



SPECIAL REPORT: Prison suicide rates rise; solitary confinement adds to risk

MARY BETH PFEIFFER • OCTOBER 17, 2010

Just days from her 23rd birthday in June and six months before possible release from prison, Danaroy Countryman did something that an unusually high number of state prison inmates have done this year. She hanged herself in her cell.

Countryman's suicide at a Westchester County prison is one of 17 in state lockups so far in 2010 — 42 percent above the annual average for the past decade and, as of mid-October, a 70 percent increase over all of 2009.

The rise in prison suicides comes three years after the state settled a federal lawsuit over prison suicides and after changes that officials say — and lawyers for inmates generally agree — have improved state prisons for inmates, such as Countryman, who suffer serious mental illness. Among these, about 400 treatment beds have been added for schizophrenic, severely depressed and bipolar inmates, including 99 at Green Haven Correctional Facility in Stormville.

Green Haven is one of eight state prisons in Dutchess and Ulster counties. They employ nearly 4,400 people and house 7,700 inmates, 165 of them sentenced by local counties. The system's most recent suicide occurred Thursday at Shawangunk Correctional Facility in Wallkill.

"Four recent evaluations show not only an improvement of the services to the mentally ill but also demonstrate a greater sensitivity to the needs of the mentally ill inmates," according to a fact sheet issued in 2009 by the state Department of Correctional Services.

But the changes aside, a Poughkeepsie Journal review of documents obtained under the Freedom of Information Law shows suicide rates actually rose 16 percent for the three years before the lawsuit settlement compared with the three years after — from 17.8 suicides per 100,000 inmates to 20.7. As significant, in the three-year period, five times as many suicides per capita occurred in solitary confinement — what inmates call the "Box" — than in the general population.

Mental care faulted

Since the agreement was signed in April 2007 by the state and a disability-rights organization representing inmates, about one-third of suicides occurred in the Box — the same as in the latter half of the 1990s — even though only 6 percent of inmates were housed there. At the same time, average Box sentences were unchanged from 2005 to 2009, at 112 days, though officials said they are declining for inmates with mental illness.

Most significantly perhaps, mental health care was criticized — sometimes scathingly — in nine of 21 post-settlement suicides investigated by the state Commission of Correction, a three-member board appointed by the governor that oversees correctional facilities. For example, the commission's reports, some highly censored in what officials said is a need to protect inmate confidentiality, concluded:

- Regarding the 2007 suicide of Milton Donaldson at Downstate Correctional Facility in Fishkill: "Had Donaldson's case been reviewed by an experienced correctional clinician the outcome may have been different."
- In the 2008 suicide of Damir Nassyrov, also at Downstate: "The psychiatrist's assessment was grossly substandard," missing "abundant signs of suicide risk."
- The 2008 Box suicide of Sylvester Pridget-El at Great Meadow Correctional Facility in Washington County "may have been prevented had he received an adequate mental health evaluation."
- Oscar Perez, who died in 2008 in a solitary cell at Clinton Correctional Facility in Clinton County, was "likely to decompensate" — or deteriorate mentally — "and would have benefitted from an alternative placement." But his need for "immediate" mental health care was missed by a sergeant who was not properly trained.

Reports generally take 18 months or more to prepare; just two were available for suicides in 2009, which found no systemic fault, and none for 2010.

In prepared responses to the reports, officials of the state agency that provides prison mental health care, the Office of Mental Health, said they had improved suicide-prevention measures and mental health assessments but said they "take exception" to the conclusion of bad care in Nassyrov's death.

Parallel suicides

Raising questions about the system's ability to fundamentally change, Perez's suicide after a long stay in the Box bears striking parallels to the hanging suicide eight years earlier of Carlos Diaz.

"It is a well-established fact," the commission wrote in a stinging review, "that inmates serving long-term sentences in [solitary] are likely to decompensate." Diaz had spent 10 years in the Box.

Donaldson and Nassyrov are among four suicides since 2007 at Downstate, which had the fifth-highest number of suicides among 68 prisons since 1995: 14. Jesse McCann, 17, of Kingston hanged himself there in 2001 after he was placed in a solitary confinement unit; he was the youngest inmate to commit suicide in at least 10 years.

