



# DEMAND BOARD OF CORRECTION END TORTURE IN NYC JAILS

**Solitary confinement – the most severe form of punishment practiced in the U.S. – continues in NYC jails. Now DOC wants to create new restrictive units without any significant changes in its use of solitary confinement.**

In April 2013, the NYC Jails Action Coalition (JAC) petitioned the NYC Board of Correction (Board) to amend the Board's Minimum Standards regarding the NYC Department of Correction's (DOC) use of solitary confinement ("punitive segregation") in the City jails. The Board voted in September 2013 to begin rulemaking regarding solitary confinement and was set to issue proposed rules this month.

Instead of issuing new rules limiting solitary confinement, the Board is moving forward with a DOC request to weaken its minimum standards so that DOC can create Enhanced Supervision Housing Units (ESHU) – new highly restrictive units that are punitive, not therapeutic. ESHU will not replace solitary confinement units but will instead be a new form of high security units. The only proposed limits to the use of solitary confinement are to exclude 16 and 17 year olds and to disallow placement of people in solitary confinement to serve solitary confinement sentences from prior incarcerations. 16 and 17 year olds are also excluded from the ESHU.

## **What can New Yorkers who care about incarcerated people and who oppose torture do?**

A public hearing is set for Friday, December 19, 2014. Please submit written and verbal statements supporting comprehensive reform of solitary confinement and the disciplinary system, and opposing the creation of additional high security units that offer no programming aimed at reducing violence or improving success on reentry.

## **What are Enhanced Supervision Housing Units (ESHU)?**

A jail within a jail where DOC may house individuals, who *are not* serving a disciplinary sanction, indefinitely under the following highly restrictive conditions:

- Only 7 hours out of cell a day (compared to 14 for general population and 1 for punitive segregation);
- Recreation limited to 1 hour per day;
- Religious services inside the ESHU only;
- Unable to go to the jail law library, can submit written requests only;
- No contact visits – Parents will not be able to hug their children, partners will not be able to embrace one another, and friends won't even be allowed to shake hands. DOC intends to limit visits to an approved visitor list;
- No packages or publications unless from an approved vendor – Family and friends will not be able to provide reading material and property without purchasing it new and paying for shipping. Having to repurchase what could be delivered from home will be a financial hardship for many;
- All correspondence will be read by DOC staff without any individualized suspicion of a safety or security need to monitor the mail; and
- Strip searches and mechanical restraints will be used each time a person leaves the ESHU.

DOC has claimed that people in ESHU will be able to get out of their cells for up to 7 hours per day, including 1 hour of recreation. However, the heavy-handed restraints and invasive searches that will be imposed on anyone leaving the ESHU will impede people from exercising their right to 1 hour of exercise. DOC also has not provided information about how people will be able to access programs and services during the remaining 6 hours of lock-out time.

The proposed ESHU restriction on visits, packages, publications, correspondence, and the requirement of strip searches and mechanical restraints are more severe than the restrictions on people in solitary confinement but with no due process protection or possibility of earning less restrictive conditions based on good behavior.

### **Who can be placed in ESHU?**

Placement in ESHU is determined by DOC. The criteria include individuals who have committed specific violent acts but also include anyone who “otherwise presents a significant threat to the safety and security of the facility if housed in general population housing” as determined by DOC. Most disconcerting is the failure to exclude vulnerable populations such as individuals with mental illness or physical disability or young people other than 16 and 17 years old.

Due process rights are extremely limited. A person may request a hearing but that request must be in writing, the person will not have representation at the hearing, and the hearing officer will be DOC staff.

### **What is needed for the Board Minimum Standards to implement meaningful reform?**

- Time limits on solitary confinement sentences

*No one should be held in isolation for more than 15 days.*

- Exclusion of vulnerable populations from solitary confinement and from ESHU

*Incarcerated people under 25 years old, people with mental or physical disabilities or serious injuries, and pregnant women should not be placed in solitary confinement or in ESHU.*

- Time limits on cell confinement during a solitary confinement sentence

*Every person in solitary confinement should be, at a minimum, allowed 4 hours out of cell daily, with meaningful access to programs, services, and social activity.*

- Limits on reasons for placement in solitary confinement

*No one should be placed in solitary confinement as punishment for a nonviolent rule violation.*

- Creation of an alternative disciplinary system

*DOC should develop a disciplinary system that provides incentives for positive behavior, offers out-of-cell programming tailored to the individual's needs, and establishes alternative sanctions for behavior that violates nonviolent disciplinary rules.*

- Improved Due Process Requirements

*Before a person can be placed in solitary confinement or ESHU, there should be a hearing conducted by non-DOC staff at which the accused person has representation and an opportunity to present evidence and to call and cross-examine witnesses. There should also be procedures through which an individual can be released from ESHU and moved back into general population.*

- Increased training

*Correction staff who work in solitary confinement and ESHU should receive anti-violence, dispute resolution, and communication skills training as well as training in recognizing signs of psychiatric distress.*

### **How can I express my views?**

- Send written comments to the Board of Correction by mail (51 Chambers Street, Room 923, New York, NY 10007), by fax (212-788-7860), or by email ([amasters@voc.nyc.gov](mailto:amasters@voc.nyc.gov)).

- Testify at the public hearing on **December 19, 2014**, at 9:00 a.m. at **455 1st Avenue** (btw E. 26<sup>th</sup> and 27<sup>th</sup> Streets), Auditorium on Ground Floor, New York, NY 10016. Sign up in advance by calling 212-788-7845 or show up before 9 a.m. on December 19, 2014.

For more information, contact JAC at [nycjailsactioncoalition@gmail.com](mailto:nycjailsactioncoalition@gmail.com) or 646-459-3067.