

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2014/05/17/new-york-prisons-ban-media-solitary-confinement-units/>

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by [Jean Casella and James Ridgeway](#) | May 17, 2014

Late last year, we made several requests to be permitted, as members of the press, to view solitary confinement units in New York's state prisons. After receiving no reply, we were fortunate enough to enlist the help of a pro bono attorney, Daniel Mulkoff with the firm of Cuti Hecker and Wang, who approached the New York Department of Corrections and Community Supervision (DOCCS) on our behalf. This finally yielded a response, in the form of a blanket rejection of any request to view such facilities. Their letter appears below.

The response was neither surprising, nor unique to New York. Supermax prisons and solitary confinement units, as [we've written before](#), are America's domestic black sites, off-limits to the media as well as the public. However, in recent times several states have loosened up on their restrictions. Colorado has allowed [National Geographic](#), among others, to film inside its state supermax. Maine allowed [Frontline](#) inside its solitary confinement unit. Even California has allowed [some \(controlled and limited\) access](#) to its notorious supermax, Pelican Bay.

New York appears unwilling to make any such concessions. It's clear that New York intends to keep its isolation facilities out of view of the media and, by extension, the public. The federal courts are largely on their side. If this is to change, that change must come through public pressure for policy change or via legislation. In the meantime, our [correspondents inside prison](#), who often risk retaliation by writing to tell us about conditions in solitary, remain virtually our only window into this secret world.



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May 7, 2014

Mr. Daniel Mulkoff
Cuti Hecker Wang LLP
305 Broadway, Suite 607
New York, NY 10007

Dear Mr. Mulkoff:

I am responding to your letter dated April 7, 2014 regarding Mr. Ridgeway and Ms. Casella's request to visit a Special Housing Unit and a Residential Mental Health Treatment Unit, as well as their request to interview inmates and staff.

Correctional Facilities are not public places and public access is generally limited to visiting rooms. Correction Law Section 146 sets forth those persons that have a right to go beyond the visiting room and into the more secure areas of correctional facilities. Members of the media are not among them. The law states that no other person, not otherwise authorized by law, shall be permitted to enter a correctional facility except by authority of the Commissioner under such regulations as the Commissioner shall prescribe. Court decisions, including the Supreme Court decision in Pell v. Procunier, 417 U.S. 817 (1974), which you referenced in your letter, have consistently held that the media has no special right of access to correctional facilities. By way of example, a newspaper reporter sought to accompany then Federal District Court Judge Gerard E. Lynch and the parties on a tour of correctional facilities, including Special Housing Units, in connection with litigation over the disciplinary confinement of mentally ill inmates. The Judge, agreeing with the Department that the reporter had no right of access, denied that request. Judge Lynch now sits on the Second Circuit Court of Appeals.

Most Inmates in Special Housing Units and all inmates in Residential Mental Health Treatment Units, with the exception of the Intermediate Care Program, have been found guilty of acts of inmate misbehavior. In addition, inmates in Residential Mental Health Treatment Units have all been determined by the Office of Mental Health to have a "serious mental illness," as that term is defined in Section 137 of the Correction Law. Permitting public tours of these areas would

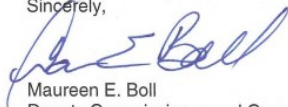
be particularly disruptive and, in the case of Residential Mental Health Treatment Units, would also violate the privacy rights of the inmates with a serious mental illness.

While we do not permit the general public or the press to visit Special Housing Units or Residential Mental Health Treatment Units, this does not mean there is no outside review or oversight of the operation of these units. As you indicated in your letter, the Correctional Association has visited a number of correctional facilities. In contrast to your clients, however, since 1846 the Correctional Association of New York has had a state statutory right to visit correctional facilities and to report its findings and recommendations to the public. Another private organization, Disability Rights New York (a.k.a., Disability Advocates, Inc.), has a federal statutory right to conduct visits of correctional facilities consistent with its protection and advocacy role on behalf of potentially vulnerable inmates. In addition, a number of other State entities inspect our correctional facilities under the law, including, but not limited to, the State Commission of Correction and the Justice Center.

Please note that your clients have the same access to a correctional facility visiting room, as do members of the general public. If they are in contact with inmates and wish to visit with them, they may arrange such a visit directly with the correctional facility. Copies of the rules governing visitation can be found by selected the "Family Guide" on our website, <http://www.doccs.ny.gov/> and in Title 7 NYCRR Part 200.

