

## **\*\*Press Release\*\***

**For Immediate Release**

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### **Community Denounces Mayor for Vetoing Int 549A, and Looks Forward to City Council Overriding Veto to End Solitary Confinement**

*Following Veto-Proof Supermajority Vote for Int. 549A and Speaker Adrienne Adams' Commitment to Override any Veto, and With People Still Facing the Harm and Dangers of Solitary Confinement in NYC Jails, the City Council Must Act Again Now to Override the Veto and Finally End Solitary*

**(New York, NY) - Today, Mayor Eric Adams vetoed Int. 549A, legislation to end solitary confinement passed by an overwhelming veto-proof supermajority of the City Council in a vote of 39-7.** Int. 549A would end solitary confinement beyond four hours for de-escalation or emergencies, while still allowing alternative forms of separation proven to reduce violence and better protect people's health.

**Anisah Sabur, #HALTsolitary Campaign organizer and a survivor of solitary,** said:

“Mayor Adams is on the wrong side of history. Solitary confinement is a torturous practice that causes devastating harm and death, and worsens safety for everyone. Int. 549A is commonsense legislation to stop torture, protect people's basic human rights, and reduce violence by using alternative forms of separation scientifically proven to reduce violence, better support people's health, and improve safety in jails and outside communities. Thankfully Int. 549A will still become the law of New York City since an overwhelming veto-proof supermajority of the Council passed the bill, and Speaker Adrienne Adams has committed to hold an override vote. We are grateful for the Speaker's and Council's leadership to finally end solitary confinement once and for all.”

**Chaplain Dr. Victoria A. Phillips - Dr. V, Jails Action Coalition,** said: “This week, our great city kicked off festivities to commemorate the remarkable legacy of Rev. Dr. Martin Luther

King, Jr. Our very own Mayor was among the many esteemed officials who proudly spoke about Dr. King's extraordinary contributions and advocacy. It's important to remember that during his time, society didn't fully appreciate or respect his invaluable leadership. Now, consider this - how would you have perceived him? When we discuss the dehumanizing blot on our city that is Rikers Island, we must be honest. This reminds me of a quote from Dr. King himself. 'The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.' Research indicates that individuals struggling with mental health concerns frequently find themselves in isolation. These individuals typically are detained twice as long in NYC DOC compared to others. Video captured NYC Department of Corrections officers laughing at Layleen Polanco as she died in solitary confinement. The evidence suggests that the brutal conditions endured by Kalief Browder were the catalyst for his tragic end. In 2024, there is zero space for ineffective leadership. Our super majority leaders must never forget that their constituents demand consistency and accountability within the Department of Corrections. Echoing Dr. King's words, 'I have the audacity to believe that peoples everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality, and freedom for their spirits.'"

"By vetoing this needed legislation, one which has garnered the overwhelming support of City Council members, the Mayor is condoning the use of torture in City jails," said **Barbara Hamilton, Supervising Attorney of the Incarcerated Client Services Unit with The Legal Aid Society**. "Solitary confinement has caused irreparable harm to countless people held in the City's custody, and we call on Speaker Adrienne Adams and the City Council to override this veto immediately. Eradicating all forms of solitary confinement used against incarcerated New Yorkers is a moral imperative, and it must remain a top priority for local lawmakers."

"Mayor Adams's veto is an affront to incarcerated New Yorkers and their families, especially Black and Brown people, and leaves another stain on his administration's poor human rights record," said **Naila Awan, co-director of policy at the New York Civil Liberties Union**.

"Solitary confinement is torture, often leads to lasting psychological damage, and undermines public safety both inside and outside New York City's jails. As we grapple with the daily horrors and culture of impunity at jails like Rikers Island, we urge the City Council to heed the call of incarcerated New Yorkers and their families and override the Mayor's veto."

