



NEW YORK CITY DEPARTMENT OF CORRECTION

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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 §3-06(e)(5), “Treatment,” Including Nursery Program, at the Specialized Juvenile Detention Facilities (SJD)/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 from BOC Minimum Standard §3-06(e)(5), “Treatment,” including 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/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.<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 . 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 the limited variance from Minimum Standard §3-06(e)(5) to allow 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. A nursery program would also be underutilized at the SJD, as has been evident since the youth were relocated to Horizon on or about October 1, 2018, to the present. The number of female youth who would remain in the SJD for any substantial amount of time

<sup>1</sup> 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.

is projected to be low, as the last few months has reflected. It is very improbable that a pregnant youth would give birth during her short stay at the SJD.

In continuing to applying the existing DOC model, if a late-term pregnant youth is admitted, ACS will make an individualized assessment to determine the best interests of the child, as required by Correction Law § 611, which takes into account the mother's history of violence. ACS has been planning for a wrap-around model of support 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. ACS is currently in the process of procuring these wrap-around services for the SJD facility. 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 six (6) month limited variance renewal which, if granted, will allow the Department, in conjunction with ACS, to continue to provide Horizon residents with nursery program services that align with the national standard of juvenile justice models.

Thank you for your consideration and attention to this matter.

Sincerely,



Cynthia Brann

cc: Martha King, Executive Director