



NYCLU

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Juan E. Méndez
Special Rapporteur on Torture
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
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urgent-action@ohchr.org

February 5, 2013

Re: Allegation Letter Concerning New York State Prisoners Held in Solitary
Confinement and Other Forms of Extreme Isolation

Dear Special Rapporteur Méndez:

We, the undersigned human rights, civil rights, faith-based and mental health organizations, write to inform you of a pattern and practice of human rights violations perpetrated against individuals incarcerated in prisons in New York State. We respectfully request that you intervene in this matter to fully investigate the allegations contained in this letter and take any other steps necessary to bring an end to their mistreatment.

As briefly described below and detailed in the enclosed report, *Boxed In: The True Cost of Extreme Isolation in New York's Prisons*,¹ New York prison officials, as a matter of policy and practice, subject thousands of individuals each year to solitary confinement and other forms of extreme isolation in a manner that is arbitrary and unjustified and that causes them severe physical and mental pain and suffering. These policies and practices violate numerous fundamental human rights protections, including the right to be protected from torture and other forms of cruel, inhuman, or degrading treatment or punishment and the right to be free from discrimination. *Boxed In* contains the findings of an intensive year-long investigation by the New York Civil Liberties Union ("NYCLU") into the use of solitary confinement and other extreme isolation practices by the New York State Department of Corrections and Community Supervision ("DOCCS"), the government agency responsible for the incarceration of individuals in New York State.

¹ *Boxed In: The True Cost of Extreme Isolation in New York's Prisons*, New York Civil Liberties Union, Oct. 2012. In addition to this report, the American Civil Liberties Union and Human Rights Watch recently authored a joint report on the use of solitary confinement on young people (persons under the age of 18) nationally. This report, *Growing Up Locked Down*, includes a separate section documenting New York State policies and practices on solitary confinement of young people. See *Growing Up Locked Down*, ACLU & Human Rights Watch, Sept. 2012 at pp. 128-135.

Each day, nearly 4,500 prisoners in New York are held in “Special Housing Units,” or “SHUs.” Approximately half of these prisoners are held in “solitary confinement,” in cells about the size of an office elevator. The other half are held with another prisoner in a “double-cell,” which is about the size of an average parking spot. Prisoners are locked in 22 to 24 hours a day, and are deprived of all meaningful human interaction and mental stimulation. Food is delivered through a slot in the cell door. No phone calls are allowed. No meaningful education, substance-abuse, re-entry or other programs are offered to them, and few personal possessions are permitted.

Boxed In describes DOCCS’ procedures for placing prisoners in isolation; provides a demographic and statistical overview of those so confined; and documents the reasons for and duration of such confinement. The report also provides first-hand accounts by prisoners of the psychological impact of isolation and the conditions in SHU, including the lack of programming and difficulties individuals placed there have in obtaining appropriate and necessary medical and mental health treatment. The report also incorporates accounts of corrections staff and family members. As well as documenting the findings of the NYCLU’s investigation, the report includes information on comparative experiences of other states where solitary confinement practices have recently been reformed, and makes concrete recommendations for reform of these practices in New York State.

The use of solitary confinement and other forms of extreme isolation in New York prisons gives rise to serious human rights concerns.² The key findings of the report are:

- 1) Consistent with the literature and testimony of mental health and human rights experts, solitary confinement and other forms of extreme isolation used in New York State prisons causes individuals severe physical and mental pain and suffering;
- 2) New York State lacks safeguards to ensure that prisoners are subjected to isolation only in exceptional circumstances, and for the briefest period possible. New York State also fails to ensure that prisoners are not subjected to isolation for discriminatory purposes and tolerates open racial animus in SHU facilities;
- 3) New York’s use of solitary confinement and other forms of extreme isolation undermines prisoners’ right to rehabilitation by denying them access to meaningful programming and by failing to provide for clear procedures to assess, treat and respond to underlying behaviors that DOCCS claims justifies placement in the SHU;
- 4) Vulnerable prisoners, including juveniles, the elderly and prisoners with mental illness, may be subjected to extraordinarily lengthy periods of solitary confinement and extreme isolation.³

² The use of solitary confinement and other forms of extreme isolation implicates numerous human rights protections including, but not limited to, those guaranteed by Articles 1, 2, 10, 11, 14, and 16 of the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *ratified by the United States* Oct. 21, 1994, S. TREATY DOC. NO. 100-20, 1465 U.N.T.S. 85; Articles 7, 10, and 26 of International Covenant on Civil and Political Rights, *ratified by the United States* June 8, 1992, S. EXEC. DOC. E, 95-2, 999 U.N.T.S. 171; and the International Convention on the Elimination of All Forms of Racial Discrimination, *ratified by the United States*, Oct. 21, 1994, S. EXEC. DOC. C, 95-2, 660 U.N.T.S. 195.

We also enclose as Appendix B four case studies of incarcerated individuals who have been subjected to solitary confinement and other forms of extreme isolation by DOCCS.⁴ These case studies serve to highlight the human impact of DOCCS isolation policies and practices that similarly affect thousands of individuals in New York State prisons each year.

