

Good evening. My name is Julia Kerbs and I am a Corrections Specialist at New York County Defender Services, a public defender office in Manhattan. I am here to comment on proposed changes to restrictive housing regulations. NYCDS opposes solitary confinement in all forms. Isolated confinement constitutes torture and wholly undermines rehabilitation. The practice should be abolished. But at a minimum, this Board must institute due process protections for people facing transfers to restrictive housing.

For the past six months, the Corrections Specialist Unit at NYCDS has monitored, collected data, and conducted wellness checks with every one of our clients in solitary confinement. On a given day, we have anywhere between one and nine clients in solitary confinement. In total, thirty-nine of our clients have spent a collective 774 days in solitary since July 9th 2019. When we visit our clients in restrictive housing units and ask about conditions within punitive segregation, the majority report that they never received a hearing.

We demand that people in jail be given the right to an advocate at mandatory disciplinary hearings that determine whether they are placed in solitary confinement. This advocate could be the client's attorney, social worker, or other office staff familiar with the individual and his or her case. Solitary confinement is an extremely serious punishment, so incarcerated people must be given a chance to meaningfully defend themselves. Many are not familiar with the system or able to fully articulate themselves due to mental health issues, language barriers, or a host of other reasons. Just as we do not expect individuals to represent themselves unassisted in a courtroom, we should not obligate people to advocate for themselves without assistance in this vital context. A requirement that an advocate be notified of an upcoming disciplinary hearing would also guarantee that such hearings actually occur, something that does not appear to be happening consistently despite the DOC mandate.

Collection of data is also crucial to ensure that existing rules are being followed. Only with the assistance of advocates can we be certain that hearings are held, witnesses called, evidence collected, and appeals considered. We would know how often incarcerated people win or lose hearings, what types of charges are filed against them and the nature of the proof normally adduced to support charges. In sum, we could play our role in strengthening due process rights for our most vulnerable populations citywide.

We insist on the primacy of due process, transparency, and accountability in these disciplinary proceedings, proceedings that threaten such immediate and significant harm to our incarcerated population. Permitting the inclusion of an advocate at these proceedings is one crucial step toward that goal and one that respects the basic human rights of all people. The change is long overdue.

Thank you for your consideration.