

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10

March 18, 2021

11

11:10 a.m.

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14

REGULAR SESSION

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18 SENATOR ROXANNE J. PERSAUD, Acting President

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ALEJANDRA N. PAULINO, ESQ., Secretary

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1 P R O C E E D I N G S

2 ACTING PRESIDENT PERSAUD: The  
3 Senate will come to order.

4 I ask everyone present to please  
5 rise and recite the Pledge of Allegiance.

6 (Whereupon, the assemblage recited  
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT PERSAUD: In the  
9 absence of clergy, let us bow our heads in a  
10 moment of silent reflection or prayer.

11 (Whereupon, the assemblage respected  
12 a moment of silence.)

13 ACTING PRESIDENT PERSAUD: Reading  
14 of the Journal.

15 THE SECRETARY: In Senate,  
16 Wednesday, March 17, 2021, the Senate met  
17 pursuant to adjournment. The Journal of Tuesday,  
18 March 16, 2021, was read and approved. On  
19 motion, Senate adjourned.

20 ACTING PRESIDENT PERSAUD: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: Senator Salazar

1 moves to discharge, from the Committee on Rules,  
2 Assembly Bill Number 2277A and substitute it for  
3 the identical Senate Bill 2836, Third Reading  
4 Calendar 555.

5 ACTING PRESIDENT PERSAUD: The  
6 substitution is so ordered.

7 Messages from the Governor.

8 Reports of standing committees.

9 Reports of select committees.

10 Communications and reports from  
11 state officers.

12 Motions and resolutions.

13 Senator Gianaris.

14 SENATOR GIANARIS: Thank you,  
15 Madam President.

16 Amendments are offered to the  
17 following Third Reading Calendar bills:

18 Senator Hoylman's bill, page 23,  
19 Calendar 409, Senate 1957;

20 And Senator Kaplan, page 34,  
21 Calendar 597, Senate 5669.

22 ACTING PRESIDENT PERSAUD: The  
23 amendments are received, and the bills shall  
24 retain their place on the Third Reading Calendar.

25 Senator Gianaris.

1                   SENATOR GIANARIS:    Please take up  
2 the reading of the calendar at this time.

3                   ACTING PRESIDENT PERSAUD:    The  
4 Secretary will read.

5                   THE SECRETARY:    Calendar Number  
6 153, Senate Print 1378A, by Senator Brooks, an  
7 act to amend the Real Property Tax Law.

8                   ACTING PRESIDENT PERSAUD:    Read the  
9 last section.

10                  THE SECRETARY:    Section 2. This  
11 act shall take effect on the second day of  
12 January.

13                  ACTING PRESIDENT PERSAUD:    Call the  
14 roll.

15                                   (The Secretary called the roll.)

16                  ACTING PRESIDENT PERSAUD:    Announce  
17 the results.

18                  THE SECRETARY:    Ayes, 55.

19                  ACTING PRESIDENT PERSAUD:    The bill  
20 is passed.

21                  THE SECRETARY:    Calendar Number  
22 203, Senate Print 161, by Senator Gounardes,  
23 Concurrent Resolution of the Senate and Assembly  
24 proposing an amendment to Section 6 of Article 5  
25 of the Constitution.

1                   ACTING PRESIDENT PERSAUD:    Read the  
2 last section.

3                   THE SECRETARY:    Section 2.  This  
4 act shall take effect immediately.

5                   ACTING PRESIDENT PERSAUD:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT PERSAUD:    Announce  
9 the results.

10                  THE SECRETARY:    Ayes, 55.

11                  ACTING PRESIDENT PERSAUD:    The bill  
12 is passed.

13                  THE SECRETARY:    Calendar Number  
14 205, Senate Print 436, by Senator Kaminsky, an  
15 act to amend the Civil Practice Law and Rules.

16                  ACTING PRESIDENT PERSAUD:    Read the  
17 last section.

18                  THE SECRETARY:    Section 4.  This  
19 act shall take effect on the first of November.

20                  ACTING PRESIDENT PERSAUD:    Call the  
21 roll.

22                  (The Secretary called the roll.)

23                  ACTING PRESIDENT PERSAUD:    Announce  
24 the results.

25                  THE SECRETARY:    In relation to

1 Calendar 205, those Senators voting in the  
2 negative are Senators Borrello, Gallivan, Griffo,  
3 Helming, O'Mara, Ortt, Rath, Serino and Tedisco.

4 Ayes, 54. Nays, 9.

5 ACTING PRESIDENT PERSAUD: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 435, Senate Print 1646, by Senator Skoufis, an  
9 act to amend the General Municipal Law.

10 SENATOR LANZA: Lay it aside.

11 ACTING PRESIDENT PERSAUD: Lay it  
12 aside.

13 THE SECRETARY: Calendar Number  
14 437, Senate Print 409, by Senator Biaggi, an act  
15 to amend the Mental Hygiene Law.

16 ACTING PRESIDENT PERSAUD: Read the  
17 last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect on the 180th day after it  
20 shall have become a law.

21 ACTING PRESIDENT PERSAUD: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT PERSAUD: Announce  
25 the results.

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT PERSAUD: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 448, Senate Print 4700, by Senator Gaughran, an  
6 act authorizing the Village of Upper Brookville  
7 to retroactively apply for a real property tax  
8 exemption.

9 ACTING PRESIDENT PERSAUD: Read the  
10 last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect immediately.

13 ACTING PRESIDENT PERSAUD: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT PERSAUD: Announce  
17 the results.

18 THE SECRETARY: In relation to  
19 Calendar 448, those Senators voting in the  
20 negative are Senators Akshar, O'Mara and Skoufis.

21 Ayes, 60. Nays, 3.

22 ACTING PRESIDENT PERSAUD: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 507, Senate Print 4207, by Senator Addabbo, an

1 act to amend the Mental Hygiene Law and the  
2 Racing, Pari-Mutuel Wagering and Breeding Law.

3 ACTING PRESIDENT PERSAUD: Read the  
4 last section.

5 THE SECRETARY: Section 3. This  
6 act shall take effect on the 60th day after it  
7 shall have become a law.

8 ACTING PRESIDENT PERSAUD: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT PERSAUD: Announce  
12 the results.

13 THE SECRETARY: Ayes, 63.

14 ACTING PRESIDENT PERSAUD: The bill  
15 is passed.

16 THE SECRETARY: Calendar Number  
17 518, Senate Print 2969, by Senator Harckham, an  
18 act to amend the Tax Law.

19 ACTING PRESIDENT PERSAUD: Read the  
20 last section.

21 THE SECRETARY: Section 2. This  
22 act shall take effect July 1, 2021.

23 ACTING PRESIDENT PERSAUD: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT PERSAUD:    Announce  
2   the results.

3                   THE SECRETARY:    In relation to  
4   Calendar 518, those Senators voting in the  
5   negative are Senators Akshar and O'Mara.

6                   Ayes, 61.   Nays, 2.

7                   ACTING PRESIDENT PERSAUD:    The bill  
8   is passed.

9                   THE SECRETARY:    Calendar Number  
10   521, Senate Print 4670, by Senator Parker, an act  
11   to amend the Tax Law.

12                   ACTING PRESIDENT PERSAUD:    Read the  
13   last section.

14                   THE SECRETARY:    Section 2.   This  
15   act shall take effect immediately.

16                   ACTING PRESIDENT PERSAUD:    Call the  
17   roll.

18                   (The Secretary called the roll.)

19                   ACTING PRESIDENT PERSAUD:    Announce  
20   the results.

21                   THE SECRETARY:    Ayes, 63.

22                   ACTING PRESIDENT PERSAUD:    The bill  
23   is passed.

24                   THE SECRETARY:    Calendar Number  
25   555, Assembly Print Number 2277A, substituted

1 earlier by Assemblymember Aubry, an act to amend  
2 the Correction Law.

3 SENATOR LANZA: Lay it aside.

4 ACTING PRESIDENT PERSAUD: Lay it  
5 aside.

6 Senator Gianaris, that completes the  
7 reading of today's calendar.

8 SENATOR GIANARIS: Can we now go to  
9 the reading of the controversial calendar,  
10 please.

11 ACTING PRESIDENT PERSAUD: The  
12 Secretary will ring the bell.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 435, Senate Print 1646, by Senator Skoufis, an  
16 act to amend the General Municipal Law.

17 ACTING PRESIDENT PERSAUD: Senator  
18 Lanza, why do you rise?

19 SENATOR LANZA: Madam President, I  
20 believe there's an amendment at the desk. I  
21 waive the reading of that amendment and ask that  
22 you recognize Senator Borrello to be heard.

23 ACTING PRESIDENT PERSAUD: Thank  
24 you, Senator Lanza.

25 Upon review of the amendment, in

1 accordance with Rule 6, Section 4B, I rule it  
2 nongermane and out of order at this time.

3 SENATOR LANZA: Accordingly,  
4 Madam President, I appeal the ruling of the chair  
5 and ask that Senator Borrello be recognized.

6 ACTING PRESIDENT PERSAUD: The  
7 appeal has been made and recognized, and  
8 Senator Borrello may be heard.

9 SENATOR BORRELLO: Thank you,  
10 Madam President.

11 I believe this amendment is germane  
12 because this particular bill deals with how VFWs  
13 and other organizations -- American Legion  
14 posts -- have been harmed by the Governor's  
15 erratic and unscientific executive orders.  
16 Therefore, this bill is there to try and help  
17 those folks offset some of those losses caused by  
18 the Governor's unscientific way of handling these  
19 lockdowns.

20 More importantly, we are seeing  
21 now -- here we are, Day 13 since the Governor's  
22 powers were supposedly revoked. It kind of  
23 reminds me when I was a kid hearing about the  
24 American hostages in Iran, how many days each day  
25 that they were held hostage in Iran.

1                   Well, here we are, it's Day 13,  
2 still being held hostage by powers that were  
3 allegedly revoked nearly two weeks ago.

4                   But not only does it appear that  
5 these powers still exist, but the Governor seems  
6 to be emboldened by them. As recently as  
7 yesterday we saw the Governor say, Well, we're  
8 going to let some people, you know, go past the  
9 11 p.m. curfew, and the others, well, we'll see.

10                  He is clearly still using these  
11 powers to not only, you know, continue his  
12 lockdown and harm our economy but to create  
13 basically a diversion from the mounting scandals  
14 that we have seen.

15                  In order to really remedy this, this  
16 amendment needs to be taken up. We need to vote  
17 on it and pass it to truly strip the Governor of  
18 that executive authority.

19                  So what else can we do now except  
20 notice that right now the only changes that have  
21 happened in the last 13 days are the ones that  
22 the Governor himself has brought forth. That's  
23 why this amendment is not only germane but it's  
24 critical that it passes here today so that this  
25 Legislature can return to its constitutional

1 obligation to be a separate, coequal branch of  
2 government.

3           So, Madam President, I respectfully  
4 ask that you find this amendment to be germane  
5 and pass it today. Thank you.

6           ACTING PRESIDENT PERSAUD: Thank  
7 you, Senator.

8           I want to remind the house that the  
9 vote is on the procedures of the house and the  
10 ruling of the chair.

11           Those in favor of overruling the  
12 chair please signify by saying aye.

13           SENATOR LANZA: Request a show of  
14 hands.

15           SENATOR GIANARIS: Madam President,  
16 we have once again agreed to waive the showing of  
17 hands and record each member of the Minority in  
18 the affirmative.

19           ACTING PRESIDENT PERSAUD: Without  
20 objection, so ordered.

21           Announce the results.

22           THE SECRETARY: Ayes, 20.

23           ACTING PRESIDENT PERSAUD: The bill  
24 is passed. No. No, sorry. Sorry.

25           (Laughter.)

1                   ACTING PRESIDENT PERSAUD:     Sorry.

2     The ruling of the chair stands and the  
3     bill-in-chief is before the house.

4                   Are there any other Senators wishing  
5     to be heard?

6                   Seeing and hearing none, debate is  
7     closed.   The Secretary will ring the bell.

8                   Read the last section.

9                   THE SECRETARY:     Section 3.   This  
10    act shall take effect immediately.

11                   ACTING PRESIDENT PERSAUD:     Call the  
12    roll.

13                   (The Secretary called the roll.)

14                   ACTING PRESIDENT PERSAUD:     Announce  
15    the results.

16                   THE SECRETARY:     Ayes, 63.

17                   ACTING PRESIDENT PERSAUD:     The bill  
18    is passed.

19                   THE SECRETARY:     Calendar Number  
20    555, Assembly Print Number 2277A, by  
21    Assemblymember Aubry, an act to amend the  
22    Correction Law.

23                   ACTING PRESIDENT PERSAUD:  
24    Senator Akshar.

25                   SENATOR AKSHAR:     Madam President,

1 if you'd just give me one second, please.