- 1) The case study of “L.I.”⁵ provides an example of the harms suffered by individuals who are placed in the SHU as part of DOCCS’ “administrative segregation” procedure. While these individuals comprise a minority (approximately 1 percent) of New York’s SHU population, they may be placed in the SHU for an indefinite period of time. “L.I.” is a 49-year-old man who is incarcerated in the SHU at Elmira Correctional Facility in a barren, concrete cell that contains no furnishings other than a steel bed frame. “L.I.” has been held in the SHU for 25 years straight—more than half his life. He does not know if or when he will ever be released from the SHU. “L.I.” has at least 48 years remaining on his prison sentence.
- 2) The case study of “T.O.” illustrates how New York’s lack of adequate safeguards allows individuals to be held in solitary confinement and other forms of extreme isolation for years as a result of serving shorter SHU sentences back-to-back. “T.O.” is a 50-year-old man, currently incarcerated at Upstate Correctional Facility, one of New York’s two facilities built exclusively for the purpose of holding prisoners in extreme isolation. “T.O.’s” punishment for various non-violent prison rules resulted in more than two consecutive years in the SHU, as DOCCS’ policies place no upper limit on the number of consecutive SHU sentences an individual may be forced to serve. “T.O.’s” prolonged confinement in the SHU has caused him to develop insomnia and paranoia. During this time, he has also become increasingly anti-social. Like many other African-Americans confined at Upstate, “T.O.” has also been the subject of racially charged remarks made by Upstate corrections officers, the overwhelming majority of whom are white.
- 3) The case study of “D.D.” is an example of how DOCCS’ policies permit the imposition of severe and grossly disproportionate disciplinary sanction of prolonged solitary confinement or extreme isolation even when misbehavior resulting in a period of such confinement does not involve violence or threats to prison safety and security. “D.D.” is a 34-year-old man who is incarcerated at Auburn Correctional Facility. Between 2002 and 2012, DOCCS staff punished “D.D.” repeatedly for non-violent, marijuana-related infractions with increasingly lengthy disciplinary sentences in the SHU. His most recent marijuana-related infraction resulted in a 1-year confinement in the SHU, which he served at Upstate Correctional Facility.

³ New York law currently mandates the diversion of prisoners whom DOCCS has accurately diagnosed with serious mental illness from the SHU to units that are therapeutic in nature and operated jointly by DOCCS and the New York State Office of Mental Health. Prisoners with less serious or undiagnosed mental illness and prisoners who are vulnerable for other reasons fall outside these statutory protections. For an analysis of DOCCS procedures relative to juveniles, see *Growing Up Locked Down*, *supra* note 1, at 1.

⁴ These individuals have agreed to share their personal experiences in the SHU on a confidential basis.

⁵ In public versions of this letter, prisoners are represented by pseudonyms to protect individual privacy and safety.

- 4) The case study of “E.R.” demonstrates the harmful and counterproductive nature of denying meaningful programming to individuals in the SHU and failing to appropriately treat the underlying behavior that DOCCS asserts justifies punitive confinement in extreme isolation. “E.R.” is a 28-year-old African-American man, who is currently incarcerated at Elmira Correctional Facility. “E.R.” suffers from substance addictions, as do an estimated 88 percent of the individuals in New York’s SHUs. “E.R.” was confined in the SHU as punishment for using marijuana. While there, “E.R.” struggled with depression, hopelessness and thoughts of suicide. He proactively sought treatment for his addictions from DOCCS. After his most recent drug infraction, however, rather than assess and therapeutically treat “E.R.,” DOCCS subjected him to an additional 6 months in the SHU. Once in the SHU, “E.R.” has no access to therapeutic programs, including substance abuse therapy. Like “T.O.,” “E.R.” has also witnessed and experienced racial hostility exhibited by Upstate corrections staff toward African-Americans.

Following the publication of *Boxed In*, DOCCS Commissioner Brian Fischer indicated that an internal review of policies and procedures on the use of solitary confinement and other forms of extreme isolation was underway. To date, however, no comprehensive remedial action has been taken by New York State to address the systemic concerns identified in the report. Nor—so far as we are aware—has the State taken any concrete measures to remedy the concerns raised in the individual case studies. Indeed, New York officials have yet to identify the scope of this internal review, the time frame for completion, or what opportunities, if any, will be provided for stakeholders—the incarcerated, formerly incarcerated, mental health experts, legal advocates and the general public—to review and comment on any proposed reforms.

Based on the above information, we respectfully request that you take up the issue of the use of solitary confinement and other extreme isolation practices in New York State prisons with the government of the United States and DOCCS officials, and undertake an investigation into the policies and practices detailed in this letter and the attached materials. We further request that you advise DOCCS officials to refrain from subjecting individuals to these tortuous and inhumane conditions of confinement and urge them to treat all prisoners in their care in a manner that is consistent with relevant human rights laws and standards.

If you should receive any responses from DOCCS in the course of your investigation into these issues, we request that you make these public. If you require any further information to assist with your inquiry, please do not hesitate to contact us.

Thank you for your consideration.

Sincerely,

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- APPENDIX A *Boxed In: The True Cost of Extreme Isolation in New York's Prisons*, New York Civil Liberties Union, Oct. 2012.
- APPENDIX B Case Studies of Prisoners in New York SHUs
- APPENDIX C Information about Signatories

* Institution is listed for identification purposes and does not indicate institutional endorsement.

APPENDIX B

Case Study of "L.I."

"L.I." is a 49-year-old man who has been incarcerated since 1987 for murder and attempted murder. "L.I." has been in SHU since his admission into prison—for more than 25 years straight. He has at least 48 years remaining in his sentence. He is currently in the SHU at Elmira Correctional Facility. He has also been in the SHU in Shawangunk Correctional Facility (9 years), Sullivan Correctional Facility (6 years), and Great Meadow Correctional Facility (6 and a half years).

