

October 23, 2015

To the New York City Board of Correction:

The following organizations and individuals believe that people incarcerated in New York City jails deserve appropriate and humane treatment. We oppose the proposed amendments to the Jail Minimum Standards governing the use of punitive segregation (solitary confinement), visits, and packages. These changes will make conditions harsher for people who are incarcerated in NYC jails, their families and friends. They will overwhelmingly impact Black and Latino families and communities, and poor people who can't afford bail.

### **Solitary Confinement**

The Board of Correction should reject proposed changes to the Minimum Standards regarding the use of solitary confinement enacted in January 2015. The Board took an important first step in passing rules that limit the maximum time any incarcerated person can be sentenced to solitary confinement to 30 days for any single infraction, and 30 consecutive days overall, with 7 days out before the person may be returned to solitary confinement. The rules also prohibit anyone from being held in solitary confinement for more than 60 days within a six-month period unless the person continues to engage in "persistent acts of violence" that can't be addressed by placement in an enhanced supervision housing unit. The Board must not back away from those reforms by increasing the sentence for assaulting staff to 60 days and removing the requirement for a 7-day respite period after a person has served 30 consecutive days of solitary confinement.

The United Nations Special Rapporteur on Torture has determined that anything more than 15 days of solitary confinement constitutes torture. The psychological and physical damage to individuals isolated in a cell for 22 to 24 hours a day is well-established. Subjecting incarcerated people to more torturous days of solitary confinement will not create safer jails, but rather will likely lead to increased violence. The Department of Correction (DOC) must implement a humane disciplinary system that provides incentives for positive behavior and establishes alternative sanctions that ensure jail safety while offering a therapeutic response to aggressive behavior.

The Board must not allow DOC to continue to rely on solitary confinement as a sanction for misconduct. Instead, the Board should enact tougher restrictions on its use.

### **Visits**

The Board must reject the proposed changes to the Visiting Standards. Children, family, and friends who visit loved ones awaiting trial or serving a short sentence in NYC jails must be allowed to have meaningful physical contact during visits. The proposed rules permit DOC to deny visits based on vague criteria about the dangerousness of the incarcerated person and their visitors. They allow DOC to conduct broad investigations of visitors, including criminal

record checks, and to make decisions about who is a family member and what constitutes a close or intimate relationship. Allowing DOC such wide discretion would affect many people including LGBT individuals and survivors of intimate partner violence. Over-policing and criminalization of communities of color increase the likelihood that criminal records will be used to restrict or prohibit family members from visiting their incarcerated loved ones.

The proposed measures require that appeals of visit restrictions go first to DOC rather than immediately to the Board. The proposed change increases the timeframe for the appeals process and unnecessarily includes DOC, which has a long history of violating visit rules. Appeals about visit restrictions should continue to go directly to the Board for speedy resolution.

DOC claims that these limitations are needed to reduce violence and stop contraband from entering the jails. Yet they present no evidence that the proposed limitations would accomplish these goals. The vast majority of violent incidents in the NYC jails do not involve smuggled contraband. The plan to impose new restrictions on visits as a violence reduction measure inappropriately shifts the blame for violence in the jails away from correction officers and their powerful union. The fact is that there is a lack of a connection between visit restrictions, violence reduction, and reduction in contraband in the jails. Visitors support the mental health of those who are incarcerated, provide important community connections, and facilitate successful reentry.

The City should be working to improve visiting in the jails by reducing the waiting time for visitors; improving equipment used to conduct searches and thereby eliminating unnecessary pat frisks; communicating visit policies and procedures clearly; assigning sufficient, trained, steady staff to visit areas; and providing appropriate space for visitors including children. The Board must reject DOC's proposed rules; require DOC to revamp its arduous and demeaning visit process; and create rules that encourage visits and sustain family and community ties known to reduce recidivism and improve reentry outcomes.

### **Packages**

The Board must reject proposed changes to the Packages Standards. DOC wants to prohibit people in NYC jails from receiving packages, except for court clothes, unless the items are purchased from an approved vendor. Family and friends will not be able to provide socks, underwear, notebooks, envelopes, and other property without purchasing it new and paying for shipping. Having to repurchase what could be delivered from home will be a financial hardship for many.

There is no evidence that incoming packages are a significant source of weapons that cannot be detected by DOC searches. The proposed restrictions on packages are unlikely to reduce violence but will be an extreme, unnecessary hardship for incarcerated individuals (most of whom are pre-trial detainees who are incarcerated due to their inability to pay bail) and their families and friends.

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The Board must not allow its rules which are supposed to provide protections for incarcerated people to be eroded. The Board should be part of improving conditions for incarcerated people, not endorsing policies that make it easier for DOC to ignore the basic needs and humanity of the people in its custody.

Sincerely,

5 Boro Defenders

American Friends Service Committee, NY Office/Healing & Transformative Justice Program

Association of Legal Aid Attorneys (AFL-CIO) - UAW Local 2325

The Bronx Defenders

Brooklyn Defender Services

Campaign to End the New Jim Crow

Center for Constitutional Rights

Center for Justice at Columbia University

Center for NuLeadership on Urban Solutions

Church of Gethsemane

Coalition Against Trafficking in Women

College and Community Fellowship

Community Access

Community Service Society of New York

CUNY School of Law, Criminal Defense Clinic

Equality Justice Project

Hour Children

Housing + Solutions

Girls for Gender Equity

Incarcerated Nation Corp.

JustLeadershipUSA

Legal Action Center

The Legal Aid Society

MFY Legal Services  
NAMI Huntington  
NAMI Queens/Nassau  
NAMI-NYC Metro  
NAMI-NYC Metro Criminal Justice Support Group  
The National Lawyers Guild - New York City Chapter  
National Police Accountability Project  
National Religious Campaign Against Torture  
Neighborhood Defender Service of Harlem  
New York Campaign for Alternatives to Isolated Confinement  
New York City Jails Action Coalition  
New York State Prisoner Justice Network  
New Yorkers Against Bratton  
People's Power Assemblies  
Prisoners' Legal Services of New York  
SANDS' House Inc.  
Social Justice Committee, UU Congregation at Shelter Rock  
Social Workers Against Prolonged Solitary Confinement  
Stop Mass Incarceration Network - NYC  
Sylvia Rivera Law Project  
T'ruah: The Rabbinic Call for Human Rights  
Urban Justice Center  
Uri L'Tzedek  
USA Northeast Province of the Society of Jesus  
VOCAL-NY  
Witness to Mass Incarceration  
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