



Comments before the New York City Board of Corrections
Regarding the Implementation of New Rules on Punitive Segregation
(February 10, 2015)

My name is Jared Chausow, and I am here on behalf of Brooklyn Defender Services (BDS). BDS represents approximately 45,000 New Yorkers every year, including 5,000 who pass through New York City jails. I thank the New York City Board of Corrections for the opportunity to speak today.

Before I begin, I must note that we share the concerns of other advocates speaking today on Enhanced Supervision Housing and solitary confinement. I will focus my comments on one issue in particular.

While BDS acknowledges the Board's recent efforts to restrict the use of punitive segregation, we are deeply concerned about the hundreds of people at Rikers Island who comprise the backlog for the box. Specifically, we assume that many individuals have sentences of more than thirty days—the maximum consecutive sentence under the new rules—and we are concerned that DOC will impose these sentences in full despite the new rules.

We urge the Board and the Department to work together to review these old cases and, if necessary, address the incongruity of lengthy sentences in the context of the new rules through additional rulemaking. Frankly, it is absurd to impose solitary sentences on individuals after months of peaceful co-existence with the general population, especially in spread out increments of 30 days. Preserving lengthy sentences could force people to serve bing time in 30 day increments over the course of a year or more. If the department were to truly ascertain immediate security risks, we are confident that delayed punishment would never be indicated.

Eliminating and reducing unnecessary bing sentences to meet the new minimum standard or, to go even further, the United Nations Committee Against Torture's standard of 15 days or fewer, would better serve the interests of justice and help to clear the backlog.

To be sure, the new rules represent a step in the right direction toward ending the shameful use of extreme isolation in our City jails, but in the interest of fairness and common sense, this progress should be felt by all.

Thank you for your consideration of my comments.