



Know Your Rights on Solitary Enforce HALT

The HALT bill passed by the legislature in 2021, after years of activist mobilization led by the Coalition Against Isolated Confinement (CAIC), officially limits the use of solitary in NYS prisons and all county jails. Below are HALT basics provided by CAIC (a fuller online explanation is at <http://nycaic.org/legislation/>). Jails larger than 500 persons in official maximum capacity must create a Residential Rehabilitation Unit (RRU) if they have persons in solitary.

Halting HALT: Many Sheriffs and prison wardens have bypassed the law by saying they no longer have anyone in solitary by giving it another name: putting persons in “keeplock” in their cells for 18 hours a day with little access to communication, commissary, tablets, exercise, and denial of other “privileges” when out of their cells. NYCLU has won a lawsuit against DOCCS’ failure to observe the law in prisons. In NYC, Mayor Adams has circumvented by executive order stricter than HALT regulations passed by the City Council.

Upstate? County Jails outside NYC continue to evade HALT by sliding around the corners of the law. This can and should be contested. People in jails should demand for example, as legally required by HALT

- strict accounting of time in/out of cell, no isolation for protected persons (those 21 or younger or 55 and older, persons with disabilities or children, pregnant persons),
- the right to representation before being placed in isolation/solitary,
- due process rights at hearings starting with the disciplinary hearing within 5 business days, and
- the recording of all disciplinary hearings.

Persons should file careful and full grievances to document illegal isolation/solitary practices.

HALT as passed (but not always observed):

- **Creates More Humane & Effective Alternatives to Isolated Confinement:** Any person separated from general population for more than 15 consecutive days must be in a separate secure Residential Rehabilitation Unit (RRU) – a rehabilitative & therapeutic unit providing programs, therapy, and support to address underlying needs and causes of behavior, with 6 hours per day of out-of-cell programming plus one hour of out-of-cell recreation.
- **Ends Long-Term Isolated Confinement:** No person may be held in isolated confinement more than 15 consecutive days nor 20 days total in any 60 day period. At these limits, a person must be released or diverted to the alternative RRU with more out-of-cell time, programs, and therapy.
- **Restricts Criteria for Placement in Isolated Confinement or RRUs:** A person can only be placed in segregated confinement for more than 3 days and up to 15 days, or be placed in an RRU, if the person is found to have engaged in more serious acts of physical injury, forced sexual acts, extortion, coercion, inciting serious disturbance, procuring deadly weapons or dangerous contraband, or escape.
- **Bans Special Populations from Isolated Confinement:** The department can never place in isolated confinement any person: 21 years or younger; 55 years or older; With a physical, mental, or medical disability; Who is pregnant; or Who is a new mother or caring for a child while inside.

Key Procedural and Other Protections:

- **Enhances Due Process Protections Before Placement In Isolated Confinement or RRUs:** For example, a person may have access to legal representation by pro bono attorneys, law students, or approved paralegals at hearings that could result in isolated confinement.
- **Creates Mechanisms for Release from RRUs:** H.A.L.T. requires meaningful review at least every 60 days to determine if a person shall be released from a residential rehabilitation unit. Also, a person must be released if their disciplinary sentence runs out; and, a person must be released after one year if they have not already been released, unless there are specified exceptional circumstances and approval by the corrections commissioner.
- **Covers all Categories of People Who Currently Face Isolated Confinement:** The bill applies to disciplinary confinement, administrative segregation, and protective custody, while excluding medical/mental health isolation. It covers people in Special Housing Units (SHU), S-block, Keeplock, and/or any isolation beyond 17 hours per day. It also applies to all state prisons and county jails in New York State.
- **Other Protections:** Staff working on isolated confinement units or RRUs, and hearing officers, must receive substantial relevant training. Departments of corrections must provide public reports on the number/categories of people in isolation and RRUs, and lengths of stay.