



POLICY REPORT
NOVEMBER 2020

Save Money, Save Lives: An Analysis of the Fiscal Impact of the HALT Solitary Confinement Act



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Executive Summary

Solitary confinement exacts an incalculable human toll. It also imposes heavy financial costs for New York State and localities across the state. Reducing the use of solitary confinement by enacting the [Humane Alternatives to Long Term \(HALT\) Solitary Confinement Act](#)¹ could not only most importantly stop inhumane practices and save lives, but also save New York State and localities over \$1.32 billion over 10 years.

New York State is grappling with the economic devastation of the COVID-19 pandemic, while also in the midst of the largest protests against racial inequality in a generation. Meanwhile, Black and Latinx people continue to suffer disproportionately, and often fatally, from solitary confinement.

As these crises converge, it is both a fiscal and moral imperative for New York State to reduce the billions of dollars spent on its incarceration system and use the savings to better fund education, housing, health care, and employment opportunities for the communities most harmed by COVID-19 and longstanding systemic racism and inequality.

ANNUAL COSTS FOR NEW YORK PRISONS AND JAILS IN NEW YORK STATE	
Annual Costs for New York Prisons	\$3.2 Billion
Annual Costs for New York City Jails	\$1.33 Billion
Annual Costs for Jails Outside New York City	\$1.275 Billion
Total Annual Costs for New York State Prisons and Jails	\$5.8 Billion²

New York spends over \$5.8 billion annually on prisons and jails alone. One way to decrease this massive sum is to reduce the use of solitary confinement. Experts across the country [have long recognized](#) that reducing solitary confinement saves state and local governments money.³ Despite this well-researched fact, in June 2019 New York Governor Andrew Cuomo stated that enacting the HALT Solitary Confinement Act would cost New York State and local municipalities large amounts of money.

¹ The Humane Alternatives to Long Term (HALT) Solitary Confinement Act, S.1623/A.2500 (2019-2020), *available at*: https://assembly.ny.gov/leg/?default_fld=&leg_video=&bn=A02500&term=2019&Summary=Y&Text=Y.

² For all calculations throughout this report, displayed items have generally been rounded to the nearest whole integer (dollar or person or other item), and often to the nearest relevant billion, million, hundred thousand, or ten thousand dollars, while further digits and decimal places were maintained and utilized in the calculations themselves.

³ American Civil Liberties Union, *State Reforms to Limit Solitary Confinement*, 2013, *available at*: <https://www.aclu.org/other/stop-solitary-recent-state-reforms-limit-use-solitary-confinement/?redirect=criminal-law-reform-prisoners-rights/stop-solitary-recent-state-reforms-limit-use-solitary>; Solitary Watch, *The High Cost of Solitary*, Fact Sheet, 2011, *available at*: <https://solitarywatch.org/wp-content/uploads/2011/06/FACT-SHEET-The-High-Cost-of-Solitary-Confinement2.pdf>.

The purpose of this report is to provide a fiscal analysis of the implementation of the HALT Solitary Confinement Act. We estimate that enacting **HALT could save New York State and localities \$132 million per year.**

Dramatic reductions in the use of solitary under HALT will allow the state to close entire prisons, buildings, and units, generating nearly \$80.36 million in savings annually. Restricted criteria for placement in alternative-to-solitary units will reduce the number of people in these units and thus reduce current costs. Importantly, these alternative units will not require any additional physical space or construction. If there are any minimal costs related to physical space, they will be covered many times over by the tens of millions of dollars already approved and allocated for construction of alternative-to-solitary units under Governor Cuomo’s own proposal for limiting solitary, which was funded in previous budgets.

Less use of solitary and the provision of alternatives will allow people who appear before the Parole Board to be more successful, leading to a greater number of releases, fewer people incarcerated in New York State prisons, and corresponding annual savings. Moreover, state and local governments will also save money through decreased violence and medical costs (during incarceration and after release), and decreased lawsuit expenses and settlements. Finally, HALT will reduce the number of people who are reincarcerated in jails or prisons—another driver of savings.

ANNUAL COST SAVINGS IN NEW YORK PRISONS AND JAILS FROM HALT SOLITARY ACT	
Closing SHU Prisons / Units in Prisons	\$80.36 Million
Reduction in Costs of Alternative Units in Prisons	\$7.4 Million
Reduction in In-Prison Medical Costs	\$743,400
Reduction in Lawsuit Settlements in Prisons	\$2.53 Million
Reduction in Prison Population from More Parole Releases	\$12.27 Million
Reduction in People from Prisons Being Reincarcerated	\$9.17 Million
Reduction in State Community Medical Costs from Prison Changes	\$731,000
Reduction in State Community Medical Costs from Jail Changes	\$932,000
Reduction in Lawsuit Settlements in Jails	\$5 Million
Reduction in People from Jails Being Reincarcerated	\$12.64 Million
Reduction in Local Community Medical Costs from Prison Changes	\$214,500
Reduction in Local Community Medical Costs from Jail Changes	\$273,500
Total Annual Cost Savings from the HALT Solitary Act	\$132 Million

MULTI-YEAR SAVINGS FROM THE HALT SOLITARY ACT	
Total Annual Savings for the State and Local Municipalities	\$132 Million
5 Year Savings from HALT Solitary Act	\$661 Million
10 Year Savings from HALT Solitary Act	\$1.32 Billion

Solitary confinement has long been recognized as a form of torture. It causes devastating physical and mental harm to people locked in solitary, as well as their families and entire communities. It is predominantly and disproportionately inflicted on Black and Latinx people. Tens of thousands of people every year suffer in solitary, and far too often solitary leads to their death.

The HALT Solitary Confinement Act—which has majority support in both houses of the New York State legislature due to years of organizing led by people who have survived solitary and families of incarcerated people—will substantially reduce the use of an inhumane and counterproductive practice, save lives, and reduce racially disparate harm. It will also save the state and localities substantial funds at a time when New York is facing a multi-billion dollar budget shortfall.

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Introduction

BACKGROUND ON THE HARMS OF SOLITARY CONFINEMENT

While this report is focused on the fiscal impact of the HALT Solitary Confinement Act, the devastating human toll caused by solitary confinement must remain at the forefront. Passing HALT will save the state and local municipalities millions of dollars, but the savings in human lives and human potential far outweigh the financial benefits.

Human beings need meaningful human engagement to survive and thrive. Solitary confinement deprives people of opportunities for congregate activities and programming. It causes intense suffering and leads to [psychological](#),⁴ [physical](#),⁵ and [neurological](#)⁶ damage.

People in solitary are far more likely to engage in acts of [self-harm](#) and [die by suicide](#).⁷ For example, a [26-year-old at Wende Correctional Facility](#) died by suicide in solitary confinement in 2017, leaving a suicide note apologizing to his mother that “he could not live like this anymore” and apologizing to security staff for all the paperwork they would have to complete due to his death.⁸ In the Niagara County Jail, Daniel Pantera deteriorated mentally and physically in solitary confinement, knocked himself out by running straight into the cell wall, and later reportedly died of hypothermia because of the extreme cold of his solitary confinement cell.⁹

Those confined to solitary are far more likely to [suffer](#) heart disease, heart attacks, strokes, and loneliness.¹⁰ Even after returning to the outside community, past time spent in solitary leads people to have [higher rates of death](#), including from suicide, homicide, and drug overdose.¹¹ People who spend even a few days in solitary confinement are also—after release—[more likely to die](#) by accident, suicide, violence, or other causes.¹²

⁴ See, e.g., Sarah Childress, *Craig Haney: Solitary Confinement is a “Tried-and-True” Torture Device*, PBS Frontline, April 22, 2014, available at: <https://www.pbs.org/wgbh/frontline/article/craig-haney-solitary-confinement-is-a-tried-and-true-torture-device/>.

⁵ See, e.g., Tasfia Jahangir, Solitary confinement is bad for the heart too, Massive Science, Jan. 20, 2020, available at: <https://massivesci.com/notes/cardiovascular-health-comparison-solitary-confinement-prison-health/>.

⁶ See, e.g., Dana G. Smith, *Neuroscientists Make a Case against Solitary Confinement*, Scientific American, Nov. 9, 2018, available at: <https://www.scientificamerican.com/article/neuroscientists-make-a-case-against-solitary-confinement/>.

⁷ See, e.g., *The Walls are Closing in on Me: Suicide and Self-Harm in New York State’s Solitary Confinement Units, 2015-2019*, #HALTsolitary Campaign, May 2020, available at: http://nycaic.org/wp-content/uploads/2020/05/The-Walls-Are-Closing-In-On-Me_For-Distribution.pdf; Fatos Kaba, et. al., *Solitary Confinement and Risk of Self-Harm Among Jail [Incarcerated People]*, Am J Public Health, 104(3): 442–447, March 2014, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3953781/>.

⁸ Reuven Blau & Carson Kessler, *Many Deaths at New York State Prisons Are Preventable, Review Finds*, The City, July 5, 2020, available at: <https://www.thecity.nyc/2020/7/5/21312137/new-york-state-prisons-death-preventable>.

⁹ See, e.g., Thomas J. Prohaska, *Niagara County, jail medical providers to pay settlements in 2 deaths*, Buffalo News, Mar 22, 2018 (Updated Aug 3, 2020), available at: https://buffalonews.com/news/local/niagara-county-jail-medical-providers-to-pay-settlements-in-2-deaths/article_054d4f54-1c82-530d-8c9a-b3a9fd18ee17.html.

