

The Department is notifying the Board of a declaration of an emergency variance pursuant to §1-15(b)(3) of the Minimum Standards. An emergency situation prevents the Department's compliance with §1-05(b) and §1-08(f) of the Board's Minimum Standards as they pertain to the Department's operation of the Secure Unit. The Department lacks necessary operational resources for the purpose of providing suitable housing in a safe and productive manner for qualifying young adults without the use of the Secure Unit. This situation will remain until the Department implements the Board's restrictive housing rulemaking and the Risk Management and Accountability System ("RMAS").

The Department submitted a formal variance request to the Board on July 6, 2021. The Department understands the Board was unable to hear that variance request in July and will not be able to hear the variance request until a later date. Accordingly, as agreed-upon with the Board, the Department is submitting this emergency variance declaration until such a time that the Department's formal variance request may be heard. As detailed in that formal variance request, the Department remains committed to implementing the Board's restrictive housing rulemaking, which will replace the use of current restrictive housing and the need for a related Secure Unit variance.

Maintaining the safety and security of individuals in custody and staff is a critical function and responsibility of the Department. A lack of diverse housing options for young adults who engage in violent behavior while in custody threatens the safety and security of Department facilities and poses a significant threat to the safety of the population in custody and staff. The nature of this emergency situation prevents the Department's continued compliance with the Minimum Standards §1-05(b) and §1-08(f).