

**MEMORANDUM OF SUPPORT**  
**A1610 (Rozic) S4795 (Lanza)**  
**2018**

AN ACT to amend the correction law, in relation to the segregated confinement of pregnant inmates

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This legislation codifies in New York state law the prohibition against the use of solitary confinement for pregnant inmates, and is a critical reform measure designed to protect the health and safety of pregnant women while they are incarcerated.

Solitary confinement is the segregation of inmates in isolation from others.<sup>1</sup> According to the criminal justice advocacy group Correctional Association of New York, solitary confinement in New York “consists of being locked down for 23 hours per day in a cell the size of a large elevator, with extremely limited contact with other people in prison and the outside world.”<sup>2</sup> It may be used for punitive, disciplinary or protective reasons,<sup>3</sup> but as the Correctional Association notes, it is routinely used in New York to address non-violent prison rule violations.<sup>4</sup>

It is well documented that the use of isolation is particularly devastating for those suffering from severe mental illness, and New York State has implemented sweeping restrictions on its use for seriously mentally ill inmates.<sup>5</sup> The use of isolation is also potentially dangerous in the case of pregnant incarcerated women because it can impede access to timely medical care, prevent regular exercise and movement, and can exacerbate symptoms of stress and depression.<sup>6</sup>

According to a five-year study conducted by the Correctional Association of New York, until recently, the New York State Department of Corrections and Community Service (DOCCS) did not have a policy that excluded pregnant women from being held in isolation.<sup>7</sup> Following a class action lawsuit, DOCCS established an internal policy establishing a presumption against solitary confinement for pregnant inmates, in all but “exceptional circumstances.”<sup>8</sup> This legislation is designed to codify this policy into law, in order to provide the maximum protection for pregnant inmates and to enable them to access critical services to support a healthy pregnancy.

New York State has consistently demonstrated a strong continued commitment to protecting the health and safety of incarcerated pregnant women, including passage of the 2009 anti-shackling law and the 2015 law to enhance protections and ensure implementation of the 2009 reforms. This extension of protections for incarcerated pregnant women is both commonsense and necessary.

**Planned Parenthood Empire State Acts encourages the legislature to support this legislation.**

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<sup>1</sup> Solitary Watch, Solitary Confinement FAQ, <<http://solitarywatch.com/facts/faq/>>

<sup>2</sup> The Correctional Association of New York, *Reproductive Injustice: The State of Reproductive Health Care for Women in New York State Prisons*, 2015, <<http://www.correctionalassociation.org/wp-content/uploads/2015/03/Reproductive-Injustice-FULL-REPORT-FINAL-2-11-15.pdf>>

<sup>3</sup> Solitary Watch, Solitary Confinement FAQ, <<http://solitarywatch.com/facts/faq/>>

<sup>4</sup> Correctional Association of New York, *Testimony Before the Senate Judiciary Committee’s Subcommittee on the Constitution, Civil Rights and Human Rights Reassessing Solitary Confinement*, June 19, 2012, <<http://www.correctionalassociation.org/wp-content/uploads/2012/10/testimony-solitary-confinement-june-2012.pdf>>

<sup>5</sup> Ibid.

<sup>6</sup> The Correctional Association of New York, *Reproductive Injustice: The State of Reproductive Health Care for Women in New York State Prisons*, 2015, <<http://www.correctionalassociation.org/wp-content/uploads/2015/03/Reproductive-Injustice-FULL-REPORT-FINAL-2-11-15.pdf>>

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.