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Judge Grants Legal Aid's Preliminary Injunction Against DOCCS's Unlawful Suspension of NY's HALT Solitary Law

Since February, Incarcerated New Yorkers Have Faced Prolonged Confinement Without Programming and Recreation

(NEW YORK, NY) - **The Legal Aid Society**, after a court argument by Staff Attorneys Katherine Haas and Riley Evans, [secured](#) a [preliminary injunction](#) against the New York State Department of Corrections and Community Supervision (DOCCS) for its far-reaching and unlawful rollback of [the Humane Alternatives to Long-Term Solitary Confinement \(HALT\) Act](#). Today's ruling comes after Legal Aid [filed](#) a class action [lawsuit](#) in April against DOCCS over this illegal suspension.

"We are grateful that the court recognized the grave harm caused by DOCCS's unlawful suspension of the HALT Solitary Law and acted to stop it," said **Antony Gemmell, Supervising Attorney with the Prisoners' Rights Project at The Legal Aid Society**. "This decision reaffirms that no agency — regardless of political pressure — can unilaterally disregard laws enacted to protect human rights. HALT was passed to end the torture of prolonged solitary confinement, and this injunction is a critical step toward ensuring the State honors that commitment and upholds the dignity of those in its custody."

Background:

The lawsuit was filed in April in New York State Supreme Court in Albany County on behalf of six people incarcerated in prisons across the state who, since the HALT suspension was announced on February 20, had been subjected to daily, prolonged periods of solitary confinement during which they were unable to leave their cells or participate in programming and recreation that provided critical access to outdoor time and opportunities to interact with others.

The purportedly temporary suspension was announced via a [memorandum](#) issued by DOCCS Commissioner Daniel F. Martuscello III three days into a weeks-long authorized strike by DOCCS staff, which comprised hundreds of corrections officers from dozens of prisons upstate.

The HALT suspension was intended to placate the striking officers — since the corrections officers' union has unsuccessfully opposed HALT since its inception in 2021 — and to entice them back to work. But the ambiguous scope of the suspension threatened a potentially boundless circumvention of HALT's core protections. Commissioner Martuscello initially announced that the suspension would last 90 days, but that period expired on June 6. When appearing in court to oppose the preliminary injunction, lawyers for DOCCS were unable to tell the judge when the suspension would end.

And despite Governor Kathy Hochul announcing on March 10 that the strike had ended, many incarcerated New Yorkers – including the six individuals named in the lawsuit – continued to be exposed to the devastating mental and physical harms of prolonged isolation, which HALT was enacted to prevent.

Some of the plaintiffs bringing this case include:

Alfonso Smalls is a 29-year-old man from Harlem who is currently incarcerated in a general population unit at Cocksackie Correctional Facility. Since the strike began, and continuing under the HALT suspension, Mr. Smalls has been held in segregated confinement, isolated in his cell for between 22 and 24 hours per day. During the strike, Mr. Smalls was locked in his cell continuously for about two and a half weeks, leaving only to take a total of three eight-minute showers. Since the strike has ended, Mr. Smalls is still only permitted to leave his cell for between 90 minutes to an hour and 45 minutes each day.

Kariem Tomlin is a 46-year-old man from Staten Island who is currently housed in general population at Clinton Correctional Facility. Despite being housed in general population, since the strike began and continuing under the HALT suspension, DOCCS has isolated Mr. Tomlin in his cell for between 21.5 and 24 hours every day. During the strike, Mr. Tomlin was held in his cell for 24 hours a day. For several days during the strike, he and other incarcerated individuals were not allowed out of their cells even to bathe, with officers instead distributing hot water to the cells. Due to the extended period of isolation, Mr. Tomlin feels mentally disengaged and not like himself. The isolation has created tension among the people living in close quarters on his unit, making life difficult and leading to arguments.

Jerome Leslie is a 28-year-old man housed in a general population unit at Sing Sing Correctional Facility where, despite being in general population, Mr. Leslie is confined to his cell for at least 21 hours per day under the HALT suspension. Mr. Leslie is allowed to leave his cell only for work, as he lost access to the college program and Substance Abuse Treatment programs he was enrolled in as a result of the strike. The isolation Mr. Leslie is experiencing has taken a toll on his mental and physical health, leading to feelings of depression, anxiety, and hopelessness.

Taron Jackson is a 45-year-old father of three from the Bronx currently housed in the Special Housing Unit at Green Haven Correctional Facility. Under the HALT suspension, Mr. Jackson has been locked in his cell for between 23 and 24 hours per day. He is permitted one hour of outdoor recreation time per day, however, DOCCS employees have told Mr. Jackson that he must choose between the outdoor recreation or access to the telephone after 5 P.M. Because he prioritizes speaking with his children after school, Mr. Jackson chooses not to go to recreation, meaning that his only time out of his cell is for a ten-minute shower three times per week. The isolation has caused Mr. Jackson – who has mental illness – to experience insomnia and nightmares that make him feel like “he might be going crazy.”

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The Legal Aid Society is a nonprofit organization that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for 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.

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