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Martha W. King
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Record of Variance Action

On January 10, 2017, the NYC Board of Correction voted to approve the NYC Department of Correction's request for a limited variance from BOC Minimum Standard 1-17(d)(2).

This variance allows the 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.

Type of Variance: Limited

Date on which Variance will commence: January 10, 2017

Time period, if any: Six months, ending July 10, 2017

Minimum Standard for which Variance is Granted: 1-17(d)(2)

Date on which Board of Correction first approved Variance (for renewals only): N/A¹

Requirements imposed as conditions on Variance:

1. During the pendency of this Variance, the Chief of Department shall approve all waivers in writing and state why placement in a less restrictive setting is not a safe option. The Chief must specify his reason for granting or denying the request. Immediately after the Chief's decision is made on a request, the Department shall send to the Board the request and the Chief's decision.
2. During the pendency of this Variance, two (2) weeks before the end of the Variance, the Department will submit to the Board a public report on its punitive segregation reforms, including the use of therapeutic and other programming for people with long histories of, or stays in, punitive segregation; sentencing reforms; disciplinary reforms

¹ The Board first granted this variance on September 8, 2015. It was last in effect June 17, 2016 to December 17, 2016.

and alternative sanctions; and the use of Punitive Segregation II (PS II).

3. Where an inmate has committed a violent act during a stay in segregation or within seven (7) days following the inmate's release from punitive segregation, the Department may place the inmate back in punitive segregation.