



NEW YORK STATE SENATOR

Julia Salazar

## In Wake of Beating Death of Robert Brooks by State Prison Guards, State Senator Julia Salazar Introduces “Prison Safety is Public Safety: Robert Brooks Transparency and Accountability” Legislation

JULIA SALAZAR January 27, 2025

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Together with advocates and State legislators, Senator Salazar, Chair of the New York State Senate Committee on Crime Victims, Crime, & Correction, introduces three bills that will finally allow the DOCCS Commissioner discipline and fire violent officers, establish a new, State-run independent body to monitor prisons, and finally bring transparency to prisoner treatment.

Senator Salazar renews her call - supported by more than 60 legislators in a recent letter to the Governor - for the closure of Marcy Correctional Facility, where Robert Brooks was killed, and for the full prosecution of the officers responsible for his death.

Albany, NY – In response to the death of Mr. Robert Brooks, an incarcerated individual who in December was violently beaten and killed at the hands of 15 New York State Department of Corrections and Community Supervision (DOCCS) employees, including guards and nurses, State Senator Julia Salazar (D - Brooklyn and Queens) has introduced Prison Safety is Public Safety: Robert Brooks Transparency and Accountability legislation, a package of three bills to significantly strengthen to State’s oversight over the state’s prison system, which has been long plagued by heinous violence.

“New Yorkers must feel safe, whether they’re on the subway, in the streets, or in the care of the State, and we need to start by cleaning up our own house - prison safety is public safety,” said State Senator Julia Salazar, Chair of the Senate Committee on Crime, Crime Victims, and Correction. “Justice for Robert Brooks means we cannot tolerate another person being killed in our state prisons, and as lawmakers we must do our jobs by bringing transparency, accountability, and safety to our prison system. Our collective safety demands it.”

“The Brooks family supports legislation that meaningfully addresses the conditions that led to Robert’s murder. Senator Salazar has been a leader on criminal justice reform issues, and we look forward to learning more about the proposed legislation through the process,” said the family of the late Mr. Robert Brooks.

“With this slate of bills, Senator Salazar once again demonstrates her leadership on criminal justice reform,” said Jennifer Scaife, Executive Director of the Correctional Association of New York (CANY). “Her clarion call for transparency and accountability in the wake of this tragedy must be heard.”

“I was in prison at Albion; I experienced violence at the hands of guards, both men and women; and I know what it is like to be torn from your community, only to face trauma on the inside - and I know from pain I have personally endured that prison safety is public safety,” said Roni Mintner, Freedom Unshackled Coalition. “In addition to parole justice, we need Senator Salazar’s bills to force independent oversight of DOCCS to become laws not next month, not next year, but today, because we cannot let one more neighbor be mistreated, beaten, or killed at the hands of those we all pay to supposedly protect us.”

The three bills introduced today are:

S.1671, or the “DOCCS Discipline” bill, also sponsored by Assemblymember Yudelka Tapia (D - The Bronx) in the Assembly

S.1707, or the “DOCCS Ombudsperson” bill and

S. 651, or the “CANY” (Correctional Association of New York) bill, also sponsored by Assemblymember David Weprin (D - Queens) in the Assembly

The first bill, the DOCCS Discipline bill, would grant the DOCCS Commissioner, not an outside arbitrator, the authority to discipline officers who have been alleged to have engaged in misconduct. Currently, based on an agreement dating back to 1972, disciplinary measures, including up to termination, are subject to the decision of an outside arbitrator, who is co-selected by an officer’s union, thus often handing an essential veto authority to the union regarding arbitrator selection.

Given that a union will see it as their obligation to achieve the best possible outcome for an officer it represents, this system has resulted in a near-complete failure to hold officers accountable for serious misconduct, including deaths. Under this bill, while an officer would still have their right to due process, the ultimate disciplinary authority would rest with the Commissioner, under whose supervision officers serve.

The following examples, compiled by The Marshall Project and the New York Times, outline just how seriously broken the current system is:

Since 2010, DOCCS has tried to fire officers alleged to have engaged in abuse or the cover-up of abuse in at least 290 cases, but has succeeded in just 28.

During the same time period, DOCCS has tried to fire officers 4,000 times for problematic behavior, but has been able to do so only seven percent of the time.

Guards who beat up a man at Attica so badly he needed 13 staples to close the gashes in his scalp? Not fired.

Officers who battered a mentally ill man, injuring him from face to groin so badly that he hanged himself the next day in desperation? Not fired.

Guards who beat a man to death in Clinton Correctional Facility in 2016 were never subjected to any discipline. They not only killed a man, but also ultimately cost New York's taxpayers more than nine million dollars.

Even today, the officers caught on camera beating Mr. Brooks to death have not actually lost their jobs yet - they remain only suspended.

The second bill, the DOCCS Ombudsperson bill, would create a pair of new State entities: an Office of the Correction Ombudsperson, overseen by an independent Correctional Oversight Board. Together, the pair would be independent entities, accountable directly to the Governor and the Legislature, that would take complaints from incarcerated individuals, monitor their treatment in an ongoing way, and have the authority to prompt action when problems occur.

