



September 9, 2020

Mayor Bill de Blasio, Commissioner Cynthia Brann, and Chair Jennifer Jones Austin:

We are writing today with regard to your announcement establishing a taskforce to end solitary confinement in New York City jails and develop a safe alternative. As we approach September, we hope to both gather an update and add urgency to this process. Given our disappointment in seeing the Board of Correction rulemaking process on solitary confinement stall last year, we are committed to ensuring that this renewed process will close the chapter on solitary in New York City jails once and for all.

As the task force begins its work, followed by Board of Correction rulemaking, we urge that all stakeholders act with the following guiding principles:

End solitary confinement

The City currently operates multiple housing units inside city jails that represent a form of solitary confinement, notably punitive segregation. Current practices limit certain individuals to 7 hours of out-of-cell time, which is barely above the new state minimum of 4 hours. We believe that the standard practice for housing units should be 14 hours of meaningful out-of-cell-time. This move would include ending existing exceptions to the Board's minimum standards for Enhanced Supervision Housing (ESH) units. There should also be checks in place to limit lock-ins and lock-downs, and an immediate end to the use of restraint desks.

Solitary confinement is seriously harmful and potentially fatal. A [2014 study](#) of New York City jails in the American Journal of Public Health found a person in solitary is nearly seven times more likely to harm themselves and over six times more likely to commit potentially fatal self-harm. Rikers Island and other city jails, over the years, have become de facto mental health hospitals, where individuals with mental illness or addiction issues cycle through the criminal justice system without proper treatment or support. These individuals' status is not improved by solitary confinement or other similar punitive practices, such as segregation, isolation, or restricted housing—there is not one study that speaks to the rehabilitative, restorative or deterrent value of solitary confinement. The practice of solitary confinement must end.

Replace solitary housing units with models that reduce violence and de-escalate conflicts

Solitary must be replaced with a model that aims to improve behavior and reduce violence. While the current model seems to do little to reduce violence inside the city's jails, we believe that there are current models that provide a roadmap to this transformation.

As an example, the Clinical Alternative to Punitive Segregation (CAPS), which is an alternative housing unit for individuals with mental health needs, has been effective in reducing violence and lowering rates of self-harm through programming, therapy, and recreational activities. With

additional healthcare staff to help with interventions, CAPS has significantly reduced violence. According to data compiled from DOC's monthly punitive segregation [reports](#), in FY 2019 there were zero contraband or serious use of force incidents in CAPS units. That was in contrast to 37 contraband and 5 serious use of force incidents in ESH, two contraband incidents in punitive segregation (PSEG), and one serious use of force incident in the men's Restricted Housing Units (RHU). And according to Correctional Health Services in June 2019 [testimony](#) to the Council, CAPS units have also shown a 25% decrease in both self-injuries and injuries from fights.

Another model would be proven Cure Violence initiatives. San Francisco's Resolve to Stop the Violence Program (RSVP), for instance, [lowered](#) recidivism for participants by 46.3 percent and reduced violent incidents per year in participating units from 24 to 1. Programs in our criminal justice system should focus on restorative justice and on the root causes of violence. Without that focus, our jails will not get safer.

Finally, the City not only needs to provide quality programming and individualized needs assessments of anyone in restrictive housing, but also uphold and go beyond its commitment to provide at least five hours of programming to all people in custody.

Create strict time limits and a real appeals process for any restrictive housing

There are specific mechanisms, in line with the "[Blueprint for Ending Solitary Confinement](#)", that should be adopted to ensure there are mandatory time limits and periodic reviews for anyone in restrictive housing. As a starting point, reviews should include both program and clinical staff. There must also be true due process protection in disciplinary hearings, which could start with giving people in custody the right to counsel or an advocate at any hearing. At a recent Board of Correction hearing, public defenders testified that clients are consistently reporting not getting the opportunity to attend their own disciplinary hearing. We must ensure that people are aware of their rights, and aware of how to appeal any decision placing them in restrictive housing.

Protect vulnerable populations

Solitary is a form of punishment that has not made our jails safer while disproportionately harming Black and Latinx individuals, who are less likely to receive proper mental health diagnoses and more likely to be put in solitary confinement. DOC's [data](#) shows that Black New Yorkers are placed into solitary at higher rates than other New Yorkers, even higher than the disproportionate rates at which they are likely to be incarcerated to begin with. This is unacceptable and it is imperative that the task force employs a racial justice framework as it conducts its work.

Additionally, due to inadequate protocols around ensuring the health and safety of trans, non-binary, and gender non-conforming people, as well as those who have disabilities or are aging, the DOC has disproportionately subjected these New Yorkers to solitary confinement as a form of "protection." The implementation of alternatives to solitary must happen in conjunction with the implementation of comprehensive health and safety measures that do not further the trauma of traditionally marginalized communities.

Move quickly to implement reforms

The tragic passings of Layleen Polanco and Kalief Browder illustrate that the consequences of continued inaction on solitary confinement are quite literally life-or-death. Given these high stakes, the task force must convene as soon as possible and the Board must commit to implementing mechanisms to end solitary in 2020.

We are thankful to numerous groups and individuals that have advocated for reform, testified before the Board of Correction, and laid out ideas for moving forward. We agree with the findings from the “Blueprint for Ending Solitary Confinement” and the testimony that was offered by advocates and organizations at the Board of Correction hearing in December 2019.

With swift and comprehensive action, there will be justice for Layleen Polanco, Kalief Browder, and all those who have been needlessly subjected to solitary confinement and other cruel treatment. Torture has no place in New York City.

We, the undersigned elected officials, support ending solitary confinement in our city jails.

Signed,



Council Member Keith Powers
Chair, Committee on Criminal Justice



Public Advocate Jumaane D. Williams