

YES, NEW YORK CAN AFFORD TO END TORTURE!

Eight Responses to Concerns about the Purported Fiscal Costs of HALT

- 1) Regardless of financial costs, the human costs of solitary are unacceptable and HALT is needed now to end the torture of prolonged solitary confinement for all people!**
- 2) There is already money in the budget this year that our understanding was proposed to cover the Governor's original solitary confinement proposal (\$69 million in capital costs and \$10 million operating).**
- 3) The Governor's original proposal would have cost the state more money than HALT and there was money allocated this year to cover his proposal's cost**
 - a. The Governor's proposal didn't restrict the criteria for what conduct can result in people being sent to solitary or to alternative RRUs, and in turn wouldn't reduce the number of people being sent to solitary or alternative units. Also the Governor's proposal had longer time periods for how long a person could be in solitary and in RRUs (without mechanisms for release).
 - b. By contrast, HALT would dramatically shrink the number of people who would be separated in solitary and in the RRUs, including because of i) the restricted criteria for what conduct can result in separation; ii) the 15-day limit on solitary; iii) the prohibition on solitary for special populations; and iv) the various mechanisms of release from the RRUs, including periodic reviews and one year time limit.
 - c. Rather than having thousands of people in solitary each day as currently is the case, or under the Governor's proposal potentially thousands of people each day in either solitary or RRUs, HALT would lead to some much smaller number separated.
 - d. Therefore, the amount of resources needed for either capital costs or operational costs for the RRUs or otherwise should be less under HALT, and the savings should be greater (see below): Some of the 8 S-blocks, innumerable SHU buildings, and/or even whole prisons (Southport and/or Upstate) could be closed if HALT was implemented.
 - e. The Governor's office's claims that HALT's costs (\$127 million in operating and \$220 million for capital) would be nearly 13 times more in operating costs and over 3 times more in capital costs than what was allocated in the budget – as we understand for the Governor's proposal – do not make sense in light of the above, and seem like it would have to be based on a situation where the number of people in solitary/RRUs was not dramatically reduced, as it would have to be under HALT's provisions.
 - i. The Governor's office's cost estimates seem to suggest that anyone who is currently in solitary confinement would either be in solitary confinement or an RRU if HALT was passed. That would mean they are planning to spend hundreds of millions of dollars so that people found guilty of minor rule violations, like allegedly disobeying an order or twice smoking a cigarette, could be in units with

intensive programs and services. HALT definitely does not require that, and instead would prohibit it.

4) The Governor's claims about the costs for city jails are completely false and HALT already provides additional flexibility for almost all jails in the state.

- a. HALT definitely does not require the construction of any new jails. There is absolutely nothing in the bill that would mean any new jails would have to be constructed. That is just a false statement.
- b. If what the Governor was referring to was that the bill requires Residential Rehabilitation Units (RRUs), that would just be a statutorily defined term used to stipulate conditions – that is, simply, how people must be treated – if they are separated for longer than 15 days from the general prison population to ensure that people have access to meaningful human contact and access to programming. Prisons and jails could designate existing spaces as RRUs, with existing congregate spaces for congregate programming. The bill says nothing about physical infrastructure. There is no need to even construct new units within existing jails and prisons.
- c. For local jails, HALT allows jails under a population of 500 to *not* even have RRU units. While other provisions of HALT apply to all jails, including the prohibition on solitary beyond 15 days, this exemption from the RRUs themselves should mean less costs for the jails. The vast majority of jails in the state already have less than 500 people incarcerated in them (see https://www.criminaljustice.ny.gov/crimnet/ojsa/jail_pop_v.pdf), and even more will fit that category after the recent pre-trial reforms are implemented.
- d. As of right now, there are only 9 jail systems that have more than 500 people, out of more than 55 jail systems across NY. Many of those systems are just above the 500 threshold and so there could far fewer jail systems after pre-trial reforms go into effect in January.

5) Solitary Confinement is *NOT* just a NYC/Rikers Island problem - it is a problem in jails across the state

- a. People in jails across the state can spend weeks, months, and longer in solitary confinement. One example that got news attention was [Jermaine Gotham](#), a 16-year-old who spent several months in solitary in a local jail in Tompkins County.
- b. The New York Civil Liberties Union (NYCLU) has had to pursue extensive litigation just to get individual jails to stop putting 16- and 17-year-olds in solitary confinement, obtaining a settlement and court order in Onondaga County.
- c. New York City actually much greater limits on the use of solitary confinement than other jails around the state. Although it has problems and needs further restrictions, there is generally a prohibition beyond 30 days in solitary, and a complete ban on solitary for young people 21 and younger. None of those rules apply to other jails across the state.

- d. If solitary were in fact not a problem in other jails, and these jails don't hold people in solitary for lengths of time that amount to torture, then HALT wouldn't have an impact on them.
- 6) **If more money is needed to implement HALT there is always the opportunity for allocating additional money in next year's budget** because HALT has a one year period of implementation and so if signed into law today there would still be an opportunity to allocate any necessary additional funds in next year's budget.
 - 7) **HALT will actually save the state money** once it is fully implemented in the short, medium, and long terms.
 - a. **Short Term:** By reducing the number of people who enter solitary confinement and decreasing the period of time they are held in solitary, the number of people separated from general population will be dramatically reduced. **Moving thousands of people out of Special Housing Units (SHUs) will allow the state to close whole stand-alone buildings of S-Blocks (8 around the state), SHU units (throughout the whole system), and/or even whole prisons dedicated to solitary – Southport and/or Upstate, creating substantial savings.** Some of the savings will of course need to shift to fund the programs and treatment in the RRUs. That will be money better spent – resources focused on a smaller number of people with identified needs that will be addressed by intensive interventions.
 - b. **Medium Term:** People in the SHU who go to the Parole Board are frequently denied parole. (Notably, as the New York Times has highlighted, this dynamic exacerbates racial disparities in parole determinations, as the current disciplinary system is racially biased.) A parole denial results in two more years of incarceration before they are considered for parole again. By removing people from SHU and providing them with services, HALT will help more people to achieve parole faster, shorten their prison terms, and result in huge savings in the enormous expense of incarceration. Also, medical and mental health care costs that result from the harms caused by solitary confinement would be decreased through HALT.
 - c. **Long Term:** By ending the harm inflicted by solitary and providing effective alternatives, HALT will better prepare people for successful reentry, and thereby help reduce the number who return to prison after release.
 - 8) **Reports in other parts of the country have found that solitary confinement costs more and that states that have reduced solitary in other parts of the country have seen cost savings.**