



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK
Jumaane D. Williams

**TESTIMONY OF DEPUTY PUBLIC ADVOCATE FOR JUSTICE, HEALTH, &
SAFETY RAMA ISSA-IBRAHIM TO THE BOARD OF CORRECTION**

DECEMBER 16, 2019

Good evening, my name is Rama Issa-Ibrahim and I serve as the Deputy Public Advocate for Justice, Health & Safety in the Office of Public Advocate Jumaane Williams. As Public Advocate Williams testified at this Board's hearing on December 2nd, our Office unequivocally supports ending the torturous practice of solitary confinement and urges the Board to revise its proposed rule on restrictive housing to reflect this moral imperative.

I would like to use this opportunity to raise concerns that our Office has around this rulemaking process. At the December 2nd hearing, many members of the public, including many who had personally experienced solitary confinement, raised numerous shortcomings present in the rule before us today. In response to these testimonies, Board Member Robert Cohen stated, "A lot of things you are asking for should be in the rule. I hope they end up back in the rule. Some of it just disappeared."

The natural question that follows is: how are critical human rights protections simply disappearing as this process progresses? It is the understanding of our Office that the Board had previously intended on the following provisions being included in the rule, but they were ultimately removed. In addition to supporting the complete end to solitary confinement, the Public Advocate's Office calls on these provisions to be included in the rule.

- Increased due process protections in disciplinary hearings including the right to counsel or an advocate;
- Clearer mechanisms and time limits for getting out of restrictive housing;
- The immediate end to the use of restraint desks;
- A pilot program for introducing restorative justice principles into disciplinary cases including staff trainings and usage of peacemaking practices; And
- The codification of a five hour requirement for programming as a minimum standard.



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In this context, the repeated delays around the introduction of this rule and the Mayor's unprecedented decision not to renew the term of Commissioner Bryanne Hamill, who had worked extensively on restricting solitary confinement, appear to be a product of deliberate efforts by external parties to interfere with this Board's vital work on this issue and water down the rule before us today. The Board of Correction is intended to function as an independent body that advances improvement and change toward safer, fairer, smaller, and more humane New York City jails. The Office of the Public Advocate implores the Board to fulfill this function by passing rules that will end solitary confinement in New York City once and for all.

The comprehensive blueprint put forward by The NYC Jails Action Coalition and the #HALTsolitary Campaign makes it clear that the Board has the ability to make this happen through this rulemaking process. The reforms that are needed here are not radical-- they would simply expand existing standards and programs like the Clinical Alternative to Punitive Segregation (CAPS) that have a proven track record of success in New York City jails.

Further, in allowing for clearly regulated *separation* in cases of serious behavioral disruption but prohibiting punitive *isolation*, these reforms prioritize the safety of those in DOC facilities without violating basic human rights, endangering health, and exacerbating behavioral issues.

The Office of the Public Advocate urges the Board to adopt the recommendations made in the blueprint and improve the rules before us today accordingly.