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

***LEGAL AID DECRIES NEW SOLITARY CONFINEMENT
PRACTICE IMPLEMENTED IN CITY JAILS***

***“SEPARATION STATUS” CIRCUMVENTS LIMITS AND
PROTECTIONS ON ISOLATED CONFINEMENT
CURRENTLY AFFORDED BY LAW***

(NEW YORK, NY) – The Legal Aid Society decried a recently implemented New York City Department of Correction (DOC) [isolated confinement practice](#) – “Separation Status” – that 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 began using radiation body scanners to detect contraband. The scanners are used only to find contraband on incarcerated people, not contraband on staff. Under this new policy, a person who refuses a scan or whose scan is deemed positive is placed in isolated confinement until a scan renders a negative result.

Previously, BOC requested that the DOC submit a variance to ensure appropriate use of Separation Status, which will be a topic discussed at the BOC’s September 10 public meeting. Since implementation on July 15, 2019, [fifteen individuals](#) have been isolated in Separation Status.

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; no access to phones or legal counsel to alert the Board of Correction or an attorney if an abuse is occurring.

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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 a clear end run around crucial protections designed to limit New Yorkers’ contact with solitary confinement,” said **Kayla Simpson, Staff Attorney with the Prisoners’ Rights Project at The Legal Aid Society**. “DOC cannot publicly tout its ‘progressive stance’ on eradicating punitive segregation for young adults and people with serious mental illness while it privately throws them in extreme isolation, without a meaningful avenue to challenge the determination, and absent medical or mental health clearance. Especially in the wake of recent tragic deaths in custody, it is unconscionable that the City is adding new punitive policies.”

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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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