

Memorandum in Support of Restricting the use of Solitary Confinement

NYSBA #2

January 10, 2019

The New York State Bar Association (NYSBA) strongly supports legislation restricting the use of solitary confinement. NYSBA's House of Delegates in January 2013 approved a report and resolution presented by the NYSBA Civil Rights Committee recommending the profound restriction of the use of solitary confinement, adoption of strict criteria for its use, prohibition of sentences in excess of 15 days, and limitation on the number of special housing units.¹

It is clear solitary confinement harms all individuals. Long term solitary confinement is not a productive tool for prison administrators seeking to deal with problematic inmates. Far from furthering legitimate penological objectives, it serves to aggravate the very conditions it seeks to alleviate. Dangerous inmates are often made more erratic, weak and vulnerable inmates are made more so, and the prospect of meaningful rehabilitation and reentry into society is also rendered more difficult; and in some cases, functionally impossible.

Solitary confinement, if used at all, should be measured in *days*, not years, months, or even weeks, ensuring that all prisoners, regardless of their conditions of confinement, have some minimal measure of interactive activity so that their psyche does not begin to deteriorate. Preventing psychological harm to inmates encourages institutional safety, security and discipline by preventing the development of serious mental illnesses which exacerbate the problems solitary confinement-style detention is intended to solve.

A pressing need exists for stringent criteria, protocols and safeguards for separating violent or vulnerable prisoners, including clear and objective standards to ensure that prisoners are separated only in limited and legitimate circumstances for the briefest period and under the least restrictive conditions practicable.

It is imperative that New York State restrict such confinement by adopting clear and objective standards to ensure that prisoners are separated from the general prison population only in very limited and very legitimate circumstances and only for the briefest period and under the least restrictive conditions practicable.

The New York State Bar Association **SUPPORTS** measures to restrict the use of solitary confinement in New York State.

¹ New York State Bar Association Committee on Civil Rights Report to the House of Delegates, *Solitary Confinement in New York State*, Presented to and Approved by the NYS Bar Association House of Delegates, January 25, 2013, (hereinafter "NYSBA Report") available at: <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=26699>.