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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2012/05/14/criminalizing-mental-illness-the-story-of-adam-hall/>

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by [James Ridgeway and Jean Casella](#) | May 14, 2012

When he was five years old, Adam Hall tried to burn down his family home outside Utica in upstate New York. Afterwards, he drew a picture of his family having a happy reunion in heaven. Adams mother, Carole Hall, knew the incident was a cry for help and possibly an early suicide attempt but she had no money to get Adam decent treatment. Through the rest of his childhood, the boy would be in and out of psychiatric institutions and group homes. Carole Hall says he was molested in two of them, but never effectively treated for what would eventually be diagnosed as a panoply of mental illnesses, including bipolar disorder.

What happened next is all too typical of what happens to young people with untreated psychiatric disabilities in New York and throughout the United States, in an era when psychiatric hospitals have closed and jails and prisons have become the default inpatient facilities for the nations mentally ill. Adam Hall ended up in prison for a relatively minor felony, then in solitary confinement. Before long, he would have years added to his sentence for offenses committed in prison once again stemming from his mental illness. If the pattern continues, he could end up spending decades behind bars.

Halls erratic and sometimes violent behavior got him in trouble with the law while he was still a teenager. By the time he was 22, in 2009, he had been convicted of assault after stealing a car and resisting arrest. Sentenced to three years, he joined the estimated 5,000 or more prisoners in New York States prison who are suffering from mental illness.

According to correspondence with Adam Hall and interviews with his mother, he bounced around the prison system for a while. And like many people with mental illness, he quickly got in trouble for breaking prison rules and was disciplined by being placed in lockdown. A 2003 report by New Yorks Correctional Association found that while inmates diagnosed with mental illness made up 11 percent of the states overall prison population, they constituted nearly a quarter of the inmates in isolated confinement in the states Special Housing Units (SHUs). Many of the SHU prisoners the CA interviewed for the report were actively psychotic, manic, paranoid or seemingly overmedicated.

Eventually Hall landed in the Residential Mental Health Unit (RMHU) at Marcy State Correctional Facility. The RMHU is considered an alternative to long-term solitary confinement for difficult to control prisoners with mental illness. In these units, inmates are locked down for much of the day, but receive they a greater measure of out-of-cell time and mental health treatment. Recent litigation and 2008s so-called SHU Exclusion Law were designed to reduce the population of mentally ill inmates in solitary, in part by increasing the number of RMHU beds. And considering the alternatives, it was probably the best placement available to Adam Hall within the prison system.

But Adam Hall remained unstable and suicidal, and in 2011 he attempted to kill himself the same way he had when he was five: he set fire to his RMHU cell. Prison officials had the option to treat the incident as a symptom of Halls mental illness, and address it through internal disciplinary and classification processes. Instead, they chose to send Halls case to a grand jury in Utica, where he was indicted for arson. Facing up to 25 years, Hall let his public defender enter a guilty plea to third-degree arson, and was sentenced to three to six additional years in prison.

Hall was shipped to another RMHU, this one in Attica, where he remains today. The Department of Corrections has charged him for damages to his cell totaling more than \$4,000, which he cannot pay. Because of his debts to the prison, his mother says, any money sent to him to buy food and sundries from the canteen is requisitioned by the state. Adam says he has to sell his prison food to get enough to buy postage stamps.

Adams situations spelled out in a rap sheet he sent to Solitary Watch along with health records provided by his mother appears to fly in the face of the intent of the states hard-won SHU exclusion law. The law is designed to protect and help best generic xanax xr mentally ill inmates who face prison disciplinary proceedings. But it leaves prison officials the option to deal with behavior problems as crimes rather than as mental health issues, and ship them out to the local DA. (Some laws, in fact, appear to have been passed for this express purpose. It is now a felony in New York, for example, to throw feces at a prison officer and offense that is committed almost exclusively by mentally ill inmates in the SHU, as well as those driven mad by solitary.)

