



NEW YORK CITY DEPARTMENT OF CORRECTION
Joseph Ponte, Commissioner

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November 2, 2016

Stanley Brezenoff, Chair
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Dear Mr. Brezenoff:

The New York City Department of Correction (“Department”) is requesting an emergency variance, pursuant to §1-15 (b)(3) of the Board of Correction’s (“Board”) Minimum Standards, for five housing areas within the Otis Bantum Correctional Center (OBCC). We are seeking this emergency variance through the end of next week, effective immediately, to ensure that the safety and security of OBCC is maintained and that all inmates and staff are kept safe.

As the Board is aware, starting on October 20th there was a series of violent inmate-on-inmate assaults and assaults on staff, which required the facility to be locked down. Since these incidents, the majority of the facility has resumed regular lock out, programs, and services.

Five housing areas, however, continue to receive limited services and have had limited lock out hours. These housing units house Enhanced Restraint Status inmates and Administrative Segregation inmates. Given specific concerns around the inmates within those units (and the histories for which these inmates have qualified for Enhanced Restraint Status and Administrative Segregation), their gang affiliations (particular concerns about too much consolidation of similar gang members within these statuses), and increasing violence against both officers and inmates, the Department needed to re-assess the situation and redesign the approach for these inmates.

To recount issues that the facility has recently faced:

- 3 slashings
- 23 uses of force, including 9 stemming from assaults on staff and 2 from multi-inmate fights
- 5 additional assaults on staff, including one that caused serious injury to staff
- 1 fight causing a serious injury to inmate

In the facility searches and special search team searches that have been conducted during this period, several weapons have been recovered. In addition, and more importantly, video review of recent incidents in these housing units, and others, reveal that inmates are in possession of a substantial amount of weapons. Many of these inmates hide these weapons in their body cavities; however, efforts to find such weapons have been ineffective. As the Board is aware, New York State public health law currently prohibits the use of tools that would help the Department find these weapons. Certainly, a part of the decision to not fully lock out until putting the necessary changes and equipment in place is because of the difficulty in finding these weapons that, while observed, still remain in these housing units with these inmates.

As the Department has informed the Board, out-of-cell time and services to these areas have expanded, but as the searches of the areas are ongoing and a process is put in place to implement alternatives for this population, return to full lock out and services cannot safely resume at this time.

The five housing areas that continue to be affected house Administrative Segregation or Enhanced Restraint Status inmates. Inmates in these affected areas continue to be afforded regular showers, attorney visits, and visits, daily phone calls, and recreation. Medical personnel make rounds and those who require medical care are brought to the clinic.

The lockdown period is necessary to convert the enhanced restraint housing units into Enhanced Supervision Housing (ESH) units that specifically house Enhanced Restraint Status inmates who qualify for placement in ESH. This requires some physical construction, the addition of restraint desks, and required ESH staff training. The plan will be to essentially convert the units that are not fully locked-out into ESH units of Level 1 or 2, and to move those inmates that do not qualify for ESH into other high custody housing areas.

Based on current delivery and construction schedules, by Saturday, November 5, two (2) units will be locked out or closed, with 34 inmates resuming full lock-out and services. By Monday, November 7, one (1) unit and parts of two (2) other units will be consolidated in a new ESH unit, allowing for full lock out under ESH restrictions. By Saturday, November 12, all remaining inmates (approximately twelve), in the two remaining units will be moved to ESH units. The Department will continue to apprise the Board of updates, including measures to remove certain inmates from the affected areas and to provide additional services as this security measure must be maintained.

The Department requests an emergency variance from Sections 1-03(c) Personal Hygiene (regarding shaving only), 1-05 Lock-In, 1-07 Religion, and 1-08(f) Access to Courts and Legal Services (regarding access to the law library only), of the Board's minimum standards. Despite our best efforts, we are unable to achieve full compliance with the above noted provisions of the minimum standards for duration of the lockdown period, in order to effectively identify, evaluate, and neutralize all threats and maintain the safety and security of the facility.

If you have any additional questions or concerns, please contact Heidi Grossman at (718) 546-0955.

Thank you for your attention.

Sincerely,



Joseph Ponte

cc: Martha King, Executive Director