

Correctional Association of New York



ISOLATED CONFINEMENT IN NEW YORK STATE PRISONS: CONCERNS AND SOLUTIONS

Main Concerns

1) People in Isolated Confinement in New York Suffer Inhumane Conditions

Conditions of Isolation in NY Prisons

- Bathroom-sized cell 23/24 hours a day
- No meaningful human contact
- No jobs, programs, therapy, phone calls
- Sensory deprivation, lack of normal interaction, and extreme idleness
- Recreation in cages, eat in cells, 5 books
- Can receive added restrictions on food, showers, recreation, haircuts or cell shields that limit ability to hear or see
- Physical abuse, racial/verbal harassment, threats, intimidation, and harsh discipline

Social, Psychological, and Other Effects

- Hallucinations, anxiety, and distortions
- Feeling disoriented, delusional ideas
- Panic attacks, paranoia
- Violent or self-destructive outbursts
- Sensitivity to sights and sounds
- Difficulties in concentration and memory loss
- Profound loss of ability to interact socially
- Worse effects on children and people with mental illness
- Special Housing Unit (SHU) sentences lead to more time in prison through merit time loss and parole denial

2) The Use of Isolated Confinement is Routine and Widespread in New York

- 150,000 prison rule allegations each year; 95% found guilty
- More than 13,000 SHU sentences and 25,000 keeplock sentences each year
- Approximately 5,000 total Special Housing Unit (SHU) cells, including:
 - *SHU*: 1,500 beds in maximum and medium security prisons
 - *S-block*: 1,600 beds in eight lockdown double-cell units
 - *Southport*: 789-bed high security single cell lockdown prison
 - *Upstate*: 1,040-bed high security double cell lockdown prison
- 84% of SHU sentences for non-violent conduct
- 4,300 people in NY SHUs each day
- 400 youth under the age of 21 in NY SHUs
- More than 1,000 people in keeplock
- Additional people in administrative segregation and protective custody
- NY rate of isolation *increased* in last decade; 37% higher than national average
- A disproportionately large number of African Americans in the SHU
- SHU Exclusion Law: many with mental illness still in SHU; concerns of under-diagnosis; abuse in mental health units

3) People Remain in Isolation for Far Too Long

- Most SHU residents spend many months in isolation; some spend years or decades
- Majority of SHU sentences: 90 days or more; nearly one third of SHU sentences: six months or more
- People routinely receive six months or one year in SHU for a single violation
- People are often given more SHU time while in the SHU
- Department of Corrections and Community Supervision (DOCCS) staff: wide discretion/ arbitrary treatment in SHU sentencing
- Nearly one-quarter of SHU respondents to CA surveys had cumulative SHU sentences of one year or more

4) Isolated Confinement is Ineffective, Counterproductive, and Unsafe

- Isolation *decreases* safety:
 - Fails to address underlying behavioral causes, such as mental illness or addiction
 - Often exacerbates behavior as people deteriorate socially and psychologically
 - Large numbers of unusual incident reports and discipline in isolation
 - Jurisdictions have enhanced safety by dramatically decreasing isolation
- Mississippi: reduced isolation by more than 75%; saw 50% *decrease* in violence
- Maine: reduced isolation by more than half, and saw no increase in violence
- UN Expert on Torture calls for absolute prohibition on isolation past 15 days due to irreversible psychological harm
- American Bar Association calls for ban on “extreme isolation” akin to NY’s

What New York State Must Do: Ban Isolation in its Present Form

1) Fundamentally Transform Conditions and Opportunities of Any Separation Any person separated from the rest of the population, for whatever reason, should:

- Be treated with humanity
- Engage in meaningful human interaction
- Have access to programs, therapy, and effective medical and mental health care
- Have significant time out of her/his cell
- Be protected from all forms of staff abuse
- Be able to earn early release through positive behavior, activities, or therapy

2) Dramatically Limit the Use of Any Form of Separated Confinement

- Only as a last resort, after trying less restrictive alternative responses
- Only in response to a designated level of imminent violence/ threat to safety
- Only after truly fair disciplinary procedure and appropriate sentence
- Never for youth under the age of 21 or those suffering from mental illness

3) Drastically Reduce the Length of Time of Separation

- Separation sentences must be temporary and constantly reviewed/ monitored
- There must be an outside time limit after which almost no person can be separated

4) Develop Alternative Interventions in Response to Difficult Behavior

- Need intensive, therapeutic responses to address underlying causes of problematic behavior

The Correctional Association is an independent, non-profit with unique legislative authority to inspect prisons and report findings and recommendations to the legislature, public and press. Through monitoring, research, public education and policy advocacy, the CA strives to make the administration of justice more fair, efficient and humane.