

**The Bronx
Defenders**

**Redefining
public
defense**

October 21st, 2019

Via email

To: Michele Ovesey, Acting Executive Director
Jaqueline Sherman, Interim Chair
Cc: 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 regarding 10/22 Board Meeting

Dear Chair Sherman, Ms. Ovesey, and Members of the Board,

We write today to urge the Board to release a comprehensive set of proposed rules encompassing all forms of restrictive housing and isolation. It is imperative that these proposed regulations be released to the public and that the subsequent rulemaking process begin immediately. 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. With little opportunity for due process, and the currently extremely limited regulations around the use of isolation as a form of punishment, our clients have suffered long-term health and mental health consequences at the hands of the Department of Correction.

We believe that a comprehensive set of rules around the use of isolated confinement is extremely overdue, and expect that these proposed rules will eliminate the use of torturous practices in our city jails. We expect that the proposed rules will include a right to due process, including assigned legal representation for accused individuals, before any type of sanction is imposed. Currently, our clients report being denied the right to be present at their disciplinary hearings, and how difficult it is to be seen by the medical team when in some form of punitive isolation. They lose regular access to their legal team due to the difficulty in scheduling and being produced for video conferences. Our clients struggle to successfully advocate for themselves within the complex web of restrictive housing, without any clear standard available to them in order to learn their rights. We expect that these rules will increase transparency around our clients' rights while in custody, and ensure complete and equal access to medical and mental health care regardless of housing or disciplinary status.

As members of the Mayor's Office of Criminal Justice Culture Change Working Group, we have heard many promises of a "smaller, safer, fairer" (Mayor's Office of Criminal Justice, 2019)¹ criminal justice system in New York City, accompanying a larger shift in the culture commanding our city jails. It is impossible to envision an era of true culture change within the city jails while true transparency and regulation of the use of isolation remains non-existent. We believe that this is a critical moment to offer real reform to a historically violent and punitive system, and the Board has an opportunity to stand on the right side of history and change this practice, defined as torture by the United Nations². As such, it is crucial that the Board act in their role as the oversight body by publishing a comprehensive set of standards and allow the public to offer valuable feedback. We and our clients look forward to participating in that process.

Sincerely,

The Bronx Defenders

¹ Mayor's Office of Criminal Justice (2019, October 14). *Projected city jail population falls to 3,300 by 2026* [Press Release], retrieved from

<https://criminaljustice.cityofnewyork.us/press-release/projected-city-jail-population-falls-to-3300-by-2026/>

² Retrieved from <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>