¹⁰ See, e.g., Tasfia Jahangir, Solitary confinement is bad for the heart too, Massive Science, Jan. 20, 2020, available at: <https://massivesci.com/notes/cardiovascular-health-comparison-solitary-confinement-prison-health/>.

¹¹ See, e.g., Lauren Brinkley-Rubinstein, et. al., *Association of Restrictive Housing During Incarceration With Mortality After Release*, Jama Network Open, Oct. 4, 2019, available at: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2752350>.

¹² See, e.g., James Dean, *Solitary confinement heightens post-incarceration death risk*, Cornell Chronicle, Feb. 5, 2020, available at:

Although the negative public health consequences are well known, New York continues to lock tens of thousands of people in solitary every year. New York State prisons alone, not including local jails, sentence people to solitary confinement over 38,000 times a year.¹³ Solitary is imposed predominantly on people of color, with 81% of people in solitary being Black or Latinx people.¹⁴ Even apart from the fiscal implications, the human costs and societal costs of solitary confinement are so great that New York State must end this practice.

Solitary Confinement in Erie and Niagara Counties

Prisons and jails in Erie and Niagara Counties inflict solitary confinement regularly, with devastating consequences and too often death. Whether in the Special Housing Unit (SHU) or keeplock at Wende or Gowanda state prisons, the SHU 200 building dedicated to solitary confinement at Collins state prison, or other forms of solitary in jails in Erie County or Niagara County, people are locked in torturous and deadly conditions.

Erie County has had a [large number of deaths](#) of people in custody by medical neglect and suicide,¹⁵ including due to the use of solitary confinement. As one tragic example, after being in solitary confinement, India Cummings rapidly decompensated mentally and physically, to the point of repeatedly asserting she couldn't breathe, repeatedly banging on the door and demanding to be let out, babbling and talking to herself, urinating on the floor, stopping eating or wearing clothes, flooding her cell, hyperventilating, not urinating for 40 hours, and more.¹⁶ The State Commission of Correction determined that India died by homicide due to staff medical neglect, finding Erie County's treatment of her was "so grossly incompetent and inadequate as to shock the conscience."

SUMMARY OF THE FINANCIAL SAVINGS FROM THE HALT SOLITARY CONFINEMENT ACT

The HALT Solitary Confinement Act will create \$132 million in estimated annual *savings* for New York State and local municipalities, including \$114 million in annual savings for the state and \$18 million in annual savings for local counties and municipalities across the state. Because these are annual savings, the state and local governments will save \$1.32 billion over 10 years.

<https://news.cornell.edu/stories/2020/02/solitary-confinement-heightens-post-incarceration-death-risk>.

¹³ Trapped Inside: The Past, Present, and Future of Solitary Confinement in New York, New York Civil Liberties Union, p. 9, Oct. 2019, available at: https://www.nyclu.org/sites/default/files/field_documents/201910_nyclu_solitary_web.pdf.

¹⁴ *Id.* at 20.

¹⁵ See Raina Lipsitz, *In Erie County, Jail Deaths Continue Despite High-Profile Tragedy*, The Appeal, Jan. 16, 2020, available at: <https://theappeal.org/erie-county-jail-deaths-continue/>.

¹⁶ Final Report of the New York State Commission of Correction: In the Matter of the Special Investigation into the Care and Treatment Provided to India Cummings, an [Incarcerated Person] of the Erie County Holding Center, June 26, 2018, available at: <https://www.scribd.com/document/395766932/Commission-of-Correction-Report-on-India-1-1>. See, e.g., also: Erin Donaghue, *Lawsuit claims deputies "literally watched" New York [incarcerated person] die*, Feb. 8, 2019, available at: <https://www.cbsnews.com/news/india-cummings-case-lawsuit-claims-deputies-literally-watched-inmate-die-in-new-york-jail/>.

These savings will flow from the following impacts of implementation: closure of prisons and units dedicated to solitary; limitations on who will be placed in solitary and alternative units; and decreases in violence, medical costs, lawsuits, and reincarceration.

OVERALL ANNUAL SAVINGS FROM THE HALT SOLITARY ACT	
Savings for New York State	\$114 Million
Savings for Localities	\$18 Million
Overall Savings from HALT Solitary	\$132 Million

Savings from Implementation of HALT in State Prisons

CLOSING PRISONS, BUILDINGS, AND UNITS DEDICATED TO SOLITARY

The dramatic reductions in the use of solitary confinement under HALT will allow the state Department of Corrections and Community Supervision (DOCCS) to close multiple prisons, buildings, and/or units. The New York Civil Liberties Union projects that HALT would cause the number of people in Special Housing Units (SHUs) on any given day to drop to [280 people](#).¹⁷ That projection actually underestimates the reduction, because it is based only on HALT’s time limits on solitary and exemptions, and does not include HALT’s restricted criteria for confining a person to solitary.

DOCCS currently has the capacity to hold 3,119 people in SHUs. With the need for SHU beds reduced by nearly 2,800, New York could close entire prisons dedicated to solitary confinement—such as its two supermax prisons, Upstate C.F. and Southport C.F.¹⁸—as well as entire buildings known as SHU 200s or S-blocks, and stand-alone SHU buildings. In addition, the state could re-allocate facility space, and close additional prisons, including those with infamous histories of abuse, such as Attica C.F., Clinton C.F., and Great Meadow C.F. (DOCCS currently has nearly 16,000 excess beds in the prison system).

ANNUAL SAVINGS FROM CLOSURE OF SHU PRISONS/UNITS/BEDS	
Current SHU Capacity	3,119
Number of People in SHU after HALT on a Given Day	280
Drop in SHU Population	2,839
Drop in SHU Beds (Leaving 25% Excess Capacity)	2,769

¹⁷ Trapped Inside: The Past, Present, and Future of Solitary Confinement in New York, New York Civil Liberties Union, p. 27, Oct. 2019, available at: https://www.nyclu.org/sites/default/files/field_documents/201910_nyclu_solitary_web.pdf.

¹⁸ Each of the two supermax prisons have small units for people in the general population who help run the facilities, but this work would become unnecessary and the people could be transferred elsewhere.

Savings per Bed from 2019 Prison Closures	\$29,167
Average Annual Savings per Bed from Prison Closures Since 2011	\$29,023
Total Annual Savings from HALT Closures	\$80.36 Million

Regardless of the way in which DOCCS would close prisons, buildings, or units, the bottom line is that under HALT, DOCCS would be able to eliminate nearly 2,800 SHU or other beds, and still have an excess number of SHU beds. The state has reported that prison closures that eliminated 1,200 beds in FY2020 would save the state [at least \\$35 million](#), and has reported that since 2011, eliminating 6,650 beds has saved the state [\\$193 million annually](#). Eliminating nearly 2,800 beds under HALT thus would **save the state over \$80 million annually**.

REDUCED NUMBER OF PEOPLE IN ALTERNATIVE UNITS IN PRISONS

Because HALT strictly limits alternatives to solitary as well as solitary, the bill would require far fewer alternatives to solitary than the Governor’s proposed limitations on solitary, for which the state has already approved and allocated construction and operational funds. HALT provides for the use of Residential Rehabilitation Units (RRUs) as alternatives to solitary and stipulates that they offer increased out-of-cell time and access to congregate programming that is designed to address any underlying reasons why a person needs to be separated from the general prison population. Under the bill, RRUs are intended for people who are prohibited from placement in solitary or who max out their 15 days in solitary (or 20 days in any 60 day period) but, in DOCCS’ view, still must be separated from the general population. Importantly, with respect to costs, nothing in the bill requires any new facility space for these units; there is already enough capacity in existing units to operate the RRUs, and any minimal costs associated with the physical space for these units would be covered many times over by construction funds already approved and allocated for alternatives to solitary.

HALT limits placement in alternatives to solitary to conduct that is actually dangerous and harmful. These stricter criteria, in addition to various mechanisms for release from alternatives (including completion of a disciplinary sanction, completion of programs, periodic reviews, and a maximum time limit of one year) mean that under HALT there would be less than 800 people per day in alternative units across the state, well within existing capacity.¹⁹

Estimates of the number of people admitted to an RRU under HALT and estimates of the length of stay in an RRU between 15 and 90 days show that, at maximum fewer than 800 individuals would be in an RRU program across New York State on any given day with HALT in effect, which is well within existing capacity. Looking specifically at DOCCS disciplinary records for 2018 and comparing the average daily population of people in SHU for disciplinary reasons in both 2018 and 2020, there would

¹⁹ #HALTsolitary Campaign, The HALT Solitary Act Will Decrease—Not Increase—Costs, *available at*: <http://nycaic.org/wp-content/uploads/2020/01/HALT-Solitary-Act-Will-Decrease-Costs-to-NY-State-Counties.pdf> (This estimated number of 800 people in an RRU on any given day is based on an analysis of DOCCS disciplinary data conducted by the #HALTsolitary Campaign).

currently be approximately 3,090 admissions to an RRU per year if HALT were in effect.²⁰ If the average length of stay in an RRU is 15 days, there would be an average daily population in an RRU of roughly 127 people; if the average length of stay is 30 days, there would be an average daily population in an RRU of just over 250 people; if the average length of stay is 60 days, an average daily population of just over 500 people; and if the average length of stay is 90 days, an average daily population of just over 760 people. Even using the more conservative estimate of an average of 90 days,²¹ then, there would be a need for less than 800 RRU beds in the system, again for which there is already capacity.

