

A MEMORIAL

REQUESTING THE APPROPRIATE LEGISLATIVE INTERIM COMMITTEE TO CONVENE A WORKING GROUP TO GATHER INFORMATION REGARDING THE USE OF SOLITARY CONFINEMENT IN NEW MEXICO PUBLIC AND PRIVATE CORRECTIONAL FACILITIES, TO DETERMINE THE IMPACT OF SOLITARY CONFINEMENT ON INMATES AND TO ASSESS THE EFFECTIVENESS OF SOLITARY CONFINEMENT IN REDUCING PROBLEMS AND COSTS.

WHEREAS, the primary goal for incarceration is to improve public safety and decrease recidivism; and

WHEREAS, according to corrections department statistics, nearly ninety-five percent of all inmates incarcerated in state prisons will return to their respective communities; and

WHEREAS, nearly one-half of all prisoners released from a New Mexico prison are unsuccessful in their transition to the community, as demonstrated by published recidivism rates; and

WHEREAS, offenders are entitled to a safe and humane environment while in prison; and

WHEREAS, a balanced correctional approach for offenders, from incarceration to community-based supervision, includes training, education, programs and services to provide the best opportunity for offenders to transition to communities; and

WHEREAS, the average cost to incarcerate an inmate in New Mexico is thirty-nine thousand dollars (\$39,000) per year,

and the cost of solitary confinement exceeds the average cost of incarceration; and

WHEREAS, approximately eighty-five percent of New Mexico offenders have substance abuse problems, and many have co-occurring disorders defined as both diagnosable substance use and a mental health disorder; and

WHEREAS, the term "segregated solitary housing" means the housing of an inmate in conditions characterized by substantial isolation from other prisoners pursuant to disciplinary, administrative or classification action, restricting the prisoner to the assigned living quarters; and

WHEREAS, while in segregated solitary housing, an inmate's movement and privileges are significantly restricted compared to those enjoyed by prisoners in the general population, including segregation that may be for twenty-three hours a day or more in which the prisoner is given only extremely limited or no opportunities for direct and normal social contact with other persons and is afforded extremely limited, if any, access to meaningful programming of any kind; and

WHEREAS, the term "long-term segregated solitary housing" means segregated housing that is expected to extend or does extend for a period of time exceeding thirty days; and

WHEREAS, Stuart Grassian, a Massachusetts psychiatrist specializing in the psychological effects of solitary

confinement, described the isolation and lack of stimulation experienced by inmates in solitary confinement as toxic to mental functioning, stating that "they become a greater danger to the security staff and they become an enormous danger when they are released to the community"; and

WHEREAS, in a March 30, 2009 article in *The New Yorker* magazine, United States Senator John McCain is quoted as saying, "It's an awful thing, solitary, ... It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment."; and

WHEREAS, isolation can be psychologically harmful to any prisoner, with the nature and severity of the impact depending on the individual, the duration of the isolation and the particular conditions of confinement; and

WHEREAS, some states, such as Mississippi, Texas and Illinois, have decreased the number of inmates in solitary confinement in response to budget pressures, legal challenges and concerns about the punishment's effectiveness; and

WHEREAS, the Mississippi department of corrections, spurred by federal lawsuits over deteriorating prison conditions, sharply reduced solitary confinement numbers over the past two years, from nearly one thousand inmates to about one hundred fifty inmates, and saved an estimated six million dollars (\$6,000,000) without experiencing any increase in safety problems; and

WHEREAS, the Mississippi department of corrections has developed alternatives to solitary confinement and has identified improved approaches to accommodating prisoners with mental illness; its model has led to fewer incidents of violence among prisoners and between inmates and prison staff; and

WHEREAS, forty states and the federal government now operate either maximum security prisons or special segregation units within prisons in which prisoners remain in their cells at least twenty-two hours a day, according to a study by Florida state university; and

WHEREAS, at any given time, between twenty-five thousand and one hundred thousand prisoners in the United States are serving time in either permanent or temporary solitary confinement, and that number continues to increase; and

WHEREAS, a 2006 study by the commission on safety and abuse in America's prisons found that isolating prisoners can be twice as costly as standard incarceration, due to the fact that an offender in a single cell requires at least two guards to escort the offender to shower or recreation areas; and

WHEREAS, that same report found that solitary confinement does more harm than good, is more expensive and does little to improve prison security or reduce violence; and

WHEREAS, responding to that report, United States

Senator Tom Coburn, chair of the senate judiciary subcommittee on corrections and rehabilitation, stated that "For the vast majority of inmates prison is a temporary, not a final, destination. The experiences inmates have in prison – whether violent or redemptive – do not stay within prison walls, but spill over into the rest of society. Federal, state, and local governments must address the problems faced by their respective institutions and develop tangible and attainable solutions.";

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the appropriate legislative interim committee be requested to convene a working group to gather information regarding the use of solitary confinement in public and private correctional facilities in New Mexico, to determine the impact of solitary confinement on inmates and to assess the effectiveness of solitary confinement in reducing problems and costs; and

BE IT FURTHER RESOLVED that the working group include representation from the corrections department, the veterans' services department, disability rights New Mexico, the New Mexico psychological association, the psychiatric medical association of New Mexico, the American civil liberties union, the New Mexico medical society, the American medical association, the New Mexico women's justice project, the New Mexico faith community and the juvenile justice division of

the children, youth and families department and a former district court of appeals or New Mexico supreme court judge; and

BE IT FURTHER RESOLVED that the working group gather information regarding the effectiveness of prisoner classification levels, criteria for placing an inmate in solitary confinement, whether staff working with prisoners in solitary confinement receive any specialized training, the results of any evaluations of the process of solitary confinement in New Mexico and other states and the effectiveness of step-down units to transition inmates from solitary confinement to ordinary incarceration or to the community; and

BE IT FURTHER RESOLVED that the working group collect data and statistics regarding the number of inmates in solitary confinement in New Mexico with mental illness, the number of mental health professionals who work with inmates in solitary confinement, the number of suicides committed by inmates held in solitary confinement and other relevant data as identified by the working group; and

BE IT FURTHER RESOLVED that the working group examine and describe the conditions of solitary confinement in New Mexico public and private prisons; and

BE IT FURTHER RESOLVED that an initial report of the findings and recommendations of the working group be presented

to the appropriate interim legislative committee by October 2012, and that a final report of the findings and recommendations of the working group be presented to the appropriate interim legislative committee by October 2013; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico legislative council and to all other proposed members of the working group.