It is believed that "L.I." has been held in administrative segregation longer than any other prisoner in New York State. For the first few years of his incarceration, "L.I." was first placed in the SHU under "involuntary protective custody" status, but then was reclassified as an administrative segregation prisoner. His initial administrative segregation determination was based on his alleged propensity for violence and the conclusion that he "may be planning to escape."¹

"L.I." does not know if or when he will ever be released from the SHU, because administrative segregation is indefinite in nature; New York places no upper limit on the length of administrative segregation. Furthermore, despite "L.I.'s" repeated requests, DOCCS has not provided an anticipated date of release from administrative segregation. DOCCS has also refused to tell "L.I." how or if he can earn release from the SHU.

DOCCS has continually recommended keeping "L.I." in administrative segregation.² In a 2009 review of "L.I.'s" status, DOCCS included such statements in its reasoning: "His long sentence would be an incentive for him to attempt another escape, as his only reasonable means of gaining freedom."³ But in a 2002 review, DOCCS recognized that neither "L.I.'s" disciplinary history nor his history while in DOCCS custody, standing alone, justified his continued status in administrative segregation.⁴

Currently, "L.I." is confined in a bare SHU cell in Elmira Correctional Facility that measures approximately 12 feet by 7 feet. The walls are made of concrete and apart from a steel bed frame mounted to the wall, there are no furnishings—no table, chair, or stool.

As with all prisoners in the SHU, "L.I." lacks access to meaningful programming. "L.I." is allowed a total of 10 books, magazines, or periodicals at a time. He is not allowed a TV or a radio, although he can plug headphones into three jacks in the cell wall to listen to pre-selected programming. "Recreation" consists of one hour in an empty space surrounded by concrete walls

¹ Sixty-day Administrative Segregation Review for "L.I.," 3/13/12, on file with the NYCLU.

² Under existing regulations, a prisoner's administrative segregation status is reviewed every 60 days. See N.Y. Comp. Codes R. & Regs. tit. 7, § 301.4(d).

³ Sixty-day Administrative Segregation Review for "L.I.," 12/1/09, on file with the NYCLU.

⁴ "The Inmate's past disciplinary history is not so serious as to form the basis for Admin. Seg. in-and-of itself. Similarly, the Inmate's history while in the custody of the DOCS does not show enough incidents of the Inmate's propensity for outbursts of severe violence which would automatically require Admin. Seg. on that basis alone." Administrative Segregation Recommendation for "L.I.," 5/29/02, on file with the NYCLU.

on three sides. DOCCS provides no exercise equipment. Three years passed without "L.I." leaving his cell for recreation, because there was nothing to do in this empty concrete space. "L.I." strives to keep occupied by reading and writing and by creating mental projects, such as memorization games, to keep his mind intact. "L.I." reported that he struggles daily to cope with the intense emotions and the depression that bears down on him as he reflects on his quarter-century in extreme isolation.

Case Study of "T.O."

"T.O." is a 50-year-old man, who has been incarcerated since 1994 for murder. His earliest release date is in May 2018. He is currently at Upstate Correctional Facility, one of two facilities that New York State built exclusively for the purpose of holding prisoners in solitary confinement and other forms of extreme isolation.

On January 23, 2008, "T.O." received a sentence of 36 months in the SHU for allegedly planning an escape. In the 8 years and 9 months prior, he had not received any misbehavior reports. "T.O." was transferred to Upstate Correctional Facility to serve the 36-month SHU sentence. At Upstate, "T.O." has accumulated additional lengthy SHU sentences for non-violent prison infractions, including refusing to return a food tray.

DOCCS places no limits on the number of consecutive SHU sentences a prisoner may be forced to serve. As a result, "T.O." is currently serving more than 2 consecutive years in the SHU based on different SHU sentences for non-violent prison infractions occurring between 2010 and 2012. A summary of the infractions, which occurred at Upstate Correctional Facility, is provided below.

Date of infraction	Infraction	Length of SHU sentence served	Service dates
July 28, 2010	Obey Order Promptly; Comply with Urinalysis Test	3 months	8/12/2010- 11/12/2010
Sept. 7, 2010	Obey Order Promptly; Comply with Urinalysis Test	6 months	11/12/2010- 5/12/2011 ⁵
June 3, 2011	Obey Order Promptly; Mess Hall Violation	6 months	6/11/2011- 12/11/2011
Sept. 7, 2011	Obey Order Promptly; Comply with Urinalysis Test	6 months	12/11/2011- 6/11/2012
Oct. 10, 2011	Participate in Demonstration; Creating a Disturbance;	4 months	6/11/2012- 10/11/2012

⁵ From 5/12/11 to 6/11/11, "T.O." was in "keeplock" for 30 days for failing to obey an order promptly. This incident occurred at Upstate Correctional Facility, which indicates that "T.O." served out his "keeplock" sentence in the SHU at Upstate Correctional Facility. For more information about "keeplock" confinement, please see *Boxed In: The True Cost of Extreme Isolation in New York's Prisons*, New York Civil Liberties Union, Oct. 2012, at 17.