NUMBER OF RRU BEDS NEEDED UNDER HALT SOLITARY ACT	
# of People Sent to SHU During 2018	11,067
Average 2018 Daily Population of People in SHU for Disciplinary Reasons	2,216
# of RRU Admissions per Year under HALT if 2018 Disciplinary Hearings	4,557
Average 2020 Daily Population of People in SHU for Disciplinary Reasons	1,502
Ratio of SHU Average Daily Population in 2020 Compared to 2018	0.678
Estimated # of RRU Admissions per Year in 2020	3,090
Average Daily Number of People in an RRU if 15 Day Average	127
Average Daily Number of People in an RRU if 30 Day Average	254
Average Daily Number of People in an RRU if 60 Day Average	508
Average Daily Number of People in an RRU if 90 Day Average	762
# of RRU Beds Needed Under HALT (Including Excess Capacity)	800
# of New Units that Need to Be Constructed to Implement HALT	0

²⁰ More specifically, according to DOCCS data, there was a daily average of 2,216 people in a SHU for disciplinary reasons in 2018 and a daily average of 1,503 people in a SHU for disciplinary reasons to date in 2020. At the same time, applying the criteria under HALT for who could be sent to an RRU to the disciplinary charges that were issued in 2018 indicates there would have been approximately 4,557 admissions to an RRU in 2018 under the number and kind of disciplinary sanctions that were issued that year. Applying the ratio of the average SHU daily populations from 2018 to 2020 to the estimated number of RRU admissions indicates that in 2020 there would currently be approximately 3,090 RRU admissions in a year.

²¹ According to DOCCS, the average length of time that a person spent in SHU in 2019 was 70 days. Department of Corrections and Community Supervision, 2019 Annual Update, *Available at:* <https://doccs.ny.gov/system/files/documents/2020/09/2019-annual-shu-update.pdf>.

With the alternatives-to-solitary opened as part of the New York Civil Liberties Union’s (NYCLU’s) [2014](#)²² and [2015](#)²³ lawsuit settlement agreements, DOCCS already has over 800 beds as alternatives to solitary. Thus, there is no need for any additional construction. In addition, in its [2019-2020 budget](#) the state already approved and allocated \$69 million for the purposes of constructing alternatives to solitary to cover the Governor’s proposed limitations on solitary.²⁴ However, the Governor’s proposed limitations do not specify criteria for placement in alternatives to solitary and have no outer limit on how much time a person can spend in alternatives. Therefore, the Governor’s proposed limitations—which have already been paid for—would result in larger numbers of people in alternative units and require more space than HALT. Even if more beds were needed for alternatives to solitary, DOCCS currently has excess capacity of over 16,000 beds that could be utilized with minimal, if any, cost.

HALT’s stricter criteria for placements in alternatives to solitary would also mean savings in operating costs. New York’s approved 2019-2020 budget provided \$10 million in operating costs to implement the Governor’s proposed additional alternatives to solitary, and the approved [2020-2021 budget](#) maintained that higher level, meaning that is now a recurring annual cost.²⁵

HALT’s restricted criteria would dramatically reduce the number of people who are locked in solitary confinement as well as alternatives to solitary each year, from nearly [20,500 individual people currently sent to solitary](#)²⁶ to roughly 3,800 people sent to solitary and/or an alternative.

REDUCTIONS IN ALL FORMS OF SEPARATION DUE TO HALT CRITERIA	
# of Individual People Sentenced to Solitary in 2018	20,468
# of Individual People Who Would Have Been Sent to Solitary and/or Alternatives in 2018 Under HALT Criteria	3,804
% Decrease in People Sent to Solitary and Alternatives Per Year If HALT Were Enacted	81.41%

²² Stipulation for a Stay with Conditions, *Leroy Peoples v. Brian Fischer*, Filed February 19, 2014, Docket Number 11-CV-2694 (SAS), available at: https://www.nyclu.org/sites/default/files/releases/Solitary_Stipulation.pdf.

²³ Settlement Agreement, *Leroy Peoples v. Brian Fischer*, Filed December 16, 2015, Docket Number 11-CV-2694 (SAS), available at: https://www.nyclu.org/sites/default/files/releases/20151216_settlementagreement_filed.pdf.

²⁴ See Agency Budget Presentations, Fiscal Year 2019-2020, Department of Corrections and Community Supervision, available at: <https://www.budget.ny.gov/pubs/archive/fy20/exec/agencies/appropData/CorrectionsandCommunitySupervisionDepartmentof.html>

²⁵ See Agency Budget Presentations, Fiscal Year 2020-2021, Department of Corrections and Community Supervision, available at: <https://www.budget.ny.gov/pubs/archive/fy21/exec/agencies/appropdata/CorrectionsandCommunitySupervisionDepartmentof.html>.

²⁶ Jack Beck, *Testimony before New York State Mental Hygiene Budget Hearing*, Correctional Association of New York, p. 14, Feb. 13, 2018, available at: <https://nyassembly.gov/write/upload/publichearing/000865/001525.pdf>. Consistent with the analysis in this Correctional Association testimony based on 2016 DOCCS disciplinary data, analysis of the computer summaries of the 70,519 disciplinary hearings in 2018 obtained from DOCCS through a Freedom of Information Law request identified 20,468 persons who were sentenced to solitary during 2018.

HALT's restricted criteria would result in an 81% reduction in the number of sentences that can result in long-term separation in a SHU, keeplock in one's own cell, a long-term keeplock unit, or an RRU. On the other hand, HALT requires more programming per person for people in alternative units than currently exists or under the Governor's proposed regulations because HALT requires that people have seven hours out-of-cell congregate time in an RRU per day, while the Governor's proposal requires only five hours per day. Assuming a 40% increase in the amount of staffing required for the more limited number of people in alternatives under HALT (based on a required total of seven hours out of cell compared to five hours), the operational costs would still drop from \$10 million to \$2.6 million, for **an estimated savings of \$7.4 million dollars.**

SAVINGS FROM ALTERNATIVES TO SOLITARY WITH HALT'S RESTRICTED CRITERIA	
Funds Currently Allocated for Alternative-to-SHU Programs	\$10 Million
% Reduction in # of People in Alternative-to-Solitary Programs	81.4%
Funds for Alternative-to-Solitary Programs under HALT Criteria	\$1.86 Million
% Increase in Staff Costs Per Person for 7 hrs Out of Cell under HALT	40%
Funds for Alternative-to-Solitary Programs under HALT with 7 hrs Out of Cell	\$2.6 Million
Savings from Alternative Programs with HALT Criteria	\$7.4 Million

REDUCED PRISON VIOLENCE AND MEDICAL COSTS

HALT will save money by reducing violence and medical costs in prisons. The Resolve to Stop Violence Project (RSVP) in San Francisco jails provides a useful guide for understanding these savings. RSVP focuses on greater socialization and intense programming, rather than isolation, to reduce violence. RSVP participants spend full days out of cell, with congregate rehabilitative and anti-violence programming. RSVP dramatically reduced violence in San Francisco jails, reduced reincarceration of people released from jail after participating in the program, and created significant financial savings. Just with respect to [costs within facilities](#),²⁷ for every \$14 spent per person per day on RSVP, there was \$4 saved per person per day based on a reduction in medical costs, including those associated with violent incidents. Utilizing this ratio as a guide and utilizing the \$2.6 million annual expense for alternative-to-solitary units under HALT noted above, HALT's limits on solitary and use of program-based alternatives would bring an additional savings of \$743,400 based on reductions in violence and medical costs within the prisons.

²⁷ James Gilligan and Bandy Lee, *The Resolve to Stop the Violence Project: transforming an in-house culture of violence through a jail-based programme*, Journal of Public Health, Vol. 27, No. 2, pp. 149–155, available at: <https://pdfs.semanticscholar.org/0c98/d6567565ab101d225da6f7ac3bf0a4a0f599.pdf>.

SAVINGS FROM REDUCTIONS IN VIOLENCE AND MEDICAL COSTS IN PRISON UNDER HALT	
RSVP Program Ratio of Funds Spent on Programs to Funds Saved from Reductions in Violence & Medical Costs	3.5
Funds for Alternative-to-Solitary Programs under HALT	\$2.6 Million
Savings from Reductions in Violence and Medical Costs Under HALT	\$743,400

Adding together the \$743,400 savings from reductions in violence and medical costs in this section with the \$7.4 million in savings derived from the restricted criteria for placement in alternative units in the previous section would equal \$8.14 million in savings. An alternative method for calculating potential combined savings from HALT's alternative-to-solitary units, drawing from the experience of the RSVP program, reaches a similar estimate.

