

Jail-Oversight Board Proposes Changes in Use of ‘Solitary’

By **RICHARD KHAVKINE**

To the dismay of both inmate advocates and a correction-officers union, the city’s jail oversight board has introduced new directives that, if ratified, would change how and to what degree inmates are separated from the general population following violent incidents.

While the Board of Correction and Mayor de Blasio have said the proposed directives amount to the elimination of solitary confinement in the city’s jails, their airing at the BOC’s March 8 hearing suggested that consensus on even what constitutes punitive segregation, as the practice of isolating inmates is also known, will likely remain out of reach.

10 Hours Out of Cell

The new restrictive-housing model, called Risk Management Accountability System, would implement a three-level progressive-disciplinary structure, with Level 1 being the most restrictive.

Regardless of level, inmates would be guaranteed 10 hours outside their cells each day and have some opportunity to speak with others. Inmates now have four hours outside their cells, but often with no interaction with others.

The new rule, as the

directives are formally called, would also require the Department of Correction to provide five hours of programming every day, facilitate daily rounds by health and mental-health professionals, and deliver individualized support plans, case managers and periodic reviews. They would also call on the DOC to end the use of restraint desks and limit its use of lockdowns.

The jail-oversight panel’s Chairwoman, Jennifer Jones Austin, said the rule “aims to change the way the department responds to violence. It prioritizes safety and support for all, and an environment where behavior change is both possible and rewarded.”

Address Root Causes

She said the directives underlined the importance of programming tailored to individuals so they ultimately address the “root cause of behavior.”

“This is a comprehensive package of rules that we hope will be a model for the nation,” she said.

The rules were put together from working-group sessions that included DOC Commissioner Cynthia Brann, BOC Vice-Chair Stanley Richards, Just Leadership USA’s president, DeAnna Hoskins, and, for a time, Correction Officers’

Benevolent Association head Benny Boscio. The board also consulted with corrections experts on behavior change and correction practice before drafting the rules.

But a COBA trustee said the proposed directives would essentially absolve inmates’ violent behavior and as a consequence contribute to already-unsafe conditions inside.

Removing solitary “is irresponsible and will send a clear message that City Hall and the Board of Correction condone acts of violence against officers and non-violent inmates,” Ashaki Antoine, COBA’s citywide trustee, said during the board meeting.

‘Hold Them Accountable’

“Every day we utilize our training, specifically interpersonal skills, to gain the inmates’ compliance,” she said. But, Ms. Antoine added, there are times when interpersonal skills don’t suffice. There are occasions, she continued, when officers are spat on or otherwise assaulted, sometimes violently. Inmates, she said, “must be held accountable for their acts.”

She said that solitary was “a tool” to help officers gain order, security, safety and

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Propose Solitary Changes

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accountability within the jails. Ms. Antoine, a 16-year CO, chastised the board for what she said was its propensity to advocate for inmates at the expense of uniformed DOC staff. "All lives matter in this equation. This one-sided agenda cannot continue," she said.

But prisoners-rights advocates and others said the proposed new rules were little more than a change in name.

Martha Grieco, a staff attorney at the Bronx Defenders, was skeptical of the new model, in that it conferred responsibility to the Department of Correction in areas where it did not have expertise.

Shift 'Mind-Boggling'

"The DOC is a security organization, not a social-work organization. It is not a medical organization and it is not a legal organization," she said. "If this new rule entrusts DOC to be all of those things, it is mind-boggling."

Kelsey De Avila, the project director for jail services at Brooklyn Defender Services, said the directives represented retrograde thinking about corrections.

"At its base, what's being proposed is a barbaric structure that might look good on paper but in reality replaces true out-of-cell time with more time in a cage," she said. She noted that the rules governing socialization call only for interaction to be such that inmates do not have to yell to be heard. The proposals would entail "essentially double-bunking people in solitary confinement," she said.

Ms. De Avila also cited the lack of a mechanism in the Risk Management Accountability System to provide attorneys and support people for confined inmates as a critical oversight. "Such representation would provide support to people in custody and accountability for the department, yet it is clear from the unexplained absence in the rule



JENNIFER JONES AUSTIN:
Plan 'a model for nation.'

that neither are a priority for the city," she said.

Cites 'Deficiencies'

That omission was also cited by Board Member Robert Cohen. While Dr. Cohen, who formerly worked on Rikers Island as the Director of the Montefiore Rikers Island Health Services, called the new rules an accomplishment that was "long overdue," there were "deficiencies" in a few areas. "We're committed to due process, and due process requires representation by an attorney for someone being placed in the RMAS," he said.

Ms. Jones Austin, the BOC Chairwoman, agreed that there were issues that "need to be dealt with."

"The public will get us to where we ultimately need to be," she said.

The public has until April 16 to submit comments on the proposed rule, and the Board of Correction will hold two hearings on the directives next month. Any amended rule would then be submitted to the Law Department before a subsequent BOC vote.

Legislation introduced at a December hearing of the City Council's Criminal Justice Committee intended to end the practice of confining inmates in solitary has yet to receive a full airing. It is unclear how and even whether that legislation could impact the board's new rule.