	Obey Order Promptly		
Sept. 18, 2012	Obey Order Promptly; Comply with Urinalysis Test	6 months	10/11/2012-4/11/2013

“T.O.,” who is African American, is one of many prisoners who has reported high levels of racial tension in SHU facilities. “T.O.” explained that white corrections staff belittled him and attempted to intimidate “T.O.” because of his race. Data obtained through New York’s open records laws indicate that in January 2012 DOCCS employed no African Americans at Upstate Correctional Facility.⁶ “T.O.” has observed only one person of color working at Upstate Correctional Facility, and DOCCS never tasked this staff member with helping to defuse tense situations between prisoners and the overwhelmingly white corrections staff. Instead, “T.O.” explained, white corrections staff regularly treated African American prisoners disrespectfully.

Incarceration in the SHU has caused “T.O.” to experience insomnia and paranoia, and he has become increasingly anti-social. In addition, “T.O.” has suffered a range of deprivations while in the SHU, some informal and others formal. For example, months passed before DOCCS staff responded to “T.O.’s” requests for eye care. DOCCS also deprived “T.O.” of nourishing, edible food by placing him on a “restricted diet,” also known as “the loaf,” on at least two occasions. The loaf is a tasteless brick of baked bread-and-vegetable matter that is served with a wedge of cabbage and plain water three times a day, in lieu of regular meals. DOCCS subjects prisoners to the loaf to punish minor misbehavior. For example, DOCCS subjected “T.O.” to the loaf for refusing to return a food tray. Prisoners may also receive the loaf for any infraction if they have already been sentenced to the SHU for the remainder of their prison sentence.⁷ Because the loaf caused “T.O.” to become sick, “T.O.” ate nothing while he was placed on the loaf, which lasted from 5 to 7 days. “T.O.” lost a significant amount of weight as a result.⁸

⁶ *Boxed In*, *supra* note 5, at 25.

⁷ *Id.* at 38.

⁸ DOCCS regulations acknowledge the serious dangers of food deprivation by requiring that prisoners on the loaf receive a medical examination “within 24 hours of the commencement of the restriction and daily thereafter during the period of restriction.” N.Y. Comp. Codes R. & Regs. tit. 7, 304.2; *Boxed In*, *supra* note 5, at 38.

Case Study of “D.D.”

“D.D.” is a 34-year-old man, who has been incarcerated since 1999 for the crimes of assault and gang assault. His earliest release date is May 2013. He is currently at Auburn Correctional Facility in the general prison population. He has been held in extreme isolation at Upstate Correctional Facility—New York’s modern, dedicated all-SHU prison—and Fishkill Correctional Facility in a “SHU 200” unit, which has the capacity to hold up to 200 prisoners in extreme isolation.

Between 2002 and 2012, DOCCS repeatedly punished “D.D.” with lengthy SHU sentences for non-violent prison rule infractions, such as using marijuana.⁹ In January 2012, “D.D.” received a 1-year punishment in the SHU for testing positive for marijuana use.¹⁰

Date of infraction	Infraction	Length of SHU sentence served
August 31, 2002	Drug Use (marijuana)	135 days
September 5, 2003	Unauthorized exchange of personally owned item	2 months, 16 days
May 30, 2006	Drug Use (marijuana)	173 days
December 4, 2006	Drug Possession (marijuana); Property in Unauthorized Location; Obey Order Promptly	170 days
March 28, 2009	Drug Possession; Smuggling	4 months, 20 days
August 26, 2010	Drug Possession (marijuana); Drug Possession (heroin); Smuggling; Obey Order Promptly; Search/Frisk; Obstruct Visibility	9 months, 1 day
January 6, 2012	Drug Use (marijuana)	12 months

As with all prisoners subjected to solitary confinement or other forms of extreme isolation in the SHU, DOCCS denied “D.D.” meaningful programming while in the SHU. DOCCS offered a cell study version of its Alcohol and Substance Abuse Treatment (ASAT) Program, which consisted of three books that “D.D.” had to read independently, without instruction or interaction with a counselor. These books offered “D.D.” nothing in the way of real assistance with his drug problem. In addition, “D.D.” explained that extremely long waiting lists made it impossible to participate in other forms of programming at Upstate Correctional Facility. Counting the drug-related infractions that led to SHU time, over the last decade, “D.D.” lost at least 4 years and 11 months of recommended “good time” that he had earned towards early release from prison.¹¹

⁹ DOCCS guidelines recommend penalties for certain classes of offenses, but corrections officers are free to craft sentences according to mitigating or aggravating circumstances. *Boxed In*, *supra* note 5, at 20.

¹⁰ Superintendent Hearing Disposition Rendered for “D.D.,” 1/13/12, on file with the NYCLU.

¹¹ DOCCS policies grant corrections officers not only broad discretion to impose punitive isolation for prison rule infractions, but also to take away “good time.” DOCCS Guidelines for Disciplinary Dispositions,” July 2005, <http://www.boxedinny.org/wp-content/uploads/2012/09/DOCCS-Guidelines-for-Disciplinary-Dispositions.pdf>.

“D.D.” is one of roughly 2,250 men who has been “double-celled” with another prisoner in the SHU.¹² This arrangement forces two prisoners into a cramped cell that is approximately 100 square feet (about the size of a parking spot). Double cells lack partitions of any kind. Thus, every act—eating, sleeping, showering, urinating, defecating—occurs in full view and in close, constant proximity to one’s cell-mate.

