

# BUILT ON BRUTALITY

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**How a system founded on violence, racism, and cover-ups continues to maim and murder with impunity**

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*A contextual analysis of testimony presented at the NYS Legislative Joint Public Hearing on: Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities.*

**Written by: New York State Senator Julia Salazar**



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## Table of Contents

<b>Executive Summary</b>	Pg. 3
Key Findings	Pg. 3
Key Recommendations	Pg. 4
<b>Introduction</b>	Pg. 5
Role of Prisons	Pg. 12
The History of Resistance in New York Prisons and Jails	Pg. 14
<i>1971 Attica Uprising</i>	Pg. 16
Prison Expansion in the 1970's - 1990's	Pg. 18
<b>Testimony's Key Findings</b>	Pg. 20
Death and Murders of Incarcerated Individuals	Pg. 20
Violence in Prisons	Pg. 22
Racism and Discrimination	Pg. 24
Denial of Medical Care	Pg. 25
Denial of Mental Healthcare	Pg. 29
Quality of Life	Pg. 31
HALT Solitary Confinement Law Implementation	Pg. 35
Grievances	Pg. 38
Body-Worn Cameras	Pg. 40
Staff Accountability	Pg. 42
DOCCS Staffing	Pg. 43
<b>Legislative Action</b>	Pg. 46
Prevention and Alternatives-to-Incarceration Legislation	Pg. 47
Prison Omnibus Bill	Pg. 47
Incarceration Legislation	Pg. 51
Expanding Pathways to Release	Pg. 51
<i>Earned Time Act</i>	Pg. 52
<i>Second Look Act</i>	Pg. 53
<i>Marvin Mayfield Act</i>	Pg. 53
<i>Fair and Timely Parole</i>	Pg. 54
<i>Elder Parole</i>	Pg. 54
Conditions of Confinement	Pg. 55
<i>Rights Behind Bars</i>	Pg. 55
<i>The CARE Act</i>	Pg. 56
<i>Protect In Person Visits</i>	Pg. 57
Accountability and Oversight	Pg. 58
<i>DOCCS Discipline Bill</i>	Pg. 58
<i>Office of the Correctional Ombudsperson</i>	Pg. 58
<i>Sexual Assault Reporting</i>	Pg. 59
<i>Healthcare Anti-Torture Bill</i>	Pg. 59
<i>End Qualified Immunity</i>	Pg. 60

Additional Supported Bills	Pg. 60
<b>Conclusion</b>	Pg. 64
Call to Action	Pg. 64
<b>Resources</b>	Pg. 66
<b>Appendix</b>	Pg. 69

## Executive Summary

New York's prisons and jails are in crisis, with profound and frightening constitutional, humanitarian, and human rights implications. It does not have to be this way. New York State can take action to save lives, strengthen communities, decrease and prevent trauma, increase safety for everyone involved, save money, end decades of inhuman treatment, and open new possibilities for real community safety and justice. Or our State government can remain complicit in the carceral system's extreme inherent violence and trauma, tempered occasionally by mild and largely ineffective (or unimplemented) reforms. This is the choice we face. If New York State fails to act decisively, the result will be to perpetuate continued violence. This will represent a failure in our legal, human, and moral responsibilities.

This Report reviews and analyzes testimony presented at the first-ever Joint Public Hearing on *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*, held on May 14, 2025 ("the Hearing"), sponsored by the Senate Standing Committee of Crime Victims, Crime and Correction (which I chair) and the Assembly Standing Committee on Correction (chaired by Assembly Member Erik Dilan). Nineteen people testified in person at the Hearing and numerous others submitted written testimony. Witnesses included the Commissioner of the NYS Department of Corrections and Community Supervision (DOCCS), representatives of NYS DOCCS employee unions, scholars, legal experts, family members of incarcerated individuals, formerly incarcerated individuals, and others. A full list of the testimony presented or submitted is attached in the appendix. I am grateful to Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, my colleague Assembly Member Dilan, all of the other legislators who participated, to the staff of my office and AM Dilan's office, and the staff members of the Senate Majority Counsel's Office and the Assembly Program & Counsel's Office for all of the work that enabled the Hearing to be informative, powerful, and inspiring.

## Key Findings

- **Violence is endemic** in New York's jails and prisons and is embedded in the very structure and function of carceral systems, as confirmed by a majority of witnesses. Robert Brooks and Messiah Nantwi both were murdered by correctional staff, Mr. Brooks in December 2024 and Mr. Nantwi in March 2025, but they are far from the only people to suffer such lethal abuse. There are clear practical and policy steps that can and must be taken to reduce the level of violence by staff towards incarcerated people.
- **Racism and discrimination** are endemic to the functioning of our criminal legal system. This is evident from sentencing rates to unequal disciplinary sanctions while incarcerated to the disproportionate levels of abuse endured by Black and brown incarcerated individuals.

- **Medical and mental healthcare is inaccessible**, and when it is available, it is often inadequate or inappropriate, with little to no follow up care, preventative care, or urgency. This was confirmed by a majority of witnesses.
- **Quality of life issues**, like lack of programming, poor facility conditions — such as heating/cooling and clean water — sanitation, and, inaccessibility of personal and legal mail and packages are extremely common.
- **The Humane Alternatives to Long-Term Solitary Confinement Law (HALT) has never been fully implemented.** Currently, in the aftermath of the correction officer's unlawful job action, the majority of people incarcerated in New York's prisons are living under conditions that meet the definition of segregated confinement, routinely left in their cells for 23 hours per day.
- **DOCCS's internal grievance process** does not properly investigate or resolve complaints of misconduct. Incarcerated people fear retaliation from filing complaints, and grievances can take years to be resolved, if ever.
- There is **little to no accountability** for correctional staff who engage in misconduct, despite what DOCCS or affiliated unions may say.
- **Body-worn cameras** are useful for the protection of everyone living and working in correctional facilities and need to be used consistently.

## Key Recommendations

- Pass legislation that will **create and expand pathways to release** for those who are incarcerated.<sup>1</sup>
- Pass legislation that **establishes and upholds the rights and dignity** of incarcerated individuals.<sup>2</sup>
- Pass legislation that significantly **increases accountability** for DOCCS employees who engage in misconduct, and that **increases oversight** of DOCCS facilities.<sup>3</sup>
- **Fully implement the HALT Solitary Confinement Law.**

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<sup>1</sup> As indicated in more detail later in the report, this includes, but is not limited to: The Earned Time Act (S.342 Cooney/A.1085 Kelles), The Second Look Act (S.158 Salazar/A.1283 Walker), The Marvin Mayfield Act (S.1209 Myrie/A.1297 Meeks), Fair and Timely Parole (S.159 Salazar/A.127 Weprin), and Elder Parole (S.454 Hoylman-Sigal/S.514 Davila).

<sup>2</sup> As indicated in more detail later in the report, this includes, but is not limited to: Rights Behind Bars (S.3763 Salazar/A.1261A Forrest), Compassion and Reproductive Equity (CARE) Act (S.4583A Salazar/A.4879A Kelles), and Protect In-Person Visits (S.5037 Sepulveda/A.4603 Weprin).

<sup>3</sup> As indicated in more detail later in the report, this includes: DOCCS Discipline Bill (S.1671 Salazar/A.5355 Tapia), Office of the Correctional Ombudsperson Bill (S.1707/A.6322 Walker), Sexual Assault Reporting Bill (S.429 Salazar/A.7081 Gibbs), Healthcare Anti-Torture Bill (S.7865 Salazar/ A.8286 Kelles), and End Qualified Immunity Bill (S.176 Jackson/A.1402 Hunter).

- Take concrete steps to **prevent and reduce the use of New York's harmful carceral system** through funding for evidence-based programs and services that empower and invest in communities, including, but not limited to, mental health services, universal healthcare, universal childcare, decent, safe, and permanently affordable housing, violence intervention programs, and economic reform.
- **Repeal archaic provisions of New York's sentencing and penal laws** that result in unnecessary incarceration and provide funding for the significant expansion of restorative justice programs, treatment courts, and alternatives to incarceration.
- Close the jails on Rikers Island and close more State correctional facilities.

## Introduction

We issue this Report shortly after the one-year anniversary of the brutal and racist torture and murder of Robert Brooks, a Black man, by multiple correctional employees at Marcy Correctional Facility on December 9, 2024 (observed by other staff members, including medical staff, none of whom intervened to protect Mr. Brooks). And we are nearly ten months since the similar torture and murder of Messiah Nantwi, also a Black man, at Mid-State Correctional Facility on March 1, 2025, by multiple correctional employees. The State-wide shut down of programs and visitation caused by the actions of thousands of DOCCS staff who engaged in an unlawful job action starting in February 2025 persists. Those events were the impetus for the Hearing, yet the scope was intentionally broader.

As Chair of the New York State Senate Standing Committee on Crime Victims, Crime and Correction for close to five years, I have had the opportunity to observe and monitor New York's prisons and jails, and to work to change New York's vast carceral system with the goal of making it more humane, safer, and much smaller, vastly shrinking its impact on New Yorkers and our communities. Through dozens of visits to New York prisons and jails, where I have met with administrative, medical, mental health, security staff, and with incarcerated people in a wide range of settings (educational programs, general population, Special Housing Units, Residential Rehabilitation Units, Regional Mental Health Units, and more), I have gained detailed knowledge of how these facilities function. My understanding of the reality of life in New York's prisons and jails is richly supplemented by the daily interactions I and my staff have with incarcerated individuals and their families who reach out with concerns and complaints and by the close working relationships we have with many community leaders who were formerly incarcerated. Likewise, I appreciated open lines of communication with DOCCS leadership and members of the Executive Chamber overseeing DOCCS issues.

New York's prisons and jails are in crisis—an everyday nightmare with deep, longstanding roots in decades of community disinvestment, racist policing and prosecution, and draconian policymaking. Despite the stated intentions of those in charge, on a functional level, the system appears to exist primarily to cause trauma and harm. That goal is achieved every

single day in every correctional facility: Safety, accountability, and transparency are the exceptions, not the norm.<sup>4</sup> Any claim that New York's carceral system serves to make our communities safer is premised upon the dehumanization of those directly impacted by the system, for such a claim depends on viewing incarcerated people and their families as less than human and as unprotected by basic principles of human rights. If this inherent dehumanization were not at the core of the day-to-day functioning of this system, the degradation and violence experienced by so many would have ended decades ago. The claim that the system makes our communities safer is also belied by the violence inherent in the operation of the prisons and jails, by the general lack of accountability and transparency, and, most importantly, by the absence of any demonstrated connection between levels of incarceration and levels of violent or harmful behavior in the community. Much better, and much less harmful, alternatives exist to incarceration.<sup>5</sup>

Bold action is necessary. We must courageously insist on deep changes to New York's carceral system. Each month that passes with the continuation of the existing structures, policies, and practices causes harm to individuals, communities, and families. The questions examined at the Hearing are part of a long history: Conditions in New York's prisons and jails reflect a continuity grounded in decades of shortsighted and wrongheaded policies and practices and a persistent lack of accountability and transparency.

Many who testified or submitted written testimony at the Hearing expressed that New York's carceral system is in crisis and that this is not new. Antony Gemmell, Supervising Attorney at the Legal Aid Society's Prisoner's Rights Project, asserted, "*Our State prisons are in crisis*"<sup>6</sup>, an assertion also made by, among others, Megan French-Marcelin<sup>7</sup> (representing the Legal Action Center and the NYS Alternatives to Incarceration and Reentry Coalition), Thomas

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<sup>4</sup> Ransom, J & Pallaro, B. (2025). *Restrained, Beaten, Asphyxiated: New York Prison Guards' Brutality Grows*. New York Times. <https://www.nytimes.com/2025/11/24/nyregion/ny-prison-guards-abuse-brutality.html>

<sup>5</sup> Alternatives include ensuring all people have access to preventive health-care, making sure mental health care and substance abuse treatment is affordable and accessible to all who can benefit from such programs, establishing restorative justice programs where harmful conduct can be productively and humanely addressed at a community level, improvement of our public educational systems to ensure all children have their learning needs addressed and have access to high quality education and enrichment programs, ensuring that all have access to decent, safe and affordable housing, clean air and water, and nutritious food, and making sure all adults able to work have opportunities to have jobs with living wages and benefits.

<sup>6</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Antony Gemmell, Legal Aid Society's Prisoners' Rights Project](#)).

<sup>7</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Megan French-Marcelin, Legal Action Center](#)).

Gant<sup>8</sup> (Center for Community Alternatives, who termed it a “*humanitarian crisis*”), Derrick Hamilton<sup>9</sup> (Perlmutter Center for Legal Justice at Cardozo Law School, who testified to the existence of “*an ongoing crisis in New York Department of Corrections and Community Supervision that is as pervasive today as it was at the time of the Attica uprising*” in 1971), and by Jerome Wright<sup>10</sup> (HALT Solitary Campaign). Other witnesses spoke of the racist and brutal culture in New York’s prisons. Soffiyah Elijah, Former Executive Director of the Alliance of Families for Justice, described a “*critically toxic culture that has prevailed in the Department of Corrections and Community Supervision (“DOCCS”) for over five decades*,” noting further, based on her more than 50 years of direct engagement with New York’s prisons, that “*the unmistakable conclusion is that physical and sexual abuse from DOCCS security staff is normalized and ingrained in the culture.*”<sup>11</sup>

Witnesses who are incarcerated, formerly incarcerated, or are family members or representatives of those who have been incarcerated offered powerful testimony about their own experiences as well as pointed assertions regarding the steps that must be taken to transform New York’s carceral system.

- Melanie Baker described a horrific beating her son was subjected to in April 2024 at Five Points Correctional Facility, placing that incident within a broader pattern of abuse, denial of medical and mental health care, and unlawful retaliation.<sup>12</sup>
- The Center for Community Alternatives submitted written statements from numerous currently incarcerated individuals who described staff violence towards them, including multiple examples of gangs of officers engaged in assaulting individuals, the existence of “beat-up” squads, and the vicarious trauma many experience watching others be beaten by officers.<sup>13</sup>

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<sup>8</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Thomas Gant, Center for Community Alternatives](#)).

<sup>9</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Derrick Hamilton, Perlmutter Center for Legal Justice at Cardozo Law](#)).

<sup>10</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>11</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Soffiyah Elijah, Alliance of Families for Justice](#)).

<sup>12</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Melanie Baker, Center for Community Alternatives](#)).

<sup>13</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Center for Community Alternatives](#)).

- Jerome Wright, on behalf of the HALT Solitary Campaign, described his own experience of being subjected to racist brutality while incarcerated.<sup>14</sup>
- Jessica Lowe, the daughter of Clement Lowe, who died after being brutally beaten by a CERT team at Green Haven in 2023, testified as to what Mr. Lowe experienced (based on his contemporaneous accounts to her as he slowly died over a period of weeks as a result of his injuries) and the immeasurable loss to her family caused by these actions.<sup>15</sup>
- Serena Martin, Executive Director of New Hour for Women and Children, spoke of what she witnessed while incarcerated at Bedford Hills Correctional Facility regarding regular degradation and mistreatment of women who were pregnant.<sup>16</sup>
- Derrick Hamilton, of the Perlmutter Center for Legal Justice at Cardozo Law, described the “*continuous assault, abuse and medical neglect by corrections staff*” he witnessed during his two decades of incarceration.<sup>17</sup>
- Stanley Bellamy, representing Release Aging People in Prison, described the “*longstanding and ongoing culture of physical and sexual violence in the prison environment*” he experienced during his 37.5 years of incarceration and that he continues to see in his current work.<sup>18</sup>
- Robert Ricks, father of Robert Brooks, testified, “*The system that has tolerated and enabled the epidemic of violence against prisoners in New York’s prisons and jails for decades must change.*” He added, “*If DOCCS had an effective system of investigating and disciplining corrections staff, officers who had already been credibly accused of abuse by other prisoners would not have been on duty on December 9 to participate in the murder of my son.*”<sup>19</sup>
- Messiah Ramkissoon, of the Youth Justice Network and mentor to Messiah Nantwi, spoke of Mr. Nantwi’s life prior to incarceration, the promise Mr. Nantwi had of a life involved with art, photography, and music, and the enormity of the loss of this young man at the hands of brutal correctional staff violence. He noted, “*There are thousands of*

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<sup>14</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>15</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Jessica Lowe](#)).

<sup>16</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Serena Martin, New Hour for Women and Children](#)).

<sup>17</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Derrick Hamilton, Perlmutter Center for Legal Justice at Cardozo Law](#)).

<sup>18</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Stanley Bellamy, RAPP Campaign](#)).

<sup>19</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Robert Ricks, father of Robert Brooks](#)).

*kids out there like Messiah that have been, and continue to be, victimized by a system that prefers to imprison its youth rather than provide them with the opportunity to succeed.”*

<sup>20</sup>

- Karen Murtagh, Executive Director of Prisoners’ Legal Services (PLS), included in her testimony numerous statements from PLS clients throughout the DOCCS system attesting to the inhumane conditions present in the system and to the high level of tension within the prisons. Many reported an increase in staff violence since the correction officer unlawful job action began. Based on the information gathered from their clients, Ms. Murtagh put forward a detailed and comprehensive legislative program, noting that these reports “*demonstrate that our prisons and communities are less humane, less rehabilitative, and less safe than in the past.*” <sup>21</sup>

These voices and many other similar voices who did not provide testimony, are what guide my endeavors as a lawmaker and must guide our policy as a State. In the fall of 2025, as this Report is being prepared, more than 33,000 people incarcerated in NY’s prisons are regularly denied basic human rights, dignity, and respect. <sup>22</sup> Across the State, people are routinely denied access to visits with loved ones, inadequate medical and mental health care, barriers to regular participation in congregate educational, religious, vocational, or counseling programs, unreasonable delays in receiving legal mail (if they receive it at all), difficult arranging confidential legal telephone calls, and are subject to a disciplinary system that is persistently out of compliance with the law and exhibits stark racial disparity, <sup>23</sup> extreme and unmitigated heat during the summer, and bitter cold during the winter. They face a longstanding,

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<sup>20</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Messiah Ramkissoon, Youth Justice Network](#)).

<sup>21</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Karen Murtagh, Prisoners’ Legal Services](#)).

<sup>22</sup> According to [recent data collected by NYS DOCCS](#), there are 33,231 people incarcerated in NYS DOCCS facilities. A total of 1,385 are housed in women’s facilities. Out of the total, 22.7% are classified by DOCCS as white, 49% are Black, 23.8% are Hispanic, and 4.5% are Asian, Native American or other. (2020 census reports indicated that 14.8% of NYS’s population was Black and 19.5% Hispanic.) The average age is 40.34. There are 334 people under the age of 21 and 1,384 who are 65 or older. New York City accounts for more than one-third of these individuals. There are 152 people sentenced as either Juvenile Offenders or Youthful Offenders. Of the total population, 14.1% were convicted of weapons offenses, 13.5% of murder, 10.1% of drug offenses, 4.7% of robbery 1st, 3.2% of rape 1st, and 1.9% of burglary 1st, with other convictions making up the balance. These statistics tell us some information but fail to show other significant characteristics of these individuals. For example, how many are parents? How many have learning disabilities? How many have mental health diagnoses or serious health diagnoses? How many entered DOCCS without high school diplomas or GEDs? How many have experienced multiple Adverse Childhood Experiences (ACEs)? How many are survivors of domestic violence or other violence?

<sup>23</sup> See: NYS Office of the Inspector General, in her report entitled [Racial Disparities in the Administration of Discipline in New York State Prisons](#), finding in a longitudinal study that Black incarcerated individuals were more than 22% more likely to be issued misbehavior report than a white incarcerated individual and Hispanic incarcerated individuals were more than 12% more likely to be issued misbehavior report than a white incarcerated individual.

routine, and ingrained culture of rampant violence, racism, sexism, homophobia, and abuse from staff who rarely are held accountable for their actions. The core provisions of the HALT Solitary Confinement Act regarding required hours out of cell and programming are essentially violated every day in every prison.<sup>24</sup>

DOCCS has never fully complied with the provisions of the HALT Solitary Law (“HALT”),<sup>25</sup> as has been well-documented through multiple independent investigations. This law requires at least seven hours of out-of-cell time per day for every incarcerated person unless, in accordance with strict procedures and rules established by HALT, a disciplinary sanction of segregated confinement has been imposed. It sets clear limitations on the length of time an individual can spend in segregated confinement. HALT is based on irrefutable evidence of the great harm – defined as torture under international human rights law<sup>26</sup> – caused by extended segregated confinement.<sup>27</sup> HALT is not the source of violence or other problems in New York’s prisons, as some correctional staff<sup>28</sup> and elected officials repeatedly assert. The union representing correction officers fought against HALT from the beginning (that is, they fought to be able to continue to operate in a system in which people were routinely subjected to torture), even commencing a lawsuit prior to the law’s effective date with the goal of fully blocking its implementation.<sup>29</sup> DOCCS itself has failed to require full and proper compliance with the substantive and procedural protections established by HALT. It is disingenuous to demand

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<sup>24</sup> For a recent comprehensive review of the egregious and daily violations of the protected human and constitutional rights of people incarcerated in New York, see the [Complaint filed in September 2025](#) by the HALT Solitary Campaign with the United Nations special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment and the special rapporteur on extrajudicial, summary or arbitrary executions. Also, see, November 7, 2025, submission to Hon. Daniel L. Lynch, Justice, Supreme Court, Albany County, in Smalls v. Martuscello, Index No. 903926-25, providing detailed accounts of ongoing violations of the requirements of the HALT law in facilities throughout the state.

<sup>25</sup> Chapter 93 of the Laws of 2021.

<sup>26</sup> See, for example: [Interim Report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment](#), United Nations General Assembly, noting that prolonged solitary confinement can constitute torture; see, also, [The United Nations Standard Minimum Rules for the Treatment of Prisoners](#) (the "Mandela Rules"), which, among other internationally accepted human rights standards, prohibits, as a fundamental violation of human rights, the use of "prolonged solitary confinement", defined as solitary confinement of more than 15 consecutive days. Rules No. 43 and 44.

<sup>27</sup> The harm caused by solitary confinement is well-documented. For resources and more information, visit the [New York Campaign for Alternatives to Isolated Confinement \(NYCAIC\) website](#).

<sup>28</sup> Compare *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Christ Summers, NYSCOPBA](#)).

Ransom, J & Pallaro, B. (2025). *Restrained, Beaten, Asphyxiated: New York Prison Guards' Brutality Grows*. New York Times. <https://www.nytimes.com/2025/11/24/nyregion/ny-prison-guards-abuse-brutality.html>

<sup>29</sup> Their effort, full of hyperbole and baseless assertions, was soundly rejected by the federal court. NYSCOPBA v. Hochul, et al, 607 F. Supp. 3d 231 (NDNY 2022).

revisions to a law when the agency in charge of implementation and compliance has failed or refused to do so.<sup>30</sup>

In addition, those who work in New York's prisons do so under painfully difficult conditions. They are provided with inadequate support and training, regularly work lengthy and oft-extended shifts, and often experience or witness traumatic incidents which they are expected to process on their own without necessary training, without guaranteed time-off of work, and without proper supports. I fully support efforts to ensure correctional staff are not regularly mandated to work extended shifts and to ensure they have the health and mental health resources needed to properly and safely do their jobs. The New York prison system operates at a level of dysfunction that creates daily dangers to the health and well-being of those who live in or work in correctional facilities, their families, and to the community at large. The status quo represents a legal and moral failure on the part of New York State, a failure we in State government must recognize and address with bold and innovative actions grounded in principles of human rights. This is not the time for small or piecemeal steps. As NYS Inspector General Lucy Lang, expressed in a recent interview, "*You may be familiar with the quote often attributed to Dostoevsky, that you can judge the quality of a society by the conditions of its prisons. And if that's the case, then we are epically failing, not just in New York State, but across the country. And it should not be a partisan issue how we treat the most vulnerable members of our society, many of whom are behind bars.*"<sup>31</sup>

This multilayered crisis is not new. It did not begin when Robert Brooks was brutally tortured and murdered by correctional staff, as medical staff looked on without intervening, or when Messiah Nantwi was similarly tortured and murdered by correctional staff at Mid-State Correctional Facility. Those incidents were not aberrations, other than that those directly responsible for those heinous acts have been prosecuted for their crimes. But the torture and murders of Mr. Brooks and Mr. Nantwi did expose the culture of staff violence to light. This crisis did not start when thousands of correction officers and staff unlawfully walked off their jobs for weeks in February 2025—just as the officers involved in killing Robert Brooks were about to be indicted—causing immediate and lasting harm to thousands of people incarcerated in New York's prisons and to the staff members who continued working, but those actions greatly exacerbated the crisis. During the unlawful job action, most incarcerated people throughout the DOCCS system were locked in their cells 24 hours per day, or close to that. Visits were

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<sup>30</sup> For a comprehensive account of the long history of opposition to and active refusals by New York to effectively reform the use of solitary confinement in New York State, see: Evans and Short, *Administrative Nullification And the Precarity of Carceral Reform*, 138 Harvard Law Review Forum 182 (2025), documenting how for decades “*New York's correctional agencies gummed up reform efforts by implementing and permitting the continuance of practices that were inconsistent with the spirit of reform legislation,*” often undercutting reform goals. Evans and Short debunk the notion that this is anything other than active “*nullification*” of duly enacted laws.

