

October 17, 2019

Via Email

Jacqueline Sherman, Interim Chair
Michelle Ovesey, Acting Executive Director
New York City Board of Correction
One Centre Street
New York, NY 10007

Re: October 22, 2019 Board Meeting

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

In January 2016 – three years and nine months ago – the Board of Correction voted to establish humane standards for the Department of Correction’s isolated and highly restrictive housing units.¹ BOC will finally publish the proposed rule for public consideration by its October 22, 2019 meeting. It is appalling that it has taken nearly an entire presidential term for the BOC to propose rules, especially given that the subject matter – the treatment of people in lockdown or solitary jail units – has such a tremendous, daily impact on human health and safety. Isolation and restrictions have borne many names in New York City: punitive segregation, Close Custody, Enhanced Supervision Housing, Secure Unit, Second Chance Housing Unit, Restrictive Housing Unit, Solo Housing. Regardless of label, all forms of isolation have the potential for serious harm and all must be subject to oversight by the Board.

¹ From the BOC website: “In January 2016, in response to the increase in new restrictive housing options pursued by the Department, concerns about due process and fairness, and an ongoing focus on increasing safety in the jails, the Board voted to enter rulemaking on the topic of restrictive housing. The restrictive housing currently in use in DOC facilities looks markedly different than when the Minimum Standards were created and the only options were punitive segregation and general population. **This rulemaking will extend the Board's Standards so that they can appropriately address "the care, custody, correction, treatment, supervision, and discipline" issues associated with the restrictive housing options now in use and those that may be established in the future. Our rules must be sufficiently broad to guide and shape such change and sufficiently detailed as to be meaningful and enforceable.** Restrictive housing guidelines promulgated by the U.S. Department of Justice, the American Correctional Association, and the American Bar Association reflect this approach.” “Restrictive Housing Rulemaking 2017,” <https://www1.nyc.gov/site/boc/jail-regulations/rulemaking-2017.page> (October 16, 2019) (emphasis supplied).

We expect that, given nearly four years, the Board will publish a comprehensive rule that will eliminate prolonged isolated confinement, secure fairness and due process for people on whom the Department wishes to impose significant deprivations, and make good on the City's much-touted rhetoric of reform and culture change. The nature and scope of these standards will make apparent the practices New Yorkers can expect in any future City jail system. As the Mayor's Office of Criminal Justice recently noted, this is "a remarkable moment of criminal justice reform" in our City. (Elizabeth Glazer, September 4, 2019, *available at* <https://www.ny1.com/nyc/all-boroughs/inside-city-hall/2019/09/05/director-of-mayor-s-office-of-criminal-justice-on-plan-to-close-rikers-island> (at 3:17)). If, as Director Glazer stated, "part of the plan is meant to ensure that our jails reflect the truly transformative criminal justice efforts that are going on right now, that they are humane places, that provide dignity to every person who is inside them and that as a result of that, and really a complete culture change that we are undergoing now, that we have different outcomes" (*id.* at 4:20), then operational standards governing restrictions, punishment and isolation – by any name and in any form – are critical to its success.

We urge the Board to publish immediately a proposed comprehensive standard that reflects this "complete culture change" the City promises. For nearly four years, the public and individuals most impacted by the Department of Correction's highly irregular practices of isolation and deprivation have waited for BOC to act upon its promise to secure our City's commitment to basic fairness and humanity. We look forward to seeing the results of this effort and historic commitment to reform.

Very truly yours,

Mary Lynne Werlwas

Mary Lynne Werlwas
Veronica Vela
Kayla Simpson

Prisoners' Rights Project

