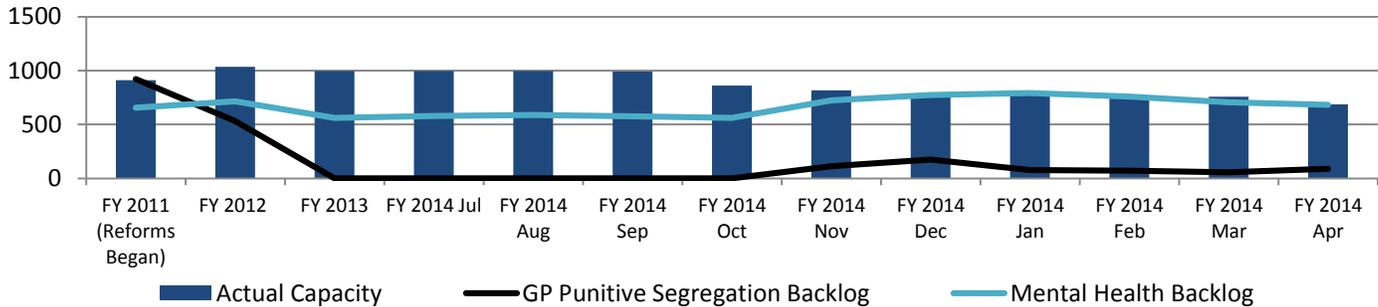


**NYC DEPARTMENT OF CORRECTION
MAY REPORT TO BOC**

The punitive segregation capacity has been reduced by 31 percent since FY 2011, from 1,035 to 719.¹

**Punitive Segregation Capacity and Backlog
Fiscal Year 2011-2014**

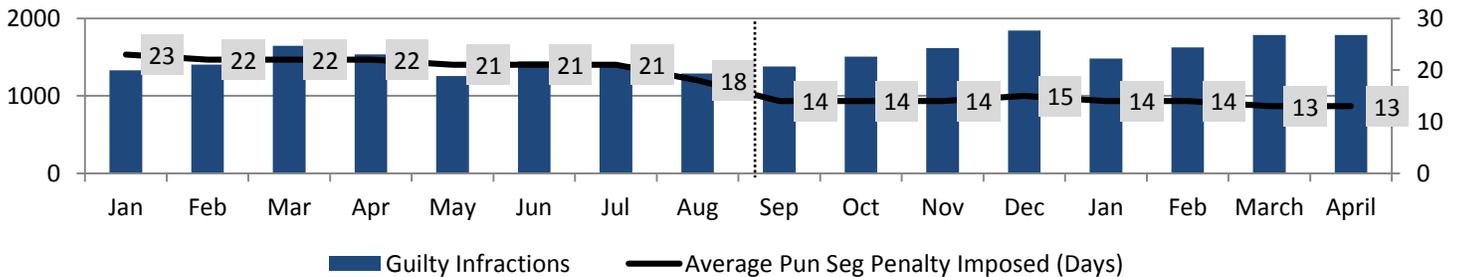


The reduction in both the capacity and census in punitive segregation is attributed in large measure to sentencing reforms that DOC instituted over the past several years. These reforms feature the adoption of sentencing guidelines, expunging historical time owed, imposing penalties for more than one violations concurrently and not consecutively, and awarding conditional discharges for good institutional conduct and program participation (after serving 50 percent in RHU and after serving 66 percent of the penalty imposed in general population punitive segregation or MHAUII).

DOC first piloted sentencing guidelines at RMSC beginning May 1, 2013, and then added RNDC on June 24, 2013. On August 26, 2013, the guidelines were instituted department-wide. **Since the sentencing guidelines were instituted department-wide, the average punitive segregation sentence imposed has decreased by 41 percent from 22 to 13 days.**

**Guilty Infractions and Average Days Imposed in Punitive Segregation
January 2013- April 2014**

Sentencing Guidelines implemented system-wide on Aug 26



We have seen even more appreciable decreases in sentences for special populations. The average sentence imposed for adolescents has decreased by 50 percent (from 26 to 13 days). Likewise, the average sentence for the mentally ill has decreased from 35 to 22 days, a 37 percent decrease and the female population has realized a 29 percent reduction in sentence length (21 to 15 days).

