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**BOARD OF CORRECTION**  
**CITY OF NEW YORK**  
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Martha W. King  
*Executive Director*

Record of Variance Action for July 9, 2019 Public Meeting

This variance allows the Department to house people ages 19-21 with people over the age of 21.

Type of Variance: Limited

Date on which variance will commence: August 12, 2019

Time period, if any: Six months, ending February 12, 2020

Minimum Standard for which Variance is Granted: 1-02(c)(1)

Date on which Board of Correction first approved variance (for renewals only):  
September 8, 2015

Requirements imposed as conditions on variance:

1. DOC shall house male young adults (19-21) in young adult-only housing unless:
  - a. He is housed in a restrictive housing area with less than 14 hours lock-out (i.e. ESH);
  - b. He has engaged in violent or assaultive behavior towards staff or other people in custody; or
  - c. He has engaged in actions that threaten the safety and security of the facility (e.g., cell door manipulation).

These factors will be applied case-by-case, and will only result in an individual young adult's placement in co-mingled housing (with ages 22+) after an individual determination is made.

As of March 12, 2019, the Department shall document each determination in writing, including the reason for such determination and all COD's and Incident

Reports supporting each determination.<sup>1</sup> The Department shall send notification to the person in custody within three days that includes for which reason(s), of the three listed above, they are being moved. The Department shall send the Board a bi-weekly report of all such determinations, including the reason for the housing determination and the full record of COD's and Incident Reports supporting such determination.

2. During the pendency of this variance, the Department shall provide the Board with a monthly census showing in which housing units and jails 18 to 21 year-olds are housed, and the Department shall continue to (a) provide the Board with a monthly progress report on its implementation of the Young Adult Plan and implementation of alternatives to punitive segregation (i.e., Second Chance, TRU and Secure Units); and (b) provide its progress report for each month on the tenth business day of the following month.

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<sup>1</sup> This documentation shall not apply retroactively. Notice requirements shall only apply if the Department moves a young adult into co-mingled housing on March 12, 2019 or later. Notice requirements shall apply regardless of whether the young adult is moved to a co-mingled housing area from adolescent housing, young adult housing, or a different co-mingled housing area.