<sup>31</sup> Eschen, T. (2025). “*We are epically failing*” -NYS IG on prison conditions, discusses HALT report. CBS6 WRGB Albany. <https://cbs6albany.com/news/local/we-are-epically-failing-nys-ig-on-prison-conditions-discusses-halt-report>.

suspended, access to medical care and mental health care was significantly reduced, educational, vocational, and rehabilitative programs were non-existent, contact with lawyers was mostly suspended, food was limited, commissaries were shut down, and more. For staff who continued to work, the working conditions were mentally and physically exhausting.

In the aftermath of the unlawful job action, DOCCS essentially replicated and institutionalized the devastating living conditions that the “strike” imposed upon incarcerated New Yorkers. A system-wide “suspension” of many provisions of the HALT was instituted, though no legal basis exists for such action. The reality—despite DOCCS’ assertions to the contrary <sup>32</sup>—is that most incarcerated people in New York’s prisons remain locked in their cells for more than 20 hours per day <sup>33</sup>, most programming has not resumed, visits are severely reduced (and DOCCS has implemented new ways to harass, humiliate, and block visits by loved ones such as the incoherent and inconsistent use of the new body scanner equipment), medical and mental health care remain limited, and the daily lived experience of most of those incarcerated in DOCCS facilities has reached new levels of prolonged violations of basic human rights. <sup>34</sup>

## Role of Prisons

*“The prison therefore functions ideologically as an abstract site into which undesirables are deposited, relieving us of the responsibility of thinking about the real issues afflicting those communities from which prisoners are drawn in such disproportionate numbers.”* - Angela Davis

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<sup>32</sup> See, e.g., the assertions recently made by DOCCS in the Smalls v. Martuscello case (Albany County Index # 903926-25), in which DOCCS’ lawyers told the presiding Supreme Court Justice that everything was back to normal in most facilities regarding compliance with the requirements of HALT. (Transcript of October 22, 2025, hearing in Supreme Court, Albany County, in Smalls.)

<sup>33</sup> “Segregated confinement” is defined as the confinement of an incarcerated individual in any form of cell confinement for more than 17 hours per day. Correction Law, section 2(23). No one is supposed to be in “segregated confinement” except in strict accordance with the substantive and procedural rules contained in the HALT Solitary Law, chapter 93 of 2021, S2836 (Salazar) / A2277-A (Aubry). The overwhelming majority of those living under “segregated confinement” conditions at this time in NY’s prisons are not there pursuant to compliance with the requirements of HALT.

<sup>34</sup> In early October 2025, my staff and I visited Five Points Correctional Facility and Cayuga Correctional Facility, where we met with facility leadership, staff, and numerous incarcerated individuals. In brief, the incarcerated people with whom we conferred were credible, clear, and specific in describing the inhumane conditions and the lack of proper programming, out of cell time, visits, and medical and mental health care. In addition, my staff fields many telephone calls and receives letters and e-mails daily from incarcerated people around the state and their loved ones, and these conversations and communications provide me with a uniformly disturbing and full picture of current inhumane conditions.

<sup>35</sup> Davis, A. (2003). *Are Prisons Obsolete?*. p. 16. Seven Stories Press.

Prisons serve a political role, whether explicitly (for example, to lock-up dissidents or activists) or to advance politicalized “law and order” agendas motivated more by racism—including the longstanding strategy to divide the working class on the basis of race—than by a sincere effort to address human and social needs. This political role is often masked by the seemingly neutral expressed goals of the system, which are purportedly deterrence, accountability for individuals who cause harm, and keeping communities safe.

Yet, whether a person is imprisoned in New York has always depended more on their wealth or on the relative wealth of the community in which they live than on the commission of a crime. This correlation between relative wealth of an individual or community and rates of incarceration has numerous causal factors. These include disparities in access to lawyers with the time and resources to devote proper attention to cases, higher rates of pretrial detention for individuals unable to make bail, less access to mental health and substance abuse treatment for people living in less affluent communities, disparities in the allocation of law enforcement resources (e.g., much less law enforcement attention is paid to unlawful drug use in wealthier suburban communities than in less affluent inner city communities), the impact of implicit (and explicit) racial bias against people of color on the part of judges and prosecutors, heavy-handed and racially discriminatory policing practices such as “stop and frisk” and racial profiling, and the higher sentences imposed on individuals with prior criminal convictions due to the structure of New York’s sentencing laws resulting in a self-perpetuating pattern where, for example, a low income person of color is more likely to be arrested in the first place and is then doubly penalized if arrested again. The consistently disproportionate numbers of poor people, Black people, Latine, and other racial and ethnic minorities held in prisons in New York display the underlying politics of who gets locked-up and for what. And the definitions of “crime” serve to advance a political framework geared more to punishing poverty, controlling communities of color by warehousing people in prisons and alternatively providing employment opportunities in the form of correctional staff to otherwise economically neglected rural upstate communities than to making everyone safe.<sup>36</sup> As noted earlier, incarceration has little or nothing to do with community safety. It neither addresses root causes of anti-social behavior, nor does it offer solutions to the real problem that people sometimes do engage in harmful conduct. Over the course of the 1970s and 1980s, thousands of laws were put on the books that criminalized people who were experiencing poverty, extended sentences through the provision of mandatory minimums that were both racialized and class-specific, and replaced community investments through the War on poverty with a law enforcement apparatus designed to contain and punish dissent and discontent.

The scale of New York’s carceral system is vast, even though, in absolute numbers, the number of people incarcerated in New York (currently around 33,700) has decreased

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<sup>36</sup> By way of illustration, compare the rates of prosecution and incarceration of individuals or corporations who engage in massive wage-theft or criminal neglect of working or housing conditions (who are rarely criminally prosecuted despite the vast impact of their crimes) with the rates involving individuals who engage in petty theft (who are regularly prosecuted and sentenced to periods of incarceration.)

significantly since reaching a high point of 73,233 people incarcerated in New York's prisons in 1999.<sup>37</sup> This reduction has not been a result of less "bad people" but rather a recognition that prisons are not a solution to economic insecurity and vast disparities in access to resources. The population of incarcerated people in New York has increased slightly in the past several years, though it remains at less than half of what it was at its peak. The current prison population places New York's rate of incarceration above that of many other states and countries.<sup>38</sup>

If prisons do not make our communities safer, as they demonstrably cause harm and trauma to people who are incarcerated and their families and are damagingly unhealthy places to work, we must engage in a rigorous examination of the actual purpose of incarceration and, in turn, the necessary work of fundamentally transforming the state's carceral systems. We should be ashamed that New York continues to have a system that "disappears" tens of thousands of human beings rather than taking steps to confront and address the underlying social and economic causes of crime. We must be willing to envision our society without prisons or, at very least, with a vastly reduced carceral system. The details of how to make this shift are beyond the scope of this Report, though, at a minimum, they include significant increases in the availability of health and mental health care and substance abuse treatment and opportunities for community based restorative justice. I mention this framework, ultimately to reduce prison populations to zero or close to zero—what is called "abolition"—to be clear as to what our long-term vision must be as we continue to examine and implement changes to our carceral system and as we continue to seek to make our communities safer for everyone.<sup>39</sup>

## The History of Resistance in New York Prisons and Jails

Conditions in New York's prisons and jails have long been terrible, marked by rampant and routine violations of constitutional and human rights. Without offering a detailed history of New York's prison and jail conditions or of the lengthy history of efforts by incarcerated people, their loved ones, advocates and activists, and elected officials to transform New York's carceral system to reflect human rights standards, I will provide a brief review of significant historical moments with resonance for current conditions.

Solitary or segregated confinement has for decades been a concern in New York's prisons and jails. In June 1968, Martin Sostre was placed in solitary confinement by the Warden of Green Haven Correctional Facility without a hearing and for reasons courts subsequently found to discriminate against Mr. Sostre's perceived political views and history as an activist. He

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<sup>37</sup> Beck, A. (2000). *Prisoners in 1999*. US Department of Justice, Bureau of Justice Statistics Bulletin. <https://bjs.ojp.gov/content/pub/pdf/p99.pdf>.

<sup>38</sup> See: Prison Policy Initiative, [States of Incarceration: The Global Context 2024](#)

<sup>39</sup> Key abolitionist texts include: Michelle, A. (2010). *The New Jim Crow. The New Press*; Davis, A. (2003). *Are Prisons Obsolete?* Seven Stories Press; Davis, A. (2005). *Abolition Democracy: Beyond Prison, Torture, and Empire*. Seven Stories Press; McLeod, A. (2015). ["Prison Abolition and Grounded Justice"](#) UCLA Law Review. 62 (5): 1156–1239; Gilmore, R. (2007). *The Golden Gulag*, University of California Press.

remained in solitary for more than a year until a federal judge ordered him to be released. In 1970, Judge Constance Baker Motley, concluded, in words still relevant:

*“. . . punitive segregation under the conditions to which plaintiff was subjected at Green Haven is physically harsh, destructive of morale, dehumanizing in the sense that it is needlessly degrading, and dangerous to the maintenance of sanity when continued for more than a short period of time which should certainly not exceed 15 days.”*<sup>40</sup>

To drive home the point, Judge Motley added:

*“In order to be constitutional, punitive segregation as practiced in Green Haven must be limited to no more than fifteen days and may be imposed only for serious infractions of the rules.”*<sup>41</sup>

In the late 1970s, Michael Shabazz (Hurley), was placed in long-term solitary confinement in Great Meadow Correctional Facility and subjected routinely—upon leaving and returning to the segregated housing unit for court appearances—to degrading, punitive, full-body strip searches, despite being handcuffed and shackled throughout. He sued. In 1978, based on descriptions of this strip-search process presented in court held, Judge Robert L. Carter stated:

*“The whole challenged procedure appalls. Inmates are required to open their mouths, wag their tongues, turn and show the bottoms of their feet and spread their toes **a procedure akin to displaying slaves for auction, cattle for market, and animals for sale.** The ultimate degradation is the required lifting of the testicles and the bending over to spread the buttocks.”*<sup>42</sup>

Judge Carter prohibited DOCCS from routinely, without probable cause, engaging in such searches of anyone.<sup>43</sup> Both Judge Motley and Judge Carter were Black judges whose legal careers and training started with years of work as lawyers for the NAACP Legal Defense Fund under Thurgood Marshall’s leadership. They brought to their work as Judges decades of experience fighting racism and systemic injustice. They were committed to telling the truth and correcting wrongs imposed by the system. Imagine where we would be now if Judge Motley’s prescription for how solitary confinement should work (no more than 15 days and only for the most serious offenses) had been implemented in 1970. How many lives would have been saved

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<sup>40</sup> Sostre v. Rockefeller, 312 F. Supp. 863, 868 (S.D.N.Y. 1970), aff’d in part, rev’d in part sub nom. Sostre v. McGinnis, 442 F.2d 178 (2d Cir. 1971).

<sup>41</sup> Id., at 871. Unfortunately, Judge Motley’s prescient set of rules for when and how segregated confinement could be used were not affirmed on appeal, and it took fifty years for those straightforward and rational rules to be enacted into law, when the HALT Solitary Law was enacted in 2021.

<sup>42</sup> Hurley v. Ward, 448 F. Supp. 1227, 1230 (S.D.N.Y.), aff’d in part, rev’d in part, 584 F.2d 609 (2d Cir. 1978).

<sup>43</sup> Similar to what occurred regarding Judge Motley’s decision in Sostre, the system-wide implementation of Judge Carter’s prohibition on degrading, unjustified, strip-searches was limited on appeal.

and how many people would have avoided years of trauma caused by long-term solitary confinement.

The history of incarcerated New Yorkers standing up against inhumane treatment and conditions is long and dates back, at least, to the 1920s. On July 22, 1929, incarcerated men at Clinton Prison in Dannemora, NY “rioted” during a ten-minute recreation period after breakfast. At the time, Clinton housed 1,568 men, though the capacity of the prison was 1,160.<sup>44</sup> The Prison Association of New York (former name of the Correctional Association of New York) had noted the unsanitary conditions, overcrowding, and inadequate wages – 1 cent per day – in reports about Clinton for several years prior to the “riot.”<sup>45</sup> On July 28, 1929 – in the second prison uprising that week – 1,700 incarcerated men at Auburn Correctional Facility stormed the walls, set fire to buildings, and shot four guards. This was also deemed to be a response to harsh treatment and lack of proper facilities.<sup>46</sup> The prison was designed to hold only 1,226 people.<sup>47</sup> The conditions experienced by the men at Clinton and Auburn in 1929, and their desire to be treated like human beings, sound familiar. While details have changed, lack of respect, an absence of programming, unsafe work conditions, and the abuse by staff are truly not different from what exists currently in New York’s prisons.

### ***1971 Attica Uprising***

Many words have been written regarding the uprising of incarcerated men at Attica Correctional Facility in September 1971.<sup>48</sup> For the purposes of this Report, a summary will assist in setting the stage for the multilayered crisis in New York’s prisons we face today. In September 1971, there were 2,200 men incarcerated at Attica, a facility with a capacity of 1,600. The overwhelming majority were Black or Puerto Rican. Almost half were under 30 years old. The staff was almost 100% white. The conditions were inhumane. In 1970, at Auburn

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<sup>44</sup> (1929). *3 Convicts Killed, 20 Hurt, 1,200 Riot at Dannemora, Set Fire and Storm Walls*. New York Times. <https://www.nytimes.com/1929/07/23/archives/3-convicts-killed-20-hurt-1300-riot-at-dannemora-set-fire-and-storm.html>.

<sup>45</sup> Note that this was the case in 2025 regarding Marcy Correctional Facility, where Robert Brooks was murdered by staff, CANY had provided detailed warnings in the years prior to his murder of the extreme level of staff violence towards incarcerated individuals, yet those warnings were ignored by DOCCS and dismissed (see, [CANY’s Monitoring Visit to Marcy Correctional Facility Report](#) in 2023), just as similar warnings were provided by the Prison Association prior to the “riot” in July 1929 and were similarly ignored or dismissed.

<sup>46</sup> McHugh, Eileen. (2003). *Both Sides of the Wall: Prison Riots*. Cayuga Museum of History and Art. <https://www.correctionhistory.org/auburn&osborne/brochure7.htm>.

<sup>47</sup> (1929). *Convicts Riot, Put Torch to Auburn Prison; 1,700 Battle Guards Five Hours*. New York Times. <https://www.nytimes.com/1929/07/29/archives/convicts-riot-put-torch-to-auburn-prison-1700-battle-guards-five.html>.

<sup>48</sup> See, e.g. Thompson, H. (2016). *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*, Pantheon Books; Wicker, T. (1975). *A Time To Die*. Quadrangle/The New York Times Book Co.; Burton, O. (2023). *Tip of the Spear, Black Radicalism, Prison Repression, and the Long Attica Revolt*, University of California Press; Kaba, M. (2011). [Attica Prison Uprising 101: A Short Primer](#). Project NIA.

Correctional Facility, hundreds of incarcerated men engaged in a strike to protest horrendous conditions and treatment. Some of the men involved in that strike were transferred to Attica. Similarly, in the fall of 1970, incarcerated people held in New York City jails, including the “Tombs” <sup>49</sup>, engaged in a series of protests regarding conditions. Across the country, in California, a movement of incarcerated people for human rights had grown and achieved national recognition.

In July 1971, a group of men at Attica, the Attica Liberation Faction, presented a list of 27 demands to the prison administration and the Governor. The demands included legal representation at parole hearings, the right to dissent and protest, the right to proper medical care, adequate visiting conditions, safe working conditions and payment of reasonable wages for their work, that staff be prosecuted for engaging in brutality, and other reforms. While, initially, it appeared the Commissioner was open to dialogue regarding some of these demands, that proved not to be true. A leader of the California prisoner rights movement, George Jackson, was murdered by prison guards at San Quentin on August 21, 1971, and the next day, hundreds of men at Attica engaged in a silent hunger strike in the mess hall. This was followed on August 30 by a peaceful protest of hundreds at “sick call” to protest the poor medical care. On September 8, 1971, two incarcerated men were involved in an altercation with officers, and many believed they had been beaten.

On September 9, 1971, a small incident rapidly turned into a shut-down of most of the prison, with 1,200 or so men congregating in one area and with guards taken as hostages. The incarcerated men issued demands, established a negotiation committee, asked for outside mediators to assist in negotiations, and sought and expected the prison system would take their long-expressed concerns seriously and engage in negotiations. Instead, negotiations were stalled.

On September 13, 1971, rather than participate in good-faith negotiations, Governor Rockefeller directed the New York State Police, the National Guard, and corrections officers to forcibly re-take the prison, which they did in a show of brutal violence, leading to the deaths of 39 people, including nine of the guards held hostage, who were all killed by law enforcement not incarcerated individuals. Incarcerated men were violently tortured in the aftermath of the retaking of the prison. <sup>50</sup>

Attica is viewed as a turning point in New York’s prisons. Awareness of conditions was increased, and reforms were adopted, including the creation of Prisoners’ Legal Services. Yet so many of the issues raised in Attica in 1971 remain in the forefront of concerns in 2025. In my visits to about half of New York’s far flung prisons over the past five years, numerous incarcerated individuals have expressed to me their concern that conditions are so inhumane, the treatment so demeaning and violent, the medical and mental health care so inadequate, the disciplinary system so unfair, and the system’s general refusal or failure to respond appropriately when concerns are raised is so frustrating, that the conditions are ripe for another “Attica”. The

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<sup>49</sup> The “Tombs” refers to the former Manhattan House of Detention.

<sup>50</sup> Thompson, H. (2016). *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy*. Pantheon.

people who share these thoughts with me seek nothing more than to be treated decently and with respect as human beings. These men and women echo the demands made at Attica in 1971, their voices provide a clarion call: our collective humanity and the possibility of a better world is everyday diminished by our abject disregard for conditions of confinement.

## Prison Expansion in the 1970s – 1990s

In 1931, there were approximately 12,000 people incarcerated in the New York State prison system. There was slow and steady growth until the early 1960s (reaching approximately 19,000 in 1962). This was followed by a slight decline. By the mid-1970s, like many other states, New York's prison population began to increase significantly, reaching a high in 1999 of over 72,000. There are currently 42 State correctional facilities in New York State, reflecting 26 closures since 2011.

The massive growth in the number of people incarcerated between the mid-1970s and 1999, which was matched by an unprecedented frenzy of prison construction, was fueled by several factors. New York enacted the “Rockefeller” Drug Laws in 1973, dramatically increasing the number of people incarcerated on narcotics charges and, most importantly, the length of the sentences imposed. New York also enacted the Second Felony Offender law in 1973, mandating the imposition of longer prison sentences on many individuals. These policies were further extended by the Violent Felony Offender Law of 1978, resulting in longer sentences for certain designated felonies.

These changes in New York's law in the 1970s can best be understood as part of a racist and disingenuous focus on “law and order” starting in the late 1960s as a national *political* response to the rising movement for civil and human rights for Black people and other people of color, to demands for programs and resources to address poverty, and to the upheaval experienced throughout the country as young people increasingly demonstrated an unwillingness to accept overseas wars as legitimate and poverty as inevitable. The calls for “law and order” were partisan demands, having little to do with addressing real concerns and conditions and much to do with a reactionary turn from human rights and inclusion to control and degradation. They also had little or nothing to do with actual crime statistics. In fact, the increase in incarceration rates during this period caused more social problems than it solved, ripping apart families and communities by exiling so many people far from their homes and leading to massive deterioration of social connections. Resources could have been used to build and assist communities impacted by poverty but instead were used to build prisons and incarcerate more people. The communities that were hardest hit by the growth of incarceration in New York, primarily communities of color in New York City, deserved better.<sup>51</sup>

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<sup>51</sup> In a [1994 interview](#), President Richard Nixon's domestic policy chief, John Ehrlichman, acknowledged that Nixon's War on Drugs was a strategy to neutralize the anti-war movement and movement for Black liberation. The cynicism is stunning:

The national trends reflected in New York have been well-documented in numerous studies.<sup>52</sup> While the rates of incarceration in New York have greatly decreased in the past 25 years, due in part to legislation such as the Rockefeller Drug law reforms,<sup>53</sup> the Raise the Age law,<sup>54</sup> and the Less is More Act,<sup>55</sup> it is beyond question that much of what we see when we examine New York's prisons today continues to reflect the mindset that led to the massive growth of the prison population from the 1970s through the 1990s. The Second Felony Offender and Violent Felony Offender laws remain in effect, for example, and remain a major factor in determining who is in prison and the length of their sentences. New York State still operates a criminal legal system and carceral system based on the myth that locking people in cages for long periods of time far from their communities and families (even as most people will eventually return) and treating them horribly makes us safer.

Communities in Upstate New York, where prisons were constructed during the 1970s and 1980s, were promised economic security premised on the importation and imprisonment of mostly people of color from other communities. This was never a viable model for economic stability and jobs for these communities, and in the absence of other investments and resources, these communities are suffering and find themselves insisting on the continued incarceration of other New Yorkers as key to their survival. These communities were sold a false bill of goods, one that has deleterious effects on the social, psychological and human condition for everyone involved. Like the communities from which most of the people incarcerated came during the prison expansion period in New York, these communities also deserved better.

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*"The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and Black people. You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did."*

<sup>52</sup> See, e.g., Alexander, A. (2010). *The New Jim Crow*. The New Press (documenting the racialized use of the "war on drugs" as a process to control the Black community and resurrect "Jim Crow"-like domination); Gilmore, R. (2007). *The Golden Gulag*. University of California Press (establishing that the growth of prison construction in California was a function of racism, a surplus of land, and a new concentration of capital investments, rather than being related to purported rising rates of crime); Prisoners Alliance with Community. (1997). *The Non-Traditional Approach to Criminal Justice* (demonstrating that the growth in New York's prison population from the late 1970s through the mid-1990s was primarily accomplished by dramatic increases in the incarceration of Black and Latino individuals from seven predominantly Black and/or communities in NYC: Harlem, South Jamaica, Bedford Stuyvesant, South Bronx, East New York, Crown Heights, and Brownsville).

<sup>53</sup> Chapter 738 of the Laws of 2004 and chapter 56 of the Laws of 2009.

<sup>54</sup> Chapter 59 of the Laws of 2017.

<sup>55</sup> Chapter 427 of the Laws of 2021.

## Testimony Key Findings

Testimony provided in the public hearing exemplified how rampant human rights violations are within DOCCS facilities. Advocates, legal experts, incarcerated individuals, and their families spoke about deplorable medical and mental healthcare, programming, abuse from correctional staff, and more. Many of these concerns were refuted by DOCCS and the unions representing DOCCS staff, or they were blamed on policy changes designed to improve the conditions, like the HALT Solitary Confinement Law. As detailed below, incarcerated individuals are entrusted into the State's care, but rarely do they receive it. This hearing brought into the public discourse what impacted people have been trying to amplify for decades.

### Deaths and Murders of Incarcerated Individuals

Of all the issues in prisons across New York State, violence against incarcerated individuals is perhaps the most pervasive. The two murders in the span of three months, first of Robert Brooks, who was killed on December 9, 2024, at Marcy Correctional Facility, and then of Messiah Nantwi, who was killed on March 1, 2025, at Midstate Correctional Facility, are unfortunately only two of many. Both were Black men beaten to death by white correction officers, with other staff bearing witness and failing to intervene, and even intentionally covering it up. Robert Ricks, father of Robert Brooks, and Messiah Ramkissoon, mentor to Messiah Nantwi, both testified at the hearing. Speaking about Messiah Nantwi's death, Mr. Ramkissoon testified on behalf of Mr. Nantwi's aunt, Mayreni Lopez who said:

*“His death was unnecessary, cruel, devastating, and a disgusting abuse of power. Senseless beatings, a week before his 23rd birthday... my nephew was given a death sentence that neither a judge, nor State law approved.”*<sup>56</sup>

More is known about the murder of Robert Brooks, since it was caught on video by body cameras in “standby mode” that were recording unbeknownst to the officers. This took place in the infirmary at Marcy Correctional Facility where he was beaten to death. On December 9th, he was brought into a room in the clinic, handcuffed with his hands behind his back. He was then beaten by multiple correction officers and sergeants, while other staff members, including nurses, watched it happen. In total, 13 correction officers, 3 sergeants, and 2 nurses were involved in his murder.<sup>57</sup> Commissioner Martuscello has called the death of Mr. Brooks “senseless” and “inexcusable,”<sup>58</sup> and has taken steps to discipline the staff involved and change

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<sup>56</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Messiah Ramkissoon, Youth Justice Network](#).)