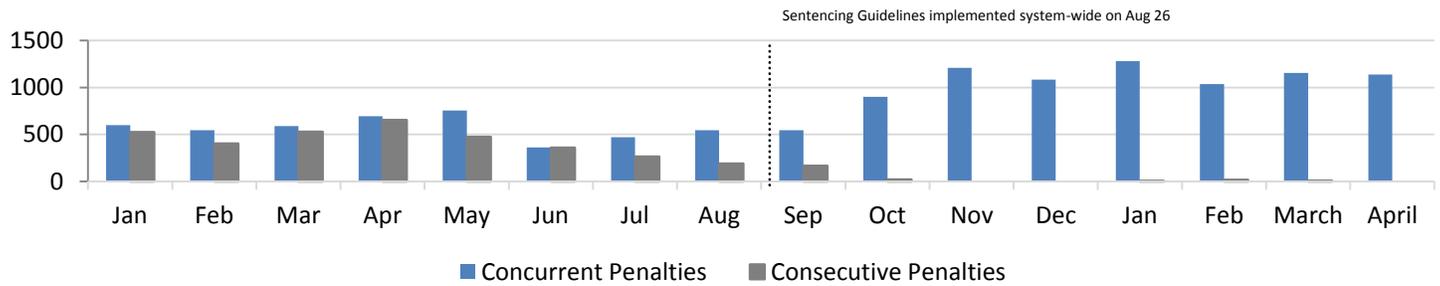
In February 2012, DOC reversed the longstanding practice of routinely imposing penalties consecutively, by delineating instances under which adjudication captains were to impose concurrent sentences. Now, punitive segregation penalties for non-violent

¹ The non-M punitive segregation capacity was temporarily increased in FY 2011 to resolve the longstanding backlog of approximately 700 inmates with penalties imposed but not yet served, which was abated in Fiscal Year 2013.

² Since there was neither an expansion of MHAUII beds nor an appreciable increase in M-inmates cleared by DOHMH for placement in general population punitive segregation, the backlog of approximately 600 M-inmates was not eliminated.

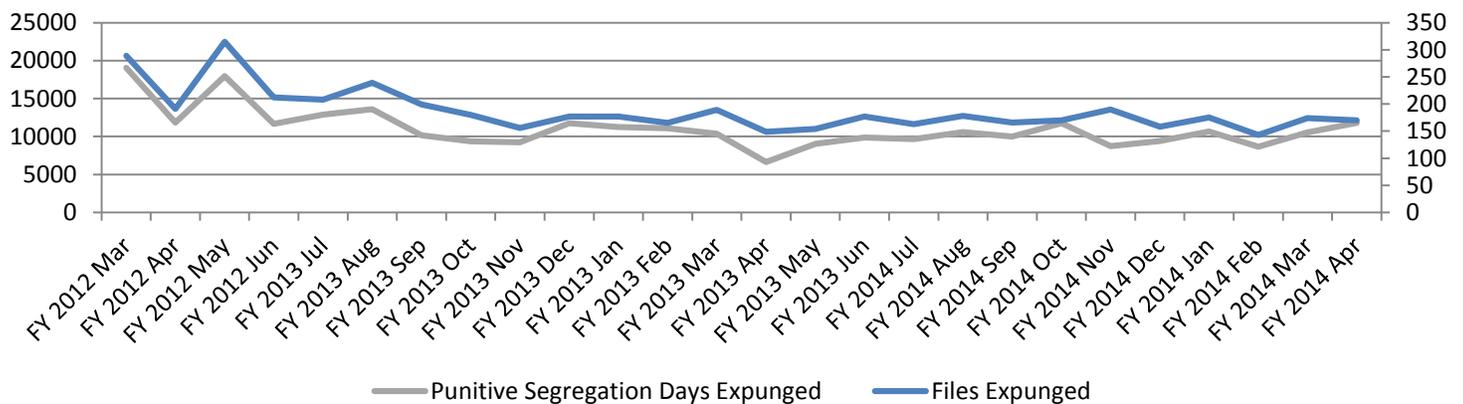
infractions with multiple offenses must run concurrently. **Since the Department-wide implementation of the sentencing guidelines in August 2013, consecutive sentences have dropped by 100 percent (from 189 in August to 0 in April).**³

Concurrent vs. Consecutive Penalties January 2013-April 2014



In March 2012, DOC began expunging historical time owed for infractions committed during a previous incarceration after one year in all but three exceptional instances – assaults on staff, inmate-on-inmate assaults that resulted in serious injury and incidents involving weapons – in which three cases, time owed is expunged after two years. **From January 2013 to April 2014, 2,698 inmate files were expunged, purging a total of 160,079 punitive segregation days imposed and not yet served. In April alone, 170 files were expunged eliminating 11,804 punitive segregation days pending.**