2 ACTING PRESIDENT PERSAUD: Sure.

3 SENATOR AKSHAR: Madam President,  
4 thank you. Through you, if the sponsor would  
5 yield for a few questions.

6 ACTING PRESIDENT PERSAUD: Will the  
7 sponsor yield?

8 SENATOR SALAZAR: Yes.

9 ACTING PRESIDENT PERSAUD: The  
10 sponsor will yield.

11 SENATOR AKSHAR: Thank you,  
12 Madam President.

13 My question, through you,  
14 Madam President, is do the terms "solitary  
15 confinement" and "special housing unit" mean the  
16 same thing to the sponsor?

17 SENATOR SALAZAR: Through you,  
18 Madam President, I'm not sure how Senator Akshar  
19 defines "special housing unit." So if you could  
20 clarify, that would be helpful.

21 SENATOR AKSHAR: Madam President,  
22 through you, if the sponsor would give me a  
23 definition of a special housing unit, in her  
24 mind, and solitary confinement, in her mind as  
25 well.

1                   SENATOR SALAZAR:    Through you,  
2   Madam President.  The special housing unit, or  
3   SHU, is one form of solitary confinement that is  
4   used in DOCCS facilities.  Typically it means  
5   being confined to a small space about the size of  
6   an elevator for 22 to 24 hours a day, given no  
7   meaningful interaction with other people.

8                   Currently, under the law, there is  
9   not a limit to how long someone can be confined  
10  in SHU.  It could be for months, years, and in  
11  some cases even decades.

12                  SENATOR AKSHAR:    Madam President,  
13  through you, if the sponsor will continue to  
14  yield.

15                  ACTING PRESIDENT PERSAUD:   Will the  
16  sponsor yield?

17                  SENATOR SALAZAR:    Yes.

18                  ACTING PRESIDENT PERSAUD:   The  
19  sponsor yields.

20                  SENATOR AKSHAR:    Could the sponsor  
21  give me an example of someone who has languished  
22  in a special housing unit for years or even  
23  decades?

24                  SENATOR SALAZAR:    Through you,  
25  Madam President, there are about 4,000 people in

1 segregated confinement in prisoners and jails  
2 across New York State, including numerous people  
3 who are being held in SHU right now.

4                   For just one example, I recently  
5 visited Fishkill Correctional Facility in the  
6 Hudson Valley. While I was there, I visited SHU  
7 200, where several men were being held in  
8 solitary. I don't feel that I need to name them,  
9 but I personally witnessed men being held in  
10 solitary confinement in SHU.

11                   SENATOR AKSHAR: Madam President,  
12 through you, if the sponsor will continue to  
13 yield.

14                   ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16                   SENATOR SALAZAR: Yes.

17                   ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

19                   SENATOR AKSHAR: The sponsor just  
20 used the number 4,000, she was aware of  
21 4,000 inmates who are currently being held in  
22 special housing units. Is that what I heard?

23                   SENATOR SALAZAR: Yes.

24                   SENATOR AKSHAR: Madam President,  
25 through you, if the sponsor would continue to

1 yield.

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

4 SENATOR SALAZAR: Yes.

5 ACTING PRESIDENT PERSAUD: The  
6 sponsor yields.

7 SENATOR AKSHAR: Where does the  
8 sponsor get that number of 4,000 from?

9 SENATOR SALAZAR: Well, first, you  
10 know, this is approximately 4,000 people who are  
11 being held right now. We know, for example, in  
12 2019, through a report that was issued by the  
13 NYCLU that in that year alone, more than 38,000  
14 people were sent to solitary confinement in  
15 facilities across the State of New York.

16 Additionally, DOCCS actually on a  
17 monthly basis reports -- while the data is  
18 limited, they do report the number of people who  
19 are being held in SHU on their website on a  
20 monthly basis.

21 SENATOR AKSHAR: Madam President,  
22 through you, if the sponsor will continue to  
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR SALAZAR:    Yes.

2                   ACTING PRESIDENT PERSAUD:    The  
3 sponsor yields.

4                   SENATOR AKSHAR:    The sponsor made  
5 reference to, I think, NYCLU.  And I'm sorry, it  
6 was year -- what year?  It was two thousand  
7 and -- I'm sorry, what --

8                   SENATOR SALAZAR:    Nineteen.  2019.

9                   SENATOR AKSHAR:    Okay.  The  
10 question is in 2019 -- I just want to make sure I  
11 understand this, Senator Salazar.  In 2019 it is  
12 your assertion that some 31,000 people were sent  
13 to a special housing unit?

14                   SENATOR SALAZAR:    Through you,  
15 Madam President.  It was more than 38,000 people  
16 who were sent to solitary confinement.

17                               And we don't know, you know, the --  
18 which types of solitary confinement.  We know  
19 that that included SHU, but there are additional  
20 forms of solitary confinement that some of those  
21 38,000 people were likely sent to instead.

22                   SENATOR AKSHAR:    Madam President,  
23 through you, if the sponsor would continue to  
24 yield.

25                   ACTING PRESIDENT PERSAUD:    Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR AKSHAR: Two questions, if  
6 I may. The first, in 2019, again, some 38,000  
7 people were sent to -- the sponsor is  
8 asserting -- were sent to solitary confinement,  
9 as she describes. What was the total prison  
10 population during that period of time?

11 SENATOR SALAZAR: Through you,  
12 Madam President, I don't have the exact number of  
13 how many people were incarcerated in the state in  
14 2019 readily available to me.

15 SENATOR AKSHAR: Madam President,  
16 through you, if the sponsor will continue to  
17 yield.

18 ACTING PRESIDENT PERSAUD: Does the  
19 sponsor yield?

20 SENATOR SALAZAR: Yes.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

23 SENATOR AKSHAR: Does the sponsor  
24 know how many people are currently incarcerated  
25 today in the state prison system?

1                   SENATOR SALAZAR:    Through you,  
2 Madam President.  Today, in March of 2021, I'm  
3 told that there are approximately 31,000 people  
4 who are in DOCCS facilities across the state.

5                   SENATOR AKSHAR:    Madam President,  
6 through you, if the sponsor will continue to  
7 yield.

8                   ACTING PRESIDENT PERSAUD:  Does the  
9 sponsor yield?

10                  SENATOR SALAZAR:    Yes.

11                  ACTING PRESIDENT PERSAUD:  The  
12 sponsor yields.

13                  SENATOR AKSHAR:    Would the sponsor  
14 be so kind to look over her shoulder and ask her  
15 counsel how many people were incarcerated in 2019  
16 in state correctional facilities?

17                  SENATOR SALAZAR:    Through you,  
18 Madam President.  I think that what the Senator  
19 is asking is about the number of people who were  
20 at any point in 2019 held in solitary  
21 confinement, versus the total number of people  
22 who were in DOCCS facilities in 2019.

23                  And so I want to be very clear that  
24 in the report that the NYCLU issued in 2019, they  
25 were referring to the number of times that people

1 were sent to solitary confinement. Some of those  
2 people were likely sent to solitary more than  
3 once, and so that number of more than  
4 38,000 times when people were sent to solitary  
5 confinement could include some of the people  
6 multiple times, and in fact it almost certainly  
7 did.

8                   SENATOR AKSHAR: Madam President,  
9 through you, if the sponsor would continue to  
10 yield.

11                   ACTING PRESIDENT PERSAUD: Does the  
12 sponsor yield?

13                   SENATOR SALAZAR: Yes.

14                   ACTING PRESIDENT PERSAUD: The  
15 sponsor yields.

16                   SENATOR AKSHAR: That was the  
17 point -- it was the point that I was trying to  
18 make, Senator Salazar.

19                   So this is -- we're talking now in  
20 terms of numbers, but it's your assertion that  
21 these were instances of people going to solitary  
22 confinement, based on what the NYCLU report said,  
23 not necessarily 38,000 separate state prisoners  
24 going to special housing units.

25                   SENATOR SALAZAR: Through you,

1 Madam President, that is correct.

2 But this is separate from the fact  
3 that we know there are approximately, right now,  
4 4,000 people in segregated confinement in prisons  
5 and jails across New York State.

6 SENATOR AKSHAR: Madam President.  
7 Through you, if the sponsor will continue to  
8 yield.

9 ACTING PRESIDENT PERSAUD: Does the  
10 sponsor yield?

11 SENATOR SALAZAR: Yes.

12 ACTING PRESIDENT PERSAUD: The  
13 sponsor yields.

14 SENATOR AKSHAR: The sponsor made  
15 mention of several different types of solitary  
16 confinement. Would the sponsor be so kind to  
17 educate me on the different types of solitary  
18 confinement within the state prison system?

19 SENATOR SALAZAR: Through you,  
20 Madam President, this includes SHU, the special  
21 housing unit. Ad seg. It includes keeplock in  
22 your own cell, where you can be held for the same  
23 period of time, up to -- well, under HALT, it  
24 would be up to 17 hours a day. Currently there  
25 is not a limit on how long someone can be held in

1 solitary confinement.

2                   SENATOR AKSHAR: Madam President,  
3 through you, if the sponsor would continue to  
4 yield.

5                   ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7                   SENATOR SALAZAR: Yes.

8                   ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10                  SENATOR AKSHAR: Why would one find  
11 themselves in administrative segregation or in a  
12 keeplock situation?

13                  SENATOR SALAZAR: Through you,  
14 Madam President, it is really at DOCCS'  
15 discretion right now. We know of instances  
16 where, of course, someone may be disciplined  
17 through the use of solitary confinement for  
18 committing a violent act.

19                  But additionally, people can be sent  
20 to solitary confinement for virtually any reason,  
21 for very minor infractions, such as putting up a  
22 photo of their family in their cell without  
23 permission. You know, not putting their tray  
24 away properly. These sort of minor infractions  
25 can also have someone sent to solitary

1 confinement.

2 SENATOR AKSHAR: Madam President,  
3 through you, if the sponsor would continue to  
4 yield.

5 ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7 SENATOR SALAZAR: Yes.

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10 SENATOR AKSHAR: Thank you,  
11 Madam President.

12 Where is solitary confinement  
13 defined? Where could I look to get that  
14 definition?

15 SENATOR SALAZAR: Through you,  
16 Madam President. There are competing definitions  
17 for what constitutes solitary confinement.

18 We define it as forms of segregated  
19 confinement where the person is separated from  
20 the general population, is held in isolation.

21 SENATOR AKSHAR: Madam President,  
22 through you, if the sponsor would continue to  
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR SALAZAR:    Yes.

2                   ACTING PRESIDENT PERSAUD:    The  
3 sponsor yields.

4                   SENATOR AKSHAR:    Who is "we"?  "We  
5 define it as," who is we?  I'm sorry.

6                   SENATOR SALAZAR:    Through you,  
7 Madam President.  In the bill, at the very  
8 beginning of the bill, it states that segregated  
9 confinement means the confinement of an inmate  
10 and says any form of cell confinement for more  
11 than 17 hours a day, other than in a  
12 facility-wide emergency, of course, or for the  
13 purpose of providing medical or mental health  
14 treatment.

15                   SENATOR AKSHAR:    Madam President,  
16 through you, if the sponsor would continue to  
17 yield.

18                   ACTING PRESIDENT PERSAUD:    Does the  
19 sponsor yield?

20                   SENATOR SALAZAR:    Yes.

21                   ACTING PRESIDENT PERSAUD:    The  
22 sponsor yields.

23                   SENATOR AKSHAR:    Let me ask the  
24 question a different way.

25                   Prior to authoring the statute, how

1 was solitary confinement defined? Because much  
2 of this bill -- and I'm going to get to my  
3 question in just a moment -- much of this bill is  
4 being driven by this terminology, doing away with  
5 solitary confinement. So I'm curious to know,  
6 prior to this bill being authored, how was  
7 solitary confinement defined?

8                   SENATOR SALAZAR: Through you,  
9 Madam President, I would argue that solitary  
10 confinement was not clearly defined before this  
11 bill was introduced.

12                   SENATOR AKSHAR: Madam President,  
13 through you, if the sponsor would continue to  
14 yield.

15                   ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17                   SENATOR SALAZAR: Yes.

18                   ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

20                   SENATOR AKSHAR: I wonder if the  
21 sponsor would be so kind just to walk me through  
22 the history of this HALT legislation.

23                   SENATOR SALAZAR: Through you,  
24 Madam President. Before this bill was  
25 introduced, there was a settlement agreement in

1 2014. This bill was introduced to encompass some  
2 of the provisions of the settlement agreement, as  
3 well as to expand and to codify the provisions of  
4 the settlement.

5 SENATOR AKSHAR: Madam President,  
6 through you, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

13 SENATOR AKSHAR: The sponsor is  
14 familiar with The People v. Annucci? I think  
15 that's what she's describing in terms of the  
16 settlement. Is that accurate?

17 SENATOR SALAZAR: Yes.

18 SENATOR AKSHAR: If the sponsor  
19 would continue to yield, Madam President.

20 ACTING PRESIDENT PERSAUD: Does the  
21 sponsor yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR AKSHAR: And what

1 specifically came of that class action lawsuit by  
2 NYCLU in regards to The People v. Annucci?

