

December 12, 2017

Dear Ms. Slack-Bean,

I am writing to comment on the proposed rules for the use of solitary confinement in our state's jails. Studies have shown that extreme isolation has serious long-term detrimental effects on people, including anxiety, severe depression, panic attacks, loss of impulse control, and irrational anger. The United Nations "Mandela Rules" on the treatment of prisoners prohibits solitary confinement in excess of 15 days in duration as cruel and inhumane. Solitary confinement in our state is often inflicted for minor, non-violent offenses and disproportionately upon Black and Latino prisoners.

Despite the very real human cost that the overuse of solitary exacts, the proposed regulations 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 proposed requirement for a minimum amount of out-of-cell time (4 hours) is important, but is undercut by the explicit license for the Jail Chief to override that requirement when he/she sees fit and by the allowance that such out-of-cell time be spent under solitary conditions rather than with other people. Under the proposed regulations, there is no limitation on how long a person can be subjected to solitary, so people will still be able to be held for months or years in solitary, including kids and pregnant women in jails.

It is time for New York State to pass the HALT Solitary Confinement Act (A3080 / S4784) to set minimum, humane, and intelligent standards in our state prisons. Today, I urge the Governor and SCOC to adopt the provisions of HALT as the standards to be applied to our local jails, limiting the duration to 15 consecutive days, and providing humane and effective, program-based alternatives. This is particularly critical given that 70% of people being held in our local jails are awaiting trial for charges of which they have not been convicted.

Sincerely,

D. Kavitha Rao  
Beacon NY