Additionally, Countryman's death at Bedford Hills Correctional Facility in Westchester County bears similarities to the 2004 suicide there of Poughkeepsie resident Jessica Roger, 21, who, like Countryman, had been hospitalized many times as a child for mental illness. Countryman had been imprisoned for stealing six newborn pit-bull puppies who she thought were going to be destroyed by their owner, according to her mother, Kaemarie West of Fort Gordon, Ga.

Countryman had been released from a prison mental hospital just three days before her death, and was facing time in solitary confinement, the unit where Roger died after making several attempts at suicide.

Solitary confinement — in which inmates are kept in small, solid-door cells for 23 hours a day with little to do and few personal possessions — is the system's most stressful form of housing and has long been known to lead to higher rates of suicide. In 1890, a U.S. Supreme Court decision on solitary concluded: "A considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide."

Settlements paid

The state paid a \$200,000 settlement to Roger's family after her suicide, one of several payments in recent years, including three from 2005 to 2007 for \$1.1 million to \$1.8 million. Said her father, Kevin Roger of Poughkeepsie, "I haven't come to terms with it yet, and I don't think I ever will ... They didn't watch her."

The family's attorney, Jeffrey Brody of Kingston, said recent suicides show that problems persist.

"It appears that DOCS has not yet been compelled by lawsuits or any legislative action to stop using [solitary confinement] as punishment for what amounts to minor infractions," he said. Many ill inmates "are not really criminals but rather suffer mental and emotional problems that led them to commit typically minor assaults as with Jessica," who was hospitalized for mental illness 25 times before prison and was convicted of assaulting a Dutchess County jail guard after her arrest at age 16 for punching her sister.

Prison officials counter that conditions have improved, noting that only two of 17 suicides so far this year occurred among the 3,600 inmates in solitary confinement, or 11.7 percent.

"This shows the [lawsuit] settlement is working," said Erik Kriss, director of public information for the correctional agency, which houses 57,000 inmates. A key change under the settlement — the addition of 199 beds for mentally ill inmates at Marcy Correctional Facility in Oneida County and Green Haven — did not occur until 2009, he said.

As for the suicide increase in 2010, including four at Great Meadow in a six-week period through July 11, Kriss wrote in an e-mail, "The number of suicides has fluctuated in recent years; some years it's lower, some years it's higher; there is no 'trend.'" Indeed, there were 18 in 2005 and 2007.

Assemblyman Jeffrion Aubry, D-Queens, is chairman of the Assembly Correction Committee and a longtime prison critic. He had mixed reviews for the system's performance.

"We see some benefits to some of the things that we've done, but it is still a bumpy road ... These instances of suicide in the system are the most dramatic cry that we haven't arrived where we need to," Aubry said.

Both the correctional department and the Office of Mental Health denied Journal requests for court-ordered progress reports on the lawsuit. They are protected by a confidentiality provision in the settlement and therefore do not fall under the Freedom of Information Law.

Ill population sizable

But the Commission of Correction's reports, along with data provided by the Department of Correctional Services and prisoner advocates, paints a picture of a system straining to serve a difficult and sizable population of mentally ill inmates — numbering 7,800 in 2009, or more than 13 percent of the total. The reports also are similar to others issued over the past decade, finding not only that mental health evaluations were poor and signs of potential suicide missed but that staff responded inadequately to or failed to avert crises.

In one case, officers took 10 minutes to open a cell door to a suicide; in another, they "failed to initiate a proper emergency response to an attempted suicide in progress" in solitary confinement, the commission report stated. In a third, an inmate who

hanged himself at Green Haven was not discovered for as many as six hours, a violation of hourly required checks. As a consequence, prison officials said, some officers have been disciplined, staff was bolstered and training improved. They disputed the delayed response time, however.

Of great concern to inmate advocates is what they see as overreliance on solitary confinement as a form of punishment and control. Figures show that even as the prison population dropped by 9 percent statewide from 2005 to 2010, the population of inmates in the Box rose 7 percent. Put another way, the proportion of inmates in solitary rose from 5.3 percent in 2005 to 6.3 percent in 2010.

Prison officials said this is because the concentration of maximum-security and violent inmates has increased since 2005 as more minimum- and medium-security inmates have been released.

