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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***Legal Aid: DOCCS's Failure to Comply with Court Order Jeopardizes Safety of Thousands of Incarcerated New Yorkers***

(ALBANY, NY) — The Legal Aid Society [demanded](#) information today from the New York State Department of Corrections and Community Supervision (DOCCS), citing the Department's failure to comply with a [preliminary injunction](#) issued earlier this month in ongoing [class action litigation](#) over the DOCCS' unlawful suspension of the [Humane Alternatives to Long-Term Solitary Confinement Law \(HALT\)](#).

Today's letter from The Legal Aid Society alerts the court to DOCCS's noncompliance with the preliminary injunction, raising serious concerns about the Department's continued use of HALT's emergency exception without meeting the court's basic requirements. The letter also outlines steps Legal Aid intends to take to address the ongoing harm to thousands of class members held in dangerously and unlawfully restrictive conditions across the state — including seeking further court intervention if DOCCS fails to provide the requested information.

“DOCCS's defiance of the preliminary injunction harms our clients and reflects a disregard for judicial oversight,” said **Antony Gemmell, Supervising Attorney with The Prisoners' Rights Project at The Legal Aid Society**. “The Department still won't confirm where HALT is suspended, which safeguards are being denied, or when it will restore the protections the law requires. Every day DOCCS remains out of compliance, thousands of New Yorkers are subject to unlawful confinement. We will take whatever steps are necessary to hold DOCCS accountable and enforce the Court's order.”

The court's preliminary injunction vacated the Department's unilateral and unlawful suspension of HALT, and requires DOCCS to provide “detailed facts” justifying any continued suspension of HALT's protections at any one facility. But the Department's filing in response to the injunction fails to:

- specify which facilities continue to operate under HALT's emergency exception;
- disclose whether core protections — such as minimum daily out-of-cell time — have resumed;
- offer any facility-specific timelines for reinstating HALT; and
- explain how current staffing levels amount to a genuine emergency, especially in light of DOCCS's own recent proposal to reduce staffing levels by 30% before reversing course in response to a correction officers' strike.

In light of these failures, Legal Aid has requested a meeting with DOCCS this week to demand additional information to evaluate compliance. If that effort proves unsuccessful, Legal Aid intends to seek expedited discovery to assess the legitimacy of the State's claims and to protect the rights of impacted New Yorkers.

## 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.

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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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