



NEW YORK STATE SENATOR

David Carlucci

Survivors of Solitary Confinement, Leading Mental Health Advocates and Lawmakers Call For Passage of the HALT Act

SENATOR DAVID CARLUCCI May 31, 2019

| ISSUE: **PRISON REFORM**



(Albany, NY) -- New York's leading mental health advocacy organizations, survivors of solitary confinement, along with legislative leaders called for swift passage of landmark legislation to make New York the first in the nation to prohibit solitary confinement beyond 15 days for all people and to ban its use entirely for people with mental and physical disabilities.

Mental health committee chairs of the New York State legislature joined advocates to express their strong support of the measure, entitled the Humane Alternatives to Long-Term (HALT) Confinement Act (S.1623-Sepúlveda/A.2500-Aubry).

The bill will also create more humane and effective alternatives to solitary confinement. HALT provides that people who are deemed necessary to separate from the general population for longer periods, would be held in safe, secure units that rely on evidence-based pro-social programming, rather than complete isolation, to address the reasons why a person might need to be separated.

"It is inhumane to subject people who may be suffering from mental illness to solitary confinement for 24 hours a day. With no social interaction, structured scheduled or proper therapy, they will only get worse and suffer more," **said Senator David Carlucci, Chairman of the Senate's Mental Health and Developmental Disabilities Committee.** "Our prisons are not equipped to be psychiatric facilities. It is time we pass the HALT act so people can get the help they really need and inmates are not driven to suicide but rehabilitation," he said.

Majorities in both houses are poised to approve the bill. The bill passed the Assembly last session and 79 Assembly members have currently signed on as co-sponsors.

"The adverse effects of solitary confinement on mental health have been well documented. Penal experts, human rights advocates, and psychologists agree that extreme isolation does not rehabilitate, but destroys; does not make us safer, but breeds anger and despair, as well as physical and psychological illness," **said Assemblywoman Ellen Jaffee.** "As a co-sponsor of this legislation, I call for an end to the shameful use of extreme isolation, which is costly, ineffective and inhumane," she said. "It's time for New York State to say no to torture and to focus on therapeutic treatment for non-violent offenders and those with mental health issues in our prisons and jails."

This year, the bill has majority support in the Senate, with 33 co-sponsors in that house.

“For years, New York correctional facilities have violated international human rights standards by placing people in 23-hour lock down for weeks, months or years for disciplinary infractions. As a resolution to multiple lawsuits, there have been a few initial changes,” **said HALT bill sponsor Senator Luis Sepúlveda.** “The settlement in Peoples v Annucci is a step forward, but there remains much to be done.” “The HALT act would bring New York into compliance with UN standards and create positive, rehabilitative programming for people in the system.”

While solitary confinement has long been known to cause devastating mental health harm to all people subjected to the practice, New York continues to hold upwards of 1,000 people with pre-existing mental health conditions, and thousands of other people, in solitary confinement each day, including a disproportionate number of Black and Latinx people, young people and gender non-conforming people.

They are locked down for 22 to 24 hours a day, without meaningful human contact, programming, or therapy, in cells the size of an elevator.

“The isolation and deprivation, lack of human contact quickly leads to psychological breakdown” **said Victor Pate, New York statewide organizer of the New York Campaign for Alternatives to Isolated Confinement and a survivor of ‘the Box.’** “People who do not have a mental health issue before being placed in solitary often times come out with some type of damage that continues long after being in solitary.”

“Tragically, the criminal justice system and the mental health system have become inextricably linked and nowhere is this more evident than when it comes to issues of solitary confinement,” **said Glenn Liebman, CEO of the Mental Health Association in NYS.** “To subject an

individual with a mental health issue to solitary confinement will only serve to enhance their trauma, anxiety and self-harm.”

The entire United Nations, including the US, passed “Mandela Rules” prohibiting solitary beyond 15 days for any person, because it otherwise would amount to torture. In the US, Colorado has implemented a 15-day limit in its prisons and reduced the number of people in solitary from 1,500 to 18.

The HALT Solitary Confinement Act similarly includes a 15-day limit on solitary for all and would create alternative Residential Rehabilitation Units that promote more humane and effective rehabilitative alternatives to help address the underlying reasons why someone might need to be separated from the general prison population. And it completely bans the practices for New Yorkers with mental illnesses and physical and intellectual disabilities.

“Passage of the HALT bill is an essential step to ensuring that vulnerable New Yorkers with mental health conditions are given the opportunity to recover and rehabilitate themselves, rather than to fall into a lifelong struggle of trauma, relapse and reincarceration,” **said Harvey Rosenthal, CEO of the New York Association of Psychiatric Rehabilitation Services.**

Many hundreds of people are released each year directly from extreme isolation to the outside community; very few receive any educational, rehabilitative programming, or transitional services to help them prepare for their return to society, significantly increasing rates of recidivism.

“Solitary confinement breaks people down, making it all that more daunting to put their lives and psyches back together. Failing to address the complex mental health needs of those transitioning from long-term isolation is irresponsible and dangerous,” **said Wendy Burch, Executive Director, National Alliance on Mental Illness-NYS.** “Appropriate discharge planning

including psychiatric supports must be put in place to prevent recidivism, self-harm and suicide.”

These alternatives would make prisons and jails safer for staff, as well as for incarcerated people. States that have reduced the use of solitary have seen a positive impact on safety for both incarcerated people and correction officers.

Moreover, the bill provides for mental health training for staff working on the Residential Rehabilitation Units and for hearing officers who rule over solitary confinement sentencing procedures.

“Mental health advocates stand strongly together today for passage of the HALT bill, with profound gratitude for the leadership of our legislative champions, including bill sponsors Senator Luis Sepúlveda and Assemblyman Jeff Aubry, our legislative mental health committee chairs Senator David Carlucci and Assemblywoman Aileen Gunther and over one hundred co-sponsors for their tireless efforts in ending this inhumane practice,” **said Rosenthal.**

RELATED LEGISLATION

2019-S1623

-
- Introduced

- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options

January 15, 2019

In Senate Committee **Crime Victims, Crime and Correction**

Sponsored by **Luis R. Sepúlveda**

Do you support this bill?