<sup>57</sup> Lyons, B. (2025). Prosecutor reveals disturbing new details in death of Robert Brooks. Times Union. <https://www.timesunion.com/capitol/article/murder-manslaughter-gang-assault-charges-20176029.php>

<sup>58</sup> *Ibid.*

policies that would hopefully prevent another death from happening in such a manner. However, we know that these efforts have not changed anything, and by some reports, made incarcerated people more vulnerable to abuses. Even with policy changes, such as a requirement to activate body-worn cameras when officers are interacting with incarcerated individuals or de-escalation training for staff,<sup>59</sup> the murder of Messiah Nantwi still occurred. It is hard, if not impossible, to change a culture where staff members see beating individuals to death as commonplace. As Jerome Wright from the HALT Solitary Campaign put it, "*As seen by the business-as-usual manner in which officers and medical staff tortured and killed Robert Brooks in the videos, his murder was not an anomaly but emblematic of routine racist brutality inflicted throughout New York's prisons and jails.*"<sup>60</sup> Multiple correction officers indicted for the murder of Mr. Brooks were also previously named in reports of abuse against other incarcerated individuals.<sup>61</sup>

Robert Brooks and Messiah Nantwi were not the only incarcerated individuals who have died at the hand of correction officers. In 2024, there were over 140 reported deaths in DOCCS custody, though this statistic does not include the causes of death.<sup>62</sup> In many instances, even when an individual dies at the hands of correction officers, the cause of death is marked as some sort of natural cause, making it extremely difficult to accurately categorize deaths. For example, Clement Lowe was incarcerated at Green Haven in 2023. He was beaten by multiple officers from the Correctional Emergency Response Team (CERT), from which he sustained substantial injuries. He was then transferred to Upstate Correctional Facility, where he was denied medical treatment, despite the pleadings of his family, and later died. Although his death was marked as natural causes, it was clear that it would not have happened if he was not brutalized.<sup>63</sup> Of course, there are also people who were subject to violence from staff that may not have killed them immediately but contributed to their death. During the hearing, multiple formerly incarcerated individuals and other advocates cited the names of other people that died because of violence from staff while they were incarcerated. Their names are George Williams, Karl Taylor, Samuel

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<sup>59</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Commissioner Daniel Martuscello, DOCCS](#)).

<sup>60</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025). ([Written testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>61</sup> Ransom, J. (2024). *Guards in Fatal Prison Assault Were Accused of Beating Inmates Before*. New York Times. <https://www.nytimes.com/2024/12/28/nyregion/robert-brooks-marcy-correctional-facility-inmate-abuse.html>.

<sup>62</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Jennifer Scaife, Correctional Association of New York](#)).

<sup>63</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony by Jessica Lowe, daughter of Clemente Lowe](#)).

Harrell, and Ramadan Mubarak Ibn Abdul-Mateen.<sup>64, 65</sup> Many more are left unnamed. Stanley Bellamy, from the Release Aging People in Prison Campaign, said "*Robert Brooks is far from the only person murdered by prison guards. Sadly, I cannot even describe such incidents as rare. For years and decades, officers have beaten and killed Black people in New York's prisons.*"<sup>66</sup>

## Violence in Prisons

The precursor to many deaths in custody is the rampant physical violence in prisons across the State. The New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) has maintained, long before this hearing, that much of this violence involves incarcerated individuals towards staff or other incarcerated individuals.<sup>67</sup> The New York State Public Employees Federation (PEF), who represents many of the civilian employees in DOCCS, and the American Federation of State, County, and Municipal Employees (AFSCME), who represents lieutenants through Council 82, and other civilian staff through the Civil Service Employees Association (CSEA), have also sounded the alarm of rising violence towards staff in prisons.<sup>68, 69</sup> NYSCOPBA blames this violence on the Humane Alternatives to Long-Term Solitary Confinement Act (HALT), which is discussed in detail throughout this report.<sup>70</sup> DOCCS has also reported on this supposed increase in violence among incarcerated individuals and towards staff<sup>71</sup> and, in general, tends not to blame the violence that is rampant in prisons on staff, or acknowledge the significant impact that failing to provide basic necessities and care has on violence by incarcerated individuals.

Continually, incarcerated individuals and advocacy organizations that work with them report that prisons are incredibly violent places, where beatings and other forms of abuse by staff are very common. It is frequently reported that officers beat up incarcerated individuals simply

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<sup>64</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Soffiyah Elijah, Alliance of Families for Justice](#)).

<sup>65</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Ziyadah Amatul-Matin, Katal Center](#)).

<sup>66</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Stanley Bellamy, RAPP Campaign](#)).

<sup>67</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Chris Summers, NYSCOPBA](#)).

<sup>68</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Wayne Spence, PEF](#)).

<sup>69</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of CSEA](#)).

<sup>70</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Chris Summers, NYSCOPBA](#)).

<sup>71</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Commissioner Daniel Martuscello, DOCCS](#)).

because they can. There is never any reason for subjecting people to such brutalization, even in instances of self-defense or deescalation, and especially not when unprovoked. Below are a few quotes from different organizations and individuals who testified that show the breadth of this violence:

- *“Officers were doing a cell search on the unit; when [an individual] bent down to pick up the trash they were throwing out her cell, [an officer] punched her twice in the face knocking her out almost. They then held her hands down putting her in a chokehold til she couldn’t breathe and started to seize. The CO hit her so hard you could hear it in the rec room. She was not resisting in any way but stunned from what just happened to her.”* - Testimony submitted by the Parole Preparation Project on behalf of currently incarcerated individuals <sup>72</sup>
- *“There is an old Chinese man, he’s been here since dust was made... he started fussing with a lady CO about his meds [and] they beat the shit out of him. Gave him a black eye and limping the next day.”* - Testimony submitted by the Parole Preparation Project <sup>73</sup>
- *“I have heard of numerous instances where incarcerated people were raped and/or sodomized by staff while supervisors watched and ordered compliance by the victim.”* - Soffiyah Elijah, former Executive Director of Alliance of Families for Justice <sup>74</sup>
- *“Screams and cries that I have heard far too often, along with the crack of batons breaking people’s bones and the racial epithets that guards frequently use when they are assaulting people.”* - Stanley Bellamy, NYC organizer for Release Aging People from Prison <sup>75</sup>

This is but a small selection of what people testified but reveals the extent to which violence is ubiquitous. It does not matter what you are doing, how old you are, or any other characteristic – the chances that you will be abused while incarcerated are extremely high. Often, this violence is so incredibly brutal that people need immediate medical attention. Of course, it would be helpful to cite numbers to prove that violence is perpetuated by staff towards incarcerated individuals. However, these numbers do not exist for multiple reasons. First, individuals are often afraid to report any abuse for fear of retaliation. As one individual who works with the Parole Preparation Project reported, after a beating by staff, other incarcerated individuals warned the person that was beaten to “[not] say anything [about the beating] or you

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<sup>72</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

<sup>73</sup> *Ibid.*

<sup>74</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Soffiyah Elijah, Alliance of Families for Justice](#)).

<sup>75</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Stanley Bellamy, RAPP Campaign](#)).

*won't make it out of here.*”<sup>76</sup> Furthermore, if individuals do try to submit a grievance or make a report about a staff member that abused them, that grievance is often not addressed or mysteriously lost.<sup>77</sup> Even when individuals are able to submit a grievance and it is investigated by the Office of Special Investigations, DOCCS’ investigatory arm, their findings often rule that there was no abuse or that there was “use of force,” but this was necessary because the incarcerated individual instigated the incident.<sup>78</sup> Lastly, individuals who are assaulted by staff often find that they are given a misbehavior report, despite they themselves being victims of violence. These misbehavior reports are included in official statistics, so in this way, assaults on staff are misrepresented by including staff assaults on incarcerated individuals. These misbehavior reports often result in disciplinary sanctions for abuse that are so often perpetuated against them, not by them.<sup>79</sup>

## Racism and Discrimination

The emergence of the prison industrial complex is inextricably linked to structural and systemic racism entrenched in the very framework of this nation, and DOCCS is no exception. In total numbers and in proportion to the population, more people of color are incarcerated than white people. Although Black people make up only 14% of the population in New York, they account for almost half of all people incarcerated in State prisons.<sup>80</sup> As of 2021, DOCCS reported that almost 76% of employees were white, and that over 58% of all employees were white men.<sup>81</sup> Racism and discrimination, particularly from staff toward incarcerated individuals of color, is widespread, as many of the testifiers reported. Stanley Bellamy of RAPP testified, *“Prison guards and security supervisors often bring their inherent biases of how people should be treated, particularly Black and Brown people — especially those convicted of crimes — into the workspace, and create a work environment that upholds and even enforces anti-Black and Brown attitudes and behaviors.”*<sup>82</sup>

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<sup>76</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

<sup>77</sup> *Ibid.*

<sup>78</sup> Gelardi, C. (2025). *New York's Prison System Is in Crisis. We Investigated Its Ruling Family*. New York Focus. <https://nysfocus.com/2025/03/04/new-yorks-prison-system-martuscello-family-investigation>.

<sup>79</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Center for Community Alternatives](#)).

<sup>80</sup> *New York profile*. Prison Policy Initiative. <https://www.prisonpolicy.org/profiles/NY.html>.

<sup>81</sup> *Diversity, Equity and Inclusion Five Year Strategic Plan*. (2021). New York State Department of Corrections and Community Supervision. <https://docts.ny.gov/system/files/documents/2022/04/diversity-equity-and-inclusion-five-year-strategic-plan-2021-2025.pdf>.

<sup>82</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Stanley Bellamy, RAPP Campaign](#)).

Inspector General Lucy Lang asserted that, “[the] 2022 Report on Racial Disparities in the Administration of Discipline in New York State Prisons, documented stark racial and ethnic disparities in DOCCS disciplinary practices, housing placements, and access to programming. Black and Latino incarcerated New Yorkers were disproportionately affected by punitive measures and underrepresented in opportunities for education and rehabilitation.”<sup>83</sup> This report details that “more than 200 DOCCS employees issuing 50 or more misbehavior reports exclusively against non-White individuals, including over 100 who targeted Black or Hispanic individuals alone.”<sup>84</sup> As one individual that the Parole Preparation Project works with testified, “There are COs that are prejudiced and racist and just hate inmates and hate being here. You can see it in their face, and then they deliberately start [to] mess with us...”<sup>85</sup> Multiple individuals reported being called racial slurs while being beaten up.<sup>86</sup>

Racism is not the only type of discrimination in prisons. Homophobia and transphobia are also very pervasive. It is not uncommon that staff will share an incarcerated individual’s sensitive information, such as if they are transgender or their HIV status (sometimes used as a marker for if someone is gay, whether that is how the individual identifies or not), with other individuals in their housing unit.<sup>87</sup> This then often prompts violence towards the individual, as these types of discrimination are frequent not only among staff, but incarcerated individuals as well. For example, one individual reported, through the Parole Preparation Project, that officers told other people in their housing unit that they were transgender and that they should be beaten up and the sergeant would not write anyone up. Unsurprisingly, they were severely assaulted by both staff and incarcerated individuals.<sup>88</sup>

## Denial of Medical Care

Incarcerated individuals generally have higher rates of chronic conditions like high blood pressure, asthma and diabetes, and are, as a whole, sicker than the general population with shorter life expectancies as a result.<sup>89</sup> These higher levels are attributable to a few factors. People who are incarcerated generally enter prison with higher rates of these conditions due to

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<sup>83</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025). ([Written Testimony by New York State Inspector General Lucy Lang](#)).

<sup>84</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Anthony Dixon, Parole Preparation Project](#)).

<sup>85</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> Wang, L. (2022). *Chronic Punishment: The unmet health needs of people in state prisons*. Prison Policy Initiative. <https://www.prisonpolicy.org/reports/chronicpunishment.html>.

economic insecurity, which has been proven to negatively affect health.<sup>90</sup> While incarcerated, the lack of routine medical care and even emergency care when needed can lead to acute issues. For instance, people with diabetes who are routinely seen by medical professionals and are well-educated on how to manage their diabetes do well, but those without that access and information do significantly worse.<sup>91</sup> Additionally, the environment incarcerated individuals are housed in plays a huge role in their health. Poor ventilation and living in a congregate setting can increase the spread of infectious diseases like COVID-19,<sup>92</sup> and the low-quality food and lack of physical activity can negatively impact diseases like hypertension and diabetes.<sup>93</sup> Lastly, endemic violence, solitary confinement, and general lack of care can all lead to increased stress, which in turn greatly negatively affects both health and mental health.<sup>94</sup>

DOCCS has a system that they supposedly follow that guarantees every incarcerated individual healthcare when they need it, which is outlined below. They at times say that things cannot happen at the speed the individual is requesting because of understaffing, but in truth the problem is much larger. While it is true that there is a 23% vacancy rate for health staff, this alone cannot be the cause of all the issues.<sup>95</sup> Even with the few staff they have, DOCCS should still be able to give people the right medication or take them to an outside facility, and it is imperative that people who are incarcerated know that they have access to care without retribution.

New York State prisons offer dismal medical care, with only 32% of incarcerated people satisfied with their care in 2019, according to a report issued by the Correctional Association of New York.<sup>96</sup> People are regularly denied care, whether that is for routine visits or more acute issues. Directives and laws that outline how people who are pregnant or transgender are supposed to be treated are almost never followed.<sup>97</sup> It is common that regardless of their ailment,

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<sup>90</sup> Favril, L., Rich, J., et al. (2024). Mental and physical health morbidity among people in prisons: an umbrella review. *The Lancet Public Health, Volume 9* (Issue 4), pages e250-e260. [https://doi.org/10.1016/S2468-2667\(24\)00023-9](https://doi.org/10.1016/S2468-2667(24)00023-9).

<sup>91</sup> *Diabetes*. Mayo Clinic. <https://www.mayoclinic.org/diseases-conditions/diabetes/symptoms-causes/syc-20371444>.

<sup>92</sup> Dholakia, N. (2025). *Mass Incarceration Is a Public Health Crisis*. Vera Institute of Justice. <https://www.vera.org/news/mass-incarceration-is-a-public-health-crisis>.

<sup>93</sup> *Beyond the Food: How Prison Nutrition Policy Contributes to Lasting Chronic Disease*. (2023). Brown Undergraduate Journal of Public Health. <https://sites.brown.edu/publichealthjournal/2023/05/02/beyond-the-food-how-prison-nutrition-policy-contributes-to-lasting-chronic-disease/>.

<sup>94</sup> *How stress affects your health*. (2023). American Psychological Association. <https://www.apa.org/topics/stress/health>.

<sup>95</sup> *Staffing Dashboard*. Correctional Association of New York. <https://www.correctionalassociation.org/data/dashboard-staffing>.

<sup>96</sup> Law, V. (2022). *Delayed Treatment and Denied Services: Health Care In New York Prisons Is A “Joke.”* New York Focus. <https://nysfocus.com/2022/03/17/prison-health-care-oversight>.

<sup>97</sup> Law, V. (2022). *Delayed Treatment and Denied Services: Health Care In New York Prisons Is A “Joke.”* New York Focus. <https://nysfocus.com/2022/03/17/prison-health-care-oversight>.

people will be offered ibuprofen or another over-the-counter painkiller as treatment. Denial of medical care or inadequate treatment is one of the most commonly grieved issues for incarcerated individuals and was mentioned prominently at the hearing. This can lead to worse health outcomes or even death for some individuals.

As with individuals on the outside with health insurance, there is a process that incarcerated individuals must follow to receive medical care. They cannot walk over to the clinic or contact their own doctor. Every facility has a clinic, usually staffed by a doctor and a few nurses. Each clinic also has, or should have, a dentist, although they may travel around to serve multiple prisons. In some facilities, clinics are large and can treat a variety of issues, but that is far more common at facilities that have a Regional Medical Unit. At most other facilities, clinics can only treat routine issues, and if individuals need more advanced care, they are either taken to an outside provider, transferred to another facility, or are required to wait for a specialist to come to the facility where they are located. Medical and dental positions in DOCCS are chronically understaffed, so it can take a long time for someone to be seen and provided with care, and when they are, it is often inadequate. An incarcerated individual must first submit a sick call slip, which is reviewed by the clinic. Then, they are taken by correction officers to the clinic if a doctor or nurse deems that they need care. If any follow-ups are needed, they are supposed to be scheduled for after their appointment. Of course, this whole system depends on if someone can submit a sick call slip, if staff decide they need care, and if security staff take them to their appointment. At any point, one or all those things could go wrong, and a person will not be seen. As Jessica Lowe explained in her testimony about the death of her father, Clement Lowe, he had finished his medications for his diabetes and high blood pressure and had been requesting refills for weeks. However, he never got them before his death, and when Jessica herself called the facility to request he be given them, the nurse stated that Mr. Lowe should be asking for them himself, ignoring the fact that he had been doing so.<sup>98</sup>

Even when individuals are able to see a doctor or nurse, the care they receive is often completely insufficient. It is common that individuals will be seen for extensive injuries and just be given ibuprofen or treated for only one thing, or that they will have to wait excessively long for appointments where they are often denied treatment. If individuals are assaulted, at the hands of correction officers or other incarcerated individuals, they are supposed to be seen by medical staff for treatment and to have any injuries photographed. One individual from the Center for Community Alternatives reported that an individual, Benjamin Smalls, died from COVID-19 in 2020. When Mr. Smalls reported his symptoms, “*Nurses gave him a handful of ibuprofen and*

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<sup>98</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony by Jessica Lowe, daughter of Clemente Lowe](#)).

*sent him back to his cell, where he died.”*<sup>99</sup> Other individuals also discussed a complete lack of adequate medical care in their testimony during the hearing.

- ‘*Now I suffer with lung cancer. Had they given me treatments soon after they knew I had it, I could've beaten it. They did not start my treatment until months later. DOCCS medical personnel F'd up.”* - T.E. (Shawangunk), submitted by the Center for Community Alternatives<sup>100</sup>
- “*Individual slipped and fell in cell. Medical did not believe he was in pain until 6-9 months later the pain had progressed to the point that he lost all feeling below the knee in one leg. Had to hold a lighter up to his foot in front of medical staff to prove that he had lost feeling. When finally x-rayed, discovered that 2 vertebrae had been so dislodged by fall they were “floating,” causing severe back pain, permanent loss of sensation in one leg below the knee, and requiring long term physical therapy.”* - Testimony submitted by the Parole Preparation Project<sup>101</sup>
- “*Following surgery on ACL, ‘I have not been instructed how to change the angle of the brace, I have not been put in physical therapy, and after a month in the infirmary with no help from the doctors, I removed my stitches myself.’*” - Testimony submitted by the Parole Preparation Project on behalf of an incarcerated individual<sup>102</sup>

Lastly, medical staff are frequently complicit in the abuse incarcerated individuals receive from security staff as was made readily evident in the taped brutalization of Mr. Brooks. Individual medical information is supposed to be protected by HIPAA, meaning that only certain individuals can access it. However, multiple people reported in their testimony that it was shared with other incarcerated individuals or correction officers by medical staff. This led to individuals being assaulted or abused for things like their HIV status.<sup>103</sup> They are also complicit in the abuse by refusing to document individuals’ injuries and standing idly by as staff beat people to death. One individual from the Parole Preparation Project said: “*A nurse wore a gray hooded sweatshirt inscribed in the front and back with the following statements: ‘I stand with correctional officers’ on front and “I am NYSDOCCS” on back. Such a message is disturbing as it comes during the time of the Robert Brooks homicide... For a nurse to wear attire with such a message is actually scary... us incarcerated individuals expect nothing less than neutrality. We should not have to be put in a position where we are made to feel skeptical or cynical as to whether we are able or willing to trust the nurse and/or other medical staff.”*<sup>104</sup> Incarcerated individuals already cannot trust correction officers to do their jobs fairly, and although medical

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<sup>99</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025)* ([Written testimony of Center for Community Alternatives](#)).

<sup>100</sup> *Ibid.*

<sup>101</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025)* ([Written Testimony of Parole Preparation Project](#)).

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*

staff could not always be trusted either, the torture and murder of Robert Brooks has exposed how implicated they are in the systematic abuse in prisons.

## Denial of Mental Healthcare

Just as with medical care, mental healthcare in prisons is abysmal. It is overseen by the Office of Mental Health (OMH). Through OMH, individuals are supposed to be able to access individual counseling, mental health medication, and other services. Neither DOCCS nor OMH have expressed concerns about the level or quality of mental health services being delivered to people in their custody, however hearing testimony reveals a series of deep and disturbing patterns about wholly inadequate care inside.

When an incarcerated individual enters the prison system, they are supposed to be evaluated by OMH to determine if they need care and what level of care is thus required. There are four ways of classifying individuals with mental health needs, with Level 1 being the most serious. Someone can be designated with an “S” at the end, which means that they have a “serious mental illness” and may need additional care. Once OMH has made a determination about an individual’s need for care, they may place an incarcerated individual in a specialized unit if necessary, such as the Residential Mental Health Unit, which is for individuals who need more frequent and serious care. Other units for individuals with mental health needs are the Intermediate Care Program (ICP), the Behavioral Health Unit (BHU), and more. Individuals should be able to request to see OMH staff when they feel they need it, regardless of whether or not they are on the caseload already or if they are in a specific unit. As with medical care, mental health care is often extremely hard to access.

Within New York State prisons, 29% of individuals are on the OMH caseload,<sup>105</sup> meaning they have some mental health diagnosis, which is slightly higher than the general public.<sup>106</sup> 26% of individuals on the OMH caseload have an “S” designation, indicating that their mental health condition is severe.<sup>107</sup> These numbers vary by facility and demographic, but women’s facilities have a shockingly high number of people on the OMH caseload. At Bedford Hills and Albion, two of the three women’s facilities, 71% of people have mental health concerns, and at Taconic, the third women’s facility, it is 62%.<sup>108</sup>

There are laws with specific carve outs for individuals with mental health diagnoses, like the HALT Solitary Confinement Law (HALT), which states that no individuals on the OMH caseload are supposed to be in the Specialized Housing Unit (SHU), which replaced solitary

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<sup>105</sup> *Mental Health Caseload Dashboard*. Correctional Association of New York.

<https://www.correctionalassociation.org/data/dashboard-omh-census-data>.

<sup>106</sup> According to the National Alliance on Mental Illness. It is estimated that 23% of the general public have mental health concerns: <https://www.nami.org/about-mental-illness/mental-health-by-the-numbers/>

<sup>107</sup> *Mental Health Caseload Dashboard*. Correctional Association of New York.

<https://www.correctionalassociation.org/data/dashboard-omh-census-data>.

<sup>108</sup> *Ibid.*

confinement. They can still be placed in the Residential Rehabilitation Unit (RRU), the alternative unit to specialized housing that was created under the HALT. This is because solitary confinement is extremely damaging for individuals with mental health concerns, as it worsens pre-existing conditions, can disrupt treatment and recovery, and can have significant long-term consequences on peoples' functioning.<sup>109</sup> HALT was designed to protect these individuals and requires that everyone not on the OMH caseload already be seen by them before spending time in the SHU to determine if they can be placed there. However, DOCCS has administratively nullified this law by specifying that it is only people with Level 1S designations (the most serious) that cannot be placed in the SHU; anyone with a lower designation can still be put there according to how DOCCS has evaded a more thorough reading of the law. This means that many individuals who the law was supposed to protect are actually being placed in the SHU. As Jerome Wright from the HALT Solitary Confinement Campaign said in his testimony, "*DOCCS continues to lock hundreds of people on the OMH caseload, as well as people with disabilities, in segregated confinement in Special Housing Units (SHU).*"<sup>110</sup> Now, in the aftermath of the unlawful job action by corrections officers (it is critical to note that incarcerated individuals continue to report a work slowdown), many people (on the OMH caseload or not) are not receiving any out-of-cell time, which is contributing to a rise in the number of suicide attempts.<sup>111</sup>

For individuals trying to receive care, it can be exceedingly difficult, and when they do receive it, it is often poor quality. One individual testified that her son was "*asking for mental health care. Instead of help, he got fists. Two days later, when I finally saw him, my six-foot-three son collapsed into my arms, sobbing. His hand was swollen, likely broken. He had bruises across his groin, a concussion. A year later, he still doesn't have full feeling in one hand.*"<sup>112</sup> Other times, individuals have reported that they have to say they are suicidal, even when they're not, just to talk with a nurse or social worker.<sup>113</sup> When people are suicidal, there are often minimal meaningful services or effective intervention. One person from the Parole Preparation Project reported that they were "*left in a bullpen while suicidal... 29 hours without eating, all*

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<sup>109</sup> Sandoval, J. (2023). *How Solitary Confinement Contributes to the Mental Health Crisis*. National Alliance on Mental Illness. <https://www.nami.org/advocate/how-solitary-confinement-contributes-to-the-mental-health-crisis/>.

