

Memo of Opposition to Resolution No. 165

Robert F. Kennedy Human Rights opposes Resolution No. 165 and urges the Ulster County legislature to vote no on the resolution.

Robert F. Kennedy Human Rights (“RFK Human Rights”) is a nonpartisan, not-for-profit organization that has worked to realize Robert F. Kennedy’s dream of a more just and peaceful world since 1968. The U.S. Advocacy and Litigation Program at RFK Human Rights partners with grassroots community organizations to seek accountability for human rights abuses in the U.S. criminal legal and immigration systems and to promote fairness, equity, and dignity for all people whose lives are touched by those systems.

When the New York Senate passed HALT, [it did so explicitly to conform DOCCS practices to international human rights standards](#) banning prolonged solitary confinement as torture.¹ HALT’s purpose is to protect against the horrific, often permanent consequences of prolonged solitary confinement. More than a third (33%) of people held in solitary confinement become psychotic and/or suicidal [within the first 15 days](#),² and people who have been subjected to solitary confinement are [78% more likely to commit suicide](#) within a year of being released from prison.³ Under international law, prolonged solitary confinement constitutes torture, defined as the intentional infliction of severe physical or mental pain or suffering upon a person.⁴ According to the United Nations Special Rapporteur on Torture, “Solitary confinement, when used for the purpose of punishment, cannot be justified for any reason, precisely because it imposes severe mental pain and suffering beyond any reasonable retribution for criminal behaviour.”⁵ The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Mandela

¹ See Press Release, New York State Senate, Senate Passes the ‘HALT’ Solitary Confinement Act (Mar. 18, 2021), <https://www.nysenate.gov/newsroom/press-releases/2021/senate-passes-halt-solitary-confinement-act> (“The Nelson Mandela Rules, adopted by the United Nations, define segregated confinement for more than 15 days as torture. HALT will bring New York in compliance with this international standard and save the State tens of millions of dollars over the next several years.”).

² Craig Haney, *Mental Health Issues in Long-Term Solitary and “Supermax” Confinement*, 49 Crime and Delinquency 124 (2003).

³ Lauren Brinkley-Rubinsten, Josie Sivaraman & David L. Rosen, *Association of Restrictive Housing During Incarceration with Mortality After Release*, JAMA Network Open (2019).

⁴ CAT art. 1; Manfred Nowak (Special Rapporteur on the Question of Torture), *Civil and Political Rights Including the Questions of Torture and Detention*, ¶ 35, U.N. Doc. E/CN.4/2006/6 (Dec. 23, 2005).

⁵ U.N.G.A., 66th Sess., Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Punishment, ¶ 81, U.N. Doc. A/66/268 (Aug. 5, 2011), <https://undocs.org/A/66/268>.

Rules, explicitly prohibit indefinite and prolonged solitary confinement, defining prolonged solitary confinement as anything longer than 15 days.⁶

Evidence demonstrates that by causing people to deteriorate, solitary confinement *worsens* safety for everyone, including incarcerated people, corrections staff, and outside communities.⁷ Meanwhile, there are alternative forms of separation proven to reduce violence by utilizing full days of out-of-cell group programming and engagement aimed at addressing the reasons a person is separated. Programs like M.A.N., RSVP, Merle Cooper, CAPS and PACE, and more have all operated as the opposite of solitary confinement and led to dramatic reductions in violence. For example, the RSVP program included people who had committed the most serious violence, involved full days of out-of-cell group programming and engagement, and led to a dramatic drop in violence to zero incidents over an entire year.

Since it went into effect in 2022, the HALT Solitary Law has saved lives and reduced suffering. HALT led to the closure of one of the state's all-solitary prisons, led to the reduction in the use of SHU—the main form of solitary—and has meant that people who had spent years and decades in solitary, have successfully gone into general population, or alternative units, or have come home successfully in the outside community.

Undoing the protections of the HALT Solitary Law would sanction torture, worsen safety for everyone, cause immense suffering, and lead to people dying. Instead, prisons and jails must immediately and fully implement the HALT Solitary Confinement Law, while using true proven alternative forms of separation to stop torture, save lives, and improve safety for everyone. The passage of HALT represented the fulfillment of a historic commitment to end state-sponsored torture in New York by bringing DOCCS practices in line with international humanitarian law. We urge the Ulster County legislature to fulfill its commitment to its constituents.

Thank you for your consideration and for voting no on Resolution No. 165.

⁶ G.A. Res. 70/175: United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 43–44, U.N. Doc. A/RES/70/175, (Jan. 8, 2016), <https://undocs.org/A/RES/70/175>.

⁷ Emmett Sanders, *Rolling Back Solitary Confinement Reforms Won't Make Prisons Safer*, Prison Policy Initiative (April 11, 2025), https://www.prisonpolicy.org/blog/2025/04/11/halt_rollback/; see also Alex Barber, *Less Restriction Equals Less Violence at Maine State Prison*, Bangor Daily News (June 15, 2012), <https://www.bangordailynews.com/2012/06/15/news/less-restriction-equals-less-violence-at-maine-state-prison/>; David H. Cloud et al., *"We Just Needed to Open the Door": A Case Study Of The Quest To End Solitary Confinement in North Dakota*, 14 Health Justice (2021).