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Legal Aid Files Contempt Motion Against DOCCS in HALT Act Lawsuit

DOCCS Continues to Ignore Injunction Requiring Facts Behind Unlawful HALT Suspension

DOCCS' Ongoing Failure to Comply with Court Order Jeopardizes Safety of Thousands of Incarcerated New Yorkers

(ALBANY, NY) - The Legal Aid Society [filed](#) a [motion](#) to enforce a preliminary injunction ordered against the New York State Department of Corrections and Community Supervision (DOCCS) for failing to comply with the court's order in a [class action lawsuit](#) challenging DOCCS's unlawful suspension of the [Humane Alternatives to Long-Term Solitary Confinement \(HALT\) Act](#).

Earlier last month, the court's preliminary injunction vacated the Department's unilateral and unlawful suspension of HALT and required DOCCS to provide "detailed facts" justifying any continued suspension of HALT's protections at any one facility.

"DOCCS's ongoing violations of the court's preliminary injunction continues to endanger incarcerated New Yorkers," said **Riley D. Evans, Staff Attorney with the Prisoners' Rights Project at The Legal Aid Society**. "The Department has yet to fully disclose where HALT has been suspended, which protections are being withheld, or when it will come into full compliance with the injunction. Every day that DOCCS remains out of compliance, thousands of New Yorkers are subjected to the torture of solitary confinement in violation of HALT. This enforcement motion is a necessary step to hold DOCCS accountable and enforce the court's order."

But the Department's filing in response to the injunction failed 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, The Legal Aid Society requested meetings with DOCCS to obtain additional information necessary to evaluate compliance. The Department, however, provided responses that were incomplete and conflicting, and refused to engage further when The Legal Aid Society requested clarification.

As such, today's filing asks the court to compel DOCCS to come into compliance with the preliminary injunction by providing the information needed to assess the legitimacy of any purported facility-wide emergencies, and, if necessary, by holding the Department in contempt.

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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