Currently, no State-run independent body is able to provide information to the Governor or Legislature about staffing, personnel, or prison environment challenges at DOCCS, which also doesn't currently compile or track this type of information in a way that's readily accessible or usable. In addition, the complaint process for incarcerated individuals is dysfunctional and unreliable. Their ability to file grievances in a transparent and timely manner is critical to the State being able to ensure their safety. The Office of the

Ombudsperson, staffed by investigators and monitors, would serve as a vehicle to address complaints as well as a deterrent against violent behavior or misconduct.

These entities would not only enable the State to address individual problems as they occur, but also prevent misconduct from becoming systemic, and as a result ultimately also save New York State taxpayers tens of millions in settlement fees.

The third bill, the CANY bill, would endow the Association, an independent nonprofit with a legislative mandate to conduct oversight of prisons, with common-sense tools it currently lacks. The bill removes the requirement for CANY to provide 72-hour notice before conducting a prison visit, removes restrictions on how many staff can conduct oversight of solitary confinement conditions, and grants CANY full access to records.

The current restrictions hamstring CANY's ability to do its job of ensuring transparency and accountability. CANY routinely has significant trouble accessing reports, and even when it's able to, the reports are so heavily redacted that they cannot be understood. For example, according to the Marshall Project, DOCCS has reported as "unknown" the cause of 199 deaths of prisoners in its care since 2000. In at least 21 of these cases, DOCCS redacted the cause of death in their reports entirely.

In the case of Robert Brooks' death, it just so happens that a number of the officers werewearing body cameras, and the footage was obtained by Attorney General Letitia James, who made the decision to release it. Had the body cameras not been worn, been recording, and the footage not released, it is highly unlikely the public would know any details regarding Mr. Brooks' death.

The scope of reform needed within New York's prison system is vast, and these bills propose just few, but urgently-needed changes. The bills have been introduced today with broad support from legislators and from advocates.

Legislators:

*Senator Nathalia Fernandez, District 34 - The Bronx*

"The tragic death of Robert Brooks is a sobering reminder of the urgent need for accountability and reform in our prison system. Violence and misconduct have no place in the care of the State, and it is our responsibility to ensure the safety and dignity of every New Yorker. I commend Senator Julia Salazar for leading the charge to introduce these critical reforms that will help prevent such senseless tragedies in the future."

*Senator Kristen Gonzalez, District 59 - Brooklyn and Queens*

"New York needs more effective and compassionate services that prevent harm and improve public safety and quality of life for all of our neighbors, including those within the prison system. We need transparency and accountability within the criminal justice system, but we especially need preventative measures against the violence that the incarcerated community often face."

*Senator Robert Jackson, District 31 - Manhattan and The Bronx*

"For too long, shadows have lingered where light should reign and we stand united to shine

that light, ushering in a new era of accountability. With the Robert Brooks Transparency and Accountability legislation, we assert a simple truth: justice and dignity do not stop at prison gates. This is our commitment—not just to the memory of Robert Brooks, but to every New Yorker. We must safeguard our shared humanity and ensure that public safety truly means safety for all."

*Assemblymember Anna Kelles, District 125 - Ithaca*

"Transparency and accountability are not optional - they are the foundation of justice. The 'Prison Safety is Public Safety' initiative is a critical step toward ensuring that every life in our correctional system is valued and protected. By establishing an independent oversight entity, we guarantee that incidents of abuse, neglect, and misconduct are investigated impartially and thoroughly. Empowering the prison commissioner to act decisively against misconduct ensures that accountability is swift and meaningful, reinforcing trust in the system. Expanding the State Commission of Correction to include experts in public health, behavioral care, and rights for those incarcerated brings a much-needed holistic approach to the challenges faced within our prisons. These reforms are not just about improving conditions behind bars - they are about strengthening public safety, restoring faith in our institutions, and ensuring that justice is truly served for all."

*Senator Gustavo Rivera, District 33 - The Bronx*

"The killing of Robert Brooks at the hands of correctional officers at a state prison last year reminds us of the critical need to ensure the safety and dignity of every individual in our correctional facilities," said State Senator Gustavo Rivera. "I want to thank Senator Salazar and Assemblymember Gallagher for sponsoring the 'Prison Safety is Public Safety: Robert

Brooks Transparency and Accountability Act", which will create more adequate oversight by the State over these facilities, which have been marred by violent incidents for far too long. Our correctional facilities should be places of rehabilitation, not abuse, and we must work toward a more just and humane system for all New Yorkers"

*Assemblymember Phara Souffrant-Forrest, District 57 - Brooklyn*

"Robert Brooks' tragic death is a devastating reminder of the inhumane conditions in our prisons. No one should die because our system values punishment over dignity. We must act now to ensure humane treatment, proper oversight, and meaningful reforms like decarceration and alternatives to incarceration. Justice isn't just about accountability—it's about humanity."

