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**Statement on Enhanced Supervised Housing
Board of Correction
December 19, 2014**

My name is Daniel Dromm, and I am a member of the New York City Council and Chair of the Committee on Education. Throughout my tenure, I have become increasingly involved in efforts to reform our city's jails.

Seeing the impact of prolonged and isolated confinement has fueled my passion around this issue. A friend who is struggling with drug addiction and mental health issues found himself at Rikers Island. After being caught with contraband—cigarettes in this case—he found himself in punitive segregation, devoid of social contact and programming he so critically needed to maintain his sanity and aid his recovery. The torture he endured took a devastating toll. This young man emerged from these periods of isolation and deprivation a hollow shell of his former self. Like so many others who have endured extreme and continued isolation, he is now withdrawn, anxious, and hypersensitive. He has difficulty with concentration and memory, and he experiences unpredictable fluctuations in temperament.

I do not believe the Department of Correction's proposal for Enhanced Supervised Housing will adequately address the dire need for comprehensive reform. Instead of heeding the loud cries for reform coming from the Department of Justice, the U.S. Civil Rights Commission, the New York Times, and seasoned advocates, the Department of Correction has proposed the creation of another category of highly restrictive housing that will exist together with the current punitive segregation regime.

The Department claims that ESH is not supposed to be punitive; however, the details of the plan suggest otherwise. As with punitive segregation, adjudicators will not be truly independent since they are fellow correction officers. Independent attorneys and advocates will not be allowed to provide critical representation. In addition to the lack of these due process protections, ESH raises two more serious concerns. First, unlike individuals with a fixed punitive segregation sentence, individuals are sent to ESH indefinitely, without any clearly delineated path to release or less restrictive conditions. Second, a specific infraction is not needed to land in ESH. The threshold is much too broad and low, leaving the process open to abuse.

I ask that the Board of Correction seize this opportunity to enact meaningful reform. Perhaps with much revision, ESH could largely replace punitive segregation. It should start as a pilot, be closely monitored along the appropriate metrics, and be reviewed periodically for outcomes.

ESH, as well as the minimum standards this Board is drafting, must rein in the rampant abuses in our jails. I would like to draw your attention to a recently released report from the New York Advisory Committee to the U.S. Commission on Civil Rights, which flatly states that “punishment of youth [under 25] in jails and prisons constitutes cruel and unusual punishment under the Eighth Amendment.” I will repeat what I stated before that Committee about the liberal use of solitary confinement as a management tool: The imposition of severe isolation for infractions unrelated to safety concerns seems to serve no purpose other than to brutalize prisoners.

The Department needs to reorient its entire model. Facilities with well-trained staff should prepare individuals for release from day one and address safety concerns through methods that are proven to reduce violence. Regardless of the unit, programming and individual treatment are vitally important. Unfortunately, the ESH proposal lacks this key element. CAPS and the “Second Chance” unit at Rikers seem to provide a good start but must be expanded.

Federal authorities have understandably grown impatient with the city’s slow reaction to the uncovering of grave constitutional and human rights violations. I therefore urge this Board to act without delay to put to rest one of the ugliest chapters in our city’s history by enacting far-reaching reform in close consultation with the experts, many of whom are here today.

Thank you.