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DEC. 12, 2017

TO: MS. DEBORAH SLACK-BEAN

SENIOR ATTORNEY

N.Y.S. COMMISSION OF CORRECTION

80 S. SWAN STREET, 12<sup>TH</sup> FL.

ALBANY, N.Y. 12210

RE: CONFINEMENT'S DEPRIVATION

I.D. NO. CMC-44-17-00012-P

DEAR MS. SLACK-BEAN:

I AM A PRISONER WHO HAS BEEN CONFINED TO SOLITARY CONFINEMENT FOR MORE THAN 23 YEARS NOW, AND, I HAVE JUST READ THE PROPOSED NEW RULES FOR SOLITARY CONFINEMENT AT THE STATES COUNTY JAILS, AND, I WANTED TO WRITE TO YOU REGARDING A FEW OF THE PROPOSALS MENTIONED.

FIRST, CONCERNING (A) FOUR (4) HOURS OF OUT OF CELL TIME, AT (C) IT STATES THAT THE JAIL'S CHIEF ADMINISTRATIVE OFFICER (CAO) MAY DENY THAT FOUR (4) HOURS OF OUT OF CELL TIME, WHEN IT POSSES A THREAT TO SAFETY AND SECURITY.

THIS PROPOSAL IS TOO BROAD, IT LEAVES TOO MUCH ROOM FOR THEM TO DENY THE INMATE OF HIS/HER OUT OF CELL TIME, WHICH BY EXPERIENCE, I CAN SAY THEY DO FOR NONSENSE REASONS JUST TO AVOID THE WORK TO THEM, THE LESS

MOVEMENT OR THE BETTER.

SECOND, THE PROPOSAL DOES NOT SAY WHERE THE FOUR (4) HOURS OF OUT OF CELL TIME SHOULD TAKE PLACE. THEY COULD HAVE INMATES TAKE THE FOUR (4) HOURS IN ANOTHER SOLITARY PLACE.

TAKE FOR EXAMPLE, HERE AT APTICA'S THIRD FLOOR BOX (SOLITARY CONFINEMENT), THE ONE (1) HOUR OUT OF CELL TIME (REC) THAT WE ARE ENTITLED TO IS IN AN OUTSIDE SOLITARY CELL WHERE YOU CANNOT SEE OR TALK TO ANYONE. IT'S JUST A CONCRETE ROOM WITH A SET OF BARS AS A ROOF. THERE IS NOTHING THERE BUT COLD WEATHER, AND SO, NONE OF PRISONERS GO OUT. WHICH LEAVES US IN OUR CELLS FOR 24 HOURS A DAY YEAR ROUND, -- AND THIS IS EXACTLY THE WAY THE PRISON ADMINISTRATORS WANT IT. ESPECIALLY THE OFFICERS, LESS WORK FOR THEM.

THESE PROPOSALS LEAVE TOO MUCH LEeway. TOO EASILY WILL THEY ABUSE THEM -- AND BELIEVE US, THEY WILL ABUSE THEM.

WHAT IS NEEDED IS FOR THE LEGISLATURE TO ENACT THE SOLITARY CONFINEMENT ACT, A. 3080/S. 4784. BARRING THAT (AT LEAST FOR THE MOMENT ANYWAY), THERE NEEDS TO BE MORE OVERSIGHT. IT NEEDS TO BE MORE DIFFICULT FOR JAIL OFFICIALS TO TAKE ADVANTAGE OF THE NEW RULES IN UNINTENDED WAYS. AND ALSO, THAT THE NEW RULES ENSURE THAT THE FOUR (4) HOURS OF OUT OF CELL TIME IS NOT IN A SOLITARY PLACE. (THE 4 HOURS ARE INTENDED TO GET THE INMATE OUT OF THE SOLITARY SITUATION, NOT PUT THEM IN IT).

SOLITARY CONFINEMENT IS A TERRIBLE PLACE. IT IS ALSO CONDUCTIVE TO/ WITH MENTAL ILLNESS. AS SUCH, IT TRULY NEEDS TO BE LIMITED TO A MAXIMUM OF 15 DAYS IN A SIXTY (60) DAY PERIOD. -- SEE THE SOLITARY CONFINEMENT ACT, A. 3080/S. 4784.

PLEASE TAKE ALL OF THE FOREGOING INTO CONSIDERATION, AS THESE NEW PROPOSALS CAN HAVE ENORMOUS IMPACTS ON HUMAN BEINGS.

THANK YOU FOR YOUR TIME, CONCERN AND CONSIDERATION IN THIS MATTER.

SINCERELY,

Kevin Hart

cc: K.H./file