## **Background:**

### **On the Urgent Need to End Solitary Confinement**

1. A new [op-ed](#) by Dr. James Gilligan and Dr. Bandy Lee, who have decades of experience designing, operating, and evaluating violence prevention programs in jails and prisons, lauding the Council for taking a crucial step toward scientifically proven methods of violence prevention by passing 549A and documenting how – contrary to critics’ claims – 549A’s ban on solitary and utilization of proven alternatives, will stop torture, save lives, and reduce violence.
2. A new Columbia University Center for Justice [report](#) documents how NYC jails continue to lock people in solitary confinement in various units by various names, with devastating and deadly consequences.
3. In NYC, solitary confinement is almost exclusively inflicted on Black and brown people, who make up [over 90%](#) of all people in NYC jails (58.2% Black people, 30.5% Latinx people, 2.2% Asian people, 5.7% white people, 3.5% other people).
4. Solitary confinement is government torture that inflicts devastating and deadly harm. Solitary causes people to engage in [self-mutilation](#). It causes [heart disease](#). It causes [anxiety, z z xdepression, and psychosis](#).
5. Even after release from incarceration, a [study](#) of hundreds of thousands of people released from prison in North Carolina over a 15 year period found that people who had spent time in solitary were significantly more likely to die by suicide and other causes. [Research shows](#) that even only one or two days in solitary leads to significantly heightened risk of death by accident, suicide, violence, overdose, and other causes.
6. Solitary confinement killed [Kalief Browder](#) 8.5 years ago and [Layleen Polanco](#) 4.5 years ago. On the day of her death in solitary confinement on Rikers Island, Layleen Polanco had been locked in her cell for [two or three hours](#) before she died.
7. Contrary to the purported justification for its use, solitary also makes jails and outside communities [less](#) safe for everyone by causing people to deteriorate and in turn increasing the risk of harmful acts. Numerous studies, such as [here](#) and [here](#) show that people who have spent time in solitary or restrictive housing are more likely to be re-arrested after release from incarceration.
8. On the other hand, the evidence is clear: if a system is trying to reduce violence what works much better than solitary is the exact opposite of solitary: pro-social program-based interventions that involve full days of out-of-cell group programming and engagement, like the [CAPS program](#) in NYC jails, the [Merle Cooper Program in NYS](#), and [the RSVP program](#) in San Francisco jails.
  - a. For example, the RSVP program included people who had carried out acts of assault, sexual assault, other violent acts, and repeated “heinous” acts. It led to a precipitous drop in violence among participants to the point of having zero incidents over a one year period. People who participated in the program also had dramatically lower rates of re-arrest for violent charges after release from jail.
  - b. Best practices in [youth](#) and [mental health](#) facilities limit isolation to minutes or hours at most, with positive impacts on safety and people’s health and well-being.

9. Despite repeated promises over many years to end solitary – invoking Layleen’s and Kalief’s names, the city jails continue to lock people in solitary by many different names, with torturous and deadly results.
10. [Brandon Rodriguez](#) died after he was locked in solitary in a [shower cage](#). The city jails locked [Elijah Muhammad](#) in solitary in those same shower cages to the point he was found with a ligature around his neck, and then placed Elijah in another [form of solitary confinement](#) that is supposed to be “de-escalation confinement”, leading to his death. DOC initiated yet another form of solitary last year through automatic lockdowns in general population in George R. Vierno Center, and that is where [Erick Tavira](#) died after being locked in solitary.
11. People in the city jails continue to be locked in solitary in: (1) so-called [de-escalation units and decontamination showers](#), (2) so-called [structurally restrictive housing](#) in North Infirmery Command (NIC) and West Facility that is nothing more than [solitary confinement by another name](#) for 23 to 24 hours a day, (3) Enhanced Supervision Housing (ESH) / Rose M Singer ESH ([RESH](#)), (4) George R. Vierno Center [automatic lockdowns](#) in supposed general population, (5) repeated [lockdowns](#) throughout the jails, and more. People are still locked in solitary for 23 to 24 hours a day for days, weeks, months and more. There are people who have been in solitary for nearly a year and are still there.

