



Legislation Text

File #: Res 0379-2014, **Version:** *

Preconsidered Res. No. 379

Resolution calling on the New York City Department of Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.

By Council Members Dromm, Cornegy, Palma, Barron, Chin, Constantinides, Mealy, Mendez and the Public Advocate (Ms. James)

Whereas, The New York City Department of Correction ("DOC") is charged with overseeing and providing for the care, custody and control of individuals 16 years of age and older who are accused of crimes or convicted and sentenced to one year or less of incarceration; and

Whereas, DOC reported 81,753 total admissions to City jails during Fiscal Year 2013, with an average daily population of 11,827; and

Whereas, DOC informs incarcerated individuals of department rules by publishing an inmate handbook that identifies prohibited conduct and a rulebook that lists the sanctions that may be imposed by a guilty finding; and

Whereas, The Department administers punitive segregation as a disciplinary tool for pretrial detainees and sentenced inmates for behavioral infractions during their incarceration; and

Whereas, Punitive segregation consists of single-cell housing units where inmates who have been found guilty of violating DOC rules may be temporarily housed as a sanction for their offense; and

Whereas, The DOC Commissioner recently presented testimony to the New York City Council stating that punitive segregation accounts for less than six percent of the City's total inmate population; and

Whereas, Inmates in punitive segregation are locked inside these specially designed single-cell units for

23 hours per day, with one hour of recreation and access to daily showers in the housing unit; and

Whereas, Individuals assigned to punitive segregation are often deprived of human contact and other sensory and intellectual stimulation, and such segregation can be deleterious to physical and mental health; and

Whereas, A growing body of academic research has found that solitary confinement can cause severe psychological damage and may in fact increase both violent behavior and suicide among incarcerated individuals; and

Whereas, According to inmate advocates, often times inmates with drug or mental health issues are placed back into punitive segregation without adequate treatment, which exacerbates their conditions; and

Whereas, For many years DOC's policy dictated that when an inmate assigned to punitive segregation is released from DOC before completing his or her punitive segregation time, he or she is required to serve the remaining days in punitive segregation if he or she returns to DOC facilities; and

Whereas, In January of 2012, DOC modified its policy and began expunging time owed for certain infractions from prior incarcerations; and

Whereas, Currently, minor infractions older than a year and any serious infraction such as the use of a weapon, arson, or assault on staff which is older than two years are expunged for individuals returning to jail; and

Whereas, Imposition of time owed is without regard to the person's conduct and experience in the intervening period; and

Whereas, An inmate released and then returned to DOC custody should be placed in punitive segregation only upon the commission of new acts of misconduct that warrant such severe punishment; and

Whereas, Notwithstanding the recent changes to DOC's policy, DOC should end its current punitive segregation policy of time owed and terminate all required time owed when an individual leaves DOC custody; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of

Correction to end the practice of placing individuals returning to City jails into punitive segregation, also known as solitary confinement, to complete time owed.

WJH
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8/12/14