Written Comment from the Bronx Defenders re: Restrictive Housing Rulemaking

New York City Board of Correction
1 Centre Street, Rm. 2213
New York, NY 10007

Dear Chair Sherman, Ms. Egan and members of the Board,

We submit the following comments in response to the Board's proposed rule regarding restrictive housing. We wish to express our grave concerns with the continued use of isolation in all of its forms, as well as other restrictive units such as enhanced supervision housing (ESH), and we hope to impress upon the Board the importance of access to counsel in disciplinary proceedings, whether we are able to finally end the use of solitary confinement or not. We believe that:

- The current use of segregation regularly violates the minimum standards
- Punitive segregation does not change behavior or reduce violence
- Access to counsel in disciplinary proceedings is both feasible and necessary
- It is standard and just practice for advocates to be able to represent their clients beyond the criminal court setting
- Access to counsel in jail settings is standard in other jurisdictions
- Access to counsel must be implemented immediately, and will create a system of checks and balances in the event that other punitive and violent measures take shape in lieu of isolation practices
- ESH has not improved the experience of young adults incarcerated in our city jails
- Rates of violence are only increasing with ESH
- The Blueprint to Ending Solitary is the only way to move forward and create real culture change within our city jails

The current use of punitive segregation regularly violates the minimum standards

In New York City, there is not one difference between pre-trial detention and a post-conviction jail sentence. Whether you are serving a sentence after a finding of guilt, or you are just too poor to pay your bail while you await trial, your jail experience is exactly the same. Effectively then, once you are arrested and the judge decides to set bail your loved ones cannot pay, you begin

serving a jail sentence whether you are guilty or not. As a result, many people believe that the criminal legal system does not respect them or their rights, and in turn they do not respect it. Kalief Browder was never found guilty of stealing anyone's backpack. The primary witness in that case moved to another country before the district attorney ever brought his case to trial. The evidence against him - a cross-racial point-out identification by the witness from the backseat of a police car - was scanty at best. Yet he served 3 hard years in jail, and over a year in solitary confinement. We will never get Kalief Browder back, but we can march forward with a bold progressive purpose in his name.

At The Bronx Defenders, we believe that solitary confinement is torture. It cannot reasonably be debated. One need not undertake a massive psychological study to understand that denying human beings contact with other human beings for an extended period of time and feeding them meals through a slot damages the psyche. Solitary confinement as a correctional policy is destined for the dustbin of history. The Board must now chart the path to a new way of addressing violence in correctional settings, and the pathway to ending solitary confinement begins with access to counsel.

Every criminal defense attorney at our office regularly visits their incarcerated clients. The Bronx Defenders has also maintained a unit of attorneys and advocates within the office who specifically make the effort to visit clients in solitary confinement and attend to their unique needs. Our knowledge of what actually occurs in the jails - not what the official Department of Correction (DOC) policy is - comes from seeing patterns in our clients' accounts over the years. Our collective wisdom is their collective experience. We ask the Board to dig deeper than DOC's directives and policies and seek out the truth of how situations are really handled behind the walls and barbed-wire fences.

First, we would like the Board to know that, in practice, punitive segregation is 24 hours, 7 days a week in a cell. Although the official policy of DOC is that even people in punitive segregation get a few hours "out of cell" time, this is NOT the case in reality. First of all, "out of cell" time, at best, means a transfer to a larger cell that is open to the outdoors ("rec") or transfer to a TV room for an hour of screen time alone while shackled to a desk. But "rec" time and TV time are rarely in practice given because, our clients report, the officer does not actually announce himself when he walks past the cells before dawn at the designated "rec" hour. No one is awake at that time, nor does anyone have the means to rouse themselves in order to make sure they are waiting by their door when the officer passes by. The officer does not knock on doors, so in order to avail oneself of "rec" time one must know exactly when the officer will be walking by and make sure one is awake and standing by the door. It is cruel. For TV hour the officers put on a movie, often the same one over and over, so if our clients are able to avail themselves of TV time at all they can see the same one hour of the same movie without ever finding out what happens in the

movie. Other clients report that officers only take a certain number of people to the TV room per day, so if enough people want to go, you often don't get your turn. This means more time in your cell. Other than for occasional showers once or twice a week, punitive segregation on Rikers Island is solitary confinement 24 hours in a tiny cell with no human contact.

