



Incarcerated Nation Corp.

TESTIMONY BY THE INCARCERATED NATION CORP.
SUBMITTED TO THE NEW YORK CITY BOARD OF CORRECTION ON OCTOBER 16,
2015

INCARCERATED NATION CORP.

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The Incarcerated Nation Corp. Consists of organizations and individuals who are directly impacted by incarceration and live with the collateral consequences of mass incarceration we are a collective of those previously incarcerated creating and supporting projects that provide services to those incarcerated, previously incarcerated & their family members

We also include concerned community members, lawyers, and individuals in the human rights, health, and faith communities throughout the Nation. We believe that solitary confinement poses serious risks for the mental health of all people held in such conditions, including the large number of people with a pre-existing mental health conditions still in solitary. In this testimony, we will outline our opposition to the proposed amendments to the Jail Minimum Standards that govern the use of punitive segregation (solitary confinement), visits, and packages. These changes will have a negative effect on people incarcerated in NYC jails, their families, and friends. They will have a disproportionate impact on Black and Latino families and communities, and poor people who cannot afford bail.

Visits

The proposed changes to the Visiting Standards also represent a step backwards, and the Board of Correction must reject them. Studies show that consistent, meaningful contact between an incarcerated individual and his/her family and loved ones is one of the best deterrents to recidivism after release. Therefore, visiting protections and opportunities should be strengthened and not limited. 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. Vague criteria about the dangerousness of incarcerated persons and their visitors will deprive families the consistent contact they need.

<http://www.un.org/apps/news/story.asp?NewsID=52190#.VhkkG4eoYB>;

<http://www.penalreform.org/wpcontent/uploads/2015/05/MANDELA-RULES.pdf>. 4 <http://associationsnow.com/2015/09/prison-administrators-time-reconsider-solitary-confinement/> 5 BEYOND SUPERMAX ADMINISTRATIVE SEGREGATION Mississippi's Experience Rethinking Prison Classification and Creating Alternative Mental Health Programs in CRIMINAL JUSTICE AND BEHAVIOR, Vol. XX No. X, Month XXXX xx-xx DOI: 10.1177/0093854809341938 © 2009 International Association for Correctional and Forensic Psychology



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The Department of Correction (DOC) should not have the right to conduct broad investigations of visitors, including criminal record checks, or to decide who is a family member and what constitutes a close or intimate relationship.

Such a right could have negative repercussions for many people, including LGBT individuals and survivors of intimate partner violence. Communities of color, already over-policed and criminalized, will be further victimized, since there is the possibility that criminal records will be used to restrict or prohibit family members from visiting their incarcerated loved ones. Since DOC has a long history of violating visit rules, appeals of visit restrictions should go immediately to the BOC and not to the DOC, as the proposed change would require. Such appeals need the speedy resolution that the BOC could supply.

Although the DOC claims that these proposed changes are needed to reduce violence and stop contraband from entering the jails, the DOC provides no evidence that these limitations will accomplish that objective. Since most violent incidents in the NYC jails do not involve smuggled contraband, and much of the blame for violence in the jails lies with the correction officers and their union, further restricting the one thing that has been shown to reduce violence in jails and prisons, meaningful connection to family and community, will only exacerbate the problem.

Rather than further restricting visiting, NYC needs to improve all aspects of the procedures governing this important experience by reducing wait times; upgrading equipment used for searches; communicating visit times and procedures clearly; assigning well-trained and steady staff to the visit areas; and providing appropriate space for all visitors, including children. The BOC should not accept the proposed changes and instead should require that the DOC revise its burdensome visit process and create rules that encourage connections with family members and the local community. For children, families, friends, and other loved ones who visit people incarcerated in the city jails, having regular contact visits is essential. The proposed rule would limit physical contact to embraces at the beginning and end of a visit only, and holding hands possibly over a partition.



