



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

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February 3, 2020

Jacqueline Sherman, Interim Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

RE: Limited Six (6) Month Variance Renewal Request to Board of Correction Minimum Standards Section 1-02 Regarding Commingling Young Adults (19-21 Years Old) with Adults (22 Years Old and Older)

Dear Interim Chair Sherman,

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 six (6) month limited variance renewal from Board Minimum Standards, §1-02(c)(1), which requires individuals in custody ages 18 through 21 to be housed separate and apart from individuals over the age of 21. While the scope of the Board's Minimum Standards §1-02(c)(1) is applicable to young adults ages 18 to 21 years-old, the Department seeks for this variance request to apply only for young adults ages 19 to 21 years-old. The Department requests this renewal to take effect February 12, 2020, the date upon which the current variance is set to expire.

The Department recognizes the vital importance of distinguishing and responding to the unique needs of young adults in our custody. The Department remains committed to maintaining a targeted approach to young adult housing determinations that addresses the unique safety, education, and programmatic needs of young adults. In pursuit of this commitment, the Department created the Young Adult Plan ("Plan") in 2015. The Plan is a living document that is constantly evolving and being reassessed as the Department further develops and refines strategies to best support this population. Its ultimate goal, however, remains to ensure young adults in Department custody are provided the resources and opportunities to positively transform their lives and contribute to their communities.

Previous experience has indicated that a 'one size fits all' approach is inadequate when providing conscientious care for the wellbeing of young adults in a custodial setting. While the Department prioritizes housing young adults exclusively with one another, it also requires the flexibility to selectively commingle those who engage in violent or assaultive behavior or who pose a security risk to other young adults with whom they cohabitate. The Department frequently encounters young adults who persistently engage in violent acts against their young adult peers, despite the provision of services and programming directed at addressing the underlying causes of their criminogenic behavior. The Department has found that the behavior of such young adults may stabilize in adult housing environments, thereby ensuring the safety of all individuals in Department custody. In certain recorded cases, young adults request commingling in recognition of their own violent behavioral patterns when housed in young adult only housing.

While certain young adults, after an individualized assessment, may be found to benefit from adult housing, the Department continues to make every effort to house young adults ages 19-21 in young adult-only housing. The Department further continues to house all 18-year-olds in young adult only housing. However, the Department requires the flexibility to selectively commingle certain young adults when necessary for their safety or the safety of others in custody after individual assessment. In exceptional circumstances, a young adult with no history of violence may be commingled if necessary for the safety and security of the individual and/or the facility. Conversely, a young adult with a history of violence or assaultive behavior may continue to be housed in young adult only housing if a safe placement can be determined. All young adults who are placed in commingled housing receive a written determination regarding their housing that includes a justification for the determination in accordance with the Board's variance conditions.

As discussed in previous public meetings, the Department has pledged to house as many young adults in young-adult-only housing as is safe. Per the January 2019 Young Adult Monthly Progress Report, there was a total of 413 young adults in young-adult-only housing and a total of 227 young adults in a commingled setting.¹ Comparatively, in the January 2020 Young Adult Monthly Report, there was a total of 319 young adults housed in young-adult-only housing units and a total of 161 young adults housed in a commingled setting.² Despite a changing population, the Department's housing record demonstrates our commitment to age-appropriate housing practices.³

Whether a young adult is in commingled or young adult only housing, the Department remains committed to affording all young adults opportunities to engage in programming and educational services. Individuals housed in both commingled and young adult exclusive housing receive dynamic and targeted programming led by experienced instructors, nonprofit partners, and DOC staff. Program offerings range from group emotional support to hard skill building. As of January 16, 2020, young adult enrollment at the East River Academy (ERA) included 16 students enrolled at EMTC, 36 students at GRVC, 28 students at OBCC, 22 students at RMSC, and 142 students at RNDC.

During the current school year (July 2019 through January 13, 2020), ERA administered forty-six (46) Tests Assessing Secondary Completion (TASC, high school equivalency exam): fifteen (15) passed the exam and obtained a high school diploma, three (3) did not pass, and twenty-eight (28) students are currently awaiting results. Three of these students took the TASC while housed in Enhanced Supervision Housing ("ESH"): of these three, two obtained a diploma while the other student is awaiting results.

While the Department appreciates and is committed to supporting the unique needs of the young adults in our custody, there is also a necessary recognition that young adults are not a monolithic cohort in regards to their service, education, programmatic, and housing needs. It cannot be said that one type of environment is best for all young adults. The selective commingling of young adults is an important tool that clearly supports the safety and wellbeing of all those in DOC custody and staff alike. The Department's approach to the management of the young adult population ensures that appropriate housing placements, be it in a commingled or young adult only setting, are made on an individualized basis with consideration of each young adult's specific needs.

The Department appreciates the Board's consideration of the six (6) month limited variance renewal request, which would allow for the commingling of young adults (19 -21 years-old) with adults (22 year-olds and older). We look forward to the inclusion of a similar provision in the Board's proposed rulemaking and

¹ Per the report, 64.5% of the Department's young adult population was housed in young-adult-only housing.

² The January 2020 Young Adult Monthly Report includes data from January 2, 2020. Per the report, 66% of the Department's young adult population was housed in young-adult-only housing.

³ There was a 25% decline in the Department's young adult population from January 2019 to January 2020, but an increase in the percentage of young adults in young-adult-only housing.

continuing to work together to ensure the safe and successful management of the Department's young adult population.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia Brann". The signature is written in a cursive style with a large, sweeping initial "C".

Cynthia Brann

cc: Margaret Egan, Executive Director