



c/o The Correctional Association of New York
22 Cortlandt Street – 33rd Floor
New York, New York 10007

The Honorable Andrew M. Cuomo
Governor of the State of New York
NYS Capitol Building
Albany, NY 12224

December 14th, 2017

Re: End the Torture of Solitary Confinement

Dear Governor Cuomo,

Please accept this letter as public comment from the Release Aging People in Prison/RAPP Campaign regarding newly proposed rules to limit the use of solitary confinement in local jails. The RAPP Campaign works to end mass incarceration and promote racial justice through the release of older people in New York State prisons. While we focus on the aging prison population and parole release, we understand that our initiatives seamlessly connect to other criminal legal issues through several common threads: brutality, racism, death, and despair. Like parole injustice, the rampant use of solitary confinement incorporates all of the aforementioned inequities and is fundamentally unjust, inhumane, ineffective, and does not make us safer.

While we appreciate your call for reforms, we believe that they are largely inadequate and strongly urge that you **end the torture of solitary confinement for all people in jails and prisons throughout New York State and provide humane and effective alternatives to isolated confinement.**

We agree that more out-of-cell time is important for all people in solitary and perhaps especially for special populations. However, providing out of cell time is one of many needed changes that any new solitary regulations ought to require. The international community via the United Nations General Assembly, Supreme Court Justices, the Pope, President Obama and many other highly esteemed people of the world all agree that solitary confinement amounts to torture. On any given day, New York tortures thousands of people in prisons and jails, some of whom languish in solitary for many months, years, and even decades. These regulations would not end torture in New York but could with the right changes.

If your administration wishes to end the torture of solitary confinement in New York, then these rules must fall in compliance with the Humane Alternatives to Long Term

(HALT) Solitary Confinement Act (A.3080/S.4784). At its most basic level, the HALT Act bans solitary beyond 15 days for all people. Placing a maximum of 15 consecutive days or 20 days total in any 60-day period brings New York in line with the Mandela Rules—signed by all 193 Nations of the UN—and leading reform states like Colorado. To not do so is to continue to engage in international and domestic human rights catastrophes and is the antithesis of the values your administration professes to stand by.

In addition to placing the aforementioned time restraints on all solitary practices, the regulations must:

1. Require that any separation beyond 15 days involve at least 7 hours of out-of-cell time per day, with 6 hours for meaningful congregate programming.
2. Ban solitary for people aged 21 or younger and 55 or older, as well as those with mental health needs or physical disabilities, pregnant women and new mothers.
3. Mandate fair procedural protections at disciplinary hearings that often result in solitary, and require all institutions to publish quarterly reports detailing the use of solitary and alternatives.
4. Apply to all prisons and jails in New York State.

In December 2017, you granted clemency to dozens of incarcerated people and stated your belief in “showing mercy and justice and compassion and forgiveness.” To truly stand for such noble principles, it is imperative that you champion the HALT Act through regulatory, legislative, or other executive or administrative means. Doing so would end torture in New York and make the empire state a true leader in the effort to end mass incarceration.

Thank you for your attention.

Sincerely,

The Release Aging People in Prison/RAPP Campaign