

**The Bronx
Defenders**

**Redefining
public
defense.**

July 8, 2019

Members of the Board of Correction
New York City Board of Correction
1 Centre Street, Rm. 2213
New York, NY 10007

**Letter from The Bronx Defenders in Support of
Ending Solitary Confinement in New York City Jails**

Dear Board of Correction Members,

We write today to urge the Board to end the use of solitary confinement in our city jails—in particular, its use as a form of punishment (punitive segregation). As an organization that represents nearly 28,000 people every year, providing innovative, holistic, and client-centered criminal defense, family defense, immigration representation, civil legal services, social work support, and other advocacy, we have witnessed firsthand the extremely detrimental effects that incarceration—and, more specifically, solitary confinement—has on our clients. Our advocates spend countless hours visiting incarcerated clients, many of whom are mistreated, battling chronic mental health issues, and surviving ongoing complex trauma.

We see and hear about our clients' experiences in punitive segregation, also known as “the box,” every day. It is critical that the Board recognize the urgency of the issue and end the use of this punitive measure. As the Board is aware, the recent and tragic death of Layleen Polanco Xtravaganza occurred while she was in punitive segregation. Layleen was found in her cell hours after she had died. Her body laid lifeless in her cell unnoticed for so many hours because she was isolated in punitive segregation. While the cause of her death has not yet been released, we are confident that had Layleen not been in punitive segregation, there is a good chance she would still be alive today. She had only been there for 9 days, making clear that even one day in solitary confinement can be life-threatening.

The fact that Layleen was a transgender woman put her at a higher risk of mistreatment and abuse. The use of punitive segregation or solitary confinement is disproportionately used against LGBTQ and other marginalized people, such as those who are struggling with mental illness or addiction, and people with disabilities, because of the ways in which their behavior, existence, and means of survival are often criminalized or prohibited. For example, when transgender people are the subject of violence in jail and try to defend themselves, they are often the ones who are punished with the use of punitive segregation for merely trying to survive.

As the recent tragic death of Layleen Polanco Xtravaganza and the devastating suicide of Kalief Browder a few years ago make plain, we do not need any more lives lost in order to prove that solitary confinement permanently harms those that are subject to it. The psychological effects of solitary confinement have proven to be “strikingly toxic to mental functioning,” at best reducing a person’s capacity to reintegrate into society, or at worst causing permanent cognitive or psychiatric disability for those with less resiliency.¹ It is a punishment with permanent consequences, and one that is used disproportionately in response to certain populations within the jail, often those who are more vulnerable from the outset. The Department of Corrections (DOC) uses solitary confinement as a punitive measure with little regard for the safety of the person receiving the punishment, and without consideration for whether that person is actually compromising the safety of those around them.

We must not allow one more person to be permanently harmed by the use of solitary confinement. Ending this practice is one critical step towards reducing the disproportionate amounts of violence against marginalized populations within our jail system, potentially saving the lives of women like Layleen. It is a step towards a jail environment that focuses on restoring wellness for those housed within it while maintaining a sense of safety for all parties involved. By removing punitive segregation, the Board will guide the DOC towards thinking more critically about how to best ensure safety and reduce violence within our city jails in ways that are rehabilitative as opposed to permanently damaging to the people in their custody.

Sincerely,
The Bronx Defenders

¹ Grassian, S. (2006). Psychiatric effects of solitary confinement. *Wash. UJL & Pol’y*, 22, 325.