

NYC Board of Correction to Vote on Comprehensive Rule to Reform Restrictive Housing in City's Jails

Proposed Rule Prioritizes Safety and Procedural Justice, Includes 15-Day Limit on Punitive Segregation Sentence (Except in Cases of Serious Assaults on Staff)

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New York, NY – [The New York City Board of Correction](#), an independent oversight Board for the City's jail system, will vote Thursday on whether to propose new rules to establish a comprehensive structure for disciplinary and non-disciplinary housing options that, appropriately and in the least restrictive manner necessary, respond to gradations of safety risk and/or punishment. The new chapter of rules proposes: new limits on time spent in restrictive settings; creation of new categories of people excluded from restrictive settings; expansion of procedural due process protections to all restrictive housing types, including a hearing and a right to appeal; enhanced access to medical and mental health services; and new compliance metrics that will promote public transparency and allow the Department, the Board, and the public to evaluate the success of restrictive housing policies and programs. The draft rules builds on [groundbreaking reforms in 2015](#), which recognized the overuse of punitive segregation in NYC and the negative impact it has on the mental and physical health of people placed in it.

“The comprehensive restrictive housing rules are the result of stakeholder engagement, best practice review, and data-driven policy debates. I look forward to discussing the rules with the Board, DOC, CHS, and the public,” said Board of Correction Interim Chair Jackie Sherman.

The Board's rulemaking process commenced in 2017 and included discussions with 30 organizations and individuals, including the local defense bar, criminal justice advocates, national criminal justice organizations and oversight entities, COBA, correctional experts, academics, and City partners. The Board met extensively with the Department of Correction and Correctional Health Services, the two agencies responsible for management of jail operations and health and mental health services respectively, and received comments from Council Speaker Corey Johnson, Criminal Justice Committee Chair Keith Powers, and the Council's Progressive Caucus. This comprehensive effort also entailed a literature review and examination of DOC directives, policies, and reports; Board staff research, analyses, and reports; model restrictive housing standards at the national and international level; and a review of restrictive housing in jails and prisons nationwide.

Key Provisions:

- Maximum PSEG sentence reduced from 30 to 15 days (other than for serious assault on staff)
- Maximum PSEG sentence for serious assault on staff remains at 60 days, but with ability to earn reduction in sentence for good behavior
- Daily lock-out in PSEG increased from one (1) to four (4) hours
- DOC must place person in PSEG within 30 days of guilty adjudication or else the person cannot be placed there at a later time

- Elimination of automatic \$25 fine for guilty infractions
- Elimination of routine use of restraints, including restraint desks, by February 2022
- Daily lock-out for young adults in restrictive housing increased from seven (7) to ten (10) hours
- Expanded procedural due process protections for placement in structurally restrictive housing (a housing unit with a physical design that permits people confined in the unit to congregate with only one or two other people in custody)
- Data reporting to monitor and track compliance with the proposed rules and the core principles on which they are based

On Thursday, the Board will vote on whether to formally propose this new chapter of the Minimum Standards, the regulations that govern the management of and conditions in the New York City jails, including Rikers Island. If the Board votes to propose the rules, the Board will publish them in the City Record and begin the [Citywide Administrative Procedure Act \(CAPA\) rulemaking process](#), which is required for any new local rule. CAPA requires a public comment period of at least 30 days as well as a public hearing. If the Board votes to propose the rules, the public hearing would be held on December 2, 2019. During this time, there will be opportunity to make further amendments, as necessary. After 30 days and a public hearing, the Board will publish a final rule on its website and schedule a vote on whether to approve a final rule. After a vote to approve the final rule, the rule would go into effect 30 days thereafter.

CONTACT: Bennett Stein, (212) 669-7992, bstein@boc.nyc.gov