3 SENATOR SALAZAR: So through you,  
4 Madam President, the NYCLU settlement resulted in  
5 the implementation of policies which minimized  
6 the use and duration of confinement in SHUs  
7 specifically, although not in other forms of  
8 solitary confinement.

9 It created sanction guidelines,  
10 ended the use of solitary only on juveniles, it  
11 instituted a presumption against solitary for  
12 pregnant people who are incarcerated, and  
13 provided for alternative placement for people  
14 with cognitive impairment.

15 However, the settlement agreement of  
16 course did not enact into statute laws to  
17 incorporate its provisions.

18 SENATOR AKSHAR: Madam President,  
19 through you, if the sponsor would continue to  
20 yield.

21 ACTING PRESIDENT PERSAUD: Does the  
22 sponsor yield?

23 SENATOR SALAZAR: Yes.

24 ACTING PRESIDENT PERSAUD: The  
25 sponsor yields.

1                   SENATOR AKSHAR:    At the time NYCLU  
2   said of the settlement that it was a  
3   comprehensive overhaul of the system.

4                   Does the sponsor agree with that  
5   assertion?

6                   SENATOR SALAZAR:    Through you,  
7   Madam President, I do not believe that the  
8   settlement was a comprehensive overhaul.

9                   I do believe that it made some  
10   progress, but the reason that we are voting on  
11   this bill today and why I support this bill  
12   becoming law is because I think that this is  
13   actually what is necessary in order to address  
14   the very serious problems with the use of  
15   solitary confinement in New York.

16                   SENATOR AKSHAR:    Madam President,  
17   through you, if the sponsor would continue to  
18   yield.

19                   ACTING PRESIDENT PERSAUD:    Does the  
20   sponsor yield?

21                   SENATOR SALAZAR:    Yes.

22                   ACTING PRESIDENT PERSAUD:    The  
23   sponsor yields.

24                   SENATOR AKSHAR:    An inmate that  
25   finds themselves in a special housing unit or a

1 SHU, do you consider them to be in solitary  
2 confinement?

3 SENATOR SALAZAR: Through you,  
4 Madam President. Yes, I do.

5 SENATOR AKSHAR: Madam President,  
6 through you, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

13 SENATOR AKSHAR: Do those  
14 individuals have human contact?

15 SENATOR SALAZAR: Through you,  
16 Madam President, someone who is held in SHU does  
17 have minimal human contact, although under  
18 current law, prior to the passage of this bill --  
19 under current law someone can be held in SHU for  
20 up to 23 hours a day, more than 17 hours a day,  
21 and without any meaningful human contact.

22 SENATOR AKSHAR: Madam President,  
23 through you, if the sponsor would continue to  
24 yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR AKSHAR: Are they able to  
6 have their property?

7 SENATOR SALAZAR: Through you,  
8 Madam President. It is actually at the  
9 discretion of DOCCS whether or not someone who is  
10 held in SHU can have their property. They are  
11 not required to give them their property while  
12 they are held in solitary confinement.

13 SENATOR AKSHAR: Are they allowed  
14 to have --

15 ACTING PRESIDENT PERSAUD: Senator  
16 Akshar, are you asking the sponsor to yield?

17 SENATOR AKSHAR: I am,  
18 Madam President.

19 ACTING PRESIDENT PERSAUD: Will the  
20 sponsor yield?

21 SENATOR SALAZAR: Yes.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

24 SENATOR AKSHAR: In the interests  
25 of time, I'm just going to ask about several

1 things that inmates are allowed to have, and  
2 maybe I could just get a yes or a no or we could  
3 discuss them individually.

4           Personal visits, legal visits,  
5 radios, televisions, commissary privileges, the  
6 same meals as inmates in general population,  
7 playing cards, books, photographs, tablets,  
8 religious material, mental health assessments,  
9 packages, mail, legal mail, daily medical sick  
10 calls and emergency sick calls, general library  
11 services and the law library services, amongst  
12 others. Do people in a special housing unit have  
13 access to those things?

14           SENATOR SALAZAR: Through you,  
15 Madam President, these are privileges that  
16 someone who is held in SHU or solitary  
17 confinement could have access to, but it is at  
18 the discretion of DOCCS.

19           Any of these privileges, under  
20 current law, can be taken away from someone, they  
21 can be held without access to these privileges.

22           SENATOR AKSHAR: Madam President,  
23 through you, if the sponsor would continue to  
24 yield.

25           ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR AKSHAR: Thank you,  
6 Madam President. I'm having a difficult time  
7 making the delineation between a special housing  
8 unit and solitary confinement. So could the  
9 sponsor just help me through this issue?

10 I am calling the folks that find  
11 themselves to be, with poor behavior,  
12 incorrigible, who find themselves in this  
13 situation in a special housing unit, keeplock or  
14 ad seg -- how does that differ from what the  
15 sponsor is describing as solitary confinement?

16 SENATOR SALAZAR: Through you,  
17 Madam President, it is not. All of these are  
18 forms of what I would consider to be and what the  
19 bill treats as solitary confinement.

20 SENATOR AKSHAR: Thank you.

21 Madam President, if the sponsor  
22 would continue to yield.

23 ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25 SENATOR SALAZAR: Yes.

1                   ACTING PRESIDENT PERSAUD:    The  
2 sponsor yields.

3                   SENATOR AKSHAR:    How does the  
4 current law address these issues surrounding  
5 special housing units?

6                   SENATOR SALAZAR:    Through you,  
7 Madam President, I -- I'm a little unclear on  
8 which issues Senator Akshar is referring to.

9                   SENATOR AKSHAR:    Madam President,  
10 through you, if the sponsor would continue to  
11 yield.

12                   ACTING PRESIDENT PERSAUD:    Will the  
13 sponsor yield?

14                   SENATOR SALAZAR:    Yes.

15                   ACTING PRESIDENT PERSAUD:    The  
16 sponsor yields.

17                   SENATOR AKSHAR:    Let me try it a  
18 different way.

19                   It's my understanding that there was  
20 an agreement last year between the Governor and  
21 the Legislature in reference to dealing with  
22 inmates, both in state facilities and county  
23 facilities, who find themselves residing in a  
24 special housing unit, ad seg, keeplock.

25                   How does that agreement of 2019

1 differ from what we're currently doing by way of  
2 the bill-in-chief?

3           SENATOR SALAZAR: Through you,  
4 Madam President. The agreement and the  
5 regulations that were adopted when the agreement  
6 was reached in 2019 do include some of the key  
7 points outlined in this bill, but they are not  
8 statutory mandates.

9           They fall short in many areas, one  
10 of which -- one difference between the regulatory  
11 agreement and this bill is that this bill clearly  
12 defines segregated confinement, also regulates  
13 and prevents the prolonged use of solitary  
14 confinement in keeplock and one's cell in  
15 administrative segregation or protective custody.

16           It also is necessary to prevent  
17 alternatives to SHU from becoming the new  
18 prolonged solitary confinement.

19           Additionally, this bill specifically  
20 includes special populations and expands that  
21 definition to include people up to 21 years of  
22 age or over the age of 55, in order to further  
23 protect vulnerable populations that were not  
24 protected by the regulations.

25           SENATOR AKSHAR: Madam President,

1 through you, if the sponsor will continue to  
2 yield.

3 ACTING PRESIDENT PERSAUD: Does the  
4 sponsor yield?

5 SENATOR SALAZAR: Yes.

6 ACTING PRESIDENT PERSAUD: The  
7 sponsor yields.

8 SENATOR AKSHAR: In reference to  
9 the agreement that was reached in 2019, who was  
10 part and parcel to that discussion? And how did  
11 you all arrive at the parameters of that  
12 agreement?

13 SENATOR SALAZAR: Through you,  
14 Madam President, it was based on a proposal from  
15 the Executive and negotiations between the  
16 Executive and the two houses of the Legislature.

17 SENATOR AKSHAR: Madam President,  
18 through you, if the sponsor will continue to  
19 yield.

20 ACTING PRESIDENT PERSAUD: Does the  
21 sponsor yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR AKSHAR: These were

1 regulations, not laws, is that correct?

2 SENATOR SALAZAR: Through you,  
3 Madam President. Yes, that is correct.

4 SENATOR AKSHAR: If the sponsor  
5 will continue to yield, Madam President.

6 ACTING PRESIDENT PERSAUD: Does the  
7 sponsor yield?

8 SENATOR SALAZAR: Yes.

9 ACTING PRESIDENT PERSAUD: The  
10 sponsor yields.

11 SENATOR AKSHAR: Were those  
12 regulations crafted by those who would be  
13 considered experts in the field of corrections  
14 who understand the complexities of running  
15 facilities like jails or prisons? Or were they  
16 created by bureaucrats in Albany?

17 SENATOR SALAZAR: Through you,  
18 Madam President. These regulations were not  
19 created, these regulations -- you know, I --  
20 first of all, I was not directly involved in the  
21 process of creating these regulations. They were  
22 informed by a number of things.

23 But most importantly, those  
24 regulations are not actually the basis of what we  
25 are doing today. What we are doing today and

1 what is outlined in the HALT solitary confinement  
2 bill is based on research. We have data. There  
3 is well-documented information about the impacts  
4 and the negative impacts of the long-term use of  
5 solitary confinement. And that is the basis for  
6 the changes in this bill.

7 SENATOR AKSHAR: Madam President,  
8 through you, if the sponsor would continue to  
9 yield.

10 ACTING PRESIDENT PERSAUD: Does the  
11 sponsor yield?

12 SENATOR SALAZAR: Yes.

13 ACTING PRESIDENT PERSAUD: The  
14 sponsor yields.

15 SENATOR AKSHAR: Just based off of  
16 something that you just said. So the question  
17 is, who did you in fact consult with in regards  
18 to authorizing this legislation?

19 SENATOR SALAZAR: Through you,  
20 Madam President, those who authored this  
21 legislation consulted with people who do have  
22 experience working within the system of mass  
23 incarceration.

24 They consulted with -- and I  
25 consulted with, as the sponsor of this bill --

1 many people who have been directly impacted by  
2 the use of solitary confinement, as well as what  
3 you could call stakeholders, people who work in  
4 correctional facilities in New York.

5 SENATOR AKSHAR: Madam President,  
6 through you, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

13 SENATOR AKSHAR: Does the sponsor  
14 care just to share who some of those people who  
15 work in correctional facilities were that she  
16 spoke to?

17 SENATOR SALAZAR: Through you,  
18 Madam President, this included speaking to  
19 corrections officers about the bill.

20 SENATOR AKSHAR: Madam President,  
21 through you, if the sponsor would continue to  
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25 SENATOR SALAZAR: Yes.

1                   ACTING PRESIDENT PERSAUD:    The  
2    sponsor yields.

3                   SENATOR AKSHAR:    I just want to  
4    make sure I understand the last point.

5                   So you sought the advice of members  
6    of NYSCOPBA in authoring this legislation in  
7    terms of, you know, arriving at whatever language  
8    it is that we're discussing today?

9                   SENATOR SALAZAR:    Through you,  
10   Madam President, I did not personally draft this  
11   legislation. I'm the sponsor of this  
12   legislation, but this legislation precedes me and  
13   my time in the Senate.

14                   But I do know for a fact that I met  
15   with corrections officers, with union  
16   representatives, I met with people who work for  
17   DOCCS, and I spoke to DOCCS about this bill.

18                   SENATOR AKSHAR:    Madam President,  
19   through you, if the sponsor would continue to  
20   yield.

21                   ACTING PRESIDENT PERSAUD:    Does the  
22   sponsor yield?

23                   SENATOR SALAZAR:    Yes.

24                   ACTING PRESIDENT PERSAUD:    The  
25   sponsor yields.

1                   SENATOR AKSHAR:    In reference  
2 specifically to the folks who are working within  
3 the confines of correctional facilities that you  
4 have spoken to, are they in favor or support of  
5 this language?

6                   SENATOR SALAZAR:    Through you,  
7 Madam President.  No, they are not.

8                   SENATOR AKSHAR:    Madam President,  
9 through you, if the sponsor would continue to  
10 yield.

11                   ACTING PRESIDENT PERSAUD:    Does the  
12 sponsor yield?

13                   SENATOR SALAZAR:    Yes.

14                   ACTING PRESIDENT PERSAUD:    The  
15 sponsor yields.

16                   SENATOR AKSHAR:    In state  
17 correctional facilities there are what is known  
18 as inmate liaisons.  Have you spoken to any  
19 inmate liaisons in reference to this language?

20                   SENATOR SALAZAR:    Through you,  
21 Madam President, I have not personally spoken to  
22 inmate liaisons about the content of this bill,  
23 although I have spoken to many people who have  
24 either experienced solitary confinement firsthand  
25 or whose family members have, as well as the

1 families of people who have died in solitary  
2 confinement in our state. Many people who have  
3 been directly impacted by the use of solitary  
4 confinement.

