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THE COUNCIL
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COUNCIL MEMBER, 25TH DISTRICT, QUEENS

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December 16, 2015

Re: New York City Board of Correction Vote on Variance regarding Punitive Segregation, Final Rules Changes to Restrictions on Visitation Rights, and Reports on Punitive Segregation

New York City Council Member Daniel Dromm – Testimony

Good afternoon, members of the Board of Correction. My name is David Karopkin, and I am delivering the following comments on behalf of New York City Council Member Daniel Dromm:

I want to thank the Board of Correction for seriously considering the feedback submitted by myself and my colleagues in the New York City Council. Many of our comments were echoed by advocates and families of incarcerated individuals. The final rules being voted on today represent a significant improvement over those originally proposed. I commend the Board for its leadership in improving jail conditions and addressing many of our concerns.

However, since I believe that the rules governing our facilities must be evidence-based, I remain deeply concerned by the expanded and prolonged use of punitive segregation.

PUNITIVE SEGREGATION

The Department of Correction should not use extreme isolated confinement in excess of fifteen (15) days; anything beyond violates United Nations torture standards. There is no evidence-based support for the notion that solitary confinement is effective in reducing violence. Ultimately, the Department must implement alternative rehabilitation programs, guided by prison reform experts, to end its reliance on punitive segregation.

VISITATION RESTRICTIONS

I am glad that the Board has reconsidered the visitation restrictions originally proposed, which would have made an already cumbersome visitation process more difficult. The Board's final rules more closely align with its acknowledgment of the importance of maintaining connections with family and social networks.

I applaud the Board's focus on specific threats posed by a prospective visitor rather than their identity and associations. However, the visitation standards do not include sufficient details regarding how the Department will determine whether visitors must undergo a risk assessment and whether a visit will be restricted or not.

I want to acknowledge and thank the Board for including gender identity, self-image and expression within the definition of gender as applied to the Department's non-discrimination policy for visitation. While I am encouraged that the Board will expand the definition of "family," the Department should not restrict friends and other meaningful contacts on the basis that they are not considered adequately related.

REPORTING

The Board is including important reporting requirements. These are critical to assessing how the Department is using punitive segregation and determining how to improve the treatment of those incarcerated in our jails. Reports should be made public to provide transparency and ensure the confidence of all stakeholders.

The revised final rules – with the exception of the use of solitary confinement – are an important step in the right direction. I look forward to working with the Board to implement evidence-based reforms that both provide a safe environment and protect constitutional and human rights. Thank you for your consideration.