

December 13, 2017

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

Dear Governor Cuomo,

As members of the Social Justice Committee of the Unitarian Universalist Congregation at Shelter Rock, we have been advocating for the passage of the HALT Solitary Confinement Act (A03080/S04784) for four years. During this time, we have learned that solitary confinement beyond 15 days is torture; that any time in solitary confinement is extremely detrimental to the psychological, mental, and emotional health of those who endure it, especially youth, those with mental illness, the elderly, and pregnant women; and that the use of solitary confinement is completely ineffective in changing behavior and promoting the rehabilitation of an individual. Furthermore, the imposition of time in solitary is left to the discretion of the corrections officer. Studies have shown that 95% of the time, it is imposed for non-violent infractions of prison rules, and that it is disproportionately imposed on individuals of color.

Therefore, we are writing to express our dismay at the recently proposed "Regulations to Enhance Oversight of Solitary Confinement in All Local Jails." Because we also are part of a coalition working to improve conditions at the Nassau County Correctional Center, we are aware of the abuses that result from the use of solitary confinement and "keep lock" as a management tool in the jail. As far as we can see, these recently proposed regulations will not enhance the treatment of individuals living in our jails. In fact, these proposed regulations codify some of the worst practices of solitary confinement: allowing the continued use of 24-hour solitary confinement, with any time out of the solitary cell spent in a similar solitary situation; giving administrators broad discretion to ignore the regulations; and allowing individuals to languish in solitary for days, months, or years. Furthermore, the regulations were written without consulting solitary survivors or other experts in the field of forensic medicine like Dr. Terry Kupers or Dr. Bandy Lee.

Rather than codify procedures that amount to torture, the proposed regulations should place a maximum limit of 15 consecutive days in solitary or 20 days total in any 60-day period. This would put New York State in line with the Mandela Rules adopted by the United Nations and what the state of Colorado has recently implemented. The regulations 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; they should ban even one day of solitary for people 21 and younger or 55 and older, people with mental health needs or physical disabilities, pregnant women and new mothers; they should require enhanced procedural

protections at proceedings that can result in solitary, and require jails to release quarterly reports with details on the use of solitary and alternatives. Finally, corrections officers need more training in humane ways of interacting with those in their care, especially those with mental illness.

We know from our study of this issue and our conversations with many directly affected individuals that the use of solitary confinement does not make our prisons and jails safer. In fact, those prisons and jails that have reduced the use of solitary have seen a decrease in violence, making facilities safer for both incarcerated individuals and correction officers.

If the proposed “Regulations to Enhance Oversight of Solitary Confinement in All Local Jails” do not include the terms stated above, then New York State should immediately adopt, as law, the HALT Solitary Confinement Act (A03080/S04784). This is the only way to ensure that the torture of solitary confinement comes to an end in our jails and prisons, and that New York State becomes a true leader for the country in the implementation of humane and progressive incarceration policies.

Respectfully yours,

Robin Finnan-Jones, Chair

Members of the Social Justice Committee at the UU Congregation at Shelter Rock