



December 19, 2014

Testimony of Riley Doyle Evans Regarding Proposed Rules,
Enhanced Supervision Housing

My Name is Riley Doyle Evans and I come before you today to testify on behalf of Brooklyn Defender Services, and to share some of the stories of the more than 6,000 people we represent who pass through the city jail system each year. As Jail Services Coordinator for BDS, I work with hundreds of our clients on Rikers Island on issues ranging from their criminal and immigration cases, to their conditions of confinement, safety and medical and mental healthcare. These clients come to Rikers Island as innocent New Yorkers under the law, held there because they are too poor to pay bail.

Brooklyn Defender Services shares the concern of the Department, the Board, and others about the violence on Rikers Island – I am often the first to visit a client after they have been stabbed, slashed, or burned by another incarcerated person, or severely beaten by staff. However, our deep concern about the well-being of our clients does not lead us to support the creation of overly-inclusive, highly-restrictive housing units where our clients' rights will be violated.

At its core, the proposed Enhanced Supervision Housing Unit is about providing the Department of Correction with more discretion. It has been well documented by this Board, the Department of Justice, the City Department of Investigation and many others, the myriad ways DOC has already misused discretion and failed to abide by the Minimum Standards. Others have detailed the grave concerns with the contours of this proposed rule. In my testimony I would like to offer a few brief stories from clients I have met with at Rikers. The voices of incarcerated people, I fear, will be conspicuously underrepresented in this conversation, not least because notices about this hearing and rule change were NOT visibly posted in the jails, and the few that went up were only seen a week before the hearing.

Mr. M

Mr. M was housed at OBCC when a guard alleged that he witnessed Mr. M hide something in a body cavity. In response, Mr. M was the victim of a violent search and cell extraction. Despite no contraband being found during the search or in an x-ray, Mr. M was placed in a contraband watch cell, where he was supposed to stay for as long as 72 hours. Mr. M was not hiding anything and no contraband was discovered. Mr. M was left in the contraband watch cell; a room the size of a bathroom, with a toilet that could not flush for eight days. During these 8 days, Mr. M was denied access to any and all privileges - he was in the cell with nothing but his own waste for 24 hours a day for more than a week. We were alerted to Mr. M by his mother only because she had not heard from him. He had not called in several days because he had not had access to a phone. Mr. M informed us that there were several other people in the unit who had been in contraband watch cells for weeks. Despite not recovering any contraband

from Mr. M, he was found guilty by a hearing officer of disobeying a direct order and issued 20 days in punitive segregation; a patently unjust abuse of discretion. The 8 days Mr. M spent in the contraband watch cell without a shower did not count toward those 20 days. During his subsequent sentence in the CPSU at OBCC, Mr. M and others begged staff to provide them with toilet tissue, and were told in response “use your hand.”

Mr. D

Mr. D was housed in the CPSU at OBCC. Because his mother lived out of state, he could not call her from the telephone in the unit and had to be brought to social services in order to complete the call. On one of the very few occasions he was actually brought to social services to contact his family, custody staff informed him that he would not, in fact be permitted to make a phone call. Mr. D refused to go back to the housing unit without speaking to his mother, with whom he had not communicated in weeks, and who was suffering from breast cancer. In response to his refusals, staff used force to bring Mr. D to the ground. Mr. D walks with a cane and was wearing waist chains at the time, and so he came down onto his hands, fracturing several bones. He was charged with disobeying an order and assessed additional days in the Bing. The next day Mr. D refused to lock in to his cell until he spoke with a captain about his phone call. He was issued yet another infraction and assessed more days in isolation. Mr. D returned to the community directly from a prolonged stay in isolation.

Mr. A

Mr. A was housed in protective custody and was harassed throughout his stay in the PC unit. Mr. A was disliked by one staff member who targeted him for searches, physically assaulted him, and eventually made an allegation against Mr. A based on confidential information, and issued an infraction. Mr. A was moved to the CPSU prior to receiving a hearing for this non-violent infraction. During his escort, staff rushed Mr. A in handcuffs through a corridor, causing him to slip and injure his hip and leg, such that he now walks with a cane. Because the evidence against Mr. A was confidential, he was unable to mount any significant defense – who could he call as a witness? What documents could he possibly request to make an argument? Naturally, Mr. A was found guilty of the non-violent offense, and was issued a 90 day sentence in punitive segregation.

Mr. S

Mr. S is a young person who suffers from schizoaffective disorder and a learning disorder. During his incarceration, Mr. S was the victim of stabbing and burning attacks when he resisted pressure to join gangs. When staff failed to de-escalate conflicts with Mr. S over things like lost property, he was issued infractions for disobeying orders, and he was eventually placed in the Restrictive Housing Unit, or RHU – a solitary unit for people with mental illness. The isolation endured by Mr. S contributed to his decompensation, and he began to experience more regular auditory and visual hallucinations. Mr. S became increasingly depressed and hopeless while in the RHU. At one point he shared his sense of hopelessness with staff, and in response he was placed on suicide watch, in an empty cell, with nothing more than a smock. After coming off suicide watch, Mr. S was denied all out-of-cell time and access to privileges he had earned through program compliance for the next three weeks. In short, staff’s response to a perceived suicidal statement was to isolate Mr. S entirely, 24 hours a day in his cell, for a month. Mr. S discharged to the community directly from isolation.

In an opaque system, these stories are not unique. Rules are ignored, people are abandoned, discretion is abused, and human beings suffer. As you consider whether to give this Department more discretion I implore you to consider the lived experiences of New Yorkers in city jails – New Yorkers still innocent in the eyes of the law – who are simply too poor to pay bail. Consider not only the stories I’ve described; think about daily life for the human beings who would be housed in Enhanced Supervision Housing. Consider what it means to be escorted by an officer with your hands behind your back, in handcuffs ANY time you move. Imagine being strip searched by an officer every time you see a doctor or go to social services. Imagine your only contact with your family being separated by a thick pane of filthy plexi-glass. Imagine being locked in your bathroom 17 hours a day.

To close I would like to share a few brief quotes from incarcerated people at Rikers Island, when asked about the use of restrictive housing to control violence.

“Being in isolation makes you emotional, aggravated, because you're helpless; you have to ask for everything - to be fed, showered, to talk with your family, it takes away your sanity.”

“If you make people desperate they’re going to act desperate to get what they need.”

“You take away people’s contact visits, people are gonna do whatever they have to to get off that unit – I’ll go to the box, I ain’t goin there.”

“I feel like the walls of my cell are closing in. I wanna smash my cell apart, I was hitting my sink earlier, I don’t know what to do.”

“I don’t know how much longer I’m going to make it in here.”

“I understand people break the rules and there have to be consequences, but if you treat us like animals, we may as well behave like animals. We need things to rehabilitate ourselves so we can go home better, but this isolation is turning me into more of an animal.”