Mental Health Alternatives to Solitary Confinement

NEWS RELEASE

As Bill Ending State’s Practice of Solitary Confinement of Prisoners Moves Ahead in NYS Legislature, Advocates Call for Prompt Passage & Approval by Governor
In the Twelve Remaining Days of Session

For the tenth time in the past three years, a coalition of ex-prisoners, family members, religious leaders, mental health and legal rights advocacy groups came to Albany to urge state legislators and Governor Spitzer to “go the last mile” and ‘ban the box’ for state prisoners with severe psychiatric disabilities.

They came on the heels of the bill’s approval by the NYS Senate Corrections and Finance Committees over the past few weeks and expected movement in the NYS Assembly in the coming days.

“With money already approved in this year’s budget and mounting calls for the bill’s passage by legislative leaders, editorial boards, criminal justice experts and advocates alike, this is the year New York State must and will, at long last, approve an outright ban on the use of his inhumane practice with our most vulnerable prisoners,” said Jack Beck of the Correctional Association of New York State.

Last year, the NYS Legislature overwhelmingly passed legislation to improve prison safety conditions by requiring alternate residential and treatment settings for severely mentally disabled prisoners and by boosting mental health training for correctional officers, a measure that was vetoed by then-Governor Pataki in the closing days of session.

This year, NYS Governor Eliot Spitzer proposed and the NYS Legislature approved a $60 million allocation in the new state budget to improve prison conditions for inmates with psychiatric disabilities in keeping with a legal settlement that the advocates said fell far short of the legislation’s more substantive provisions.

“Careful review of the ‘SHU settlement’ reveals the ever-critical need for passage of law (S.333/A.4870),” said Vuka Stricevic, Director of Public Policy of Community Access, a NYC-based agency that is a
leading member of the coalition that has long worked for the legislation, Mental Health Alternatives to Solitary Confinement.

The advocates released a new document identifying the differences between the legislation and the settlement that they said amply demonstrated why this policy change must be fundamental and in statute, a belief shared by Senate sponsor and Corrections Committee Chairman Michael Nozzolio earlier this year.

“If you have in place a statute, that makes it ironclad, at least … it will be much more permanent,” Nozzolio told Gannett News at MHASC’s April 18th news conference.

“The settlement is void of a policy that would end the placement of our most vulnerable prisoners into solitary,” said Jennifer Parish, Director of Criminal Justice Advocacy for the Urban Justice Center, another leading MHASAC member.

“Mental illness should not be a punishable offense, but a call for treatment,” said Reinaldo Cardona, executive director of the National Association of Social Workers-NYS. “By heeding this truth, the SHU bill will protect the most vulnerable sector of our prison population from the psychologically damaging conditions of solitary confinement. Through rehabilitative alternatives to solitary confinement, this legislation will also help New York prisons prepare inmates with mental illness for more successful reentry into their communities.”

Families of current and former prisoners in ‘the Box’ delivered greeting cards to their lawmakers as a last plea for justice, as the legislature entered into its last 12 days of session this year.

“Only the bill will address the heart of the problem – getting people with psychiatric disabilities out of an environment that destroys their mental health,” said Leah Gitter, whose godson’s sentence in solitary was just extended last week. “The settlement largely brings some services into this toxic environment; the bill will actually move people into a more appropriate setting altogether, where they can truly heal.”

“Just as we would not treat a soldier with post-traumatic stress disorder while in the battlefield, we cannot effectively care for prisoners with psychiatric disabilities while they are suffering in isolation,” said Ray Ortiz, a former prisoner who spent time in solitary who currently works at the Urban Justice Center.
The advocates also released data detailing how many other states have already addressed this issue.

“New York State is in the backwater with this issue,” former chief judge of the NYS Court of Appeals Sol Wachtler, whose own psychiatric disabilities caused him to lose his post and spend time in state prison (some of it in solitary confinement), told the Buffalo News on May 8. “Even Texas doesn’t allow it.”

“Prisons in at least seven other states now ban isolated confinement for inmates with serious mental illness. ...Under a bill pending in the State Legislature...., New York would follow suit,” wrote Mary Beth Pfeiffer in a recent Newsday OP Ed. Pfeiffer, journalist and author of a new book on the topic titled “Crazy in America,” concluded with “Without legislation, I fear that someone else may be writing this very article in a decade or two.”

“We are counting on our elected leaders to go the last mile and make New York a national leader in banning these inhumane practices once and for all by approving this measure,” said Harvey Rosenthal, of the New York Association of Psychiatric Rehabilitation Services, another lead MHASC member.

**Editorial Boards Agree: Only a Law Will Get the Job Done!**

"**Close The Box Mentally Ill Inmates Should Not Be Placed in Solitary Confinement**"
Rochester Democrat & Chronicle  April 19, 2007

"(While) the settlement by the Spitzer administration of a lawsuit against the solitary confinement of mentally ill prisoners is a welcome step away from previous state policy....New York still is a long way from the right place on this issue, which is to prohibit the use of such confinement for anyone with a serious mental infirmity. The settlement for the most part only alleviates the effect of such confinement with more out-of-cell time and more treatment."

"Both houses passed an identical bill last year, but Gov. Pataki inexplicably vetoed it. Spitzer must not repeat that mistake."

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**Prison Horrors for the Mentally Ill**
(While) the settlement....provides for a range of welcome changes...it still falls far short of what’s needed and is not a substitute for the sweeping reforms vetoed by former Gov. George Pataki last year. The Legislature should pass that bill again and Gov. Eliot Spitzer should promptly sign it."

"The measure would more than pay for itself by reducing danger and disorder behind bars, shortening prison stays for the mentally ill and increasing the likelihood that they would manage to stay out once they are released."

"Maltreatment of mentally ill prisoners is a national shame. People who suffer from delusions and hallucinations are far more likely than non-disabled prisoners to break rules. When they are confined in their cells, their symptoms worsen. All too often they harm themselves."

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"Treat, Don’t Isolate Mentally Ill Inmates"
Poughkeepsie Journal   May 4, 2007
Troy Record   May 10, 2007
Tonawanda News   May 14, 2007

(The settlement) represents progress, but the state still must stop locking mentally ill prisoners in solitary confinement, commonly referred to as “the box.”

"A bill is again moving through both houses of the Legislature, and lawmakers need to quickly approve it. Once they do, Gov. Eliot Spitzer should correct Pataki’s mistake by signing it into law."