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BOARD OF CORRECTION
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Martha W. King
Executive Director

September 12, 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 Standards

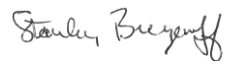
Dear Commissioner Ponte:

This letter serves as notice that the Department of Correction (DOC) is in violation of several of the Board of Corrections' Minimum Standards, including § 1-05 ("Lock-in"), a Standard for which DOC did not seek a variance. These violations are the result of the Department's lock-down of the Brooklyn Detention Center (BKDC) commencing on Friday, September 9, 2016 and continuing to date. During this ongoing period, all inmates incarcerated in BKDC were locked in and denied access to services mandated by BOC Standard §§ 1-03("Personal Hygiene"), 1-06 ("Recreation"), 1-07 ("Religion"), 1-08(f) (Law Library), 1-09 ("Visiting"), 1-10 ("Telephone Calls").

In your letter to me of September 9, 2016, you advised that five slashings perpetrated by BKDC inmates in less than two weeks necessitated the jail-wide lock-down in order to conduct searches and intelligence-gathering investigations. The Board does not question the Department's need to take immediate action to ensure the safety of all staff and inmates and to take steps necessary to prevent future slashings and other violence. However, the Board seeks additional information in order to respond to your request and, in particular, to explain as broad and lengthy shut-down of services. We note that three of the incidents occurred on one floor of the building. We further note that based on preliminary incident reports, between August 29 and September 12, 2016, the facility was locked in on eight (8) days; specific housing units were locked in on other days; and searches took place prior to the date of your emergency request.

We request that the Department notify us immediately when the lock-in will be lifted and access to services restored. In addition, the Department should be prepared to discuss at tomorrow's Board meeting, why it took the action it did as opposed to implementing less drastic measures.

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
Michele M. Ovesey