



NEW YORK CITY DEPARTMENT OF CORRECTION  
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February 27, 2025

Chair Dwayne Sampson  
Board of Correction  
2 Lafayette Street, Suite 1221  
New York, NY 10007

RE: Limited Four (4) Month Variance Renewal Request to Board of Correction Minimum Standards Regarding Overcrowding

Dear Chair Sampson:

In accordance with §1-15 of the New York City Board of Correction (“BOC” or “the Board”) Minimum Standards, the New York City Department of Correction (“Department”) respectfully requests a limited four (4)-month variance renewal from BOC Minimum Standards §§ 1-04 (c)(2), 1-04 (c)(3), and 1-04 (c)(5)(i). We thank the Board for their continued partnership and support with the current variance. Due to the increase in our population, the Department seeks for this variance renewal to take effect on March 11, 2025, the date upon which the current variance is set to expire.

Since our initial variance request before the Board on November 12, 2024, our population has steadily risen from 6,644 to 6,842 as of today, February 27, 2025, reaching a new high not seen since 2019. The Department’s current population forecast anticipates a continued rise in population through the coming weeks. As the Board is aware, recent developments have rendered New York State Department of Corrections and Community Supervision (DOCCS) temporarily unable to accept Persons in Custody (PICs) from local correctional facilities who are deemed “state ready.” This also impacted our forecast and will likely create a strain on our ability to create bed space for new admissions and transfer PICs to other commands following acts of violence. As of today, February 27, 2025, there are approximately 183 PICs currently in the Department’s custody who will remain under Department’s supervision until DOCCS begins accepting new admissions. This number will continue to grow until DOCCS begins accepting new admissions; whether DOCCS will accept all pending state-ready PICs at once, or slowly over time, is yet to be seen. The rising census and inability to transfer out PICs who are state-ready, coupled with the Department’s staffing crisis demands close attention and continued flexibility in managing resources effectively. Thus far, the Department has made progress on the steps outlined in the original variance request which is detailed below, but the need for flexibility continues.

**Phase I**

*Increase in bed capacity at Otis Bantum Correctional Center (OBCC) dormitories from 50 to 60*

beds.

**Status:** This phase has been successfully completed.

## **Phase II**

*Although we initially requested space for five beds, the State Commission on Correction (SCOC) approved 6 beds per dormitory instead of 5. Increase in capacity at the West Annex Dormitories by converting small programming rooms in each dormitory to accommodate an additional 6 beds per unit across 12 housing areas. This expansion will result in 72 additional beds within the West Facility Annex. Persons in custody will continue to access programming in the existing, dedicated program space at the West Facility Annex.*

**Status:** We anticipate full completion by the end of this month.

## **Phase III**

*The Department will relocate a mental observation housing area at the Robert N. Davoren Complex (RNDC) to a Clinical Alternative to Punitive Segregation (CAPS) unit in the George R. Vierno Center (GRVC), resulting in 25 additional mental health observation beds.*

**Status:** This phase has not yet been completed; we will keep the Board posted regarding an anticipated timeline for completion.

## **Phase IV**

*The Department plans to populate a housing area dormitory at the North Infirmary Command (NIC), pending approval for use from the State Commission of Correction (SCOC). This will add 28 general population beds.*

**Status:** This phase has not yet been completed, though one of the two dormitories may be populated by the BOC meeting on March 11, 2025.

It must be noted that many of the dormitories in the Eric M. Taylor Center (EMTC) have 60 beds installed. This has been the case for many years since the EMTC facility primarily functioned as a sentenced facility where 60 beds per dormitory are permitted per BOC Minimum Standards. At this time these dormitories are occupied with more than 50 PICs. The Department is required to move PICs through the new admission intake process and house them within 24 hours. These additional beds in EMTC dormitories are critical to that mission.

As noted above, the Department is utilizing every tool available to us to ensure we safely create bed space. The Department remains engaged in thorough, strategic discussions regarding capacity and population forecasting with all key stakeholders to develop a comprehensive plan for moving forward. This approach involves a meticulous assessment of what will be most effective, financially sound, with a steadfast focus on maintaining the safety, security, and well-being of those in our custody.

This renewal would provide the Department with the necessary flexibility to increase bed space and continue addressing the growing demands of our population. The Department will keep the Board apprised of plans in this regard. The Board's prompt consideration of this request is greatly appreciated. We look forward to a productive conversation on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lynelle Maginley-Liddie". The signature is fluid and cursive, with the last name "Liddie" being more prominent.

Lynelle Maginley-Liddie  
Commissioner

Cc: Jasmine Georges-Yilla, Executive Director