

December 12, 2017

Deborah Slack-Bean  
Senior Attorney  
New York State Commission of Correction  
Alfred E. Smith Building  
80 S. Swan Street, 12th Floor  
Albany, NY 12210

Dear Ms. Slack-Bean:

I am a member of Amnesty International USA and the Legislative Coordinator for New York State. We are in coalition with CAIC, the NY Campaign for Alternatives to Isolated Confinement, and I am writing to submit comments regarding proposed rules that purport to limit the use of solitary confinement in local jails.

Under those proposed changes, individuals in solitary would have at least 4 hours daily out-of-cell time unless jail chief restricts that time, and children under 18 and pregnant women would have at least 6 hours out of cell time, unless restricted. Furthermore, 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.

Despite these changes, I emphasize that solitary confinement is torture. It decreases institutional and community safety and is inflicted disproportionately on Black and Latino people, for often minor reasons. The proposed changes would codify some of the worst practices in local jails, such as explicitly allowing 24-hour solitary and implicitly allowing any time out of cell to be in another solitary space. Additionally, the changes were drafted without consulting solitary survivors or other experts, and will leave thousands of New Yorkers in solitary confinement for months, years, and decades. Other problems include:

- the absence of any 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 children and pregnant women in jails;
- no restriction on criteria that require or allow imposition of solitary confinement; and
- inapplicability of changes to local jails and not state prisons.

The proposed changes are deeply flawed and must be rejected. Instead, we urge the Governor and the NY Legislature to adopt the HALT Solitary Confinement Act, A. 3080/S. 4784, which would:

- 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;
- 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;
- 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;
- 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; and
- Require these changes to apply to all jails and all prisons in New York State.

Solitary is just one piece of a broader racist and horrific system of incarceration in NY in need of fundamental change, and the HALT Solitary Confinement Act would make substantial progress in reforming this broken and inhumane system.

Thank you for your time and attention to this matter, and please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anita S. Teekah', with a long horizontal line extending to the right.

Anita S. Teekah, Esq.