Lower-level inmates, Kriss said, "are, in most cases, non-violent offenders less prone to disciplinary infractions," while the rest commit more serious infractions, explaining why the average solitary stay — nearly four months — has not changed. Aubry agreed.

But with one-third of suicides continuing to occur in solitary confinement, Jennifer Parish, director of criminal justice advocacy for the Urban Justice Center, an inmate-advocacy organization in Manhattan, said, "Clearly, the appropriate response is to re-evaluate the use of prolonged isolation and to develop less dangerous ways of managing prisons."

Role of the Box

Indeed, the commission reports suggest that consignment to the Box may be a factor in suicides.

In one report, the commission said that Ricardo Cuesado, 33, hanged himself in 2008 during an "extensive punitive segregation sentence," noting a "failure to adequately assess a clinically depressed inmate" and to provide mental health services.

Other cases involve even short stays, however. In one, a 48-year-old inmate at Fishkill Correctional Facility in Beacon, Larry Chapman, hanged himself in 2009 after only a week in solitary; he had been hearing voices, according to an oversight report of his death. Another inmate, Philip Kedaru, 31 and serving a sentence for robbery at Mid-State Correctional Facility in Oneida County, said he "didn't know" whether he could adjust to solitary — and hanged himself in 2007 after less than two hours there. Both cases were closed without any fault assigned.

Legal advocates fear that though care has improved, some ill inmates fall through the cracks.

"There are now enough programs in the system that [Box] prisoners with serious mental illness ... can have at least two hours programming out of cell daily," said Nina Loewenstein, an attorney for Disability Advocates Inc., the lead agency in the lawsuit against the state. However, "we still find that there's problems of missing diagnoses and under-diagnosing" of mental illness.

Sara Kerr, an attorney for Legal Aid Society of New York, which assisted in pressing the lawsuit against the state, said the addition of treatment beds and staff means "the system is clearly improved." But, "accurate, appropriate diagnosis and [seriously mentally ill] designation remain a concern," as does the movement from solitary of inmates whose mental state deteriorates.

Prison officials maintained that strides have been made both in providing new services for mentally ill inmates and reducing the time and number in solitary confinement. In addition to the lawsuit settlement, a state law was signed in January 2008 that will further strengthen safeguards for mentally ill inmates in solitary confinement. It goes into effect next year.

System improved

Among the changes so far, according to a prison fact sheet:

- In 2007, the system had 572 beds for seriously mentally ill inmates; by 2009, there were 781 beds. Another 217 transitional beds have been added at 10 prisons to help ill inmates return to general population.
- All new inmates are screened for mental health problems at four reception centers, including Downstate.
- Special committees monitor mentally ill inmates in solitary confinement, who are now released from their cells for two to four hours a day; 658 solid doors in selected units have been or will be modified to increase visibility and communication.
- Behavioral infractions that formerly led to Box time were dismissed twice as often for ill inmates after the settlement as before, and twice the proportion of sentences in solitary have been cut for ill prisoners.

Many close prison observers remain unconvinced of changes, however.

The June suicide in a solitary confinement unit at Great Meadow of Amir Hall, 23, is one reason why. Hall "was known to have a profound psychiatric history," according to research by Mental Health Alternatives to Solitary Confinement, an Albany-based coalition against solitary, and had just been transferred from another facility on a Friday, when clinical support staff were off for the weekend.

"There is absolutely no improvement in the treatment," said Leah Gitter of Manhattan, a coalition member who said her mentally ill godson, now 40, spent several difficult years at Green Haven prison. "I speak to family members continually, and there are enormous problems of abuse, cruelty and a lack of treatment and inadequate care."

The group is calling on the state to investigate recent suicides "and any systemic flaws that permitted them."

Danaroy Countryman's mother, meantime, thinks her daughter, whose first signs of mental illness emerged at age 4, should not have gone to prison.

"Anybody who's got an extensive psychiatric history does not belong there," West said, noting that her daughter had made many suicidal overtures in prison in hopes of a permanent move to a hospital.

Instead, her funeral was held on her 23rd birthday, said West, who is raising her daughter's 8-month-old baby girl, Neviss.