

### **Background: Key Aspects of the [Proposed Solitary Regulations](#) in their Current Form**

- People in solitary to have at least 4 hours daily out-of-cell time unless jail chief restricts
- Kids <18 & pregnant women to have at least 6 hours out-of-cell unless jail chief restricts
- Jails must report to the State Commission of Correction (SCOC) on use of solitary, including reporting to the SCOC any decision placing a person in solitary for more than one month

### **Overall Summary of Key Points to Include in Comments re Proposed Solitary Regulations**

- Solitary confinement is torture. It decreases institutional and community safety. It is inflicted disproportionately on Black and Latino people. It is inflicted often for minor reasons (see/include more info from attached Key Talking Points re the Torture of Solitary)
- The proposed regs codify some of the worst practices in local jails, like explicitly allowing 24-hour solitary and implicitly allowing any time out of cell to be in another solitary space
- The proposal has serious flaws, was drafted without consulting solitary survivors or other experts, & will leave thousands of New Yorkers in solitary for months, years, and decades
- The regs should follow the [HALT Solitary Confinement Act](#), ban solitary beyond 15 days for all people, and require more humane and effective program-based alternatives
- The Governor and NY Legislators should pass the HALT Solitary Confinement to enshrine policies into law that bring New York in line with other states and international standards

### **More Info on Key Flaws of the Proposed Solitary Regulations**

- The proposed regs grant broad discretion to jail administrators to ignore them, and keep any person they choose in solitary 23-24 hours a day for “safety, security, or good order”
- The regs don’t require what happens in out-of-cell hours; people can still be alone just in another cage, without meaningful human contact or programs, as is now true for recreation
- There is still no limitation on how long a person can spend in solitary, so people will still be able to be held for months or years in solitary, including kids and pregnant women in jails
- There is no restriction on the criteria of what conduct can lead to someone being in solitary
- The proposed regs only apply to local jails and not state prisons. Governor Cuomo and the SCOC have authority over prisons so should also apply all limits in prisons too

### **More Info on Key Changes that Governor Cuomo & New York Must Adopt in the Regulations**

- The regs should place a maximum limit of 15 consecutive days in solitary or 20 days total in any 60 day period, in line with the [Mandela Rules](#) and what [Colorado](#) has implemented
- The regs should require that any separation beyond 15 days must involve at least 7 hours out-of-cell per day, with 6 hours for congregate rehabilitative/therapeutic programming
- The regs should ban even one day of solitary for people 21 and younger or 55 and older, people with mental health needs or physical disabilities, pregnant women & new mothers
- The regs should require enhanced procedural protections at proceedings that can result in solitary, and require jails to quarterly report details on the use of solitary and alternatives
- The regs should require these changes to apply to all jails and all prisons in New York State

### **Gov Cuomo and NY Legislators Must Pass the HALT Solitary Confinement Act & Other Laws**

- If the regs don’t adopt all the above points (and to enshrine them into law), Gov Cuomo and NY Legislators must pass the [HALT Solitary Confinement Act, A.3080/S.4784](#) to end the torture of solitary and create more humane and effective alternatives in all prisons and jails
- Solitary is just one piece of a broader racist and horrific system of incarceration in NY in need of fundamental change, including re brutality and closing prisons/jails, parole, higher ed, DV survivors, bail/speedy trial/discovery, sentencing, visits, reparations, and more