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After a Decade of Activism, the HALT Solitary Confinement Act Is Signed into Law by an Embattled Governor Cuomo

by [Veronica Riccobene](#) | April 2, 2021

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Andrew Cuomo is at the weakest point of his nearly four-decade political career. Through a month of simultaneous scandals including an alleged [cover-up](#) of COVID-19 nursing home deaths and numerous [allegations](#) of sexual harassment and assault of younger female aides, the New York governor has fallen from [pandemic darling](#) and [2024 presidential hopeful](#) to an [outcast](#) within his own party.

But this week, Cuomo, whom advocates and progressive lawmakers have often described as a roadblock to reforming the criminal legal system, twice sided with Democratic lawmakers in Albany to significantly advance reform efforts in the state. He [signed a long-awaited bill](#) Wednesday to legalize recreational marijuana making New York the 15th state to do so. Then late that same night, Cuomo signed into law the [Humane Alternatives to Long-Term \(HALT\) Solitary Confinement Act](#), which will considerably restrict the practice in the state by limiting the time incarcerated people can be housed in isolation and prohibiting it altogether for vulnerable populations. The law will take full effect in one year.

Advocates say the victories [come at a moment](#) when they see a real path forward for their vision of a rehabilitative criminal justice system.

We've seen increased attention to the vulnerability of people in prison during the pandemic [and] renewed energy around racial justice and the movement for Black lives, Jennifer Scaife, executive director of the Correctional Association of New York, a prison reform group, said in an interview. These cultural movements and awakenings, or reawakenings, that have been happening over the past year everywhere people are looking at change with a new sense of urgency.

Although both houses of the state legislature have had the votes to pass the HALT Solitary Act for nearly two years, it only passed late last month, in what the #HALTsolitary Campaign [called](#) a huge win for all New Yorkers. Since 2019, legislative leaders have continually neglected to bring the bill to a floor vote after striking what activists called a [backroom deal](#) with the governors office. Cuomo, who initially [opposed](#) the bill because of what he said were the high costs of implementation, instead offered his own administrative overhaul alternative in 2019, which advocates criticized as [ineffective and a lie](#).

The governors approval was not needed to make the bill law, as it passed by a veto-proof supermajority in both houses. He signed, though, at the 11th hour and indicated he wanted [some changes made](#), according to the New York Times. His office did not respond to requests for comment on the HALT Solitary Acts passage, his past opposition to the legislation, or his decision to sign it.

Time and again, Cuomo has disappointed criminal justice reform advocates on their most fundamental issues. After [throwing](#) his weight behind speedy-trial laws and abolition of the cash bail system in 2019, he doubled back, [expanding the types of charges](#) under which judges are permitted to set cash bail in April 2020 and [suspending](#) speedy-trial requirements in March 2020 as a part of his coronavirus response. (This suspension is [still in place](#) for some people facing felony charges, though it is set to expire on Friday).

On marijuana reform, Cuomo publicly [opposed](#) legalization as recently as 2017, calling recreational cannabis a gateway drug. After facing significant pressure on the issue from his left during the 2018 primaries, the governor softened on legalization, eventually announcing his full support. Advocates also say Cuomo was under great pressure from legislators who feared [potential revenue loss to New Jersey](#), which has already legalized the drug. The [legislation](#) he signed this week will significantly expand legal recreational marijuana cultivation and use, as well as expunge the records of those previously convicted for now-decriminalized activity.

It has seemed, as with other issues, that [the governor] moves when he has run out of other options or when he feels it is politically safe to do so, Scaife said. She added Thursday that signing the HALT act has, however, certainly burnished his progressive chops.

In a press release, the governors office said today that he has aggressively pushed smart and fair criminal justice policies to ensure New York State remains a national leader in progressive reform, noting that he has closed jails and prisons and, under his watch, the prison population has declined by 45 percent.

I believe I am the most progressive, or one of the most progressive leaders in the state, Cuomo said in a 2019 radio interview. The governor then went on to accuse some of his fellow party members as lacking practicality, advocating for aspirational goals with no realistic plan or knowledge or analysis. When pressed on whether he meant this as a shot at the left, Cuomo was terse. I am the left.

Despite past disappointments, the HALT Solitary Acts passing has energized progressives, who see its success as an opening of a door. When one of us wins, we all win. We set the play and platform in motion for other coalitions and campaigns to push forward with their reforms, said Victor Pate, a #HALTsolitary campaign organizer.

The law bans the use of solitary confinement for more than 15 days, or what the United Nations defines as torture. The New York Civil Liberties Union said in a press release today that the state is the first to codify the UN definition into law. In 2017, the executive director of the [Colorado Department of Corrections](#) implemented the same 15-day limit, and in July 2019, [New Jersey Governor Phil Murphy](#) signed a law restricting the use of solitary confinement to 20 consecutive days.

TeAna Taylor, policy and communications associate with the Release Aging People in Prison (RAPP) campaign, lauded the passing of the HALT Solitary Act as a great first step in advancing further decarceration. Solitary confinement is torture. What hopes do we have as progressives if we cant end torture? she asked.

Taylor pointed to the HALT Solitary Acts veto-proof supermajority support as a blueprint for legislation like the [proposed](#) elder parole bill and the Fair and Timely Parole Act, which would dramatically reduce the reasons an individual may be denied parole. Our focus has been and will continue to be getting co-sponsorships in both houses, Taylor said. That way, the governor doesnt matter.

Are the turning tides in the fight for criminal justice reform just another sign that New York has [outgrown](#) Cuomo? I think that many [progressives] are very excited across the board about the potential for a new governor, Scaife said. People have seen Governor Cuomo as studiously counterproductive to the most progressive criminal justice reform opportunities. That in a way is not unique to Governor Cuomo, really, she added, noting that moderates have historically been shy to endorse the kind of reforms advocates say are necessary.

People are very excited for a new day for criminal justice.

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