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*****FOR IMMEDIATE RELEASE*****

***LEGAL AID URGES BOARD OF CORRECTION TO DENY
DOC USE OF NEW SOLITARY CONFINEMENT PRACTICE
– “SEPARATION STATUS” – RECENTLY IMPLEMENTED
AT CITY JAILS***

(NEW YORK, NY) – **The Legal Aid Society** urged the New York City Board of Correction (BOC) in a letter today to deny the New York City Department of Correction’s (DOC) variance request concerning “[Separation Status](#)” - which circumvents solitary confinement limits and protections afforded to New Yorkers by the New York City Board of Correction’s (BOC) Minimum Standards.

This past July, DOC’s [directive on the use of body scanners](#) to detect contraband went into effect at City jails. Under this directive, a positive scan or any person who refuses a scan will be placed in Separation Status until they surrender the alleged contraband or a scan renders a negative result. Previously, the BOC requested that the DOC submit a variance to ensure appropriate use of Separation Status, which will be a topic discussed at today’s BOC public meeting.

Per conversations with Legal Aid Society clients, Separation Status entails extreme isolation with conditions worse than punitive segregation; no time limit on how long a person can be placed in isolation; no medical or mental health screening in advance to determine if a placement there is dangerous; no required time out of cell; and reports of no access to phones or legal counsel to alert the Board of Correction or an attorney if an abuse is occurring.

In an August 20, 2019 letter to BOC, Commissioner Brann acknowledged that the Department has the “responsibility to ensure that the...separation takes the least restrictive form possible.” These severe deprivations go far beyond what is necessary to ensure safety. DOC’s Separation Status policy has vast potential for abuse, and once again the burden of that policy will fall most heavily on New Yorkers of color. Separation Status is solitary confinement by another name.

Justice in Every Borough.

The letter states:

The Board of Correction (“the Board” or “BOC”) should deny the variance requests concerning the use of solitary confinement for individuals after a positive or refused body scan, made by the New York City Department of Correction (“the Department” or “DOC”) on August 20, 2019 (“variance requests”). These requests strip incarcerated people of the protection of many health and safety standards with no due process and impose a highly punitive solitary confinement regimen labelled “Separation Status.” If the Board grants any such variance, we urge the Board to impose conditions sufficient to ensure the safety of incarcerated people, protect against the potential for abuse, and permit the Board to carefully monitor the practice.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

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