



NEW YORK CITY DEPARTMENT OF CORRECTION

Cynthia Brann, Commissioner
Office of the Commissioner
75-20 Astoria Boulevard, Suite 305
East Elmhurst, New York. 11370

718 • 546 • 0890
Fax 718 • 278 • 6022

January 2, 2019

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

RE: Limited Six (6) Month Variance Renewal Request from Minimum Standard §1-11(a), Regarding Correspondence at the Specialized Juvenile Detention Facility/Horizon Juvenile Center (HJC)

Dear Mr. Cephas:

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 six (6) month limited variance renewal from BOC Minimum Standard §1-11(a), "Correspondence," directing no limitation regarding whom individuals in the Department's custody may correspond with; to granting such limitation based upon a juvenile justice centered approach. The initial variance was first granted for the Specialized Juvenile Detention ("SJD") facility/Horizon Juvenile Center (HJC) by the Board on July 10, 2018 and this renewal would take effect on January 10, 2019, the date that the current variance is set to expire.

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.¹ 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. This population was removed from Rikers Island and is now housed in an SJD facility (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. Additionally, 17 year olds who do not yet fall under RTA are housed with the youth moved off Rikers (collectively "pre-RTA youth").

The Department is seeking the renewal of the limited variance from Minimum Standard §1-11(a) to allow for a modified model of correspondence for pre-RTA youth that more closely aligns with ACS's existing juvenile detention model. Under this system, there would generally be no restriction on either the amount of correspondence youth receive, or on the language used by youth in the correspondence. However, procedures will exist for identifying individuals for whom mail correspondence is prohibited ("non-contact") or restricted based on the safety and security of the youth, the facility, and/or consistent with any existing court orders. The SCOC regulations, in 9 NYCRR §7334.5, "Restrictions on Correspondence," acknowledge that SJD facilities need the ability to restrict correspondence: "Nothing contained in this Part shall be deemed to prevent the director, or designee, from

¹ This part of the law goes into effect for 16 year olds on October 1, 2018, and on October 1, 2019 for 17 year olds.

establishing a list of correspondents with whom youth shall be prohibited from corresponding in order to protect the safety, security, or operational stability of the facility, or the safety, security, or the health of a person.”

Correspondence will never be read by facility staff unless youth request reading assistance. Correspondence will also only be opened in youth’s presence; and would only be inspected preliminarily to screen for inappropriate contents.

The Department appreciates the Board’s consideration of this six (6) month limited variance renewal which, if granted, will allow the Department, in conjunction with ACS, to continue to provide Horizon residents with mail correspondence that aligns with the national standard of juvenile detention models.

Thank you for your consideration and attention to this matter.

Sincerely,



Cynthia Brann

cc: Martha King, Executive Director