Furthermore, young people who are not eligible for solitary confinement under the Board's recent landmark progressive rulemaking are still, for all intents and purposes, being subject to solitary confinement. Young people who DOC considers a risk are being held indefinitely in North Infirmary Command in cages with limited access to programming or education, or actually kept in a one-person cell for days at a time with no showers or rec time while DOC figures out where to house them. Once again, this is the same treatment that is meted out to young people incarcerated because they have been convicted of a crime and who are still *awaiting trial* on their criminal charges.

Punitive segregation does not change behavior or reduce violence

DOC will argue that solitary confinement is simply the only way to punish people for serious transgressions in jail. The purported purpose of punishment is to teach someone not to break a rule; to deter. Yet every single person we have visited in the last few months in punitive segregation at GRVC reported confusion as to why they were there and why they were receiving the punishment they were given. Most were serving "owed" box time, they believed, from an incident they were involved in months before. Our attorneys had no access to the paperwork DOC is supposed to give someone explaining their conviction and sentence. Clients report to us that they are being punished as much as 9-10 months after their infraction, and sometimes for a transgression that involved disobeying an order rather than violence. Our clients are understandably frustrated.

The role of an advocate is so much more than just fighting the case. The advocate also explains the case to their client, answers the client's questions, speaks to family members about the case who may be able to play a role in the person in custody's behavior, relays information from the prosecuting authority. At Rikers the disciplinary practice is an absolute mess. Incarcerated people are grasping in darkness. If there was a reason DOC ordered a client to serve their sentence for an infraction that occurred many months ago, an advocate could have helped explain the reasoning to the client so they could understand what is expected of them and what consequences they face if they take certain actions. That is the basic blueprint for a disciplinary system, that it at least be comprehensible to those being disciplined. Right now the system is both arbitrary and cruel. An arbitrary and cruel system only teaches the worst lessons.

Access to counsel in disciplinary proceedings is both feasible and necessary

Another role of an advocate is, of course, to fight for their client. Our attorneys have assisted a client who was accused of participating in violence and then were held in pre-hearing detention indefinitely without ever getting a hearing. Our attorney reports that when they first met him in the counsel visit room he was ecstatic to finally be seen by someone. He did not understand why he was in punitive segregation without a hearing and had no access to anyone who would help him. Yet, once the attorney advocated for him up the proper channels, he was immediately released.

There must be many other examples like this client, where a hearing was simply never held and the client never found out why. But more commonly our clients report that DOC lied and said they refused the hearing. DOC is currently not required to notify anyone outside DOC when they place someone in solitary confinement - not the person's family, not any of the person's legal advocates. There is no one who can hold DOC accountable and make sure they are not punishing someone arbitrarily. Other clients report that when they show up for their hearing ready to litigate with witnesses to support them the hearing officer threatens them with more box time if they go through with the hearing.

If someone is placed in solitary unlawfully, there is literally nothing that person can do to self-help. No one can hear them scream. Officers do not help them even if they know they are not supposed to be there. Attorney visits and video conferences are hampered constantly. Visiting a client in solitary confinement is even more onerous than the already trying process of visiting clients in the general population; on average when our attorneys visit clients in solitary they wait 2-3 hours just to begin the interview. Materials from the law library are supposed to be available to people incarcerated in solitary confinement units to allow them to write to the warden to appeal their infraction conviction or file writs, but of course no one is produced to the law library from solitary, our clients report that nobody who staffs the law library comes to see them in solitary, and if they request law library materials from the beat officers they are ignored.

It is standard and just practice for advocates to be able to represent their clients beyond the criminal court setting

The role of a defense attorney is so, so much more than conducting trials. In fact, over 90% of criminal cases in New York City end in plea bargains. Plea bargains are often the result of an accused's advocate presenting mitigating circumstances. The role of an advocate is not always to fight the case, but often to explain the context that lead someone to make an unfortunate decision.

If advocates are in the room when DOC is deciding what to do with someone who hurt another person in custody, perhaps there would be some mediation, conciliation, consideration of all the facts and circumstances - even restorative justice. Our criminal justice system does not work by formula; the sentence is supposed to be crafted to fit the crime and the person who committed it, including their life circumstances, their history and their capacity for rehabilitation. But in DOC jails, incarcerated people are sentenced to the worst hell imaginable - total isolation from other humans - without even so much as a word in their defense, a word to mitigate the circumstances, a word to breathe life into the incident as it was lived in the moment.