<sup>110</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>111</sup> *Self-Harm, Suicide Attempts, and Suicides Dashboard*. Correctional Association of New York. <https://www.correctionalassociation.org/data/dashboard-self-harm-data>.

<sup>112</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Center for Community Alternatives](#)).

<sup>113</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Melanie Baker, Center for Community Alternatives](#)).

*types of things [around] to harm myself.”*<sup>114</sup> Additionally, Soffiyah Elijah, formerly of Alliance of Families for Justice, said in her testimony: “*There is no emotional support for grief or trauma. The response of DOCCS for people who take steps to commit suicide is a disciplinary ticket and punishment in solitary confinement.*”<sup>115</sup> If they do receive care, people are often given the wrong medication or the improper dosage; they are only seen once by a provider when they need routine sessions, or they do not receive the level of care they actually need.<sup>116</sup>

## Quality of Life

The quality of life for incarcerated individuals is deplorable. People are not provided with access to nutritious food, they cannot access basic personal items like hygiene products, the conditions they live in are often unsanitary, and they cannot see their loved ones with any frequency.

Incarcerated individuals are supposed to receive three meals a day while in DOCCS custody, though many supplement this food (or forgo it entirely) with things they buy from the commissary at inflated cost because the food provided by DOCCS is often inedible. Incarcerated individuals have reported that food from the mess hall is often moldy or lacking in nutritional value, and there was often simply not enough food to sustain them throughout the day.<sup>117</sup> Serena Martin, Executive Director of New Hour for Women and Children, an organization that works with many pregnant and post-partum individuals in prisons and jails across New York State, revealed in her testimony that “[A pregnant person] lost over 35 pounds while 5 months pregnant due to lack of food and water.”<sup>118</sup> During the unlawful job action, people often received only a few sandwiches a day, and nothing else. Because they weren’t able to go to the commissary, that meant they often did not have much more to eat and were frequently starving.<sup>119</sup>

Another way that people can get food is through packages sent to them by their loved ones. In May of 2022, DOCCS instituted a policy that packages could only be sent through

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<sup>114</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

<sup>115</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Soffiyah Elijah, Alliance of Families for Justice](#)).

<sup>116</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Center for Community Alternatives](#)).

<sup>117</sup> *Food Access and Quality in New York’s Prisons*. Correctional Association of New York.

[https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/6318edc3b84b176199698e7e/1678304102660/2021\\_FoodAccessandQuality.pdf](https://static1.squarespace.com/static/62f1552c1dd65741c53bbcf8/t/6318edc3b84b176199698e7e/1678304102660/2021_FoodAccessandQuality.pdf).

<sup>118</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Serena Martin, New Hour](#)).

<sup>119</sup> Vielkind, J. (2025). *Incarcerated men describe deteriorating conditions as unlawful NY prison strikes drag on*. Gothamist. <https://gothamist.com/news/ny-prison-strikes-conditions-woodbourne>.

certain vendors ostensibly to eliminate contraband that was entering prisons, though advocates have pointed to a profit motive with prices marked up more than 130 times the market rate.<sup>120</sup> Before this policy, family and friends could purchase things at the store near them and send them to their incarcerated loved ones along with homemade food and other items. Now that the package ban policy is in place, people must purchase from places like Amazon. They are also not allowed to send homemade items anymore. These costs place a heavy burden on the friends and family of incarcerated people, limiting their ability to stay connected, as the cost of caring for an incarcerated loved one is transferred from the State to the family itself, exacerbating the economic insecurity of already-vulnerable communities. Additionally, they now open and scan every piece of non-legal mail and give the incarcerated individual the scan (again, to supposedly prevent contraband), which further takes away that link. As Jerome Wright from the HALT Campaign said in his testimony, “*DOCCS has inflicted a ban on family care packages and a ban on direct mail...care packages and mail from family, friends, and loved ones serve as a critical form of connection and community, help relieve stress and tension, provide hope and care, provide people with essential food and nutrition, provide access to religious materials, and more.*”<sup>121</sup> Even when people do get packages, they can be stuck in the mail room of the facility for so long that any food in them goes moldy or things are stolen from them.<sup>122</sup> Incarcerated individuals often also report issues with sending and receiving paper mail, such as mail never being sent out or not receiving things they were told by the sender that they were supposed to receive.<sup>123</sup> This can have obvious consequences on people’s ability to connect with their friends and family, but it can also be a barrier to ongoing legal cases.

Visits are another very important way that incarcerated individuals can connect with their loved ones on the outside. Inspector General Lucy Lang wrote in her testimony, “*Visitation and access to communication support rehabilitation, reduce recidivism, and promote public safety. Policies that facilitate meaningful contact must be upheld and expanded, especially in remote facilities.*”<sup>124</sup> People often have to travel very far for these visits, as it is not guaranteed that people will be incarcerated near their home, and can be arbitrarily denied visits. In 2024, DOCCS purchased body scanners to use on visitors and staff. They work much like TSA scanners, though the image is much more detailed, and can help staff identify if a person has contraband on them. Visitors can also be searched using a metal detector, regular pat-downs, or

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<sup>120</sup> Brown, E. & McCray, R. (2022). *New York Prisons Set to Ban Most Packages from Family and Friends*. New York Focus. <https://nysfocus.com/2022/05/12/prisons-ban-care-packages>

<sup>121</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>122</sup> Reports on these issues were received while doing casework in our office.

<sup>123</sup> *Ibid.*

<sup>124</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony by New York State Inspector General Lucy Lang](#)).

canine searches. These processes are often very uncomfortable for the visitor, especially given that most of them are women, and they are subject to sexual harassment while this is happening. As Soffiyah Elijah from the Alliance of Families for Justice put it in her testimony, “*Visitors are also subject to mistreatment. They have been referred to by staff with racist and sexist slurs. They have been the recipients of sexual innuendos and overtures by staff; made to submit to humiliatingly sexually invasive canine searches, and with the introduction of x-ray body scanners women on their menses are routinely being denied access to visits.*”<sup>125</sup> When visitors are denied, this can be devastating to the incarcerated individual and their loved one. Access to visits is linked to better mental health outcomes, better conduct, and lower recidivism rates. It also helps families stay connected and improves the parent-child relationship, particularly when it is a parent incarcerated.<sup>126</sup>

A common complaint from many prisons is that the water quality is unacceptable, often brown, or undrinkable. DOCCS, in all their water quality reports that they release, states that there are no contaminants at any prisons,<sup>127</sup> but people routinely get sick because of bacteria in the water, and staff, who do not have to drink the water inside of prisons, bring in water from home.<sup>128</sup> Another common issue is the heating and cooling of prisons. DOCCS maintains that all areas are properly ventilated,<sup>129</sup> but because many of the prisons in New York State were built before the need for regular air conditioning, no prison has air conditioning across the facility, and the heating is often not effective either. Soffiyah Elijah described in her testimony how “*There is no air conditioning in the living quarters. The heat is oftentimes unbearable in the summer months rising over 100 degrees. During the winter months, the ‘heat’ remains on low all the time resulting in people wearing as many layers as possible of clothing or staying wrapped up in blankets to stay warm.*”<sup>130</sup> While the risk of heat stroke or other heat-related issues is high for anyone, certain medications and pre-existing conditions make this risk a lot higher, and there is no special treatment for these individuals.

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<sup>125</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Soffiyah Elijah, Alliance of Families for Justice](#)).

<sup>126</sup> Wang, L. (2021). *Research roundup: The positive impacts of family contact for incarcerated people and their families*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2021/12/21/family\\_contact/](https://www.prisonpolicy.org/blog/2021/12/21/family_contact/).

<sup>127</sup> *Annual Drinking Water Quality Report for 2024, Clinton Correctional Facility*. NYS Department of Corrections and Community Supervision. <https://docts.ny.gov/system/files/documents/2025/06/clt-clinton-correctional-2024-awqr.pdf>.

<sup>128</sup> Haupt, S. and Miller, P. (2022). *Cruel and Usual: Contaminated Water in New York State Prisons*. 25 CUNY. L. Rev. F. 120. <https://academicworks.cuny.edu/clr/vol25/iss2/7/>.

<sup>129</sup> Gelardi, C. (2025). *Summers Are Brutal in New York’s Prisons. This Year Is Worse Than Ever*. New York Focus. <https://nysfocus.com/2025/08/04/summer-heat-prisons-doccs-new-york-climate-change>.

<sup>130</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Soffiyah Elijah, Alliance of Families for Justice](#)).

Aside from the problems with the facilities, people often experience many issues with their personal property or items that are issued to them by the prison. Everyone is supposed to have items like a mattress, toilet paper, and some basic personal hygiene items provided to them by the prison. However, that is often not the case. One person from the Parole Preparation Project testified that, “*While I was in RRU they wouldn’t give me toilet paper for over a week. I had to rip up my sheets and socks and use that instead.*”<sup>131</sup> Another person connected with the Parole Preparation Project said “*I’ve been in solitary for 51 days. I have been denied hygiene – soap, toothpaste.*”<sup>132</sup>

Lastly, access to programming, or the lack thereof, is a significant issue that effects the quality of life of incarcerated individuals. Some programs in DOCCS are required to be released, like Alcohol and Substance Abuse Treatment (ASAT) or Aggression Replacement Training (ART). Other programs, like educational, vocational, or religious ones, can be taken by individuals but are not required. However, many people want to sign up for them regardless because they find them beneficial, they are often the only thing to do while incarcerated, and some count towards merit time, which helps individuals be released sooner. Programs, particularly education-related programs, reduce recidivism once people are released but also help curb violence for people on the inside.<sup>133</sup> If they have something to do to keep them engaged, this can often deter negative behaviors. Wayne Spence, president of the Public Employees Federation (PEF), emphasized that reducing prison violence requires “*programming, programming, programming.*”<sup>134</sup> As one individual at Shawangunk put it, “*Men need to keep their minds busy and they need to be paid a good wage so they can survive.*”<sup>135</sup>

While programming helps to reduce prison violence and is something many people want to participate in, it is still extremely hard to access, especially post- unlawful job action. An incarcerated individual from the Parole Preparation Project reported that “[they’ve] been on the waiting list for ASAT and ART for 13 years.”<sup>136</sup> Jerome Wright from the HALT Campaign describe a similar issue, saying that “*DOCCS also has failed to provide people in RRUs with access to core programs as required by HALT, including ASAT, ART, academic programs,*

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<sup>131</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

<sup>132</sup> *Ibid.*

<sup>133</sup> Duwe, G. (2017). *The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes*. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/250476.pdf>.

<sup>134</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony of Wayne Spence, PEF](#)).

<sup>135</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Center for Community Alternatives](#)).

<sup>136</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

*vocational programs, sex offense programming, and transitional services.”*<sup>137</sup> One reason for this lack of programming, particularly after the 2025 unlawful job action, where programs are now only being offered intermittently, is staffing shortages. *“Our interviews and direct observations reveal that many incarcerated individuals are unable to access programs necessary for personal development and reentry preparation, revealing a crisis within a crisis,”* said Jennifer Scaife, the Executive Director of the Correctional Association of New York, an independent prison oversight agency.<sup>138</sup>

## HALT Solitary Confinement Law Implementation

Throughout the hearing, the unions representing correction officers and other prison staff staunchly maintained that HALT poses a grave safety risk to staff and incarcerated individuals alike. Testifying on behalf of the Public Employees Federation (PEF), which represents parole officers and those who staff DOCCS’s health systems, Mr. Spence implied that HALT has allowed incarcerated individuals to “rape” and “stab” staff “with no consequences,”<sup>139</sup> and that “assaults against incarcerated individuals are up 57% and assaults against staff are up 99% from 2020 to 2024.”<sup>140</sup> The New York State Correctional Officers and Police Benevolent Association (NYSCOPBA), which represents correction officers, insisted that “Year after year, we have shown you record increases in violence and the dangerous living and working conditions caused by the policies and laws that this State has enacted,” namely those that prioritize decarceration and the rights of incarcerated individuals, such as Raise the Age (2017), bail reform (2019), and Less Is More (2021), in addition to HALT. “The system wide violence exploded following the March 2022 enactment of the HALT Law,” NYSCOPBA continued. “The numbers speak for themselves. In 2024, for the fourth consecutive year, DOCCS set another annual record of [incarcerated individual]-on-staff and [incarcerated individual]-on-[incarcerated individual] assaults and injuries.”<sup>141</sup> On behalf of the American Federation of State, County, and Municipal Employees (AFSCME) and Council 82, which represents DOCCS lieutenants, Kelley Gilmore and Brian McDonnell echoed Spence, stating, “Recent policy shifts have weakened officers’ ability to manage behavior and enforce facility rules, contributing to a

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<sup>137</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025). ([Written testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>138</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Jennifer Scaife, Correctional Association of New York](#)).

<sup>139</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony of Wayne Spence, PEF](#)).

<sup>140</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Wayne Spence, PEF](#)).

<sup>141</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Chris Summers, NYSCOPBA](#)).

*rise in assaults, contraband proliferation, and disorder.”*<sup>142</sup> Furthermore, Spence, Gilmore, and McDonnell all lamented that HALT prohibits the use of segregated confinement for purposes of protective custody, thus, from their perspective, inducing incarcerated individuals to assault staff to separate themselves from the general population by being placed in the SHU or RRU.<sup>143</sup> While NYSCOPBA offered no solutions to resolving prison violence beyond repealing HALT and similar legislation, both AFSCME and PEF took a different tone. “*A balanced approach to discipline and behavioral management is essential for maintaining safety and rehabilitation,*” noted Kelley and McDonnell.<sup>144</sup> “*PEF understands that putting people in isolation does not work,*” said Spence.<sup>145</sup> He went on to propose more detailed reforms, including personalized treatment and sanctions for incarcerated individuals who are repeat offenders.<sup>146 147</sup>

It is clear, though, that this criticism has no real evidence base. The HALT Solitary Confinement Law, per first-hand accounts and a detailed investigation by Inspector General Lucy Lang,<sup>148</sup> has never actually been implemented, making the law itself hardly able to bear such blame. The hearing’s first-hand accounts of the solitary confinement that still exists within DOCCS were distressing. Witnesses from the Parole Preparation Project noted being locked in SHU for up to 90 days. There, they were routinely denied medical treatment, recreation time, other required out-of-cell time and programming, and even hygiene products, such as soap and toothpaste. “*During my time in solitary confinement,*” one testified, “*I have experienced cruel and unusual punishment, mental anguish, medical neglect, pain, and suffering.*”<sup>149</sup> Serena Martin, testifying for New Hour for Women and Children, recalled a woman six months

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<sup>142</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of AFSCME, Council 82](#)).

<sup>143</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony of Wayne Spence, PEF and Kelley Gilmore & Brian McDonnell, AFSCME, Council 82](#)).

<sup>144</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of AFSCME, Council 82](#)).

<sup>145</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony of Wayne Spence, PEF](#)).

<sup>146</sup> Such reforms included reducing recreation time for those in solitary confinement by one hour and increasing mental health treatment by the same amount, requiring the use of restraints for repeat offenders, requiring solitary confinement for repeating certain offenses, expanding the number of offenses that result in solitary confinement to include possession or use of fentanyl, lewd behavior in front of staff or other incarcerated individuals, and unhygienic acts, such as including causing or attempting to cause a person to come into contact with blood, seminal fluid, urine, feces, or the contents of a toilet bowl, by throwing, tossing or expelling such fluid or material.

<sup>147</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Wayne Spence, PEF](#)).

<sup>148</sup> Lang, L. (2024). *Review of the First Two Years of HALT at the New York State Department of Corrections and Community Supervision.* State of New York Office of the Inspector General.

<https://ig.ny.gov/system/files/documents/2024/08/nys-oig-doccs-halt-report-8.5.24.pdf>

<sup>149</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

pregnant to whom prison staff failed to provide regular meals while she was in solitary confinement.<sup>150</sup> Other witnesses noted that incarcerated individuals are sent to solitary confinement after being assaulted by staff, with staff claiming incarcerated individuals were responsible for instigating conflicts. “*My nightmare started when I was assaulted and almost killed by certain corrupt officers,*” a witness from Parole Preparation Project testified. “*For the beatings I took I received a misbehavior report for assault on staff and spent time in [the Segregated Housing Unit].*”<sup>151</sup> As another Parole Preparation Project witness stated, “*On the last day of February 2025 an inmate here was beaten repeatedly and had fingers pulled out of socket, head busted, and something happened to his ankles. Then he was put in the box.*”<sup>152</sup> Finally, and converse to the union representatives’ critique that HALT inhibits the legitimate use of Protective Custody (PC), a witness from the Parole Preparation Project recounted that solitary confinement is often used as a substitute for PC, though it is not supposed to be. “[*This facility*] *doesn’t have a Protective Custody wing so they place anyone in it in the [Rehabilitative Residential Unit, another type of solitary confinement],*” they stated. “*I do not get all the things I am entitled to there like rec and programs. When they do have programs [once only every two weeks], I’m restrained to the chair, table wearing ankle restraints.*”<sup>153</sup>

DOCCS’s violations of HALT are systemic and getting worse, as abundant reporting lays bare. Anthony Dixon, representing the Parole Preparation Project, cited a New York Focus investigation that “*found over 1,000 people placed in isolation for infractions not eligible under HALT, many held beyond the legal 15-day limit.*”<sup>154</sup> Jerome Wright, speaking on behalf of the HALT Coalition, quoted a 2023-2024 survey by the New York State Justice Center, in which 99% of respondents “*reported receiving less than the legally required seven hours of daily out-of-cell group programming and activities,*” with more than 93% receiving only zero and four hours.<sup>155</sup> Mr. Dixon reported that DOCCS has continued the use of solitary confinement through rhetorical sleight-of-hand. The department has “*rebranded solitary as ‘keeplock,’ ‘therapeutic separation,’ or ‘behavioral units,’ allowing the same harmful conditions to continue.*”<sup>156</sup> To

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<sup>150</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Serena Martin, New Hour](#)).

<sup>151</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Parole Preparation Project](#)).

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Anthony Dixon, Parole Preparation Project](#)).

<sup>155</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>156</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Anthony Dixon, Parole Preparation Project](#)).

make matters more concerning, still, Inspector General Lang's 2024 review of the first two years of HALT implementation found "*that DOCCS routinely failed to track and report segregated confinement placements in accordance with the Humane Alternatives to Long-Term Solitary Confinement Act. We identified critical gaps in recordkeeping and reporting, raising serious concerns about compliance and transparency.*"<sup>157</sup> Antony Gemmell, speaking on behalf of the Legal Aid Society's Prisoners' Rights Project, noted that the unlawful job action not only sought to repeal HALT from the books, but gave DOCCS a pretext to suspend the law, plunging thousands of incarcerated New Yorkers statewide into "*extreme isolation, the very harm HALT was enacted to prevent.*"<sup>158</sup> In reflecting on both sides of the issue in this section, it is difficult, if not impossible, to conclude that violence and dangerous conditions are the result of a law that is being neither followed nor implemented in full. The absurdity of claiming that HALT undermines safety is surpassed only by the urgency of finally upholding the shared will of the State's two legislative houses and Governor on behalf of the people.

In November 2025, the New York Times further rebutted the unions' longstanding criticism of HALT. The Times found that the rate at which officers use force began escalating long before HALT was enacted. "*In 2014, guards and other staff members reported using force against inmates, on average, three times a day across the prison system. By 2019, that figure had risen to about seven times a day, records show. By last year, it had climbed to more than 11.*" The increase could not, per the Times' analysis, be attributed to aggravating factors that might excuse the conduct. For one, the overall prison population had neither increased nor even stayed steady, but rather declined, from 53,000 in 2014 to 33,000 in 2024. Additionally, Attacks on correctional officers have not worsened. Per DOCCS's own use-of-force reports, fewer than 1% of assaults by incarcerated individuals caused moderate, serious, or severe injuries. Finally, just as many incarcerated people are being held in isolation, the difference being that they are now held in residential rehabilitation units (RRHU) instead of special housing units (SHU). Given the decline in New York's overall prison population, moreover, the proportion of those in isolation is far greater today than before HALT was enacted.<sup>159</sup>

## Grievances

To address issues that individuals face while incarcerated in New York State prisons, DOCCS offers several venues for seeking recourse, including the Office for Special Investigations (OSI) and systems set up by the Prison Rape Elimination Act (PREA). OSI is an

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<sup>157</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony by Inspector General Lucy Lang](#)).

<sup>158</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Antony Gemmell, Legal Aid Society's Prisoner's Rights Project](#)).

<sup>159</sup> Pallaro, B. and Ransom, J. (2025) *Why Are Guards Using Force More Often in New York's Prisons?* New York Times. <https://www.nytimes.com/2025/11/24/nyregion/ny-prison-guards-use-force.html>

office within DOCCS that investigates complaints from incarcerated individuals and holds DOCCS staff accountable for misconduct. PREA is federal law passed in 2003 that created mechanisms for incarcerated individuals and staff to report sexual assault within correctional facilities. An incarcerated individual can report issues via paper submissions, or through a staff member. Together, OSI and PREA receive thousands of cases each year.<sup>160</sup>

These grievances often take years to be marked as resolved. Even when that does happen, it is frequently reported that the responses individuals receive often deny the incident even happened in the first place. What is more, it is frequently reported that submitting a grievance can lead to retaliation by staff. The introduction of body-worn cameras promised to achieve greater transparency and fairness, but officers were not even required to turn on their cameras when in contact with incarcerated individuals until after Robert Brooks's murder, as the footage was collected via the cameras "stand-by" mode. Commissioner Martuscello pledged to remedy this grievous lapse with new regulations, which DOCCS union representatives in turn vowed to embrace.<sup>161</sup> Despite the stated intentions of DOCCS's accountability protocols, incarcerated witnesses and their advocates highlighted dysfunction and failures of such procedures, including indefinite delays, corruption, and even nepotism, as the head of OSI is the brother of the DOCCS Commissioner, Daniel Martuscello.<sup>162</sup>

Melanie Baker, a member of the Center for Community Alternatives, shared an account of justice delayed – and thus effectively denied – involving her son, Zachary Bishop, incarcerated at Five Points Correctional Facility. "*He was beaten while naked in the suicide room, kicked in the genitals and the head, and denied medical care,*" she testified. "*He named the COs involved in the beating when he reported it to OSI. No final determination has ever been given to him in regards to his grievance and report.*"<sup>163</sup> A similar account came from testimony submitted by the Parole Preparation Project on behalf of an incarcerated individual: "*Grievances are backed up by [a backlog of] almost 345 [grievances], so none of our grievances are being acknowledged.*"<sup>164</sup> Jennifer Scaife, Executive Director of the Correctional Association of New York, cited her organization's reporting in explaining that prisoners' mistrust in the grievance process is nearly universal. "*Our 2023 report, 'Smoke Screen': Experiences with the Incarcerated Grievance Program in New York State Prisons, found that 87% of respondents*

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<sup>160</sup> CANY. (2024). *Administrative Data Findings From New York State's Incarcerated Grievance Program.* <https://www.correctionalassociation.org/grievance-data>

<sup>161</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony of Commissioner Daniel Martuscello, DOCCS](#)).

<sup>162</sup> Gelardi, C. (2025). *The Martuscello Dynasty: Power and Patronage in New York Prisons.* New York Focus. <https://nysfocus.com/2025/03/03/dan-martuscello-new-york-prison>

<sup>163</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Melanie Baker, Center for Community Alternatives](#)).

<sup>164</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of the Parole Preparation Project](#)).

