



THE COUNCIL OF  
THE CITY OF NEW YORK

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SPEAKER

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Jacqueline Sherman  
Chair  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007

Dear Chair Sherman:

As Speaker of the City Council, I have been actively engaged in all of the issues surrounding our city jails. I have visited Rikers Island multiple times, including the punitive segregation unit just 2 months ago. I have repeatedly said that we need to do more than close Rikers if we are going to truly change the culture of the Department of Correction. And I have also said repeatedly, and publicly, that solitary confinement is cruel and unusual.<sup>1</sup> It is torture.<sup>2</sup> It is degrading.<sup>3</sup> And it is sick and unacceptable.<sup>4</sup> I said it on March 24, 2015; May 9, 2016; May 26, 2016, and just two months ago on October 17, 2019.

And I am here to say today, unequivocally, that solitary confinement must be *banned altogether*.

And when I say that we should ban solitary, I do not mean that we should introduce new solitary units and call them something else, like separation status. I do not mean that we should continue to allow teenagers or anyone else to be shackled to desks while they are “out of their cells” for the next two years, or that we should allow for the existence of units where “rec time” means being let out into a small cage. I mean that we must get rid of punitive segregation, punitive segregation 2, restricted housing units, and anything else that looks and feels like solitary confinement.

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<sup>1</sup>Transcript of City Council Hearing of the Fire and Criminal Justice Committee on the Preliminary Budget, March 24, 2015, p 153.

<sup>2</sup> Transcript of City Council Hearing of the Fire and Criminal Justice Services, Subcommittee on Senior Centers Committees on the Executive Budget, May 9, 2016, p 139.

<sup>3</sup> Transcript of the City Council Hearing of the Committees of Fire and Criminal Justice and Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, and Disability Services on Recent Changes in Healthcare in City Correctional Facilities, May 26, 2016, Oversight Hearing - Evaluating Recent Changes in Healthcare in City Correctional Facilities, p 49.

<sup>4</sup>Transcript of City Council Stated Meeting, October 17, 2019, p. 36.

We know that the impacts of solitary are devastating. Dr. Homer Venters discovered that people in solitary are 7 times more likely to engage in self harm, and 6 times as likely to engage in fatal self-harm.<sup>5</sup> Psychiatrist Stuart Grassian concluded that solitary can cause hallucinations, panic attacks and paranoia.<sup>6</sup> Layleen Polanco,<sup>7</sup> Jason Echeverria,<sup>8</sup> Bradley Ballard,<sup>9</sup> and Kalief Browder,<sup>10</sup> may they rest in peace, might have been alive today if we hadn't put them in solitary.

But solitary is not just deeply and morally wrong. It also doesn't work. In fact, there is no proof that solitary has any significant effect on reducing violence. A study cited by the National Institute of Justice in 2016 stated that "there is little evidence that administrative segregation has had effects on overall levels of violence within individual institutions or across correctional systems."<sup>11</sup> Studies of new supermax prisons which only have solitary units, in Minnesota, Illinois, and Arizona showed no significant difference in violence after their opening.<sup>12</sup> And here in New York City, though some claim that solitary is necessary to keep staff and persons in custody safe, the data indicates that the Department's drastic cuts in its use of solitary in 2015 did not impact the rates of violence or the use of force in our jails – sadly, many of those rates rose steadily before 2015 and have continued to rise at roughly the same rates ever since.<sup>13</sup>

In Colorado, where correctional administrators decreased the use of solitary by 85% in 2012, studies showed that assaults on staff, assaults between people in custody, and use of force all declined in the four years after their changes went into effect.<sup>14</sup> The impact of

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<sup>5</sup> Kaba F, Lewis A, Glowa-Kollisch S, et al, Solitary confinement and risk of self-harm among jail inmates. *Am J Public Health*, 2014, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3953781/>.