For “D.D.,” as in the cases of other double-celled prisoners, the lack of privacy was an added source of tension and stress, in addition to the conditions and deprivations in the SHU. “D.D.” described the strain of being in close proximity with one cell-mate who behaved oddly and disruptively while the cell-mate struggled to cope with anxiety issues. Although prison rules require prisoners “to accept double-cell assignments,” corrections officers told “D.D.” that the only way for him to obtain a new cell-mate was to get into a physical fight—an incident that would invite more disciplinary charges and therefore more time in the SHU.¹³

¹² For information about New York’s practice of confining two prisoners in extreme isolation in a “double cell,” see *Boxed In*, *supra* note 5, at 32-35.

¹³ Between 2007 and 2011, DOCCS issued 1,067 sentences to the SHU where violation of this rule was among the charges cited.

Case Study of “E.R.”

“E.R.” is a 28-year-old man, who has been incarcerated since 2005 for manslaughter and criminal possession of a weapon. “E.R.’s” earliest release date is in 2024. At Upstate Correctional Facility, “E.R.” was always in a double cell. He remained at Upstate Correctional Facility until November 29, 2012 and is currently at Elmira Correctional Facility.

“E.R.” was first sentenced to the SHU in 2006 for 180 days because of a fight with a fellow prisoner in the yard of Great Meadow Correctional Facility. It was “E.R.’s” first time at a maximum security facility, and his first incident of any misbehavior. Since then, DOCCS has repeatedly punished “E.R.” with sentences to extreme isolation for the non-violent infraction of using marijuana.

Date of infraction	Infraction	Length of SHU sentence served
October 30, 2009	Drug Use (marijuana)	12 days
December 3, 2010	Drug Use (marijuana)	75 days
May 24, 2011	Drug Use (marijuana)	7 months
May 22, 2012	Drug Use (DOCCS records incomplete)	6 months

“E.R.’s” first marijuana-related infraction occurred while he was in Upstate Correctional Facility—one of New York’s two dedicated all-SHU facilities—where he was subject to extreme isolation and deprivation. Smoking marijuana, “E.R.” explained, helped him cope with idleness and his emotions. DOCCS records show the rationale for subjecting “E.R.” to extreme isolation for non-violent marijuana-related infractions was “to assist you in conforming your behavior & improving your institutional adjustment accordingly, thereby enhancing the possibility that you will become a productive & peaceful member of society upon your release from incarceration.”¹⁴ However, for prisoners in the SHU, DOCCS offers no meaningful programming to aid rehabilitation and re-entry into the community. In fact, DOCCS releases roughly 2,000 prisoners directly from the SHU to the street each year without any transitional programming.¹⁵

In May 2012, after receiving a drug-related misbehavior report, “E.R.” wrote to the Superintendent and a counselor at Upstate Correctional Facility, pleading for help in obtaining substance abuse treatment and alerting them that the SHU would cause him further setbacks. Despite these requests, DOCCS sentenced “E.R.” to 6 more months of punishment in the SHU at Upstate Correctional Facility.

“E.R.” is African American and, like many other prisoners, experienced racial tension in the Upstate Correctional Facility SHU, where the corrections staff is 80 percent white while the prisoner population is only 12 percent white.¹⁶ “E.R.” explained that DOCCS staff at Upstate were quick to refer to African Americans with the racial epithet “nigger.”

¹⁴ Superintendent Hearing Disposition Rendered for “E.R.,” 11/19/09.

¹⁵ For more information about how DOCCS’ policies allow the length of disciplinary sentences to exceed the length of an individual’s entire prison sentence, see *Boxed In*, *supra* note 5, at 31.

¹⁶ *Boxed In*, *supra* note 5, at 25.

“E.R.” describes his experience in the SHU as mental torture. At Upstate Correctional Facility, he struggled with severe depression and hopelessness, and he thought increasingly about suicide. In addition, isolation in the SHU changed his behavior: he became more aggressive and started talking to himself.

The arbitrary nature of DOCCS’ disciplinary process and the lack of safeguards to ensure that charges of prison rule infractions are legitimate and not merely the product of animus or bias add to “E.R.’s” fear of incurring additional sentences of extreme isolation at Upstate Correctional Facility.

APPENDIX C

Information about the Signatories

American Civil Liberties Union (ACLU): The ACLU is a nation-wide, non-profit, non-partisan organization that has worked daily in courts, communities and legislatures across the United States since 1920 to protect and preserve the fundamental rights and liberties of individuals set forth in the Bill of Rights of the U.S. Constitution, ratified treaties, federal and state law. The ACLU has more than a half million members and an affiliate in every state and Puerto Rico. Consistent with that mission, the ACLU established the National Prison Project in 1972 to protect and promote the civil and constitutional rights of prisoners in the United States. Since its founding, the Project has challenged unconstitutional conditions of confinement and over-incarceration at the local, state and federal level through public education, advocacy and successful litigation. In 2004, the ACLU created a Human Rights Program specifically dedicated to holding the U.S. government accountable to universal human rights principles in addition to rights guaranteed by the U.S. Constitution.

Amnesty International: Amnesty International is a worldwide, independent movement which campaigns for universal observance by governments and others of the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. The organization has investigated serious human rights violations associated with extreme isolation of prisoners in the USA, including in recently published studies of Arizona and California. While it has not conducted its own in-depth research into New York, it supports the serious concerns highlighted in the NYCLU report.

Architects / Designers / Planners for Social Responsibility (ADPSR): ADPSR works for peace, environmental protection, ecological building, social justice, and the development of healthy communities. ADPSR programs aim to raise professional and public awareness of critical social and environmental issues, further responsive design and planning, and honor persons and organizations whose work exemplifies social responsibility.