*considered the IGP to be ‘not effective’ or ‘seldom effective.’”* Nonetheless, she continued, “*incarcerated individuals file more than 20,000 grievances annually, which indicates that, absent other avenues for seeking recourse, there is a strong desire for mechanisms for effectively resolving problems.*”<sup>165</sup> Even with 20,000 grievances filed every year, we know that this is only a fraction of all the misconduct that actually happens, particularly when it comes to sexual violence. As Alliance of Families for Justice’s Soffiyah Elijah testified, “*Victims’ fear of retaliation oftentimes prevents them from filing a formal complaint pursuant to PREA as they know the consequences are usually worse.*”<sup>166</sup>

## Body-Worn Cameras

DOCCS’s ongoing expansion of body-worn cameras to increase transparency and accountability and deter violence and misconduct received strong support from union representatives at the hearing, but both they and advocates for incarcerated individuals pointed out how the use of this technology remains insufficient, the consequences of which can be tragic. Commissioner Martuscello testified that footage of Robert Brooks’s murder by staff highlighted body-worn camera’s “*incredible utility*” in conducting investigations into prison violence, though it bears noting that the staff members who participated in Mr. Brooks’s murder had turned off their cameras, only to have a passive recording function (of which they were unaware) document their lethal abuse.<sup>167</sup> “*Continuing to expand the use of cameras is critical to increasing transparency, accountability, and safety for everyone inside these institutions,*” said Kelley Gilmore and Brian McDonnell on behalf of the American Federation of State, County, and Municipal Employees (AFSCME). Gilmore and McDonnell emphasized that cameras will help hold guilty parties responsible for misconduct, while exonerating the innocent.<sup>168</sup> Mr. Spence (PEF) noted that his union also embraces the transparency body-worn cameras produce.<sup>169</sup>

Yet, many also critiqued how the body-worn cameras are currently used. Anthony Dixon, from the Parole Preparation Project, provided the most sweeping critique. “*Across DOCCS*

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<sup>165</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Jennifer Scaife, Correctional Association of New York](#)).

<sup>166</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Soffiyah Elijah, Alliance of Families for Justice](#)).

<sup>167</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Commissioner Daniel Martuscello, DOCCS](#)).

<sup>168</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of AFSCME, Council 82](#)).

<sup>169</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Wayne Spence, PEF](#)).

*facilities—including Coxsackie, Upstate, and Five Points—correctional staff routinely disregard camera mandates without facing disciplinary consequences,” he testified. “The absence of a standardized policy, enforcement mechanisms, and meaningful accountability has rendered the system *de facto* ineffective.”* <sup>170</sup> Gilmore and McDonnell spoke about how staff can obstruct the cameras to hide the worst kinds of misconduct: *“Even when cameras are worn, we are learning in real time that they are often deliberately obstructed—covered with jackets, aimed at the floor, or turned off during critical incidents. This pattern of obstruction is a clear refusal to accept accountability and lends credence to the most serious allegations of abuse behind prison walls.”* <sup>171</sup> The Osborne Association’s Tanya Krupat testified how getting the footage from incidents recorded by body-worn cameras can be “quite an undertaking” and “slow,” hampering investigations. <sup>172</sup>

Commissioner Martuscello acknowledged the shortcomings of DOCCS’s body-worn camera policy to date but promised that recently instituted reforms would dramatically expand their value. These include requirements that staff always activate their body-worn cameras (save for private circumstances), a \$18.4 million investment in fully deploying body worn cameras across all facilities, and a \$400 million investment to expand fixed cameras. Additionally, Commissioner Martuscello announced that he has introduced a “performance matrix,” currently used in 27 facilities, to ensure that footage from different shifts is watched at random, with any “*abnormalities or deficiencies*” referred to the Bureau of Labor Relations “*for potential disciplinary action.*” <sup>173</sup> He added that the full deployment of body-worn cameras to all facilities would be complete by the end of summer 2025. When Senator Jamaal Bailey noted that the 2025-2026 New York State Budget stipulated that full deployment of body cameras be complete by July 18, Commissioner Martuscello responded that DOCCS is working with the NYS Office of Information Technology Services as aggressively as possible to finish the project. <sup>174</sup> As of the publishing of this Report, DOCCS camera policy reforms have not been implemented in full, underscoring the continued crisis of transparency, oversight, and accountability for violence in New York’s prisons.

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<sup>170</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Anthony Dixon, Parole Preparation Project](#)).

<sup>171</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of AFSCME, Council 82](#)).

<sup>172</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Tanya Krupat, Osborne Association](#)).

<sup>173</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony of Commissioner Daniel Martuscello, DOCCS](#)).

<sup>174</sup> *Ibid.*

## Staff Accountability

Although DOCCS would generally say that they are able to discipline staff appropriately, certain unions and advocates would say otherwise. For example, Commissioner Martuscello emphasized the whistleblower policy, the no-retaliation policy, and anonymous reporting as methods of ensuring staff disclose any misconduct they see.<sup>175</sup> However, Spence took significant issue with these policies, with both Gilmore and McDonnell of AFSCME agreeing.<sup>176</sup> The PEF president said his members would report misconduct by fellow staff if they did not fear retribution, but that is not possible right now. To illustrate the perils of becoming a whistleblower, Spence recounted death threats he received after speaking out as a parole officer. “*Nurses are afraid to talk out,*” he continued, “*because they might be in a situation where they need help, and no help’s gonna come. [...] Because there’s a saying: snitches get stitches. So very right in a correctional facility.*”<sup>177</sup> The result is that fear of reprisals and retribution function to silence correctional staff who may have otherwise sounded the alarm on abuses.

Spence’s critiques of DOCCS’s accountability mechanisms barely scratches the surface. DOCCS holds staff accountable for misconduct only on the rarest of occasions, and all too frequently, only when incidences are reported in mainstream news outlets. Such impunity only emboldens these staff and others to commit increasingly egregious abuses, including torture and murder. The clearest example of this is the multiple correction officers indicted for the murder of Mr. Brooks had already been named in multiple reports of abuse against other incarcerated individuals, only for DOCCS to leave them on the job, with ultimately catastrophic consequences.<sup>178</sup> The problem is not isolated, but entirely systemic, as recent third-party reporting has revealed. In 2023, the Marshall Project issued a report analyzing records of correction officers’ attacks on incarcerated people in New York’s prisons. The report found that in 294 cases over 12 years, DOCCS failed to fire guards accused of misconduct an egregious 90% of the time. The details are as shocking as they are harrowing. Per the report:

*“The State tried to fire one guard for using excessive force in three separate incidents within three years — and failed each time. He remains on the State prisons’ payroll. An officer who broke his baton hitting a prisoner 35 times, even after the man was handcuffed, was not fired. Neither were the guards who beat a prisoner at Attica Correctional Facility so badly that he needed 13 staples to close gashes in his scalp. Nor*

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<sup>175</sup> *Ibid.*

<sup>176</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) (Oral Testimony by Wayne Spence, PEF and Kelley Gilmore & Brian McDonnell, AFSCME, Council 82).*

<sup>177</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) (Oral Testimony by Wayne Spence, PEF).*

<sup>178</sup> Ransom, J. (2024). *Guards in Fatal Prison Assault Were Accused of Beating Inmates Before.* New York Times. <https://www.nytimes.com/2024/12/28/nyregion/robert-brooks-marcy-correctional-facility-inmate-abuse.html>.

*were the officers who battered a man with mental illness, injuring him from face to groin. The man hanged himself the next day.”*

Such impunity applies only to those staff who DOCCS considered to be a threat to safety and security. These are exceptions, as management all-too-frequently decides against seeking staff accountability for violence and other forms of abuse. “*In dozens of documented cases involving severe injuries of prisoners, including three deaths, the agency did not even try to discipline officers, State records show.*” What is more, the “*records probably reflect only a fraction of the violence guards have inflicted in New York’s corrections system, experts said. Many prisoners do not file complaints because they fear retaliation or not being believed.*”<sup>179</sup>

Staff accountability is so difficult in large part because of an element of the correction officers’ contract that has been in place since 1972. The agreement requires that any effort to fire an officer go through binding arbitration, using an outside arbitrator chosen by both the union and the State, with only a court able to overturn arbitration decisions. “*In abuse cases, the arbitrators ruled in favor of officers three-quarters of the time, a Marshall Project review of nearly 120 decisions shows. Arbitrators, most of whom are lawyers, often said the State’s evidence was insufficient or found prisoners’ testimony unconvincing.*” Not only have staff obstructed justice by covering up misconduct, the Marshall Project’s reporting demonstrates, but the union’s lawyers have weaponized the crimes for which victimized incarcerated people are serving time to undermine their credibility before arbitrators—and successfully so. Even if guards are seldom fired and staff face scant discipline, “*the Marshall Project identified more than 160 excessive-force lawsuits that the State lost or settled, paying \$18.5 million in damages. The corrections department’s records show that officials attempted to discipline an officer in just 20 of those cases. They fired six guards. More than 65 officers were defendants in multiple suits.*” In other words, while staff are virtually free to brutalize incarcerated New Yorkers, those behind bars and their families are left to suffer the injury, trauma, and death, while taxpayers foot the legal bills.<sup>180</sup> Among the remedies to abusive staff remaining on the job is the DOCCS Discipline bill, (S.1671 Salazar/A.5355 Tapia), which places final decision-making authority regarding discipline of DOCCS staff for acts of serious misconduct in the hands of the DOCCS Commissioner. This bill is discussed at greater length later in this report.

## DOCCS Staffing

Representatives from DOCCS unions insisted that staffing declines over the past three decades are a primary driver of violence in prisons. Advocates for incarcerated people, however, pointed out that New York State prisons continue to have among the country’s highest ratios of

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<sup>179</sup> Santo, A., Neff, J., Meagher, T. (2023). *In New York’s Prisons, Guards Who Brutalize Prisoners Rarely Get Punished.* The Marshall Project. <https://www.themarshallproject.org/2023/05/19/new-york-prison-corrections-officer-abuse-prisoners>.

<sup>180</sup> *Ibid.*

staff-to-incarcerated people.<sup>181</sup> If there is a reason for chronic staffing shortages and spiking overtime demands, it would seem to be correction officers' abuse of their already uniquely generous workers' compensation benefits. The 2018 contract between the state and NYSCOPBA provides for up to six months of medical leave at 100% pay for on-the-job injuries, benefits far more generous than for other state employees, who are generally limited to two-thirds of their salary. Following six months of full pay, officers can use accrued leave credits to continue receiving full pay while off the job. And after that, they can still receive two-thirds pay. Unlike most other state employees, correctional officers have no requirement that they remain within certain geographical limits while receiving their payouts. A 2023 report from the Office of the Inspector General affirmed that NYSCOPBA's contract incentivizes workers' compensation abuse. Per the report, the number of hours that had to be filled because of workers' compensation claims in 2020-2021 was 61% higher than a decade earlier. Although corrections staff comprised only 15% of the State workforce, they comprise upwards of 44% of workers' compensation claims, the vast majority of which are unrelated to any contact with an incarcerated person. What is more, workers' compensation claims "spike dramatically" at certain times, namely during the winter holidays, immediately after Memorial Day, or, at a number of upstate facilities, at the start of hunting season."<sup>182</sup> <sup>183</sup> For the hearing, Inspector General Lucy Lang testified that the failure to pass serious workers' compensation reforms will worsen chronic staffing shortages, particularly "*in areas that are essential to institutional well-being such as mental health care, education, and unit supervision. These gaps endanger both staff and incarcerated individuals and erode the foundation of safety and rehabilitation.*"<sup>184</sup>

DOCCS union representatives cited data to illustrate the pressure on staffing capacity preceding the unlawful job action. As CSEA noted in written testimony, "*Between 2000 and 2023, correction officer and correction sergeant positions declined by 24.4 percent, and staffing levels have continued to fall since then...In State facilities, health services, support services, and program services have vacancy rates of 25.1%, 18.6%, and 16.2%, respectively. [...] In 2024, DOCCS employees worked on average over 40 hours of overtime per month, or nearly 500 hours annually.*"<sup>185</sup> Kelley Gilmore, representing AFSCME, added that the responsibilities of DOCCS sergeants and lieutenants have increased significantly since the 2015 prison break at Clinton

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<sup>181</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Jerome Wright, #HALTSolitary Campaign](#) and [Written Testimony of Tanya Krupat, Osborne Association](#)).

<sup>182</sup> Gilson, R. (2023). *Inspector General: New York's 'generous' prison guard benefits result in fraud*. Times Union. <https://www.timesunion.com/capitol/article/inspector-general-generous-prison-guard-18119038.php>

<sup>183</sup> Eschen, T. (2025). *Two years after report finds DOCCS workers compensation abuse IG calls for more action*. CBS6. <https://ig.ny.gov/news/wrgb-two-years-after-report-finds-doccs-workers-compensation-abuse-ig-calls-more-action>.

<sup>184</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Inspector General Lucy Lang](#)).

<sup>185</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of CSEA](#)).

Correctional Facility, a consequence of which is they have less capacity to supervise front-line staff and, therefore, deal with any issues when they arise.<sup>186</sup> The union representatives were emphatic that the supposed low staffing numbers have impacted their members. According to AFSCME's Gilmore and Brian McDonnell, chronic staffing shortages bring "*increased risks for both officers and incarcerated individuals, stretching response times, limiting programming, and undermining safety protocols.*"<sup>187</sup> NYSCOPBA, for their part, spoke to the consequences of mandatory overtime. "*The impact of mandatory double and triple shifts on employees cannot be overstated—physical fatigue, emotional burnout, and decreased alertness create unsafe conditions for both officers and incarcerated individuals.*"<sup>188</sup>

The correction officers' unlawful job action reduced DOCCS's number of guards to levels from which the agency has failed to recover. About 2,000 of the roughly 13,000 total correction officers were fired for refusing to report for duty, while hundreds of others retired or resigned. As of July 2025, DOCCS was 4,700 officers and sergeants below what it calculates it needs to run every program and all facilities effectively.<sup>189</sup> Meanwhile, of the 6,000 National Guard personnel Governor Kathy Hochul deployed to the prisons when the strike started, more than 2,700 remain, although my office, through reports from incarcerated individuals and correctional staff, learned that the National Guard are not able to assist in any manner that would fulfill the needs of the facilities, including escorting incarcerated individuals to programs.<sup>190</sup>

What DOCCS and staff unions also overlook is that the alleged staffing crisis could be alleviated by closing and consolidating prisons as well as expanding pathways to release. As stated above, New York has closed 28 prisons since 2011, a 38% reduction that tracks well behind the system's 54% decline in the incarcerated population since 1999. Governor Hochul has closed more than three prisons in the last two years alone, and additional facilities could stand to be shuttered and consolidated. Even more important, the State could vastly accelerate its laudable turn toward decarceration since the late 2010s. The five bills discussed in the following sections are especially important to this historic effort, namely the Earned Time Act, the Second Look Act, the Marvin Mayfield Act, the Fair and Timely Parole Bill, and the Elder Parole Bill.

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<sup>186</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony of Kelley Gilmore, AFSCME, Council 82](#)).

<sup>187</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of AFSCME, Council 82](#)).

<sup>188</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Chris Summers, NYSCOPBA](#)).

<sup>189</sup> Gelardi, C. (2025). *Four Months After Guard Strike, Prison Staffing Crisis Persists*. New York Focus. <https://nysfocus.com/2025/07/22/new-york-doccs-prison-staffing-crisis-guard-strike>.

<sup>190</sup> Deline, J. (2025). *National Guard remain at state prisons, months after strike*. News 10.

<https://www.news10.com/news/ny-news/national-guard-remain-at-state-prisons-months-after-strike/>

## Legislative Action

The crisis in NYS DOCCS demands substantive action. Although there are efforts to make the deeply flawed and racist prison system more humane, the fundamental goal is and should be to prevent people from entering the criminal legal system in the first place through funding communities and expanding access to housing, education, employment, healthcare, mental healthcare, substance abuse treatment, and other investments in resourcing economically-insecure communities. In addition to passing specific legislation, we must take concrete action to significantly reduce New York's outdated, counter-productive, and harmful carceral system. We must:

- Close more prisons, including Marcy Correctional Facility,
- Close the jails on Rikers Island in New York City,
- Amend New York's Penal Law to repeal archaic provisions unnecessarily imposing criminal penalties on conduct that should not be criminalized,
- Amend New York's Penal Law and the Criminal Procedure Law to drastically alter the sentencing structure to promote pretrial diversion and community-based programs and to reduce the number and the length of jail and prison sentences.
- Provide funding and programmatic support to expand the use and scope of peer violence intervention programs, such as SNUG, throughout the State,
- Increase funding and programmatic support to expand our communities' use of mental health and health professionals in response to incidents involving individuals with mental health difficulties and in mental health crises in place of law enforcement officers,
- Provide funding and programmatic support to expand the use of community-based restorative justice programs to resolve disputes and address harmful conduct without incarceration,
- Provide funding and resources for positive, non-carceral, long-term and self-sustaining economic development and employment in communities that have relied extensively on the prisons as the basis for their local economies.
- Address the thousands of barriers to employment, housing, and education that continue to exclude formerly incarcerated people from opportunity long after their sentence has been completed,
- Ensure access to medical and mental health care and treatment for all, and
- Ensure access to decent, safe, and affordable housing for all.

Our communities across New York can be safe without relying on the confinement and disposal of human beings. Our people can lead healthy and productive lives. New York should be a leader, and we can constructively improve the lives of all people across New York State, rather than rely on massive human rights violations endemic in the carceral system.

## Prevention and Alternatives-to-Incarceration Legislation

Messiah Ramkissoon, the mentor and friend to the late Messiah Nantwi, testified of his firsthand experience as a mentor to justice-involved youth.<sup>191</sup> He urged the lawmakers before him to pass the [Youth Justice Innovation Fund](#) (S.643 Cleare/A.767 Solages), a bill to make funds available to community-based organizations for services and programs with the purpose of preventing youth arrest and incarceration and promoting positive youth development. When these critical investments are made, communities are strengthened and empowered, leading to less involvement in the criminal legal system, and deep, transformative healing, and repair.

When people face the criminal legal system, it should be the default to explore alternatives to incarceration through treatment or problem-solving courts, which already exist within the Unified Court System. People who are provided with evidence-based services and treatment and are connected with support systems are far less likely to engage in future harmful behavior. Current access to mental health treatment courts and their correlating data is limited in New York. The Brooklyn Mental Health court, however, reports a 46% reduction in arrest rates and 86% graduation rate for active participants.<sup>192</sup> [The Treatment Court Expansion Act](#) (S.4547 Ramos/A.4869 Forrest) would require that each county has a treatment court to ensure that all individuals have access to alternatives to incarceration. The Youth Justice Innovation Fund and the Treatment Court Expansion Act are critical investments that New York must make to ensure our communities safer and prevent New Yorkers from entering the harmful and violent revolving door of the carceral system.

## Prison Omnibus Bill (S.8415 Salazar/S.8871 Dilan)

After the hearing, advocates, legislators, and impacted people pushed for the passage of legislation that would achieve comprehensive reform. Toward the end of the 2025 legislative session, as a direct result of the hearing, and in response to the murders of Mr. Brooks and Mr. Nantwi, some of the existing bills that prioritized oversight were bundled into an omnibus bill that was passed by both houses. While the bill does not take a holistic approach to addressing the crisis in DOCCS, its passage is a first step toward that goal. On December 19, 2025, 10 days after the one-year anniversary of Robert Brooks' murder, Governor Hochul signed the bill into law, based on agreements reached with the legislature for certain amendments, which will be passed in early 2026. This was a positive step both in demonstrating that New York will not

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<sup>191</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025)* ([Written testimony of Messiah Ramkissoon, Youth Justice Network](#)).

<sup>192</sup> NAMI-NYC (2023). *Mental Health and Drug Treatment Courts in New York State: Assessment and the Case for Expansion.* <https://naminycmetro.org/wp-content/uploads/2023/06/NAMI-NYC-Treatment-Not-Jail-Report-June-2023.pdf>

tolerate state-sanctioned abuse and in recognizing the need for much greater accountability and transparency. Below are the 10 components of the bill that was signed into law:

1. **Timely Disclosure of Video** (S.3653 Bailey/A.4028 Cruz): Requires DOCCS and local correctional facilities to disclose any video footage related to the death of an incarcerated individual to the Office of the Attorney General within 72 hours of the death with no redactions.
  - It is critical that when an incarcerated individual dies in custody, the Attorney General has full and timely access to the footage to investigate promptly. In their testimony, Commissioner Martuscello<sup>193</sup> and the union representatives from CSEA<sup>194</sup>, AFSCME<sup>195</sup>, and PEF<sup>196</sup> agreed with expansion of body-worn cameras, as stated in earlier sections of this report. This investment must be put to good use by ensuring footage is accessible to those with authority to investigate.
2. **Camera Dead-Zone Bill** (S.7312 Salazar/A.7014 Tapia): Requires DOCCS to install, operate, and maintain 24/7 fixed cameras that capture all areas of the facility except for the interior of cells, showers, and toilet areas. With the amendments agreed to by the Governor and the legislature, this provision will also include cameras in the interior of all vehicles in which incarcerated individuals are brought from one place to another.
  - Robert Brooks was murdered in the infirmary at Marcy Correctional Facility. The video footage was recovered from body cameras, but the infirmary is considered a “blind spot” or “dead zone,” where people are often taken to be assaulted for lack of stationary camera coverage.<sup>197</sup> This bill would require facilities to identify and install stationary cameras in those spots.
3. **Notification of Death** (S.5680 Salazar/A.1010A Epstein): Requires DOCCS to provide notification of a death and the circumstances surrounding it to the next of kin as the information becomes available, and that this information become public within 48 hours after the next of kin has been notified.<sup>198</sup>
4. **Death Study** (S.3853 Sanders/A.5982 Dilan): Directs the State Commission of Correction (SCOC) to perform a study on deaths in correctional facilities.

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<sup>193</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Commissioner Daniel Martuscello, DOCCS](#)).

<sup>194</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of CSEA](#)).

<sup>195</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Oral testimony of Kelley Gilmore, AFSCME, Council 82](#)).

<sup>196</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Wayne Spence, PEF](#)).

<sup>197</sup> Santo, A. & Neff, J. (2025). *In Some New York Prisons, Infirmaries Are Dens of Hidden Violence*. The Marshall Project. <https://www.themarshallproject.org/2025/04/30/new-york-prisons-abuse-infirmaries>

<sup>198</sup> The original bill required notification within 24 hours

5. **The “Terry Cooper Autopsy Accountability Act”** (S.2510 Salazar/A.5424A Gallagher): Requires that all autopsy reports of deaths in custody include all photographs taken of the body and post-mortem x-rays. With the amendments agreed to by the Governor and the legislature, this provision will not include microscopic slides as part of the autopsy reports, but will include all of the other items, including photographs.
- On May 19, 2016, Terry Cooper, who had just turned 25 years old, was brutally assaulted by correction officers with batons at Clinton Correctional Facility. He died as result of this beating. During the beating, Mr. Cooper said that he could not breathe and needed his asthma pump. He was taken to the infirmary, where staff could not revive him. His official cause of death was determined to be “*cardio-respiratory arrest consistent with acute exacerbation of chronic asthma.*” The autopsy report provided to the State Commission of Corrections Correction Medical Review Board (MRB) did not include photographs of Mr. Cooper’s body after he passed away that clearly demonstrated that he had been beaten by batons. This omission made it impossible for the MRB to properly fulfill its oversight mission to evaluate the cause of death of anyone who dies in custody and to make recommendations to prevent the recurrence of such deaths. The photographs were discovered during the course of the lawsuit commenced by Mr. Cooper’s family. When this case went to trial seven and a half years later (November 2023), the jury in the U.S. District Court in Albany found two correction officers had engaged in unconstitutional excessive force, and those two plus a third correction officer had unconstitutionally failed to intervene. The jury awarded a total of \$9.25 million to Mr. Cooper’s family because of these constitutional violations that resulted in his death. Had the photos of Mr. Cooper been provided earlier to indicate his cause of death, the family could have avoided the trauma of this lawsuit, and the State would have saved millions of dollars.<sup>199</sup>
6. **OSI Data Collection** (S.8249 Cleare/A.8537 Dilan): Requires DOCCS to collect data from the Office of Special Investigations (OSI).
7. **SCOC Expansion** (S.856 Salazar/A.2315 Gallagher): Expands the membership and authority of the State Commission of Correction (SCOC).
- The SCOC was created pursuant to the 1894 New York State Constitution and originally featured nine commissioners. That number has dwindled over the years to three commissioners due to budget cuts and the lack of priority to achieving prison oversight. The Commission has always intended to provide independent oversight and regulatory power over any correctional facility in New York State, from police lockups to jails and State prisons. The Commission also reviews all deaths in custody and grievances. The original bill proposed by Assemblymember

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<sup>199</sup> Gavin, R. (2023, November 17). *Jury awards \$9.25M in suit over prisoner’s death in Dannemora*. Times Union. <https://www.timesunion.com/news/article/jury-awards-9-25m-prisoner-terry-cooper-s-death-18493022.php>

Gallagher and I required an additional 6 full-time commissioners for a total of 9 SCOC commissioners. The amendments agreed to by the Governor and the legislature, 2 part-time commissioners were added, for a total of 5 commissioners. One of them will be required to be formerly incarcerated. We will continue to fight for the full restoration to 9 commissioners to ensure the SCOC is fulfilling its duty of effective oversight.