<sup>6</sup> Stuart Grassian, *Psychiatric Effects of Solitary Confinement*, January 2006, available at [https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1362&context=law\\_journal\\_law\\_policy](https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1362&context=law_journal_law_policy)

<sup>7</sup> Emanuella Grinberg, CNN, Cause of death revealed for transgender woman who died at Rikers Island, July 31, 2019, available at <https://www.cnn.com/2019/07/31/us/layleen-polanco-rikers-island-autopsy/index.html>

<sup>8</sup> Stephen Rex Brown, Daily News, EXCLUSIVE: City settles for \$3.8M in Rikers Island inmate's soap-swallowing horror, November 17, 2015, available at <https://www.nydailynews.com/new-york/nyc-crime/city-settles-4m-rikers-inmate-poison-horror-article-1.2437263>

<sup>9</sup> The Guardian, Rikers Island inmate died after seven days alone in New York City cell, May 22, 2014, available at <https://www.theguardian.com/world/2014/may/22/rikers-island-inmate-mental-health-died-cell>

<sup>10</sup> Jennifer Gonnerman, The New Yorker, Kalief Browder 1993-2015, June 7, 2015, available at <https://www.newyorker.com/news/news-desk/kalief-browder-1993-2015>

<sup>11</sup> Natasha A. Frost & Carlos E. Monteiro, *Administrative Segregation in U.S. Prisons Executive Summary*

<sup>12</sup> Chad Briggs et al., The Effect of Supermaximum Security Prisons on Aggregate Level of Institutional Violence, 41 *Criminology* 1341, 1365-67 (2013), available at <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1745-9125.2003.tb01022.x>.

<sup>13</sup> See, e.g., New York City Mayor's Management Report for Fiscal Year 2019 at p 72-73, available at <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/doc.pdf>; New York City Mayor's Management Report for Fiscal Year 2017, p. 84-85, available at [https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2017/2017\\_mmr.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2017/2017_mmr.pdf) Fourth Report of the Nunez Independent Monitor, p. 46, available at [https://www1.nyc.gov/assets/doc/downloads/pdf/Fourth\\_Report\\_Nunez\\_Independent\\_Monitor\\_10.10.17.pdf](https://www1.nyc.gov/assets/doc/downloads/pdf/Fourth_Report_Nunez_Independent_Monitor_10.10.17.pdf)

<sup>14</sup> Office of Planning and Analysis, Colorado Department of Corrections, SB 11-176 Annual Report: Administrative Segregation for Colorado Inmates (Jan. 2015), p. 3, available

solitary goes beyond the walls of a jail, studies from states like Florida and Washington show that recidivism rates are dramatically higher for those who were incarcerated in solitary confinement.<sup>15</sup>

We can do better. In San Francisco, where they provide people with some of the most violent histories with targeted group programming through the Resolve to Stop Violence Program (RSVP), recidivism for program recipients is down 46.3%,<sup>16</sup> and the number of violent incidents per year within units with this program went down from twenty-four to *one*.<sup>17</sup>

Meaningful alternatives to solitary confinement exist not only across the country, but also right here in New York City. Just look at the success of the Clinical Alternative to Punitive Segregation (CAPS) units. The people in those units, but for a diagnosis with a Serious Mental Illness, would be housed in some form of solitary confinement. But instead, we have chosen to give them treatment, group therapy, and constant programming. And what is the result? A 50% increase in medication adherence, a 25% decrease in both self-injury and injuries sustained as a result of fights, an 85% reduction in 30-day re-hospitalization rates.<sup>18</sup> And zero incidents of Class A Use of Force or recovery of contraband.<sup>19</sup> Compare that to the thirty-seven instances of contraband found in ESH in the last quarter, or the 5 instances of Class A use of force.<sup>20</sup>

I visited a solitary confinement unit this year and I was horrified. These cells are a stain on our city. I refuse to believe that we cannot do better.

