



Corrections and Community Supervision

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Governor

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MEMORANDUM

To: All Superintendents

From: Anthony J. Annucci, Acting Commissioner

Subject: Humane Alternatives to Long Term (HALT) Solitary Confinement Implementation

Date: December 20, 2021

On March 31, 2021, the Humane Alternatives to Long Term (HALT) Solitary Confinement legislation was signed into law with an effective date of March 31, 2022. Since the time this was signed into law, the Department convened a Central Office Steering Committee, established sub-committees, and conducted training for all superintendents, Central Office division heads, and state-wide and local union representatives from each facility and bargaining unit. At this time, we are well positioned with policies and infrastructure changes to be compliant with the new law on March 31, 2022.

However, despite the training sessions, there are still some misconceptions about the law and its impact upon operations. With the goal of clearing up these misconceptions, set forth below is a broad summary of the practical implications of the changes required by HALT.

SEGREGATED CONFINEMENT

- The definition of segregated confinement was changed to now include the confinement of an incarcerated individual in any form of cell confinement for more than 17 hours a day, other than in a facility-wide emergency or for the purposes of providing medical or mental health treatment.
- No incarcerated individual may be placed in SHU for longer than necessary and no more than 15 consecutive days or twenty total days in any 60-day period, unless the conduct constitutes a violent felony act, then the individual can be returned to SHU as long as they have spent 15 days in a Residential Rehabilitation Unit (RRU) prior to returning to SHU.
- If an incarcerated individual receives a disciplinary confinement sanction of more than 15 days, they will be transferred to a RRU or SDU to complete their disciplinary confinement. Sanctions are NOT capped at 15 days but will be in line with the previously published disciplinary guidelines.
- While in SHU, each incarcerated individual will be offered four hours of out-of-cell programming per day, including at least one hour of recreation.
- Incarcerated individuals who have been identified as Seriously Mentally Ill (SMI) and those defined as special population (see below), are prohibited from being placed in SHU, but will be diverted to a special unit (diversion, RMHU, TBU, CAR, BHU, ICP), RRU, or SDU.

RESIDENTIAL REHABILITATION UNIT (RRU)

- Defined in law as a housing unit used for therapy, treatment, and rehabilitative programming of incarcerated people who have been determined to require more than 15 days of segregated confinement pursuant to Department proceedings. Such units shall be therapeutic and trauma-informed and aim to address individual treatment, rehabilitation needs, and underlying causes of problematic behaviors.
- While in an RRU, each incarcerated individual will be offered seven hours of out-of-cell programming (six hours of congregate programming, services, treatment, recreation activities and/or meals, with an additional one hour for recreation).
- Upon admission, each incarcerated individual will receive an assessment, and an individual rehabilitation plan will be developed, with progress assessed every 60 days to determine if early release is warranted (time cut).
- Restraints will not be used when participating in out-of-cell programming unless an individual assessment is made which would then allow for restraints.
- Individuals will be discharged from an RRU one year from their initial admission or within 60 days of a fixed or tentatively approved release date. Individuals can transition to general population, SDU, or Step-Down to the community units.

PROTECTIVE CUSTODY

- The law prohibits incarcerated individuals who are being held in protective custody status to be placed in SHU for any reason.
- Any designated protective custody units shall offer seven hours of out-of-cell time.
- Facilities will need to leverage their infrastructure to separate incarcerated individuals who identify as needing protective custody, as each facility will not have a protective custody unit.

HEARINGS/PRE-HEARING CONFINEMENT

- If an incarcerated individual is in pre-hearing confinement, the disciplinary hearing must commence within five days.
- If an incarcerated individual appearing at the hearing requests a postponement to be offered an assistant, representation by an attorney, paralegal, law student, or other incarcerated individual, the hearing will be postponed; however, every attempt will be made to complete the hearing before 15 days in SHU and transfer to an RRU.
- The Department has established and will publish objective criteria for use in approving other incarcerated individuals who are identified to be a representative.
- All external representatives and potentially incarcerated representatives will participate in the hearing by telephone.

SPECIAL POPULATIONS

- Defined as any incarcerated individual that is 21 years of age or younger; 55 years of age or older; with a disability as defined in Executive Law Section 292(a); pregnant or in the first eight weeks of the post-partum recovery period after giving birth or caring for a child in a correctional institution.

TRAINING

- All staff assigned to SHU or RRU, and their supervisors will undergo specialized training prior to being assigned to the unit.
- Prior to presiding over a Superintendents Hearing, all hearing officers shall undergo a minimum of 37 hours of training with one additional day each year thereafter.

This memo is not intended to be an all-inclusive summary of HALT, but rather, a tool to provide a basic understanding of the broad provisions of the law. Our hope is that by providing incarcerated individuals, who engage in misbehavior, with the ability to safely participate in out-of-cell programming that emphasizes cognitive behavior therapy to address the underlying cause of their behavior, we will see increased safety in our institutions, which will benefit everyone, including staff, incarcerated individuals, volunteers, and visitors. Our ironclad commitment is that, as these changes are implemented, everyone's safety will remain our utmost priority.