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THE COUNCIL  
OF  
THE CITY OF NEW YORK  
**DANIEL DROMM**  
COUNCIL MEMBER, 25<sup>TH</sup> DISTRICT, QUEENS

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June 13, 2016

Martha W. King, Executive Director  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

Re: Request to Deny BOC's Request for a Limited Variance to BOC Minimum Standards §1-17(d)(2) Punitive Segregation

Dear Board Members:

I am writing to ask that the above-mentioned variance request be denied. The limited variance the Department of Correction (DOC) is requesting would allow the DOC to waive the requirement that individuals need to be released for seven (7) days following thirty (30) consecutive days of punitive segregation.

The DOC needs to make clear and detailed arguments justifying its request to continue to override the required reprieve. Specifically, the Board of Correction (BOC) should not approve this request unless the DOC presents evidence showing how its proposal can help maintain secure facilities while respecting the basic human rights of individuals in its custody.

The DOC claims it has been conservative in utilizing the override option and so tracking data related to this should not be difficult. The DOC should provide to the BOC evidence of how the override improves conditions and impacts the mental health of individuals subjected to extended stays in punitive segregation. The DOC must also provide a list of specific infractions that warrant the override. Such a list is critical to ensuring that the option is not abused.

My underlying concern, which is widely shared by the legal and medical experts, is that any extended use of punitive segregation is torture. While the DOC is responsible for maintaining the security of its facilities, it must do so in a way that respects the rights of those detained. Wherever possible, the BOC should encourage the DOC to employ alternative forms of discipline that are not considered torture and mistreatment and to take proactive steps to implement programming to reduce infractions and prepare individuals for release.

Thank you for your consideration and attention on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Dromm".

Daniel Dromm  
New York City Council Member, 25<sup>th</sup> District