5 SENATOR AKSHAR: Madam President,  
6 through you, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

13 SENATOR AKSHAR: How many people  
14 have died while in solitary confinement in the  
15 last decade?

16 SENATOR SALAZAR: Through you,  
17 Madam President, we don't have the number of  
18 people who have died in solitary confinement in  
19 the past decade readily available to us.

20 I would argue, however, that even  
21 one person dying while held in solitary  
22 confinement for preventable causes is too many.

23 SENATOR AKSHAR: For the record, I  
24 would agree with the sponsor.

25 If the sponsor would be so kind to

1 yield.

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

4 SENATOR SALAZAR: Yes.

5 ACTING PRESIDENT PERSAUD: The  
6 sponsor yields.

7 SENATOR AKSHAR: Senator, I think  
8 you may have mentioned this. And obviously you  
9 and I have had this discussion about you  
10 traveling the state visiting correctional  
11 facilities.

12 Have you had the opportunity to  
13 visit a SHU?

14 SENATOR SALAZAR: Through you,  
15 Madam President. Yes, I did have the opportunity  
16 to visit SHU as recently as last month.

17 SENATOR AKSHAR: Madam President,  
18 through you, if the sponsor would continue to  
19 yield.

20 ACTING PRESIDENT PERSAUD: Does the  
21 sponsor yield?

22 SENATOR SALAZAR: Yes.

23 ACTING PRESIDENT PERSAUD: The  
24 sponsor yields.

25 SENATOR AKSHAR: What was the

1 sponsor's overall perception of that visit, the  
2 conditions? If the sponsor would be so kind, if  
3 she would just share what it was that she  
4 observed or witnessed while she was there.

5           SENATOR SALAZAR: Through you,  
6 Madam President. While I was visiting -- most  
7 recently, when visiting Fishkill Correctional  
8 Facility, I did go to the SHU. I saw several men  
9 who were being held in solitary confinement  
10 there. I spoke to them.

11           One of them, for example, was very  
12 distressed. He had been held in there for longer  
13 than 15 days, and that was actually confirmed to  
14 me by corrections officers. He also mentioned  
15 that he didn't have his property with him.

16           I also had the opportunity, while  
17 there, to go into one of the cells in the special  
18 housing unit and see the size, that it's a small  
19 cell, and also see the very small space that is  
20 used for people who are being held in SHU to have  
21 some time -- some out-of-cell time while they're  
22 in SHU. And it is roughly the size of a fire  
23 escape.

24           SENATOR AKSHAR: Madam President,  
25 through you, if the sponsor will continue to

1 yield.

2                   ACTING PRESIDENT PERSAUD:    Does the  
3 sponsor yield?

4                   SENATOR SALAZAR:     Yes.

5                   ACTING PRESIDENT PERSAUD:    The  
6 sponsor yields.

7                   SENATOR AKSHAR:     In the discussion  
8 with that particular inmate who was being held  
9 longer than 15 days and did not have his -- I'm  
10 assuming "him."  If I'm wrong, just let me know.

11                   If you care to elaborate, did he  
12 fill you in as to why he found himself in a  
13 special housing unit in the first place and why  
14 he did not have his property?

15                   SENATOR SALAZAR:     Through you,  
16 Madam President.  While I did speak to the man  
17 who was incarcerated, I also spoke to corrections  
18 officers who were there with us, and they  
19 confirmed for me that actually in this particular  
20 case, the man was being held because he had not  
21 taken a COVID test and he had been exposed to  
22 COVID-19.

23                   Typically, that means that someone  
24 would only be quarantined for two weeks.  In this  
25 case, the reason that he was held longer was

1 because apparently during his brief out-of-cell  
2 time at the end of that 14 days of quarantine  
3 period, he was exposed again.

4 He still didn't test positive for  
5 COVID-19. He wasn't tested, but he was returned  
6 immediately that same day to SHU. And so it  
7 essentially restarted the clock on his time in  
8 SHU.

9 SENATOR AKSHAR: Madam President,  
10 through you, if the sponsor would continue to  
11 yield.

12 ACTING PRESIDENT PERSAUD: Does the  
13 sponsor yield?

14 SENATOR SALAZAR: Yes.

15 SENATOR AKSHAR: So in this --

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor -- the sponsor yields.

18 SENATOR AKSHAR: I'm sorry,  
19 Madam President.

20 So in this particular instance this  
21 inmate was not being held in a special housing  
22 unit for behavioral issues, he was being housed  
23 because of COVID-related issues?

24 SENATOR SALAZAR: Through you,  
25 Madam President. It's possible that originally

1 he was held for disciplinary reasons. I cannot  
2 confirm that.

3 I do know that people are currently  
4 being held in SHU not only for disciplinary  
5 reasons, but also for the purpose of public  
6 health, of trying to manage the spread of  
7 COVID-19 in correctional facilities.

8 SENATOR AKSHAR: Madam President,  
9 through you, if the sponsor would continue to  
10 yield.

11 ACTING PRESIDENT PERSAUD: Does the  
12 sponsor yield?

13 SENATOR SALAZAR: Yes.

14 ACTING PRESIDENT PERSAUD: The  
15 sponsor yields.

16 SENATOR AKSHAR: Two parts. What  
17 were the lighting conditions like when you were  
18 in the special housing unit? And did you witness  
19 any interactions between the inmates and someone  
20 providing service, mental health, substance use  
21 disorder, whatever it may be, or any interactions  
22 between those inmates and corrections officers?

23 SENATOR SALAZAR: Through you,  
24 Madam President, I did not get to witness  
25 those -- any of the incarcerated people engaging

1 in programming at all during my visit. I was at  
2 Fishkill for about four hours, and there was not  
3 any programming that I could see available to the  
4 people held in SHU during that time.

5 SENATOR AKSHAR: Madam President,  
6 through you, if the sponsor would yield.

7 ACTING PRESIDENT PERSAUD: Does the  
8 sponsor yield?

9 SENATOR SALAZAR: Yes.

10 ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

12 SENATOR AKSHAR: Do those inmates  
13 who find themselves in a special housing unit,  
14 are they afforded an opportunity to get some of  
15 those services that you and I are discussing?

16 SENATOR SALAZAR: Through you,  
17 Madam President. Currently they are not  
18 required, under the law, to be provided with  
19 access to the programs that are available to the  
20 general population in DOCCS facilities.

21 SENATOR AKSHAR: Madam President,  
22 through you, if the sponsor would continue to  
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR SALAZAR:    Yes.

2                   ACTING PRESIDENT PERSAUD:    The  
3 sponsor yields.

4                   SENATOR AKSHAR:    Thank you,  
5 Madam President.

6                                What about the agreement that was  
7 reached between the Governor and the Legislature?  
8 Are they afforded an opportunity to have access  
9 to those services?

10                   SENATOR SALAZAR:    Through you,  
11 Madam President. Under the regulations,  
12 out-of-cell time, including programming, is still  
13 at the discretion of DOCCS. As opposed to in  
14 this bill, where the access to out-of-cell  
15 programming is required.

16                   SENATOR AKSHAR:    Madam President,  
17 through you, if the sponsor would continue to  
18 yield.

19                   SENATOR GIANARIS:    Madam President,  
20 briefly.

21                                Please allow Senator Akshar to  
22 continue, but I do want to point out to him that  
23 his 30-minute limit has passed, but we're happy  
24 to allow him to continue on the debate.

25                   SENATOR AKSHAR:    Thank you,

1 Senator Gianaris.

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

4 SENATOR SALAZAR: Yes.

5 ACTING PRESIDENT PERSAUD: The  
6 sponsor yields.

7 SENATOR AKSHAR: Madam President,  
8 through you. I just want to discuss, in  
9 reference to the bill-in-chief, the age  
10 requirements or the special category of people  
11 who will no longer be able to go into a special  
12 housing unit.

13 If you'd be so kind, how did we  
14 arrive at those ages, 21 and 55, respectively?

15 SENATOR SALAZAR: Through you,  
16 Madam President. It is well documented that  
17 people in these age groups, young people 21 years  
18 of age or younger, people who are 55 years of age  
19 or older, are particularly vulnerable to the  
20 detrimental impacts of long-term solitary  
21 confinement.

22 SENATOR AKSHAR: Thank you,  
23 Madam President. If the sponsor would continue  
24 to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR AKSHAR: Could we agree  
6 that those under 21 years of age or younger or  
7 55 years of age or older are still capable of  
8 creating chaos and wreaking havoc within the  
9 confines of a correctional facility?

10 SENATOR SALAZAR: Through you,  
11 Madam President. Yes, certainly.

12 This bill does not assume that  
13 people in the special populations, even including  
14 pregnant people who are included in the special  
15 populations under this bill, are incapable of  
16 committing violence or doing something that would  
17 require separation from the general population.

18 Under this bill they would still be  
19 able to be separated from the general population,  
20 they just would not be able to -- would not be  
21 held in the isolation that comes with solitary  
22 confinement in the SHU.

23 SENATOR AKSHAR: If the sponsor  
24 would continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR AKSHAR: In regard to this  
6 particular point, if you'd just describe what  
7 would happen to someone if they were 20 years old  
8 and committed an offense that is captured within  
9 Part K of the statute.

10 SENATOR SALAZAR: Through you,  
11 Madam President. They would be separated from  
12 the general population. They would be sent to  
13 what is referred to as RRU, a residential  
14 rehabilitation unit, and it would be used for  
15 therapy, treatment, rehabilitative programming  
16 that would be available to them.

17 And they also would be required to  
18 have out-of-cell time that they wouldn't  
19 otherwise have in SHU, seven hours total of  
20 out-of-cell time per day.

21 SENATOR AKSHAR: Madam President,  
22 through you, if the sponsor would continue to  
23 yield.

24 ACTING PRESIDENT PERSAUD: Does the  
25 sponsor yield?

1                   SENATOR SALAZAR:    Yes.

2                   ACTING PRESIDENT PERSAUD:    The  
3 sponsor yields.

4                   SENATOR AKSHAR:    Within this  
5 statute, if one commits one of those offenses in  
6 Part K and it is determined that he -- I'm just  
7 going to use "he" in this instance, if you're  
8 okay with that -- must be placed in a special  
9 housing unit, for how long -- if I commit one of  
10 those offenses and I'm sent to the SHU, for how  
11 long can I go?

12                   SENATOR SALAZAR:    Through you,  
13 Madam President.  Someone could be held in SHU  
14 for up to 15 days if they are not included in the  
15 special populations.

16                   After that point, if they are held  
17 for 15 days, they would then need to be put  
18 instead in an RRU, if they were going to continue  
19 to be separated from the general population.

20                   SENATOR AKSHAR:    Madam President,  
21 through you, if the sponsor would continue to  
22 yield.

23                   ACTING PRESIDENT PERSAUD:    Does the  
24 sponsor yield?

25                   SENATOR SALAZAR:    Yes.

1                   ACTING PRESIDENT PERSAUD:    The  
2 sponsor yields.

3                   SENATOR AKSHAR:    So if my behavior  
4 did not improve during those 15 days, under this  
5 statute that we're debating today, it would be up  
6 to the folks within the correctional facility to  
7 determine whether I would go back to general  
8 population or I would go to a residential  
9 rehabilitation unit?

10                  SENATOR SALAZAR:    Through you,  
11 Madam President, yes.

12                  SENATOR AKSHAR:    If -- Madam  
13 President, through you, if the sponsor would  
14 continue to yield.

15                  ACTING PRESIDENT PERSAUD:    Does the  
16 sponsor yield?

17                  SENATOR SALAZAR:    Yes.

18                  ACTING PRESIDENT PERSAUD:    The  
19 sponsor yields.

20                  SENATOR AKSHAR:    If a determination  
21 was made that I could go back to general  
22 population, and then that very same day I  
23 reoffended, what would happen? To me.

24                  SENATOR SALAZAR:    Through you,  
25 Madam President. At the discretion of DOCCS, the

1 person could be separated once again,  
2 immediately, from the general population and  
3 could be put in an RRU.

4 SENATOR AKSHAR: Madam President,  
5 through you, if the sponsor would continue to  
6 yield.

7 ACTING PRESIDENT PERSAUD: Does the  
8 sponsor yield?

9 SENATOR SALAZAR: Yes.

10 ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

12 SENATOR AKSHAR: So DOCCS has the  
13 ability to send me back to the SHU after that  
14 15-day period.

15 SENATOR SALAZAR: Through you,  
16 Madam President. Rather, the person would in  
17 this particular case, because they had just spent  
18 15 consecutive days in SHU, they would instead be  
19 put in an RRU.