DOC would ultimately retain discretion, but a brief conversation between an advocate who is practiced in distilling facts and articulating persuasive arguments could do wonders for DOC's perception of an incident. Defense advocates already know that our clients tend to be the most exploited, abused and neglected people of New York City. As the city turns increasingly toward understanding and treatment of people accused of crimes rather than defaulting to punishment, DOC remains stubbornly committed to otherizing and demonizing the human beings in their "care." Advocates would push back on that narrative in face-to-face conversations with DOC employees.

As a result of the lack of any outside oversight and our clients' inability to advocate for themselves in any way, solitary confinement, even though DOC acknowledges it as a severe form of punishment, is vastly overutilized. The more the disciplinary system is overloaded, the greater the temptation to lower standards. If the Board wants only people in the most dangerous of circumstances to be subjected to solitary confinement as a very last resort, then there must be some check on DOC. Real due process would signal to DOC that the Board takes placing someone in solitary confinement extremely seriously, and a legal advocate involved in the hearing would enforce due process. If the Board wants to continue to tinker with this extremely dangerous form of punishment, the Board should know the first and last names of everyone who is experiencing isolation, whether in punitive segregation, in ESH level 1, in NIC, or anywhere DOC shutters someone away. It should be considered a momentous occasion in which the person is well aware of the reasons for the placement, a thorough examination of the circumstances that led to the placement has been undertaken, and medical and mental health staff are dispatched to the unit round-the-clock.

This scenario - in which the use of solitary is whittled down to the most extreme cases - must be a stopover state of affairs until solitary confinement can be completely eliminated. Although the Board's proposed rule does not end solitary confinement, the Bronx Defenders urges the Board to end it in all of its forms right now. But even if the Board will not take this step, there is absolutely no reason to wait to implement access to counsel by reinserting the counsel provisions back into the proposed rule.

The earlier version of the proposed rule allowed for access to counsel but the provision was wiped out in the new rule, one Board member mentioned at one hearing, due to "cost." To be clear: we are not asking the Board to create a right to *appointed counsel*, we're *not* asking for the city to give people lawyers at these hearings - they *already have lawyers*. Furthermore, we are not asking for mandatory representation at the hearings, such that if a person is unrepresented the hearing cannot be held. But every single person in the jails already has a lawyer. Why can't their advocates, if available, represent them in this collateral process? At The Bronx Defenders, and at probably every public defender office in this city, lawyers already follow their clients to ancillary hearings - hearings at the DMV, hearings at OATH, hearings at the TLC. We do not get paid extra for this. It is the very definition of our holistic model at The Bronx Defenders that we fight for our client in every arena, wherever systems take them. We have advocates at our office who are not lawyers who represent our clients in hearings at the human resources administration, NYCHA and at meetings with ACS. It strengthens our relationships with our clients and ultimately helps us solve their problems holistically.

There is no good reason it should be any different in a correctional setting. We are optimistic that the culture of Rikers Island is moving away from a version of "justice" that meant viciously beating people in their care who committed violent acts[1] - no hearing, no impartial adjudication, just pure vengeance - but there must be some place it intends to go. If the culture of Rikers Island is going to change to one in which fairness, impartiality, and human dignity are the norm, access to counsel is the first step.

Access to counsel in jail settings is standard in other jurisdictions

On this issue, New York is well behind the curve. Counsel is permitted at disciplinary hearings in Massachusetts, Colorado, Washington State, Kentucky, Alaska, California, Minnesota, and a pilot program is being developed in LA. But perhaps the model jail system New York can emulate is Washington, D.C. Public Defender Services of D.C. ("PDS") has an entire unit of their office devoted to reentry and advocacy for incarcerated people, including representing them at disciplinary hearings at the jail, and they meet regularly with the DOC commissioner in a friendly exchange of information. It is not so novel.

[1] It was only 8 years ago that Robert Hinton was hog-tied, beaten and choked to within an inch of his life as medical staff begged the officers to stop, prompting an OATH administrative law judge to recommend the firing of 9 officers and captains.
https://www.nytimes.com/2014/09/30/nyregion/in-rare-decision-judge-urges-firing-for-6-rikers-island-officers-who-beat-inmate.html

In Washington D.C., whenever someone receives a ticket for a disciplinary infraction that is a Class 1 offense (similar to what New York's DOC designates Class 1), their Department of Correction gives the person in custody a form in which they can request that PDS represent them at the hearing. Then, the Department emails PDS a notification of the hearing at least 24 hours before it occurs. PDS does a conflict check and then tries their very best to make it to the hearing. The chief judge of D.C. issued an administrative practice order to allow law students to represent incarcerated people at these hearings under PDS attorneys' supervision. Although the date of the hearing could be any weekday because it occurs within 7 days of the incident, the hearings are always at the same time. Surveillance video and stills are frequently marked "for attorneys eyes only" to accommodate security regulations. The advocates will sometimes meet with witnesses in interview rooms and obtain affidavits for submission at the hearing. Rather than one hearing officer, an "adjustment board" of three experienced officers presides over the hearing. The decision is rendered immediately. Much of what is litigated is procedural violations such as that the officer who investigated the case and obtained statements from other officers was also involved in the incident; chain of custody issues for possession of contraband; not providing notice to the person in custody; mistaking the person in custody's age.

