



# FIGHT MASS INCARCERATION

## End Long-Term Solitary Confinement and Combat Mass Incarceration

Every year, thousands of people are subjected to the torture of prolonged solitary confinement in jails and prisons across New York. People are kept locked up in solitary for months or even years. Meanwhile, our prisons are filled with people who are there not because they've committed a new crime — but because they violated a condition of their parole like missing a curfew. Others are kept incarcerated even though there is compelling evidence that they have been rehabilitated and pose no risk to society. Still more New Yorkers who are unlikely to re-offend grow old behind bars as their health rapidly deteriorates.

**New York's criminal system must undo the harms that solitary confinement and parole practices have caused the tens of thousands of New Yorkers in jails in prisons by emphasizing rehabilitation instead of punishment.**

### THE PROBLEM

#### **THOUSANDS OF NEW YORKERS SUFFER THROUGH LONG-TERM SOLITARY CONFINEMENT.**

Prolonged solitary confinement creates severe mental and physical trauma that can cause irreparable harm. The United Nations considers long-term solitary (more than 15 consecutive days) torture. The effects can be deadly. Yet state laws permit 23-hour confinement in jails and prisons, sometimes for minor misbehavior, for months or even years at a time. Corrections officers have broad discretion over who they subject to this form of confinement. Assembly and Senate leadership struck an agreement with Governor Cuomo near the end of the 2019 session to reform solitary practices through regulatory changes. But these state regulations do not adequately address what New York needs.

#### **PEOPLE ARE LOCKED UP FOR VIOLATIONS.**

Under New York law, people on parole can be sent to prison for technical violations like ignoring a curfew or missing an appointment with a parole officer. Nearly 40 percent of the people sent to state prison in New York in 2018 were incarcerated for technical parole violations, not for committing crimes. And they are automatically locked up, regardless of the alleged infraction. There are 35,000 people living under parole supervision in New York who are required to comply with certain rules or conditions after their release from prison. They can be sent to jail or prison if a court finds that there is a better chance than not that a person violated their parole. Unsurprisingly, parole revocations are one of the major drivers of incarceration in county jails and prisons across the state.

#### **NEW YORKERS WHO DESERVE PAROLE ARE BEING DENIED THEIR FREEDOM.**

Our state's prison population has decreased over the last decade, but the average minimum sentence has climbed to 10 years. A third of New York's prison population could serve terms of at least 15 years, and 9,000 people face life in prison if they are not paroled. The New York Parole Board has the authority to release people before the end of their sentences if they demonstrate rehabilitation. But the number of people granted parole by the board has decreased in recent years.

#### **OLDER PEOPLE IN PRISON ARE MISSING OUT ON PAROLE.**

Decades of draconian prison sentences meted out as part of the so-called wars on drugs and crime have grown the population of elderly people in prison. Few are brought before the parole board to be considered for release. Instead, they remain behind bars, with limited access to care while their health deteriorates.



# THE SOLUTION

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## HALT ACT

New York should pass the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act to prevent some of the most harmful aspects of solitary confinement while putting strict limits on when it can be used. HALT would:

- Limit confinement to no more than 15 consecutive days, or 20 days total in any 60-day period except in exceptional cases
- Ban solitary confinement for certain vulnerable populations
- Help ensure solitary is used rarely and only for serious misconduct
- Mandate rehabilitative programs
- Require reporting on who is put in solitary

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## LESS IS MORE ACT

Lawmakers should pass the Less is More Act to give people released on parole the opportunity to reunite with their community and their families. The bill would:

- Prevent most people accused of technical parole violations from being put behind bars
- Allow people under community supervision to earn “good time credits” that will reduce the amount of time a person has to stay under supervision
- Provide protections to ensure people are not incarcerated while their alleged parole violation is adjudicated
- Require speedy hearings for any technical parole violation

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## FAIR AND TIMELY PAROLE

Legislators should pass the Fair and Timely Parole bill, which would ensure that parole decisions are based on evidence of a person’s current risk to public safety, not risks that no longer exist. The bill could make up to 12,000 people eligible for consideration for release. Our criminal system should not be centered on vengeance, which undermines safety. Parole should be granted based on who a person is when they come before the parole board, not on who they were when they were sentenced.

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## ELDER PAROLE

Lawmakers should pass the Elder Parole Bill to give older people a chance to come home to their families after years in prison and allow them more time to acclimate to society. It will also help reduce the high cost to taxpayers of caring for older people in prison. The Elder Parole Bill will:

- Ensure that every person 55 and older who has served 15 consecutive years or more has a chance to be considered for release by the parole board
- Create a pathway to allow older people in prison an opportunity to demonstrate that they are ready for re-entry