



May 24, 2016

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

Variance Request to BOC Minimum Standards Regarding Implementation of the Young Adult Plan: Section 1-17 "Limitations on the Use of Punitive Segregation"

Dear Mr. Brezenoff:

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 limited variance until June 30, 2016 from BOC Minimum Standards §1-17(b)(1)(ii), which requires, as of January 1, 2016, the exclusion of inmates ages 18 through 21 from punitive segregation. This variance would commence on June 1, 2016 and be an extension of a previously granted variance.

The Department first submitted a limited variance request in late September 2015 for additional time from the January 1, 2016 deadline to eliminate punitive segregation for 18-21 year olds. In the time since that variance was granted, the Department's implementation of an alternative management structure for young adults (18 to 21 year olds) is well underway and we are diligently working to physically move, classify, and properly manage the majority of DOC's young adults within one facility (GMDC). Over 78% of the expected young adults to be housed in GMDC have been moved into the facility.

An underlying tenant of the Department's Young Adult Plan, and its plan to end the use of punitive segregation for this population, necessitated the creation of appropriate, safe alternatives. DOC has developed a tiered response protocol utilizing three (3) progressively more therapeutic and more structured housing options geared towards incentivizing positive behavior with heightened programming, inmate engagement, and staffing. To date, two of the three housing types -- Second Chance and Transitional Restorative Unit (TRU) -- have already been stood up and operationalized. The third housing type, Secure Unit, will be located at GRVC and OBCC. The initial four Secure Units are currently under construction at GRVC. The Department has made a good faith effort to comply with the minimum standards within the new time frame, but completion of Secure Unit construction has impacted the Department's ability to meet the initial timeline.

The Department cannot safely end punitive segregation for 18-21 year olds until it has the appropriate, safe alternatives in place to house those young adults who engage in seriously and persistently violent behavior. Currently, construction of the Secure Unit continues within GRVC -- efforts related to welding by outside contractors, camera and library kiosks installation, creation of necessary fire/response exits and entrances, as well as coordinating with the city's Department of Transportation to properly pave and lay down the recreation yard surface all have experienced shifts in schedule. As well, need to properly vet and gain construction and design approval from the New York State Commission of Correction (SCOC), who only meet once a month, resulted in an initial delay early on. The Department is pushing the contracted team, its own internal workforce, and partner agencies to move as quickly as possible on construction, but setbacks that occurred

have pushed back the date by which the Department is able to utilize the unit, test its effectiveness, and appropriately move inmates out of punitive segregation into a safe alternative.

As the Board knows, the current punitive segregation-based model has been correctional practice for decades. The Department's commitment to the elimination of punitive segregation for this population remains unwavering. We have actively begun instituting the necessary reforms and transfer of young adults out of punitive segregation into appropriate alternative housing. The number of young adults in punitive segregation has been significantly reduced, with over 40 young adults already transferred to Second Chance or TRU and successfully managed within those units. A small number, 32, currently remain in punitive segregation. And of those, the Department believes it can further reduce the population to less than 12 that represent the most serious and persistently violent young adults – those who require placement within Secure Unit. As we move towards the complete elimination of punitive segregation for young adults, it is paramount that the safety and security of staff and inmates is maintained. Over the next month, the Department will continue monitoring Second Chance and TRU, move young adults out of punitive segregation placement to these units or to other housing options, conclude construction of the Secure Unit, and adjudicate those young adults who require Secure Unit placement, and complete the adoption of the Young Adult plan.

Completion of the requisite components of the plan and the elimination of punitive segregation for this population cannot be achieved by June 1, 2016, so the Department is unable to fully comply with the minimum standards by that date. Therefore, the Department is seeking an extension of this deadline to June 30, 2016.

The Department appreciates the Board's consideration of these matters. We look forward to continuing to work together in reaching this historic correctional milestone and the end of punitive segregation for all young adults in our custody.

Sincerely,

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

Joseph Ponte

cc: Martha King, Executive Director