

# New York governor accedes to prison guard demands to loosen restrictions on solitary confinement

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Democratic Governor Kathy Hochul has announced a tentative agreement to end a nearly two-week-long wildcat strike by New York prison guards, which began on Monday, February 17. The agreement is the result of four days of negotiations between the state Department of Corrections and Community Supervision and the New York State Correctional Officers and Police Benevolent Association, the guards' union.

Press reports indicate that during the strike prisoners have been subject to lockdown, resulting in limited access to food, exercise and medical care. As of this writing, three inmates have been found dead at prisons where guards are on strike. Details of the circumstances of each case are not yet available, although it is likely that the deceased were locked in their cells.

The main feature of the tentative agreement involves the suspension of regulations, under the Humane Alternatives to Long-Term Solitary Confinement Act or HALT, that place some limits on the use of solitary confinement in state prisons. The guards staged the work stoppage, which affected all but one of the 42 state prisons, based on their claim that the minimal limitations on the use of this barbaric practice shifted the balance of power between them and the inmates in favor of the latter. The unspoken subtext is that it weakened the guards' ability to impose control by terror, supposedly creating an unsafe environment for them.

Studies demonstrate that, to the contrary, use of solitary confinement actually increases prison violence. An August 2024 report by the New York inspector general stated that poor record-keeping by the Department of Corrections prevented it from being able to objectively evaluate compliance with HALT by the

state prison system. However, it indicated that it had received numerous complaints regarding the failure to implement the law's provisions.

Other complaints by guards reportedly addressed in the tentative agreement include perennial understaffing and mandatory overtime. Strikers who returned to work by March 1 will not be penalized, despite having defied an earlier court order.

The guards' union did not officially call the strike, in order to create "plausible deniability" under the state's Taylor Law, which prohibits strikes by public employees. It is unclear whether the strikers will accept the proposed agreement.

The use of solitary confinement is recognized internationally as a form of torture, according to the United Nations "Mandela Rules" for the treatment of incarcerated people. It is, nevertheless, a common practice in the United States.

According to Penal Reform International, "In the United States, for example, an estimated 80,000-100,000 individuals are being held in 'restricted housing'—forms of housing involving a substantial amount of isolation—and these units are becoming more common elsewhere too." A separate 2023 report, "Calculating Torture," put the figure at more than 122,000 people who were held in solitary confinement in US prisons and jails.

HALT is supposed to limit individual episodes of solitary confinement to 15 consecutive days, mandates at least four hours outside the cell each day, and prohibits solitary confinement for certain categories of inmates such as pregnant and disabled prisoners.

HALT's proposed suspension is reportedly only for 90 days, while negotiations with the guards' union to

reach a permanent agreement are ongoing. The tentative agreement also includes amnesty for all strikers who immediately return to work. Details of exactly what provisions of HALT are suspended have not been disclosed.

In addition to opposition to HALT, which the union has sought to repeal from its inception, the immediate trigger of the guards' wildcat strike was the indictment of 10 guards and other prison staff in the brutal beating resulting in the death of a 43-year-old inmate, Robert Brooks, at the Marcy Correctional Facility, near Utica, last December. The incident was unintentionally recorded on guards' body-cams. Many other such incidents are unrecorded and likely go unreported. Glimpses of the brutality of the New York prison system, which the current strike seeks to defend, come to light from time to time.

Seventeen guards have been suspended or disciplined in the killing, and of these, six have been arrested after an indictment by a grand jury.

The willingness of the governor to negotiate away the limited constraints on the use of solitary confinement under HALT is indicative of the general rightward lurch of the entire capitalist political structure under conditions of rapidly intensifying crisis.

The ruling class is driven to impose brutal conditions on the working class. This will require the use of increasingly forceful methods of control, including police violence and imprisonment. Hence, the lenient treatment by Hochul of the brutal behavior of prison guards.

The Democratic governor is following the example of the fascist Republican president, who has ordered the resumption of capital punishment for federal prisoners, and is rapidly expanding the gulag of detention camps in which he expects to house millions of immigrants and political opponents.



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