



January 3, 2019

NEW YORK CITY **BOARD OF CORRECTION**

Seven Day Waivers July 1, 2018 – December 31, 2018 Update

The Board of Correction allows, via a variance from the Minimum Standards, the New York City Department of Correction (NYC DOC or 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.”¹ This variance remains in effect.

As a condition of the variance, the Board required that the highest ranking uniformed DOC staff member, the Chief of Department, approve all “seven day waivers” in writing and state why placement in a less restrictive setting is not a safe option. The Chief must also specify her reason for granting the request. All decisions and supporting documentation must be sent to the Board.

For the period July 1, 2018 – December 31, 2018 the Department approved one waiver as a result of a slashing of another inmate in custody.

Six Month Period	Approved Waivers	Denied Waivers
September – December 2015	5	2
January – June 2016	12	4
July – December 2016	3	1
January – June 2017	3	1
July – December 2017	4	1
January – June 2018	0	1
July – December 2018	1	0
Total	28	10²

¹ Record of Variance Action re: BOC Minimum Standard 1-17(d)(2), September 8, 2015, <http://www1.nyc.gov/assets/boc/downloads/pdf/punitive%20seg%20post.pdf>. The Board voted to renew the variance six times subsequently: in December 2015, June 2016, January 2017, July 2017, January 2018, and July 2018. The Board denied the variance request in November 2016 which went into effect on December 17, 2016. Consequently, the Department did not have the authority to grant waivers from December 17, 2016 to January 10, 2017.

² Two waivers counted here as denied were technically neither approved nor denied. These individuals did not return to Punitive Segregation within seven days.

Approved Seven Day Waivers
Sept 2015 - Dec 2018

