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**BOARD OF CORRECTION**  
**CITY OF NEW YORK**  
1 CENTRE STREET, RM 2213  
NEW YORK, NY 10007  
212 669-7900 (Office)

Margaret Egan  
*Executive Director*

**Testimony of Executive Director Margaret Egan**  
**City Council Hearing**  
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Good Morning, Chair Powers and members of the Criminal Justice Committee. I also hope you and your families are safe and healthy. Thank you for holding this important hearing today. My name is Margaret Egan and I am the Executive Director of the New York City Board of Correction. I am joined today by Board Chair Jennifer Jones Austin, Board Member Dr. Robert Cohen, and my colleague, Emily Turner, Interim Deputy Executive Director of the Board.

We are here today to talk about the ending of solitary confinement in the New York City Jail System. The Board of Correction has been developing rules on restrictive housing broadly, and solitary confinement specifically, for the better part of the last four years. In that time, the Board consulted with experts, advocates, and city officials to understand the leading research and practice and ultimately developed a proposed rule that governed all forms of restrictive housing in the jail system. Last fall, the Board approved preliminary rules. Through the winter, the Board received public comment on the proposed rule. That public comment from many stakeholders, especially the testimony people with lived experience was moving and transformative. As a result, our Board Chair, Jennifer Jones Austin, shortly after becoming Board Chair in March of this year, joined with Mayor Bill DeBlasio in June to call for an end to punitive segregation.

Punitive segregation has been proven over and over to be an inhumane practice resulting in debilitating trauma that endures, often for the remainder of a person's lifetime. It has also been shown to not be an effective tool for reducing violence in correctional facilities. The Board believes this practice must end. We believe it should be replaced with an alternative means of accountability with a focus on safety for both staff and detained persons, mental health, effective and robust programming and education, and investment in training and the well-being of employees.

Ending punitive segregation represents a significant change that requires careful consideration to ensure a system of accountability that is fair and safe for all. The Mayor and Chair Jones Austin convened a working group to develop a system of accountability that thoroughly considers and addresses the critical operational issues attendant to dismantling punitive segregation and the implementation of a more effective and humane accountability system. The working group has been led by our Vice Chair Stanley Richards and included Commissioner Brann and Just Leadership USA President and CEO DeAnna Hoskins. COBA President Boscio was also included and has been participating in working group discussions. The group was charged with developing recommendations for a system that replaces solitary confinement with a system that prioritizes safety, accountability, transparency, and support for all, staff and people in custody. It was critical to receive input from all perspectives – the Department leadership and officers, as well as persons with lived experience to ensure that the model would be progressive and practical.

The group worked diligently through the summer and early fall developing a broad model for ending solitary confinement. The Board's rulemaking committee has taken those recommendations and begun redrafting a rule that will govern restrictive housing in the jail system. The committee has nearly completed its work and we believe will propose its rule in the coming days, initiating the CAPA process for a final vote to occur in early 2021. This work has taken longer than we all desired but the Board takes seriously the complicated issues that arise in making these reforms.

Ultimately the rule that the Board proposes will seek to prioritize safety, accountability, transparency and support. These are the key principles informing and driving our work and discussions with respect to the system that will replace punitive segregation.

Paramount in our planning is safety. Safety for all. People in custody and staff. First, we believe that separating someone after a violent incident is critical. It is critical for the victim, the person who committed the violent incident and for the staff. However, this separation should not be indefinite. The best research tells us that a short period of separation, along with an individualized assessment of the core drivers of the behavior and an attendant care plan to are essential to changing behavior.

Accountability. The jail system must be able to hold people accountable for serious incidents. We believe that providing accountability is a critical tool for staff and people in custody to increase and improve safety in the jails. The new system of accountability must be based on the swift, certain, and fair principles. People should be provided with due process before being placed in any system of accountability. Their punishment, including the amount of time, should be defined and expectations should be clear and achievable.

Support. Any model that replaces punitive segregation must be centered on support for the individual. All who enter a new system should be immediately provided with an individualized support plan based on a validated assessment to identify the appropriate programming and therapeutic supports for that individual. This plan should be centered on addressing the root cause of violence and behavior and all the requisite services should be provided so that person can be successful in their care plan.

Transparency. For any system to be successful, all must understand and buy into the core principles. It will be important that management clearly articulates, trains, and manages both uniform and non-uniform staff, to the model's goals and principles. It will also be critical for the goals, principles and expectations to be clearly communicated to people in custody – both before and after any incident. In order for people to be successful in the model, they will have to understand the expectations and have an opportunity to meet them. And when they do, they must be rewarded accordingly.

Finally, the Board's oversight responsibility is also essential to transparency. Requiring the Department and Correctional Health Services to track and report information necessary to monitor compliance with the rules will promote transparency and compliance. Our ability to independently assess and publicly report on the Department's fidelity to the rule will be essential to providing transparency for the people in the model – both people in custody and staff. We also believe the City should conduct an external evaluation to ascertain the impact of the model on individual behavior and health as well as the systemic impact on infractions and violence. Such an evaluation can provide the City with invaluable information on the impact of this new model and other jurisdictions with critical information on a new, innovative, humane approach to safety and accountability.

The Board would agree that this process has taken significantly longer than desired. Having heard from the public last winter, it was clear that the proposed rule required that more be done to end punitive segregation. The Board's rulemaking committee has been working diligently, meeting regularly to address the complicated issues that have arisen as we have develop this new model. We have been working closely with City leaders and continued to seek advice and counsel from experts, including people with lived experience, and correctional management and oversight expertise from across the country. We believe that the Board's final rule will evidence a shared desire to reform punitive segregation in a way that achieves our goals of more humane treatment, accountability, and safety for all.

Thank you. We are happy to take your questions.