NEW YORK STATE | Department of Corrections and Community Supervision

KATHY HOCHUL
Governor
DANIEL F. MARTUSCELLO III
Commissioner

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NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION RELEASES COMMITTEE'S PROPOSED REVISIONS TO THE HALT ACT

The HALT Committee Drafted 10 Recommendations to Amend the Halt Act and Enhance Safety for Staff and Incarcerated Individuals

Committee Members Present Recommendations to the New York State Legislature for Consideration

Recommendations Developed in Collaboration with State Agencies, Union Partners, and External Stakeholders

Albany, NY — The Department of Corrections and Community Supervision (DOCCS) today released recommendations from the Humane Alternatives to Long-Term Solitary Confinement (HALT) Committee proposing amendments to the HALT Act to improve safety for facility staff and the incarcerated population. In March 2025, as part of a Memorandum of Agreement with the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), the HALT Committee was formed and began meeting to review the HALT Act in its current form. The proposed recommendations have been submitted to the State Legislature and Governor Kathy Hochul's office for additional review.

DOCCS Commissioner Daniel F. Martuscello III said, "The goal of the HALT Committee is to provide the legislature with recommendations to enhance safety for

both our staff and the incarcerated, while maintaining the core principles and intent of the HALT Act. We believe we have achieved this goal in a way that will ultimately lead to better outcomes and safer facilities. It is my hope that the legislature considers these changes as an important evolution of the HALT Act that reflects all we have learned since its inception in March 2022."

The Committee is comprised of representatives from DOCCS, the Office of Employee Relations (OER), and the Division of Criminal Justice Services (DCJS), and unions representing employees working in DOCCS correctional facilities – Civil Service Employees Association (CSEA), Council 82, NYSCOPBA, and Public Employees Federation (PEF). HALT Committee members convened several times over the course of five months and met with several independent stakeholders to incorporate external viewpoints into deliberations. These stakeholders include the Center for Community Alternatives, Correctional Association of New York, HALT Solitary Campaign, Legal Action Center, New York Civil Liberties Union, and Prisoners' Legal Services of New York.

Prior to the end of the 2025 legislative session, the Committee unanimously agreed on ten recommendations to amend the current law and met with members of the Assembly Committee on Correction and Senate Crime Victims, Crime and Correction Committee to present and discuss the proposed recommendations.

Mary E. Sullivan, President, Civil Service Employees Association (CSEA) said, "CSEA members are the backbone of state and county correctional facilities, working tirelessly each day to ensure operations run smoothly despite significant health and safety challenges. The proposed HALT Act modifications, thoughtfully developed by this committee, are an important step forward in protecting the health and safety of incarcerated individuals and staff. We commend the Commissioner and committee members for advancing a proposal that strengthens the well-being of everyone in state and local correctional facilities."

Russell Fox, President Local 2951, Council 82 said, "Council 82 strongly supports the proposed amendments to the HALT Act. These recommendations reflect the voices of those who live and work inside New York's prisons every day. By addressing serious misconduct, ensuring appropriate protective custody, and balancing discipline with incentives, these changes will make our facilities safer for both staff and the

incarcerated population. This is a clear example of how meaningful and effective reform can happen when all stakeholders have a seat at the table. We are proud to stand with our partners in advancing measures that improve safety and strengthen the correctional system for all."

Chris Summers, President, NYSCOPBA said, "NYSCOPBA members have made it clear that safety is our biggest concern and priority. We thank the other unions and DOCCS for coming together to address these serious concerns and offer reforms that will improve safety in our facilities. We urge the State Legislature in the strongest possible terms to accept our recommendations. They are a good start toward making our members safer, as well as all others who live and work inside our correctional facilities. The State Legislature must make these changes a priority as early as possible in their next legislative session."

Wayne Spence, President, Public Employees Federation (PEF) said, "New York cannot hope to achieve the goal of transforming its correctional system without significant reform. To that end, the New York State Public Employees Federation supported legislation recently passed, which if enacted, will provide greater oversight and accountability in the state's correctional facilities, including expanded use of fixed and body cameras and an expanded oversight role for the Commission on Correction (S.8415 by Sen. Salazar)/A.8871 by Asm. Dilan). And, while this legislation is an important step in the transformation process, it fails to address the need for meaningful reform to enhance the safety and security of all incarcerated individuals and staff in DOCCS. PEF was proud to participate in the committee charged with reviewing the Humane Alternatives to Long-Term Solitary Confinement Act ("HALT") to discuss the promise, the problems and unintended consequences of this landmark law. The committee worked to forge fair and reasonable reforms to address the on-going and well-documented safety and security problems faced by incarcerated individuals and staff in the state's correctional facilities. The committee's recommendations reflect common sense solutions to address persistent and dangerous situations being caused by just a relatively few bad actors. The goal of these reforms is to provide a more supportive and safer environment for incarcerated individuals who are working to improve their lives and to help attract and retain the staff needed to support their rehabilitation. PEF urges policymakers to act on these recommendations so that we can work towards our shared vision of supporting and empowering incarcerated individuals to rehabilitate their lives with the hope that one day they can return and be productive members of their communities."

Division of Criminal Justice Services Commissioner Rossana Rosado said, “These recommendations are an important step toward ensuring correctional facilities are safe places for staff and incarcerated individuals alike, while also reinforcing the role of rehabilitation in the justice system. Through our comprehensive partnership with DOCCS, we continue to expand training and reentry opportunities that prepare individuals for success after release and strengthen public safety across New York.”

