correction ("Department") requests a six (6) month limited variance from BOC minimum standard §1-02(c) which requires inmates ages 18 through 21 be housed separate and apart from inmates over the age of 21. This six (6) month period would be an extension of a previously granted variance, commencing on December 31, 2015, the date upon which the original limited variance is set to expire.

In late August-early September 2015, the Department submitted our Young Adult Strategy Plan for the Board's consideration. The plan detailed the Department's progressive approach and unprecedented proposal to change and enhance the management of young adults within the correctional setting. As the Department began taking the necessary steps towards plan implementation, it became clear that additional time would be needed to add the appropriate number of staff required under federal mandate to ensure that inmates would have access to the best programming and services while still maintaining the safety and security of the facility. On September 8th, we submitted a limited variance request to the Board seeking additional time from the October 15, 2015 deadline for the provision of separate housing of young adults (ages 18 through 21) from adults (over the age of 21) to December 31, 2015. In the time since the Board granted the extension, the Department has made a good faith effort to comply with the minimum standards within the new time frame but certain issues and considerations have arisen since that time.

Since the initial presentation to the Board of the Young Adult Strategy Plan, the Department has worked diligently to institute the necessary steps towards completion of the plan – specific selection of staff for the young adult population, increased pace of Safe Crisis Management training for that staff, implementation of the housing and classification tool to create young adult housing units, increased number of cameras, and improved unit infrastructure (TVs, fm/am transmitters, and updated painting and programming/school space). As noted, to effectively house young adults separately, provide appropriate programming and advance alternative disciplinary measures necessitated the creation of a new classification structure, sufficient staffing and related staff training, and identification of suitable facility space. The Department selected George Motchan Detention Center (GMDC) as the most suitable facility to accommodate the housing needs of the estimated

1,200 young adults that may be in DOC custody at any given time. GMDC can house up to 1,946 inmates – 1,110 in individual cells and 836 in dormitory beds.

The foundation of the plan was based on housing the majority of young adults in GMDC. To date, 407 young adults have been successfully transferred to GMDC. The remaining young adult population, totaling approximately 645, are housed throughout the Department's other facilities. As we continued plan implementation with the goal of achieving full compliance with the minimum standards, issues arose which required immediate reevaluation of the housing of the remaining young adults. Structural security concerns within GMDC coupled with the recent assaults on staff required the Department to reassess the timetable and establish interim solutions.

During the aftermath of the two recent assaults on staff in which officers' sustained critical injuries, the Department took action to address the fears and concerns regarding the Young Adult plan that immediately came to light after these unfortunate events. A total of thirteen (13) focus groups were conducted in which 133 frontline staff participated. I personally facilitated eight (8) of the thirteen (13) focus groups, speaking with over eighty-four (84) members of staff, which provided me with greater insight into the key issues requiring resolution. The remaining focus groups were conducted by Executive staff. The results of these focus groups shed light on the need to expand upon several staff safety and security concerns, including:

- Custody Management
 - Better efforts to define a secure unit for violent young adult offenders outside of GMDC
 - Staffing and plans for escorted movement for all inmates
 - Development of programs housing units (use of Rikers Rovers programming and incentive based programming for inmates)
- Safety Initiatives
 - Repair or replacement of defective/inoperable cell doors
 - Gas mask for use of MK4
 - Appropriate cuffs and keys in every housing area
 - Bolted tables and chairs
- Training
 - MK4 training for all inmate facing posts
 - Increased training for the staff – crisis intervention training, mental health first aid, cell extraction, and incident management system training for all staff
- Communication to Staff
 - Ongoing communication regarding all facility/department changes and updates

While all the issues outlined above are important, the development of a secure unit and the completion of the repair and/or replacement of the cell doors are significant factors in determining when some of the young adults can be transferred to GMDC. As stated in the Nunez consent judgment, the Department must take reasonable steps to ensure that the locking mechanisms of all cells, where inmates under the age of 19 are housed, function properly, are adequate for security purposes and cannot be easily manipulated by inmates. The agreement further states that where locking mechanisms are not accordingly operable they cannot be used. Currently, the Department is working to establish a plan for the housing of young adults separately from adults with age appropriate programming that ensures compliance with both the minimum standards and the Nunez consent judgment.

We will present the Board with the updated Young Adult Strategy plan with more concrete timelines for each of the above components at the February BOC meeting.

The Department has made a good faith effort to fully comply with the minimum standards by the date specified in the original limited variance request but based on the circumstances as detailed above is unable to achieve full compliance by December 31, 2015. The Department appreciates the Board's consideration of the requested six (6) month limited variance. We look forward to continuing to work together to ensure 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