The Bellevue/NYU Program for Survivors of Torture (PSOT): The Bellevue/NYU Program for Survivors of Torture (PSOT) was established in 1995 by medical and mental health professionals at Bellevue Hospital as the first program to address the complex needs of torture survivors. We are the only comprehensive torture treatment center in the New York City area, providing medical and mental health care, as well as social and legal services to survivors of torture and war traumas and their family members. In 2010, we provided multidisciplinary services to nearly 700 people from 70 countries, and in our program's history, we have treated clients from 80 different countries.

Be the Evidence Project (BTEP): The Be the Evidence Project is a collective of globally conscious researchers, practitioners, educators, policy-makers and advocates, students, and concerned citizens whose non-profit independent scholarly and creative ventures are designed to disseminate knowledge, values, and skills that will help improve the individual and community response to critical social issues and improve well-being using 'any media means necessary.' Be the Evidence Project activities that involve research, education, and advocacy provide a vehicle

to disseminate information to raise critical consciousness and the recognition of psychological sociopolitical contexts in which injustices can occur. Through participation in self or project-sponsored activities, we can help promote the achievement of a socially just world in which human rights, social justice, and well-being are realized for all. The project's position on solitary confinement is that it meets the standards of cruel and unusual punishment and torture and transformation is necessary to provide compassionate care in corrections.

Center for Constitutional Rights: The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. CCR uses litigation proactively to advance the law in a positive direction, to empower poor communities and communities of color, to guarantee the rights of those with the fewest protections and least access to legal resources, to train the next generation of constitutional and human rights attorneys, and to strengthen the broader movement for constitutional and human rights. Our work began on behalf of civil rights activists, and over the last four decades CCR has lent its expertise and support to virtually every popular movement for social justice.

The Coalition for an Ethical Psychology: The Coalition for an Ethical Psychology is dedicated to putting psychology on a firm ethical foundation in support of social justice and human rights. The Coalition has been in the lead of efforts to remove psychologists from torture and abusive interrogations.

The Connie Hogarth Center for Social Action at Manhattanville College: The Connie Hogarth Center for Social Action at Manhattanville College works to educate students on the importance of planned action toward social change. We train students to educate, activate and agitate for that positive change as we work toward an equitable, just, nonracist and environmentally sustainable world.

The Episcopal Peace Fellowship Chapter of Ithaca Area: The Episcopal Peace Fellowship is an organization of Episcopalians who seek a deliberate, Christian response to violence that is in keeping with our baptismal covenant to "strive for justice and peace among all people."

Fordham University Human Rights and Social Justice Sequence: The Human Rights and Social Justice Sequence of the Fordham University Graduate School of Social Services educates social work students and students from allied discipline about human rights and social justice. Its purpose is to provide students with a foundation in human rights and social justice principles, such as valuing the dignity and worth of all persons and respecting their intrinsic value and the interdependent nature of political, civil, social, economic, and cultural rights as well as empowerment and anti-oppressive theory and practices. The course sequence educates students early in their careers with the knowledge, values, and skills to recognize and take deliberative action against social injustices and human rights violations, such as the misuse of solitary confinement in correctional settings.

Islamic Center of Long Island: The Islamic Center of Long Island is a religious organization. It is a place of worship for Muslims. We are very open and do heavy outreach and Interfaith dialogue. We believe for peaceful coexistence these are necessary.

Ithaca Area Prisoner Justice Group: The Ithaca Area Prisoner Justice Group is concerned with several criminal justice issues including: our current system of mass incarceration, racist policies in every aspect of arrests and incarceration, solitary confinement, and reducing recidivism. We are a loose coalition of activists in the Ithaca Area, inspired by Michelle Alexander's *The New Jim Crow*, who want to challenge the current system.

Jesuit Community of Staten Island: The Jesuits (Society of Jesus) of Staten Island serve at Mount Manresa Retreat House and the parishes of Our Lady of Mount Carmel-St. Benedicta and St. Mary of the Assumption. As Jesuits, we are committed to the creation of a more just and humane social order in which the dignity of all persons is honored and protected.

The Legal Aid Society: The Legal Aid Society of the City of New York is a private organization that has provided free legal assistance to indigent persons in New York City for nearly 125 years. Through its Prisoners' Rights Project, the Society seeks to ensure that prisoners' constitutional and statutory rights are protected. The Society advocates on behalf of prisoners in New York City jails and New York State prisons, and conducts litigation concerning prison conditions.

Long Island Housing Services, Inc.: Long Island Housing Services, Inc. is a private, non-profit Fair Housing advocacy and enforcement agency which serves Nassau and Suffolk Counties. Its mission is the elimination of unlawful housing discrimination and promotion of decent and affordable housing through advocacy and education. Our work involves facilitating private rights under local state and federal fair housing/civil rights laws, advocating, investigating and educating to promote compliance. In addition to anti-discrimination work, we also serve the public to educate and counsel on rights of tenants to ensure habitable and equitable treatment and living standards. Additionally, we counsel people in danger at risk of foreclosure to help modify homeowners mortgage loans to reflect true affordability based on documented/verified income, help to report modification and resale scam operations, and educate the public on private and public programs geared toward promoting equitable treatment, racial and economic integration.

