

Osborne Association Testimony:

Enhanced Supervision Housing in New York City Correctional Facilities

Prepared in anticipation of the New York City Board of Correction Public Hearing and Opportunity to
Comment on Proposed Rule-making
December 19, 2014

We support the Department's efforts to reduce isolation and believe the Department to be well aware of the negative consequences of isolation to individual's health and stability. As we address the New York City Department of Correction's Directive of Enhanced Supervision Housing (ESH), we ask that the Board consider three issues: the impact of non contact visits on children, the length of the 60 day review period, and trauma informed training and support for officers assigned to the ESH unit. Regarding non contact visits and child visitors, we would like to recommend that the standards set forth in the ESH Directive be checked against the *Children of Incarcerated Parents Bill of Rights*. [1] If the Standards do not violate these rights and do not send damaging messages to children about the kind of world they live in—then the standard can remain. If it violates these rights or conveys to children that their lives and feelings and well-being do not matter, the standard should be revised.

The proposal to reduce visiting days and make all ESH visits non-contact violates the child's right to be considered when decisions are made about her parent as well as the child's right to speak with, see and touch her parent.

Visiting a parent behind/through glass is traumatic and confusing for children. New York State is considered a national leader in criminal justice and public safety, with both incarceration rates *and* crime going down. It is also out ahead of many states in offering contact visits as its standard; we should remain a leader in this area.

While some feel that a parent who commits an act of violence while incarcerated should have their visits suspended, this response disproportionately punishes the children. There are ways to hold people accountable for their actions that do not punish their children. In fact, children are sometimes the ones to hold their parents most accountable, asking them direct, confrontational questions that are painful for parents to answer. Parents should not be given a vacation from parenting as a response to infractions; they should have to face their children who often are motivators for improved/better behavior.

Children need access to their parents, and that includes multiple visiting days, with after-school and weekend visiting hours, and the ability to see, speak with, and touch their parents.

Considering the well-being of children through criminal justice policies does not mean being "soft on crime" or discipline. It means teaching and modeling that there are consequences for actions, but that these are appropriate, clear, and not randomly and unfairly inflicted on the children and family of those in custody. The Board of Corrections and DOC have an opportunity to be part of teaching accountability and responsibility; yet, currently what is more often taught is that punishment is cruel and unnecessary, and disrespectful to everyone affected by the criminal justice system. These are the more common messages that children walk away from a DOC facility having learned—that the *system, laws and policies* are mean and unfair, that people in uniforms are the "bad guys," and that their parents are the victims.

It is possible to take security concerns seriously and to implement policies that reduce the likelihood of contraband and violence, while also being mindful of the children and families who care deeply about the people in DOC's custody. The current policies and practices of the criminal justice system, including NYC DOC, convey that sacrificing children's well-being is the acceptable collateral damage of incarceration; that this is the unavoidable cost of protecting society. It is not and should not be.

As the Department works to shift aspects of its culture and public understanding and opinion about officer's responses to people in custody, visiting creates an opportunity to change the negative perceptions that the public and children have of officers and jails. Children refer to correctional officers as "police" and their interactions with Correction Officers shape how they feel about authority figures and "the law." Every interaction with a child is an opportunity to heal the trauma of the separation and a possible negative view of officers. A positive interaction with an officer who cares is incredibly important for children. There are ways to maintain a high level of safety and security while providing child friendly visitation.

In addition to consideration of contact and more frequent visits, we ask that the Department and the Board reconsider the 60 day review timeframe. The proposed period between reviews is likely to perpetuate problematic behaviors due to the diminishing returns on safety provided by segregation. We all know that anxiety and depression, hopelessness, despair and anger worsen in extended isolation. People in segregation for long periods of time begin to act out again, perpetuating their stay in segregation. This leads to the cycle of box time earning more box time and eventually leads to having an unacceptably large segregation population. We suggest a minimum of a semimonthly review in order to make prompt decisions to move people to less restrictive environments as they show signs of stabilization and before the potentially severe exacerbation of psychological and behavioral issues sets in. This would be a departure from tossing people in the box and losing the key.

Finally, we ask the Board and the Department to consider the well being of officers assigned to this unit. The people who will be housed in ESH are the most difficult to manage. The job of keeping them safe and cared for is incredibly difficult and psychologically, emotionally and physically demanding. We all agree the job of the Corrections Officer is one of the most difficult jobs around. Enduring the real violence, both physical and verbal, the constant threat of possible violence and the general stress of the job, takes tremendous tolls on the men and women working on Rikers Island. The trauma and vicarious trauma they experience has real behavioral impacts. Symptoms can include trouble sleeping, hypervigilance, irritability, trouble concentrating, and more. These behaviors are part of a well functioning survival mechanism in our brains and bodies. They are what have enabled humans to outrun the tiger and climb the nearest tree since we have existed. However, when they are triggered repeatedly and sustained over long periods of time, they become ever present and disruptive. They lead to disproportionate responses to incidents within the jail, trouble at home, depression and burn out.

We urge the Department to provide trauma training and regular and quality trauma informed debrief sessions to the corrections staff. We further urge the department to provide education and training on vicarious trauma to normalize these experiences and break through the stigma that currently exists in corrections culture to getting this type of support following an incident. We also strongly suggest that officers assigned to this area not be expected or permitted to do overtime or to work more than 5 consecutive days.

We thank the Department and the Board for your efforts to end harmful segregation practices, but urge you not to create new traumas and harmful consequences as you resolve existing ones. We respect the difficulty and risk of this endeavor. We hope that ESH is a steppingstone to further reduction in the use of segregation and are happy to continue to be part of positive solutions and humane alternatives.

[1] These rights, as they were originally developed by the San Francisco Children of Incarcerated Parents Partnership. Please see www.sfcipp.org for more information.