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## ***Court Rules that Lawsuit Challenging Solitary Confinement of Incarcerated New Yorkers with Disabilities Can Proceed in Brooklyn as a Class Action***

(NEW YORK, NY) – The Legal Aid Society, Disability Rights Advocates, and Winston & Strawn LLP secured a court [ruling](#) granting class certification and denying the State’s motion to change venue in a landmark lawsuit challenging the unlawful use of solitary confinement on incarcerated New Yorkers with disabilities in state prisons.

The ruling ensures that the case will proceed on behalf of all affected individuals and remain in Kings County (Brooklyn), where plaintiffs filed the suit to hold the Department of Corrections and Community Supervision (DOCCS) and the Office of Mental Health (OMH) accountable for systemic violations of the HALT Solitary Confinement Law, and bring an end to the torturous practice of imposing solitary confinement on people with disabilities.

This [class action lawsuit](#) was filed in May 2024 on behalf of incarcerated New Yorkers with disabilities [against](#) DOCCS and OMH for their ongoing violations of the [Humane Alternatives to Long-Term Solitary Confinement Act \(HALT\)](#), legislation that went into effect on March 31, 2022 and that drastically restricts the permissible use of solitary confinement in prisons and jails throughout New York State.

HALT prohibits prison and jail officials from placing incarcerated people with disabilities in solitary confinement. HALT’s protections are grounded in the broad scientific consensus that individuals with disabilities are particularly vulnerable to the disastrous and frequently irreversible medical and psychological consequences wrought by solitary confinement, and the growing penological consensus that solitary makes prisons less safe.

Despite this, DOCCS and OMH continue to subject hundreds of people with disabilities held in state prisons to solitary confinement, which is defined under HALT as “any form of cell confinement...for more than 17 hours a day.”

Additionally, since HALT’s implementation, DOCCS and OMH have instituted policies that allow DOCCS to place in solitary confinement people with disabilities, including post-traumatic stress disorder (PTSD), depression, cerebral palsy, epilepsy, speech disabilities, mobility disabilities requiring the use of walkers or canes, and people who are hard of hearing or have low vision—in clear violation of HALT’s broad protection for all people with disabilities.

“This case is about protecting the rights of some of the most vulnerable people in New York’s prison system,” said **Katherine Haas from the Prisoners’ Rights Project at The Legal Aid Society**. “The court rightly recognized the widespread nature of DOCCS and OMH’s violations by granting class certification and rejecting the State’s attempt to move the case. These rulings allow the case to move forward on behalf of all those

affected and bring us one step closer to ending the unlawful and profoundly harmful use of solitary confinement on people with disabilities.”

“We are proud to stand with our public-interest partners and our courageous named plaintiffs as we pursue accountability and systemic change,” said **Eva W. Cole, a partner at Winston & Strawn LLP**. “With class certification in hand, we will continue to litigate to secure relief for all of those impacted.”

“These legal victories are meaningful steps forward in our clients' fight to ensure that no disabled person is subjected to the torture of solitary confinement in New York State prisons,” said **Victoria Pilger, an attorney from Disability Rights Advocates**. “This is the vision of HALT, and one that DOCCS and OMH cannot continue to evade.”

### **Background on Certain Plaintiffs**

#### **Maurice Anthony**

Maurice Anthony is a 42-year-old Black man who has been incarcerated by DOCCS since 2014 and is legally blind. DOCCS has approved him to receive accommodations for his disability. Despite HALT exempting people with vision disabilities from solitary confinement, DOCCS has subjected Mr. Anthony to solitary for virtually the entire period since HALT went into effect on March 31, 2022.

During long stretches of time while Mr. Anthony was housed at Mid-State Correctional Facility from October 2021 to May 2023, DOCCS confined him to his cell for between 19 to 20 hours per day on Mondays through Thursdays. On Fridays, weekends, and most holidays, DOCCS locked him in his cell for 22 to 23 hours each day.

DOCCS again held Mr. Anthony in solitary confinement in a Residential Rehabilitation Unit (RRU) at Upstate Correctional Facility from May 2023 to January 2024. RRUs are units created under HALT that were intended to replace solitary confinement with therapeutic programming, but which DOCCS has operated as a form of *de facto* solitary by failing to provide sufficient out-of-cell time or programming.

DOCCS has also held Mr. Anthony in his cell for approximately 20 hours per day in a so-called “Diversion Unit,” another supposed alternative to solitary confinement at Wende Correctional Facility.

Mr. Anthony compared the experience of solitary confinement to torture, stating it was like being caught “in a trunk” or a “casket” where “you can’t get out.” According to the lawsuit, this extreme confinement and isolation caused him to endure blackouts, hopelessness, claustrophobia and extreme frustration.

#### **Andy Gneco**

Andy Gneco is a 39-year-old Black and Hispanic man who has been incarcerated by DOCCS since 2019 and whom DOCCS held in solitary confinement despite his hearing and mental health disabilities. Under DOCCS and OMH’s policies, his disabilities are not exempt from solitary confinement, despite being exempt under HALT. Mr. Gneco was held in solitary confinement, including in the Special Housing Unit (“SHU”) while he was incarcerated at Auburn and Clinton Correctional Facilities, during which time he was locked in his cell for approximately 22 to 24 hours per day. According to the lawsuit, the isolation and sensory deprivation — including forced isolation from his family — exacerbated Mr. Gneco’s depression and anxiety, leading to feelings of hopelessness, frustration, and hypervigilance.

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*those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>*

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