Mental Health Alternatives to Solitary Confinement (MHASC): MHASC is a coalition of more than sixty organizations and hundreds of concerned citizens, advocates, mental health and criminal justice professionals, formerly incarcerated people and their family members, working to end the cruel practice of placing people with psychiatric disabilities in solitary confinement in New York State prisons. We successfully advocated for the enactment of the SHU Exclusion Law, which restricts the placement of people with serious mental illness in disciplinary confinement. The coalition continues its advocacy efforts to ensure that the law is fully implemented and results in meaningful reform.

Metro New York Religious Campaign Against Torture (MNYRCAT): The MNYRCAT is a chapter of the National Religious Campaign Against Torture (www.nrcat.org). MNYRCAT has been investigating reforms needed in NY prisons including panel discussions in support of NRCAT's national efforts.

Mount Manresa Jesuit Retreat House: Mount Manresa Jesuit Retreat House has served the community for more than 100 years offering opportunities for spiritual retreats in the tradition of St. Ignatius Loyola and the Society of Jesus. Ignatius Loyola used the phrase “to help people” again and again to describe what motivated him and was to motivate the Society. By this phrase, the first Jesuits meant helping the whole person, not merely the “spiritual” aspects of the person’s life. The Jesuit “way of proceeding” is based on a broad-minded spirituality that seeks to find God in all things, in all peoples, and in all environments.

The National Organization of Forensic Social Work (NOFSW): The National Organization of Forensic Social Work has traditionally advanced the human rights and social justice arm of the social work profession with social workers staged at all intersections of the criminal justice system. NOFSW mission is to advance forensic practices that best serves individuals, families, and communities by engaging key stakeholders and a holistic and interdisciplinary perspective. NOFSW provides avenues for social workers, allied professionals, and community members to engage in critical dialogue about human rights and social justice issues that intersection with law, policy, and clinical and community practice. Current key human rights and social justice issues that the organization tackles are interpersonal violence across the lifespan (offenders & victims), criminal justice reform, intergeneration family justice, restorative justice; improving the response in advancing child, adult and elder welfare as well as end of life issues, mitigation in capital cases, family and community mediation, mental health and substance abuse treatment in forensic settings, specialty courts, legal and ethical concerns related to work with forensic populations, especially the mistreatment and abuse of vulnerable populations in prison.

National Religious Campaign Against Torture (NRCAT): NRCAT is an interfaith, membership organization dedicated to abolishing torture in U.S. policy, practice, and culture. Founded in 2006 by Rev. Dr. George Hunsinger of Princeton Theological Seminary, NRCAT has grown into a thriving and high-impact organization with 320 members and over 67,000 individual supporters. Its membership reflects every major faith tradition in the U.S. and draws strength from the shared ideal of the dignity and worth of every human being. By focusing on this commonality among all major faith traditions and enabling individuals of faith to understand torture as a moral issue, NRCAT is building a vibrant, faith-based response to U.S.-sponsored torture.

New York Civil Liberties Union (NYCLU): The NYCLU is one of the nation’s foremost defenders of civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit, nonpartisan organization with eight chapters and regional offices and nearly 50,000 members across the state. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law for all New Yorkers.

The New York Institute for the Humanities at New York University (NYIH): The New York Institute for the Humanities (NYIH) at New York University was established in 1976 by sociologist Richard Sennett as a forum for promoting the exchange of ideas between academics, writers, journalists, artists, policymakers, and other professionals in New York City—and

between all of them and the city. It currently comprises more than 220 Fellows. The NYIH hosts a series of luncheon-lectures for Institute Fellows throughout the academic year; and organizes a variety of free and interdisciplinary public programs, ranging from conferences, seminars, and symposia to screenings, panels, and performances.

New York Province of the Society of Jesus: The Society of Jesus is the largest religious order in the Catholic Church, with more than 21,000 priests, brothers, novices and scholastics living and working throughout the world. The New York Province of the Society of Jesus is one of 9 provinces in the United States. Nearly three 300 Jesuits live and work throughout New York State and Jersey City, in parishes, middle schools, high schools, universities, and retreat centers in Buffalo, Rochester, Syracuse, Auriesville, New York City and Long Island.

The New York State Council of Churches: The New York State Council of Churches is an ecumenical organization of eight major Protestant denominations with 6000 congregations in the state. The Council promotes Christian unity, interfaith dialogue, and public advocacy for social justice, human rights and peace. The Council also recruits, certifies and supports Protestant chaplains in state prisons and other state institutions.

New York State Prisoner Justice Network: The goal of the New York State Prisoner Justice Network is to build our individual and collective strength and to challenge and change New York's criminal injustice system. We work to facilitate communication and connection among activists, advocates, and organizations from different regions doing work toward justice for people in prison in New York State. The Network's purpose is to explore, plan, strategize and implement organizations and individuals working collaboratively to change the criminal injustice system, to bring our collective strength to bear on changing the intolerable system of mass incarceration, injustice, and disrespect for the lives of our loved ones and the survival of our families and communities, that now prevails, and to reverse the culture of racism, inequality, and scapegoating that sustains it.

Pax Christi Metro New York (PCMNY): PCMNY is a region of Pax Christi USA which is itself a section of Pax Christi International, the global Catholic peace movement. Founded in 1983, PCMNY provides a community for Catholic New Yorkers where peacemaking is paramount within the context of their faith. It offers support, instruction, and inspiration. Members include individuals and local groups centered in parishes or school campuses, lay people and vowed religious.

