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Resolution in Support of the HALT Solitary Confinement Bill

1 **Resolved** that this 177th convention of the Episcopal Diocese of Western New York:

2 1. Opposes the use in American prisons and jails of solitary or isolated confinement
3 lasting more than 15 days, and for any length of time for any person within the
4 definition of “special population” found in the proposed legislation identified
5 below.

6 2. Endorses the HALT Solitary Confinement bill (current bill numbers A8588-A and
7 S6466-A) under consideration in the New York State legislature;

8 3. Directs the Secretary of Convention to

9 a. Write all state legislators whose districts contain congregations of this
10 diocese, urging them to co-sponsor or support this bill, and

11 b. Write the Governor of New York, urging him to support and sign it;

12 4. Encourages congregations in the diocese to study the issue of solitary
13 confinement, and their members to take whatever action on this bill each
14 member individually feels called to; and

15 5. Requests that the Episcopal Partnership for Mission and Outreach encourage
16 local involvement in educating the public and the diocese about the issues
17 addressed by the HALT Solitary Confinement bill.

Explanation

Every morning, over 4,000 New Yorkers wake up in a prison cell, about the size of a parking space, which they will leave for at most 1 hour during the entire day. They will have no meaningful human contact (even during the 1 hour out of cell), no programs, no activities. Such conditions, over time, destroy minds and souls. Human rights experts regard a stay of over 15 days, and a stay of any length for especially vulnerable prisoners, as torture. (There is no canonical definition of who should be regarded as especially vulnerable; see below for the definition in the HALT bill.)

Our state confines far too many people in these brutal conditions. Prisoners in New York are sent to solitary not by a judge, as part of their sentences, but by prison officials, most often for violating prison rules. Five out of six of these violations are non-violent, rather than conduct posing a threat to others. In effect, solitary is the go-to method of prison discipline in our state. This is unnecessary for preserving order; the entire United Kingdom, with over 3 times the population of New York State and a tough, conservative government, has only 50 people in solitary. Prisoners spend too long in solitary: often years, sometimes decades. Youth, people with mental health issues, pregnant women, and other especially vulnerable people are in solitary. Sentences are determined by hearings with a 95% conviction rate and almost no semblance of due process. There is racial bias, with non-whites over-represented in solitary compared with their presence in the overall prison population. The system is not only inhumane but also counter-productive:

solitary usually damages people's ability to form human relationships, making successful reentry after release unlikely and recidivism more likely. Solitary is expensive and traumatizes staff working in such units.

The NY Coalition for Alternatives to Isolated Confinement (nycaic.org) includes among its supporters the state council of churches, the National Religious Campaign Against Torture (to which our diocese belongs), the American Friends Service Committee, and several other religious organizations, in addition to secular ones. This coalition has developed, slowly and with great care and extensive participation of members, the HALT Solitary Confinement bill.

The bill addresses the issues just described. (There are a few other proposals about solitary on the table, but they only deal with small parts of the issue.) Prisoners in vulnerable groups, defined in the bill as "special populations," would be entirely excluded. (In the bill, these populations include any person "twenty-one years of age or younger; fifty-five years of age or older; with a [mental or physical] disability ... ; who is pregnant, is in the first eight weeks of the post-partum recovery period after giving birth, or is caring for a child in a correctional institution ...; or who is or is perceived to be lesbian, gay, bisexual, transgender, or intersex.")

Traditional solitary would be limited to 15 days. Problematic prisoners needing to be separated from the general population for longer would be in special units with 4-5 hours daily of out-of-cell programming, intended to address the issues

making these persons dangerous or disruptive; staff for these units would receive special training. Due process and transparency about decisions would be introduced.

Our scriptures call us over and over again to visit and be with prisoners, to hear their moans. These texts tell us that being behind high, barbed walls should not separate an incarcerated person, spiritually and emotionally, from the rest of humanity. It's hard to square that perspective with solitary confinement – a second layer of separation on top of losing contact with children, friends, and spouses. As Episcopalians, we are also heirs to a theological tradition articulating the value and rights of every person as a child of God, made in the image of God. Our baptismal covenant is one of the most powerful yet compact expressions of that tradition ever penned. Every time we reaffirm it, we promise to respect the dignity of every human person. These prisoners, despite the misdeeds leading to their incarceration,

are our fellow human beings, and deserve to have their basic human rights protected. By our baptism, we are called to help see that this is done.

As a diocese, we can let our elected officials hear our concern, and give our bishop warrant to speak in the name of the diocese. Our congregations can serve as “communities of discourse” where the issue of solitary confinement is discussed and members helped to discern and act upon our individual calls, which will legitimately vary. (N.B. This kind of issue advocacy and education does not violate IRS rules or imperil our tax-exempt status.)

As individuals, each of us who desires to can help pass the HALT Solitary Confinement bill, by being part of delegations visiting state legislators in whose districts we live, contacting those legislators individually, or writing a letter on the bill to our local newspaper.

The full text of the bill is available at <http://www.epfwny.org/isolation>

Submitted by Stephen Hart, St. John's - Grace, Buffalo

Co-sponsors: The Rev. Ellen Brauza, St. Andrew's, Buffalo; The Rev. Judy Breny, St. John's - Grace, Buffalo; The Rev. Catherine Dempsey-Sims, Good Shepherd, Buffalo and Ascension, Buffalo; The Rev. Brother Blane Frederik, Trinity, Hamburg; The Rev. Harry Grace, St. Mark's & All Saints', Buffalo; The Rev. Kim Greene, St. Mark's & All Saints', Buffalo; The Rev. Patricia Guinn, St. Matthew's, Buffalo; The Rev. Judith Lee, St. John's, Wilson and St. Andrew's, Burt; Judy Metzger, St. Paul's Cathedral, Buffalo; Jennifer Pierce, St. Luke's, Jamestown; Roberta Schulmeister, St. John's, Wilson; The Rev. Ann Tillman, St. Matthias, East Aurora; Dick Welte, Calvary, Williamsville; The Rev. William Wipfler, Trinity, Hamburg