

PUBLIC COMMENT FOLLOWING STATE LAWMAKERS VISIT TO RIKERS ISLAND

Presented before the New York City Board of Correction
Regarding Restrictive Housing Rulemaking
April 23, 2021

AFTER VISITING RIKERS ISLAND, NEW YORK STATE LEGISLATORS CALL OUT NEW UNITS AS SOLITARY CONFINEMENT BY ANOTHER NAME AND URGE NEW YORK CITY TO TRULY END SOLITARY

*The Legislators Urge the Board To Amend Its Proposed Rules To End Solitary
Confinement In All Its Forms*

Following their recent unannounced visit to Rikers Island, Assembly Member Kenny Burgos, Assembly Member Zohran Mamdani, and Senator Jessica Ramos urged the New York City jails oversight body to amend its proposed rules to truly and fully end solitary confinement rather than create a new form of indefinite solitary confinement by another name. Assembly Members Burgos and Mamdani and Senator Ramos conducted an unannounced visit to Rikers Island on Friday, April 16, including seeing the NIC Structurally Restrictive Housing Units, where people in purported alternatives to solitary under the Board's proposed rules will be held. While the Board and Mayor de Blasio promised to fully end solitary confinement in New York City jails, under the Board's current proposed rules, the City plans to implement [solitary confinement by another name](#) in these units - which are depicted in [these recently released photographs](#) obtained through a FOIL request and [this rendering](#) publicly released by the Board - rather than actually end solitary as promised. Specifically, under the proposed rules, people will be held alone in a cage 24 hours a day in these units and can be held in these units indefinitely. This is solitary confinement by another name. Following these legislators' visit to these units, Assembly Member Burgos, whose district encompasses Rikers Island, issued the following statement:

“On Friday, we made an unannounced visit to Rikers Island and saw the units being constructed at the Northern Infirmity Command to fit the requirements in the Board of Correction's proposed restrictive housing rule. A far cry from the Mayor's promise of ending solitary confinement in New York City, replacing existing restrictive housing with these units is simply creating solitary by another name. We call on the Board of Correction to revise their proposed rule and create true alternatives to isolated confinement. We are making real, intentional efforts to reform the treatment of justice-involved individuals within our custody, including passing the HALT Solitary Confinement Act to end the torture of prolonged isolated confinement statewide. After decades of studies and tragedies, we know that solitary confinement does not work—it

simply doesn't. New York City has committed to ending the practice completely and finally, and we call on the Mayor to follow through with that commitment.”

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BACKGROUND:

While purporting to end solitary confinement, the [Board of Correction's proposed rules](#) create a new form of solitary confinement by another name, where people can be held alone 24 hours a day, indefinitely, and can be placed in, and kept in, such confinement through Department of Correction proceedings with no opportunity to be represented by counsel. If the Board's proposed rules were enacted as currently written, they would [violate](#) the recently enacted HALT Solitary Confinement Act, which applies to all state prisons and local jails in New York State, including New York City jails, and which prohibits solitary confinement beyond 15 consecutive days in all circumstances, requires all people in solitary up to those 15 days to have four hours of out of cell programming, and generally requires that people in alternatives to solitary have at least seven hours of out of cell congregate activity with other people that is comparable to the general jail population.

Solitary confinement is torture. It causes immense suffering. It's disproportionately inflicted on Black & Latinx people, and transgender and gender non-conforming people. There is an historic opportunity to finally and fully end solitary confinement to stop suffering, save lives, and increase safety for people incarcerated, staff, and outside communities. To effectively end solitary, there should be no carve outs and no loopholes. Every incarcerated person must have access to a minimum of 14 hours of out-of-cell per day, in line with the current minimum standards for people in jails generally, with meaningful human engagement and congregate programming without restraints. Addressing the root causes of harmful behaviors requires engagement, not isolation. Limiting people's out-of-cell time does not address safety or violence concerns, but it can cause devastating harm. For any separation from the general jail population, there must be strong procedural safeguards, including true and meaningful access to counsel.

It has been nearly ten months since the Mayor announced New York City would fully end solitary confinement. The City's jails oversight body, the Board of Correction, promised it would adopt rules to end solitary by October 2020. We are now in April 2021 and the Board of Correction has put forward proposed rules that will create a new form of solitary confinement by another name. Layleen Polanco died in solitary over 22 months ago. Kalief Browder died because of solitary confinement almost six years ago. Bradley Ballard died in solitary over seven years ago. Jason Echeverria died in solitary over eight years ago. Carina Montes died in solitary over 18 years ago.

In October 2019, community members provided detailed [rules](#) for ending solitary to go along with a [Blueprint for Ending Solitary Confinement](#), which has been endorsed by the City [Council](#)

[Speaker](#), [Public Advocate](#), [Comptroller](#), [Council Criminal Justice Committee Chair](#), and numerous [City Council members](#). The Mayor, the Board of Correction, and the City Council all have the power to end solitary confinement. They must do so immediately and fully, including guaranteeing that all people in the City jails have access to at least 14 hours out-of-cell per day, with meaningful human engagement and programming.

Experts agree that the sensory deprivation, lack of normal interaction, and extreme idleness of solitary can lead to severe [psychological](#), [physical](#), and even [neurological](#) damage, and dramatically increase the rates of self-mutilation and suicide, including in [New York City jails](#) and [New York State prisons](#).

Recent [Cornell research](#) found that even a few days in solitary confinement – and even only one or two days of solitary – led to significantly heightened risk of death by accident, suicide, violence, and other causes. One study [published last summer](#) in the Journal of General Internal Medicine found that solitary confinement is associated with a [31% increase in hypertension](#). Approximately one-in-three people in solitary who participated in the study were more likely to experience heart attacks, strokes, and – unsurprisingly – higher degrees of loneliness, which also [contributes](#) to heart disease. This study was followed by another one last fall which found solitary confinement is associated with [increased rates of death after release](#), particularly by suicide as well as overdose.

In addition to causing devastating harm, and directly related to the impacts of that harm, solitary does nothing to improve safety or reduce violence. Evidence shows that the opposite of solitary – with full days of out-of-cell effective engagement – is actually what is effective at reducing violence and improving safety. The [CAPS program](#) in the NYC jails (alternative to solitary that is based on therapeutic approaches rather than punitive ones or isolation) has shown positive outcomes for reducing violence and self-injury. The Resolve to Stop Violence Project (RSVP) in San Francisco jails – based on engagement and programming rather than punishment and isolation – led to dramatic reductions in [violence in jails](#) and [violence in outside communities](#). RSVP was based on engagement and programming and again not on punishment or isolation. The [Merle Cooper program](#) was the opposite of solitary - with full days out of cell, programming, the ability to earn the right to not be locked in at night - and had positive outcomes on violence, and was praised by staff, administrators, and participants. Of note, in [Colorado](#) “corrections officers who had initially opposed [limits on solitary] changed their minds after they began to see positive results.”