*Assemblymember Yudelka Tapia, District 86 – The Bronx*

"New Yorkers trust us to uphold public safety, and that includes protecting incarcerated New Yorkers. The horrific killing of Robert Brooks at Marcy is a tragic reminder of the urgent need for transparency and accountability in our prison system. For too long, violence and misconduct by corrections officers have gone unchecked. It's time to enact laws to prevent these injustices, protect incarcerated individuals, and restore faith in a system meant to rehabilitate, not harm; prison safety is public safety."

*Assemblymember Emerita Torres, District 85 - The Bronx and Rikers Island*

"When public employees abuse their power, it tears apart families and communities. We can't look the other way anymore. Accountability isn't just important, it's the foundation of public trust. Without it, we risk losing faith in the system entirely. This legislation takes a critical step toward restoring that trust."



*Assemblymember Claire Valdez, District 37 - Brooklyn and Queens*

“These bills represent one step toward achieving desperately needed oversight and transparency in New York state correctional facilities. For too long, the prison system has upheld a cycle of torture, racism, and exploitation, devastating working-class communities and families. Robert Brooks deserves justice. Today, we take a critical step toward delivering that justice.”

Community Leaders:

*Soffiyah Elijah, Executive Director, Alliance of Families for Justice*

“Forty-nine days ago, on December 9th, over a dozen DOCCS guards beat defenseless Robert Brooks to death on camera and not one of them has been arrested despite the transfer of the investigation to the Onondaga County District Attorney, William J. Fitzpatrick, as the appointed special prosecutor on January 2nd, 25 days ago. Although Gov. Hochul has called for the firing of the involved DOCCS staff, a process she knows is long and onerous due to the contract that New York State has with the union, NYSCOPBA, not a single one of the murderous perpetrators has been arrested, not even for simple assault. There is nothing that prevents them from leaving the jurisdiction of the state or even the country to avoid prosecution. There is nothing about how this matter is being handled at any level that deserves the public’s confidence.”

*Derrick Hamilton, Deputy Director, The Perlmutter Center for Legal Justice at Cardozo School of Law*

"The tragic killing of Robert Brooks exposes the urgent need for reform to end decades of unchecked brutality and restore public trust in our correctional system. While this package

is a critical start, much more must be done to dismantle the culture of impunity and create a system rooted in transparency, accountability, and dignity for all. I urge swift passage of these bills and call for continued action to ensure safety and justice for every New Yorker."

*Caroline Hansen, Lead Organizer, Long Island Social Justice Action Network (LISJAN)*

"As a Long-Island and New York State based coalition that focuses on social injustices within the carceral system, we applaud Senator Salazar's swift legislative action to create real change in Marcy and all New York Correctional Facilities. The bills in this legislative package will ensure public safety, which as many seem to forget, includes people in custody. Yet all too often their lives are disregarded and taken at the hands of the people who are supposed to keep them safe, as we tragically saw happen to Robert Brooks. Now is the time to come together and advocate for closures and institutional changes that are needed to ensure these atrocities come to an end."

*Serena Martin-Liguori, Executive Director, New Hour for Women and Children*

"The deadly violence inflicted on Robert Brooks is representative of the systemic culture of violence and disregard for human life that prisons create. As an organization that works with currently and formerly incarcerated women, mothers and gender-expansive people who are disproportionately Black and brown, we fully support the Prison Safety is Public Safety: Robert Brooks Transparency and Accountability legislative package. This package will address the systemic racism and state-sanctioned violence that plague New York's correctional facilities. We also call for immediate closure of Marcy Correctional Facility to ensure no more deaths to incarcerated people in its custody."

*Reverend Kevin McCall, Civil Rights Leader & Founder of Crisis Action Center*

"The tragic killing of Robert Brooks exposes the urgent need for comprehensive changes to end decades of unchecked brutality and restore public trust in our correctional system. I support Senator Julia Salazar's 'Prison Safety is Public Safety' legislative package as a vital step toward addressing the systemic violence and lack of accountability in New York's prisons. While this package is a critical start, much more must be done to dismantle the culture of impunity and create a system rooted in transparency, accountability, and dignity for all. We urge swift passage of these bills and call for continued action to ensure safety and justice for every New Yorker."

*Kevin 'Renny' Smith, Executive Director, Families and Friends of the Wrongfully Convicted*

"What happened at Marcy Correctional Facility was not just murder—it was a calculated act of racist barbarism by correctional staff, carried out with deliberate cruelty. True accountability demands justice for Robert Brooks and the dismantling of the entrenched culture of impunity that allows such atrocities to persist. We fully support Senator Julia Salazar's legislative package as an essential and urgent step toward justice. We are committed to working with her office to reimagine a prison system where individuals can serve their time without the fear of violence or death at the hands of correctional staff, restoring trust and dignity for incarcerated individuals, their families, and our society."