8. **CANY Authority Expansion** (S.651A Salazar/A.3781A Weprin): Expands the authority and access to data given to the Correctional Association of New York (CANY).

- CANY serves a unique and vital role in shedding light on conditions within New York's prisons and advocating for reforms. Founded in 1844, CANY was granted authority two years later by the New York State Legislature to monitor prisons and report on findings. They are the only independent organization in New York with such access to prisons. Unfortunately, some of their authority to conduct oversight was limited by the Governor in 2021, which is what this legislation is seeking to correct by expanding the ability of CANY to monitor State prisons and make transparent for the public, the legislature, and the Governor what is actually happening behind prison walls. With the amendments agreed to by the Governor and the legislature (and based on consultation with the Correctional Association), certain details of the data disclosure process were limited, though the core of the original bill was maintained.

9. **Fair Access to Justice Act** (S.844A Salazar/A.694A Cruz): Tolls the statute of limitations (expands the amount of time someone has to file a lawsuit) for civil claims arising while a person is incarcerated.

- Over the years, victims of abuse who were in custody at the time an incident happened have been unable to receive civil compensation because, for one reason or another, they could not speak with counsel or file their claim in time. Additionally, individuals in custody may not always remember where or when an incident occurred, due to the passage of time as well as other forces at play. This bill would create a tolling provision to allow individuals in custody the ability to bring their claims when they are out of custody and consult an attorney. It also eases the burden on individuals so that details of the incident are to the best of their knowledge. The original bill, as proposed by Assemblymember Cruz and I, would have tolled the statute of limitations up until three years after a person is released from custody. In the amendments agreed on by the Governor and legislature, the bill maintains the normal statute of limitations for currently incarcerated individuals and then allows for a two-year post-release window.

10. **Attorney General Investigative Authority:** This component, which was not a prior bill, intends to alleviate the conflicts of interest for the Office of the Attorney General by creating a separate screening system relating to the civil defense of a police or peace officer, and establishes that when the OAG is disqualified from prosecuting a case due to

conflict, a special DA can be appointed from any county with the approval/order of a superior court judge.<sup>200 201</sup>

While the enactment of this omnibus bill was an important step toward achieving accountability, it must not be the only one. We must keep our foot on the gas and pass additional legislation as outlined in the next section.

## **Incarceration Legislation**

When people *are* sentenced to incarceration, it is the responsibility of the State to ensure that they return to their communities having experienced introspective, evidence-based therapeutic programming, a plethora of educational opportunities, opportunities for vocational training and employment, and opportunities to take accountability for the harm that they caused. Unfortunately, as detailed at length during the hearing, this is not the case for the majority of people that are incarcerated in State correctional facilities. As a result, incarcerated individuals are leaving prison traumatized and abused. That is why New York must take a series of steps to improve the conditions of confinement, hold DOCCS accountable when they engage in misconduct, and release people who pose no risk to public safety. The following bills were recommended by witnesses at the public hearing as legislative responses to this crisis.

## **Expanding Pathways to Release**

The five bills mentioned in the hearing, more than any others, as a solution to the crisis in DOCCS were: The Earned Time Act (S.342 Cooney/A.1085 Kelles), The Second Look Act (S.158 Salazar/A.1283 Walker), The Marvin Mayfield Act (S.1209 Myrie/A.1297 Meeks), Fair and Timely Parole (S.159 Salazar/A.127 Weprin) and Elder Parole (S.454 Hoyleman-Sigal/S.514 Davila). As a country, and certainly as a State, we should not capitulate to the “tough on crime” rhetoric that falsely portends that locking people up for decades or life is in any way moral, financially responsible, or contributes to public safety. These five bills would give incarcerated individuals hope, increasing their engagement in positive behaviors and true rehabilitation, thus providing them the opportunity to return and positively contribute to their communities and families. This public hearing made it abundantly clear that New York’s correctional system is not rehabilitating people who are in confinement. Rather, it is a system of perpetual degradation that exposes incarcerated New Yorkers to unimaginable violence and unlivable conditions. The majority of individuals incarcerated in New York’s prisons and jails are going to return to our

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<sup>200</sup> Some of the officers that were involved in the murders of Robert Brooks and Messiah Nantwi had been involved in previous cases of abuse where the Attorney General represented them as State employees. This prior involvement required her to recuse herself from the investigations, and appoint a special counsel, which, in both cases was Onondaga County District Attorney William Fitzpatrick.

<sup>201</sup> Shanahan, E. & Ransom, J. (2025). *N.Y. Attorney General Recuses Herself in Case of Fatal Prison Beating*. The New York Times. <https://www.nytimes.com/2025/01/02/nyregion/robert-brooks-prison-death-letitia-james.html>

communities. It is up to the legislature and Governor to decide whether we want incarcerated New Yorkers to return to our communities traumatized by the culture of violence –physical, sexual and psychological-- and racism that DOCCS has allowed or as members of communities who, as a result of access to meaningful programs and structure, can contribute in positive ways. These five bills are common sense and necessary, and this hearing made clear that we must pass them now.

**The Earned Time Act** (S.342 Cooney/A.1085 Kelles)

*“There are currently few programs that incentivize change. We need more options and a greater path to rehabilitation... My 33 years-to-life sentence could be reduced enough for me to be released within the next five to eight years. If released, the time reduction wouldn't minimize the seriousness of my crimes because leaving prison doesn't mean I'm free. My wrongdoing will always be with me—it goes everywhere I go.”* - Incarcerated individual at Green Haven Correctional Facility <sup>202</sup>

*“Losing an early release date is a far greater deterrence to violence than solitary confinement—especially when the general population already feels like we are in solitary due to the chronic staffing shortage.”* - Incarcerated individual at Sing Sing Correctional Facility <sup>203</sup>

The Earned Time Act, which was the bill mentioned most frequently in testimony for the hearing, will provide incarcerated individuals with increased good time and merit time allowance credit to incentivize good behavior and enrollment in educational, vocational, treatment-related, and other beneficial programming. There is currently not enough opportunity for individuals to participate in the meaningful programs that a “correctional” system should offer, and when people *do* participate in programming, there are no robust incentives or rewards. When more people participate in incentive-based programming, especially those who may not have been originally interested in programming, they are less likely to reoffend. This legislation is a matter of public safety as much as it is about therapeutic benefits. During his testimony, Commissioner Martuscello affirmed his support for policies that incentivize “*good behavior and rehabilitation*,” which precisely reflects the impact that the Earned Time Act would have. <sup>204</sup> He also cited merit time as a significant contributing factor to low recidivism rates. <sup>205</sup>

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<sup>202</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Center for Community Alternatives](#)).

<sup>203</sup> *Ibid.*

<sup>204</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Oral Testimony by Commissioner Daniel Martuscello, DOCCS](#)).

<sup>205</sup> *Ibid.*

### **The Second Look Act (S.158 Salazar/A.1283 Walker)**

*“Here I am—a single mother who had never been to jail—sentenced to 24 years on a first-time offense. My sentence impacted my family tremendously. To have a second look would allow me to go back home and rebuild what was broken and torn down. I have been a model inmate for the last nine years. If the Second Look Act were passed, it would give women like me hope. It would give us motivation to do better. **It would allow the courts to consider who we are now, not just who we were at our worst moment.**”* - Incarcerated individual at Bedford Hills Correctional Facility <sup>206</sup>

The Second Look Act provides incarcerated individuals sentenced to prison sentences of a decade or longer the chance to obtain a “second look” at their sentences. These individuals will be able to provide post-sentencing information to a judge and apply for a sentence reduction. This bill seeks to redress the harm caused by New York's history of imposing overly harsh sentences, including those required by mandatory minimums, by allowing judges to utilize their independent discretion to reduce an individual's sentence. Support for this bill recognizes that many currently incarcerated individuals were sentenced pursuant to mandatory minimum sentencing provisions, including two-and three-strike laws, which prohibit judges from utilizing any discretion. It also recognizes that there are countless incarcerated individuals who received excessively long sentences and during their time in prison achieved true rehabilitation but have no mechanism to have their sentence reconsidered. This bill has broad support, including from New York State's Chief Judge Rowan Wilson. <sup>207</sup>

### **The Marvin Mayfield Act (S.1209 Myrie/A.1297 Meeks)**

Across New York, 98% of convictions are the result of plea deals. <sup>208</sup> Mandatory minimums are a significant part of what created this system of pleas, whereby New Yorkers forfeit their constitutional right to trial, and most people are convicted without a chance to mount a meaningful defense. By requiring a judge to hand down a minimum prison sentence based on the charges levied by a prosecutor, mandatory sentences transfer sentencing power from judges to prosecutors and give prosecutors unfair and overwhelming leverage in plea negotiations.

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<sup>206</sup> Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Center for Community Alternatives](#)).

<sup>207</sup> Meko, H. (2025). *Top Judge Favors a Second Chance for Those Languishing in Prison*. The New York Times. <https://www.nytimes.com/2025/02/10/nyregion/second-look-prison-ny-judge-wilson.html>

<sup>208</sup> National Association of Criminal Defense Lawyers & New York State Association of Criminal Defense Lawyers. (2021). *The New York State Trial Penalty: The Constitutional Right to Trial Under Attack*.

[https://www.nacdl.org/getattachment/1d691419-3dda-4058-bea0-bf7c88d654ee/new\\_york\\_state\\_trial\\_penalty\\_report\\_final\\_03262021.pdf](https://www.nacdl.org/getattachment/1d691419-3dda-4058-bea0-bf7c88d654ee/new_york_state_trial_penalty_report_final_03262021.pdf)

Prosecutors frequently threaten to bring charges carrying long mandatory minimum sentences to scare the accused person into pleading guilty in exchange for a reduced sentence. The Marvin Mayfield Act would eliminate mandatory minimum sentences – including New York's two- and three-strike laws – allowing judges to consider the individual factors in a case. In doing so, this bill will finally undo the harm of the Rockefeller Drug Law era.

#### **Fair and Timely Parole (S.159 Salazar/A.127 Weprin)**

The Fair and Timely Parole bill would require the Parole Board to release parole-eligible individuals unless the parole case record demonstrates there is a current and unreasonable risk and such risk cannot be mitigated by parole supervision, or individuals will violate the law if released. The bill offers proper recognition for rehabilitative work of incarcerated individuals, enhances community safety, reduces racial disparities in release rates, and proposes a significant positive fiscal impact on New York State. When deciding whether to release an incarcerated person to community supervision, the Board of Parole is currently required to consider the person's likelihood of committing future crimes upon release and determine whether the person's release would "*deprecate the seriousness of the crime.*"<sup>209</sup> In practice, these provisions result in the Board rarely releasing individuals on their first appearance for violent crimes, even if the crime took place many years or decades prior to the Board appearance, and even when the person has engaged in meaningful processes of rehabilitation, including but not limited to higher education, vocational learning, and counseling.

#### **Elder Parole (S.454 Hoyleman-Sigal/S.514 Davila)**

The Elder Parole Bill provides a person aged 55 or older who has served at least 15 years of their sentence with an interview with the Board of Parole. The Board would determine whether the individual should be released to community supervision within 60 days of their 55th birthday or the last day of the 15th year of their sentence, whichever is later. This bill recognizes that the perpetual confinement of aging and elderly people is immoral as studies show that rearrest rates for older adults released from prison are very small, particularly for those originally convicted of serious crimes. However, even as New York's prison population declined in the last two decades, the number of elders behind bars has grown substantially.<sup>210</sup>

## **Conditions of Confinement**

This hearing focused on the violence and racism that permeates within the culture of DOCCS. As detailed earlier in the report, basic necessities for incarcerated individuals are not

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<sup>209</sup> NY Executive Law, Section 259-I, [Procedures for the conduct of the work of the state board of parole](#)

<sup>210</sup> The Office of the State Comptroller. (2022). *New York State's Aging Prison Population: Share of Older Adults Keeps Rising.* <https://www.osc.ny.gov/files/reports/pdf/aging-prison-population-2022.pdf>

provided, and the level of medical and mental health care is insufficient or unsatisfactory, and the quality of life is inhumane. Rights Behind Bars (S.3763 Salazar/A.1261A Forrest), Compassion and Reproductive Equity (CARE) Act (S.4583A Salazar/A.4879A Kelles) and Protect In-Person Visits (S.5037 Sepulveda/A.4603 Weprin) all seek to address this issue and were supported in testimony.

#### ***Rights Behind Bars (S.3763 Salazar/A.1261A Forrest)***

The Rights Behind Bars bill aims to accomplish two goals: (1) to clearly place the rights of incarcerated people and their families in New York within the framework and protections of international human rights law and norms; and (2) to correct, clarify, and establish certain specific protections relating to how incarcerated individuals and their families are treated while in State correctional facilities and jails. There are many components to this bill, including, but not limited to:

- The clarification of certain provisions of the HALT Solitary Confinement Law;<sup>211</sup>
- Clarification of who falls under the category of “special populations,” which, under current law, includes those under the age of 21 and over the age of 55 and those with a mental health diagnosis or disability;<sup>212</sup>
- Specification of what items should be provided to incarcerated individuals;<sup>213</sup>
- Establishing that any use of force by staff against an incarcerated person shall not occur except as a last resort after exhausting de-escalation techniques and where no alternatives exist to prevent imminent physical harm to another person, major property damage that raises an imminent safety or security risk, or escape;<sup>214</sup>
- Outlining visitation rights;
- Rescinding DOCCS’ recent package ban and reinstating incarcerated individuals’ right to receive packages from loved ones and establishing that correspondence from loved ones can be received in their original forms;
- Establishing that individuals in the Residential Rehabilitation Units (RRU) have access to the same programs that are available in the General Population;
- Prohibiting the use of restraints when participating in out-of-cell time;
- Specifying what constitutes out of cell time;

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<sup>211</sup> The bill clarifies that no individual shall be held in their cells for more than 17 hours a day unless such confinement is medically necessary, and when that is the case, certain items and activities must be made available to those individuals.

<sup>212</sup> The bill also extends special populations to include pregnant and post-partum individuals.

<sup>213</sup> This shall include weather appropriate clothing, sufficient quality of a variety of fresh food to meet Department of Health guidelines, adequate mealtimes, and applicable wheelchair assistance.

<sup>214</sup> Even when authorized, staff shall only use the minimum amount of force required. This section also specifically bans the use of steel batons, prohibits retaliation, forbids staff from providing any false information in any official report, and makes all staff mandatory reporters of any observed misconduct by other staff.

- Establishing guidelines for disciplinary hearings and sanctions, and access to representation for incarcerated individuals.

The specific language in this bill is necessary because of the failure of DOCCS to comply with the HALT Solitary Confinement Law, as detailed earlier in this report, and the technicalities that have been used to avoid its full implementation. For example, the bill clarifies what exactly constitutes a cell and the definition of “out-of-cell” time because this apparent current lack of clarity has led DOCCS to create makeshift cells where individuals go for recreation that are caged areas attached to their cells, and new units that are essentially “*solitary confinement by another name.*” This was brought to lawmakers’ attention:

*“Instead of ending prolonged isolation and banning its use for vulnerable groups—including those with mental illness, the elderly, and minors—DOCCS has rebranded solitary as ‘keep lock,’ ‘therapeutic separation,’ or ‘behavioral units,’ allowing the same harmful conditions to continue.”* - Anthony Dixon, The Parole Preparation Project <sup>215</sup>

*“One of the core ways DOCCS is flagrantly violating the law is by failing to provide people with the required out-of-cell time and programming required under the law. Instead, as a result DOCCS has continued to inflict solitary confinement by another name.”* - Jerome Wright, HALT Solitary Campaign <sup>216</sup>

#### **The CARE Act (S.4583A Salazar/A.4879A Kelles)**

*“Under current law, localities are not required to have a nursery for mothers and infants and as a result, infants are often removed from their mothers’ care the day they are born”* - Serena Martin, New Hour for Women and Children <sup>217</sup>

An oft-forgotten population in the prison system is women and pregnant/post-partum individuals. There are three women’s prisons in New York State, compared to the 39 facilities for men. Incarcerated women and pregnant/post-partum individuals deserve to be treated with dignity. The Compassion and Reproductive Equity (CARE) Act establishes a comprehensive human rights-based policy relating to incarcerated pregnant or postpartum individuals and their children in New York State and local correctional facilities. This bill requires individuals to be

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<sup>215</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Anthony Dixon, Parole Preparation Project](#)).

<sup>216</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony of Jerome Wright, #HALTSolitary Campaign](#)).

<sup>217</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities:* NYS Senate and Assembly Committees on Corrections, (2025) ([Written Testimony of Serena Martin, New Hour](#)).

provided with comprehensive prenatal and reproductive care and adequate hydration and nutrition as recommended by the American College of Obstetricians and Gynecologists. It establishes that after birth the child will have the right to remain in the facility with their parent until they are 18 months old or 24 months old if the parent is to be paroled by the time the child is 24 months. The bill also establishes the rules and guidelines for how the nursery ought to run and what the rights are of the parent residing in the nursery.

#### **Protect In-Person Visits (S.5037 Sepulveda/A.4603 Weprin)**

*“Since the end of the unauthorized strike by correctional officers and sergeants, weekend visiting has resumed across the system but weekday visiting in maximum security facilities has not. Limiting visits to weekends has created barriers for families, especially those traveling long distances or with mobility challenges. Indeed, CANY has heard from family members who have been unable to see their loved ones since the strike. Suspending weekday visits also presents operational challenges by exacerbating crowding and waiting times for screening on the weekends. We encourage DOCCS to reinstate 7-day-a-week visiting at New York’s maximum-security prisons.” - Jennifer Scaife, Correctional Association of New York <sup>218</sup>*

As attacks on family visitation have been heightened since the unlawful job action, protections are needed to ensure people can visit their incarcerated loved ones. This bill ensures that video visitation may not take the place of in-person visits. The goal of visitation is to create and maintain family bonds, provide institutional and public safety, and aid rehabilitation. Research indicates that incarcerated individuals who receive visits are less likely to reoffend. <sup>219</sup> This bill also calls for a policy to facilitate visits during peak times, and it requires that facilities offer visits during evenings and weekends.

## **Accountability and Oversight**

This hearing demonstrated that there is an extraordinary lack of accountability of DOCCS employees and little oversight of DOCCS. Outside organizations empowered to monitor the prisons are underfunded and given very little authority. These include the State Commission of Correction (SCOC) and the Correctional Association of New York (CANY), both of which the aforementioned omnibus bill seeks to strengthen. The internal mechanisms for oversight and

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<sup>218</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Jennifer Scaife, CANY](#)).

<sup>219</sup> Wang, L. (2021). *Research roundup: The positive impacts of family contact for incarcerated people and their families*. Prison Policy Initiative. [https://www.prisonpolicy.org/blog/2021/12/21/family\\_contact/](https://www.prisonpolicy.org/blog/2021/12/21/family_contact/)

accountability, as detailed in the hearing, are ineffective and often not safe for incarcerated individuals to utilize due to the likelihood of retaliation.

#### **DOCCS Discipline Bill (S.1671 Salazar/A.5355 Tapia)**

This bill places final decision-making authority regarding discipline of DOCCS staff for acts of serious misconduct in the hands of the DOCCS Commissioner. Currently, this authority rests with outside arbitrators per the agreement made by the union that represents correction officers (NYSCOPBA). Under the existing procedure, DOCCS has rarely been able to terminate a correction officer alleged to have used excessive and unjustified physical force against an incarcerated person. As discussed in the hearing by Antony Gemmell of the Legal Aid Society's Prisoners' Rights Project, "*Accountability mechanisms must have teeth. DOCCS's disciplinary structure, constrained by a permissive union-negotiated arbitration process, too often results in no consequences — even for serious abuse.*"<sup>220</sup> Commissioner Martuscello also acknowledged that there is a need for him to have more authority to be able to discipline effectively. While not being able to officially comment on pending legislation, he says, "*any further authority that I have...would certainly be welcome.*"<sup>221</sup>

#### **Office of the Correctional Ombudsperson (S.1707 Salazar/A.6322 Walker)**

This bill creates the Office of the Correctional Ombudsperson, a State office that would have separate and complete oversight authority over State and local jails, with the ability to refine existing policies and provide essential support. Distinct from the legislature, the Governor, or the courts, the Correctional Ombudsperson would have access to conduct in-depth examinations of the operations and conditions of correctional facilities, including staff recruitment, training, supervision, and discipline, as well as conduct thorough and unbiased investigations where deaths and serious injuries occur.

This model is not unique. States diverse such as Washington, Oregon, Arizona, Hawaii, Minnesota, Iowa, Michigan, Indiana, Ohio, Connecticut, New Jersey, and Virginia have correctional ombuds offices.<sup>222</sup> The Correctional Association of New York (CANY) and the State Commission of Correction (SCOC) are valuable to current oversight efforts and the ability to gain insight on the current State of the prison system, but as detailed in this hearing, more official oversight is needed.

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<sup>220</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Antony Gemmell, Legal Aid Society's Prisoner's Rights Project](#)).

<sup>221</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Oral testimony by Commissioner Daniel Martuscello, DOCCS](#))

<sup>222</sup> [Prison Oversight in the US Map](#). National Resource Center for Correctional Oversight

### **Sexual Assault Reporting** (S.429 Salazar/A.7081 Gibbs)

Sexual assault by staff is rampant in DOCCS facilities and usually done with impunity. The federal Prison Rape Elimination Act (PREA) was passed in 2003 to attempt to create a mechanism for reporting such abuse, but, as reports indicate and testimony in this hearing exposes, PREA is not an effective tool that incarcerated individuals can use to report sexual abuse:

*“Victims' fear of retaliation oftentimes prevents them from filing a formal complaint pursuant to PREA as they know the consequences are usually worse.”* - Soffiyah Elijah, Alliance of Families for Justice <sup>223</sup>

This bill authorizes and requires the NYS Office of the Inspector General to receive and investigate complaints of sexual assault of incarcerated individuals in DOCCS facilities and specifies the protocol and procedures to access the reporting. Additionally, the bill requires that all complaints remain anonymous and in order to protect individuals who report from retaliation.

### **Healthcare Anti-Torture Bill** (S.7865 Salazar/A.8286 Kelles)

The purpose of this bill is to bar health professionals from participating in the torture of incarcerated persons or being complicit in such conduct, and to create a means by which health professionals can refuse an order to directly or indirectly participate in torture. It also creates accountability and transparency regarding instances of torture and insists health professionals provide professionally responsible care.

Medical units, meant to be spaces of care, are frequently described by incarcerated individuals as “torture chambers” or “slaughterhouses” due to the routine nature of the abuse that occurs within them. <sup>224</sup> Yet medical staff often fail to intervene or are removed from the room entirely during these assaults, as evidenced by the medical professionals who did nothing while Robert Brooks was being murdered. Health professionals have an ethical obligation not only to provide care but to prevent harm. Silence in the face of violence, or the mere continuation of treatment without acknowledgment of abuse, violates these obligations.

### **End Qualified Immunity** (S.176 Jackson/A.1402 Hunter)

*“The power structure of our prison system, along with the culture of brutality and the blue wall of silence, render such oversight feckless and even dangerous. One important step is to pass the Ending Qualified*

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<sup>223</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities*: NYS Senate and Assembly Committees on Corrections, (2025) ([Written testimony by Soffiyah Elijah, Alliance of Families for Justice](#)).

<sup>224</sup> Santo & Neff. (2025). *In Some New York Prisons, Infirmarys Are Dens of Hidden Violence*. The Marshall Project. <https://www.themarshallproject.org/2025/04/30/new-york-prisons-abuse-infirmarys>

*Immunity (S176/A1402) bill.” - Stanley Bellamy, Release Aging People in Prison Campaign* <sup>225</sup>

This bill would end qualified immunity for law enforcement officers in New York State. For more than five decades, public officials have had extraordinary leeway in how they perform their jobs. As we see across America, qualified immunity has far too often given the public officials license to violate a person's civil rights without any form of accountability, even during the most routine encounters. Qualified immunity was granted to law enforcement by the U.S. Supreme Court and then further entrenched. <sup>226</sup> New York State has been a leader in legal reform before, and we must build on that legacy now. It is time to untangle the web of misconduct that has been shielded by the extraordinary protection granted by qualified immunity.

## **Additional Supported Bills**

The bills listed below were all recommended in testimony at the hearing, and are all critical to the comprehensive approach the State must take address the crisis that the State's correction system is in:

- **Access to Jails** (S.1892B Jackson/A.2119A Weprin)
  - o In 2019, New York enacted a law that allowed legislative staff to accompany their members into State correctional facilities. Senators and Assemblymembers are very often accompanied by their staff during the course of their duties. Unfortunately, the 2019 law excluded local correctional facilities and, consequently, local officials have denied accompanying staff of elected officials from visiting such facilities.
  - o This bill closes that glaring loophole by authorizing elected members of the local legislative body and their accompanying staff to visit local correctional facilities.
- **Anti-Shackling** (S.2667 Salazar/A.1670 Rosenthal)
  - o In 2009, the New York State Legislature passed a law that prohibited the shackling of pregnant people during labor, delivery, and recovery. However, a

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<sup>225</sup> *Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities: NYS Senate and Assembly Committees on Corrections*, (2025) ([Written testimony by Stanley Bellamy, RAPP Campaign](#)).

