

Ryan Brown  
103 Skillman Avenue  
Brooklyn, NY 11211

December 12, 2017

Deborah Slack-Bean  
Senior Attorney, New York State Commission of Correction

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

Dear Ms. Slack-Bean,

“People are supposed to be sent to prison *as* punishment, not *for* punishment. Solitary operates as a ‘second sentence’, or a ‘sentence within a sentence’, doled out without benefit of due process.” – Jean Casella & James Ridgeway, *Hell Is a Very Small Place: Voices from Solitary Confinement*

I commend Governor Cuomo for having the vision to see that fundamental changes need to be made in NY jails regarding the implementation of solitary confinement. But his proposed rules, while well-intentioned, will not bring about any meaningful change. Yes, people in solitary should have at least 4 hours of daily out-of-cell time – but if the jail chief has the unchallengeable discretion to restrict this right, then it isn’t a right at all. The rules propose that kids and pregnant women should have at least 6 hours out-of-cell time every day – except if the jail chief says no, with no questions asked. These rules aren’t rules so much as suggestions. And suggestions, however well-meant, will do nothing to eradicate the deeply-rooted evil of solitary confinement that has turned NY prisons and jails into torture mills.

Instead of well-meaning suggestions, we need enshrined laws to protect our rights. We need to pass the HALT Solitary Confinement Act, which would put into law these provisions:

- Ban solitary confinement beyond 15 days
- Provide meaningful program-based alternatives
- Restrict the bases for using solitary confinement
- Complete ban of solitary for young people, old people and individuals with mental and physical disabilities
- Require periodic public reporting to maintain accountability

Have you seen the recent news reports about prisons wanting to terminate in-person visits and replace them with Skype video chats? Under the camouflage of convenience and “safety”, we as a society are working to make isolation in prisons and jails so extreme, so complete and unmitigated, that the people there might as well be on Mars.

Governor Cuomo has the extraordinary opportunity to help reverse this dehumanizing trend and create a shining example of reform for the rest of the country to follow. The choices Governor Cuomo makes regarding solitary confinement in NY will reverberate far beyond state lines.

Right now, as you read this, thousands of New Yorkers who are just as real as you and me, just as loved and loving, are trapped in an inconceivable nightmare reality. Let’s do something to change this now!

Sincerely,

