



NEW YORK CITY DEPARTMENT OF CORRECTION  
Cynthia Brann, Commissioner

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July 7, 2020

Jennifer Jones Austin, Chair  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

RE: Renewal of Continuing Variance Request from Minimum Standard §3-06(e)(5) “Nursery program” Specialized Juvenile Detention Facility (SJD) at Horizon Juvenile Center (HJC)

Dear Chair Jones Austin:

Pursuant to §1-15(c) of the New York City Board of Correction’s (“Board”) Minimum Standards, the New York City Department of Correction (“Department”) requests a continuing variance from BOC Minimum Standard §3-06(e)(5), “Nursery program,” which requires a physical nursery and child care program for youth who may give birth while in custody. The current variance addresses the fact that compliance with this minimum standard is not feasible based upon the structural and spacing limitations of the facility. The initial variance was first granted for the Specialized Juvenile Detention (“SJD”) facility at Horizon Juvenile Center (HJC) by the Board on July 10, 2018 and continued through August 15, 2020. This continuing variance renewal is requested for the period of August 15, 2020, through September 30, 2020, the date that the current variance is set to expire through the date the SJD will close. The last pre-RTA youth ages out on July 26, 2020, and it is extremely unlikely that any new youth will be admitted during that period.

As the Board is aware, in 2017, the Governor signed into law New York State’s Raise the Age (RTA) legislation, which amended and enacted various provisions of law to raise the age of criminal responsibility from 16 to 18. This legislation changes the way 16 and 17-year-olds are prosecuted and detained.<sup>1</sup> RTA also amended state Correction Law to add a new section, 500-p, which prohibits the City from holding youth under 18 in a Rikers Island Correctional Facility or any facility located on Rikers Island after October 1, 2018 (“Rikers youth”). This population was removed from Rikers Island and is now housed in an SJD facility at Horizon, which is jointly licensed by the Office of Children and Family Services (“OCFS”) and the State Commission on Correction (“SCOC”) and jointly operated by ACS and DOC. The residential composite of the SJD is currently Rikers Youth and pre-RTA youth (17 year olds who, but for the provisions of Correction law 500-p, would have been detained at Rikers).

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<sup>1</sup> This part of the law went into effect for 16 year olds on October 1, 2018, and on October 1, 2019 for 17 year olds.

The Department is seeking the renewal of a continuing variance from Minimum Standard §3-06(e)(5) to allow Rikers and pre-RTA youth to be housed in a facility that does not have “necessary child care” and a “nursery program.” The Department is seeking a variance from §3-06(e)(5) in part because the physical plant of Horizon cannot accommodate a nursery: this change in design would require extensive reconstruction and additional space that is not available. It is very improbable that a pregnant youth would be admitted to HJC’s SJD , and give birth during the period of August 15-September 30.

In continuing to apply the existing DOC model, if a late-term pregnant youth is admitted, ACS would make an individualized assessment to determine the best interests of the child, as required by law (Correction Law 611). ACS has contracted with Children’s Village to put in place a wrap-around model of support for the SJD facility that provides a variety of parenting services to all young parents (mothers and fathers), which includes supported visitation, parent-child service coordination and specialized case management, education, and coaching. These services also follow the youth back to the community or other settings, upon their release.

The Department appreciates the Board’s consideration of this continuing variance renewal, which if granted, will allow the Department, in conjunction with ACS, to continue to provide Horizon SJD residents with nursery program services that aligns with the national standard of juvenile justice models.

Thank you for your consideration and attention to this matter.

Sincerely,



Cynthia Brann

cc: Margaret Egan, Executive Director