



National Action Network

Reverend Al Sharpton, President and Founder

Reverend Dr. W. Franklyn Richardson, Chairman

Bill Griffin, President NYC Chapter

On behalf of the Second Chance Committee of the National Action Network NYC Chapter, we feel that the proposed regulations do not go far enough to make the time out of cell to be meaningful, transformative and rehabilitative, in that there are no specifics as to what programmatic activities will be utilized during the out-of-cell time. In addition, it leaves the decision to give or not give the out-of-cell time to the “Chief Administrative Officer”.

- Secondly, The Mandela Rules clearly state that “no one should be held in Solitary Confinement past fifteen days”. People are still being held in long-term Solitary Confinement in violation of the UN General Assembly Standards of Treatment of Prisoners, which were adopted in 2015. Solitary Confinement is disproportionately imposed on Black and Latino prisoners at a higher rate than any other ethnic groups, as well as the length of time imposed. Solitary Confinement is Torture and the HALT Bill (A.3080 S.4784) should be passed. 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 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 Act to enshrine policies into law that bring New York in line with other states and international standards.
- 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 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

If the regs don't adopt all the above points (and 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.

Submitted,

Victor Pate, Chairman National Action Network NYC
Chapter Second Chance Committee
December 6, 2017