



NEW YORK CITY DEPARTMENT OF CORRECTION  
Cynthia Brann, Commissioner

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June 28, 2018

Derrick D. Cephas, Acting-Chair & Vice-Chair  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

Re: Limited Six (6) Month Variance Renewal Request to BOC Minimum Standards Regarding Co-mingling Young Adults (19-21 years old) with Adults (22 years old and older): Section 1-02

Dear Mr. Cephas:

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") writes to request a six (6) month limited variance renewal from BOC Minimum Standards, §1-02(c)(1) which as of July 14, 2018<sup>1</sup> requires inmates ages 18 through 21 be housed separate and apart from inmates over the age of 21. While the scope of the BOC Minimum Standards §1-02(c)(1) is applicable to young adults ages 18 to 21 inclusive, the Department is seeking that this variance apply only for young adults ages 19 to 21 years old. This renewal would take effect on July 14, 2018, the date upon which the current variance is set to expire.

Co-mingling young adults (19 to 21 years olds) with adults (22 years old and older) remains an important custody management practice for the young adult population. In 2015, the Department was exploring unprecedented correctional methods to address the unique needs of young adults. In the time since, through lessons learned, first hand experience and observation, it is clear that a dual housing management structure that maintains both young adult specific housing as well as co-mingled young adult (19 to 21 years old) and adult (22 years old and older) housing, best serves the needs of each young adult. An equally critical component related to housing options for young adults is centered upon ensuring that every young adult in our custody has the opportunity to engage in impactful programming. As discussed herein, programming and suitable programming space has been part of ongoing deliberations relative to the closure of the George Motchan Detention Center ("GMDC") and the housing of young adults in Robert N. Davoren Complex ("RNDC") and George R. Vierno Center ("GRVC").

The benefits of co-mingling young adults (19 to 21 years old) with adults (22 years old and older) has contributed to violence reduction, with a particularly meaningful impact on in-unit violence. Lower proportions of young adults with respect to overall house count demonstrated decreased occurrences of Use of Force (UOF) and fights compared to houses with higher proportions of young adults; especially compared to houses with all young adults. These findings are consistent with the Nunez Monitoring Team's experience employing a similar housing strategy in other jurisdictions. Additionally, there has been

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<sup>1</sup> Based on variances granted by the Board on September 8, 2015, December 16, 2015, January 12, 2016, July 12, 2016, January 10, 2017, July 11, 2017, and January 9, 2018 extending the October 15, 2015 deadline for the housing of inmates ages 19 to 21 separately and apart from inmates over the age of 21.

noted decreases in incidents involving young adults (18 to 21 years old). Between Q1 and Q3 from FY15 to FY18, young adult-involved assault on staff with minor injury is down by twenty-five (25%) percent, young adult slashing and stabbing is down by fifteen (15%) percent, and young adult assault causing serious injury decreased by sixty-three (63%) percent.

With an estimated eighty-six (86%) percent of the young adult (19 to 21 years old) population housed in a co-mingled setting; it is vital that the Department retain this housing option as part of the overall management of the young adult population. We recognize, however, that it is the combination of both co-mingled and young adult only housing options that fosters the needs of all young adults. To that end, in 2018, the Department announced plans for the closure of GMDC and the transfer of young adults to other facilities with appropriate programming space; including both co-mingled and young adult exclusive housing options.

The GMDC plan and related decision-making was supplemented with input from programming, custody management, operations, and security staff organized in several committees and subcommittees that considered a range of topics, including infrastructure resiliency, age-specific housing needs, and enhanced young adult programming spaces available in other Department facilities. Throughout the process, the unique programming and housing needs of the young adult population were principal considerations. The Department has currently planned to house the majority of young adults in one facility following transfer of sixteen and seventeen year olds to Horizons as part of Raise the Age (RTA). We are confident that young adults, following the closure of GMDC, will be provided the same, if not further enhanced, access to age-specific programming spaces and opportunities. However, the ability to co-mingle certain young adult populations with adults remains a critical tool in the Department's pursuit of individualized housing and programming management in safe facilities.

Since March 31, 2017, the Department has been advocating for the Board to enter into restrictive housing rulemaking inclusive of the use of co-mingling, which, to date, has not yet begun. The Department continues to urge the Board to initiate rulemaking that allows for this custody management option. The Department has made a good faith effort to comply with the noted provisions of the Minimum Standards within the six (6) months prescribed in the variance but we cannot do so at this time as it would undermine the benefits and positive trends in violence reduction that we have seen to date.

The Department appreciates the Board's consideration of the six (6) month limited variance renewal, which would allow for the co-mingling of young adults (19 to 21 years old) with adults (22 years old and older). We look forward to continuing to work together to ensure the successful management of the Department's young adult population and to achieve compliance through future rulemaking.

Sincerely,



Cynthia Brann

cc: Martha King, Executive Director