



Prisoners' Rights Project
199 Water Street
New York, NY 10038
T (212) 577-3530
www.legal-aid.org

Blaine (Fin) V. Fogg
President

Seymour W. James, Jr.
Attorney-in-Chief

Adriene L. Holder
Attorney-in-Charge
Civil Practice

Mary Lynne Werlwas
Director
Prisoners' Rights Project

July 2017

Board of Correction Meeting Testimony

My name is Lizzy Wolozin, I'm a paralegal with the Prisoners' Rights Project at the Legal Aid Society. I have been speaking with individuals incarcerated in the Enhanced Supervision Housing (ESH). These are excerpts of statements about current conditions in ESH that reflect the frustrations of individuals held in the restrictive ESH houses. Most of the clients quoted are under 21 years of age. However, all of the individuals in ESH report similar frustrations with lack of services, inconsistent policies and the punitive nature of the ESH.

I believe that it is important that you hear their words and remember that these are people who require this Board to maintain appropriate standards in our jails.

Many of our clients complaint about the long period of lock-in that occurs due to ESH lock-out schedule.

Quote from 20 year-old: "Our lockout hours alternated from 5am – 12 p.m. and 1 p.m. – 8 p.m. Due to the alternating nature of the lockout hours, I often spent 25 continuous hours (from 12 p.m. one day to 1 p.m. the next) in my cell. This extended period of time spent in my cell made me feel angry, and I sometimes also felt suicidal."

Quote from 28 year-old "We receive seven hours out of our cells each day, during which time our legs are shackled to desks in a day room. Lock-out regularly occurs two hours later than it is supposed to. Almost every other day we lock out of our cells at 4 pm, instead of 2 pm, and lock back in at 7 pm. It is extremely frustrating to me that we are given less lock-out time when we lock out late."

In the summer months, we've been hearing increasingly that the temperatures in ESH are unbearably high. One client cited recorded temperatures of 85 and 95 degrees.

Quote from 28 year-old "ESH is extremely hot when the temperature rises. There is no air conditioning, and no cold water in the showers. We are allowed to shower only during our lock-out time. Staff do not provide us with ice when it is hot. During the heat wave in June 2017, it was unbelievably hot. There is one fan, but it is not sufficient to cool the housing area."

Quote from 20 year old “I attended school while I was in ESH ...During school, at times it was difficult to concentrate because the temperature is very hot in ESH, and there is no air conditioning or fans.”

Our clients often complain about the lack of legitimate due process in the review process.

Quote from 28 year old “My second 45-day review was in June of 2017. I made a serious effort to keep peace in the housing area, and prevent any altercations that could warrant a failure to advance. I completed all of my programming, and received certifications in both anger management and behavior management. However, I failed to advance in my 45-day review, despite fulfilling all of the criteria for advancement. I believe that I failed to advance because of reports I made to Chief Jennings about quality of life in ESH a few days prior to my review. After I failed to advance in June, I gave up hope of ever advancing to level II. I do not believe that my completing the programming has any influence on advancing through the ESH levels.”

Quote from 21 year old “In the end of April 2017, I participated in a hearing regarding my ESH placement. At the hearing, I was told that a review would be conducted 45 days later. But nothing happened. I have not received any other review or other information regarding my ESH phase 1 placement status.”

During lock-out in ESH Phase 1, our clients are shackled to restraint desks, ostensibly for their own safety. However, in addition to feeling robbed of their agency and humanity, individuals report feeling vulnerable to attack and unable to defend themselves should someone get free.

Quote from 20 year old “In ESH level 1, the use of the restraint desks is the worst part. When we are in the desk, we cannot do anything on our own. We have to ask correctional staff for everything, including going to the bathroom. Sometimes, it takes an hour or more for them to respond to our requests. It is made worse because the leg and arm shackles are excessively tight.”

Quote from 20 year old “During lockout, I was shackled by my ankles and restrained to a desk. My legs hurt, and I had cuts and callouses on my ankles from the restraints. The inability to stand up or stretch my legs also caused me pain. All I could do while in the dayroom was watch TV and talk to others. While sitting in the restraint desks, I often felt unsafe. I was unable to protect myself while restrained. I also felt sad and depressed while restrained and was often agitated easily.”

Quote from 28 year old “In general, I am not doing well in ESH. I recently pled guilty to one of my jail cases last month, because I am tired of being cuffed to a chair. I do not think that anyone can help me feel better as long as I am housed in Phase I.”

Our clients report that correctional staff rely heavily on militarized emergency units, like the Probe team, the Emergency Services Unit and the K-9 unit, to respond to conflict.

Quote from 20 year old “DOC staff calls the probe team constantly to make people go back inside their cells. This means that alarms are always going off in OBCC and tensions are always very high.”

I will close with the powerful words of our clients about ESH' detrimental impact on their mental health.

Quote from 20 year old "ESH has made me incredibly angry and anxious. When I was in general population, I did not feel this way. In ESH, I have so little control over my life, that I lose control. Nothing is consistent and there is no hope for gaining incentives or improving the situation. It is humiliating and hopeless to be housed in ESH."

Quote from 27 year old "Phase I of ESH is the worst housing area I have ever been in. I would rather be housed in West Facility, even though I hated the isolation there. ESH makes me angrier, and feel more aggressive. I have no rights here, and staff lock me into my cell whenever they feel like it. It is extremely violent; lots of people are getting cut."