



**Testimony of Derrick Hamilton, End Prison Violence Campaign
Before the New York State Legislature
Public Protection Hearing – February 12, 2026**

My name is Derrick Hamilton, Deputy Director of the Perlmutter Center for Legal Justice at Cardozo Law and the co-founder of Families and Friends of the Wrongfully Convicted and I submit this testimony as a leader of the End Prison Violence Campaign (EPV). EPV is a statewide advocacy campaign committed to ending violence in New York's prisons through regulatory, litigation, policy, and legislative solutions. Our work centers on three core pillars: Transparency, Accountability & Oversight; Improving Conditions of Confinement & Ensuring Pathways Home.

I am providing testimony today about the pressing need to continue to enact legislation that will address the humanitarian crisis pervading New York State's prisons. The End Prison Violence campaign applauds the legislature for beginning to take action this past legislative session through the passage of the Prison Reform Omnibus legislation, but we also know that this legislation is insufficient to deliver robust, authentic, and independent oversight in New York prisons. This is a systemic problem nationally and last year, the brutal murders of two men by corrections officers on camera spurred national attention about an ongoing crisis in New York Department of Corrections and Community Supervision (DOCCS) that is as pervasive today as it was at the time of the Attica uprising.

I am all too familiar with the state of prison conditions across New York's prison system, having personally observed continuous assault, abuse and medical neglect by corrections staff during the two decades I spent in New York prisons following a wrongful conviction for which I was later exonerated. The death of Larry Davis, a fellow incarcerated man, is seared into my memory. Mr. Davis was stabbed in the leg at Shawangunk Correctional Facility, in Wallkill, NY, and I watched the guards leave him to effectively bleed out and die in the prison yard, approximately ten steps away from the yard door to the hospital. Many of us at the time knew that officers allowed him to die rather than seek medical attention out of retribution for a previous complaint he made about officer misconduct. When I filed a grievance based on what I witnessed, I was thrown into solitary confinement as a result. It is clear that without intervention, DOCCS cannot provide oversight of itself and incarcerated people like myself remain vulnerable to violence and abuse in the hands of corrections officers. Larry Davis' experience was not anomalous. Prison guards routinely commit misconduct on a daily basis without facing consequences. We have long known that the secretive nature of this pervasive misconduct has restricted authentic accountability.

The End Prison Violence Campaign remains deeply committed to ensuring independent, thorough investigations of violence and abuse by correctional staff. Current systems have repeatedly failed survivors and the public, including through an arbitration process that has reinstated the vast majority of staff members that DOCCS itself sought to terminate for misconduct.

EPV is actively working with Senator Salazar and other legislative leaders to develop and strengthen legislative proposals that would:

- Ensure INDEPENDENT, COMPLETE, TIMELY, AND UNBIASED investigations of staff misconduct; and
- Interrupt administrative SYSTEMS INCLUDING THE ARBITRATION PROCESS that undermine authentic accountability and public trust

It is our hope that the need for increased transparency and independent investigations are values embraced and promoted by the full legislature and welcome your support and commitment to seeing these critical changes through.

Today, EPV also urges the Legislature to take immediate action on a set of critical bills that would address egregious and well-documented harms experienced by incarcerated women, pregnant and postpartum people, and survivors of sexual abuse in custody. These bills are mutually reinforcing and represent essential steps toward meeting New York's constitutional, statutory, and moral obligations to people in its care.

Conditions of Confinement & Justice for Vulnerable People

Preserving In-Person Visitation

Human connection is not a privilege—it is a cornerstone of rehabilitation, family stability, and public safety. Unfortunately, however, efforts to eliminate or reduce in-person visiting have been rampant across the Department of Corrections and Community Supervision (DOCCS). This informal policy must be reversed.

The **Protect In-Person Visiting bill (A4250A/S2841A)** is also a critical privacy safeguard. In New York facilities, incarcerated people and their loved ones are forced to rely on video or phone systems operated by a private vendor. Public defender organizations in NYC have filed a lawsuit against NYS DOCCS for routinely recording and storing deeply personal conversations. These communications—often involving children, spouses, or sensitive legal and medical matters—are collected at scale, retained for extended periods, and subject to secondary use with minimal transparency or meaningful consent. Replacing in-person visits with surveilled digital alternatives effectively conditions family contact on submission to pervasive monitoring. By protecting in-person visitation, this bill preserves a rare space of human connection that is not automatically recorded, analyzed, or warehoused, and affirms that maintaining family bonds and obtaining protected legal counsel should not require surrendering basic expectations of privacy and dignity.

While video calls may supplement visitation, they cannot replace the psychological, emotional, and developmental benefits of physical presence—particularly for children, elders, and families navigating incarceration.

EPV urges passage of this bill to prevent the permanent erosion of in-person visitation under the guise of efficiency or cost-savings.

Protecting Pregnant and Postpartum People and Their Children

Our colleague Serena Martin, Executive Director of New Hour LI, has submitted testimony on behalf of the End Prison Violence campaign in strong support of the following pieces of legislation that seek to protect pregnant and postpartum people and their children and enable justice for survivors of sexual abuse in custody:

A4879A/S4583A (Kelles/Salazar) – The CARE Act

A1670/S2667 (Rosenthal/Salazar) –The Anti-Shackling Act

A1607A/S2666 (Rosenthal/Salazar) – The Breast Pump Act

A8635A (Rosenthal) – Justice for Survivors of Sexual Abuse in Custody

Pathways Home/Addressing Excessive Sentencing

Finally, several other pieces of legislation led by other organizations have the full-throated support of EPV. Several of these would improve processes that give incarcerated people a second chance at release when they demonstrate growth, rehabilitation, and improvement while incarcerated.

- The **Second Look Act (S.158/ A.1283)**, which would allow incarcerated individuals in New York State to apply for a judge to review their sentence to assess whether the sentence is still appropriate after they have served 10 or more years.
- The **Earned Time Act (S.342/ A.1085)** which would increase the amount of time people can earn off of their sentences by participating in rehabilitative programs and demonstrating good behavior.
- The **Elder Parole Act (S.454/A.514)** which would allow incarcerated people aged 55 and older who have served at least 15 years to apply for parole release consideration. It would not automatically grant anyone parole.
- The **Fair and Timely Parole Act (S159/A127)**, which would ensure that parole decisions would be made based mainly on who an incarcerated person is today, including evidence of rehabilitation and their current risk of violating the law.
- The **Marvin Mayfield Act (S.1209/A1297)** would eliminate mandatory minimum sentences, which require judges to impose a minimum state prison sentence for certain offenses. The bill would instead allow judges to consider the individual facts of the case and any mitigating circumstances and impose the sentence they deem appropriate.

It is my deep hope that New Yorkers will begin to humanize people behind bars, people capable of change, regardless of the crime they may have committed. We claim to be a society that believes in change and rehabilitation. If we were to practice what we preach, we would create meaningful pathways home, which in turn will reduce the stresses on a prison system that cannot sustain itself. Shrinking the system and closing prisons, which *does* value public safety, brings us closer to a correctional system grounded in health, dignity, accountability, and justice.

The End Prison Violence Campaign respectfully urges the Legislature to advance and pass these bills without delay.

Thank you for the opportunity to submit this testimony and for your attention to these urgent matters.