#### **On What Int. No. 549A Will Do**

1. The core of Int. No. 549A is ending solitary confinement, in all forms by all names, beyond a maximum of four hours for emergency de-escalation, while instead allowing alternative forms of separation proven to better support people’s health and safety for everyone.
2. To be clear, under Intro No 549A if someone engages in violence, they can immediately be locked in a cell on an emergency basis for purposes of de-escalation in order to address the immediate situation, for up to four hours. After that immediate period, people can still be separated from the general facility population in alternative units. Intro. No. 549A would change the nature of that separation. Rather than isolation that is known to cause harm and increase the likelihood of violence, people who are separated would be placed in environments, like CAPS, Merle Cooper, and RSVP above, that are better suited for actually reducing and preventing violence and keeping people more healthy.
3. To ensure that the ban on solitary confinement is real and to prevent the Department of Correction from imposing solitary confinement by a different name as it has repeatedly done, the bill provides very clear definitions of various terms, including “cell”, “out of cell”, and “restrictive housing.” Although one might not think it necessary to define “cell” or “out of cell”, given that the Department has in the past considered being locked alone in an extended cell as “out of cell” these definitions are imperative to ensure that people have access to actually being outside of a cell, in a shared space with other people.

4. Also to ensure that alternative units do not replicate the harms of solitary by another name and instead follow proven programs like CAPS and RSVP, the bill requires that the forty-year-old basic minimum standard for out-of-cell time in NYC jails – namely access to 14 hours of daily out-of-cell time with people only involuntarily locked in for 8 hours at night for sleep and 2 hours during the day for count – applies to all people in the jails apart from de-escalation confinement, including people in alternative units. The bill also requires people to have access to seven hours of daily out of cell group programming or activities, and limits the use of restraints to prevent people from automatically being chained to desks during out-of-cell time.
5. The bill also enhances fairness, transparency and accountability by enhancing due process protections, including access to representation, time limits on placement in restrictive housing, and public reporting on the use of solitary and alternatives.
6. A [point-by-point response](#) to the recent claims made by the monitor. The bottom line: the status quo has led to horrible cycles of abuse, violence, and death, and can not continue. 549A presents an opportunity for an alternative approach scientifically proven to reduce violence and better protect people's health.

### **On Widespread Support for Ending Solitary in NYC**

1. After all of the failed promises in the names of Kalief and Layleen, now is the moment for New York City to finally end solitary confinement.
2. Int. No. 549A was passed by an overwhelming veto-proof supermajority support and Speaker Adrienne Adams has repeatedly committed to override a veto.
3. Polling [data](#) shows the vast majority of voters across the country support ending solitary specifically in line with the provisions of 549A, by a +32-point margin, with 78% of Democrats, 61% of Independents, and 51% of Republicans supporting it.
4. Every member of the [NYC Democratic U.S. House delegation](#) urged NYC to fully end solitary. [Over 160](#) leading civil rights, racial justice, and human rights organizations urged New York City to fully end solitary confinement. [74 state legislators](#) said DOC's policies violate the state HALT Solitary Law and [urged](#) Council action. [1199SEIU United Health Care Workers East](#) endorsed Int. No. 549A and urged the City Council to pass it.
5. Recent [op-ed](#) by Haydeth and Amariliz Torres Tavira, whose son and brother, Erick Tavira, died in solitary on Rikers last year praises the Council for passing 549A and urging the Mayor to sign. Recent [op-ed](#) by Akeem Browder, whose brother Kalief Browder was killed by solitary and whose mother subsequently died of a broken heart, urged enactment of 549.
6. Coverage of the Council's vote to ban solitary in nearly every major news outlet in NY and across the country: [The Hill](#), [NPR](#), [New York Magazine](#), NYT [here](#) and [here](#), [NBC](#), [PBS](#), [Gothamist](#), [Reuters](#), [AP](#), [Daily News](#), [Black Enterprise](#), [El Diario](#), [City Council](#),

[NY1](#), [AMNY](#), [Brooklyn Daily Eagle](#), [Queens Daily Eagle](#), [Truthout](#), [ABC](#), [ABC](#), [CBS](#), [News12](#), [Pix11](#), [Independent](#), and many more.

7. With the years-long deadly crisis plaguing Rikers and the city jails, ending solitary and providing people with access to real out-of-cell time and programming is one concrete and urgent step to save lives, better support people's health, and reduce violence. With the prospect of receivership looming and the possibility of closing Rikers and operating jails with a different approach, it is more urgent than ever to make clear and make it the law of New York City that solitary confinement can no longer be practiced.

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