



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

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE BOARD OF CORRECTIONS**

OCTOBER 22, 2019

My name is Rama Issa-Ibrahim, I am the Deputy Public Advocate for Justice, Health Equity & Safety for Public Advocate Jumaane D. Williams. Our office serves as the direct link between New Yorkers and their government and functions as a watchdog to ensure that City agencies are as efficient and effective as the people of New York deserve, including those who are housed in the Department of Correction (DOC) facilities.

Before I get into my remarks, I want to applaud the work this Board has done to ensure the safety and protection for incarcerated New Yorkers. I must also acknowledge that we can all do more to alleviate and drastically reduce rates of violence in DOC facilities.

Restrictive housing, punitive segregation, separation status, whatever we call it--solitary confinement is an inhumane and torturous way to address behavioral problems in DOC facilities. We must end solitary confinement in the City of New York now. Solitary confinement is a cruel and unusual punishment that causes deep and permanent psychological, physical, and social harm. As a disciplinary practice, it is ineffective, counterproductive, and unsafe because it fails to address the underlying causes of problematic behavior.

The scope of this outdated practice greatly concerns me. Per the DOC's most recent report, 117 New Yorkers are housed in punitive segregation units, and there is a backlog of 815 people waiting to be held in these units. Given the size of this backlog, and the subsequent delay in this population actually being moved to punitive segregation units, it is clear that the practice as a whole is not rooted in upholding safety. If those exhibiting behavioral issues received therapy services, rehabilitative programming, and restorative justice interventions, the DOC would be better equipped to address violent conduct and minimize conflicts between peers and/or corrections officers.

Additionally, it is clear to me that solitary confinement endangers the health and safety of incarcerated New Yorkers. I am still disheartened at the tragic death of Layleen Polanco, a



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transgender woman of more color with a documented medical history, who died in the City's custody on the ninth day of her solitary confinement sentence. I want to clearly state that her death was avoidable and is a clear example of why this practice cannot continue. Not only does solitary confinement increase the risk of incarcerated people developing physical and mental health conditions, but it also exacerbates existing conditions-- placing New Yorkers at unacceptable risk.

I am also concerned about reports regarding the usage of Substitution Jurisdiction Orders to circumvent New York City's landmark ban of solitary confinement for youth under 22 years old. According to a New York Times report, at least ten young incarcerated people under the age of 22 have been transferred from DOC facilities to correctional facilities outside of New York City where this ban is not in place. The report states at least eight young New York City residents have been placed in solitary confinement in the Albany County Correctional Facility. This loophole must end, as no New Yorkers, especially our youth, should ever experience solitary confinement.

Lastly, I would like to express my concern regarding the DOC's use of so-called "separation status" on incarcerated people after a positive or refused body scan. While ensuring that contraband materials are removed from DOC facilities is absolutely crucial to the safety of both incarcerated people and DOC staff, this imperative cannot be used to justify subjecting incarcerated people to conditions that are even worse than those found in standard solitary confinement. Hearing reports of New Yorkers being forced to live in the stench of their own excrement absolutely horrifies me. Bypassing minimum standards of health and safety through emergency declarations or variance requests that do not protect the rights of those in custody is unacceptable. I urge the BOC to develop and the DOC to adopt best practices that remove contraband without subjecting incarcerated people to any form of punitive segregation.

I'll end by stating clearly that we can and we must end solitary confinement in this City, as per the UN's standards including prohibition of its indefinite or prolonged use in excess of 15 days. I urge the Board of Corrections to research and adopt best practices for implementing alternative solutions to behavioral issues. San Francisco's Response to Stop Violence Project is a successful,



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cost-effective alternative to solitary confinement, and is one of multiple models that should be evaluated moving forward.

Thank you to the Board for the opportunity to testify this morning. I greatly appreciate your time and consideration.