



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

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February 3, 2021

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

RE: Limited Six (6) Month Variance Renewal Request to BOC Minimum Standards Section 1-16(c)(1)(ii) Regarding the Use of Enhanced Supervision Housing (ESH) for Young Adults (18 to 21 years old)

Dear Chair Jones Austin,

Pursuant to §1-15(f) 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 Board Minimum Standards §1-16(c)(1)(ii), which requires that young adults (ages 18-21) be excluded from placement in Enhanced Supervision Housing ("ESH"). The Department requests this renewal to take effect February 21, 2021, the date upon which the current variance is set to expire.

The Department appreciates the Board's continued partnership in developing a safer and more humane correctional system that seeks to enhance and support positive outcomes for those in the Department's care. Following the elimination of punitive segregation for young adults, the Department worked to develop and refine alternative housing options for individuals in custody who perpetrate violent and dangerous behavior. For the few young adults who engage in egregious acts of violence or persistent violent behavior while in the Department's custody, ESH remains one of the few housing options available that affords targeted and meaningful programming support in a structured environment. Every young adult placement in ESH is given careful consideration with attention to alternative housing options. The higher level of structured activity in ESH ensures that young adults can safely participate in evidence-based programming alongside other young adults. Striking a balance between safety concerns and the consistent provision of programming is critical to the proper function of ESH and the ongoing support of those involved in the program.

ESH involves three distinct levels, with each level affording gradually more privileges in order to encourage the positive behaviors required for progression. ESH Level 1 houses qualifying young adults who recently participated in serious acts of violence or attempted violence, such as a stabbing or slashing, or an assault that causes serious injury to a staff member or another person in custody. The Chief of the Department personally reviews each request to house a young adult in ESH Level 1 in order to ensure that the unit's stringent placement criteria has been met and that no other housing options would be appropriate for the young adult's management and programmatic needs.

Each young adult's progression through the ESH level system is reviewed by a multidisciplinary review team comprised of social service providers, program staff, uniform facility leadership, and uniform staff who work closely with each young adult to encourage meaningful engagement in each young adult's individualized support plan. Young adults are directly engaged in meaningful discussions with this team regarding their behavior, including the underlying causes of their behavior, during the review process. Based on the multidisciplinary review team's assessment of the young adult's behavior during the review period, the young adult may be recommended to advance, regress, or stay at the current level until the next review. Based on current variance conditions, young adults progress automatically to a less restrictive ESH level or back to general population at each review unless they have engaged in violent, aggressive, or disruptive behavior during the preceding review period or credible intelligence suggests that the young adult would engage in such behavior in a less restrictive level. Reviews in Level 1 are conducted every seven (7) days, while reviews for individuals in Levels 2 and 3 are conducted every twenty-one (21) days. Each review determination is made in writing, shared with the individual in custody, and includes justification for advancement, regression, or no movement.

As of the date of this letter, there are twenty-one (21) young adults housed in ESH – two (2) in Level 1, fourteen (14) in Level 2, and five (5) in Level 3. Since November 21, 2020, when the current variance period first began, there have been twenty-five (25) new young adult placements in ESH. Of those twenty-five (25) young adults, thirteen (13) were initially placed in Level 1 following a recent qualifying event: three (3) based primarily on a slashing or stabbing, two (2) based primarily on an assault on staff or person in Department custody, and eight (8) based primarily on both a slashing or stabbing and an assault on staff or person in Department custody. Twelve (12) young adults were initially placed in ESH Level 2 based on a qualifying event, such as a slashing or stabbing, possession of a dangerous article, or an assault on a staff member or another person in Department custody.

In response to the COVID-19 pandemic, a concerted and continued effort is made to maintain meaningful programming and educational services in ESH. In early March 2020, in-person programming was suspended across all Department facilities as a critical measure for the safety of all those who live and work in Department facilities. As a temporary measure to supplement this change, self-guided programming packets with workbooks and evidence-based worksheets are distributed regularly to all those in ESH. Worksheet topics include, but are not limited to, dialectical behavioral therapy, anger management, healthy relationships, and youth communication, which is a series of true stories written by young adults that cover various topics including the positive impact young adults can have in their community, overcoming challenges and setting goals, and overcoming negative stereotypes. All individuals in ESH are engaged in the process of completing their Individual Support Plans (ISPs) in order to guide their progress through ESH and reinforce the benefits of targeted programming. In-person services such as individualized counseling and social services are additionally available to young adults in ESH by request through a service request slip system and can also be requested when program counselors are in the units.

The Department continues to partner with the Department of Education ("DOE") to deliver educational services to young adults regardless of where they are housed within Department facilities. On March 13, 2020 the DOE suspended in-person education as a result of the COVID-19 pandemic. Prior to the start of the current school year, the Department's Educational Services Unit conducted outreach and recruitment efforts to encourage young adults to enroll in DOE educational services. Additionally, the Department distributed informational flyers that have reminders on how to utilize DOE's support hotline. Students enrolled in ESH commenced the current school year on September 21, 2020 with remote learning through educational packets prepared by the DOE.

The Department appreciates the Board's partnership in the ongoing development of ESH. In submitting this letter, we ask for the Board's consideration of this six (6) month limited variance renewal request to permit the continued use of ESH for young adults while the Department awaits the Board's restrictive housing

rulemaking. We look forward to continuing to work with the Board in order to ensure safe and appropriate housing for everyone in the Department's care.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia Brann". The signature is written in a cursive, flowing style.

Cynthia Brann

cc: Margaret Egan, Executive Director