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November 9, 2017

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Hon. Anthony J. Annucci
Commissioner
NYS Department of Corrections and Community Supervision
The Harriman State Office Campus
1220 Washington Ave
Albany, New York 12226-2050

Dear Governor Cuomo and Commissioner Annucci:

As members of the New York State Senate and Assembly, we write with serious concern regarding findings of abuse and neglect of people with serious mental illness at Attica Correctional Facility (“Attica”) by Disability Rights New York (“DRNY”).¹ We urge you to take immediate action to implement the report’s recommendations and go further to protect the rights and well-being of all New Yorkers in state custody. Ultimately, we respectfully urge you to end the torture of long-term segregated confinement and replace it with more humane and effective alternatives.

As you know, DRNY is the designated federal Protection and Advocacy System for individuals with disabilities in New York State. DRNY has explicit authority to monitor conditions and investigate allegations of abuse or neglect occurring in state prisons and other facilities. After investigating such allegations at Attica, the group released a report in September, “Report and Recommendations Concerning Attica Correctional Facility’s Residential Mental Health Unit,” which included extremely troubling findings about the way our state treats some of the most vulnerable individuals in its custody.

Specifically, the report found that the New York State Department of Corrections and Community Supervision (DOCCS) staff at Attica held people with serious mental illness in what amounts to punitive segregation, and without adequate clinical input by the New York State Office of Mental Health (OMH), in violation of the SHU Exclusion Law that many of us supported in 2008. People held in the Residential Mental Health Units (RMHU) created by the law reported, and/or DRNY observed, conditions and restrictions that were punitive in nature, though that is not the stated purpose of this unit. Moreover, DOCCS staff and protocols do not adhere to the law’s requirements regarding training, minimum access to therapy, and other issues. The report quotes one respondent: “The SHU officers verbally harass us [,] also by turning our water off, or our lights so we can’t write. In the winter time, they open all the windows to freeze us out,

throw water on us, and leave the window open all night.” RMHU participants also reported that they were subject to retaliation for filing grievances.

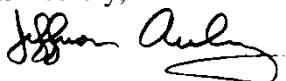
While the scope of DRNY’s report is limited to SHU Exclusion Law compliance in one unit at Attica, and we urge DOCCS to expeditiously implement its recommendations, we also believe that more fundamental and system-wide reforms are urgent and necessary. Our position is perhaps best supported by the tragic fact that the suicide rate in DOCCS’ Special Housing Units (SHU) is nearly six times higher than that of the General Population (GP). More than 30% of suicides in DOCCS facilities occurred in SHU, in which approximately 8% of the total prison population is confined. The rate of suicide attempts and self-harm in SHU is more than 11 times higher than that of GP. (DOCCS’ overall suicide rate from 2010-16 is nearly 25 per 100,000 residents, a rate 56% higher than the national average.) This is a human rights crisis. That is why we support the Humane Alternatives to Long-Term (HALT) Solitary Confinement Act (S.4784-Parker/A.3080-Aubry), which would conform our prisons’ segregation practices to international human rights standards and improve safety and reduce recidivism inside and outside of the facilities.

We know from decades of research—and centuries of written accounts—that solitary confinement causes severe and lasting psychological, physical and social damage. The United Nations, including the United States, adopted the Mandela Rules, which state that person should never be in solitary for more than 15 days, yet New Yorkers are regularly isolated for months, years and even decades. New York continues to have significantly higher rates of solitary confinement compared to the national average, and extremely high rates compared to reform leaders like Colorado. In fact, Colorado recently took action to restrict solitary confinement to 15 days and implement other reforms that mirror HALT. The prison commissioner in that state, Rick Raemisch, had initiated reforms to solitary confinement as soon as he was appointed to the job, and spent a full day alone in an isolation cell to better understand its impacts. In a December 3, 2016 article, “The Scourge of Racial Bias in New York State’s Prisons,” the New York Times documented the systemic way in which solitary confinement is disproportionately inflicted on Black people in our state prisons. Our prisons are in crisis and our constituents and communities—to which the vast majority of incarcerated people eventually return—are suffering as a result.

We are working with our grassroots partners in the Campaign for Alternatives to Isolated Confinement to pass HALT in the Legislature, and in the interim, we respectfully urge you to implement its provisions in state prisons, over which you have authority. These provisions include prohibiting solitary confinement for especially vulnerable populations such as young people, the elderly, and people with mental illness and developmental disabilities; limiting solitary confinement to 15 consecutive days, or 20 days in any 60 day period, for all people; and ensuring that temporary separation in the interest of safety does not mean isolation by providing access to rehabilitative programs and meaningful human interaction.

Thank you for considering our comments.

Sincerely,



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Speaker Pro Tempore, NYS Assembly

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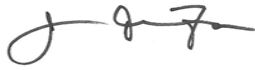
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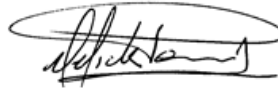
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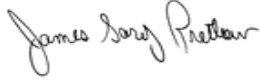
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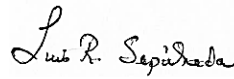
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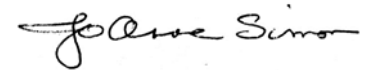
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