

1 A MEMORIAL

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

8
9 WHEREAS, the primary goal for incarceration is to
10 improve public safety and decrease recidivism; and

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

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

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

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

1 WHEREAS, the average cost to incarcerate an inmate in
2 New Mexico is thirty-nine thousand dollars (\$39,000) per
3 year, and the cost of solitary confinement exceeds the
4 average cost of incarceration; and

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

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

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

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

1 and

2 WHEREAS, Stuart Grassian, a Massachusetts psychiatrist
3 specializing in the psychological effects of solitary
4 confinement, described the isolation and lack of stimulation
5 experienced by inmates in solitary confinement as toxic to
6 mental functioning, stating that "they become a greater
7 danger to the security staff and they become an enormous
8 danger when they are released to the community"; and

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

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

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

22 WHEREAS, the Mississippi department of corrections,
23 spurred by federal lawsuits over deteriorating prison
24 conditions, sharply reduced solitary confinement numbers over
25 the past two years, from nearly one thousand inmates to about

1 one hundred fifty inmates, and saved an estimated six million
2 dollars (\$6,000,000) without experiencing any increase in
3 safety problems; and

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

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

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

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

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

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

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

23 BE IT FURTHER RESOLVED that the working group include
24 representation from the corrections department, the veterans'
25 services department, disability rights New Mexico, the

1 New Mexico psychological association, the psychiatric medical
2 association of New Mexico, the American civil liberties
3 union, the New Mexico medical society, the American medical
4 association, the New Mexico women's justice project, the
5 New Mexico faith community and the juvenile justice division
6 of the children, youth and families department and a former
7 district court of appeals or New Mexico supreme court judge;
8 and

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

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

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

4 BE IT FURTHER RESOLVED that an initial report of the
5 findings and recommendations of the working group be
6 presented to the appropriate interim legislative committee by
7 October 2012, and that a final report of the findings and
8 recommendations of the working group be presented to the
9 appropriate interim legislative committee by October 2013;
10 and

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

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