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Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2020/02/05/in-largest-action-to-date-against-solitary-confinement-hundreds-gather-in-albany-to-push-reform-legislation/>

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by [Katie Rose Quandt](#) | February 5, 2020

Hey hey! Cuomo! Solitary has got to go!

Our families are suffering, and we cant wait. We gotta HALT solitary, in New York State!

The fluorescent-lit underground concourse connecting the New York State Capitol, Legislative Office Building, and other government buildings rang with chants, shouts, and drumming on Tuesday, January 20, with hundreds of advocates lining the corridor as legislators filed into Governor Andrew Cuomos 2020 budget address.

Nearly one thousand people had arrived in Albany by the busload from New York City, Buffalo, and locations across the state, all pushing legislators to pass the [Humane Alternatives to Long-Term \(HALT\) Solitary Confinement Act](#), which would place strict limits on the use of solitary in state prisons and local jails. Many of those gathered were formerly incarcerated, or have loved ones behind bars. Jerome Wright, Upstate Organizer for the [New York Campaign for Alternatives to Isolated Confinement \(NYCAIC\)](#), said the day marked the beginning of what will be nonstop pressure on legislators to bring the bill to a vote this session.

The day of advocacy, which stands as the largest single demonstration against solitary confinement ever held outside prison walls, included a number of other events. A morning press conference featured [Alicia Barraza](#), whose 21-year-old son Ben Van Zandt committed suicide in solitary confinement in a New York prison in 2014, and [Akeem Browder](#), whose brother Kalief killed himself in 2015 at age 22 after spending years in solitary on Rikers Island. They were followed by a lineup of legislators eager to add their own condemnation of New Yorks solitary confinement practices. The day concluded with a [dance protest outside Cuomos office](#) in the capitol.

But the demonstration in the concourse was perhaps the days most memorable episode, as legislators on their way to Cuomos budget meeting walked a 200-foot gauntlet of energetic, chanting, dancing protesters. People who normally duck us, arent going to be able to duck us today, said Wright. Were letting them know that were here, that we demand respect, and we want them to bring this to a vote.

Many legislators werent looking to duck the crowd. Some, including the bills original Assembly sponsor, Jeffrion Aubrey of Queens, smiled, waved, and raised fists in solidarity as they made their way into the meeting room. The HALT Solitary Confinement Act has been introduced every year since 2014, continually gaining additional co-sponsors. By the time the last legislative session ended in June, the bill had 34 co-sponsors in the Senate and 78 in the Assembly more than enough to pass.

In the final day of that session, advocates gathered in Albany to await a vote, and more than a dozen went on an [eight-day hunger strike](#) to pressure leaders of the two houses to bring the bill to the floor. But, as legislators and the governor worked out last-minute agreements and pushed through a host of progressive bills on [carbon-reduction](#), [voting rights](#), [tenants rights](#), and other issues, the HALT bill never made it to the floor.

Although Gov. Cuomo says he supports solitary reform, his behind-the-scenes negotiations with legislative leadership appear to have prevented the easy-pass vote in June, and he has implied the [HALT bill would be too expensive](#) to implement, particularly for counties that would have to bring their jails into compliance. And while the bill has a [long list of supporters](#), including the Mental Health Association of New York State, National Religious Campaign Against Torture, and many other civic and religious groups, it is opposed by the New York State Correctional Officers & Police Benevolent Association, which [claims that HALT](#) directly threatens the safety of our brothers, sisters and their families who live and work in your districts.

On Tuesday, legislators speaking at NYCAICs press conference promised to bring the bill to a vote this session. Gov. Cuomos office has not responded to Solitary Watchs question as to whether he would sign the bill into law.

https://www.youtube.com/watch?v=VAYr7cmD3_Y&feature=youtu.be

The HALT Solitary Confinement Act would bring New York State in line with the United Nations [Nelson Mandela Rules](#) by limiting solitary confinement to 15 days with an additional limit of 20 days in any 60-day period to protect people from cycling in and out. Individuals requiring continued separation from general population would be housed in alternative units providing seven out-of-cell hours a day and congregate programming. (Placement in alternative units would be reviewed in hearings every 90-days, and would be time-limited to one year.) The bill would also allow legal representation at solitary hearings, establish outside oversight and mandatory reporting requirements, and limit the reasons for sending someone to solitary or alternative units. (Currently, people can be condemned to solitary for disobeying a direct order, testing positive for marijuana use, and a host of other nonviolent rule infractions.) The HALT bill also categorically bans solitary for people younger than 22 or older than 54, anyone who is pregnant or postpartum, and anyone with a physical, mental, or medical disability.

The HALT bills 15-day solitary limit applies to people in local jails as well as state prisons, and those in so-called Administrative Segregation and Protective Custody, as well as Disciplinary Segregation. Notably, it applies to individuals who are locked down in their own cells in what is called Keeplock, as well as those placed in separate Special Housing Units (SHUs). An October 2019 [New York Civil Liberties Union report](#) showed that while the number of solitary sentences to the SHU has decreased slightly since the organization settled a lawsuit with the state in 2015, the total number of solitary stints actually *increased* due to increased use of Keeplock. In 2018, people were put in solitary more than 40,000 times in New York prisons.

At the end of the last legislative session, Governor Cuomo proposed his own, alternative set of regulations, which as is the case with many solitary reforms nationwide is [ripe with potential loopholes](#) that prisons could exploit. Cuomos regulations only apply to those in SHUs, not in Keeplock in their own cells, and includes no categorical ban on solitary for certain vulnerable populations. It would limit solitary to 90 days beginning April 2021, then 60 days six months later, then ultimately 30 days by April 2022, but does not have any further limitations to protect people from cycling in and out of solitary. His proposed alternative units have fewer hours out-of-cell and no time limits, and his reporting requirements are less vigorous than the HALT bills.

