

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

**Executive Summary of Punitive Segregation Reforms**

**Accomplishments**

1. Reduced the number of punitive segregation beds by 24 percent since FY 2011 (from 1,035 to 782 beds).
2. Opened Restrictive Housing Units (RHU) for inmates who are not seriously mentally ill, but for whom regular punitive segregation settings are not appropriate. There are 158 beds for males and 16 for women.
3. Opened the Clinical Alternative for Punitive Segregation (CAPS), a secure therapeutic environment that serves as the alternative to punitive segregation for Seriously Mentally Ill (SMI) infractioned inmates. There are 53 beds for males and 30 beds for females.
4. Closed all 220 MHAUII beds effective December 31, 2013.
5. Developed sentencing guidelines in August 2013.
  - a. Instituted a sentencing grid and decreased the average punitive segregation sentence imposed department-wide by 36 percent (from 22 to 14 days).
  - b. Implemented the practice of concurrent sentencing for non-violent infractions with multiple offenses (there have only been 23 consecutive sentences since August 2013 and none since September).
  - c. Began expunging historical time owed for infractions committed during a previous incarceration (from January 2013 to January 2014, 2,211 inmate files were expunged, purging a total of 129,098 punitive segregation days imposed and not yet served).
    - o Reactivated a long dormant policy of conditional discharge from punitive segregation (through January in Fiscal Year 2014, the DOC released 342 inmates early on conditional discharges from general population punitive segregation and another 9 from RHU).

**Immediate Next Steps**

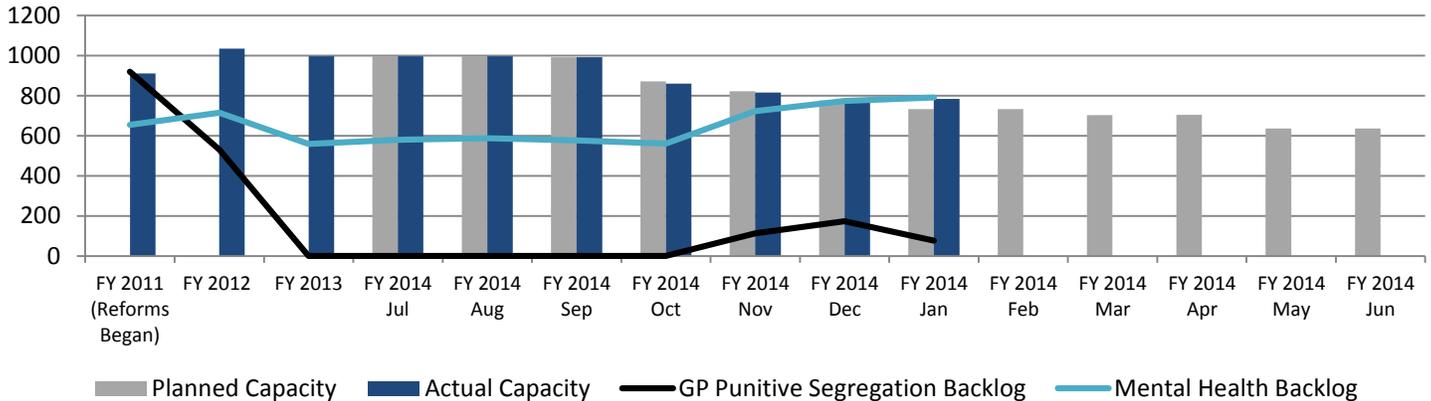
1. Improve existing programs and housing conditions for the mentally ill who commit infractions while in jail.
  - o The RHUs will be moved out of older, less secure settings and into housing areas that are bigger, brighter, and more conducive to running additional therapy sessions and providing additional incentives.
  - o The dorm-style CAPS unit will be replaced with a cell-bed CAPS unit, because we have found that inmates respond better to programming and violence is reduced when the inmates are housed in cells.
2. Improve existing programs and housing conditions for all adolescents in an effort to normalize behavior and prepare them for release. Plan to move adolescents into a new physical environment in order to provide them with more opportunities to interact with family and friends, have increased access to community based providers, and spend little to no time in any type of existing punitive segregation setting.

