



New York City Jails Action Coalition

www.nycjac.org

July 8, 2019

By E-MAIL

Jacqueline Sherman, Chair
Members of the Board
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: Ending Solitary Confinement in NYC Jails

Dear Chair Sherman and Members of the Board,

The NYC Jails Action Coalition (JAC) is a coalition of advocates, including formerly incarcerated people, directly impacted family members, and community members, who are working together to promote human rights, dignity, and safety for people incarcerated in the New York City jails. We join the City Council's Progressive Caucus and Women's Caucus in urging the Board to end the use of solitary confinement – by any name – in NYC jails.¹

Solitary confinement is torture. The harm that it causes is well documented. Over the last six years, this Board has heard from many individuals with first-hand experience of solitary confinement as well as legal and psychological experts about the detrimental effects solitary confinement can have on individuals who endure this punishment. Moreover, research conducted in the NYC jails demonstrates the depth of pain that solitary confinement causes – individuals sentenced to solitary confinement were found to be almost seven times as likely to commit acts of self-harm as those who had not been subjected to it.

The tragic death of Layleen Polanco highlights the potential harm of even a relatively short period of isolation. On June 7, 2019, she died on her *ninth* day in solitary confinement in the restrictive housing unit (RHU) at Rose M. Singer Center on Rikers Island. Although the cause of her death is still under investigation, in any form of solitary confinement, incarcerated persons are dependent upon correction officers to access basic services, and they have extremely limited contact with others – including other incarcerated people – who can advocate on their behalf. In addition to the well-documented psychological harm that solitary confinement can cause, isolation can prevent individuals from receiving needed medical attention.

¹ Like jails and prisons across the country, the Department has devised its own term for solitary confinement, namely “punitive segregation.”

The Board should act now to ensure that no one else dies in solitary confinement in NYC jails.

We recognize that the Department of Correction has made progress in reducing the use of solitary confinement and creating alternatives. The Board prompted this reform by adopting rules that limit how the Department can use solitary confinement. Now it is time for the Board to go further and completely prohibit the use of this torture. The Department emptied all isolated confinement cells at Rose M. Singer following the death of Ms. Polanco. We know then that emptying these cells is possible and that it could be life-saving.

The Board must not only ban the practice of solitary confinement but also regulate all forms of restrictive housing, shackling, and other punitive restrictions the Department can impose. As the Vera Institute of Justice 2017 report documented, the Department increased some forms of restriction while decreasing its use of solitary confinement. In addition to Enhanced Supervision Housing, the Department has units in various jails where individuals have very limited, if any, access to congregate activities. We reiterate our recommendation made in January 2017 that the Board regulate use of all housing areas in which incarcerated people are permitted less than 14 hours out-of-cell time daily. Although the Board voted in 2016 to commence rulemaking on restrictive housing, no proposed rules have been shared with the public.

It is far past time for New York City to reject punitive methods. As Drs. James Gilligan and Bandy Lee advised the Board in September 2013, “One of the commonest mistakes made about punishment is that it prevents or deters violence. On the contrary, more than a century of research on the psychology of punishment has made it clear that punishment, far from preventing violence, is the most powerful tool we have yet created for stimulating violence.” There was more than ample evidence before Ms. Polanco’s death on the dangers of isolated confinement. The Board must require the Department to turn away from practices that promote violence and toward a mindful, therapeutic approach that treats those we incarcerate as human beings worthy of respect.

Sincerely,

New York City Jails Action Coalition (JAC)

cc: Martha King, Executive Director