

States that Provide Mental Health Alternatives to Solitary Confinement

Throughout the country, a growing number of states now prohibit housing inmates with mental illness in solitary confinement. In some states, reform came only after years of litigation. In others, correction officials knew it was the right thing to do and enacted changes on their own. New York should follow the footsteps of other states by enacting Assembly Bill A8849—before current litigation mandates reform and millions of taxpayer dollars are spent on protracted legal costs.

➤ CALIFORNIA

The *Madrid v. Gomez* case ruled that it was cruel and unusual punishment to confine the mentally ill in the secure housing unit of Pelican Bay prison. In response, prison administrators created the Psychiatric Services Unit, a high-security unit where prisoners receive individual and group therapy, indoor leisure activities, outdoor recreation, regular access to psychiatrists and to counselors, and routine mental health monitoring.

➤ CONNECTICUT

In Connecticut, the lawsuit *State of Connecticut Office of Protection & Advocacy for Persons With Disabilities v. Choinski*, was brought challenging the conditions of confinement for prisoners with mental illness. The lawsuit has led to negotiations with the Connecticut Department of Correction, and a proposed settlement is awaiting legislative approval.

➤ COLORADO

The state of Colorado reached a settlement in 1994 in *Ramos v. Lamm*, requiring the state to build new prisons for mentally ill inmates. Since this time the state has added one 250-bed facility and one 500-bed facility for the mentally ill.

➤ FEDERAL BUREAU OF PRISONS

In response to the prevalence of self-injurious and aggressive behavior among inmates with serious psychiatric and behavioral disorders, the Federal Bureau of Prisons introduced Dialectical Behavioral Therapy (DBT), the only empirically effective treatment for such individuals. Inmates in the program live in the general prison population and attend DBT groups five times a week. They learn how to stop self-destructive and violent behavior, improve decision-making and communication skills and develop self-awareness. The 25 inmates who piloted the program had accrued a combined total of 1,192 incident reports prior to enrolling. After just six months in DBT, the number of incident reports dropped to 24.

➤ FLORIDA

The settlement of *Osterback v. Moore* resulted in improved mental health treatment and out-of-cell time for mentally ill inmates in disciplinary housing, including group and individual counseling, case management, psychiatric consultations, psychotropic medications and timely referrals to inpatient care. Inmates with serious

mental illness in disciplinary housing receive programming on closed circuit television, out-of-cell time and 10 hours a week of group therapy.

➤ **NEW JERSEY**

The settlement in *D.M. v. Terhume*, provides that mentally ill inmates facing prison disciplinary proceeding may be sent for treatment in lieu of punishment, and that inmates suffering from a deteriorated mental condition will be removed from disciplinary detention.

➤ **NEW MEXICO**

In May 2003, the state settled the case of *Ayers et. al. v. NM Department of Corrections*. Included in the settlement was an agreement to stop housing mentally disabled inmates in the states Supermax facility, and to provide these inmates with treatment. The State has agreed to greatly expand the number of psychiatric treatment beds in the alternative placement area for inmates with serious mental health disabilities. Staff will be directly involved in the ongoing screening of inmates for mental health needs, and developing pre and post placement treatment plans. They will also actively participate in decisions classifying inmates within the level system, in disciplinary proceedings, and will train nonprofessional staff to deal more effectively with mental health problems among inmates.

➤ **OHIO**

Austin v. Wilson resulted in the exclusion of prisoners with serious mental illness from solitary confinement. Instead, these individuals are placed in the Residential Treatment Unit or in the J-4 administrative control unit, where they have better access to mental health treatment, participate in structured programming and indoor and outdoor recreation, and are provided opportunities to interact with other prisoners.

➤ **TEXAS**

In *Ruiz v. Estelle*, a federal court ruled that it was cruel and unusual punishment to confine mentally ill inmates in solitary confinement. In response, Texas officials developed the AdSeg Maintenance Psychiatric Program to provide intensive counseling to inmates with serious mental illness in need of high-security housing and a “step-down” program to transition these individuals back to the general prison population. Correction officials also increased mental health training for security staff and established oversight through regular onsite audits by university providers, outside consultants and the National Institute of Corrections.

➤ **WISCONSIN**

In the settlement of *Jones ‘El v. Berge*, the court established a permanent prohibition on the confinement of seriously mentally ill prisoners in super-maximum-security housing.