20 SENATOR AKSHAR: Madam President,  
21 through you, if the sponsor would continue to  
22 yield.

23 ACTING PRESIDENT PERSAUD: Does the  
24 sponsor yield?

25 SENATOR SALAZAR: Yes.

1                   ACTING PRESIDENT PERSAUD:    The  
2 sponsor yields.

3                   SENATOR AKSHAR:     So the longest  
4 amount of time that I can spend in a special  
5 housing unit, based on the language of this  
6 statute, is no more than 15 days?

7                   SENATOR SALAZAR:    Through you,  
8 Madam President.  Once you are returned to the  
9 general population, you could potentially go back  
10 to the SHU as long as you're not included in  
11 these special populations and as long as it is  
12 not determined that it is unsafe or to the  
13 detriment of the person's health for them to  
14 return to SHU.

15                  SENATOR AKSHAR:    Madam President,  
16 through you, if the sponsor would continue to  
17 yield.

18                  ACTING PRESIDENT PERSAUD:   Does the  
19 sponsor yield?

20                  SENATOR SALAZAR:    Yes.

21                  ACTING PRESIDENT PERSAUD:   The  
22 sponsor yields.

23                  SENATOR AKSHAR:    For how long?

24                  SENATOR SALAZAR:    Through you,  
25 Madam President.  So up to 15 days is how long

1 they could be held in SHU specifically.

2                   However, after that 15 days, whether  
3 this is the first time that they've been in SHU  
4 or if they previously at some point had been held  
5 in SHU, after 15 days they need to be transferred  
6 either back to general population, if it's  
7 appropriate, or to an RRU.

8                   SENATOR AKSHAR:     Madam President,  
9 through you, if the sponsor would continue to  
10 yield.

11                   ACTING PRESIDENT PERSAUD:     Does the  
12 sponsor yield?

13                   SENATOR SALAZAR:     Yes.

14                   ACTING PRESIDENT PERSAUD:     The  
15 sponsor yields.

16                   SENATOR AKSHAR:     I guess the point  
17 I'm trying to make is, is there a time limit  
18 within a specified time frame that an inmate can  
19 go to a special housing unit?

20                   SENATOR SALAZAR:     Through you,  
21 Madam President. The bill I think is clear in  
22 stating that the longest time that someone can be  
23 held in a special housing unit is 15 days;  
24 additionally, 20 days within a 60-day period.

25                   But they also can potentially be

1 held in an RRU, and there is not -- there is not  
2 a hard limit on the amount of time that someone  
3 could potentially be held in an RRU. It would  
4 likely be up to a year, but even after spending a  
5 year in the RRU, if DOCCS determined that someone  
6 needed to -- for any, you know, serious reason,  
7 or if they posed a threat to their own safety or  
8 to the safety of someone else in the facility,  
9 they could even continue to be held in RRU and,  
10 at DOCCS' discretion, potentially have  
11 restrictions imposed.

12 SENATOR AKSHAR: Madam President,  
13 through you, if the sponsor would continue to  
14 yield.

15 ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17 SENATOR SALAZAR: Yes.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

20 SENATOR AKSHAR: So an inmate  
21 cannot be placed in a special housing unit any  
22 more than 20 days in a 60-day period.

23 SENATOR SALAZAR: Through you,  
24 Madam President, yes.

25 SENATOR AKSHAR: Madam President,

1 through you, if the sponsor will continue to  
2 yield.

3 ACTING PRESIDENT PERSAUD: Does the  
4 sponsor yield?

5 SENATOR SALAZAR: Yes.

6 ACTING PRESIDENT PERSAUD: The  
7 sponsor yields.

8 SENATOR AKSHAR: In this same  
9 hypothetical, if I had met that 20-day period in  
10 a 60-day time frame and it was the decision to  
11 send me to an RRU, and I too was creating issues  
12 within that residential rehabilitation unit, what  
13 recourse does the Department of Corrections then  
14 have, since I've met -- I can't be sent to a  
15 special housing unit because I've already made  
16 that 20-day time frame. I've not been able to  
17 behave in a residential rehabilitation unit. So  
18 what recourse do corrections officers and those  
19 that run the facilities have then to deal with  
20 me?

21 SENATOR SALAZAR: Through you,  
22 Madam President. There are still other means of  
23 discipline that are available at the discretion  
24 of DOCCS under this bill.

25 HALT -- you know, passing this bill

1 would not prohibit these other means of  
2 discipline. It could mean official reprimand,  
3 imposition of work assignments, suspending  
4 privileges, suspending visitation, loss of  
5 commissary, withholding of packages -- all of  
6 those things could still be used as a means of  
7 discipline under this bill.

8           And additionally, safety precautions  
9 can be taken if someone continues to be a threat  
10 to the safety of themselves or others while they  
11 were held in RRU.

12           SENATOR AKSHAR:     Just on the bill  
13 for just a moment.

14           ACTING PRESIDENT PERSAUD:  
15 Senator Akshar on the bill.

16           SENATOR AKSHAR:     While I respect  
17 the position of my colleague, I think the point  
18 I'm trying to make is that if someone was prone  
19 to committing violent assaults or was a sexual  
20 predator within the confines of a correctional  
21 facility -- and they exist. They prey on the  
22 weak. And we are limiting the amount of time  
23 that we can put someone in a special housing  
24 unit. I think actually we're doing a disservice  
25 to the other people who find themselves

1 incarcerated.

2                   Would the sponsor continue to yield  
3 for a question.

4                   ACTING PRESIDENT PERSAUD:    Does the  
5 sponsor yield?

6                   SENATOR SALAZAR:    Yes.

7                   ACTING PRESIDENT PERSAUD:    The  
8 sponsor yields.

9                   SENATOR AKSHAR:    If we could look  
10 at page 5 of the bill, lines 31 and 32, it says  
11 specifically -- and I'll read it, if that's okay,  
12 while you're looking for it.  "The department  
13 shall not impose restricted diets or any other  
14 change in diet as a form of punishment."

15                   Is it the sponsor's assertion that  
16 this is currently taking place?

17                   SENATOR SALAZAR:    Through you,  
18 Madam President.  The purpose of including this  
19 is to ensure -- to codify the position that it  
20 will not take place, that someone will not be  
21 punished through changes in their diet, including  
22 depriving them of food.

23                   SENATOR AKSHAR:    Madam President,  
24 through you.  I'm just going to ask just a couple  
25 more questions, if that would be okay.

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR SALAZAR:     Yes.

4                   ACTING PRESIDENT PERSAUD:    The  
5 sponsor yields.

6                   SENATOR AKSHAR:     I just have a  
7 question specifically about the evidentiary  
8 hearings.  Can the sponsor just walk me through  
9 that process when those evidentiary hearings take  
10 place?

11                  SENATOR SALAZAR:     Through you,  
12 Madam President.  Under this bill, if someone --  
13 someone could be held in keeplock immediately for  
14 up to 48 hours.

15                  But before being placed in SHU, they  
16 would need to have a due process hearing, a  
17 discipline hearing, in order to determine whether  
18 or not it's justified to place them in SHU.

19                  SENATOR AKSHAR:     Two last  
20 questions, if the sponsor would be so kind to  
21 yield.

22                  ACTING PRESIDENT PERSAUD:  Does the  
23 sponsor yield?

24                  SENATOR SALAZAR:     Yes.

25                  ACTING PRESIDENT PERSAUD:  The

1 sponsor yields.

2 SENATOR AKSHAR: Page 8, lines 43  
3 through 46 talk specifically about the training  
4 that is associated with this particular statute.  
5 Who is going to be developing that training? You  
6 know, who's setting the curriculum? And who will  
7 be teaching that?

8 SENATOR SALAZAR: Through you,  
9 Madam President, DOCCS will.

10 SENATOR AKSHAR: Thank you.

11 And, Madam President, if the sponsor  
12 will continue to yield.

13 ACTING PRESIDENT PERSAUD: Does the  
14 sponsor yield?

15 SENATOR SALAZAR: Yes.

16 ACTING PRESIDENT PERSAUD: The  
17 sponsor yields.

18 SENATOR AKSHAR: Page 9, lines 9  
19 through 18, I just want to talk about this for  
20 just a moment.

21 In the second sentence, it's talking  
22 about de-escalation, intervention, informational  
23 reports shall be the preferred methods of  
24 responding to misbehavior.

25 So do those within a correctional

1 facility still have the discretion -- can they  
2 use their discretion in terms of trying to figure  
3 out what is best for the safety of not only the  
4 other inmates, but the inmate in question, or the  
5 facility, the corrections officers, so on and so  
6 forth?

7 Does this section of the law still  
8 allow for discretion?

9 SENATOR SALAZAR: Through you,  
10 Madam President. Yes, this section of the bill  
11 does still allow for DOCCS to use discretion in  
12 determining whether someone needs to be --  
13 continue to be separated and whether they are  
14 held in SHU or transferred to RRU.

15 SENATOR AKSHAR: Madam President,  
16 on the bill.

17 ACTING PRESIDENT PERSAUD:  
18 Senator Akshar on the bill.

19 SENATOR AKSHAR: I want to thank  
20 Senator Salazar for taking some time and her  
21 indulgence in answering my questions. I think it  
22 was a spirited debate.

23 Many of you know that in my previous  
24 employ I was a member of law enforcement. I  
25 guess I had the unfortunate opportunity of seeing

1 the commission of crime and the havoc that that  
2 crime has, you know, created for so many people.

3 My opposition to this bill -- you  
4 know, I think this is important for me to say,  
5 Madam President -- is not for a lack of  
6 compassion. It is not because I do not believe  
7 in rehabilitation or this issue of reentry.

8 To the contrary, I agree with it  
9 very much. And I think, you know, regardless of  
10 our politics, at the end of the day it should be  
11 the collective wisdom of this body to reduce  
12 recidivism to the greatest extent that we  
13 possibly can.

14 This bill, for me -- you know, it  
15 seems dangerous that we would handcuff, no pun  
16 intended, the men and women who are working  
17 within the confines of correctional facilities  
18 and taking discretion away from them.

19 I mean, we heard today that  
20 regardless of what it is that I do while  
21 incarcerated, regardless of how incorrigible I am  
22 or how much havoc I create, the most that the  
23 facility can do is put me in a special housing  
24 unit for no more than 20 days within a 60-day  
25 period.

1           I actually am in favor of these  
2 residential rehabilitation units. I think they  
3 have the potential of serving a great purpose.  
4 And at the end of the day, for me, again, this is  
5 not about not caring or not being compassionate.  
6 I'm just trying to look at things pragmatically  
7 and be measured and ensure that we are balancing  
8 the needs of people who find themselves  
9 incarcerated but we're also balancing the needs  
10 of others, including our corrections officers,  
11 who have a thankless job.

12           And I think one point, one last  
13 point I will make is that I think this issue of  
14 solitary confinement has really been  
15 sensationalized. Or some would have the general  
16 public believe that a special housing unit is  
17 like what Andy Dufresne was sent to in "The  
18 Shawshank Redemption." And that's not  
19 necessarily the case.

20           The sponsor has had an opportunity  
21 to tour Fishkill. I've had an opportunity to  
22 tour Southport and witness for myself what that  
23 facility was like. And it is the furthest thing  
24 from what we have seen in Hollywood-produced  
25 movies.

1                   So it is for those reasons and  
2 others that I cannot and will not in good  
3 conscience, when it comes time to vote, be able  
4 to support this bill.

5                   Madam President, again, I thank you  
6 for your indulgence. And my thanks again to  
7 Senator Salazar.

8                   ACTING PRESIDENT PERSAUD:    Senator  
9 Stec.

10                  SENATOR STEC:    Good morning,  
11 Madam President. Will the sponsor yield, please.

12                  ACTING PRESIDENT PERSAUD:    Does the  
13 sponsor yield?

14                  SENATOR SALAZAR:    Yes.

15                  ACTING PRESIDENT PERSAUD:    The  
16 sponsor yields.

17                  SENATOR STEC:    Thank you,  
18 Madam President. Thank you, Senator.

19                  Do you personally -- in your prior  
20 experience before becoming a Senator, do you have  
21 professional experience working in corrections,  
22 either in a corrections facility or with, you  
23 know, other groups that are directly involved in  
24 our corrections process?

25                  SENATOR SALAZAR:    Through you,

1 Madam President, I did not previously work in  
2 corrections before becoming a Senator.

3 SENATOR STEC: Thank you. Again,  
4 if the sponsor would yield.

5 ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7 SENATOR SALAZAR: Yes.

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10 SENATOR STEC: Thank you, Senator.

11 Generally speaking, today, if you  
12 could describe your understanding of what the  
13 situation would be and the process would be for  
14 somebody that's in general population to find  
15 themselves relocated to a special housing unit.  
16 What would they have to do, and what's the  
17 process?

18 SENATOR SALAZAR: Through you,  
19 Madam President. Under the current law, someone  
20 can be placed in a special housing unit in SHU  
21 for -- at the discretion of DOCCS.

