

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 1-2 hours to exercise alone in a cage; they do not receive any meaningful programs or therapy, and often 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. **Over 30% of all suicides in NY prisons from 2014-2016 took place in solitary**, though only 6% to 8% of all people in prison were in solitary.
- Many hundreds of people are released directly from extreme isolation to the outside community each year in NY; very few receive any educational, rehabilitative programming, or 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 NY prisons spend **months or years** there; some individuals have been in solitary confinement in New York's prisons for **more than two decades (upwards of 30 years)**.
- The **entire United Nations General Assembly has denounced solitary exceeding 15 days**. In 2015, the US government voted for, and the entire United Nations adopted, the Mandela Rules, which prohibit any person from being held in solitary beyond 15 days. **Colorado has implemented a 15-day limit on solitary and reduced the number of people in solitary from 1,500 to 18. New York currently places no limit on the total time** a person can spend in isolated confinement.

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

- **Thousands of people are in isolated confinement in NYS prisons** and hundreds more in local jails each day, and tens of thousands each year. While NY prisons have made some reductions, numbers have plateaued and still 5.5% of people in prison are in SHU and 2% more in keeplock each day – higher than the national average of 4.4%, and much higher than the <1-2% reported in states like Colorado and Washington. Most sentences to isolated confinement in NYS are for non-violent conduct.
- **Black people** represent about 13% of all people in NYS, but represent 50% of those incarcerated in NYS, and **60% of people** held in long-term solitary confinement units in NY.

Even Particularly Vulnerable People are Held in Isolated Confinement.

- Young people and people with mental illness are disproportionately likely to be put in isolation. **More than 800 people on the Office of Mental Health caseload remain in solitary confinement** each day. Pregnant women, new mothers, elderly people, and people with severe physical disabilities are held in isolation in NYS; members of the LGBTI community are often placed in solitary purportedly for their own protection and have suffered additional staff abuse while in isolation.

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 any 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.



Summary of the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act, S.1623/A.2500

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; or Who is a new mother or caring for a child while inside.

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:** H.A.L.T. requires meaningful review at least every 60 days to determine if a person shall be released from a residential rehabilitation unit. Also, a person must be released if their disciplinary sentence runs out; and, a person must be released after one year if they have not already been released, unless there are specified exceptional circumstances and approval by the corrections commissioner.
- **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 per day. 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.

Find your legislators here: http://openstates.org/find_your_legislator/, and call/write to urge them to sign on as co-sponsors of HALT. For more information, see: www.nycaic.org