Peace and Justice Task Force of All Souls Unitarian Church: The Peace and Justice Task Force of All Souls Unitarian Church, located at 1157 Lexington Avenue, NY 10075, puts on events that reach out to our congregation and larger community that focus on issues that are not always broadly addressed in mainstream media such as climate change, money in politics, Citizens United, impact of corporations on our economy, torture, privatization of education, and more. Where possible, we look to partner with like-minded task forces to further that end.

Prison Action Network: Prison Action Network is composed of incarcerated people, formerly incarcerated people, their families, friends and advocates – all of whom are interested in bettering themselves and society through education and legitimate action. We serve primarily as a communications network, using our newsletter and conferences to bring our members together

to consider the issues and learn what others are doing to address them. We are currently working to pass a revision to Executive Law, Section 259i, called the Safe And Fair Evaluations (S.A.F.E.) Parole Act, which, when passed, will end the Parole Board's arbitrary discretion to repeatedly "re-sentence" community ready prisoners.

Psychologists for Social Responsibility (PsySR): PsySR is an independent, non-profit organization that applies psychological knowledge and expertise to promote peace, social justice, human rights, and sustainability. Our members are psychologists, students, and other advocates for social change in the United States and around the world.

T'ruah: The Rabbinic Call for Human Rights: Founded in 2002 as Rabbis for Human Rights-North America, T'ruah is an organization of 1800 rabbis from all streams of Judaism that acts on the Jewish imperative to respect and protect the human rights of all people. Grounded in Torah and our Jewish historical experience and guided by the Universal Declaration of Human Rights, we advocate for human rights in Israel and North America. Our domestic human rights campaigns include torture and solitary confinement, slavery and human trafficking, and discrimination against American Muslims.

Rutgers Presbyterian Church Peace and Social Justice Network: The Rutgers Presbyterian Church is located at 236 West 73rd Street, New York, NY 10023.

Social Justice Committee of the Ithaca Monthly Meeting of the Religious Society of Friends: The Social Justice Committee of the Ithaca Monthly Meeting of the Religious Society of Friends (Quakers) provides a focus in our Meeting for responding to concerns related to social justice, and in addition, encourages and supports leadings of Meeting members and attenders working for social justice. The committee seeks ways to cooperate with community groups working non-violently for social justice. The committee supports measures which will promote economic justice and equal opportunity for all, in order to build a society in which every person may find both personal fulfillment and opportunities to make positive contributions to our community and to the world.

The Social Justice Committee of the Unitarian Universalist Congregation at Shelter Rock: The Social Justice Committee of the Unitarian Universalist Congregation at Shelter Rock provides opportunities for members and friends to become informed about and involved in social, moral, ethical and economic problems and issues. Current issues include compassionate immigration reform, ending the use of prolonged solitary confinement, and responding to the needs of those affected by Hurricane Sandy.

Southern Poverty Law Center: Founded in 1971 and located in Montgomery, Alabama, the Southern Poverty Law Center has litigated numerous civil rights cases on behalf of minorities, women, people with disabilities, and other victims of discrimination. Many of the Center's class actions have been filed to remedy unconscionable conditions of confinement in state prisons. Although the Center's work is concentrated in the South, its attorneys appear in courts throughout the country to ensure that all people receive equal and just treatment under federal and state law.

Southern Tier Independence Center (STIC): Founded in 1983, STIC is an Independent Living Center located in Binghamton, New York. We are a not-for-profit 501(c)3, community-based advocacy and service organization for children and adults with all types of disabilities. We are funded through a wide variety of state contracts, fees-for-service, corporate event sponsorships, project-specific foundation grants and private individual donations. All of the programs and services through STIC share common themes: they all promote independence; inclusion; and community integration. Imagine a world that is accessible to everyone, where no barriers to independence exist; where everyone is allowed to be themselves, free to let their disabilities be just another part of who they are. Southern Tier Independence Center's board of directors and employees believe that together we can shape this world.

Urban Justice Center: For 28 years, the Urban Justice Center has served New York City's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education, and political organizing. We assist our clients on numerous levels, from one-on-one legal advice in soup kitchens, to helping individuals access housing and government assistance, to filing class action lawsuits to bring about systemic change. We represent an extraordinary array of the most deprived and abused people in our society on issues related to discrimination and oppression.

Uri L'Tzedek: Uri L'Tzedek is an Orthodox social justice organization guided by Torah values and dedicated to combating suffering and oppression. Through community based education, leadership development and action, Uri L'Tzedek creates discourse, inspires leaders, and empowers the Jewish community towards creating a more just world.

WESPAC Foundation: WESPAC Foundation has been the leading force in Westchester County for peace and justice work for over three decades. WESPAC Foundation provides outreach and community to individuals, groups and leaders in civic and religious organizations in greater Westchester who find themselves without a voice or support system for their progressive positions. WESPAC Foundation's purpose is to give a human face to those who would otherwise be unrecognized victims of war, injustice and environmental degradation.

World Organization Against Torture (OMCT): Created in 1985, the World Organization Against Torture (OMCT) is today, with 311 affiliated non-governmental organizations (NGO) in its SOS-Torture Network, the leading coalition of NGOs fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. Based in Geneva, OMCT's International Secretariat provides personalized medical, legal and/ or social assistance to hundreds of torture victims and ensures the daily dissemination of urgent appeals across the world, in order to protect individuals and to fight against impunity. Specific programs allow it to provide support to specific categories of vulnerable people, such as women, children and human rights defenders. In the framework of its activities, OMCT also submits individual communications and alternative reports to the special mechanisms of the United Nations, and actively collaborates in the development of international norms for the protection of human rights.