



March 3, 2020

## **NEW YORK CITY** **BOARD OF CORRECTION**

### **Punitive Segregation Seven Day Waivers** **January 1, 2020 – February 28, 2020 Update**

Via a variance from Minimum Standard 1-17(d)(2), the Board of Correction allows the New York City Department of Correction (NYC DOC or Department), “in highly exceptional circumstances presenting safety and security concerns, to waive the requirement that inmates be immediately released from punitive segregation for seven (7) days after they have been held in punitive segregation for thirty (30) consecutive days.”<sup>1</sup> The Board first passed this variance on September 8, 2015 and renewed the variance for the ninth time on January 16, 2020.

As a condition of the variance, the Board requires that the highest ranking uniformed DOC staff member, the Chief of Department, approve all “seven day waivers” in writing and state why placement in a less restrictive setting is not a safe option. The Chief must also specify her reason for granting the request. All decisions and supporting documentation must be sent to the Board.

For the period January 1, 2020 – February 28, 2020 the Department did not approve or deny any waivers. The Department last approved a waiver on October 26, 2018.

<b>Review Period</b>	<b>Approved Waivers</b>	<b>Denied Waivers</b>
<b>September – December 2015</b>	5	2
<b>January – June 2016</b>	12	4
<b>July – December 2016</b>	4	1
<b>January – June 2017</b>	3	1
<b>July – December 2017</b>	4	1
<b>January – June 2018</b>	0	1
<b>July – December 2018</b>	1	0
<b>January – June 2019</b>	0	0
<b>July – December 2019</b>	0	0
<b>January – February 2020</b>	0	0
<b>Total</b>	<b>29</b>	<b>10<sup>2</sup></b>

<sup>1</sup> Record of Variance Action re: BOC Minimum Standard 1-17(d)(2), September 8, 2015, <http://www1.nyc.gov/assets/boc/downloads/pdf/punitive%20seg%20post.pdf>. The Board voted to renew the variance nine times subsequently: in December 2015, June 2016, January 2017, July 2017, January 2018, July 2018, January 2019, July 2019, and January 2020. The Board denied the variance request in November 2016 which went into effect on December 17, 2016. Consequently, the Department did not have the authority to grant waivers from December 17, 2016 to January 10, 2017.

<sup>2</sup> Two waivers counted here as denied were technically neither approved nor denied. These individuals did not return to Punitive Segregation within seven days.

**Approved Seven Day Waivers**  
*September 2015 - February 2020*

