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**Comments on the Board of Correction's Proposed Changes to Restrictive Housing Rules**

Dear Chair Jones Austin and Members of the Board:

As a member of the Committee on Criminal Justice and Chair of the Committee on Hospitals, which provides oversight over the Correctional Health Services (CHS), I'm submitting the below comments to the Board of Corrections regarding the recently proposed changes to restrictive housing rules in New York City's jail system.

The passage of the HALT Solitary Confinement Act in Albany last month was a long-awaited step for criminal justice advocates across New York State. But the Board's proposed changes to restrictive housing, through the creation of the Risk Management Assessment System (RMAS), remains far too similar to the forms of solitary confinement still present in today's jail system. The rules must be significantly amended to address this before the rules are finalized. Let me be clear - solitary confinement in any form is wrong, and it should not exist in our city.

Most concerning about RMAS is the fact that there are no hard limits on the amount of time people can be placed in the system. RMAS must allow for clear progression through each level of the system with set expectations for the level of time one will spend in each level. Additionally, any form of RMAS should be used to de-escalate and address dangerous and violent situations that pose risk to other incarcerated individuals. It should not be used as a form of punishment for other issues, such as the possession of contraband.

Out-of-cell time must also be increased for individuals in RMAS, with real programming investments similar to those in the existing CAPS program or other innovative models seen in cities like San Francisco. And out-of-cell time must include a focus on congregate activities and settings, with a ban on any form of chaining or shacking an individual to a desk or with any other form of restraints. And young people, the elderly, or those who are sick must never be allowed to be placed in an isolating unit of any kind.

The proposal in its current state also lacks an adequate description as to the conditions of the RMAS units. Though it does require air-conditioning for these units, there is no mention of other conditions such as access to sunlight. The Board must develop rules that utilize pre-existing facilities that satisfy these conditions as well as ensure out-of-cell time is conducted in large, open spaces with real human interaction.

The complete lack of access to Counsel during the disciplinary hearing process laid out in the current rules for RMAS must be addressed, as the current proposed dynamic put incarcerated individuals at a

distinct disadvantage in what is supposed to be a fair and impartial hearing process. The rules must provide for clear and timely means to contact and coordinate with Counsel so that these disciplinary decisions are based on clear facts and evidence alone.

Finally, I do want to say that I appreciate the Board's attempts to address emergency lock-ins and ensure communication afterwards, particularly for doctors' visits and other meetings with CHS. However, we must go further to ensure that emergency lock-ins have clear processes for how they are reviewed, concluded, and the role that non-DOC staff have in that decision-making.

I appreciate the Board's attempts to address the issue of solitary confinement, but we must work to live up to the promises our Mayor made, and I believe we can do that by ensuring the Board listens to our recommendations and works with leaders in the City Council as well as advocates like HALT Solitary. Thank you for your time and I look forward to the day when we can finally say solitary confinement does not exist in our great city.