ALTERNATIVE METHOD FOR CALCULATING SAVINGS FROM HALT ALTERNATIVE UNITS	
Funds Currently Allocated for Alternative-to-SHU Programs	\$10 Million
# of People in RRU per year under HALT	3,090
RSVP Cost per person per day (\$14 cost—\$4 savings)	\$10
Annual Cost of Programming if Avg Length of Stay of 15 Days	\$463,400
Annual Cost of Programming if Avg Length of Stay of 30 Days	\$927,000
Annual Cost of Programming if Avg Length of Stay of 60 Days	\$1.85 Million
Annual Cost of Programming if Avg Length of Stay of 90 Days	\$2.78 Million
In-Prison Savings from HALT Criteria/Programming if 15 Days	\$9.54 Million
In-Prison Savings from HALT Criteria/Programming if 30 Days	\$9.07 Million
In-Prison Savings from HALT Criteria/Programming if 60 Days	\$8.15 Million
In-Prison Savings from HALT Criteria/Programming if 90 Days	\$7.22 Million

If the department were to implement an RSVP-type program, then it would cost the equivalent of \$14 per participant per day in the program, while saving the equivalent of \$4 per participant per day in the program (due to reduced violence and medical costs).²⁸ Taking the difference, \$10 per participant per day and using an estimated average length of time in an alternative-to-solitary unit²⁹ of 15 days, then the

²⁸ The statutory language in HALT requires somewhat less extensive program than RSVP, but it is the closest available example for cost estimates. Further, we recommend that NYS consider full programming similar to RSVP.

²⁹ HALT has various mechanisms for how people can be released from RRUs, including the end of a disciplinary sanction,

annual operational cost would be over \$463,000. If the average length of time in an alternative unit under HALT was 30 days, the annual cost would be just over \$927,000; if 60 days, just over \$1.85 million; and if 90 days over \$2.78 million.

Using this analysis, compared to the current allocation of \$10 million for the operational costs of alternative units under the Governor’s proposal, the alternative-to-solitary programming under HALT would create annual savings of over \$9.5 million if there was a 15-day average length of time in an alternative unit, over \$9 million if a 30-day average, just under \$8.15 million if a 60-day average, and over \$7.2 million if a 90-day average. The \$8.15 million in savings utilizing the 60-day average length of time in an alternative unit is roughly equivalent to the \$8.14 million savings calculated above.

REDUCED LAWSUIT EXPENSES

HALT would reduce the amount of monetary payments made as part of lawsuit judgments and settlements for harm caused by solitary confinement (though it bears repeating that these fiscal costs are dwarfed by the human costs to individuals, families, and society from the deaths, suffering, and injustice caused by solitary confinement). The state does not provide information publicly on prison lawsuits. The lawsuit settlements included in the table below are only those reported publicly, though there are many more each year unreported. Thus, these calculations are likely gross *underestimates*. However, even if we use only cases that have been publicly reported on in three recent years (2016, 2019, and 2020), implementing HALT can be predicted to save the state at least **\$2.5 million per year in lawsuit settlement payments**.

SAVINGS FROM REDUCED LAWSUIT SETTLEMENTS IN NEW YORK PRISONS	
Karl Taylor (2020) ³⁰	\$5 Million
Ben van Zandt (2019) ³¹	\$800,000
Kenneth Samuels (2019) ³²	\$200,000
Peoples v. Fischer (2016) ³³	\$1.6 Million
Average Annual Known Lawsuit Settlements Involving Solitary	\$2.53 Million

the completion of programs, periodic reviews, and a one-year time limit.

³⁰ See Tom Robbins, *Karl Taylor Died in a New York Prison. Now the State Has Agreed to Pay Millions*. The Marshall Project, Feb. 28, 2020, available at: <https://www.themarshallproject.org/2020/02/28/karl-taylor-died-in-a-new-york-prison-now-the-state-has-agreed-to-pay-millions>.

³¹ JB Nicholas, *Samuel Harrell Died In Prison After A Visit From “The Beat Up Squad.” Why Has No One Been Held Accountable For His Death?*, Feb. 13, 2020, available at: <https://gothamist.com/news/samuel-harrell-fishkill-beating-death-prison-ny>.

³² See Reuven Blau, *Prison Payout Little Solace After 22 Months in Solitary*, The City, Oct. 28, 2019, available at: <https://www.thecity.nyc/justice/2019/10/28/21210731/prison-payout-little-solace-after-22-months-in-solitary>.

³³ See Matthew Clarke, *New York: Disciplinary Segregation Settlement Finalized; \$1.6 Million in Attorney Fees Awarded*, Prison Legal News, June 30, 2017, available at: <https://www.prisonlegalnews.org/news/2017/jun/30/new-york-disciplinary-segregation-settlement-finalized-16-million-attorney-fees-awarded/>.

INCREASED PAROLE RELEASES FROM PRISON

HALT will create additional savings by reducing the number of people in prison. People in solitary confinement who go before the Parole Board are more [frequently denied release than those who are not in solitary](#).³⁴ HALT will lead to more people being successful when they appear before the Parole Board and thus fewer people remaining incarcerated. Roughly 28% of people in New York prisons are sent to solitary each year.³⁵ Therefore, we can estimate that 28% of the [12,000 people](#) who go before the Parole Board each year³⁶ have been in solitary during the year prior to their appearance before the Board. With the projected 81% reduction in the use of solitary and alternatives under HALT, approximately 2,726 people appearing before the Board each year would have otherwise been in solitary or an alternative during the year prior to their appearance but were not in solitary because of HALT.

Using a conservative estimate, if HALT causes a 10% increase in releases (273 people), it will create **savings of \$12.27 million per year**.³⁷

SAVINGS FROM MORE PAROLE RELEASES UNDER HALT	
Total # of People Sent to Solitary During the Year in 2018	20,468
Total # of People in NY Prisons in 2018	73,367
% of People in Prison Who Go to Solitary in a Given Year	27.9%
# of People who Go to the Board each Year	12,000
# of People Going to Parole Board Who Were in Solitary that Year	3,348
% Decrease in People in Solitary or Alternative During Year	81.41%

³⁴ *Solitary at Southport: A 2017 Report based upon the Correctional Association’s Visits, Data Analysis, & First-Hand Accounts of the Torture of Solitary Confinement from One of New York’s Supermax Prisons*, The Correctional Association of New York, 2017, p. 4, 50, available at: <https://static1.squarespace.com/static/5b2c07e2a9e02851fb387477/t/5c4f5bd8562fa7fb256b550d/1548704749745/2017+Solitary+at+Southport.pdf>.

³⁵ In 2018, there were 20,468 people sent to solitary confinement during the course of the year, and there were a total of 73,271 people incarcerated during the year (50,271 people in prison on January 1, 2018, and 23,000 admissions during the year). New York State Department of Corrections and Community Supervision, Under Custody Report: Profile of Under Custody Population As of January 1, 2018, available at: <https://doccs.ny.gov/system/files/documents/2019/09/Under%20Custody%20Report%202018.pdf>. ; New York State Department of Corrections and Community Supervision, Admissions and Releases, Calendar Year 2018, available at: <https://doccs.ny.gov/system/files/documents/2019/09/Admission%20Releases%20Report%20Calendar%20Year%202018.pdf>.

³⁶ See Jose Saldana and Dave George, *Testimony before the New York State Legislature 2019 Public Protection Budget Hearing*, Release Aging People in Prison (RAPP) Campaign, Jan. 29, 2019, available at: <http://rappcampaign.com/wp-content/uploads/RAPP-2019-Public-Protection-Budget-Hearing-Testimony.pdf>.

³⁷ Since some people will be released at the beginning of the year and some at the end, the average time that a person released would have spent outside of prison would be a half a year. Since most people who are denied parole release are required to wait two years before appearing before the Parole Board, over a two year period, the average amount of time that a person released would have spent out of prison would be a year and a half. In turn, for purposes of computing annualized savings from releases, on average the state would save three quarters of a year of incarceration costs per person per year.

# of People Going to Board Who Would Otherwise Have Been in Solitary or Alternative that Year But for HALT	2,726
If just a 10% increase in Releases for Those Who've Been in Solitary	273
Cost of Incarceration Per Person Per Year	\$60,000 ³⁸
Average % of A Single Year Saved Over Two Year Period	0.75
\$ Saved Annually from that Increase in Parole Releases	\$12.27 Million

Realizing the full savings will require the political will and sound fiscal steps of reprogramming staff, reducing staff levels, and closing facilities in response to having fewer people in prison.

DECREASED REINCARCERATION OF PEOPLE RELEASED FROM PRISONS

Less time in solitary and more access to programs under HALT will improve outcomes for people released from prison and thus reduce medical, mental, and behavioral health costs in the community. These better outcomes will also mean fewer people returning to prison. Roughly 22,000 people are released each year from New York prisons;³⁹ their reincarceration rate is approximately 40%.⁴⁰ The RSVP program reduced re-arrests by 14%.⁴¹

We can estimate that, under HALT, roughly 4.6% of people who are released each year will have been through an RRU, for a total of 1,020 people. If the RRUs improve reincarceration rates by even 10% (a lower rate than the 14% improvement from the RSVP program), then roughly 41 fewer people would be reincarcerated, generating savings of **nearly \$2.45 million**.⁴²

³⁸ Dividing the total DOCCS budget by the number of people incarcerated brings an average cost of \$80,000 per person incarcerated in New York prisons per year. However, each fewer person incarcerated would not translate into \$80,000 per year saved. This more conservative estimate of \$60,000 per year saved by having each fewer person incarcerated relies on the “personal” and “non-personal” expenses in the DOCCS 2020-21 for the items related to health services, program services, supervision of incarcerated people, and support services. As noted below, the term “personal services” means budget appropriations for the salaries and non-wage compensation for employees. See NY Budget Citizens’ Guide, Financial Terminology, available at: https://www.budget.ny.gov/citizen/financial/glossary-all.html#personal_service.