The part that bothers me, said one attorney with experience representing prisoners, is: why did DOCCS refer this particular case to the

DA for outside prosecution? We don't have a lot of info, but it appears that if he did have a discipline hearing for this incident it was dismissed, and it may have been dismissed because of his mental health. That they would refer for outside prosecution a case that does not even warrant internal discipline is quite troubling. However, I know of no law that applies. As far as I know, DOCCS simply has discretion to refer cases to local DAs.

Another attorney who defends prisoners' rights confirmed that many disciplinary tickets are written for incidents that could be charged as crimes. If the DOCCS determines to handle it through the prison system, then there is no criminal case. DOCCS does call in the DA for some incidents; this is a discretionary decision. Under the SHU exclusion law, if the incident is dealt with inside the prison system, New York State regulations require that mental health is taken into consideration for the purpose of mitigation and possible dismissal of infractions under certain circumstances. Those regulations are pretty much going to be in effect for anyone who is in an RMHU, meaning that for all disciplinary hearings arising out of incidents in an RMHU, it is likely that the regulations require mental health testimony at the hearing and consideration of mental illness in the disposition. But if the case is kicked to the local DA, no such protections apply.

She continues: If the incident is related to his mental illness, the lack of adequate treatment for that illness, and his inability to conform to the prison environment due to his illness, isn't charging him with a crime the ultimate criminalization of the status of his having mental illness? What purpose does the criminal case serve if these are the facts? It isn't deterrence or rehabilitation; it appears to solely be retribution; is that a sufficient purpose?

When we described this case to a veteran former New York State corrections officer, he said people like Hall were often doomed from the moment they arrived in prison, if not before. They tended to rack up small felony charges, one after the other, so that they effectively served a life sentence, shut away out of sight in some form of solitary confinement.

In a letter written on April 9, 2012, Hall said: It's hard in here for me. I feel like killing myself most of the time like I said but end up cutting myself to relieve the pain or just do things that help me relieve pain. Cutting myself seems the best way but one day I'm going to really cut myself and not tell no one so I can bleed out. That's how I am feeling nowadays. My life's gone down the drain.

The Buffalo office of Prisoner Legal Services of New York, the small but tenacious nonprofit that acts on behalf of inmates in state prisons, sent a letter to Attica asking the mental health unit to look into the situation. Hall wrote both his mother and us that he was making deeper cuts in his arms, cutting into the muscle, building up to a final suicide slitting. On the advice of Prisoner Legal Services, Carole Hall phoned the head of the mental health unit at Attica and told him about the threats. He told Hall he knew nothing about the case but assured her he would look into it.

Whether Hall is alive or dead, whether he has gotten better treatment or simply had his possessions removed and been thrown nearly naked into a suicide cell, his mother doesn't know.

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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this is adams sister i hope he gets all the help he needs i really really really do i still love my brother no matter what

In the 1970s New York started their program of employing their depressed upstate region with prisons. Lock as many people up as you can to give the others jobs. When all the mental hospitals closed they let them loose on the streets so of course they landed in prison. You must ask yourself with the state of New York and its size has over 58 prisons. Either they breed the most evil people on the planet or something else is going on. I believe the latter. Last year The Department of Correctional services and community Supervision merger in New York state: What does it really mean ?

An expansion of Tyranny and Slavery

The recent consolidation of DOCS and parole in New York is being held by many people as a positive step towards alleviating the mass incarceration problem in the state. Any consolidation of power has historically proven to be a step towards increasingly oppressive government authority. This recent shift into a facade of fixing a problem has merely laid the ground work for ever greater harm to those upon whom it is to be applied. In short, now the community is supervised by the prison authorities, the state, in essence, has become one big prison.

History teaches that power does not reverse itself but only seeks expansion. The public largely ignorant to the propaganda of the state of New York. As a woman who grew up in a middle eastern country I see clearly the groundwork of tyranny here.

In the 1970s, New York changed its prisons into correctional facilities under the auspices of fixing the problem. The idea was to not just throw people into a cage, but to rehabilitate them by focusing on teaching trades and education-to fill the inmates (no longer merely prisoners) time productively. Instead, it grew into the monster we have today where much more people are imprisoned for much longer time in order to provide upstate New York with an economy. The natural evolution of such an expansion is to stretch the power to encompass the whole state, rather than separate individual prisons. Issues of injustice and wrongful imprisonment are never actually addressed since those are the methods by which the power feeds itself.

