



Office of Children and Family Services



Commission of Correction

SHEILA J. POOLE
Commissioner

ANDREW M. CUOMO
Governor

ALLEN RILEY
Chairman

March 20, 2020

Dear Detention Directors:

As the state addresses the COVID-19 crisis, we must work together to provide a safe and secure continuity of service for youth in custody. Current regulatory requirements prohibit cohousing for JD and JO male youth with AO male youth; however, OCFS has determined that during this declared disaster emergency, this prohibition may lead to beds that could safely be utilized to house detained youth being left empty.

Based on the possibility that there will be a need to quarantine or isolate youth who have been exposed to or contracted COVID-19 and the staffing shortages that are often attendant to pandemic situations, the need for available secure and specialized secure detention beds may increase during this crisis. Thus, collocated secure detention and specialized secure detention facilities may wish to apply for a waiver on the prohibition of cohousing AO male youth with JD and JO male youth.

OCFS will waive the provisions of 9 NYCRR 180-3.3(c)(1)(i) and (ii), prohibiting cohousing and commingling of youth, for certified collocated SD/SSD facilities, provided that:

- The facility has submitted an OCFS and SCOC-approved safety and supervision plan;
Staffing, reporting, and security must meet SSD requirements;
The facility has demonstrated the ability to create a separate area for youth who cannot be safely commingled or cohoused;
The facility develops cross-category classification of youth in accordance with the considerations set forth in 9 NYCRR 180-3.10 and 9 NYCRR Part 7313; and
The facility considers accepting youth from any county provided they have space and the youth would not pose a health or safety risk to the facility.

To participate in the waiver, facilities must send the request and plan addressing the above areas to: ocfs.sm.detention@ocfs.ny.gov

We continue to support your efforts through this crisis and to provide safe and secure facilities for the youth of New York State. Thank you for all you do every day on behalf of the youth, families and communities of New York.

Sincerely,

Sincerely,

[Handwritten signature of Nina Aledort]

[Handwritten signature of Allen Riley]

Nina Aledort, PhD
Deputy Commissioner

Allen Riley
Chairman