

December 19, 2014

Gordon J. Campbell, Chair  
Members of the Board  
NYC Board of Correction  
51 Chambers Street, Room 923  
New York, NY 10007

Dear Chairman Campbell and Members of the Board:

I am a social worker with Brooklyn Defender Services, and I am writing to oppose the proposed change to the Jail Minimum Standards that would permit implementation of Enhanced Supervised Housing (ESH) and would not disallow the known harmful solitary confinement practices in New York City Jails.

I have worked with some of the most vulnerable people incarcerated on Rikers Island, including individuals with severe and persistent mental illness, pregnant women, adolescents and young people under the age of twenty-five, and survivors of complex trauma. Over the past three years I have witnessed the terrible toll that punitive segregation takes on my most vulnerable clients, and have observed how solitary confinement can serve to exacerbate existing mental health issues, re-traumatize individuals who have been exposed to violence, and provoke ongoing psychological distress.

The proposed ESH restrictions are inhumane and inflexible; they would sever our most vulnerable clients' ties to supportive community and jail-based resources, and include no periodic review of the continuing need for restricted confinement, no anti-violence or educational programming, no opportunity to earn early release or even some relaxation of restrictive conditions.

I urge the Board to consider the following proposals, developed by the New York City Jails Action Coalition, as they formulate changes to the Jail Minimum Standards:

- Time limits on solitary confinement sentences  
*No one should be held in isolation for more than 15 days.*
- Exclusion of vulnerable populations from solitary confinement and from ESHU  
*Incarcerated people under 25 years old, people with mental or physical disabilities or serious injuries, and pregnant women should not be placed in solitary confinement or in ESH*
- Time limits on cell confinement during a solitary confinement sentence  
*Every person in solitary confinement should be, at a minimum, allowed 4 hours out of cell daily, with meaningful access to programs, services, and social activity.*
- Limits on reasons for placement in solitary confinement  
*No one should be placed in solitary confinement as punishment for a nonviolent rule violation.*
- Creation of an alternative disciplinary system  
*DOC should develop a disciplinary system that provides incentives for positive behavior, offers out-of-cell programming tailored to the individual's needs, and establishes alternative sanctions for behavior that violates nonviolent disciplinary rules.*
- Improved Due Process Requirements  
*Before a person can be placed in solitary confinement or ESHU, there should be a hearing conducted by non- DOC staff at which the accused person has representation and an opportunity to present evidence and to call and cross-examine witnesses. There should also be procedures through which an individual can be released from ESHU and moved back into general population.*
- Increased training  
*Correction staff who work in solitary confinement and ESHU should receive anti-violence, dispute resolution, and communication skills training, as well as, training in recognizing signs of psychiatric distress.*

I urge the Board not to approve the current proposed rule without incorporating needed reforms as discussed herein.

Respectfully submitted,



Zoe Joly, L.M.S.W.  
Licensed Master Social Worker