It can not be said the New York does not have an injustice or wrongful conviction problem . The amount of wrongful convictions discovered are a small fraction of those that actually exist.

Most are undiscovered since attorneys , courts, police, and prisons have an interest, political and economical, in keeping the convictions they obtain from being revealed as wrongful. The interests are not in favor of justice no matter how much they declare themselves to be the sole purveyors of justice. Time and again the interests prove to be power at all costs.

In 2006, 1* a report concluded that New Yorks system of indigent criminal defense has failed its constitutional and legal obligations to provide effective assistance of counsel to the indigent accused. With at least 80% of NY prisoners being the indigent accused, there is a substantial amount of convictions that are not only unreliable and questionable, but outright unconstitutional and illegal. It has become standard procedure to arbitrarily dispose of people, and the idea held by many that those merely accused of crime deserve no rights is already a working reality.

The Civil Commitment mandates are an example of steps in this direction. Where people may be imprisoned not upon any actual act crime, but upon an authoritys idea of the likelihood to commit a crime. While it applies only to sex offenders at first because nobody likes them, once the practice is established and the bugs worked out it will be applied to all. It was not that long ago that the same tactic was applied to required DNA collecting. . DNA was first required by law to be taken from only sex offenders. Then violent offenders, then all offenders, despite concerns of invasion of privacy, ect. The steady progress of tyranny has always been advanced under such pretended goals of safety, security, and fixing problems.

In the beginning it may sound like a good solution to problems of mass incarceration. But with this ground work laid the future is open for ever greater enslavement of the population. It may present an opportunity to have a captive workforce ready in the community that does not need to be given a salary. It may have other results that are not fully known at this point. But the principle is certain that with New York now one big prison,the problems of injustice will prove to have been multiplied.

1*
Commission on the Future of Indigent Defense in New York final report to Judge Judith Kaye June 2006

What can we do to stop this abuse?? Its inhumane and cruel punishment and very disturbing!!

This tragedy may be a backlash to a little-known but widespread experiment in social engineering which took place during the 1970s in Minnesota and possibly in other states (my knowledge is limited to Minnesota). For approximately a decade, juvenile courts attempted to treat offenders by sending them to inpatient psychiatric units, often for extended periods of time. They were locked in, often abused by staff, and routinely prescribed heavy doses of medication not approved for use in patients under the age of 18 (the last practice continues to this day). Lost among these sick kids were those who had genuine emotional/mental problems and needed help. When they got instead was a secured facility that was a hospital in name only. The rampant commitment of juveniles declined after a decades use of it proved to be of no use to the consumers more than 90% of the time. It has been revived several times, notoriously during the late 80s-early 90s by chains of private psychiatric hospitals which in some cases kidnapped teens whose families and good insurance and treated them until said insurance ran out.

Now, it seems, the pendulum has swung the other way. Now we label sick kids as criminals and put them in prisons along with genuine criminals. The end result is the same: inhumane conditions, abusive staff, overuse of psychiatric medication, and, as can be seen here, the rampant destruction of young lives. Of course, the system has a solution for its own failures. Where it once merely warehoused people in state hospitals at times for life, now the same people are kept in prisons, also at times for lifelife that is all too often cut short.

State hospitals, and now prisons, serve in part as a means of making difficult or inconvenient people disappear, hardly the intent of either type of institution. In the words of Dr. Thomas Szasz, they provide all the conveniences of murder without the inconvenience of a corpse. Except that the corpses are piling up, a few more each day (yes, just as they did in the days of state hospitals). When will we learn?