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<https://www.colorado.gov/pacific/sites/default/files/Ad%20Seg%20Annual%20Report%20FY%202013-14.pdf>.

<sup>15</sup> Daniel Mears and William Bales, Supermax Incarceration and Recidivism, 47 *Criminology* 1131 (Nov. 2009), available at <https://www.safealternativestosegregation.org/wp-content/uploads/2018/04/Mears-Bales-2009.pdf>; David Lovell et. al., Recidivism of Supermax Prisoners in Washington State, 53 *Crime & Delinquency* 64 (2007), available at [https://www.researchgate.net/publication/240730534\\_Recidivism\\_of\\_Supermax\\_Prisoners\\_in\\_Washington\\_State](https://www.researchgate.net/publication/240730534_Recidivism_of_Supermax_Prisoners_in_Washington_State)

<sup>16</sup> Gilligan and Lee, The Resolve to Stop Violence Program: Reducing Violence Through a Jail-Based Initiative, available at <https://www.ncbi.nlm.nih.gov/m/pubmed/15820997/>

<sup>17</sup> Gilligan and Lee, The Resolve to Stop Violence Program: Reducing Violence Through a Jail-Based Initiative, available at [https://www.researchgate.net/publication/7915773\\_The\\_Resolve\\_to\\_Stop\\_the\\_Violence\\_Project\\_Reducing\\_violence\\_in\\_the\\_community\\_through\\_a\\_jail-based\\_initiative](https://www.researchgate.net/publication/7915773_The_Resolve_to_Stop_the_Violence_Project_Reducing_violence_in_the_community_through_a_jail-based_initiative); see also Delia Ginorio, Change Makers, *Resolve to Stop the V*

<sup>18</sup> NYC Health +Hospitals, Mental Health and Treatment for Individuals with Serious Mental Illness in the NYC Jails, March 12, 2019, available at [https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/March/H+H\\_Mental-Health-Presentation-March-12-2019.pdf](https://www1.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/March/H+H_Mental-Health-Presentation-March-12-2019.pdf); see also Testimony of Elizabeth Ford, MD, Chief of Service, Psychiatry NYC HEALTH + HOSPITALS/CORRECTIONAL HEALTH SERVICES, available at <https://www.nychealthandhospitals.org/testimony-of-elizabeth-ford-md-chief-of-service-psychiatry-before-the-new-york-city-council-committee-on-criminal-justice-committee-on-the-justice-system-and-committee-on-mental-health-disabilit/>

<sup>19</sup> Department of Correction, Local Law 90: Punitive Segregation Report, available at [https://www1.nyc.gov/assets/doc/downloads/pdf/FY2019\\_3rd\\_n.pdf](https://www1.nyc.gov/assets/doc/downloads/pdf/FY2019_3rd_n.pdf)

<sup>20</sup> *Id.*

Members of the Board, I am asking you to listen not just to me, but to the cries for help of the people who are living in solitary; to the advocates and the survivors of solitary confinement who have come to Board hearings time and time again to relive the trauma of their experiences, hoping that we will move to the right side of history.

We can get there. You can change the rules. Change the cap on solitary confinement from 15 days to 0, no exceptions. Mandate truly therapeutic and treatment-based units that give people at least 14 hours out of their cells, with at least 7 hours of *congregate* programming. And do not allow one more day to go by where we continue to use enhanced restraints.

I am proud of the work that this Board has done to better the lives of people in jail custody. These rules are a good start, and I am in support of many of their provisions. The elimination of \$25 fines is important to ensure that we are not further impoverishing people who are already too poor to pay bail. Requiring the DOC to provide the Board with a written, comprehensive implementation plan is necessary to ensure that the Department doesn't open new solitary units and disguise them with another name. These are good things. But I am asking you to go further. The people in our city's jails need you to go further: to end solitary confinement, once and for all.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'CJ', with a long horizontal flourish extending to the right.

**COREY JOHNSON**  
Speaker