22 And they can be placed for a number  
23 of reasons ranging from a very minor infraction,  
24 what I think any of us would consider to be a  
25 very minor infraction that doesn't impact other

1 people in the facility, to more serious  
2 infractions such as, you know, assaulting an  
3 officer or being involved in violence.

4 SENATOR STEC: Madam President, if  
5 the sponsor will continue to yield.

6 ACTING PRESIDENT PERSAUD: Does the  
7 sponsor yield?

8 SENATOR SALAZAR: Yes.

9 ACTING PRESIDENT PERSAUD: The  
10 sponsor yields.

11 SENATOR STEC: You said assigned by  
12 DOCCS. I mean, a correction officer on the block  
13 decides, I've had it with this guy, I'm putting  
14 him in SHU, or -- if you could elaborate on your  
15 understanding of the process.

16 SENATOR SALAZAR: Through you,  
17 Madam President. Under current law, someone can  
18 be sent to SHU at the discretion of the people in  
19 the facility, of the corrections officer. They  
20 can be sent to SHU and they do not need to have a  
21 disciplinary hearing, as would be required under  
22 this bill. Under current law, they're not  
23 required to have a disciplinary in the 15 days  
24 that they could potentially be held in SHU.

25 SENATOR STEC: If the sponsor would

1 continue to yield, Madam President.

2 ACTING PRESIDENT PERSAUD: Does the  
3 sponsor yield?

4 SENATOR SALAZAR: Yes.

5 ACTING PRESIDENT PERSAUD: The  
6 sponsor yields.

7 SENATOR STEC: Thank you.

8 Senator, so just so I'm clear, are  
9 you saying that right now, for an incident either  
10 of little severity or significant severity, an  
11 individual correctional officer could say, I'm  
12 relocating you to a special housing unit, and  
13 that's the end of it, that there's no hearing at  
14 all, there's no hearing officer that is involved  
15 at all in any of our facilities?

16 SENATOR SALAZAR: Through you,  
17 Madam President. Currently it is at the CO's  
18 discretion whether or not someone can be sent to  
19 SHU as a means of discipline.

20 SENATOR STEC: Madam President, if  
21 the sponsor would continue to yield.

22 ACTING PRESIDENT PERSAUD: Does the  
23 sponsor yield?

24 SENATOR SALAZAR: Yes.

25 ACTING PRESIDENT PERSAUD: The

1 sponsor yields.

2                   SENATOR STEC: I apologize. I'm  
3 Not trying to be difficult. So you're saying  
4 that an incident happens and an individual  
5 corrections officer, brand-new on the job, can  
6 say, I've had it, this guy's going to go to the  
7 special housing unit, and he could be there for  
8 15 or 20 days? All by himself, one corrections  
9 officer?

10                   SENATOR SALAZAR: Through you,  
11 Madam President, COs are hypothetically following  
12 the DOCCS regulations. And yes, it is at the  
13 discretion of an individual officer in these  
14 cases.

15                   SENATOR STEC: Madam President, if  
16 the sponsor would yield, please.

17                   ACTING PRESIDENT PERSAUD: Does the  
18 sponsor yield?

19                   SENATOR SALAZAR: Yes.

20                   ACTING PRESIDENT PERSAUD: The  
21 sponsor yields.

22                   SENATOR STEC: Thank you.

23                   Is the sponsor aware of any trends  
24 in our prisons over the last seven or eight years  
25 as far as violence on corrections officers? Is

1 it an upward trend, a downward trend, has it been  
2 generally steady?

3 SENATOR SALAZAR: Through you,  
4 Madam President. I wouldn't be able to  
5 characterize whether there is an upward or a  
6 downward trend in assaults on corrections  
7 officers in New York.

8 What I will say is that in other  
9 jurisdictions -- in fact, in every other  
10 jurisdiction where they have limited or  
11 eliminated the use of long-term solitary  
12 confinement -- they have seen a decrease in  
13 violence in the facility, including violence  
14 committed against corrections officers.

15 SENATOR STEC: Madam President,  
16 through you, if the sponsor would continue to  
17 yield, please.

18 ACTING PRESIDENT PERSAUD: Does the  
19 sponsor yield?

20 SENATOR SALAZAR: Yes.

21 ACTING PRESIDENT PERSAUD: The  
22 sponsor yields.

23 SENATOR STEC: Senator, would it  
24 surprise you to learn that in 2013 there were 645  
25 assaults against officers in New York corrections

1 facilities, and in 2020 that number jumped to  
2 1,050?

3 SENATOR SALAZAR: Through you,  
4 Madam President. I'm not necessarily surprised  
5 by this information. I think that we need to  
6 take any violence that occurs in correctional  
7 facilities seriously. And it is part of what  
8 motivates me to support this bill, based on the  
9 evidence that we've seen that limiting the use of  
10 solitary confinement, and reducing it, is  
11 consistent with reductions in violence.

12 SENATOR STEC: Madam President,  
13 through you, if the sponsor would please yield.

14 ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16 SENATOR SALAZAR: Yes.

17 ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

19 SENATOR STEC: Thank you, Senator  
20 Salazar.

21 Step-down units. They're units  
22 where inmates go, under current regulations, when  
23 they've completed their time in the special  
24 housing unit but are still too dangerous to be  
25 placed back in general population. In these

1 step-down units the inmates receive more  
2 programming than they did in SHU, but they are  
3 still subject to stricter safety measures than in  
4 the general population, which is important.

5 HALT would provide no such units.  
6 The RRUs contemplated by HALT are not step-down  
7 units. So how would they plan to deal with an  
8 inmate who is not ready to be returned to the  
9 general population?

10 SENATOR SALAZAR: Through you,  
11 Madam President. Actually, the bill does not  
12 specify that the existing step-down units in  
13 DOCCS facilities could not actually be used as  
14 RRU. These same units could be used as  
15 residential rehabilitative units.

16 It is about the amount of  
17 out-of-cell time, at least seven hours of  
18 out-of-cell time that someone would be provided  
19 if they are in RRU, as well as access to  
20 programming, including -- there are about  
21 99 different programs currently offered by DOCCS.  
22 Many of those wouldn't likely be available to  
23 someone who is in RRU, but many would.

24 These are programs such as seeking  
25 to reduce violence, anger management, mental

1 health programs, different rehabilitative  
2 programs that DOCCS currently offers.

3 SENATOR STEC: Madam President, if  
4 the sponsor would continue to please yield.

5 ACTING PRESIDENT PERSAUD: Does the  
6 sponsor yield?

7 SENATOR SALAZAR: Yes.

8 ACTING PRESIDENT PERSAUD: The  
9 sponsor yields.

10 SENATOR STEC: Thank you,  
11 Madam President. Thank you, Senator.

12 Under HALT, an inmate can be sent  
13 back to the general population without having to  
14 complete the necessary programming that they were  
15 receiving in the special housing unit. If the  
16 purpose of this type of programming is to  
17 rehabilitate an inmate, shouldn't the inmate be  
18 required to complete the training?

19 SENATOR SALAZAR: Through you,  
20 Madam President. The purpose of the programming  
21 is to rehabilitate, to address behaviors that may  
22 have led someone to end up in SHU in the first  
23 place and then to be separated from the general  
24 population in RRU.

25 The purpose here is actually to give

1 more access to these programs. Because under  
2 current law and regulation, DOCCS is not required  
3 to provide these programs to people while they're  
4 incarcerated.

5 SENATOR STEC: Madam President,  
6 through you, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT PERSAUD: Does the  
9 sponsor yield?

10 SENATOR SALAZAR: Yes.

11 ACTING PRESIDENT PERSAUD: The  
12 sponsor yields.

13 SENATOR STEC: Thank you.

14 HALT requires a great deal more of  
15 congregate setting programs than what currently  
16 exists. Will there be additional staff positions  
17 created to handle these congregate situations,  
18 similar to the RRUs?

19 SENATOR SALAZAR: Through you,  
20 Madam President. DOCCS, under this bill, will be  
21 able to develop programming and hire additional  
22 staff as necessary.

23 SENATOR STEC: Madam President, if  
24 the sponsor would continue to yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR STEC: Thank you.

6 HALT also requires programming seven  
7 days a week. How are we going to staff this kind  
8 of initiative?

9 SENATOR SALAZAR: Through you,  
10 Madam President. Currently, DOCCS already  
11 provides staff seven days a week.

12 We also are -- in the one-house  
13 budget, for example, we have designated  
14 additional funds for the implementation of HALT,  
15 and that can include ensuring that the facilities  
16 can provide the programming that is required  
17 under this bill.

18 Although I would note that DOCCS  
19 does currently have a budget of more than  
20 \$3 billion. I would argue that DOCCS has the  
21 existing resources to provide this programming to  
22 people while they're being held in RRUs.

23 SENATOR STEC: Madam President, if  
24 the sponsor would continue to yield, please.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR STEC: Thank you.

6 Senator, it's my understanding in  
7 the one-house budget resolution you set aside  
8 \$100 million towards HALT and these programs. Is  
9 that a one-shot or is that going to be an annual  
10 recurring level of funding that the state  
11 taxpayers are going to have to foot, please?

12 SENATOR SALAZAR: Through you,  
13 Madam President. The funding that was included  
14 in the one-house budget for the implementation of  
15 HALT is for the first round -- or, rather, the  
16 first year of implementation.

17 I would also note that while the  
18 size of the projected savings varies, it is not  
19 disputed. And DOCCS does not dispute that in the  
20 long term -- and not even very long, like in a  
21 matter of years -- we would see a cost savings to  
22 DOCCS and to local facilities through the  
23 implementation of HALT.

24 SENATOR STEC: Madam President, if  
25 the sponsor would please continue to yield.

1                   ACTING PRESIDENT PERSAUD:    Does the  
2 sponsor yield?

3                   SENATOR SALAZAR:     Yes.

4                   ACTING PRESIDENT PERSAUD:    The  
5 sponsor yields.

6                   SENATOR STEC:     Thank you,  
7 Madam President.

8                   In the beginning of the bill it  
9 defines the people that will not be eligible for  
10 HALT are people of the age 21 -- among other  
11 things -- 21 years of age and younger and  
12 55 years and older.

13                   What is the science behind picking  
14 21 and 55?  It's been my experience that a lot of  
15 18-, 19-, and 20-year-olds are very dangerous.  
16 And frankly, at 52, I feel like I could still be  
17 a little danger in three years.  So if you could,  
18 how did we come up with those ages?

19                   SENATOR SALAZAR:     Through you,  
20 Madam President.  It is well-documented -- for  
21 example, there was a report from 2006 from a law  
22 journal that states that there are very serious  
23 impacts on any individual, regardless of their  
24 age, of long-term solitary confinement, but that  
25 these special populations -- younger people,

1 people over the age of 55 -- for them the impact  
2 is exacerbated.

3           For example, for older adults,  
4 depriving them of auditory and visual stimuli can  
5 worsen existing confusion, memory loss. It  
6 exaggerates isolation. Studies have shown that  
7 it actually worsens heart disease and can lead to  
8 premature death.

9           SENATOR STEC:    Madam President,  
10 will the sponsor continue to yield.

11           ACTING PRESIDENT PERSAUD:    Does the  
12 sponsor yield?

13           SENATOR SALAZAR:    Yes.

14           ACTING PRESIDENT PERSAUD:    The  
15 sponsor yields.

16           SENATOR STEC:    Thank you, Senator.  
17 I'm not quite ready to move off of the age thing.

18           Most children understand  
19 consequences to their actions. Certainly I  
20 believe most adults do. If you're 21 or younger  
21 or you're 55 or older, you're not -- this is not  
22 a tool for you. There's no consequences to the  
23 bad behavior at 20 years old than for somebody  
24 who's 22 years old.

25           So how - -- doesn't that increase

1 the safety risk, to have people walking around  
2 with two different sets of rules where one person  
3 can instigate and face a consequence, but another  
4 person could be involved and instigate and not  
5 face consequences?

6                   SENATOR SALAZAR: Through you,  
7 Madam President. In the cases where the person,  
8 the individual in question is violent or has  
9 demonstrated that they are a safety risk in the  
10 facility, they can absolutely still be separated  
11 from the general population even if they are  
12 included in these special populations, whether  
13 it's a young person 21 years or younger or  
14 55 years of age or older.

15                   The problem is that while someone of  
16 course should still face consequences, you know,  
17 if they commit an act of violence -- for example,  
18 it would not be appropriate to harm their health.  
19 You know, we know that the use of solitary  
20 confinement has had a very detrimental impact on  
21 not only people's mental well-being, but also on  
22 their physical well-being. And that should not  
23 be a consequence of someone committing an  
24 infraction while incarcerated.

25                   SENATOR STEC: Madam President, if

1 the sponsor would yield for just a couple more  
2 questions, please.