<sup>226</sup> The Supreme Court first established the doctrine of "qualified immunity" in 1982 in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), which held government officials, including law enforcement or correction officers, are protected (immune) from lawsuits seeking money damages for violations of constitutional rights unless the right was "clearly established". This doctrine has been utilized in thousands of cases since then to block individuals from obtaining compensation if their constitutional rights were violated, as the courts have interpreted this immunity concept so broadly as to make it often impossible to meet the required standard. This doctrine has been widely critiqued by legal scholars (see, e.g., Schwartz, The Case Against Qualified Immunity, 93 Notre Dame Law Review 1798 [2018] [The-Case-Against-Qualified-Immunity.pdf](#)), activists (see, e.g., [Demand Congress End Qualified Immunity - Black Lives Matter](#)), and even legendary ice-cream makers (see, e.g., [Qualified Immunity Is a “Get Out of Jail Free” Card for Cops: Here’s Why It Has to End | Ben & Jerry’s](#)).

major loophole still exists that allows for the shackling of pregnant people when an officer, in consultation with the Chief Medical Officer, believes restraints are necessary to prevent injury to the individual or correctional staff. This language is dangerously broad and has allowed pregnant people to be shackled for any movement or action, even innocuous ones, that an officer deems “threatening.” In addition, pregnant people continue to be shackled when they are in police custody, but not formally incarcerated. This bill prohibits that practice as well.

- o As recognized by the American College of Obstetricians and Gynecologists and the American Medical Association, no pregnant person should be shackled during labor, delivery or recovery, and this legislation will close this loophole.
- **Breast Pump Access** (S.2666A Salazar/A.1607A Rosenthal)
  - o This legislation implements a series of changes to help birth parents breastfeed their children while incarcerated, including requiring all State and local correctional facilities to provide equipment and a private and comfortable space to pump and allowing incarcerated people to express milk to later be provided to their child living outside of the correctional facility.
- **Challenging Wrongful Convictions** (S.6319 Myrie/A.7422A Walker)
  - o New York State is third in the nation for the highest number of wrongful convictions.<sup>227</sup> New York also plea bargains 98% of felony cases.<sup>228</sup> Yet individuals who plead guilty in exchange for a lesser sentence are the least likely to be exonerated due to enormous structural barriers. These people are often under tremendous pressure to plead guilty when bail is unaffordable, or the pre-trial process is prolonged for a substantial period. Post-conviction review processes are necessary in both cases that went to trial and those that ended in a plea deal.
  - o This bill amends section 440 of the Criminal Procedure Law governing post-judgment motions by removing procedural barriers and further ensuring meaningful review is performed. In short, if there is evidence of a person's innocence, courts will now have a legal mechanism to review the case and vacate the conviction where appropriate.
- **Clemency Justice Act** (S.394 Myrie/A.403 Solages)
  - o This bill establishes application processing and review requirements for reprieves, commutations, and pardons by the Governor. It requires the Governor to provide a

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<sup>227</sup> Kilgannon, C. (2022, November 17). *They Were Unjustly Imprisoned. Now, They're Profit Centers.* <https://www.nytimes.com/2022/11/27/nyregion/high-interest-loans-exonerated-prisoners.html>

<sup>228</sup> National Association of Criminal Defense Lawyers & New York State Association of Criminal Defense Lawyers. (2021). *The New York State Trial Penalty: The Constitutional Right to Trial Under Attack.* [https://www.nacdl.org/getattachment/1d691419-3dda-4058-bea0-bf7c88d654ee/new\\_york\\_state\\_trial\\_penalty\\_report\\_final\\_03262021.pdf](https://www.nacdl.org/getattachment/1d691419-3dda-4058-bea0-bf7c88d654ee/new_york_state_trial_penalty_report_final_03262021.pdf)

written notification that the application has been received, a receipt number that the applicant can then use to check on their application status, guidelines for supplementing the application with additional or updated information, and a notification when a decision is made on the application. The bill also requires quarterly reports to the legislature regarding reprieves, commutations, and pardons.

- **Correctional Health Services** (S.360 Rivera/A.2149 Gonzalez-Rojas)
  - This bill expands the Department of Health's (DOH) review and oversight of health policies and practices in DOCCS and local correctional facilities by adding additional categories of health services such as women's health, transgender health, chronic health conditions, and more to DOH's existing power to review DOCCS and local jail HIV/AIDS, Hepatitis C, and COVID-19 policies.
- **Disciplinary Hearing Standards** (S.6727 Salazar/A.6651 Dilan)
  - Under current law, prison disciplinary charges are upheld at a prison discipline hearing. Under the current standard, a person can be found guilty if there is any evidence that reasonably supports guilt, even if the weight of the evidence supports a conclusion that the person is not guilty.
  - This legislation would change the requirement to preponderance of the evidence, meaning that prison disciplinary charges could only be upheld if it is more likely than not that the person committed the alleged violation.
- **Dyslexia Screening** (S.395 Myrie/A.1325 Simon)
  - This bill requires that incarcerated individuals without a high school diploma or equivalent will receive a reading proficiency level assessment and dyslexia screening during the intake process. Those below the proficiency level will be provided with science-based dyslexia intervention.
  - Given that illiteracy is a risk factor for criminogenic behavior, and that dyslexia is one of the most common causes of reading illiteracy, screening our State's incarcerated population and conducting risk-and-needs assessment for every incarcerated individual will identify this learning disability. Initiating interventions that are evidence-based, effective, and consistent with science-based research specifically tailored to address dyslexia will help prepare these individuals while incarcerated for a more productive life upon release.
- **Medication Dispensing Bill** (S.1856A Rivera/A.3565B Santabarbara)
  - This bill seeks to prohibit county correction officers from dispensing medication to incarcerated individuals, emphasizing the need for their care to be overseen by medical experts. This change is essential to guarantee the safety and well-being of those in custody, aligning with the principle that incarcerated individuals should receive healthcare from qualified professionals.

- **Office of the Chief Medical Examiner** (S.8106 Salazar / A.6599B Dilan) (Similar, not identical bills)
  - This bill establishes the Office of Chief Medical Examiner within the State Commission of Correction, which will conduct autopsies and forensic investigations, take testimony under oath as necessary, and publish public annual reports regarding deaths in correctional facilities and public preliminary death reports for all incarcerated individuals.
- **Reentry from the Inside Out** (S.5061 Cleare/A.3934 Hevesi)
  - Reentry planning and access to comprehensive support are essential for ensuring successful reintegration into the community after incarceration. This bill would create a Reintegration Pilot Program, which would establish a proactive, structured approach to reentry by providing incarcerated individuals with tailored support and services up to a year before their release and continuing for up to a year post-release.
  - By addressing critical needs such as mental health care, substance use treatment, stable housing, job training, and employment opportunities, this program lays out a solid foundation for successful community reintegration.
- **Strip Search Bill** (S.575 Salazar/A.192 Gibbs)
  - This bill requires the State Commission of Correction to promulgate rules and regulations for standard procedures for the use of strip searches in a correctional facility and states that no fewer than two staff members shall be present for any strip search.
- **Transitional Health Reentry** (S.614 Rivera/A.1008 Paulin)
  - New York has made administrative efforts to facilitate Medicaid enrollment for individuals returning from incarceration. This bill strengthens that effort by directing State and local correctional facilities to take all necessary steps prior to release to enroll individuals in Medicaid and directs local social services or health districts to provide facilities with enrollment documentation. For individuals found ineligible for Medicaid, State and local correctional facilities shall make diligent efforts to determine whether such individuals are eligible for other health insurance programs.
- **Youth Justice and Opportunities Act** (S.4330 Myrie/A.5293 Walker)
  - New York must update its criminal procedure laws to reflect twenty-first century understanding of the adolescent brain and criminal culpability. This bill provides judges with the discretion to grant the sealing and sentencing protections of youthful offender status for youth until their 26th birthday. The bill is also retroactive, in recognition of the enormous harm that New York State has inflicted on youth — and almost exclusively only youth of color — over the past forty years by saddling them with a permanent criminal record.

## Conclusion

We must recognize the parallels between this very moment in time and what brought us here. This rich history of resistance to violence and racism within DOCCS cannot be ignored; we must learn from it. The fight for the full implementation of the HALT Solitary Confinement Law and against the torture of solitary confinement in any shape or form is still relevant, as it was when Judge Motley concluded in 1970 that the practice is dehumanizing.<sup>229</sup> We saw in 1971 at Attica the conditions that incarcerated people rejected, and the comparable conditions across the State. Now, those who are incarcerated and formerly incarcerated are continuing to speak loudly, and we must listen.

## Call to Action

Below are some of the ways readers can get involved in pushing for the legislation mentioned in this report:

1. Call or email your State Senator and Assemblymember
  - There are 63 Senate districts and 150 Assembly districts in New York State.
  - After a bill is introduced, it must be voted on by its respective committee in each house before it is voted on by the entire Senate/Assembly.
  - The Majority Leader of the Senate and the Speaker of the Assembly have the authority to decide if/when legislation should be voted on by its respective committee by allowing it on to the committee's agenda, and then by allowing it to be voted on by the entire Senate/Assembly.
  - You can call your Senator/Assemblymember and encourage them to prioritize this bill and ask them to put pressure on the Majority Leader/Speaker to allow it on a committee agenda and to be voted on by the Senate/Assembly.
    - Example: *“My name is \_\_\_\_\_, I live in Senate/Assembly district \_\_\_\_\_. As your constituent, I urge you to put pressure on the Majority Leader/Speaker to allow The Second Look Act on to a committee agenda and before the Senate/Assembly for a vote.”*
  - When these bills are brought to the Senate and Assembly floors to be voted on, each Senator and Assemblymember must vote. It is critical that they hear what is important to their constituents.
    - Example: *“My name is \_\_\_\_\_, I live in Senate/Assembly district \_\_\_\_\_. As your constituent, I urge you to vote yes on The Earned Time Act. It is critical that incarcerated individuals be given the opportunity to engage in meaningful programs with incentives.”*

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<sup>229</sup> Sostre v. Rockefeller, 312 F. Supp. 863, 868 (S.D.N.Y. 1970), aff'd in part, rev'd in part sub nom. Sostre v. McGinnis, 442 F.2d 178 (2d Cir. 1971).

- Each Senator and Assemblymember has the privilege and authority to visit State correctional facilities. Hearing from their constituents that this is something they should be prioritizing should motivate them to do so.
    - Example: “*My name is \_\_\_\_\_, I live in Senate/Assembly district \_\_\_\_\_. As your constituent, I urge you to utilize your privilege and visit a NYS prison to witness the conditions that incarcerated individuals face in New York. Can you commit to doing this?*”
  - To find out who your Senator is, go to [nysenate.gov/find-my-senator](http://nysenate.gov/find-my-senator)
  - To find out who your Assemblymember is, go to [nyassembly.gov/mem/search/](http://nyassembly.gov/mem/search/)
2. Call or email the New York State Governor
- When a bill passes both the Senate and the Assembly, it is up to the Governor to sign or veto that bill. The Governor must hear from New Yorkers about what is important to them when deciding whether a bill should become law.
    - Example: “*My name is \_\_\_\_\_, I am a New Yorker living in \_\_\_\_\_. As your constituent, I urge you sign the Fair and Timely Parole Bill to ensure that our parole system is not perpetually punishing people, and that the parole board is operating fairly.*”
  - To contact the Governor’s office, go to [governor.ny.gov/governor-contact-form](http://governor.ny.gov/governor-contact-form)
3. Get involved in your community’s advocacy efforts
- There are many coalitions and campaigns across New York State that are fighting for these bills and for the rights of incarcerated individuals. Below are some statewide campaigns that New Yorkers can get involved in:
    - Release Aging People in Prison (RAPP) Campaign: [rappcampaign.com](http://rappcampaign.com)
      - Fair and Timely Parole (S.159 Salazar/A.127 Weprin)
      - Elder Parole (S.454 Hoyleman-Sigal/S.514 Davila).
    - Communities Not Cages Coalition: [communitiesnotcagesny.org](http://communitiesnotcagesny.org)
      - The Earned Time Act (S.342 Cooney/A.1085 Kelles)
      - The Second Look Act (S.158 Salazar/A.1283 Walker)
      - The Marvin Mayfield Act (S.1209 Myrie/A.1297 Meeks)
    - End Prison Violence (EPV) Campaign: [endprisonviolence.org](http://endprisonviolence.org)
    - #HALT Solitary Confinement Campaign: [nycaic.org](http://nycaic.org)
      - Rights Behind Bars Bill (S.3763 Salazar/A.1261A Forrest)
    - The CARE Coalition: <https://newhourli.org/what-we-do/care-act.html>
      - The Compassion and Reproductive Equity (CARE) Act (S.4583A Salazar/A.4879A Kelles)
      - The Anti-Shacking Bill (S.2667 Salazar/A.1670 Rosenthal)
      - Breast Pump Access Bill (S.2666A Salazar/A.1607A Rosenthal)

## Resources

If you or someone you love is incarcerated in a New York State prison, please see the resources list below:

### Legal Representation

- Prisoner's Legal Services – Albany
  - For those incarcerated at Adirondack, Altona, Bare Hill, Clinton, CNYPC, Coxsackie, Eastern, Edgecombe, Franklin, Gouverneur, Greene, Hale Creek, Hudson, Marcy, Mid-State, Mohawk, Otisville, Riverview, Shawangunk, Sullivan, Upstate, Wallkill, Washington, Woodbourne
  - (518) 438-8046
  - 41 State Street, Suite M112, Albany, NY 12207
- Prisoner's Legal Services – Buffalo
  - For those incarcerated at Albion, Attica, Collins, Groveland, Lakeview, Orleans, Wende, Wyoming
  - (716) 854-1007
  - 14 Lafayette Square, Suite 510, Buffalo, NY 14203
- Prisoner's Legal Services - Ithaca
  - For those incarcerated at Auburn, Cape Vincent, Cayuga, Elmira, Five Points
  - (607) 273-2283
  - 114 Prospect Street, Ithaca, NY 14850
- Prisoner's Legal Services - Newburgh
  - For those incarcerated at Bedford Hills, Fishkill, Green Haven, Sing Sing, Taconic
  - (845) 391-3110
  - 10 Little Britain Road, suite 204, Newburgh, NY 12550
- Legal Aid Society - Prisoner's Rights Project
  - (212) 577-3300
  - 49 Thomas Street, 10<sup>th</sup> Floor, New York, NY 10013
- Disability Rights New York
  - For incarcerated individuals with disabilities
  - (518) 432-7861
  - [Mail@DRNY.org](mailto:Mail@DRNY.org)
  - 279 Troy Road, Suite 9 #236, Rensselaer, NY 12144
- Sylvia Rivera Law Project- Prisoner Justice Project
  - For LGBTQIA+ incarcerated individuals
  - (212) 337-8550 Ext. 303
  - [DST@srlp.org](mailto:DST@srlp.org)
  - 133 W 19<sup>th</sup> St, Floor 6, New York, NY 10011

## **Parole Support**

- Parole Preparation Project
  - (347) 620-5906
  - 135 West 20<sup>th</sup> St, Suite 401, New York, NY 10011

## **Clemency Support**

- Center for Appellate Litigation- Clemency Project
  - (212) 577-2523
  - [Info@cfal.org](mailto:Info@cfal.org)
  - 120 Wall St, 28<sup>th</sup> Floor, New York, NY 10005
- CUNY Law School - Second Look Project
  - 2 Court Square, LIC, NY 11101

## **Wrongful Convictions**

- The Innocence Project
  - (212) 364-5340
  - Intake Department- 40 Worth St, Suite 701, New York, NY 10013
- Legal Aid Society - Wrongful Conviction Unit
  - [Wcu@legal-aid.org](mailto:Wcu@legal-aid.org)
  - c/o The Legal Aid Society, 199 Water Street, New York, NY 10038
- The Exoneration Initiative
  - (212) 965-9335
  - [Info@exi.org](mailto:Info@exi.org)
  - 233 Broadway, Suite 2370, New York, NY 10279

## **Immigration Services**

These offices provide legal representation to non-citizens incarcerated in any New York State prison who are in immigration removal proceedings

- Prisoner's Legal Services - Albany Immigration Office
  - (518) 694-8699
  - 41 State Street, Suite M112, Albany, NY 12207
- Prisoner's Legal Services - Buffalo Immigration Office
  - (716) 844-8266
  - 14 Lafayette Square, Suite 510, Buffalo, NY 14203

## **General Reporting**

- Correctional Association of New York (CANY)
  - (212) 254-5700
  - P.O Box 793, Brooklyn, NY 11207

## **Family Support**

- Osborne Association
  - (718) 707-2600
  - [Info@osborneny.org](mailto:Info@osborneny.org)
- New Hour for Women and Children
  - [Contactus@newhourli.org](mailto:Contactus@newhourli.org)
  - PO Box 213, Brentwood, NY 11717

## **Additional Support**

If you or your loved one are experiencing abuse, neglect, or a crisis in a DOCCS facility, contact your Senator or Assemblymember to intervene.

- To find out who your Senator is, go to [nysenate.gov/find-my-senator](http://nysenate.gov/find-my-senator)
- To find out who your Assemblymember is, go to [nyassembly.gov/mem/search/](http://nyassembly.gov/mem/search/)

## Appendix

### Public Hearing Written Testimony

Commissioner Daniel Martuscello, DOCCS	A-1
Antony Gemmell, Legal Aid Society's Prisoner's Rights Project	A-2
Anthony Dixon, Parole Preparation Project	A-3
Karen Murtagh, Prisoner's Legal Services of New York	A-4
Lucy Lang, New York State Inspector General	A-5
Stanley Bellamy, Release Aging People in Prison (RAPP) Campaign	A-6
Thomas Gant, Center for Community Alternatives	A-7
Ziyadah Amatul-Matin, Katal Center	A-8
Michael Suprenant, AFSCME, Council 82	A-9
Danielle Muscatello, Barket Epstein Kearon Aldea & Loturco, LLP	A-10
Derrick Hamilton, Perlmutter Center for Legal Justice at Cardozo Law	A-11
Incarcerated Individuals via The Center for Community Alternatives	A-12
Jennifer Scaife, Correctional Association of New York	A-13
Jerome Wright, #HALTSolitary Campaign	A-14
Jessica Lowe, daughter of Clemente Lowe	A-15
Justyna Rzewinski, LCSW, PhD(c)	A-16
Megan French-Marcelin, Legal Action Center	A-17
Melanie Bishop, Center for Community Alternatives	A-18
Messiah Ramkissoon, Youth Justice Network, Mentor to Messiah Nantwi	A-19
New York Coalition Against Torture	A-20
Chris Summers, NYSCOPBA	A-21

Robert Ricks, Father of Robert Brooks	A-22
Sebastian Solomon, Vera Institute of Justice	A-23
Soffiyah Elijah, Alliance of Families for Justice	A-24
Tanya Krupat, Osborne Association	A-25
Wayne Spence, PEF	A-26
NYS Commission of Correction (SCOC)	A-27
FWD.us	A-28
Incarcerated Individuals via Parole Preparation Project	A-29



# Department of Corrections and Community Supervision

KATHY HOCHUL  
Governor  
DANIEL F. MARTUSCELLO III  
Commissioner

## Joint Public Hearing – Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities

May 14, 2025

### Testimony of Daniel F. Martuscello III, Commissioner

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Good morning, Chair Salazar, Chair Dilan, and other distinguished members of the Senate Committee on Crime Victims, Crime, and Correction and Assembly Committee on Corrections. My name is Daniel Martuscello III, Commissioner for the Department of Corrections and Community Supervision. I appreciate the opportunity to discuss safety, transparency and accountability at today's hearing.

Maintaining the safety of the individuals in our care is a core function of the department and a bedrock principle upon which decisions are made. Individuals are sent to prison as punishment, not for punishment, and there is an expectation of safety and opportunities for rehabilitation. The last few months have challenged the foundation of this belief. The senseless murders of Robert Brooks and Messiah Nantwi at the hands of staff members is inexcusable. These acts erode trust for those committed to our mission. I want to again express my deepest sympathies to the families of Mr. Brooks and Mr. Nantwi.

This is an important moment for DOCCS. One in which we have the opportunity to push boundaries and transform our culture. To do this, we need to question conventions, rethink outdated practices, and commit to doing what's right, even when that's not easy. I would like to walk through some of the steps we've already taken and share with you my vision for the future.

For our department to maintain safer, more humane, and more restorative environments, there must be accountability. Following these two incidents, I immediately made criminal referrals to the State police and Office of the Attorney General, while launching an internal investigation. At the Governor's

direction, I began termination proceedings for all individuals involved. I increased management rotations in the evening, and the presence of investigators from the department's Office of Special Investigations. We improved our Whistleblower policy and created greater external oversight of the department through expanded relationships with the New York State Commission of Corrections and the Correctional Association of New York. We have retained an independent law firm to conduct a holistic review of our practices, and we are conducting a safety gap analysis with Chicago Beyond. Accountability is not just a response to staff wrongdoing but applies equally to the department.

I remain deeply committed to ensure the safety of all in our care, and providing transparency around areas of improvement. Without transparency there is no trust. Following these incidents, I moved to enhance our body-worn camera policy and practice. Staff are now required to activate their BWCs any time they are engaging with the population. We implemented a new compliance matrix to monitor compliance with the BWC policy. With the support of Governor Hochul and the legislature, we have codified our body-worn camera policy into law and received over \$18.4 million to fully deploy body worn cameras across our facilities, as well as \$400 million to expand fixed cameras. We have already begun the implementation process. The law firm's findings and recommendations will be made public, and I am in the process of building a public facing data dashboard, that will provide further transparency into relevant corrections data.

While transparency and accountability are critical, there is nothing that will be more impactful to the future state of the department than culture. Improving prison culture is essential to public safety. We can achieve this by leveraging the recommendations of experts, overcoming the staffing crisis, and reducing violence within our facilities.

We are leveraging independent experts including a partnership with AMEND to assess the operating culture of our facilities through a public health and human rights lens. We will also launch a Future of Prisons Committee within the Council of Community Justice, which is led by DCJS. We are conducting

de-escalation training and use of force training, while evaluating opportunities to supplement our academy training.

There are certainly challenges to our progress. Adequate staffing is a prerequisite to safe and secure facilities. The Department continues to recover from a three-week illegal job action that has impacted our ability to operate our facilities and have put us at unsustainably low staffing levels. The strike resulted in approximately 2,000 officers and sergeants being terminated or resigning. Much of the work we had begun on institutional reform was unfortunately stalled during the illegal job action and resulting state of emergency. With that said, we have already started to re-engage as the facilities resume safe operations. Resolving the staffing crisis is critical to building a culture of safety and security. We are taking aggressive steps to expand our recruiting efforts and would like to thank Governor Hochul and the legislature for passing legislation that allows for broader recruiting.

Another challenge to developing a culture of safety is the ongoing challenge of drugs and dangerous contraband entering our facility, which often leads to violence. Drug use in prison threatens the safety of staff and the incarcerated population and undermines efforts at developing a rehabilitative culture. I have taken an aggressive approach to drug interdiction, including a new process for screening all legal correspondence for potential contraband and implementing body scanners in our facilities.

Despite the obstacles I've outlined, many of the steps required to build the future state of corrections in New York State are underway. We are focused on our Recover, Recruit, and Rebuild plan to resume operations, restore services, and build for the future. This plan is supported by legislation and funding advanced by Governor Hochul and passed as part of the FY 2026 enacted budget.

Under the Governor's leadership, we have a plan to address any systemic and cultural issues that are identified in order for us to carry out our mission more effectively and humanely. I am committed to leading correctional facilities that are safer and more restorative environments. Our plan is not static

and will evolve over time. This work will be done transparently and with accountability at every step. There is no doubt we have a long and challenging road ahead, but it is my sincere belief that we will forge a future in New York State corrections that is safer, more humane, and redemptive for incarcerated individuals. Thank you again for inviting me to testify today. I would be happy to address any questions you may have.

