

HUMANE ALTERNATIVES TO LONG TERM (HALT) SOLITARY CONFINEMENT ACT

PASSED IN THE ASSEMBLY 6/12/2018: 99/45
S. 4784A IN THE NEW YORK STATE LEGISLATURE

MAIN MESSAGE: HALT WOULD END THE TORTURE OF SOLITARY CONFINEMENT FOR ALL PEOPLE AND CREATE MORE HUMANE AND EFFECTIVE ALTERNATIVES

The Problem: The Torture of Solitary Confinement

- People in solitary are subjected to **inhumane and counterproductive treatment** known to cause devastating psychological damage: 22-24 hours a day in a cell the size of an elevator with no meaningful human contact or programs & recreation alone in a cage. We have heard too much about people taking their own lives while in solitary or after they have come home. President Obama, the Pope, and Supreme Court Justices have all denounced solitary.
- There are **thousands of people in solitary** in NY prisons & jails, disproportionately people of color, often for minor rule violations – like disobeying an order from an officer or even raising complaints or after being beaten by staff. While NY has made some small reductions, NY's rate (5.8%) is still worse than the national average (4.4%) and much worse than states that have less than 1% or 2%.
- Although the entire United Nations General Assembly – with backing by the US government – passed the Mandela Rules prohibiting any person from spending more than *15 days* in solitary, people **regularly spend months and years** in isolated confinement in New York, and sometimes decades (upwards of 30 years). CO now has a 15 day limit on solitary, and dropped from 1,500 to 18 people.
- **Even people particularly vulnerable** to either the effects of isolation itself or additional abuse while in isolation are held in solitary – young, elderly, pregnant women, new mothers, people with medical or mental health disabilities, members of the LGBTI community.
- **The processes** leading to isolation are arbitrary and unfair (without representation and 95% guilty rates), involve insufficiently trained staff, and have little transparency or accountability

HALT's Solution: End the Torture of Solitary Confinement

- **Create alternative** Residential Rehabilitation Units to fundamentally transform the response to people's needs & behaviors from isolation & deprivation to rehabilitation & treatment. If someone must be separated from general population, the separate, secure RRUs would have at least 7 hours out-of-cell with meaningful human interaction and congregate programming
- **Restrict the criteria** that can result in separation to the most egregious conduct in need of an intensive therapeutic and rehabilitative intervention
- **End long term isolation** beyond 15 days, in line with what has been called for by the United Nations Special Rapporteur on Torture and the UN Mandela Rules
- **Ban particularly vulnerable groups** from any length of time of isolated confinement and ensure protective custody units are at least as good as RRUs.

- **Better equip staff** to work with incarcerated people (via training), **make the processes resulting in separation fairer** (including via legal representation), **more transparent** (via mandatory reporting), and with **more accountability** (via outside oversight).