



## **TESTIMONY FOR JOINT HEARING**

### ***Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities***

#### **THE HUMANITARIAN CRISIS IN NEW YORK STATE'S PRISONS**

New York's prison system is in the midst of a humanitarian crisis. In December, Robert Brooks was beaten to death by a swarm of prison guards at Marcy Correctional Facility. In February, Messiah Nantwi was killed across the street at Mid-State Correctional Facility. The murders of Messiah Nantwi and Robert Brooks follow decades of well-documented brutality by prison staff, including the murders of [Leonard Strickland](#), [Karl Taylor](#), [Samuel Harrell](#), and many others, and [rapes of predominately incarcerated women by prison staff](#). In 2024, 143 people died in the custody of the Department of Corrections and Community Supervision (DOCCS)—[a 34% increase from the year prior](#). That is one death every 60 hours. If this were happening in schools or hospitals, there would be immediate intervention. In prison, it is normalized and ignored.

Behind each of these deaths is a person, and behind many are patterns of abuse, denial of care, and deliberate cover-up. Families receive incomplete or false information, if they're notified at all. DOCCS operates in secrecy and enforces silence. People inside New York's prisons describe constant abuse, humiliation, and retaliation at the hands of staff.

The unconscionable murders of Robert Brooks and Messiah Nantwi shed light on the culture of violence and abuse within DOCCS facilities, and the illegal wildcat strike showed just how far corrections officers were willing to go to evade accountability. The work stoppage began just as corrections officers faced indictments for the torture and killing of Robert Brooks. Their actions endangered thousands of incarcerated people and continue to negatively impact access to visits and programs.

Of the more than 33,000 people incarcerated in New York State, [nearly 75% are Black or brown](#). These racial disparities are not accidental. They are the result of a sentencing structure shaped by decades of racist legislation, from early eugenics-based predicate felony laws, to the Rockefeller Drug Laws of the 1970s through the "tough on crime" policies of the 1990s.

The root of this crisis is not a staffing shortage. New York has one of the highest corrections staff-to-incarcerated person ratios in the country: [2.4 to 1](#). That is double the national average and four times the ratio in federal prisons. While the state points to staff shortages, the reality is this: New York incarcerates too many people for too long under sentencing laws that are outdated, extreme, and disproportionately enforced against Black and brown communities.

The harm caused by incarceration extends far beyond prison walls. [More than 105,000 children](#) in New York have a parent behind bars. The trauma and economic instability this creates increases the likelihood of their own future incarceration. Some families have multiple generations in prison at the same time—parents and children serving sentences in parallel. Nearly one in five people in DOCCS custody has a diagnosed mental health condition. Forty-four percent live with a chronic illness, many worsened by prison conditions. Thousands of people are assaulted each year, and most incidents never make it to an official report.

Incarceration is not just a response to harm, it causes harm and that harm is intergenerational. Survivors of violence know this. In the [first national survey of crime victims](#), respondents favored investment in



education and community resources over incarceration by a margin of 15 to 1. Safety, for most people, does not mean more prisons. It means more stability, opportunity, and care.

True public safety starts with protecting basic human rights and enacting meaningful reforms to stop the violence and neglect behind bars. The murder of Robert Brooks must serve as a catalyst for change, for his family and for all survivors of abuse in the prison system.

For decades, officers have beaten and killed people in New York's prisons. There have been countless investigative reports of the scourge of racial bias and routine and frequent brutal beatings covered up by locking people in solitary confinement. This system creates neither safety nor justice. Accountability must include, but cannot stop with, the firing of a few individuals. Their violence is not an anomaly. That is why we must see real change that creates fair pathways home for incarcerated people.

Sentencing reform is both a moral necessity and the clearest path to safety. The [Earned Time Act](#) and [The Second Look](#) provide tools to reduce violence, increase stability, and inject fairness into a system that has prioritized punishment over rehabilitation. These reforms reward growth, offer relief from excessive punishment, and shift prison culture.

