



Commission of Correction

THOMAS A. BEILEIN
Chairman

THOMAS J. LOUGHREN
Commissioner

ALLEN RILEY
Commissioner

CHAIRMAN'S MEMORANDUM

NO: 3-2017
DATE: September 11, 2017
TO: SHERIFFS and COMMISSIONERS OF CORRECTION
RE: Specialized Secure Detention Facilities for Older Youth

As you are aware, the recently enacted "Raise the Age" (RTA) legislation (Part WWW of Chapter 59 of the Laws of 2017) will ultimately prohibit the detention of any person under 18 years old within an adult jail or prison. Adolescent offenders (defined by the legislation as a person who is 16 years of age, effective October 1, 2018, or 17 years old, effective October 1, 2019, when alleged to have committed a felony) may be detained pending trial, or serve a definite sentence of imprisonment, in the newly created Specialized Secure Detention Facilities for Older Youth ("SSDs").

In recent weeks, Commission of Correction staff have participated in regional RTA stakeholder meetings throughout the state. Given the need to establish facilities prior to the October 1, 2018 effective date for those 16 years of age, a common county stakeholder question was whether SSDs may be collocated with the existing juvenile secure detention facilities throughout the state. Following discussions with the Office of Children and Family Services (OCFS), it has been determined that SSDs may be collocated with juvenile secure detention facilities, provided the following conditions are maintained:

- Adolescent offenders (AOs) must be assigned to separate housing units from juvenile delinquents (JDs) and juvenile offenders (JOs)
- Facilities may share common spaces (e.g. cafeteria, medical, vocational and recreational) for AOs and JDs/JOs, but procedures must be employed to prevent physical access between the populations
- Facilities, on a case-by-case basis, may be allowed to share space for AOs, JDs and JOs for educational purposes, given limited staff, space or scheduling
- Facilities must abide by all OCFS and SCOC regulations, as well as guidance from the applicable sheriff, including enhanced staffing ratios and security protocols for AOs.

As required by RTA, both SCOC and OCFS are actively engaged in promulgating regulations for the establishment, certification and operation of SSDs. Although the regulations

will provide greater detail, both SCOC and OCFS wanted to immediately notify each sheriff and designated juvenile detention program agency of this policy decision to assist in their planning, budgeting, siting and establishment of SSDs.

For further information, materials, answers to frequently asked questions, and updates regarding the development of regulatory and administrative policies, New York State has created a RTA website at www.ny.gov/RaisetheAge.

A handwritten signature in black ink that reads "Thomas A. Beilein". The signature is written in a cursive style with a long horizontal flourish at the end.

Thomas A. Beilein, Chairman