³⁹ New York State Department of Corrections and Community Supervision, Admissions and Releases, Calendar Year 2018, available at:

<https://doccs.ny.gov/system/files/documents/2019/09/Admission%20Releases%20Report%20Calendar%20Year%202018.pdf>.

⁴⁰ *Community Supervision Legislative Report*, NYS Department of Corrections and Community Supervision, 2019, available at: <https://doccs.ny.gov/system/files/documents/2020/02/community-supervision-legislative-report-2019-final.pdf>. Deeply problematic and beyond the scope of this report, a large proportion of people reincarcerated in New York State are reincarcerated on technical parole violations and not because they have engaged in additional crimes.

⁴¹ James Gilligan and Bandy Lee, *The Resolve to Stop the Violence Project: reducing violence in the community through a jail-based initiative*, Journal of Public Health, Vol. 27, No. 2, pp. 143-148, available at:

https://www.researchgate.net/publication/7915773_The_Resolve_to_Stop_the_Violence_Project_Reducing_violence_in_the_community_through_a_jail-based_initiative.

⁴² Beyond savings from lower re-arrests, HALT’s reduction in the use of solitary and use of alternatives will also lead to additional savings for courts, police, and other members of the public that are difficult to quantify through reductions in violence and other harmful behavior. Indeed, the RSVP program showed even greater reductions in re-arrests for violent acts than the average overall reductions used above.

SAVINGS FROM REDUCED REINCARCERATION DUE TO HALT	
# of People Released from NY Prisons Each Year	22,233
# of People Admitted to NY Prisons Each Year	23,096
# of People in Prison on January 1, 2020 ⁴³	44,284
Total # of People in NY Prisons Each Year	67,380
% of People in NY Prisons Each Year Who Will Go to an RRU	4.59%
# Released Each Year Who Will Have Been in an RRU	1,019
Average Reincarceration Rate (Within 3 Years of Release)	40%
% Reduction in Reincarceration for People in RRUs	10%
Reduction in # of People Who Will Return to Prison	41
Savings from Reduction in Reincarceration Due to Participation in RRUs	\$2.45 Million
# of People Sent to Solitary Each Year	20,468
% Decrease in # of People Sent to Solitary in a Year Under HALT	81.41%
# of People Who Would No Longer Be in Solitary Each Year	16,644
% of People in NY Prisons Who Would No Longer be in Solitary Each Year Under HALT	24.73%
# of People Released from Prison Who Would No Longer Have Been In Solitary Each Year Under HALT	5,499
# of People Released Who Would No Longer Have Been in Solitary Nor in RRU Under HALT	4,479
Reduction in Reincarceration for People Who Would Not Be in Solitary	6.25%
Reduction in # of People Who Will be Reincarcerated	112
Savings from Reduction in Reincarceration Due to Decreases in Solitary	\$6.72 Million
Savings from Reduction in Reincarceration for People Released from Prison	\$9.17 Million

⁴³DOCCS Fact Sheet, January 1, 2020, Available at: <https://doccs.ny.gov/system/files/documents/2020/01/january-monthly-report.pdf>.

Even apart from the use of RRUs and a program such as RSVP, simply reducing solitary confinement will reduce reincarceration. A 2020 study found that people who have spent even limited amounts of time in solitary have a [5% to 7.5% increase](#) in the likelihood of being convicted of a new crime after release from prison (let alone being arrested, held in pre-trial detention, or reincarcerated on a technical parole violation).⁴⁴

Given the 81% reduction in the number of people who will be in solitary in a year, then roughly 16,600 fewer people will spend time in solitary in a given year, or approximately 25% of the number of people in a New York prison in a given year. We can estimate that 25% of people who are released each year are also people who would otherwise have been in solitary but for HALT. Thus, over 5,500 fewer people released each year would have spent time in solitary during the prior year. Removing from that number the 1,020 people released each year who will have been in an RRU leaves nearly 4,500 fewer people released each year who would have been in solitary or an RRU during the prior year.⁴⁵

With an average 6.25% improvement rate in reincarceration, approximately 112 fewer people who are released from prison will return to prison, generating **additional savings of \$6.72 million annually**.

Taking the savings from the use of alternative RRUs and the reductions in the use of solitary together, HALT will generate a total of **\$9.17 million in savings through reductions in reincarceration**.

REDUCED COMMUNITY MEDICAL COSTS

Reducing solitary under HALT will have major health benefits for people even after they are released from prison, and thus will generate savings in medical costs for people who return to outside communities after being in solitary.

A health expert study found that due to reductions in medical costs, ending solitary for 25,000 people in supermaxes across the country would [save \\$155 million over a lifetime](#)⁴⁶ (or \$6,200 per person on average). With nearly 20,500 people currently sent to solitary each year and with an 81% reduction in the use of solitary under HALT, then nearly 16,700 fewer people will be sent to solitary each year.

If we estimate lifetime medical costs associated with solitary at \$6,200 per person, HALT would save over \$103 million dollars in lifetime medical costs. Assuming that the people who would otherwise have been in solitary will live an average of an additional 31 years, there would be over \$3.3 million of health care cost savings annually.⁴⁷ Even assuming that these health cost savings include the \$743,000 savings

⁴⁴ Christopher Wildeman & Lars Højsgaard Andersen, *Long-term consequences of being placed in disciplinary segregation*, *Criminology*, 2020; 423–453, available at: <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1745-9125.12241>.

⁴⁵ Because other studies show that the more time a person spends in solitary the worse the outcomes, we are assuming in this analysis that the impact of not having been in solitary in the year prior to release will have the positive benefit, even if someone had been in solitary previously during their incarceration.

⁴⁶ Brie A. Williams, *The Cardiovascular Health Burdens of Solitary Confinement*, *Journal of General Internal Medicine* volume 34, pp. 1977–1980, June 21, 2019, available at: <https://link.springer.com/article/10.1007/s11606-019-05103-6#Tab1>.

⁴⁷ This calculation uses an average age of people in New York prisons of 39 and assumes an estimated average life expectancy for people who are incarcerated of 70, roughly 10 years lower than the average life expectancy for all New Yorkers. New York State Department of Corrections and Community Supervision, *Under Custody Report: Profile of Under Custody Population As of January 1, 2018*, available at:

inside of prisons discussed above, there would be nearly \$2.6 million annual savings in community health care costs.

Given that 80% of people incarcerated in New York would be eligible for Medicaid coverage,⁴⁸ most of the community medical costs for people released from prison will fall on the state and federal government, with New York State and localities covering roughly 35% and 10%, respectively, of New Yorkers’ Medicaid costs per year⁴⁹. Reductions in solitary under HALT, then, will **save the state \$731,000 annually and localities nearly \$214,500 annually in community medical costs.**

HEALTH CARE COST SAVINGS IN THE COMMUNITY FROM HALT	
Community Medical Costs of Solitary per Person Over Lifetime	\$6,200
Number of People Sent to Solitary Each Year in NY	20,468
% Reduction in Use of Solitary Under HALT	81.41%
Reduction in # of People Sent to Solitary Each Year	16,664
\$ Saved Over Lifetime If Reduced Solitary Under HALT	\$103.3 Million
Assumption: Number of Years People in Solitary Left to Live	31
Reduction in Medical Costs per Year	\$3.3 Million
\$ Saved Annually from Community Medical Costs	\$2.6 Million
State Spending as % of Total Medicaid Costs	35.29%
Local Spending as % of Total Medicaid Costs	10.35%
% of Incarcerated People Eligible for Medicaid	80%
State Annual Savings from Community Medical Costs	\$731,000
Local Annual Savings from Community Medical Costs	\$214,500

<https://doccs.ny.gov/system/files/documents/2019/09/Under%20Custody%20Report%202018.pdf>; Emily Widra, *Incarceration Shortens Life Expectancy*, Prison Policy Initiative, June 26, 2017, available at: https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/#:~:text=Each%20year%20in%20prison%20takes.life%20expectancy%20by%205%20years; *Losing Ground: Life Expectancy Trends in New York State*, New York State Health Foundation, Sept. 2018, available at: <https://nyshealthfoundation.org/wp-content/uploads/2018/09/losing-ground-life-expectancy-trends-new-york-state-sep-2018.pdf>.

⁴⁸ Government Accountability Office, Letter from Carolyn L. Yocum to Hon. Fred Upton and Hon. Joseph Pitts, “Medicaid: Information on Inmate Eligibility and Federal Costs for Allowable Services,” GAO, Sept. 5, 2014, available at: <https://www.gao.gov/assets/670/665552.pdf>.

⁴⁹ Health Care Briefing Book, New York State Budget FY 2021, p. 64, available at: <https://www.budget.ny.gov/pubs/archive/fy21/exec/book/healthcare.pdf>.

Savings from Implementation of HALT in Local Jails

Implementing HALT in local jails will save millions of dollars annually. Currently, the total costs for operating local jails across the state is over \$2.6 billion per year.⁵⁰

NO ADDITIONAL CONSTRUCTION OR STAFF COSTS

Implementing HALT in local jails will require no additional construction or staff costs because there are currently large amounts of excess space and staffing resources and because, as in prisons, HALT will reduce violence and medical costs within jails.

