



NEW YORK CITY DEPARTMENT OF CORRECTION
Lynelle Maginley-Liddie, Commissioner
Office of the Commissioner
75-20 Astoria Boulevard, Suite 305
East Elmhurst, New York. 11370

718 • 546 • 0890
Fax 718 • 278 • 6022

November 8, 2024

BY EMAIL

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

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

Dear Chair Sampson:

Pursuant to §1-15 of the New York City Board of Correction (“BOC” or “the Board”) Minimum Standards, I write to seek variances from BOC Minimum Standards § 1-04 (c)(2), § 1-04 (c)(3), and § 1-04 (c)(5)(i), all to run four months.

The New York City Department of Correction (“the Department”) has been modeling the jail population since 2022 for the purposes of operational planning. These models have consistently predicted an upward trend in population, which has aligned with the subsequent trends in the census. Between January 1st, 2022, and today, the Department has experienced a remarkable 26 percent, increase in population. As the Board is aware, the Department has been experiencing a continuing staffing crisis. Despite diligent efforts at recruitment and retention, this crisis continues. Moreover, the population has increased nearly 8 percent since this time last year. Simply put, the physical plant of our jail system as it exists today is not equipped to house an ever-increasing population given our current staffing levels and the existing restrictions that are in place. The Department has weighed its options and considered the current staffing levels, the fiscal implications of several solutions, including reopening closed facilities. With considerations for safety and security, humane conditions for people in custody and the responsible use of New Yorkers’ tax dollars, the Department has developed a plan that would increase bed space in a subsection of its existing dorm housing areas.

As part of the efforts to address the increasing population, an internal review was conducted to assess all options for increased bed space across the Department’s housing facilities. A review indicated that the addition of 10 single-style beds in dormitory (“dorm”) areas will allow the agency to house additional individuals without requiring major construction or additional personnel. The Department currently has beds available for installation without delay. Persons in custody affected by these plans would be of low – medium classifications only.

This part of the Department's plan is being referred to as Phase I, which requires a variance from the Board.

Phase I

The Department plans to increase bed capacity at Otis Bantum Correctional Center (OBCC) dorms from 50 to 60 beds. A preliminary internal review indicated that this increase would apply to 10 dorms. To achieve this increase in bed space, the Department is requesting a variance from BOC Minimum Standards § 1-04 (c)(2) concerning square footage per person in custody in the sleeping area of a multiple occupancy housing areas, as the resulting square footage per person in the sleeping area of the abovementioned dormitories will be slightly below the required amount. Similarly, the Department is requesting a variance from § 1-04 (c)(3) concerning toilets, showers, and sinks, as the number of toilets and showers for every 8 persons, and the number of sinks per 10 persons will be slightly lower than the required numbers. Finally, the Department is requesting a variance from 1-04 (c)(5)(i) regarding the number of detainees housed in a multiple occupancy area, as the plan will be to increase beds from 50 as required by the standard, to 60.

Prior to the roll out of this phase, the Department would develop and deploy a communication plan for people in custody, as well as staff. Our goal is to give everyone appropriate notice, so this change does not come as a shock and all people involved have reasonable time to prepare for the new people in each dorm.

As described above, increasing the number of people housed in OBCC dorms is only one part of our plan. For your awareness, phases of this plan have been included below. Phases II - IV do not affect BOC Minimum Standards but the Department shares these plans with the Board to ensure transparency to the plan in its entirety.

Phase II

Once the SCOC's operational approval of two modular housing buildings at West Facility is obtained, the Department will have an additional general 80 beds.

The Department plans to increase capacity at the West Annex Dorms. The small programming rooms in each of these dorms will be removed and up to 5 additional beds per unit across 12 housing areas will be installed. This will result in an additional 60 beds within the West Facility Annex. Persons in custody will continue to access programming in the existing, dedicated Programs sprung at West Facility Annex.

Phase III

The Department will swap a general population housing area at Robert N. Davoren Complex (RNDC) with a Clinical Alternative to Punitive Segregation ("CAPS") unit in the George R. Vierno Center (GRVC), gaining 25 additional mental observation beds.

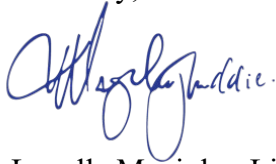
Phase IV

The Department will populate a North Infirmity Command (NIC) housing area dorm, upon approval for use from SCOC. This will result in an addition of the general population 28 beds.

The plan described above in its entirety will collectively add 293 beds to address the immediate needs of the Department, and the Department will continue to assess its options for increased capacity on an ongoing basis. That said, safe jails are stable jails with reasonable population to staff ratios. I encourage the board to use its voice and advocacy powers to support any and all efforts to reduce the population within the Department's custody and decrease the time people spend awaiting trial while in our care.

For now, a variance is being sought from the above-mentioned standards at this time because a safe housing plan is necessary to accommodate the growing population. I ask that the Board resolve this request promptly. If there are any questions, please do not hesitate to reach out. We look forward to a productive conversation on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lynelle Maginley-Liddie".

Lynelle Maginley-Liddie, Commissioner

Cc: Jasmine Georges-Yilla, Executive Director