3 ACTING PRESIDENT PERSAUD: Does the  
4 sponsor yield?

5 SENATOR SALAZAR: Yes.

6 ACTING PRESIDENT PERSAUD: The  
7 sponsor yields.

8 SENATOR STEC: Thank you,  
9 Madam President. Thank you, Senator.

10 I think this question may have been  
11 asked before, but I want to make sure that we are  
12 all clear on the answer. What is the level of  
13 involvement in the development of this  
14 legislation from the Department of Corrections?  
15 And has the Department of Corrections endorsed  
16 this bill, or do they support it?

17 SENATOR SALAZAR: Through you,  
18 Madam President, DOCCS was very involved in the  
19 regulations that were put in place. However,  
20 DOCCS was not directly involved in drafting this  
21 bill, which wouldn't be typical. They haven't  
22 endorsed this bill.

23 SENATOR STEC: Madam President,  
24 will the sponsor yield.

25 ACTING PRESIDENT PERSAUD: Does the

1 sponsor yield?

2 SENATOR SALAZAR: Yes.

3 ACTING PRESIDENT PERSAUD: The  
4 sponsor yields.

5 SENATOR STEC: Thank you.

6 Does the Department of Corrections  
7 oppose this bill?

8 SENATOR SALAZAR: Through you,  
9 Madam President, DOCCS does not take a position  
10 on this bill.

11 SENATOR STEC: Thank you.

12 Madam President, through you, if the  
13 sponsor would yield, please.

14 ACTING PRESIDENT PERSAUD: Does the  
15 sponsor yield?

16 SENATOR SALAZAR: Yes.

17 ACTING PRESIDENT PERSAUD: The  
18 sponsor yields.

19 SENATOR STEC: Thank you.

20 Similarly, previously you were asked  
21 about -- and you'd said that you'd spoken with  
22 correction officers and staff, of course many of  
23 which are members to various labor unions.

24 But have you talked to union  
25 leadership -- you know, I mean obviously you talk

1 to an individual correction officer, he or she  
2 has their own experience and their own opinion.  
3 But certainly the leadership speaks for -- with  
4 authority and knowledge and experience -- for the  
5 group as a whole.

6 So what contact and what level of  
7 support have you received from NYSCOPBA?

8 SENATOR SALAZAR: Through you,  
9 Madam President. I have spoken to  
10 representatives from NYSCOPBA, also AFSCME, PEF,  
11 the unions whose members include corrections  
12 officers in these facilities.

13 SENATOR STEC: Madam President, if  
14 the sponsor would continue to yield.

15 ACTING PRESIDENT PERSAUD: Does the  
16 sponsor yield?

17 SENATOR SALAZAR: Yes.

18 ACTING PRESIDENT PERSAUD: The  
19 sponsor yields.

20 SENATOR STEC: I'm sorry, I'm not  
21 sure I heard an answer to my question.

22 Have you spoken with leadership from  
23 NYSCOPBA, Council 82 and PEF, and are they  
24 supportive of this bill?

25 SENATOR SALAZAR: Through you,

1 Madam President. They have not expressed support  
2 for this bill, but I did speak to them about the  
3 provisions of the bill at length.

4 SENATOR STEC: All right.

5 Madam President, if the sponsor would yield for a  
6 couple more questions.

7 ACTING PRESIDENT PERSAUD: Does the  
8 sponsor yield?

9 SENATOR SALAZAR: Yes.

10 ACTING PRESIDENT PERSAUD: The  
11 sponsor yields.

12 SENATOR STEC: Are you aware that  
13 NYSCOPBA and PEF are opposed to this bill, have  
14 issued memos of opposition?

15 SENATOR SALAZAR: Yes.

16 SENATOR STEC: All right, thank  
17 you. One final question, Madam President, if the  
18 sponsor would yield.

19 ACTING PRESIDENT PERSAUD: Does the  
20 sponsor yield?

21 SENATOR SALAZAR: Yes.

22 ACTING PRESIDENT PERSAUD: The  
23 sponsor yields.

24 SENATOR STEC: Appreciate your  
25 time, Senator Salazar, today, and your candor and

1 the spirit where you're coming from, your heart,  
2 in the matter, I truly do.

3 I guess the purpose of the questions  
4 I've asked is -- the driving point that I'm  
5 trying to get at now is -- and I have my own  
6 answer to the question. I suspect your answer is  
7 going to be a little different than mine.

8 But should we really be substituting  
9 our judgement and authority in an area of  
10 expertise that we haven't fully been on the same  
11 page with and hasn't been shared and developed  
12 with the people that work this every day -- the  
13 corrections officers, the staff, the Department  
14 of Corrections -- that have the knowledge, have  
15 the history, know how we got here, why we got  
16 here. Should we be substituting our judgment for  
17 their experience?

18 SENATOR SALAZAR: Through you,  
19 Madam President. This experience has actually  
20 not informed the current use of solitary  
21 confinement under the law.

22 And what has informed this bill is  
23 the expertise of medical professionals who attest  
24 that the use of solitary confinement is harmful.  
25 The United Nations, who considers the use of

1 long-term solitary confinement, isolation for  
2 longer than 15 days to be torture.

3           This is what has informed the  
4 provisions in this bill, in addition to numerous  
5 studies, research that demonstrates not only the  
6 detrimental impact of the use of solitary  
7 confinement but, on the flip side, the benefits  
8 of using, instead, alternatives to solitary  
9 confinement when someone needs to be separated  
10 from the general population.

11           SENATOR STEC: Thank you,  
12 Senator Salazar.

13           On the bill, please,  
14 Madam President.

15           ACTING PRESIDENT PERSAUD: Senator  
16 Stec on the bill.

17           SENATOR STEC: Thank you very much,  
18 Madam President.

19           Again, I appreciate  
20 Senator Salazar's effort and her passion and her  
21 perspective on this, as well as her time in  
22 answering my questions today.

23           I have visited many -- in my Senate  
24 district there are many corrections facilities  
25 run by the State of New York, run by the

1 Department of Corrections. I've visited almost  
2 all of them, and I've visited most of them on  
3 numerous occasions. I've seen special housing  
4 units. I've seen the medical units. I've seen  
5 the general population. I've seen these prisons.  
6 I've talked to a lot of members of PEF and  
7 members of Council 82 and members of NYSCOPBA,  
8 and I've talked to the superintendents.

9           Now, I've mentioned before on the  
10 floor my -- and I go back to it quite often. The  
11 older I get, the more I go back to it. Maybe I'm  
12 enjoying looking at my youth. But in my past, I  
13 spent eight years in the United States Navy. And  
14 I was an engineer working in a nuclear power  
15 plant.

16           And let me tell you, the last thing  
17 I wanted to see when I walked through the door  
18 into the control room to take over the watch was  
19 a bunch of people mashing buttons and twisting  
20 valves and turning knobs. They had too many  
21 things going on, and the plant wasn't steadied  
22 out. And that's a really good way -- that's the  
23 last time that you want to make additional  
24 changes.

25           We have regulations that have been

1 put in place three months ago in these facilities  
2 that address a lot of what this bill is aimed at.  
3 We've also got COVID and struggling with  
4 protective equipment and vaccines and segregating  
5 those that are COVID-positive with those that are  
6 suspected positive. And there's, you know,  
7 limited transportation. We're changing all the  
8 criminal justice rules. We're emptying out our  
9 prison population.

10                   There's just so much going on in  
11 corrections right now that it reminds me of  
12 walking into that nuclear power plant's control  
13 room and saying, The last thing we need to do  
14 here is add more variables, because it's going to  
15 get more dangerous. So I see parallels there.

16                   One of my colleagues brought this up  
17 before, but I think it's important to bring up on  
18 the bill current regulations in the special  
19 housing units. These inmates have access to  
20 mental health counseling, they have unlimited  
21 access to legal counsel. They get their mail,  
22 they have access to their healthcare. They have  
23 books, they have playing cards, they have their  
24 tablets, they have the -- they have most of the  
25 comforts, if you will, of the general population.

1 They eat the same food as the general population.

2 They get the phone, they get the radio.

3 In fact, in my visits, corrections  
4 officers have told me that in many instances  
5 people leaving the special housing unit will seek  
6 an infraction immediately after being let out of  
7 the special housing unit, to go back into the  
8 special housing unit. It's a phenomenon that I  
9 think would surprise many.

10 You know, so anyways, I've been in a  
11 lot of these facilities. There's not -- none of  
12 us want to spend any more time in there than we  
13 have to. There are people, though, that go  
14 there, they make their family's livelihood  
15 working there. And they're concerned about their  
16 own health and their own safety.

17 But in visiting these facilities,  
18 I'll tell you this. This isn't Papillon, and  
19 this isn't Devil's Island. When -- again, when I  
20 was in the Navy, there were 12 of us in a room  
21 that's about 12 feet wide by 20 feet long.  
22 Twelve of us.

23 Prisoners today -- and it struck me  
24 at the time, and I had no idea at the time that I  
25 was going to be a state legislator talking about

1 this today. But it struck me odd at the time  
2 that in the noblest of callings, serving your  
3 country in the military, that these guys  
4 volunteered and they had less personal space and  
5 less room for gear -- and frankly, 25 years ago,  
6 a lot less access to the outside world when at  
7 sea -- than the people that have preyed on  
8 society and caused society angst and the taxpayer  
9 angst and have victims out there. Prisoners are  
10 getting better treatment and more space and more  
11 creature comforts today than sailors that I  
12 served with 25 years ago.

13 My concern is about safety. Safety  
14 of our officers, safety of our staff, safety of  
15 the inmates. I understand it, they're people  
16 too. Most of them have people out there that  
17 love them. They're somebody's kid. They're  
18 human beings. They deserve to be treated  
19 reasonably and fairly. And that means they've  
20 got to worry about being preyed on by one  
21 another. I worry about the safety of the  
22 individual.

23 And I -- the special housing unit  
24 and the way that they've been run professionally  
25 by DOCCS and the people that work for DOCCS for

1 decades, it's a tool in the toolbox. We're going  
2 to take this tool, this important tool away from  
3 them -- again, while we've been doing everything  
4 else, they're all mashing buttons trying to keep  
5 up with all the changes that we've put on our  
6 criminal justice system. We've made their job  
7 only harder and harder in recent years. And now  
8 one behavioral tool that they have is going to be  
9 taken away from them, it's going to make the  
10 officers and the civilian staff less safe. It's  
11 going to make the population less safe.

12           And I don't want to see us do  
13 something legislatively that is going to cause  
14 one more person to be assaulted or physically  
15 harmed in any of these facilities. If voting  
16 this bill down saves one life, then voting this  
17 bill down would be a good thing for us to do.

18           I am and will be voting in the  
19 negative. Thank you, Madam President.

20           ACTING PRESIDENT PERSAUD: Are  
21 there any other Senators wishing to be heard?

22           Seeing and hearing none, debate is  
23 closed. The Secretary will ring the bell.

24           Read the last section.

25           THE SECRETARY: Section 14. This

1 act shall take effect one year after it shall  
2 have become a law.

3 ACTING PRESIDENT PERSAUD: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT PERSAUD: Senator  
7 Brouk to explain her vote.

8 SENATOR BROUK: Thank you,  
9 Madam President.

10 I won't take long today. I just  
11 wanted to share my experience hearing one of the  
12 stories of an individual who had been held in  
13 solitary confinement, because I think that it's  
14 important when we are talking about this issue to  
15 remember we're talking about people and we're  
16 talking about their lives.

17 We're talking about people like  
18 Layleen Polanco and Kalief Browder, Ben Van Zandt  
19 and Dante Taylor, who have lost their lives. And  
20 we're talking about the people who are living  
21 every single day, sometimes silently struggling  
22 from the mental health challenges that they have  
23 from being put away in solitary confinement.

24 This is the morally right thing to  
25 do. And I am so proud of some of my colleagues,

1 the organizers, the survivors, the advocates, and  
2 Senate leadership for pushing this forward.

3 The United Nations believes that the  
4 actions we take against these folks who are  
5 incarcerated in solitary confinement are wrong.  
6 And finally New York State is stepping up to say  
7 that we are taking the moral high ground and we  
8 will save lives with this bill.

9 And for those reasons, I'm  
10 incredibly proud to join my colleagues in voting  
11 aye on this bill.

12 Thank you.

13 ACTING PRESIDENT PERSAUD: Senator  
14 Brouk to be recorded in the affirmative.

15 Senator Gianaris to explain his  
16 vote.

17 SENATOR GIANARIS: Thank you,  
18 Madam President.

19 We fancy ourselves a civilized  
20 society. And in New York, we like to think we  
21 set the tone for a lot of the other states. And  
22 yet we continue to cling on to medieval forms of  
23 punishment that have been deemed, as you heard  
24 through the course of this debate, to be nothing  
25 less than torture by authorities such as the

1 United Nations and many others.

2 I heard one of my colleagues just  
3 say that if rejecting this bill will save even  
4 one life of the general population, then it's  
5 worth it. The entire point of this bill is that  
6 it will save lives of people in the general  
7 population. There are many instances where those  
8 who have suffered through solitary confinement  
9 have taken their own lives or suffered other  
10 physical or mental anguish as a result.