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The existing Board minimum standards already allow the DOC to restrict contact visits in situations where it is determined, based on “specific acts” committed by the incarcerated person or “specific information received and verified” about an impending act on the next visit, that “such visits constitute a serious threat to the safety or security of a facility.” The existing standard already limits contact visits in contexts where such visits pose a serious threat.

By contrast, the blanket restrictions on contact visits under the proposed rule is not tied to any risk of harm and thus punishes all people incarcerated in the city jails as well as their families and loved ones, without any indication that it will reduce violence.

Solitary Confinement:

The Board should reject the current proposed expansion of the use of solitary confinement in the city jails (punitive segregation), and should instead further limit the use of solitary to a maximum of 15 consecutive days, in line with international standards. As the Board is well aware, the sensory deprivation, lack of normal human interaction, and extreme idleness that result from the conditions in solitary confinement have long been proven to lead to intense suffering and physical and psychological damage,¹ and to increase the risk of suicide and self-harm. ²

¹ See, e.g., <http://www.newyorker.com/news/news-desk/kalief-browder-1993-2015>; Stuart Grassian, Psychiatric Effects of Solitary Confinement, *Journal of Law & Policy*, Vol. 22:325 (2006), available at: <http://law.wustl.edu/journal/22/p325grassian.pdf> (“Psychiatric Effects of Solitary”); Craig Haney, Mental Health Issues in Long-Term Solitary and ‘Supermax’ Confinement, 49 *Crime & Delinq.* 124 (Jan. 2003), available at: <http://www.supermaxed.com/NewSupermaxMaterials/Haney-MentalHealthIssues.pdf>; Stuart Grassian and Terry

The system of perpetual punishment is draining our city dry of valuable people who are dealing with being remanded or contained, 2/3 of those housed on rikers for the hundreds of thousands of dollars that is cost to keep them, are un sentenced citizens that are then subjected to additional punishment which is described as the united nations titled cruel and unusual punishment. Being deprived of human contact & meaningful social communication should not be a penalty of a parking ticket or being remanded for a charge. The board is supposed to protect the citizens of New York and represent to community of the all boroughs, if this your true position then why take a stand to further punish family members and those held while waiting for court. Solitary confinement causes permanent mental damage many of our members are living with the long term effects of human isolation and we are increasing those numbers every day we allow this system to grow and not change. Rikers Island and our city jails for far too long are famously known for being the largest and most violent place to be detained In the world. We have the power to change that.



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The BOC must reject proposed changes to the Packages Standards. By prohibiting people in NYC jails from receiving packages, except for court clothes, unless the items are purchased from an approved vendor, families of limited means are put at a distinct disadvantage.

Because of the increased purchase and shipping costs, they will no longer be able to provide items like socks, underwear, notebooks, and envelopes. Again, there is insufficient evidence to sustain the argument that incoming packages are a significant source of weapons that the DOC searches cannot detect. The burden that this proposed restriction will inflict on incarcerated people and their families is far out of proportion to any reduction in violence that could be achieved.

We who are incarcerated are human beings worthy of respect and fair treatment. We look to the BOC to maintain rules that promote a just and humane environment for those who are in the custody of the City. Do not let the DOC erode the rules already in place that move us in that direction, and instead take further steps to protect the rights of people incarcerated in the city jails. Sad to say the system of being held in city jails does not include all the items a person needs to survive, we recognize that the size of the jail requires a huge budget to maintain and that is partly elevated by the ability for your loved ones to bring or ship items that a person needs. There is little evidence that contraband is smuggled through the system of visitation but by correctional staff themselves as shown time and time again we have to be there to protect the rights of our citizens. That is a right in any other jail in America and we the people have the right to make change to what directly impacts us. The doc should be focused on internal staff be prosecuted for murder and various abuse charges, then on increasing the punishment of people of color. It is our city representatives that is in charge of that please do your duty in recognizing what is vital to security and what is cruel and unusual punishment of those who are already punished enough within society. We have the power to change that.