Office of Employee Relations Director Michael Volforte said, “We appreciate the committee’s dialogue on these important issues. The committee’s unanimous recommendations reflect the long-term commitment of the State and its labor partners to find common ground on issues affecting employee safety and working conditions.”

Recommendations from the Committee have been carefully developed to improve safety within the state’s correctional facilities while maintaining the fundamental goal of the HALT Act – to reduce isolation and increase rehabilitative programming to more effectively address the underlying issues that lead incarcerated individuals to engage in misbehavior.

Below is a summary of the Committee’s recommendations:

Deter Specific Serious Offenses

DOCCS has experienced situations in which provisions of the HALT Act limited the ability to utilize segregated confinement as a consequence for certain serious offenses, such as sexual harassment, lewd conduct, unhygienic acts (throwing blood, seminal fluid, urine, feces, or the contents of a toilet bowl onto staff), extortion (which contributes to gang violence), riot, and escape attempt. No person should have to endure these acts in their place of work or living space and more must be done to prevent and address this type of behavior. To address these issues, the Committee recommends amending the current law as follows:

- Clarify that sexual harassment and lewd conduct constitute behaviors that are eligible for placement in segregated confinement.

- Add a new offense for conduct that is consistent with aggravated harassment of an employee (unhygienic acts), which is already defined in penal law.
- Address patterns of extortion in connection with a gang or criminal enterprise by clarifying that such behavior is eligible for segregated confinement.
- Reduce the subjectivity of standards that have limited the imposition of segregated confinement for participating in a riot, escape, or attempted escape, which will help prevent a potentially very serious incident from occurring.

These changes better align the current serious offenses specifically enumerated in correction law with that of similar offenses contained within the penal law.

Ensure the Availability of Protective Custody

Provisions of the HALT Act prohibit placement of individuals in a Special Housing Unit (SHU) for Protective Custody (PC). Although well-intentioned, these provisions restrict the Department's ability to provide for immediate safety concerns, conduct adequate PC investigations, and make transports to suitable facilities. It has also resulted in the need for more transfers between facilities, which places additional stress on staffing and the incarcerated population. The Committee recommends modifying the law to:

- Allow temporary placement in a SHU or Residential Rehabilitation Unit (RRU) for PC for up to three days when there is an unreasonable risk to safety and there is no other suitable alternative housing readily available at the facility and require access to seven hours of out-of-cell time, per the existing requirement in the law.

Deter Recidivism in SHU/RRU and General Population

Currently, there are few deterrents for repeat offenses committed in disciplinary housing (SHU/RRU) or non-confinable offenses committed in general population (misconduct that does not qualify for segregated confinement). Members of the Committee agreed that this contributes to significant disorder in both settings as it disrupts critical programming and infringes on the liberty and movement of the broader incarcerated population. The Committee recommends amending the law to:

- Grant DOCCS the flexibility, in cases where individuals commit repeat offenses in disciplinary housing, to provide the required four hours of out-of-cell time in a setting (therapeutic programming OR recreation) that appropriately addresses the behavior without disruption to others.
- Allow placement in SHU or RRU for up to 15 days for recidivist misconduct in general population, defined as no fewer than three occasions within the preceding thirty days, in cases where it has been determined that alternative interventions have failed, and the ongoing misbehavior creates an unreasonable risk to safety or disruption to the operation of the facility.

Account for a Fuller Range of Serious Offenses

The Committee agreed certain provisions contained within the correction law limit the effectiveness of segregated confinement as a deterrent to serious antisocial and/or violent behavior. For example, to qualify for segregated confinement, an incarcerated individual must not only have committed an enumerated serious offense, but the Department must also show the act was "so heinous or destructive that placement of the individual in general population housing creates a significant risk of imminent serious physical injury to staff or other incarcerated persons and creates an unreasonable risk to the security of the facility." Further, the law fails to define "violent felony act." This prevents several serious offenses that are considered violent felony acts in penal law from being eligible for segregated confinement sanctions, either due to a lack of clarity in the law or due to confusing standards reliant on subjective criteria. The Committee recommends amending the law to:

- Provide greater flexibility to allow segregated confinement for committing an enumerated offense OR an act that is "so heinous or destructive" and altering other language to make the law less reliant on subjective standards.
- Align the internal disciplinary system with the criminal charges in penal law by defining "violent felony act" as behavior consistent with a violent felony offense as defined in penal law.

Balance Discipline with Incentives and Programming

Recognizing the need to engage the incarcerated population through positive programming, the Committee took a balanced approach and included recommendations to not only strengthen the disciplinary system, but to also incentivize good behavior and positive programming to preempt conduct that may result in discipline. The Committee is unanimous in its agreement that when these critical reforms are paired with well crafted, tailored, and reasonable incentives, DOCCS facilities will see an increase in pro-social, non-violent behavior amongst the population and increase the safety of facilities for all. The Committee recommends amending existing law to:

- Modify existing positive incentive programs that currently have statutory eligibility requirements that preclude a significant portion of the population, regardless of their institutional adjustment, personal growth, accomplishments, and rehabilitation, from being able to access the benefits associated with the programs.

These common-sense reforms will increase safety and security for all who live in, work at, and visit state correctional facilities. At the same time, these recommendations maintain the fundamental goals of the HALT Act and offer additional incentives for the population to engage in programming and avoid violent behavior.

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