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Jasmine Georges-Yilla
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Record of Variance Action for May 13, 2025 Public Meeting

This variance allows the Department of Correction (“Department” or “DOC”) to increase bed capacity at the Otis Bantum Correctional Center dorms from 50 to 60 beds. To achieve this increase in bed space, the Board of Correction (“Board” or “BOC”) granted a variance from Minimum Standard § 1-04 (c)(2) to decrease the number of square footage per person in custody required in the sleeping area of a multiple occupancy housing areas, Minimum Standard § 1-04 (c)(3) to decrease the number of toilets, showers, and sinks required for every person in custody, and Minimum Standard § 1-04 (c)(5)(i) to allow for 60 detainees instead of 50 detainees housed in a multiple occupancy area.

Type of Variance: Limited

Date on which variance will commence: May 13, 2025

Time period, if any: Two months, ending July 13, 2025

Minimum Standard for which Variance is Granted: 1-04 (c)(2), 1-04 (c)(3), and 1-04 (c)(5)(i)

Date on which Board of Correction first approved variance (for renewals only): November 12, 2024

Requirements imposed as conditions on variance:

1. The Department must make a commitment to maximize the use of the 6-A program, as done during the COVID-19 pandemic, and review the 6-A program in collaboration with the Board’s *ad hoc* 6-A Review Committee to come up with recommendations on how to maximize 6-A program releases.
2. The Department must ask for a variance for all housing areas where the overcrowding standard, or any other standard, is being or is planned to be violated, before action is taken, and the Board considers this request.

3. DOC will report monthly by the 10th of next month all admissions and discharges from restrictive housing units (e.g. West Facility, SMU, RESH, NIC). The report will include the reasons for admission to restrictive housing, the reason for discharge, and the discharge housing location (including discharge home).
4. The Department will report monthly, by the 10th of each month:
 - a. Current criteria used by the Commissioner to identify sentenced persons in custody eligible for discharge;
 - b. All admissions and discharges of sentenced persons;
 - c. Number of sentenced persons discharged by the Commissioner under authority of the 6A program; and their discharge housing plan;
 - d. Number of sentenced persons in custody who meet the Department's 6A discharge criteria but remain incarcerated;
 - e. Episodes of violence (fights, slashings/stabbings, assaults on officers, and use of force), identifying which of these events occurred in overcrowded housing areas in OBCC, West Facility, and all other overcrowded areas housing populations higher than allowed by BOC Minimum Standards;
 - f. Number of persons in custody who have been incarcerated for more than one year, two years, and three years, with their names and NYSID number; and
 - g. Breakdown of census and staffing/staffing plans of each facility covered by the variance.