11 And let's be clear. There are other  
12 ways to achieve the goals of maintaining order  
13 without subjecting someone to this kind of  
14 inhumane process.

15 And so I'm proud today to stand with  
16 the countless families that have been affected  
17 and suffered through the use of this process.

18 And I want to thank the sponsor of  
19 the bill, Senator Salazar, for her leadership and  
20 command of this issue, not just today during the  
21 course of the debate, but over the last several  
22 months as we shepherded this important bill  
23 through the process.

24 But I'm incredibly proud to be  
25 voting in favor of this bill today. It's going

1 to make a real difference and it's going to give  
2 us a New York we can be slightly more proud of  
3 than was the case before its enactment.

4 I vote in the affirmative. Thank  
5 you, Madam President.

6 ACTING PRESIDENT PERSAUD: Senator  
7 Gianaris to be recorded in the affirmative.

8 Senator Akshar to explain his vote.

9 SENATOR AKSHAR: Madam President,  
10 thank you.

11 I just heard the word torture. What  
12 a mischaracterization. If it were torture, then  
13 why would we allow it to take place for a period  
14 of 20 days? If we truly believed that using a  
15 special housing unit was torture, why would we  
16 allow that to happen for 20 days?

17 I said to the sponsor, Yes, we  
18 should rehabilitate. Yes, we should have a very  
19 strong reentry program. Yes, we should reduce  
20 recidivism. But we have a responsibility in this  
21 body to protect and ensure the safety and  
22 security of the facility, of every inmate that  
23 finds themselves incarcerated, and equally as  
24 important, we have a responsibility as a body to  
25 ensure that we are protecting the hardworking men

1 and women that work in these facilities.

2 I heard that the acting commissioner  
3 has not endorsed the bill or has not opined.  
4 That's not a big surprise. But I can tell you  
5 who has spoken very loudly and very clearly: The  
6 hardworking men and women of NYSCOPBA, of PEF, of  
7 Council 82. They know this is bad. They know  
8 that this is going to endanger not only  
9 themselves, but also the people that they are  
10 charged with protecting.

11 There are only 1600 people currently  
12 in a special housing unit, less than 1 percent of  
13 the prison population. But yet we will spend  
14 tens of millions of dollars to change our course.

15 I listened with great intent to the  
16 sponsor's interview the other day on  
17 Capital Pressroom. She said that these  
18 regulations have been tried and solitary  
19 confinement has increased over the last couple of  
20 years.

21 These regulations are less than  
22 three months old. We've not even given them an  
23 opportunity to work or to be tried.

24 So Madam President, today, even  
25 though I am in favor of all of the things that I

1 said during the outset, I'm going to stand on the  
2 side of common sense. I'm going to stand on the  
3 side of ensuring the safety and security of  
4 prison systems, correctional facilities, and I'm  
5 going to stand on the side of the hardworking men  
6 and women of those organizations that I mentioned  
7 and vote no.

8 Thank you, Madam President.

9 ACTING PRESIDENT PERSAUD:

10 Senator Akshar to be recorded in the negative.

11 Senator Martucci to explain his  
12 vote.

13 SENATOR MARTUCCI: Thank you,  
14 Madam President. I rise today to explain my  
15 vote.

16 I'll be voting no today for two  
17 simple reasons. First, this legislation is going  
18 to give an automatic out, a pass, to prisoners of  
19 certain ages. And in the case I'm going to talk  
20 about, prisoners over 55, preventing the ability  
21 to use a special housing unit.

22 Let's talk about some of the people  
23 that are going to catch a break from this  
24 legislation. David Berkowitz, the infamous Son  
25 of Sam killer, who is in prison here in the State

1 of New York, over 55. Mark David Chapman, John  
2 Lennon's murderer. Colin Ferguson, a man who in  
3 cold blood murdered six and wounded 19 on the  
4 Long Island Rail Road. And Joel Rifkin, who  
5 murdered nine women and is suspected to have  
6 killed 17 more.

7                   Those are just a few of the people  
8 who are going to catch an automatic break, an  
9 automatic break that I just can't support.

10                   In preparation for coming here  
11 today, a little over 12 hours ago I visited, for  
12 the very first time, a special housing unit,  
13 traveled all the way back to my district to visit  
14 a jail. And there what I found was an impeccably  
15 clean jail. I found a jail that was well-lit and  
16 bright. And I even went into one of these  
17 special housing unit cells myself.

18                   What I also found there were  
19 hardworking union members -- NYSCOPBA, PEF,  
20 Council 82, CSEA, and many others. And what I  
21 found out is that these members have been waiting  
22 for a raise that they were due last year, over a  
23 year.

24                   I ask this Majority to focus on an  
25 important piece for these workers, which is

1 delivering them the raise that they are due. I  
2 wish we were in such a rush to take care of these  
3 hardworking union members, these hardworking  
4 New Yorkers, as we are to pass this bill today.

5 So for the reasons that I've  
6 outlined and the reasons many of my colleagues  
7 have outlined, I'll be voting in the negative,  
8 and I urge my colleagues to do the same.

9 ACTING PRESIDENT PERSAUD: Senator  
10 Martucci to be recorded in the negative.

11 Senator Rivera to explain his vote.

12 SENATOR RIVERA: Thank you,  
13 Madam President.

14 Solitary confinement is torture.  
15 I'm not the only one to say it; some of my  
16 colleagues have said it. We've -- my colleague  
17 Senator Salazar went deep into this, and we have  
18 read much on the subject.

19 In particular, there's one person  
20 that I want to underline here that is the reason  
21 why I'm on this floor today to proudly vote in  
22 the affirmative on this piece of legislation.  
23 His name is Kalief Browder. I should say his  
24 name was Kalief Browder.

25 I've talked about him on this floor

1 before: A constituent of mine who, at 16, was  
2 arrested and charged with stealing a backpack.  
3 He spent three years at Rikers Island, and two of  
4 those in solitary confinement. Maybe they called  
5 it a SHU or maybe they called it another name.  
6 But ultimately what that led to was that after he  
7 was let out, while not being charged with  
8 anything, because he had never stolen anything,  
9 he then committed suicide in my district, in the  
10 home where he lived with his mother.

11           And he did that because of how much  
12 he had been harmed by this practice that has been  
13 abused in this system for way too long.

14           As my colleague Senator Gianaris  
15 said, there are other ways to maintain discipline  
16 in a facility. These folks, the folks who are  
17 incarcerated, are people as well. And unlike  
18 what some of my colleagues have tried to make us  
19 think, not every single one of them is a predator  
20 straight out of a 1990s horror flick. The  
21 majority of them are going to come back to our  
22 communities, the majority of them are there for  
23 nonviolent crimes. And many of them have to  
24 spend hours, days, weeks, sometimes months  
25 without any real connection to other people.

1 That harms them. And that harms us.

2 Which is why we need to move in a  
3 different direction. And I'm incredibly proud to  
4 vote in the affirmative on this piece of  
5 legislation, for Kalief and for every other  
6 person that has found themselves in this situation.

7 Thank you to the sponsor for  
8 bringing this to the floor. Thank you to our  
9 leader for bringing it here. I vote in the  
10 affirmative.

11 Thank you, Madam President.

12 ACTING PRESIDENT PERSAUD:

13 Senator Rivera to be recorded in the affirmative.

14 Senator Salazar to explain her vote.

15 SENATOR SALAZAR: Thank you,  
16 Madam President.

17 I want to begin by thanking our  
18 Majority Leader, Senator Stewart-Cousins, for her  
19 support in allowing me to carry the HALT solitary  
20 confinement bill. Or, as Assemblyman Aubry has  
21 aptly said, in passing the baton to me, since  
22 this bill precedes my time in the Senate.

23 I want to quickly address something  
24 that was just said that -- and note that the  
25 settlement from NYCLU was actually beginning to

1 be implemented -- the provisions of the  
2 settlement -- years ago. It has not been only a  
3 matter of months, but it has been years since  
4 some of these regulations have been in place.

5 I also want to add, on the subject  
6 of safety, that not only would this bill, as  
7 Senator Gianaris mentioned, save lives of people  
8 who are incarcerated, but it will do so without  
9 compromising anyone else's safety.

10 There is no evidence to support the  
11 claim that solitary confinement increases safety  
12 or that its absence would increase violence  
13 within prisons. Colorado, for example, decreased  
14 its use of solitary confinement by 85 percent,  
15 and prisoner assaults on staff are now the lowest  
16 that they have been since 2006.

17 Colorado actually implemented a  
18 15-day limit on solitary, dropped the number of  
19 people who are held in solitary, and they saw  
20 violence in their facilities decline by 40  
21 percent. Corrections staff who initially opposed  
22 the changes there now support them.

23 People across our state who have  
24 survived solitary confinement, and families who  
25 have lost their loved ones to the lasting harms

1 of solitary, have testified for years to the  
2 urgency of ending the use of solitary confinement  
3 in our state.

4           Today I'm thinking of Ben Van Zandt.  
5 Ben was 17 years old when he was sent to Fishkill  
6 Correctional Facility. During his incarceration  
7 at Fishkill, Ben was sexually assaulted, beaten,  
8 and continually harassed. He was retaliated  
9 against. He was not always given the  
10 antipsychotic medication that he was prescribed.

11           Ben spent long stretches of time in  
12 solitary confinement, where his mental health  
13 deteriorated into severe depression and suicidal  
14 thoughts. In July of 2014, an OMH evaluation at  
15 Fishkill said that Ben was mentally unstable and  
16 vulnerable. But DOCCS placed Ben in solitary  
17 confinement despite his well-documented mental  
18 illness.

19           And later that same year, Ben was  
20 driven to take his own life in the isolation of  
21 his cell. He was only 21 years old.

22           I'm also, as Senator Rivera  
23 mentioned, thinking of Kalief Browder today.  
24 Kalief Browder was 16 years old when he was  
25 placed in pretrial detention in Rikers Island

1 after being charged for stealing a backpack.

2 In the time that Kalief spent in  
3 New York City's Rikers Island facility awaiting  
4 trial as a legally innocent person, he spent  
5 nearly two years in solitary confinement,  
6 700 days. Ultimately, Kalief's charge was  
7 dropped. He was never convicted. But the  
8 negative impact of confinement solitary  
9 confinement on Kalief's mental health persisted,  
10 and ultimately drove him to suicide.

11 Today I'm thinking about Layleen  
12 Polanco. While being held in pretrial detention  
13 at Rikers, the New York City Department of  
14 Correction knew about Layleen's medical  
15 condition, that she had epilepsy. But she was  
16 placed in solitary against the recommendation of  
17 medical professionals. Layleen suffered an  
18 epileptic seizure and died alone in solitary  
19 confinement. She was 27 years old.

20 It is abundantly clear that the use  
21 of solitary confinement has exacerbated mental  
22 illness. It has caused illness where it didn't  
23 previously exist. Reducing the use of solitary  
24 confinement has been consistent with dramatic  
25 decreases in violence in correctional facilities.

1                   We know that reducing the use of  
2 solitary confinement will in turn reduce  
3 recidivism, and it will make correctional  
4 facilities and our communities safer.

5                   Dostoevsky once said the degree of  
6 civilization in a society can be judged by  
7 entering its prisons. Solitary confinement in  
8 our carceral system has not only caused sickness  
9 in individuals, it has also made our society  
10 sick. But in passing this bill today, we are  
11 taking a necessary step to begin to heal.

12                   Thank you, Madam President.

13                   ACTING PRESIDENT PERSAUD:    Senator  
14 Salazar to be recorded in the affirmative.

15                   Announce the results.

16                   THE SECRETARY:    In relation to  
17 Calendar 555, those Senators voting in the  
18 negative are Senators Akshar, Borrello, Boyle,  
19 Gallivan, Griffio, Helming, Jordan, Lanza,  
20 Mannion, Martucci, Mattera, Oberacker, O'Mara,  
21 Ortt, Palumbo, Rath, Ritchie, Serino, Stec,  
22 Tedisco and Weik.

23                   Ayes, 42.   Nays, 21.

24                   ACTING PRESIDENT PERSAUD:    The bill  
25 is passed.

1                   Senator Gianaris, that completes the  
2 reading of the controversial calendar.

3                   SENATOR GIANARIS:    Is there any  
4 further business at the desk?

5                   ACTING PRESIDENT PERSAUD:    There is  
6 no further business at the desk.

7                   SENATOR GIANARIS:    I move to  
8 adjourn until Monday, March 22nd, at 3:00 p.m.,  
9 intervening days being legislative days.

10                  ACTING PRESIDENT PERSAUD:    On  
11 motion, the Senate stands adjourned until Monday,  
12 March 22nd, at 3:00 p.m., intervening days being  
13 legislative days.

14                  (Whereupon, at 12:54 p.m., the  
15 Senate adjourned.)

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