



NEW YORK CITY DEPARTMENT OF CORRECTION
Joseph Ponte, Commissioner

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June 9, 2017

Derrick D. Cephas, Vice Chair & Acting-Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: Request for a Written Plan for Complying with and Reporting on the BOC Minimum Standards § 1-05(b) Lock-in and § 1-08(f) Access to Courts and Legal Services, including Law Library

Dear Mr. Cephas:

Pursuant to the one-month limited variance renewal granted by the New York City Board of Correction ("Board") at the May 9, 2017 public meeting to maintain the Secure Unit and the variance condition requiring the submission of a written plan, set forth herein, is the New York City Department of Correction's ("Department") written plan for complying with and reporting on the Minimum Standards, including §§ 1-05(b) (Lock-in) and 1-08(f) (Access to courts and legal services, including law library).

Minimum Standards §1-05(b) Lock-in

To facilitate and report on the provision of lock-in/lock-out in compliance with the variance permitting a minimum Secure Unit lock-out period of ten (10) hours per day, the Department will conduct monthly audits to ensure that during the previous month, on four (4) dates chosen at random, the total number of daily lock-out hours is equal to or greater than ten (10) hours, using a manual review of the logbooks used to record such information in the unit.

Minimum Standards §1-08(f) Access to Courts and Legal Services

In the Secure Unit, law library services are provided within the unit through the use of a law library kiosk and typewriters in the area. A law library coordinator is also assigned to the unit to assist young adults in the provision of law library related services. Given the low number of young adults currently housed in the unit, the law library coordinator is able to provide individualized attention to the young adults in addressing their legal research questions and use of the law library kiosk.

The Department will institute a similar audit structure to the one described above for §1-05(b) Lock-in. We will conduct an audit of four (4) different dates per month in order to ensure law library services are being provided in accordance with the variance, through the use of a law library kiosk and typewriters. The audit will include information related to whether access to the law library kiosk

was offered and law library coordinator availability in Secure Unit. This information will be gathered through a manual review of the logbooks that record this data.

Such manual reviews, outlined herein, are feasible due to the small population of young adults currently housed in Secure Unit. Should the numbers of young adults or housing units increase dramatically, rendering such manual review prohibitively resource-intensive, the Department will seek additional conversations with the Board to determine how best to continue providing this valuable information to the Board.

The results of those audits will be included in the monthly Secure Unit reports currently provided to the Board, reporting on the previous month. Should the Secure Unit monthly reports no longer be required by the Board, the reporting of the randomized audits will continue until such time as the Board determines they are no longer necessary.

The Department appreciates the Board's consideration of the proposed compliance plan.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Ponte".

Joseph Ponte

cc: Martha King, Executive Director