Wright said he is concerned that Cuomos proposed regulations would take so long to reach a 30-day limit. I've got a leak in my house, I don't want it fixed in three years, he said. I want it fixed now.

Wright, who spent more than seven years of his 30-year prison sentence in solitary, has been a leader in New York criminal justice reform since his 2009 release. In late 2018, [he was arrested](#) and sent to jail for more than six months on an alleged parole violation. He says this happened after he was berated and put on tight restrictions by a parole officer who disliked his organizing work. But that experience didn't stop Wright from leading the charge in Albany last week. I went to prison for doing the wrong thing, he said. I don't mind going back for doing right.

Hundreds thousands of men, women, and children right now are sitting in a 6 by 9 cell all alone, Wright told the gathered advocates. Some of them contemplating suicide, some of them unfortunately committing the act, most of them being irreparably damaged by solitary confinement. We are not accepting it. We are not accepting you damaging our family members, our loved ones, and then sending them back into the community and then blaming them for the damage that you're creating.

At the end of the day, solitary confinement is torture, said Danielle, who didn't want to use her last name for fear of retaliation against her son, who has been in solitary several times over the past 13 years of his prison sentence. When she visited during his stints in solitary, I would sit there and look at his eyes, and his eyes wouldn't stay straight. Because it affected him mentally. Because he couldn't focus, from being in that hellhole.

She said her son has been put in solitary and faced other forms of retaliation for making facial expressions the COs didn't like, or for becoming close to other incarcerated people. They don't like them to be friendly toward each other, to congregate, she said. They want them to stay separate and miserable.

It destroys them mentally, it destroys them physically, because of the stress of it, she said. They may have made a mistake, but they're not evil people. But the *system* is evil. It's like prehistoric, medieval torture.

Danielle livestreamed the press conference on Facebook so fellow supporters could follow along as legislator after legislator promised to bring the HALT bill to a vote. Many invoked the words of Martin Luther King, Jr., whose birthday had been celebrated the previous day, or led the energetic crowd in chants of End it now!

How many of my colleagues can hear your stories, and not pass this bill is beyond me, said Assemblymember Catalina Cruz. How can the Governor, after hearing your pleas, not sign this? How have we not voted on this yet? Last year they tried to force our hand and we did not let them. We should have had it already. We are demanding a vote. There are too many of you suffering.

The fact that we in New York continue to take centimeter steps is unacceptable, said Assemblymember Linda Rosenthal. We know it inflicts harm, we know it can cause suicide, we know people who have been in the hole suffer for years.

What would Martin Luther King think? asked Sen. Brad Hoylman. If he knew today, in the 21st century, that we lock largely men of color in darkness without human contact? We treat them worse than dogs. This cruel and destructive practice has no business in the state of New York. It has no business anywhere.

We're in a new year. We're in a new decade, said Assemblymember Nathalia Fernandez. I hope you hear us, Governor Cuomo, because if you don't hear us now, then we're going to be here every day. We will not end this session without passing this bill.

Right now, the whole country is watching New York, Jessica Sandoval, Campaign Strategist for the [Unlock the Box](#), a coordinated national campaign to end solitary confinement, told Solitary Watch. New York has one of the most progressive bills that we have seen, and it's gaining traction. It's primed, it's ready to go.

I think there is an imminent tipping point to end solitary in this country, she said. We have a long way to go in educating the public on this issue, but there are many advocates across the country who are working to end solitary in their respective states. She noted that

nearly 30 states introduced some type of anti-solitary legislation last year. Eight bills passed, including one that will bring about a sweeping overhaul of solitary in New Jersey. We hope New York will follow, and then many other states.

Curtis Griffin spent a total of 14 years in solitary confinement over more than two decades in prison. He was often sent to solitary, or had his solitary sentence extended for up to a year, for providing unauthorized legal assistance as a jailhouse lawyer.

But he also said some of his stints came from getting into fights with officers something he saw as unavoidable. Sometimes you have to defend yourself, he said. Its a crazy thing, in Attica, and Clinton, and Sing Sing. Those are some crazy places. For Griffin, solitary confinement was just one expression of the us vs. them mentality of many officers toward incarcerated people, as well as the racism and brutality that are rife in New Yorks prisons. A 2016 [investigation by the New York Times](#) confirmed that in most prisons, blacks and Latinos were disciplined at higher rates than whites in some cases twice as often. They were also sent to solitary confinement more frequently and for longer durations.

I was in the military, but what I experienced in prison was totally off the wall, he said. You either have to get very close to God, or youre going to lose yourself in there. Ive seen guys go crazy. Strong men that literally never came back. I used to tell my mom when she was alive, What I am witnessing in prison, Hollywood couldnt put together a script to match it. Because you just couldnt believe that human beings do this to each other.

Looking around at the chanting crowd, he commented, Its nice to see all the youth out here, and really understanding the situation. All this, its overdue.

Wright was heartened by the days events as well. I was really moved and encouraged by how forcefully the legislators were speaking, he said. They were speaking from the heart.

But for NYCAIC and the fired-up protesters, the work is far from finished. Wright said there are advocacy and lobbying events planned in Albany through the month of June, including an upcoming day focusing on mental health professionals, and another for faith leaders.

We're gonna be here every week if we have to.

Katie Rose Quandt is a senior contributing writer/editor at Solitary Watch and freelance journalist based in the Bronx. Her work has appeared in The Atlantic, Slate, The Nation, The Guardian, and Mother Jones. She is also a senior editor at the Prison Policy Initiative, and was an Alicia Patterson Foundation Fellow and Soros Justice Media Fellow. Find her [@katierosequandt](#) and at [katierosequandt.com](#).

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