



Know Your Rights on Solitary

The new HALT bill passed by the legislature in 2021, after years of activist mobilization led by the Coalition Against Isolated Confinement (CAIC), finally constrains and limits the use of solitary in NYS prisons and all county jails. Jails larger than 500 persons in official maximum capacity (not in house counts at any moment) must create a Residential Rehabilitation Unit (RRU). Here are basics provided by CAIC (a fuller online explanation is at <http://nycaic.org/legislation/>).

HALT:

- **Creates More Humane & Effective Alternatives to Isolated Confinement:** Any person separated from general population for more than 15 consecutive days must be in a separate secure Residential Rehabilitation Unit (RRU) – a rehabilitative & therapeutic unit providing programs, therapy, and support to address underlying needs and causes of behavior, with 6 hours per day of out-of-cell programming plus one hour of out-of-cell recreation.
- **Ends Long-Term Isolated Confinement:** No person may be held in isolated confinement more than 15 consecutive days nor 20 days total in any 60 day period. At these limits, a person must be released or diverted to the alternative RRU with more out-of-cell time, programs, and therapy.
- **Restricts Criteria for Placement in Isolated Confinement or RRUs:** A person can only be placed in segregated confinement for more than 3 days and up to 15 days, or be placed in an RRU, if the person is found to have engaged in more serious acts of physical injury, forced sexual acts, extortion, coercion, inciting serious disturbance, procuring deadly weapons or dangerous contraband, or escape.
- **Bans Special Populations from Isolated Confinement:** The department can never place in isolated confinement any person: 21 years or younger; 55 years or older; With a physical, mental, or medical disability; Who is pregnant; or Who is a new mother or caring for a child while inside.

Key Procedural and Other Protections:

- **Enhances Due Process Protections Before Placement In Isolated Confinement or RRUs:** For example, a person may have access to legal representation by pro bono attorneys, law students, or approved paralegals at hearings that could result in isolated confinement.
- **Creates Mechanisms for Release from RRUs:** H.A.L.T. requires meaningful review at least every 60 days to determine if a person shall be released from a residential rehabilitation unit. Also, a person must be released if their disciplinary sentence runs out; and, a person must be released after one year if they have not already been released, unless there are specified exceptional circumstances and approval by the corrections commissioner.
- **Covers all Categories of People Who Currently Face Isolated Confinement:** The bill applies to disciplinary confinement, administrative segregation, and protective custody, while excluding medical/mental health isolation. It covers people in Special Housing Units (SHU), S-block, Keeplock, and/or any isolation beyond 17 hours per day. It also applies to all state prisons and county jails in New York State.
- **Other Protections:** Staff working on isolated confinement units or RRUs, and hearing officers, must receive substantial relevant training. Departments of corrections must provide public reports on the number/categories of people in isolation and RRUs, and lengths of stay. Moreover, the Justice Center & State Commission of Correction provide outside oversight in order to assess implementation of the law.



Grievances—and Public Authorities

Many persons inside find it very difficult to get and submit grievance forms, and very very few are forwarded to the State Commission on Correction. An updated online article by on denial of grievances by BC jail authorities is [here](#). Lawyers will advise that incarcerated persons should nevertheless file a grievance(s) and keep copies of them.

Who can help? Family members often have pushed the jail for better care, medications, safety by continued calls to the jail office, medical office, and sometimes chaplain; calls are most often directed to voicemail or dropped so persistence is required. Retaliation has often been reported. Consult a lawyer when possible.

Family and persons inside may want to go further and call and write elected representatives and state agencies that are supposed to provide oversight, including:

- New York State Commission of Correction (the formal oversight body staffed by ex-sheriffs/police)
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210
Phone: (518) 485-2346
- Mary McFadden, Director
Broome County Department of Health
225 Front Street
Binghamton, NY 13905
PHONE: 607.778.2811
- Broome County Executive Jason Garnar
60 Hawley Street
PO Box 1766
Binghamton, NY 13902
PHONE: 607.778.2109
- NYS Attorney General Letitia James
Binghamton Regional Office
State Office Building, 17th Floor
44 Hawley Street
Binghamton, NY 13901
(607) 251-2770
- You may file an official complaint with the NY State Dept of Health as well. This is the form here: [NYS Dept Health Complaint Form2](#) or write contact JUST, POB 93, Bible School Park, NY 13737, for a print copy.

Voting Rights

Persons in jail do not lose their human and civil rights: almost all have voting rights that are denied by county and state practice. Most in the county jail, awaiting trial can vote: you can vote if you are a US citizen, 18 or older, and aren't in jail because you are currently convicted for a felony or on parole for a felony. Contact JUST for more information on how to register and/or get an absentee ballot: JUST, POB 93, Bible School Park, NY 13737, for a print copy.