## THE NEED FOR SENTENCING REFORM

[The Second Look](#) (S.158/A.1283) and [Earned Time Act](#) (S.342/A.1085) are common-sense reforms that New York's legislature must pass this year to address the humanitarian crisis in prison and create fair pathways home for incarcerated people who have been subjected to abuse at the hands of our prison system for far too long.

In the 1990s, New York gutted earned time programs, despite [clear evidence](#) that they support transformation, reduce violence, and lower recidivism rates. The Earned Time Act would restore these programs, giving people incentives to engage in education, work, and rehabilitation. When people have real opportunities to work toward release, prison culture shifts. Officers and incarcerated people alike experience safer conditions.

The numbers prove it. [Studies](#) show that states expanding earned time programs see significant reductions in violence. [Minnesota](#) and [Pennsylvania](#) saw recidivism rates drop when they expanded earned time opportunities. The [Department of Corrections and Community Supervision](#)'s own data shows that earned time programs save taxpayers billions while reducing recidivism. People who receive merit time are significantly less likely to be reincarcerated. When people leave prison with skills, stability, and hope, they succeed. And when they succeed, our communities are stronger and safer.

## THE SECOND LOOK ACT (S.158/A.1283)

The best way to ensure safety inside and outside of prisons is to reduce excessive incarceration and create meaningful pathways for transformation and reintegration. The Second Look Act would allow judges to review and reconsider excessive sentences after ten years of incarceration and an application process by the incarcerated person. Under current sentencing laws, incarcerated people have no opportunity to demonstrate to a judge that they have transformed while incarcerated or to seek a reconsideration of their sentences based on changes in law and norms. Many New Yorkers were given lengthy sentences for crimes they committed as young people. People can and do change, as does our public understanding of [neuroscience](#), addiction, and mental health.



[Judges](#) have spoken out about their inability to address unjust sentences, and the Second Look Act is supported by New York's [Chief Judge](#) and [Chief Administrative Judge](#). Nationally, second look bills are gaining momentum with legislation passed in five states and the [District of Columbia](#), and proposed in an additional 22 states. Federally, [U.S. Senator Cory Booker](#) has proposed second look legislation in Congress.

### **THE EARNED TIME ACT (S.342/A.1085)**

The Earned Time Act strengthens and expands good time and merit time programs, supporting rehabilitative efforts in state prisons and preparing incarcerated people for workforce and community reintegration.

Currently, New York lags far behind states like [Oklahoma, Nebraska and Alabama](#) in providing Good Time credit incentives, and over 80% of people in New York's prisons cannot access Merit Time (time credits for participation in educational and vocational programming) at all.

[Research](#), including from [DOCCS](#), shows that earned time opportunities help to prepare incarcerated people for reintegration, [reducing recidivism rates and correctional costs](#), and [making prisons safer](#). People participating in programs while incarcerated gain many of the necessary trade and educational skills to be successful in the workplace upon their return, resulting in reduced recidivism. The Earned Time Act will also improve safety for staff and incarcerated people inside prisons. Studies show that increasing access to earned time credits leads to a reduction in violence inside prisons through offering incarcerated people productive ways to work towards their own release.

### **SUPPORT FOR THE SECOND LOOK ACT & EARNED TIME ACT**

These urgent reforms are supported by the highest levels of New York's judiciary, including the [Chief Judge](#) and [Chief Administrative Judge](#) of New York State, [law enforcement](#), including the former [prison commissioner](#) of the Department of Corrections and Community Supervision (DOCCS) and the former New York City [commissioner of corrections and probation](#), the [American Bar Association](#), dozens of [labor unions](#), and [over 200 organizations](#). These bills are also broadly popular with New Yorkers. Recent [polling](#) by EMC Research found that [74% of New Yorkers](#) support the Earned Time Act and [68% of New Yorkers](#) support the Second Look Act.