While I realize your clients' wish to visit a Special Housing Unit and a Residential Mental Health Treatment Unit, the Department cannot accommodate the request and is not legally obligated to do so.

Sincerely,



Maureen E. Boll
Deputy Commissioner and Counsel

James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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I find it funny that all information received about the conditions of SHU being barbaric is based on current or past inmates or their families. No actual proof other than hearsay has been provided. Here is a thought, don't commit a crime and you won't have to worry about it. And if you have committed a crime, follow the rules within the prison system and you won't be sent to SHU. Inmates are not sent there for being model inmates. People are sent to prison for being model citizens. Furthermore, what are officers to do when an inmate attacks them physically in a violent threat? Are they to reach out and offer a hug? It is human nature to act in defense when being attacked? So should they allow a violent inmate to attack with no repercussions? Is that fair to their families? Also, there are many inmates who, when threatened by other inmates, will seek out confinement for their own safety. And what about the threat to the whole facility and other inmates who are trying to serve their time, should they be punished or threatened by those that don't wish to abide by the rules? Should they be put at risk? The public would scream in outrage if one of these inmates who should be in SHU attacked/killed a model inmate because he was not locked in SHU? And there are inmates who are in SHU who pose a serious threat to the safety of the facility, other inmates and officers; who to this day threaten that if released from SHU will react with violence on any and all, what should we do with them? There is no easy answer. But let's think about all the facts and not just hearsay. Assaults on officers and other inmates by inmates is on a rise, shortage of staff, double bunking, closures of prisons and removal of rehabilitation programs are issues we should be concerned with. Maybe once we correct all of these issues we will see a decrease in the use of SHU.

Yes, Pat, some people are dangerous and need to be confined. The greater issue is the frequency SHU is used. Fewer than 5% at my facility involved violence against a staff person. About half are correspondence violations. Several women received 30 days in SHU for being late to a medical appointment. I went for reading a family court document to a woman who could neither read nor write English. I broke the rule because it was wrong to watch a woman lose her kids because she was illiterate, couldn't file a piece of paper on her own and our law library was UNSTAFFED. As an enlightened society I simply invite people to ask if it is reasonable to cage a person for non-violent infractions when there are alternatives. Second, most people released from prison return to their communities. The U.N. states more than 2 weeks in isolation is torture with often permanent effects. We are returning damaged people home. Finally, there are numerous studies by corrections organizations that demonstrate the officers working in SHU environments suffer also. They have elevated stress and are likely to retire earlier with health issues.

I served 8 1/2 months in solitary confinement in Albion Correctional Facility and in Bedford Hills. I currently am on parole, and have been threatened to be returned to prison for advocating for the end of this barbaric practice. I am so thankful for everyone on this side of the wall keeping up the pressure. We should be ashamed to treat any human being this way when we condemn other nations for identical practice. jlo, you are SO spot on with the officer making jokes about the mentally ill and what fun it is to torture a prisoner who is really vulnerable. Thanks for holding it down for your man!

My husband has been in a New York prison for 21 years. He had a rough start in prison after being wrongfully convicted. I know most who say they have served an injustice. In this case it's the truth. He's not been in the SHU for over 15 years. He's been a model prisoner. Because of his status we are able to take part in family visits. I'm able to stay with him in a small trailer in a designated part of the prison for 44 hours. Behind the trailer units is a small yard we are allowed to walk around in. On one of the first occasions I heard screaming that was so terrifying and haunting that I held my husband close and asked him what was that. He said it was the mentally ill prisoners. That on the other side of the trailer facilities is where these men are housed. On arrival to one of my visits was an ambulance taking a mentally ill prisoner to the hospital because he had swallowed a plastic razor. The correctional officers thought this was a huge joke. They said when this prisoner gets back we are throwing him in the SHU with what they call a Barney Rubble suit. It's basically a padded apron and they're naked underneath. Then they are locked into the SHU for 23 hours a day. They feed them a Nutraloaf or prison loaf. Google it. It's disgusting. It's meant to be eaten without any utensils. Some men go to the SHU just because. What was meant as a tool for the extremely violent has become an arbitrarily for minor prison violations. So of course they don't want the media to know. The screaming. The filth. The inhumanity.

Don't give up. A light must be shown into these prison sites to inform Americans what is happening to our citizens. Solitary Watch has allowed me and my granddaughters to write to a man who is becoming a friend. He is making a difference in our lives.

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