Regarding staff costs, there has been a 41% decline in the number of people incarcerated.⁵¹ If the costs to operate jails across the state declined by 41%, there would be a savings of over one billion dollars. Now, in reality, jails are likely to continue to operate with the [same level of security staffing](#), and programs and services staffing, despite the great reductions in incarceration. These excess staff resources can be utilized to carry out services or programs to implement HALT, shifting them toward meeting people's rehabilitative and therapeutic needs.

Regarding construction costs, contrary to statements made by Governor Cuomo, HALT does not require any construction costs for local jails, whether for new jails or new units within jails. HALT exempts almost all jails from the requirement of having Residential Rehabilitation Units, and for those that will need RRUs, there is currently more than enough space. HALT exempts jail systems with a capacity of less than 500 people from having RRUs (while still requiring a 15-day limit on solitary for all people in jails and the provision of programs and services beyond that limit). At current census levels, HALT would require only [7 of the 58 jail systems](#)⁵² to have RRUs: Erie County, Monroe County, Nassau County, New York City, Onondaga County, Suffolk County, and Westchester County.⁵³

Moreover, since jail populations have dramatically declined due to pre-trial reforms, there is more than enough existing space to implement HALT. As noted above, from August 2019 to August 2020, there was a [41% decline](#) in the number of people in jail statewide.⁵⁴ That means 41% more space available to be used for any alternatives to solitary. While the bail reform rollbacks may result in [tens of thousands](#) of additional people being jailed each year⁵⁵ (already the number of people in jail on a given day increased

⁵⁰ Office of the New York State Comptroller, NYS Comptroller Thomas DiNapoli, *Financial Data for Local Governments*, Level 2, Counties, Correctional Services, 2018, available at: <http://www1.osc.state.ny.us/localgov/findata/financial-data-for-local-governments.cfm>. See also *New York's Jails By the Numbers*, #FREEnewyork, available at: https://jlusa.org/wp-content/uploads/2018/08/FREEnewyork-ByTheNumbers_final.pdf.

⁵¹ See NYC Comptroller Scott M. Stringer, *NYC Department of Correction FY's 2009-2019 Operating Expenditures, Jail Population, Cost Per Incarcerated Person, Staffing Ratios, Performance Measure Outcomes, and Overtime*, Dec. 2019, available at: https://comptroller.nyc.gov/wp-content/uploads/documents/Correction_FY2019.pdf.

⁵² *Jail Population in New York State, Average Daily Census by Month*, Division of Criminal Justice Services, Sept. 1, 2020, available at: https://www.criminaljustice.ny.gov/crimnet/ojsa/jail_population.pdf.

⁵³ HALT states that jail systems that have a total combined *capacity* of 500 people or fewer are not required to have RRUs (those jail systems are still required to comply with the other provisions of HALT, including a limit on solitary confinement of 15 days for all people). Any jails that have far fewer than 500 people but still have capacity for more than 500 people could close units and reduce their capacity.

⁵⁴ *Jail Population in New York State, Average Daily Census by Month*, Division of Criminal Justice Services, Sept. 1, 2020, available at: https://www.criminaljustice.ny.gov/crimnet/ojsa/jail_population.pdf.

⁵⁵ *Rollbacks to Bail and Discovery Reform in the 2020 Budget*, Center for Community Alternatives, available at:

by nearly 500 people from July to August 2020), overall there will still be a significant decline in jail populations compared to 2019 levels.

The seven jail systems that HALT would require to have RRUs have an average total number of 7,236 people in jail on a given day, 3,264 of whom are in jails outside of NYC. Assuming an RRU ratio of 2%⁵⁶, there would be approximately 145 people in an RRU on a given day, with only 65 outside New York City—for an average of between 9 and 13 beds in each jail system.

NO ADDITIONAL CONSTRUCTION FOR ALTERNATIVE-TO-SOLITARY PROGRAMS IN JAILS	
% of Incarcerated People in RRU on a Given Day	2%
# of People in Jails that are Required to Have RRUs	7,236
# of People in Local Jails Other than NYC Required to have RRUs	3,264
# of People to be in an RRU in Jails Statewide	145
# of People in be in an RRU in Jails other than NYC	65
# of Beds in Excess of Space Used in 2019 in 7 Local Jail Systems That Would Require RRUs Under HALT	5,413

With the significant reduction in people in jail over the last year, the seven jail systems that would be required to have RRUs have 5,413 more empty beds in 2020 than they did in 2019—much more capacity than needed to handle the additional 145 RRU placements (and even in 2019 they had extra capacity). The excess space should mean no construction costs for implementing HALT, and minimal costs, if any, to adapt the use of existing space for alternatives to solitary.

Looking at Erie County as an example, as of August 2020, there were 480 people incarcerated on a given day (301 people in Erie County C.F. and 179 people in Erie County Holding Center). Since that is less than 500 people, it is possible that, were it to reduce its capacity, Erie County would not even be required to have RRUs. Assuming the capacity remains above 500, the jail system would need only roughly 10 RRU beds (utilizing the 2% estimate noted above). Meanwhile, the jail system has over 400 excess beds compared to August 2019, and over 1,000 excess beds when taking into account the jails’ combined capacity, more than enough existing space to have 10 RRU beds.⁵⁷

<http://www.communityalternatives.org/wp-content/uploads/2020/06/budget-bills-overview.pdf>.

⁵⁶ Limited data on the use of solitary in jails in New York indicates that on any given day there is a similar percentage of the total population in New York jails in solitary as in New York prisons. For example, at a current snapshot in September 2020, 4.7% of people in state prisons are in SHU on a given day. In New York City, at the latest snapshot in July 2020, there were 117 people in punitive segregation and 87 people in Enhanced Supervision Housing, out of a total of 3,972 people incarcerated, representing 5.1% combined. A recent snapshot in Erie County indicated approximately 4.6% of people in solitary.

⁵⁷ Erie County Sheriff’s Office, Jail Management Division, available at: <https://www2.erie.gov/sheriff/index.php?q=jail-management-division>.

For example, utilizing the RSVP model,⁵⁸ the costs of the alternative programming—which are partially offset by savings obtained from reductions in violence and medical costs within the jails—would amount to roughly \$697,000 per year if the average length in the alternatives was 15 days, \$1.39 million if 30 days, and \$2.79 million if 60 days.⁵⁹ Thus, because of the dramatic reductions in jail populations due to bail reform, there would still be excess staff and other resources, even if HALT is fully implemented, of over a billion dollars. To be clear, these figures do not represent direct dollar savings, which would require staffing cuts and facility closures, but rather indicate that local municipalities will have dramatically more than enough staffing resources to implement HALT.

NO ADDITIONAL EXPENSE FROM ALTERNATIVE TO SOLITARY PROGRAMS IN JAILS	NEW YORK STATE JAILS	EXAMPLE OF ERIE COUNTY
% of People in Jails in Alternatives to Solitary per Year ⁶⁰	4.13%	4.13%
Total # of People in Jails on a Given Day	11,583	480
Ratio of People Sent to Jail a Year & People in Jail Snapshot	9.726	9.726
Estimated Annual # of People Sent to Jail Using Ratio	112,653	4,668
# of People in Alternative to Solitary Over Course of a Year	4,649	193
Avg # of Days in Alternative to Solitary	30	30
RSVP Cost per Person per Day (\$14 cost - \$4 savings)	\$10	\$10
Annual Cost of Programming	\$1.395 Million	\$57,800
Total Jails Budget Across the State	\$2.605 Billion	\$111.58 Million
Equivalent of 41.4% Reduction in Jails Budget	\$1.079 Billion	\$46.2 Million
Excess Staffing & Other Resources After Alternatives	\$1.077 Billion	\$46.14 Million

Looking at Erie County as an example, its adopted 2020 budget included a nearly \$7 million *increase* in the budget for operating the jails, despite anticipating a decline in the jail population in the county.⁶¹

⁵⁸ A slightly lower percentage of people in jails are likely to receive sanctions resulting in solitary or alternatives as compared to prisons, *See* Allen J. Beck, *Use of Restrictive Housing in U.S. Prisons and Jails, 2011–12, Special Report*, U.S. Department of Justice, Bureau of Justice Statistics, NCJ 249209, Oct. 2015, available at:

<https://www.bjs.gov/content/pub/pdf/urhuspj1112.pdf> (Over the course of the year, roughly 18% of people in jails were locked in solitary and roughly 20% of people in prisons were locked in solitary).

⁵⁹ People are likely to spend less time in alternatives to solitary in jails than prisons given that many people will be released or transferred from jails after a shorter length of time.

⁶⁰ These figures were derived by applying the ratio of jail to prison solitary confinement admissions documented by the Bureau of Justice Statistics to the calculated percentage above of RRU admissions in a year out of the total number of people in the state prisons in a year.

⁶¹ *Budget 2020*, County of Erie, Buffalo, NY, *available at*:

That budget included an increase in staff resources for both general jail operations and correctional health services. If the jail population dramatically decreased as anticipated (which it already has) without changes in the staff and other resource allocations, even after HALT was fully implemented there would be excess staff and other resources of over \$46 million per year. Even with the county’s proposed COVID-19 budget remediation plan including a \$10 million cut to the budget for operating the jails,⁶² there would still be excess staff and other resources of over \$36 million in comparison to the much diminished number of people in Erie County jails.