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**Full Report**

The punitive segregation capacity has been reduced by 24 percent since FY 2011, from 1,035 to 782.<sup>1</sup>

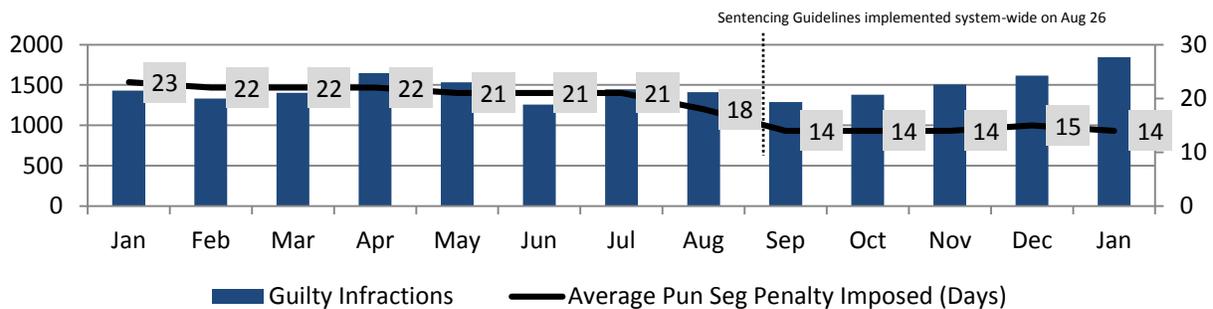
**Punitive Segregation Capacity and Backlog  
Fiscal Year 2011-2014**



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).

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 36 percent from 22 to 14 days.**

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



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

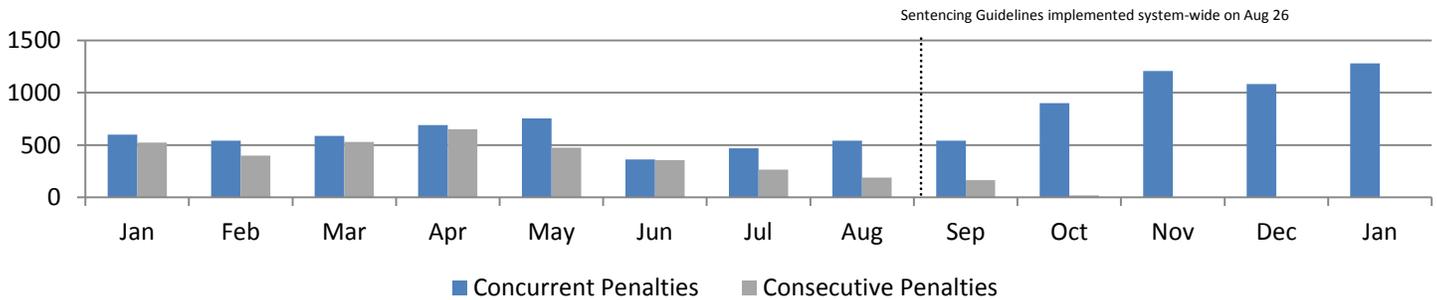
<sup>1</sup> The non-M punitive segregation capacity was temporarily increased in FY 2011 to resolve the longstanding backlog of approximately 700 inmates with penalties imposed but not yet served, which was abated in Fiscal Year 2013.

<sup>2</sup> 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.

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).

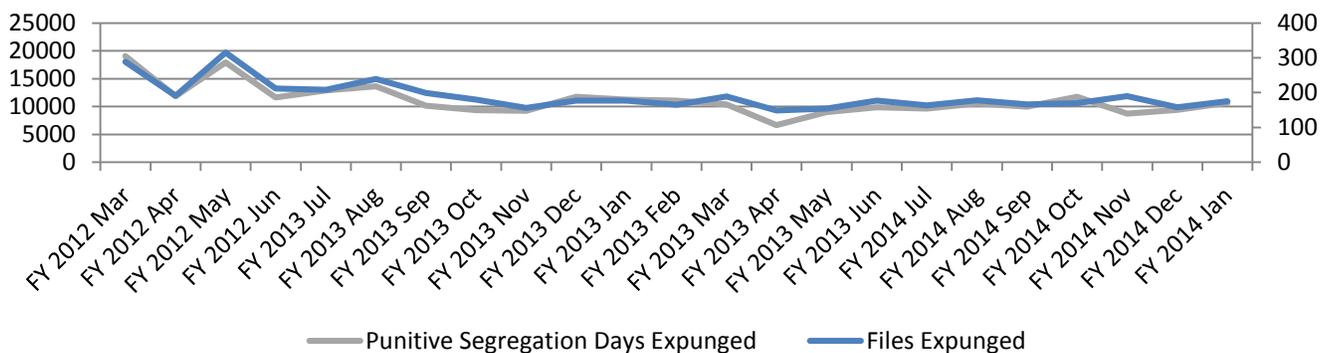
In February 2012, DOC reversed the longstanding practice of routinely imposing penalties consecutively, by delineating instances under which adjudication captains were to impose concurrent sentences. Now, punitive segregation penalties for non-violent infractions with multiple offenses must run concurrently. **Since the Department-wide implementation of the sentencing guidelines in August 2013, there have been a total of 23 consecutive sentences and none since September 2013.**<sup>3</sup>

