

Solitary Confinement in New York State: The Facts

Solitary and Other Forms of Isolated Confinement Are Inhumane, Counterproductive, and Unsafe.

- People in isolated confinement in NY State spend 22 to 24 hours a day locked in a cell the size of an elevator, alone or with one other person. They may be permitted one hour to exercise alone in a cage; they do not receive any meaningful programs or therapy, and cannot make phone calls.
- The sensory deprivation, lack of normal human interaction, and extreme idleness can lead to intense suffering and severe psychological damage.
- Isolated confinement fails to address the underlying causes of problematic behavior, and often exacerbates that behavior as people deteriorate psychologically, physically, and socially.
- Nearly 2,000 people in New York are released directly from extreme isolation to the streets each year; they receive no educational, vocational or rehabilitative programming, and no transitional services to help them prepare for their return to society, increasing rates of recidivism.
- Isolated confinement serves no legitimate purpose; states that reduced their use of isolation in prisons by up to 75% saw significant decreases in prison violence.

People are Regularly Held in Isolation in NYS for Periods of Time that Amount to Torture.

- Most people sent to isolation in New York State prisons spend months or years there; some individuals have been in solitary confinement in New York's prisons for more than two decades.
- The UN Special Rapporteur on Torture has denounced solitary confinement exceeding 15 days.
- New York currently places no limit on the time in isolated confinement.

There Are Far Too Many People in Isolation, Disproportionately People of Color.

- On any given day, about 4,000 men, women, and children are in isolated confinement in New York State prisons; thousands of others are in solitary in local city and county jails.
- Black people represent about 18% of all people in NYS, but represent 50% of those incarcerated in NYS, and 60% of people held in solitary confinement.
- Five out of six sentences that result in isolated confinement in NYS are for non-violent conduct.

Even Particularly Vulnerable People are Held in Isolated Confinement.

- Children or people with mental illness are disproportionately likely to be put in isolation.
- Pregnant women, new mothers, elderly people, and people with severe physical disabilities are held in isolation in NYS; members of the LGBTI community have also suffered additional staff abuse by being placed in solitary confinement.

Processes Are Arbitrary and Unfair, with Insufficiently Trained Staff, and Little Accountability.

- Corrections officers are not sufficiently trained to address people's needs or problematic behavior; as a result, the default response is to write a disciplinary ticket for an alleged rule violation.
- Hearings by DOCCS employees to adjudicate disciplinary tickets that result in isolated confinement are arbitrary and unfair: 95% of people charged with these rule violations are found guilty.
- These processes occur within the closed prison system, with little public reporting by DOCCS.

Sources: New York Civil Liberties Union, "Boxed In": www.boxedinny.org; Correctional Association of New York, www.correctionalassociation.org; Solitary Watch, www.solitarywatch.com.

Summary of the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act

HALT's Key Mechanisms for Challenging Isolated Confinement:

- **Creates More Humane & Effective Alternatives to Isolated Confinement:** Any person separated from general population for more than 15 consecutive days must be in a separate secure residential rehabilitation unit (RRU) – a rehabilitative & therapeutic unit providing programs, therapy, and support to address underlying needs and causes of behavior, with 6 hours per day of out-of-cell programming plus one hour of out-of-cell recreation.
- **Ends Long-Term Isolated Confinement:** No person may be held in isolated confinement more than 15 consecutive days nor 20 days total in any 60 day period. At these limits, a person must be released or diverted to the alternative RRU with more out-of-cell time, programs, and therapy.
- **Restricts Criteria for Placement in Isolated Confinement or RRUs:** A person can only be placed in segregated confinement for more than 3 days and up to 15 days, or be placed in an RRU, if the person is found to have engaged in more serious acts of physical injury, forced sexual acts, extortion, coercion, inciting serious disturbance, procuring deadly weapons or dangerous contraband, or escape.
- **Bans Special Populations from Isolated Confinement:** The department can never place in isolated confinement any person: 21 years or younger; 55 years or older; With a physical, mental, or medical disability; Who is pregnant; Who is a new mother; or Who is or is perceived to be LGBTI.

Key Procedural and Other Protections:

- **Enhances Due Process Protections Before Placement in Isolated Confinement or RRUs:** For example, a person may have access to legal representation by pro bono attorneys, law students, or approved paralegals at hearings that could result in isolated confinement.
- **Creates Mechanisms for Release from RRUs:** There are multiple levels of review at various time intervals to determine if someone shall be released from an RRU: 30 days & every 60 days thereafter; & 100 days & every 120 days thereafter. Also, a person must be released if her or his disciplinary sentence runs out. A person must also be released after one year unless specified exceptional circumstances and review by an independent outside agency.
- **Covers all Categories of People Who Currently Face Isolated Confinement:** The bill applies to disciplinary confinement, administrative segregation, and protective custody, while excluding medical/mental health isolation. It covers people in Special Housing Units (SHU), S-block, Keeplock, and/or any isolation beyond 17 hours. It also applies to all state prisons and county jails in New York State.
- **Other Protections:** Staff working on isolated confinement units or RRUs, and hearing officers, must receive substantial relevant training. Departments of corrections must provide public reports on the number/categories of people in isolation and RRUs, and lengths of stay. Moreover, the Justice Center & State Commission of Correction provide outside oversight in order to assess implementation of the law.