ERIE COUNTY JAIL COSTS	2018 ACTUAL	2019 ADOPTED	2019 ADJUSTED	2020 ADOPTED
Jail Management				
Personal Services ⁶³	\$82,449,702	\$84,741,433	\$84,741,433	\$91,674,695
Other	\$5,620,562	\$6,281,029	\$6,723,194	\$5,619,593
Total Appropriation	\$88,070,264	\$91,022,462	\$91,464,627	\$97,294,288
Correctional Health				
Personal Services	\$8,254,821	\$9,658,212	\$9,658,212	\$10,795,879
Other	\$2,701,120	\$4,196,310	\$4,196,310	\$3,494,528
Total Appropriation	\$11,955,941	\$13,854,522	\$13,854,522	\$14,290,407
TOTAL JAIL COSTS	\$100,026,205	\$104,876,984	\$105,319,149	\$111,584,695

HALT will save local municipalities additional funds, through reductions in lawsuits, reincarceration, and community medical costs.

REDUCED LAWSUIT EXPENSES

As in the prisons, reducing the use of solitary will reduce the amount of lawsuit expenses and settlement payments localities across the state would have to pay. While it is nowhere near an exhaustive list and likely significantly underestimates the amount of payments made, utilizing some of the higher profile, publicly reported lawsuit settlements since 2015 indicates that localities have paid at least an average of **over \$5 million per year on settlements due to the harm caused by solitary confinement**. In Erie County, the rash of deaths noted above and other abuse have led to numerous lawsuits and

<https://www2.erie.gov/budget/sites/www2.erie.gov.budget/files/uploads/pdfs/2020-Adopted-Budget-Book-A.pdf>.

⁶² Erie County, 2020 Covid-19 Budget Remediation Plan, June 4, 2020, available at <https://www2.erie.gov/exec/sites/www2.erie.gov.exec/files/uploads/pdfs/Deficit%20Reduction%20Plan%20Final%206%204.pdf>.

⁶³ The term “personal services” means budget appropriations for the salaries and non-wage compensation for employees. See NY Budget Citizens’ Guide, Financial Terminology, available at: https://www.budget.ny.gov/citizen/financial/glossary-all.html#personal_service.

lawsuit settlements.⁶⁴ The County allocated \$4 million in 2020 to defend pending lawsuits against the County, some of which are suits related to deaths in jail custody, including those brought by the family of India Cummings discussed above.⁶⁵ While it is difficult to estimate the proportion of lawsuit settlement amounts in Erie County attributable to solitary confinement, Erie County would appear to have higher settlement costs due to solitary than the average amount of settlements due to solitary for jails across the state, and thus HALT would save Erie County at least roughly \$86,000 per year.

SAVINGS FROM REDUCED LAWSUIT SETTLEMENTS IN LOCAL JAILS	
Layleen Polanco (2020) ⁶⁶	\$5.9 Million
Kalief Browder (2019) ⁶⁷	\$3.3 Million
Davon Washington, Steven Espinal, and Two Others (2019) ⁶⁸	\$980,000
Onondaga County Lawsuit for 16- & 17-Year-Olds (2017) ⁶⁹	\$300,000
Owed Solitary Time (2017) ⁷⁰	\$5 Million
Bradley Ballard (2016) ⁷¹	\$5.75 Million
Jason Echeverria (2015) ⁷²	\$3.8 Million
Avg. Annual Known Lawsuit Settlements Involving Solitary	\$5 Million

⁶⁴ See, e.g., Jean Dickson, *Another Voice: Sheriff's tenure has been expensive*, Buffalo News, Oct. 23, 2017, available at: https://buffalonews.com/opinion/another-voice-sheriffs-tenure-has-been-expensive/article_b3426821-58cb-5643-a0e9-33d40e5a49eb.html.

⁶⁵ Meaghan M. McDermott, *Nearly four years after India Cummings died, two lawsuits and a state AG probe continue*, Rochester Democrat and Chronicle, Jan. 3, 2020, available at: <https://www.democratandchronicle.com/story/news/2020/01/03/wrongful-death-lawsuit-and-ag-investigation-continue-erie-county/2795146001/>.

⁶⁶ Mihir Zaveri, *N.Y.C. to Pay \$5.9 Million in Death of Transgender Woman at Rikers*, New York Times, Aug. 31, 2020, available at: <https://www.nytimes.com/2020/08/31/nyregion/layleen-polanco-settlement-rikers-transgender.html>.

⁶⁷ Benjamin Weiser, *Kalief Browder's Suicide Brought Changes to Rikers. Now It Has Led to a \$3 Million Settlement*, New York Times, Jan. 24, 2019, available at: <https://www.nytimes.com/2019/01/24/nyregion/kalief-browder-settlement-lawsuit.html>.

⁶⁸ Jan Ransom, *Beaten and Left in Solitary Confinement, He Thought He Would Die*, New York Times, Oct. 20, 2019, available at: <https://www.nytimes.com/2019/10/20/nyregion/rikers-inmates-solitary-lawsuit.html>.

⁶⁹ Tim Knauss, *Settled lawsuit over teen solitary confinement to cost Onondaga County \$270,000*, Jan. 30, 2019, Syracuse.com, available at: https://www.syracuse.com/news/2018/04/settled_lawsuit_over_teen_solitary_confinement_to_cost_onondaga_county_270_000.html.

⁷⁰ Ashley Southall, *City Agrees to Pay Rikers Inmates It Forced Back Into Solitary Confinement*, New York Times, Dec. 12, 2017, available at: <https://www.nytimes.com/2017/12/12/nyregion/rikers-settlement-solitary-confinement.html>.

⁷¹ Benjamin Weiser, *City to Pay \$5.75 Million Over Death of Mentally Ill Inmate at Rikers Island*, New York Times, Sept. 27, 2016, available at: <https://www.nytimes.com/2016/09/28/nyregion/rikers-island-lawsuit-bradley-ballard.html>.

⁷² Stephen Rex Brown, *EXCLUSIVE: City settles for \$3.8M in Rikers Island inmate's soap-swallowing horror*, The Daily News, Nov. 17, 2015, available at: <https://www.nydailynews.com/new-york/nyc-crime/city-settles-4m-rikers-inmate-poison-horror-article-1.2437263>.

DECREASED REINCARCERATION OF PEOPLE FROM JAILS

HALT will generate savings for local municipalities by reducing the number of people who will be reincarcerated after being released from jails.

SAVINGS FROM REDUCED REINCARCERATION		
<i>Decreased Reincarceration Due to Alternatives</i>	Statewide	Erie County
Ratio of People Sent to Jail Per Year & People in Jail Snapshot	9.726	9.726
Estimated Annual # of People Sent to Jail Using Ratio	112,653	4,668
Number of People Released Each Year (95% Released)	107,020	4,435
% of People in NY Jails a Year in Alternative to Solitary	4.13%	4.13%
# Released Each Year Who Will Have Been in Alternative	4,417	183
Reincarceration Rates for People in Jails in NY	50%	50%
Reduction in Reincarceration for Participants in Alternatives	10%	10%
Reduction in # of People Who Will Be Reincarcerated	220	9
Average Length of Stay in Jail (Days)	39	29
Average Savings for Each Fewer Person Incarcerated in Jail Per Day	\$566	\$585
<i>Savings from Reduction in People Released from Jail Being Reincarcerated, Due to Alternatives to Solitary</i>	\$4.87 Million	\$155,200

The RSVP program resulted in significant reductions in re-arrests and jail time for people who participated in the program compared to people who did not, translating into cost savings of four dollars for every dollar spent. Applying those lessons to local jails in New York, we can estimate reductions in reincarceration for people in jails who go through programming under HALT. In [one study](#), for example, 53.5% of the people who were in NYC jails in 2013 had been reincarcerated in the city jails between two and seven times over the next five years.⁷³ Based on the RSVP program, implementing meaningful program-based alternatives to solitary could result in a 14% reduction in reincarceration.⁷⁴ If there were a reduction in reincarceration of even 10% for people who participated in an alternative

⁷³ Ross MacDonald, MD, et. al., *The Rikers Island Hot Spotters: Defining the Needs of the Most Frequently Incarcerated*, Am J Public Health, 105(11), Nov. 2015, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4605192/>.

⁷⁴ James Gilligan and Bandy Lee, *The Resolve to Stop the Violence Project: reducing violence in the community through a jail-based initiative*, Journal of Public Health, Vol. 27, No. 2, pp. 143-148, available at: https://www.researchgate.net/publication/7915773_The_Resolve_to_Stop_the_Violence_Project_Reducing_violence_in_the_community_through_a_jail-based_initiative.

program, there would be approximately 220 fewer people reincarcerated per year, which, using an average length of stay in jails in New York State of [39 days](#)⁷⁵ and an average savings of \$566 dollars for each fewer person incarcerated per day,⁷⁶ would result in savings of **over \$4.87 million**.

Applying this same methodology to Erie County, using an average length of stay in Erie County jails of [29 days](#)⁷⁷ and an average savings of \$585 dollars for each fewer person incarcerated per day,⁷⁸ the county would save over \$155,200 annually by reducing reincarceration by nine people per year.

