



Stand Up for Ending Solitary Confinement in NYC Jails

Right now, the Board of Correction is considering changing its rules regarding the use of solitary confinement – “punitive segregation” – and establishing rules for other forms of restrictive housing. Join us in calling for the Board to adopt rules that completely END this torture and protect the humanity and dignity of everyone in NYC jails. Sign on to our [Blueprint for Ending Solitary Confinement in NYC Jails](http://bit.ly/EndSolitaryBlueprintSignOn) (summarized below) at <http://bit.ly/EndSolitaryBlueprintSignOn>.

Ending solitary confinement in all its forms

- Right now, the Minimum Standards for people in New York City jails require incarcerated individuals to be allowed out of cell for 14 hours each day, with exceptions for people in various forms of solitary confinement. Solitary should be eliminated, and everyone in jail should get this out-of-cell time.
- Evidence shows that safety comes not from restricting out-of-cell time but by providing meaningful engagement and access to programming.
- In 2011, the United Nations Special Rapporteur on Torture called for the complete abolition of solitary as a means for punishment or discipline and the complete abolition of solitary for all people in pretrial detention because it amounts to torture.
- DOC should only be permitted to lock in individuals or lockdown housing units if absolutely necessary, as a last resort, and only for immediate de-escalation or investigation. The Board should adopt regulations that limit such emergency lock-in and emergency lockdown to two hours with any extensions approved by the Chief of Department and immediately reported to the Board.

Adopting humane, effective, and safe alternatives

- When people engage in conduct that harms others, they can be separated from the general jail population, but alternative units should be about safety, rehabilitation, and violence prevention – not punishment, isolation, or torture.
- Examples of the kind of alternatives needed to reduce harm and promote safety exist in New York City (Clinical Alternative to Punitive Segregation units), New York State (former Merle Cooper program at Clinton) and across the country (Resolve to Stop the Violence in San Francisco jails).
- The alternatives must be designed for individuals to progress through them and move back into the general jail population.

The Board will have a PUBLIC HEARING about the proposed rule changes on **Monday, December 2, 2019 at 9 a.m. at 125 Worth Street**, 2nd floor auditorium, New York, NY 10013.

► **Voice your support for ending solitary in all its forms** – Testify at the December 2 hearing and/or send written comments to the Board at 1 Centre Street, Room 2213, New York, NY 10007 or to BOC@BOC.nyc.gov by January 3, 2020. To speak at the hearing, sign up in advance by calling 212-669-7900 or show up by 9 a.m. on December 2.

► **Pack the hearing** – Show the Board that New Yorkers care about ending the torture of solitary confinement!

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The BOC's proposed rule changes fail to end solitary confinement or create the meaningful reform needed.

In addition to allowing punitive segregation and Enhanced Supervision Housing (ESH) to continue, the Board's [proposed rule](#) has many other defects, including the following:

- Permits torture to continue in NYC jails:
 - Allows people to be sentenced to 60 days in solitary for alleged assaults on staff – 4 times beyond what the Mandela Rules consider torture for all people in any situation (15 days in solitary) (6-07(a)(3)(viii))
 - For other alleged rule violations, allows for exceptions to both the requirement of 7 days out of solitary after serving 15 days and to the limit of 60 total days in solitary in a 6-month period so that unlimited time in solitary is still possible (under broad and vague criteria) (6-07(a)(3)(iii) and (vii))
 - Permits exceptions to the 4 hour out-of-cell requirement for people in punitive segregation and places no conditions on how those 4 hours must be spent (6-07(a)(4))
- Places *no* limit on the amount of time an individual can spend in PSEG II where they only have 7 hours out of cell and no requirements for programming during those 7 hours (6-07(b))
- Does not exclude from PSEG II pregnant people, people within 8 weeks of pregnancy outcome, or people caring for a child in the nursery program (6-07(b)(1))
- Sets *no* limit on the amount of time an individual can be held in restrictive housing (subchapters E and F)
- Provides no more out of cell time for adults in “non-punitive” restrictive housing than PSEG II, and does not have any requirements for programming nor congregate programming (7 hours) (6-07(b)(4), 6-11(a))
- Permits individuals to be held in units with only one or two other people *indefinitely*, provides no programming requirements, and explicitly allows services in non-congregate setting (subchapter F)
- Fails to provide due process or any other protections for individuals placed in Solo Housing
- Sets no limits on the duration of emergency lock-ins (6-06)
- Places some restrictions on de-escalation confinement but does not give correctional health staff the authority to remove persons with mental health and other health risks and does not set an actual time limit on how long a person can be held in de-escalation confinement (6-05)
- Continues to allow DOC to adjudicate disciplinary hearings and appeals (6-30(c)(1), 6-32(g))
- Allows DOC to place people in punitive segregation up to 30 days after being sentenced (6-30(e)(2))
- Does not allow for an incarcerated individual to be represented by an attorney or any other advocate at the disciplinary hearing (6-30)
- Allows DOC to continue to use restraint desks during out-of-cell time in restrictive units until March 1, 2022, then permits “individualized” use of restraint desks indefinitely without any process or protections (6-36(e))
- Eliminates obligation to house young adults (18-21 year olds) separately and to provide age-appropriate programming for young adults (1-02)
- Permits DOC to delay developing a graduated sanctions disciplinary plan for young adults (6-09)

The Board's proposed rule contains some reforms that we support:

- Requires individualized plan and placement reviews for people in restrictive housing (6-14, 6-15, 6-21, 6-22) and a presumption of advancement to less restrictive levels/housing units (6-15(1)(3), 6-22(f))
- Requires DOC to notify the public when emergency lockdowns result in visits being canceled or delayed (6-06(c))
- Requires that a person's criminal defense attorney be notified when charged with an infraction that could result in punitive segregation time (6-30(b)(7))
- Prohibits mental health and other health encounters from taking place at a person's cell and requires that individuals in restrictive housing be taken to the clinic for scheduled appointments (6-27)
- Ends the automatic \$25 fine imposed for every disciplinary infraction (6-07(c))
- Eliminates exceptions to rules regarding correspondence for people in ESH so that they have the same protections as others in custody (1-11(c)(6) and (d)(1))
- Prevents DOC from creating new restrictive housing units without informing the Board (6-39)
- Requires reporting on all parts of the rules regarding restrictive housing