



FOR IMMEDIATE RELEASE...

October 28, 2019

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ADVOCATES SAY “ENOUGH IS ENOUGH” TO DELAYS AND BACKROOM DEALINGS FOR BOC RULES ON SOLITARY CONFINEMENT AND RELEASE THEIR OWN RULES TO END THIS TORTURE

(New York, NY) – The Jails Action Coalition (JAC) in collaboration with the #HALTsolitary Campaign released today their own [proposed rules for ending solitary confinement](#) in all New York City jails. Both groups are made up of directly impacted people, community members, legal and mental health experts, and others. These proposed rule changes come one week after releasing a [Blueprint for Ending Solitary Confinement in New York City](#), and in response to the City’s and the Board of Correction’s [failure](#) to release their own draft rules to the public last week following [interference](#) by the Mayor, including the [removal](#) of one of the Board’s leading proponents for restricting solitary.

Enough is enough; the community can wait no longer. In the wake of [Layleen Polanco’s tragic and preventable death](#), and in recognition of the countless other people who have lost their lives because of solitary in New York City - including [Kalief Browder](#) and [Bradley Ballard](#) - or suffered devastating psychological and physical harm, community members continue to call on the Mayor, Board of Correction, New York City Council, and Department of Correction to take immediate action to finally and fully end solitary confinement. Today, they have even provided the regulatory language for doing so.

In addition to the ongoing failure of the Board or the Mayor to act to end solitary confinement, this release also was prompted by the city’s expansion of solitary confinement through disturbing [variance requests](#) by the Department of Corrections, which has, since, July 2019, been running a new form of solitary unit, under the name of “Separation Status Housing”. People placed inside these medieval cells have no meaningful human engagement or programs and limited or no access to due process, visits, recreation, religious services, toiletries, paper or pen to communicate with their loved ones, personal support systems or attorneys, or even attending court dates. The BOC reported that two individuals already missed their court dates.

Background

While the Mayor and Department of Corrections are expanding solitary, there have been growing calls in New York City, New York State, and around the country to end solitary. Policy-makers and public officials have been joining in that call, including the New York City Council Progressive and Women's Caucuses, and leading U.S. Presidential candidates, including [Bernie Sanders](#), [Elizabeth Warren](#), [Kamala Harris](#), [Corey Booker](#), and [Beto O'Rourke](#). As early as 2011, the [United Nations Special Rapporteur on Torture](#) called for the complete abolition of solitary for, among others, all people in pretrial detention (as the vast majority of people in New York City's jails are held) because it amounts to torture.

Among the policy-makers pushing to end solitary, last week, on October 22, 2019, several New York City council members attended the BOC's meeting, spoke on the record or submitted written testimony regarding the Department's variance and the need to end solitary confinement completely. [Council Member Dromm](#) (who sponsored a bill to end solitary for 16-21-year olds in 2014), wrote "Today's agenda item represents a troubling pattern of variance requests that chip away at the Board's Minimum Standards. ... It is worth noting that DOC employees remain the source of much contraband, which the proposal does not address. ... I ask that the Board deny the variance request ... Finally, I ask that you move forward with rulemaking that will address all forms of restrictive housing and end the use of extreme isolated confinement. Any significant time in the so-called "box" amounts to torture, and our city will never move past its troubling history unless it commits to respecting the basic human rights of every member of our society, including those held in our jails."

[Council Member Reynoso](#) testified: "I'm endorsing the coalition's recommendation that minimum standards be applied to all detainees across the board. This includes 14 hours of out-of-cell time for every detainee in City jails and removing any exceptions to standards for punitive segregation, enhanced supervision housing, and other forms of restrictive housing. . . . I hope the next time I have the opportunity to testify before [the Board] we're talking about eliminating this horrific practice [of solitary confinement] entirely."

The [Public Advocate's office](#) read on the record: "Per the DOC's most recent report, 117 New Yorkers are housed in punitive segregation units, and there is a backlog of 815 people waiting to be held in these units. Given the significance of this backlog, and the subsequent delay in this population being moved to punitive segregation units, it is clear that the practice as a whole is not rooted in upholding safety. If those exhibiting behavioral issues received therapy services, rehabilitative programming, and restorative justice interventions, the DOC would be better equipped to address violent conduct and minimize conflicts between peers and/or corrections officers."

The Jails Action Coalition applauds the BOC for at least postponing their vote on the separation status variance request last week, and highlighting the many dangerous health, legal and safety conditions for those individuals held in this unit. At the same time, the Board must swiftly reject

this variance request entirely, stop any and all attempts to expand or continue the use of solitary, and immediately initiate rulemaking to completely end solitary in NYC jails in all its forms.

The Board has said they have been considering rulemaking around solitary and all forms of restrictive housing for years. In July, in response to the growing calls to end solitary following Layleen Polanco's death, they said they would be initiating rulemaking. The Board has reportedly drafted a rule to limit solitary, including all forms of restrictive housing, but the Mayor and the Department of Correction have been actively working to weaken the rule's protections, prevented the proposed rule from being made public, and removed one of the Board's strongest proponents of restricting solitary.

At a time where criminal justice reform and human rights is an ongoing topic in most households, New York City can not continue to allow the human rights atrocities that are occurring in its jails. How many more deaths must occur before our society acknowledges its own torture? Advocates were just shedding light in August on the tortures of the Enhanced Supervision Housing Units (ESH), where it was reported the "individuals held in ESH were NOT allowed out for cooling showers and are held in their cells 17-23 hours a day", during the hottest days of the year.

The Mayor of NYC can end the barbaric torture of solitary confinement today if he wanted. At a time when he is tweeting about humanity and ending the era of mass incarceration, he needs to be held accountable for those individuals detained, tortured, and denied their right to due process and ability to inform anyone of their status via visit, letter or phone. Advocates call on all of those in positions to make change to see that denying someone their basic rights to survival behind jail walls is inhumane and unconstitutional.