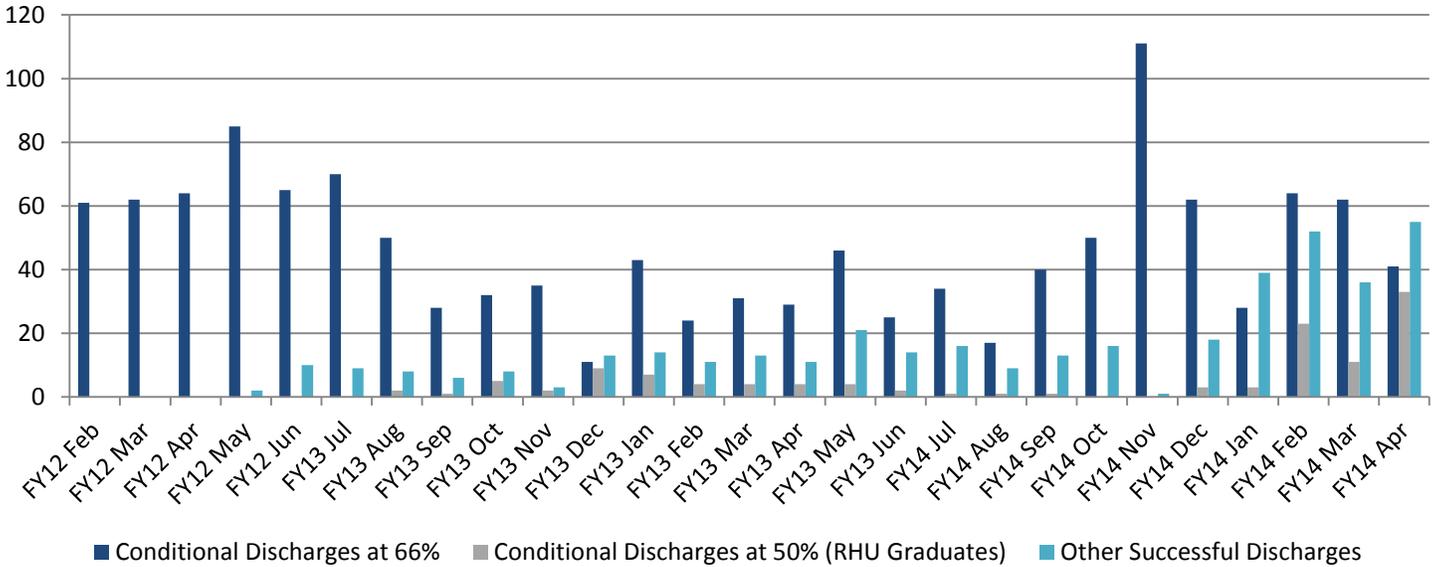
Total Disciplinary Files Reviewed and Punitive Segregation Days Expunged by Month March 2012-April 2014



In February 2012, DOC reactivated a long dormant policy of conditional discharge, suspending the remaining portion of time imposed on inmates who committed non-violent rule violations and remained violation-free while in punitive segregation. Inmates in RHU are eligible for a conditional discharge after serving 50 percent of their penalty; general population inmates in punitive segregation are eligible at 66 percent. In Fiscal Year 2013, the DOC released 508 inmates early on conditional discharges from general population punitive segregation and another 44 from RHU; an additional 108 individuals were assigned to and satisfactorily participated in the RHU during this time period but were discharged prior to completing the program because they had satisfied the penalty that had been imposed, were released from custody, or aged out of the program. **In FY 2014, the DOC has released 509 inmates early on conditional discharges from general population punitive segregation and another 76 from RHU; an additional 255 individuals were assigned to and satisfactorily participated in the RHU during this time period but were discharged prior to completing the program because they had satisfied the penalty that had been imposed, were released from custody, or aged out of the program.**

³ With the implementation of the sentencing guidelines, the policy shifted from discretionary to mandatory in all but limited exceptions.

Conditional Discharges CPSU and RHU, Other Successful Discharges February 2012-April 2014



Of the 719 punitive segregation beds on line on the evening of April 30, 2014, 546 are general population punitive segregation beds occupied by inmates with no mental illness or those with a mental illness who have been cleared by DOHMH for placement in punitive segregation units (78%). The remaining 173 beds for mentally ill inmates not cleared by DOHMH for CPSU consist of exclusively of RHU beds (22%). **All MHAUII units remain closed as of December 31, 2013.**

Punitive Segregation Capacity by Unit Type and Census (GP vs. M) Fiscal Year 2011-2014