In addition, given that decreasing solitary confinement (even without program-intensive alternatives) can itself improve rates of reincarceration by between 5% and 7.5%, reincarceration rates will also decrease. Currently, localities in New York do not report on the use of solitary confinement, and there is very limited data available. According to the most recent Bureau of Justice Statistics data, during the course of a year 18% of people in local jails across the country have spent some time locked in solitary.⁷⁹ Using that figure and with an estimated 81% decrease in the use of solitary, over 16,500 fewer people will be sent to solitary in jails in New York State each year under HALT, or just under 15% of all people in jails in a year. This means HALT would impact nearly 15,700 people released from jail each year, including nearly 11,300 who would not have been in a program-intensive alternative.

Utilizing an average 6.25% reduction in reincarceration for people who have not experienced solitary, there would be approximately 350 fewer people reincarcerated, thereby **saving municipalities \$7.78 million annually**. Using Erie County as an example, reductions in solitary would lead to roughly 15 fewer people being reincarcerated, saving the county nearly \$247,500 annually.

⁷⁵ *New York's Jails By the Numbers*, #FREEnewyork, available at: https://jlusa.org/wp-content/uploads/2018/08/FREEnyork-ByTheNumbers_final.pdf.

⁷⁶ Dividing the total budget for all jails in New York State by the number of people incarcerated brings an average cost of \$616 per person per day in jails. However, as with the prisons above, each fewer person incarcerated would not translate into that amount saved. This more conservative estimate of \$566 per year saved by having each fewer person incarcerated, as with the prisons, focuses on the personal services costs for people incarcerated.

⁷⁷ Erie County, *Empire State of Incarceration*, Vera Institute of Justice, Dec. 2017, available at: <https://www.vera.org/downloads/nys-jails-fact-sheets/Erie.pdf>.

⁷⁸ Again, this figure relies on the personal services costs, namely \$102.5 million annual cost for personal services in Erie County, with 480 people in Erie County jail at a daily snapshot).

⁷⁹ Allen J. Beck, *Use of Restrictive Housing in U.S. Prisons and Jails, 2011–12*, Special Report, U.S. Department of Justice, Bureau of Justice Statistics, NCJ 249209, Oct. 2015, available at: <https://www.bjs.gov/content/pub/pdf/urhuspj1112.pdf>.

SAVINGS FROM REDUCED REINCARCERATION		
<i>Decreased Reincarceration Due to Solitary Reductions</i>	Statewide	Erie County
Estimated # of People Sent to Solitary in a Year	20,278	840
% Decrease in # of People Sent to Solitary in a Year	81.4%	81.4%
# of People Who Would No Longer Be In Solitary Each Year Due to HALT	16,509	684
% of People in Jails Who Would No Longer be in Solitary Each Year	14.65%	14.65%
# of People Released from Jail Who Would No Longer Have Been in Solitary Each Year Under HALT	15,683	650
# of People Released Who Would No Longer Have Been in Solitary Nor in Alternative Under HALT	11,267	467
Reduction in Reincarceration Due to Not Being in Solitary	6.25%	6.25%
Reduction in # of People Who Will Return to Jail	352	15
<i>Average Savings for Each Fewer Person Incarcerated in Jail Per Day</i>	\$7.78 Million	\$247,500
Total Savings from Reduced Reincarceration of People Released from Jails	\$12.6 Million	\$402,696

Taken together, the implementation of program-intensive alternatives to solitary and the reduction in the use of solitary under HALT will **save municipalities over \$12.6 million annually** by decreasing the number of people reincarcerated after release from jail. Erie County would save over \$402,700 annually.

REDUCED COMMUNITY MEDICAL COSTS

HALT will also reduce community medical costs for people who would have otherwise spent time in solitary in local jails. Using the same public health expert assessments as in our review of prison costs, HALT's reduction in the use of solitary in jails would lead to additional savings in overall health care costs in the community of nearly \$3.3 million annually, which would translate to over **\$932,000 in annual savings for the state and \$273,500 in annual savings for localities**. Using the same methodology, the state would save \$38,600 annually and Erie County nearly \$11,300 annually on community medical costs for people leaving Erie County jails.

HEALTH CARE COST SAVINGS IN THE COMMUNITY FROM HALT		
	Statewide	Erie County
Community Medical Costs of Solitary per Person Over Lifetime	\$6,200	\$6,200
Number of People Sent to Solitary Each Year in NY jails	20,278	840
% Reduction in Use of Solitary Under HALT	81.4%	81.4%
Reduction in # of People Sent to Solitary in Jails Each Year	16,509	684
\$ Saved Over Lifetime If Reduced Solitary Under HALT	\$102.36 Million	\$4.24 Million
Assumption: Number of Years People in Solitary Left to Live	31	31
Reduction in Medical Costs per Year	\$3.3 Million	\$136,800
State Spending as % of Total Medicaid Costs	35.29%	35.29%
Local Spending as % of Total Medicaid Costs	10.35%	10.35%
% of Incarcerated People Eligible for Medicaid	80%	80%
State Annual Savings from Community Medical Costs	\$932,000	\$38,600
Local Annual Savings from Community Medical Costs	\$273,500	\$11,300

Conclusion

Overall, the HALT Solitary Confinement Act could save New York State approximately \$114 million annually, and save local municipalities across the state over \$18 million, if they take sensible steps toward achieving these savings, such as closing Special Housing Units, implementing rehabilitative programs and reducing costs in line with shrinking prison and jail populations. With this approach, Erie County alone could save nearly \$509,200 annually.

OVERALL SAVINGS FOR LOCALITIES IN NYS		
	All Counties	Erie County
Savings from Reductions in Lawsuit Expenses	\$5 Million	\$86,300
Savings from Reduction in Re-Arrests	\$12.6 Million	\$402,700
Savings from Reductions in Community Health Care Costs From Reductions in Solitary in Prisons	\$214,500	\$8,900
Savings from Reductions in Community Health Care Costs From Reductions in Solitary in Jails	\$273,500	\$11,300
Overall Cost Savings for Counties from HALT	\$18.14 Million	\$509,200

OVERALL COST SAVINGS FOR NEW YORK STATE FROM HALT	
Savings from HALT Closing SHU Prisons, Buildings and/or Units	\$80.36 Million
In-Prison Savings from Reduced Use of Solitary & Alternatives Under HALT Criteria & Programming	\$7.4 Million
In-Prison Medical Care Savings	\$743,400
Funds Saved Annually from Reductions in Lawsuit Expenses	\$2.5 Million
Savings from More Parole Releases Under HALT	\$12.3 Million
Savings from Reduction in People Released from Prison Being Reincarcerated	\$9.17 Million
Funds Saved Annually from Reduction in Community Medical Costs from Prison Changes	\$731,000
Funds Saved Annually from Reduction in Community Medical Costs from Jail Changes	\$932,000
Overall Cost Savings for New York State from HALT	\$114 Million

Combining the local municipality savings with the state savings from HALT’s implementation, **HALT will help New York State save \$132 million annually.**

OVERALL SAVINGS FROM HALT SOLITARY	
Savings for the State	\$114 Million
Savings for Localities	\$18 Million
Overall Savings from HALT Solitary Act	\$132 Million

Ending solitary confinement is of urgent importance for many reasons, including addressing the [racial injustice](#) of New York State’s incarceration system,⁸⁰ reducing the spread and harm of [COVID-19](#),⁸¹ stopping [state torture](#),⁸² and [saving lives](#).⁸³ As this report lays out, implementing the HALT Solitary Confinement Act will also save the state and local municipalities millions of dollars during this time of economic devastation, budget shortfalls, and a lack of funding for life-saving services and programs.

⁸⁰ Michael Schwartz, Michael Winerip and Robert Gebeloff, The Scourge of Racial Bias in New York State’s Prisons, The New York Times, Dec. 3, 2016: <https://www.nytimes.com/2016/12/03/nyregion/new-york-state-prisons-inmates-racial-bias.html>; Jerome Wright, *Testimony before the NYS Legislature on the Racially Disproportionate Impact of COVID-19*, May 18, 2020: <http://nycaic.org/wp-content/uploads/2020/05/HALTsolitary-Written-Testimony-May-18-COVID-19-Hearing.pdf>.

⁸¹ Unlock the Box, Solitary Watch, and Raben Group, *Solitary Confinement is Never the Answer: A Special Report on the COVID-19 Pandemic in Prisons and Jails, the Use of Solitary Confinement, and Best Practices for Saving the Lives of Incarcerated People and Correctional Staff*, June 2020, available at: <https://static1.squarespace.com/static/5a9446a89d5abbfa67013da7/t/5ee7c4f1860e0d57d0ce8195/1592247570889/June2020Report.pdf>.

⁸² See United Nations Standard Minimum Rules for the Treatment of [Incarcerated Persons] – otherwise known as the “Nelson Mandela Rules” or “Mandela Rules”, Rules 43-45, available at: https://www.unodc.org/documents/justiceand-prison-reform/GA-RESOLUTION/E_ebook.pdf.

⁸³ See *The Walls Are Closing In On Me: Suicide and Self-Harm in New York State’s Solitary Confinement Units, 2015-2019*, #HALTsolitary Campaign, May 2020, available at: http://nycaic.org/wp-content/uploads/2020/05/The-Walls-Are-Closing-In-On-Me_For-Distribution.pdf.



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