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THE COUNCIL
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COUNCIL MEMBER, 25TH DISTRICT, QUEENS

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October 22, 2019

Michelle Ovesey, Acting Executive Director and General Counsel
Chair and Members
New York City Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: Department of Correction (DOC) Limited Six (6) Month Variance Request to Board of Correction Minimum Standards Regarding the Use of Separation Status Housing

Dear Ms. Ovesey, Interim Chair Sherman, and Members:

Last week, the New York City Council overwhelmingly voted to transform our city's criminal justice system, from the antiquated penal colony on Rikers Island to four borough-based facilities geared toward preparing individuals for reentry. I encourage the Board of Correction to do its part to ensure that this transformation takes root. Even before the new jails are built, I hope that you will move with urgency to end the culture of violence and corruption at the Department of Correction (DOC).

Today's agenda item represents a troubling pattern of variance requests that chip away at the Board's Minimum Standards. While there is a need to address detainees who pose an immediate risk to those around them, any effort to curtail dangerous contraband must be carefully thought out to avoid the abuses of the past. It is worth noting that DOC employees remain the source of much contraband, which the proposal does not address.

Currently, the DOC is unacceptably operating without critical safeguards and is reporting only on the length of time in separation status housing. I ask that the Board deny the variance request without the necessary conditions.

The DOC must explain in detail how the least-restrictive means are being used to minimize dangerous conditions. Are amnesties or other incentives being used to encourage the relinquishing of problematic items? Beyond separation status housing, what disciplinary measures, if any, are being taken against detainees who do not pass the body scan? How is the DOC handling the possibility of false positive readings? Is there a speedy appeal process? How exactly do individuals gain their freedom from separation status housing? The DOC should be reporting on these and any other relevant data. If the Board is not prepared to attach these conditions, I ask that you grant the shortest possible variance and revisit the request with the benefit of data and expert testimony, not simply the word of DOC officials.

Finally, I ask that you move forward with rulemaking that will address *all* forms of restrictive housing and end the use of extreme isolated confinement. Any significant time in the so-called “box” amounts to torture, and our city will never move past its troubling history unless it commits to respecting the basic human rights of every member of our society, including those held in our jails.

As always, thank you for your careful consideration of my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Dromm', with a long horizontal line extending to the right.

Daniel Dromm
Chair, Committee on Finance