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

Re: Comments on Proposed Rules to Enhance Oversight of Solitary Confinement in All Local Jails

Dear Ms. Slack-Bean:

We commend Governor Cuomo for taking the initiative to improve conditions of solitary confinement for some incarcerated individuals in NY State. However, we are also disappointed that the proposed rules do not go far enough for those suffering in solitary confinement. While the rules state that individuals in solitary in local jails should have four hours out-of-cell per day, there is no requirement that those hours include the meaningful human contact and programming that is needed for humane treatment and rehabilitation. Under the proposed rules a jail administrator maintains full discretion to restrict those hours and can continue to keep an individual in solitary for 23-24 hours a day. Also, the proposed rules do not include the needed time limit on how long a person can be in solitary confinement and includes no restrictions on the reasons for placing an individual in solitary. Lastly, these rules do not apply to NYS prisons.

Our deep concern is that these proposed rules will not protect the most vulnerable individuals in all NYS correctional facilities, especially the young and the mentally ill. We know firsthand of the abuses and neglect that occur in solitary confinement for these individuals. Our 21-year-old son, who suffered from a severe mental illness, took his own life after being falsely accused of an infraction and placed in solitary confinement. He had been in solitary for only ten days when he took his life. While in solitary, he was denied the treatment he desperately needed and the mental health services he received were disgraceful. Yet, the SHU Exclusion Law allows this to happen because a prisoner who suffers from a severe mental illness can be placed in solitary confinement for a maximum of thirty days. For someone suffering from a mental illness, this is a death sentence, as it was for our son.

We demand that Governor Cuomo and New York State end the torture of solitary confinement for all people and provide humane and effective alternatives. We urge

Governor Cuomo to support the HALT Solitary Confinement Act, A.3080/S.4784 and make it a top priority this legislative year. This comprehensive bill provides real limits on the use of solitary confinement, such as:

Banning solitary confinement beyond 15 days;

Providing meaningful program-based alternatives;

Restricting the reasons for using solitary confinement;

Specifically excluding solitary for young people, old people and those with mental and physical disabilities; and

Requiring periodic public reporting to maintain accountability.

The rules being proposed do not truly enhance oversight of solitary confinement and abuses may very well continue. If the HALT Solitary Confinement Act had been in place in 2014, our son would have been excluded from solitary and would probably be alive today. Instead, we are forced to engage in legal action to hold someone accountable for the actions and events that led to his death, a costly endeavor for all parties. We sincerely hope that our comments and demands will be heard and lead to meaningful changes in the proposed rules.

Respectfully,

Douglas P. Van Zandt

Alicia Barraza