**Concurrent vs. Consecutive Penalties  
January 2013-January 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 time owed is expunged after two years. **From January 2013 to January 2014, 2,211 inmate files were expunged, purging a total of 129,098 punitive segregation days imposed and not yet served. In January alone, 175 files were expunged eliminating 10,688 punitive segregation days pending.**

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

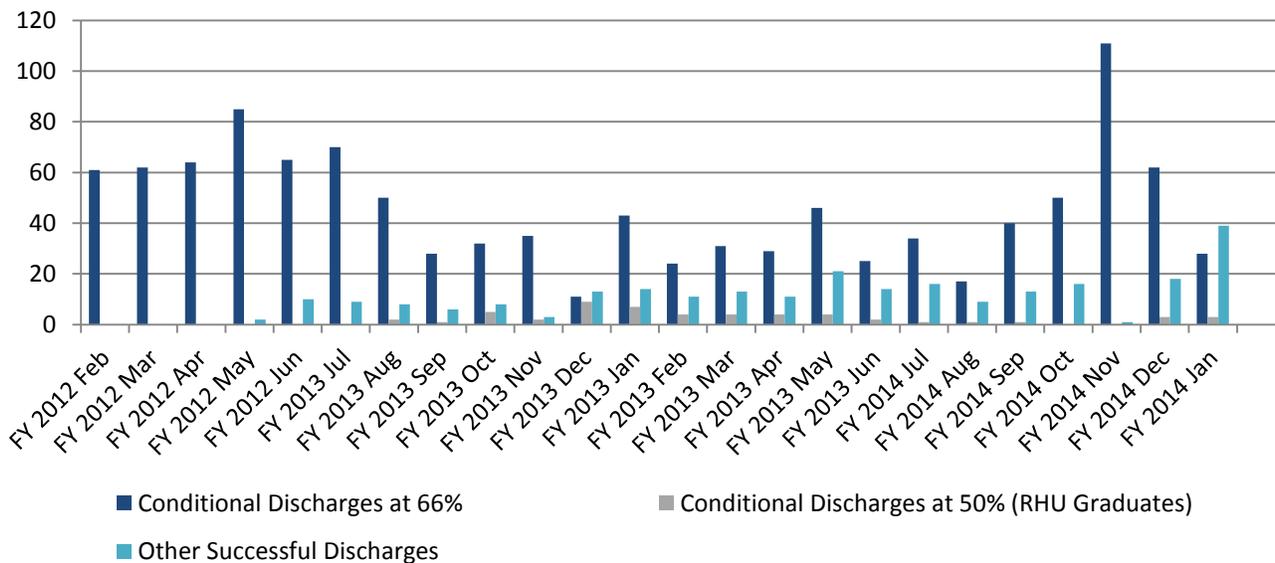


In February 2012, DOC reactivated a long dormant policy of conditional discharge, suspending the remaining portion of time imposed on inmates who committed non-violent rule violations and remained violation-free while in punitive segregation. Inmates in RHU are eligible for a conditional discharge after 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

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

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. **Through January in Fiscal Year 2014, the DOC released 342 inmates early on conditional discharges from general population punitive segregation and another 9 from RHU; an additional 112 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.**

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



Of the 782 punitive segregation beds on line January 31, 2014, 608 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 174 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