This culture of due process has been woven into D.C.'s Department of Correction because access to counsel has been a right since the 1980's. The hearings seem similar to traffic ticket hearings at the DMV. In fact, Bronx Defenders attorneys regularly represent clients in collateral DMV hearings in order to litigate important issues such as the reason for a car stop in a case where our client is charged with drug possession or a DWI. Our attorneys take the subway to Fordham Road early on Thursday mornings, walk a mile to the DMV, litigate at the hearings by questioning police officers and examining paperwork, make arguments to an administrative judge, and a decision is immediately rendered. Although of course DOC would have to work with advocates to provide access to private places to meet and to the hearing rooms, nothing about the logistics of representing people at Rikers Island presents a concern.

Access to counsel must be implemented immediately, and will create a system of checks and balances in the event that other punitive and violent measures take shape in lieu of isolation practices

We commend the Board's proposed rule of videotaping all hearing refusals, as this will protect the many clients who have reported to us that DOC lied that they refused their hearing. We also commend the Board for requiring DOC to notify the person's attorney that they received a ticket. But these proposed rules skirt around due process; they will not stop the practice of coercing clients to give up their right to a hearing, and they will not help clients who do not deserve to be infracted in the first place. Only full access to counsel can ensure due process. If the Board

allows the person in custody's advocate to come to the jail and do what they do - advocate - the jails would be a safer and more humane place for everyone.

If the Board puts access to counsel in place right now, then as DOC phases in alternatives to isolation advocates will be there at the jails on the frontlines informed and able to report back to the Board any potentially problematic situations, possibly preventing tragedies. Time and again we have seen that where DOC is denied the option of solitary confinement, they often implement the same type of condition through a back door. One of our clients, who was too young to be placed in the adult solitary confinement unit at GRVC, was instead simply placed into general population in GRVC and locked into his cell for 5 straight days with no shower or rec, receiving his meals through a slot, so that he was separated from other youth but prevented from commingling with adults while DOC "figured out" what to do with him. This would appear to directly violate the ban on solitary confinement for young people.

We anticipate as well that if solitary is reduced or eliminated DOC will increase the use of other restrictions such as mitts, leg chains and shackles. Although it is official DOC policy that before a designation of "enhanced restraints" is given to a person in custody they must have a hearing, not *a single one* of our clients has ever had such a hearing. If our clients have access to counsel before restraint status is implemented, even if just via correspondence rather than live hearing, and even if the security information used to justify an enhanced restraints application is kept "for attorneys eyes only," it will still be some check on DOC's relentless use of deprivation to address conflict in the jails.

Equally concerning is the use of "loss of good time" to punish sentenced people who cannot be placed in solitary for mental health reasons. Loss of good time means essentially extending someone's sentence - a severe form of punishment. When we recently toured one of the CAPS units we were told that although seriously mental ill people were placed in CAPS as an alternative to solitary confinement, their mental health was not taken into account when considering whether to find them guilty of the infraction in the first place. We have had clients lose good time and are serving longer sentences because of behavior tied to their mental illness.

It is also official DOC policy to conduct a hearing before placing someone in ESH. Our clients report that they are getting "hearings" before ESH placement, but that it is a "hearing" in name only. In reality it is just a moment inside a room in which a higher level DOC staff person such as a captain or a deputy reads from a sheet of paper the reasons the person is being placed in ESH. There is no opportunity for the person in custody to challenge those reasons, and the recitations probably leave out significant information such as "intelligence" DOC keeps secret. The sheet of paper is never provided to the person in custody. This is especially concerning given that the determination is often made based on accusations of violence that were never litigated in

a hearing because DOC claimed the person “refused” one. So a “wrongful conviction” for a violent infraction could lead not only to punishment by solitary confinement, but to an endless cycle of admissions into ESH.