I am Adam Halls Mother and I want to thank you all for your concern. We need lots of help and lots of prayers. God bless you all.

yes.we aware of the inhumane conditions of those who are imprisoned with mental illness< but what are we to do? we need a platform perhaps the media to assists us with the dilemma the plagues not only the inmates with mental illness, but their families as well.

i have a son who has a mental illness + a learning disability and is incarcerated at this time, My son was put in the box not once but twice without any counseling. he was put in the box for non-voilent offenses

One was raising his hands, for help in the classroom the teacher did not want to assist him so she wrote him up on harrasment charges. it may seem unreal but yes, this is true, i checked this out by talking to other inmates who knew what had transpired and i found that yes my son was telling the truth. We need to spread theord before we have more and more deaths in prison due to the inhumane treatments of those in need.

Reblogged this on [Faktensucher](#).

very disturbing!

Sometimes it is just too complicated to figure out what is the correct route to take.

Something tells me we will read about this kid mentioned in this New York Times article:

http://www.nytimes.com/2012/05/13/magazine/can-you-call-a-9-year-old-a-psychopath.html?pagewanted=all&_r=1&ref=general&src=me&pagewanted=all

I am afraid that the idea most people have that mental wards are any better without close supervision is misguided. Many mental wards are hell holes where the staff gets away with just about every inhumane act possible.

Whether it is a senior citizen home a mental health ward or prison constant monitoring is required. Helpless people without proper protection will too often be abused and who believes the mentally ill, prisoners, or the feeble minded seniors?

Remember the Jack Nicholson movie One Flew Over the Cuckoos Nest .

Or take this passage from Edward Bunkers memoir Education of A Felon.

Page 20-22:

Pacific Colony was primarily for the mentally retarded, but they took some ninety-day observation cases from the youth authorities. Its one locked ward was the most brutal place I've ever been. Most of my time was spent in the dayroom sitting on the benches. We sat in silence with our arms folded. Any whispering and an attendant might knock you off to the floor. For entertainment, the attendants staged fights between patients.

One favored punishment was pulling the block. The block was a slab of concrete wrapped in layers of an old wool blanket. The blanket-wrapped block was pulled up and down the hall twelve hours a day.

The most brutal punishment was hanging someone by the hands. The miscreant wasn't actually lifted off the floor, but he had to stand on the balls of his feet or let the weight fall on his arms and wrists. After ten minutes it was torture. In fifteen the victim was usually screaming. The attendants preferred old fashioned beatings.

Bunker then goes on to explain in great detail the physical attack on him by staff members that nearly killed him.

The Jabber came in with the shivering energy of a badger. Without a word, he punched me in the face with both hands, short punches from someone accustomed to using his fists. He rocked on the balls of his feet, hands up, leering; 'I'll teach you to yell, you little scumbag.'

I knew fighting back might get me killed.

They could get away with anything. I'd seen brutalities that would never happen in reform school, or even a prison for that matter. This was a hospital. We were patients being cared for.

The Jabber left after that. I pulled the cot away from the wall and began to straighten the blankets.

My door opened again. The Jabber stood there, behind him were a big redheaded attendant and a patient.

This time I punched first. The redheaded attendant got an arm around my neck from the rear and pulled me back.

As the redheaded choked me, the patient goon lifted my feet off the ground. Someone got on the bed and jumped down on my stomach. Someone else smashed a fist into my face six or seven times.

When they left I could barely breathe.

At midnight, when the shift changed, my door opened again and two graveyard-shift attendants came in. The smell of liquor was on his breath. I managed to rise. He knocked me down and kicked me. In his drunken rage he might have kicked me to death if the other attendant had not finally restrained him: 'Knock it off, Fields. You'll kill him. He's just a kid.'

After I was certified as sane they returned me to reform school.

The author Pete Earley wrote a book titled:

Crazy: A Fathers Search Through Americas Mental Health Madness.

<http://www.petearley.com/books/crazy/>

It is worth researching.

There are far too many people like Adam in prisons throughout this country.

They start with minor offenses but get sent into the criminal justice system instead of the medical system, where they belong. Prisons are not mental health treatment centers, and generally make people who are mentally ill worse.

We should stop treating medical conditions as crimes. After all, we don't lock people up who have fevers; so why do we lock people up who have symptoms of mental illness?

A wise person once said: An ounce of compassion goes a lot further than a pound of vengeance.

Maybe we should try it?

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