



NEW YORK CITY DEPARTMENT OF CORRECTION  
Joseph Ponte, Commissioner

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October 28, 2015

Stanley Brezenoff, Chair  
NYC Board of Correction  
51 Chambers Street, Room 923  
New York, NY 10007

REVISED: 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(b)(1)(i) 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 February 29, 2016 from the 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, for the purpose of implementing the newly created Young Adult Strategy plan.

The Department has taken an unprecedented step in the correctional management of young adults (18 to 21 year olds) by replacing the punitive segregation-based model of management with a plan that incentivizes positive behavior with heightened programming and staffing. Adoption of this groundbreaking plan necessitates the establishment of specialized housing in combination with appropriate programming and staff training. As extensively discussed in the Department's Young Adult Strategy plan, which was recently submitted to the Board, proper implementation of the plan requires thoughtful assessment of housing allocations best suited for young adults. This assessment must incorporate classification, tailored programming to suit educational and behavioral needs, and mandated staffing ratios and training. The elimination of punitive segregation is a key component of the plan and requires careful consideration and incorporation of effective alternatives that address disciplinary issues while maintaining the safety and security of inmates and staff. In place of punitive segregation, inmates who commit minor infractions will be subject to a loss of privileges. Those who commit serious infractions will be disciplined through a tier response protocol structure, similar to that which is utilized for adolescents in DOC custody. The success of this plan is dependent on the Department's ability to lay a solid foundation to build upon prior to moving forward. Completion of the requisite components of the plan and the elimination of punitive segregation for this population cannot be achieved by January 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 February 29, 2016.

The Department appreciates the Board's consideration of these matters. We look forward to continuing to work together to ensure that the inmates in the Department's custody are provided with the best care possible.

Sincerely,

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

Joseph Ponte

cc: Martha King, Executive Director