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Martha W. King
Executive Director

July 7, 2016

Via E-Mail

Joseph Ponte
Commissioner
NYC Department of Correction
75-20 Astoria Boulevard
East Elmhurst, NY 11370

Re: Notice of Violation of Minimum Standard § 1-17(b)(1)(ii)

Dear Commissioner Ponte:

This letter serves as notice that the Department of Correction (DOC) is in violation of § 1-17(b)(1)(ii) of the Board of Correction's Minimum Standards, which requires, as of January 1, 2016, the exclusion of inmates ages 18 through 21 from punitive segregation.

The Board granted variances on November 10, 2015, January 12, 2016, and May 26, 2016 extending the January 1, 2016 deadline for the exclusion of this age group from punitive segregation to June 30, 2016. On June 30, the Department requested another variance — this time for an additional six (6) months — to end punitive segregation for inmates ages 19 through 21. Neither the six-month limited variance DOC sought on June 30, 2016, nor the emergency variance DOC declared on July 1, 2016 (pursuant to § 1-15(b)(3)), extended the variance past June 30.

The Board will follow up with a separate letter regarding serious concerns we have regarding, among other things, the timing of DOC's variance request, the specific bases for it, and additional information we require before the July 12 Board meeting so that we can make an informed decision on your request.

Sincerely,

Stanley Brezenoff

cc: Derrick D. Cephas
Jennifer Jones Austin
Gerard Bryant
Robert L. Cohen
Bryanne Hamill
Michael J. Regan
Stanley Richards
Steven M. Safyer
Martha W. King
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