Denying incarcerated people due process is counterproductive to the goal of reducing violence in the jails. Our clients are experiencing the torture of 24-hour isolation and they rarely even understand why. They're shackled to a desk and they don't understand why. They're wearing mitts 14 hours a day and they don't understand why. They can't explain their side of things to anyone. The powerlessness that people feel while in custody is the root of the harm, the root of the violence. The support of an advocate, even just to help demystify some of what is happening to people during disciplinary proceedings, would make a tremendous difference. Our clients feel completely ignored there, and that's because they are. Shine a light, let us in.

ESH has not improved the experience of young adults incarcerated in our city jails

On January 1, 2016, the Board unanimously voted to end the use of solitary confinement for young adults, under the age of 21. New York City received praise from across the nation, being labeled as a leader in solitary confinement reform; revered for taking such a bold step toward ending inhumane practices that, for years, literally led to the deaths and demise of young New Yorkers in DOC custody. But, in truth, and in practice, not much has changed for the young adults living out their days on Rikers Island. The so-called progressive step to reforming such a torturous system was simply a matter of semantics. Solitary Confinement for young adults was renamed, Enhanced Supervision Housing (“ESH”).

The irony of ESH is that the Board was originally against the creation of such a unit, acknowledging the unique needs of the young adult population, referencing the harms caused by the use of solitary and isolation, which lead to seeking out the guidance of leading academics, organizations, and professionals in the field. The Board followed by granting DOC variance after variance, despite countless personal stories of violence, due process violations, and extended periods of isolation; despite professional reports confirming those stories; despite social and neuroscientific findings suggesting that the mere existence of ESH caused irrevocably harm to young adults. Most important, ESH continues to exist despite the Board’s own findings that improvement is needed, including policies and practices related to progression through ESH and periodic reviews, medical case access, lock-out, steady staffing, and improved fairness and transparency in DOC’s implementation of ESH due process.

By the Board’s account, concerns regarding transparency, fairness, policies and practices persist. Specifically, the Board cited concerns about the following: lockdowns and lock-out schedules, operational issues related to staff and management, safety concerns, a general lack of

engagement, an abuse in the use of restraint desks and other enhanced restraints when out of cell, a lack of mental health services, limiting or loss of visitation, lack of progression through program levels, and a lack of monitoring of progression due to limited data management. The Board's concerns are valid and are shared by other organizations, advocates, scholars, families of the young adults housed in ESH, and, of course, the young adults themselves.

Reports generated by DOC over the past 3 years have consistently admitted that the placement and review process lacks transparency and fails to engage the young adult in the process. In multiple reports submitted to the Board, DOC has admitted that they have yet to identify and implement a data system that would allow for "more substantive evaluations of behavioral outcomes for ESH inmates."[2] DOC has suggested that the current data analyses "of inmate behavior before, during and after show mixed results" and "additional insight is needed into the mechanics that permit inmates to graduate to higher levels, and that special attention is warranted for understanding how more inmates could be encouraged and coached to progress up and out of the unit."

In light of DOC's own conclusions of how ineffective ESH has been over the past 4 years, one must ask, how does this unit still exist? Why has the Board continued to grant variance after variance? Young adults have spent months in ESH, without any meaningful initial placement hearing and subsequent reviews. The average time spent in ESH level 1 is 75 days! That is almost 3 consecutive months of isolation, without adequate mental health and medical services, with limited intentional and meaningful programming, without community involvement. That is almost 3 consecutive months of 7 hours or less of out of cell time, only to be shackled to a desk when you are out of your cell.

Rates of violence are only increasing with ESH

Imagine being 18 years old, spending the majority of your day locked into a single cell, for months on end. Imagine being shackled to a desk, placed so far from a television that you can't hear what's being said, much less see the images on the screen. Imagine struggling with anger and loneliness, with the confusion and frustration that is jail, and not yet having the emotional tools to deal with those feelings. Imagine being scared for your safety and having to defend yourself against older incarcerated people and DOC staff. Imagine having to come to terms with all the possible outcomes of your ongoing criminal case and reconcile the idea that you may be separated from your family and community for years. Even the most emotionally mature and collected adult would act out and mentally decompensate under those circumstances.

[2] DOC Sept. 2018 ESH Evaluation Report.

DOC cannot be tasked with creating plans for a new or improved ESH because they cannot be trusted to adhere to the current standards, as written. According to the most recent report by the monitor in the Nunez jail violence consent judgment, DOC does not have an effective strategy for managing incarcerated youth and young adults.[3] DOC is incapable of keeping young adults safe, deescalating and engaging in crisis management. This is evident from the most recent reports on DOC use of force, which shows that use of force rates were significantly higher against young adults than their adult counterparts. This is also evident from DOC's December 2019 Young Adult Progress report which states that out of 4,614 uniformed employees assigned to units where young adults are housed, only 1,524 are qualified in young adult focused trainings such as, safe crisis management, direct supervision, and supervision of adolescents or general safe crisis management.

Thus, allowing DOC the discretion to devise another disciplinary system plan for young adults flies in the face of logic. And THAT is what the current proposed rules allow for. Moreover, the current ESH plan cannot continue to exist as is either; it allows for agency abuse of power, and to the detriment of young adults, their families and NYC communities. ESH, as it currently exists, has not reduced violence among the young adult incarcerated population, it does not incentivise good behavior, the programing is not rehabilitative or holistic in approach. It is penal in nature, tortuous in application, and has irreversible and damaging effects on those who have been housed there, no matter the length of time.

To be clear, it is our position, as it is many others', that ESH must be dissolved and closed down immediately. Young adults must be housed with similarly aged people, provided ongoing, intentional and meaningful programming. But most importantly, they must be cared for and supervised by trained, compassionate, dedicated staff who understand how vulnerable and impressionable this age group is. Furthermore, young adults need to have unlimited access to mental health staff who are trained in how to address the plethora of trauma induced experiences criminal justice involved youth have had to endure, prior to entering DOC custody and while there.

We recommend a set of immediate changes to the administration of ESH units

Until the Board designates the resources and outlines the standards to make these necessary changes, there are a few things that can be done immediately. First, allow for young adults to be represented in their initial ESH placement hearings and all subsequent reviews. This would ensure that due process is afforded to every young adult facing possible placement in ESH. As outlined in detail above, having an advocate present could provide for a meaningful review,

[3] *See* Eighth Report of the *Nunez* Independent Monitor (Oct. 28, 2019), *available at* https://www1.nyc.gov/assets/doc/downloads/pdf/8th_Monitor_Report.pdf

guaranteeing transparency and accountability amongst all parties involved. Second, eliminate the use of restraint desks and enhanced restraints when out of cell. Considering the DOC staff to young adult ratio in ESH, there is no rational reason why a person should be restrained for the little time that they have out of their cell. Third, insist on a data collection system that allows for meaningful review of a young person's mental health status, regardless of whether they have a mental health designation. Fourth, exclude young adults with mental health designations from being placed in ESH. Fifth, ensure that the programming offered to young adults in ESH is intentional and implemented by trained and dedicated staff. Sixth, eliminate loss of contact visits as a possible penalty while in ESH. Lastly, increase the out of cell time to 14 hours a day, as advised by other child and young adult focused organizations.

The mechanisms for each of these suggested changes to ESH policy and practice already exist. If DOC does not have them, they exist within the community of advocates, academics, and organizations who are here to help answer any and all questions the Board may have during this monumental and incredibly important decision making time. We encourage the Board to take this opportunity to change the lives of so many and follow in the footsteps of Washington, DC, and Los Angeles. The well-being and safety of young adults in this City depend on it.

The Blueprint to Ending Solitary is the only way to move forward and create real culture change within our city jails

The Bronx Defenders is proud to be signed on to the Blueprint to Ending Solitary, championed by the HALTsolitary campaign and the Jails Action Coalition. While we believe access to counsel in disciplinary proceedings is critical to shifting culture and the power imbalance within our city jails, we would be remiss not to emphasize the belief we share with so many other advocates and community organizations in the city: we must end solitary confinement in all of its forms immediately. The Blueprint provides a clear path and explanation of how we can do this successfully. It requires, however, the belief and understanding that torture does not change behavior. That denying people their most basic needs and damaging them psychologically will never successfully reduce violence. We must truly change the culture of our city jails, and the way we support, rather than punish, people in making behavioral change. Examples like the CAPS unit, that has often provided our clients with more support than they were able to access in general population housing, show us that this type of change is absolutely possible. In and outside of jail settings, we regularly encounter our clients at their lowest moment, and in the situations where they are offered an opportunity and the right support to make the changes they want to make- be it achieving sobriety, accessing mental health support, or working on vocational goals- the outcomes are often monumental.

We look forward to continuing this conversation, and appreciate the Board's time in thoroughly digesting our comments as well as those of the rest of the public.

Sincerely,
Tahanee Dunn, Julia Solomons & Martha Grieco
On behalf of The Bronx Defenders