**Testimony of The Legal Aid Society’s Prisoners’ Rights Project  
presented by Antony Gemmell, Supervising Attorney**

**Joint Public Hearing on Safety of Persons in Custody, Transparency and  
Accountability within State Correctional Facilities  
May 14, 2025**

**Before the Senate Standing Committee on Crime Victims, Crime, and Correction  
and the Assembly Standing Committee on Correction**

Senator Salazar, Assemblymember Dilan, and committee members, thank you for holding this hearing. My name is Antony Gemmell and I testify on behalf of The Legal Aid Society’s Prisoners’ Rights Project. The issues before you today—safety, transparency, and accountability in New York’s correctional facilities—could not be more pressing.

Our state’s prisons are in crisis. Last December, staff at Marcy Correctional Facility crowded around a handcuffed man, Robert Brooks, and ended his life. Less than three months later, Messiah Nantwi—just 22 years old—was killed under strikingly similar circumstances at Mid-State Correctional Facility. These are not aberrations. They are the predictable outcome of a prison system saturated with staff violence and devoid of real accountability.

The Governor’s press releases in the wake of these deaths offered modest first steps. But they offer too little, too late—for Mr. Brooks and Mr. Nantwi, as well as thousands of incarcerated New Yorkers who remain at risk today.

And that risk is growing. In February, correction officers across the state engaged in an illegal work stoppage aimed at dismantling HALT, this Legislature’s landmark solitary confinement reform. At least seven more incarcerated people died during that period. DOCCS responded not by enforcing the law, but by suspending it. In the months since, thousands of people across the state have been subjected to extreme isolation—the very harm HALT was enacted to prevent. In Legal Aid’s recent report, *“I’m Just Collateral Damage”: The Human Consequences of an Illegal Prison Strike*, 24 of our clients describe the harrowing impact of the strike in their own words. A copy is attached to this testimony.<sup>1</sup>

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<sup>1</sup> The report is also available at [https://legalaidnyc.org/wp-content/uploads/2025/03/LAS\\_Prisoners-RightsProject\\_ClientStoriesReport\\_Final.pdf](https://legalaidnyc.org/wp-content/uploads/2025/03/LAS_Prisoners-RightsProject_ClientStoriesReport_Final.pdf).

DOCCS's culture of staff violence and impunity must end. And because the agency has shown it will not hold itself accountable, the Legislature must act now to confront that failure and curb staff violence before more lives are lost.

## **I. Independent and Effective Investigations**

First, DOCCS cannot be left to police itself. Complaints involving force must be automatically referred to the State Inspector General. DOCCS's internal investigations through the Office of Special Investigations (OSI) are opaque, slow, and default to weighing staff credibility over incarcerated voices—regardless of the facts. There is little clarity around how OSI reaches its conclusions, and as a result, the legitimacy of its investigations is widely and justifiably questioned.

OSI must operate under clear timelines, with trained investigators who treat all testimony equally. Staff accused of serious use of force and sexual abuse should be removed from contact with incarcerated people pending investigation. Whistleblowers—both inside and outside DOCCS—must be protected.

## **II. Real Accountability for Serious Misconduct**

Second, accountability mechanisms must have teeth. DOCCS's disciplinary structure, constrained by a permissive union-negotiated arbitration process, too often results in no consequences—even for serious abuse.

The Legislature must define “serious misconduct” to include excessive force, false reporting, camera violations, retaliation, and sexual abuse—and ensure these cases are adjudicated through a process independent of any union contract.

Staff should be suspended while those cases are pending. And when serious misconduct is substantiated, the consequences must be meaningful, including termination when warranted.

At the same time, DOCCS should use camera footage proactively, not just reactively. Video recordings must be integrated into line training and supervision to reinforce what lawful and unlawful use of force looks like. Staff need clear expectations—and real accountability when they violate them.

## **III. Transparency Through Cameras and Oversight**

Third, the system must be made more transparent. Surveillance and public reporting are essential tools for preventing abuse and building trust.

The budget bill provides for body-worn cameras—a promising first step—but more is needed. The Legislature should pass S.7132/A.7014<sup>2</sup> to install fixed surveillance cameras in all prisons and require auditing to identify unmonitored spaces, including in housing areas and transport vehicles.

And collecting footage is not enough. DOCCS must strengthen retention policies, conduct regular spot-checks, and ensure independent oversight authorities have on-demand access. Video related to use-of-force allegations should be automatically shared with investigators, and any unscheduled loss or destruction of footage must be publicly reported.

DOCCS should also publish aggregate data on its camera systems, allegations against staff, investigative outcomes, and discipline. Without transparency, there can be no real oversight—and no public confidence.

#### **IV. Sentencing and Parole Reform**

Finally, we must reform sentencing and parole. One of the surest ways to improve safety imprisons is to reduce their populations and support reentry.

We urge the Legislature to enact the Marvin Mayfield Act,<sup>3</sup> the Second Look Act,<sup>4</sup> and the Earned Time Act<sup>5</sup>—to eliminate mandatory minimums sentences, allow courts to revisit excessive sentences, and expand opportunities for early release based on positive behavior. We also call for passage of the Fair and Timely Parole and Elder Parole Acts to create more just and meaningful pathways to parole.<sup>6</sup>

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New Yorkers continue to face intolerable abuse behind prison walls—at the hands of staff and under a system that resists even basic accountability. The deaths of Robert Brooks and Messiah Nantwi are the latest, devastating consequences of that failure. Only systemic reform—**independent investigations, real accountability, transparency, and sentencing and parole reform**—can begin to address it.

These steps are achievable. And we stand ready to work with the Legislature to make them real.

Thank you. I welcome your questions.

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<sup>2</sup> S.7132 / A.7014 Tapia

<sup>3</sup> S.1209 Myrie / A.1297 Meeks

<sup>4</sup> S.158 Salazar / A.1283 Walker

<sup>5</sup> S.342 Cooney / A.1085 Kelles

<sup>6</sup> S.159 Salazar / A.127 Weprin; S.454 Hoyleman-Sigal / A.514 Davila

NYS Joint Legislative Hearing | May 14, 2025  
On Safety, Transparency, and Accountability in NYS Prisons  
**Oral Testimony of Anthony Dixon**

Good afternoon, Honorable Members of the New York State Legislature. Thank you for the opportunity to offer testimony on what I believe to be one of the most urgent civil rights issues of our time and the next generation: How people in prisons are treated.

My organization, the Parole Preparation Project, has submitted documentation detailing the alarming brutality and chaos that unfolded during the 2025 illegal 1 three-week strike inside DOCCS facilities. I urge you to review these materials with the seriousness and sober attention they unequivocally demand.

Today, I am before you not as the Deputy Director of the Parole Project, but a formerly incarcerated person who served 32 years in prison—someone who knows firsthand the entrenched abuse and systemic failures that define New York State’s prison system.

In 1990, I was a plaintiff in a landmark racial discrimination lawsuit, *Santiago v. Miles*, filed against the New York State Department of Corrections and Community Supervision (DOCCS). The suit challenged racially discriminatory practices in Elmira prison in three critical areas: the placement of individuals in solitary confinement, assignment to the most desirable and highest-paying job programs, and eligibility for preferred housing in the honor block. We prevailed on all claims, marking a significant legal victory against institutional racism within New York’s prison system.

However, the victory came at a high cost. While testifying in the case, six of us were brutally beaten by 40 correctional officers in a retaliatory attack and given 5 years in solitary. That assault led to a separate civil rights lawsuit that ultimately resulted in a monetary settlement three years later. That second lawsuit exposed the violent lengths to which prison guards would go to avoid accountability at all cost and silence those who dare speak out.

These experiences sharpened my understanding of NYS prison culture and continue to drive my advocacy for decarceration, parole justice, and the full dignity of those impacted by incarceration. I testify today not only on my own behalf, but on behalf of the tens of thousands of currently and formerly incarcerated individuals who have endured the brutality and institutional betrayal that define New York’s prison system and lay bare the systemic rot at the core of DOCCS.

I’m prepared to speak to the following critical issues:

## 1. Massive Accountability Failure:

- **Racial Targeting by over 200 Officers.** Evidence from the [Inspector General's office](#) in 2022 confirms systemic racism, with more than 200 DOCCS employees issuing 50 or more misbehavior reports exclusively against non-White individuals, including over 100 who targeted Black or Hispanic individuals alone. These “disparities,” the report found, “were not confined to only a few facilities, nor were they confined to ‘a few bad apples’ among DOCCS employees in any given facility.” Yet these state employees remain unnamed, unpunished, and free to carry out racial targeting behind prison walls.<sup>1</sup>

This failure underscores DOCCS’s deep disregard for the safety and humanity of those in its custody. Had this level of racial targeting been directed at incarcerated Jewish people—or any other politically protected group—it would have sparked immediate public outrage, national attention, and decisive action. The silence here reveals whose lives the system deems expendable. I demand this body to speak about this issue openly and forcefully.

**Brutal Prison Guards Returned to Post.** Between January 2010 and April 2022, DOCCS filed 5,642 disciplinary cases against its own staff—more than one per day for over 12 years. During that time, the state spent tens of [millions](#) in taxpayer dollars to settle 161 lawsuits involving correctional officer brutality. These cases include an officer who struck a handcuffed man 35 times—breaking his baton; guards at Attica who beat a man so severely he needed 13 staples in his scalp; and another group who assaulted a man with mental illness from face to groin—he died by suicide the following day. In at least three additional deaths, DOCCS didn’t even investigate. Of the 161 settled brutality cases, only six officers were fired. The rest remained in uniform—still salaried, still armed with authority, and still in direct contact with more than 30,000 people in DOCCS custody.<sup>2</sup>

- **The case of Robert Brooks,** a 43-year-old incarcerated man at Marcy Correctional Facility, exemplifies the lethal cost of leaving uniform personnel in close contact with people incarcerated. In December 2024, Brooks was lynched by over 14 correctional officers—an assault captured on body camera footage. Investigations later revealed that several officers involved, including the ringleaders, had documented histories and open cases of abuse that had gone unpunished for years.

In sum, for more than a decade—even after settled lawsuits, documented brutality, and clear evidence of racial targeting—DOCCS has repeatedly reinstated known abusers, placing them back in the same prisons, housing units, and, in some cases, within arm’s reach of the very individuals they assaulted. Despite having authority to reassign these officers to non-contact roles—such as tower duty, perimeter patrol, desk work, relocations that involved restrictions to

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<sup>1</sup>[Racial Disparities in the Administration of Discipline in New York State Prisons](#), Nov. 2022 Disciplinary infractions are routinely weaponized to deny parole, clemency, Family Reunion visits, work release, prison transfers, resentencing, Second Look reviews, and other vital release opportunities.

<sup>2</sup>[In New York Prisons, Guards Who Brutalize Prisoners Rarely Get Fired](#), May 19.2023.

gate posts alone—DOCCS chose the most dangerous option: Putting the fox back in the henhouse. It is inexcusable that this pattern of institutional complicity continues in the current administration. I urge you to hold DOCCS leadership accountable and end this practice immediately.

## **2. Body Cameras Undermined by Design**

New York State has [over a half billion dollars](#) in body-worn and fixed camera systems within its correctional facilities, with the stated goal of enhancing transparency and accountability to prevent brutality and abuse—both against staff and those in custody.<sup>3</sup> However, this investment has largely failed to achieve its intended purpose. Across DOCCS facilities—including Coxsackie, Upstate, and Five Points—correctional staff routinely disregard camera mandates without facing disciplinary consequences. The absence of a standardized policy, enforcement mechanisms, and meaningful accountability has rendered the system *de facto* ineffective.

This failure stems from the flawed rollout plan outlined in [DOCCS Directive #4943](#), which governs the use of body-worn cameras. The directive lacks a clear implementation timeline, does not mandate camera usage, and imposes no meaningful consequences for non-compliance. Instead, it allows each facility to create its own rules, lacks centralized enforcement, and gives officers complete control over when cameras are activated. The directive has no teeth. It protects DOCCS, not the incarcerated individuals it claims to safeguard.

As a result, in many prisons, these taxpayer-funded devices sit unused in storage closets, collecting dust—while abuse, misconduct, and excessive force continue unchecked and unrecorded. The unintentional recorded death of [Robert Brooks](#) at Marcy Correctional Facility is a tragic example of the cost of this negligence. When officers believe they are not being watched, the outcome is tragically predictable. Rather than preventing abuse, the directive gives the green light to reduce this potentially life-saving tool to mere window dressing.

Even when cameras are worn, we are learning in real time that they are often deliberately obstructed—covered with jackets, aimed at the floor, or turned off during critical incidents. This pattern of obstruction is a clear refusal to accept accountability and lends credence to the most serious allegations of abuse behind prison walls. Additionally, there is no oversight when individuals are transported off prison grounds—precisely when they are most vulnerable.

## **3. The Manufactured “Staffing Crisis”**

Over the past 11 years, New York State has cut its prison population in half—yet its prison budget has surged to [\\$3.5 billion](#), [the second highest in the country](#). In 2024, NYS maintained a

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<sup>3</sup> Body cameras support evidence collection, prevent and resolve complaints, and strengthen accountability and transparency.

1-to-2 staff-to-incarcerated ratio exceeding the 1-to-4 average<sup>4</sup> Even under current conditions of 1-to-3 ratio, New York remains one of the most heavily staffed prison systems in the country. Yet we are constantly being told DOCCS is understaffed.

So, what's the real problem? It's not money—DOCCS is well-funded. It's not staffing numbers—New York already has one of the highest staff-to-incarcerated-person ratios in the country. Suggestions to consider lowering the minimum hiring age for prison guards from 21 to 18 to address the so-called shortage is misguided.

In 2023, Inspector General report exposed rampant abuse in DOCCS: though correction officers make up just 15% of the state workforce, they file 44% of all workers' comp claims—twothirds unrelated to any contact with incarcerated people. Correction officers in DOCCS, under their labor contract, can take up to six months of fully paid leave for injury without using any of their accrued sick or vacation time. Unlike police, they aren't required to stay home or see state-approved doctors while on leave. This lack of oversight has created an incentive for abuse—officers keep all their earned time off and collect full pay, making workers' compensation essentially a no-strings-attached paid vocation.

The result? Fraud schemes like “couples comp,” where spouses coordinate leave. According to the New York State Inspector General's 2023 report, DOCCS has experienced significant staffing challenges due to high numbers of correction officers on workers' compensation leave. On December 26, 2022, eight DOCCS facilities had over 10% of their security staff out on workers' compensation leave, with three facilities exceeding 17% .

Inspector General Lang has urged lawmakers to act: require oversight, mandate medical verification, and hold officers accountable. Until then, taxpayers will keep footing the bill for a scam that undermines safety, justice, and basic human dignity behind bars. This must be done.

If New York wants safer, more functional prisons, it must end the culture of impunity and enforce real accountability. That starts with closing the workers' comp loopholes, auditing abuse, and putting oversight above union appeasement.

#### **4. DOCCS Defiance of the HALT Act**

Since the 2021 enactment of the HALT Solitary Confinement Act, DOCCS has persistently defied its mandates. Instead of ending prolonged isolation and banning its use for vulnerable groups—including those with mental illness, the elderly, and minors—DOCCS has rebranded solitary as “keeplock,” “therapeutic separation,” or “behavioral units,” allowing the same harmful conditions to continue.

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<sup>4</sup> On Focus News, State by state ranking. August 2024.

A [New York Focus investigation](#) found over 1,000 people placed in isolation for infractions not eligible under HALT, many held beyond the legal 15-day limit. Even more egregiously, people explicitly protected by HALT—especially the elderly, minors, and individuals with mental health needs—continue to be subjected to months or even years of isolation, as documented in a [2024 AMNY report](#). These violations compound racial disparities, with Black and Latino individuals disproportionately targeted.

The [2023 New York State Inspector General's report](#) confirmed that DOCCS's "renaming of solitary confinement units has allowed continued use of conditions functionally identical to solitary confinement in violation of HALT's core provisions."

Solitary confinement has been shown to worsen mental illness, raise suicide risk, and destroy any chance of rehabilitation—directly undermining DOCCS's mission to prepare people for release ([American Psychological Association, 2012](#)). The hypocrisy is staggering: after staging an illegal strike, retaliating against incarcerated people, and contributing to the brutal death of Robert Brooks, staff are now lobbying for greater authority to inflict punishment.

As the [New York Daily News editorial board](#) rightly stated, rolling back HALT won't make prisons safer—it will simply reward DOCCS's lawbreaking. Until full compliance is achieved, with independent oversight and enforceable accountability, any attempt to weaken HALT must be rejected. **HALT is the law—and it's time DOCCS obeyed it.**



## TESTIMONY

Joint Public Hearing: Safety of Persons in Custody, Transparency,  
and Accountability within State Correctional Facilities

Legislative Office Building, Albany, NY

May 14, 2025

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## I. INTRODUCTION

Thank you for inviting Prisoners' Legal Services of New York (PLS) to testify before you today on the issue of the safety, transparency, and accountability within New York State's Correctional Facilities.

As many of you know, PLS was created by New York State in 1976 in response to the 1971 Attica prison uprising. Then, like now, there were serious concerns regarding the safety of the incarcerated population and the need for accountability and oversight. As such, these concerns are not new; in fact, as recently as 2015, PLS was invited to testify before a joint Legislative Hearing after the now-famous escape from Clinton Correctional Facility. The focus of that hearing was also on oversight, transparency and accountability and in our testimony at that hearing we pointed out that "oversight is not an end goal in and of itself; rather it is one means of achieving the two goals of transparency and accountability."<sup>1</sup> We also made several recommendations to help achieve the goals of transparency and accountability, including more video and camera monitoring and changes in the disciplinary and grievance systems; and yet, here we are again.

Little has changed in terms of oversight over the past several decades, but what has changed is the level of tension, harassment and brutality in our prisons. The recent brutal murders of Robert Brooks and Messiah Nantwi, the three week illegal wildcat strike, the refusal of corrections staff to accept, abide by and enforce the law as set forth in the Humane Alternatives to Long Term Confinement (HALT) act , the refusal of corrections staff to follow the Department of Corrections and Community Supervision's (DOCCS) Body Worn Camera (BWC) policy and procedures and the continued staffing crisis within DOCCS, which has resulted in the majority of incarcerated

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<sup>1</sup> Testimony of Prisoners' Legal Services of New York before the NYS Assembly Standing Committee on Correction on the Oversight and Investigation of the Department of Corrections and Community Supervision December 2, 2015.

individuals being continuously locked in their cells, has resulted in increased tensions that PLS believes are at an all-time high.

PLS is deeply alarmed by these series of disturbing incidents. It is all too true that when abuse occurs behind prison walls, it is often swept under the rug, even when these abuses result in death. While the public appeared shocked at the level of brutality that was captured on body camera footage during the murder of Robert Brooks, for PLS and those familiar with prison conditions, while shocking and disgusting, it was not unexpected. The pattern of unchecked abuse, retaliation and retribution, misuse of solitary confinement, deficient medical and mental health care, neglect of the programmatic and educational needs of the incarcerated population, failure of DOCCS staff to follow DOCCS' BWC protocols, and broken and unfair disciplinary and grievance processes is nothing new for PLS staff.

As we did in our 2015 testimony, PLS again calls for bold reforms that will prevent further tragedies and ensure NYS prisons not only meet the basic standards of humanity and justice, but also become a model for the rest of the nation.

## **II. INCARCERATED INDIVIDUALS' ACCOUNTS OF PRISON CONDITIONS**

Examining the level of tension in our prisons and the underlying causes of those tensions is essential to ultimately determining what needs to change in order to ensure safety and security and accountability and transparency. While tensions have been high for some time, during these past few months we have witnessed a significant rise in these tensions caused mainly by the murder of Robert Brooks, the illegal and unauthorized strike, and the subsequent murder of Messiah Nantwi. However, because of an almost total lack of access to our clients during the strike, it was difficult for PLS staff to know exactly what was going on behind the prison walls.

Initially, to deal with DOCCS' decision to suspend all legal calls and legal visits, PLS worked with the New York Civil Liberties Union (NYCLU) to file a lawsuit against DOCCS asserting that DOCCS' conduct violated the First and Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983 by blocking PLS' ability to have confidential legal phone calls, legal visits, and/or other legal communications with our clients and people who are incarcerated in DOCCS facilities who are seeking legal assistance.<sup>2</sup> Almost immediately upon filing, DOCCS began scheduling legal phone calls and over the next several weeks began scheduling legal visits.

In addition, we created a questionnaire to send to incarcerated people to ascertain the state of conditions in DOCCS facilities. To date, we have received over 400 responses from people in facilities across the state who were directly impacted by the illegal strike. Below we set forth some of the data we were able to collect, as well as some statements made by incarcerated people regarding their conditions of confinement during and after the strike.

#### **A. Lock-ins, Solitary Confinement and Sanitation**

During the strike, people were on lockdown for extended periods of time, often without basic cleaning and hygiene supplies. This includes members of special populations known to be particularly vulnerable to the effects of solitary confinement. For example, 18.5% of the people who responded to our questionnaire were under 21 or over 55 years of age.

Of the respondents who were housed in maximum security facilities, 74.3% reported that they were locked in their cells for more than 23 hours per day for three weeks. They reported they were only permitted to leave for a 5-15 minute shower (depending on the facility and/or person on duty), and not every day. One individual at Attica, reported, "Verbal abuse was at an all-time high . . . locked in a cell for 24 hours for 20 days, still no mental health doctor . . . I'm losing my mind in

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<sup>2</sup> See: Prisoners' Legal Services v. Daniel F. Martuscello available at: [PLS-v.-DOCCS-Complaint-PLS-v.-DOCCS-FILED-PDFA-2.pdf](https://www.prisonerslegalservices.org/wp-content/uploads/2020/05/PLS-v.-DOCCS-Complaint-PLS-v.-DOCCS-FILED-PDFA-2.pdf).

this cell. I have never in my three years in the state been in my cell this long . . . They act like they hate Residential Rehabilitation Unit (RRU) individuals for no reason, all because things didn't go their way." As many of you know, the RRU is the unit that was created as part of the HALT Act. People who are found guilty of engaging in specified misbehavior are placed in the RRU and are supposed to receive specific rehabilitative programming to address the underlying causes of their misbehavior.

People who were housed in double cells experienced a complete lack of privacy, including when using the toilet. Respondents who were in dorm settings instead of cells, reported that they were not permitted to go outside for three weeks.

These conditions, of being locked-in one's cell with no end in sight, were exacerbated by a lack of cleaning and hygiene supplies and limited or no access to hot water. Some of our clients reported they were only given toilet paper, and they were given that less often than before the strike. Other respondents added that they were not provided with razors to shave for two months. Mr. A. at Five Points C.F. wrote, "In regards to the cleaning materials . . . we never receive[d] cleaning for living space during the lockdown, which is two men living in a small space, sharing everything inside a cell."

Mr. F. at Woodbourne C.F. reported, "When we [ran] out of toilet paper and we go up to [the CO on duty] and he will tell us no more, use [your] hand and the water from the toilet or take a shower." Mr. V. at Upstate C.F. described, "The facility has massive amounts of garbage all over the prison that has not been cleaned up in over 6 weeks making the mice and rats run all around the facility and in and out of our cells."

Once the strike was officially over, conditions did not return to normal. Many people, while allowed out sporadically, continue to report being locked in their cell well in excess of the limits provided in HALT. Additionally, PLS has received numerous reports of people being held in

disciplinary confinement beyond their sanctions because DOCCS reports a lack of staff to transport people and yet, DOCCS does not appear to have any difficulty transporting people to the Special Housing Unit (SHU) or other disciplinary confinement. On April 18<sup>th</sup>, an individual from DOCCS Central Office reported to PLS staff, “There are tons of people in SHU who have been there well beyond the 15-day legal limit who are still there. Movement is starting up again, but it's slow.”

#### **B. Medical and Mental Health Care**

During the strike, only 4.9% of respondents who requested medical care reported that they received adequate and timely care; 69.1% of respondents who asked for medical care reported that they did not receive it and 26% reported that they received inadequate or delayed medical care. For example, Mr. C. at Attica C.F. reported he had surgery before the strike. He was not taken to his post-op follow-up appointment and developed an infection that required two weeks of antibiotic treatment. Mr. W. at Auburn C.F. reported, “During the lockdown I found out I was diabetic and anemic and had to be placed on medication. . . As of today, 4/4/25, I have not had a fingerstick to know my sugar levels. My feet are numb and have no feeling and they are very pale and look to be dying . . . I weighed today and I only weighed 173 lbs. down from my usual 220 lbs. . . . I am not getting the medical I need . . .”

During the strike, 80.9% of respondents who asked for mental health care did not receive it. This statistic is even more troubling in light of the increased stress of the deteriorating conditions and extended solitary confinement.

Mr. G. at Mid-State C.F. reported, “Mental health care was non-existent. I am a level 1S [the highest level and in need of the most care] and I was never able to see a psychiatrist or therapist, no matter how many times I requested it.” Mr. H. at Upstate C.F., who requested mental health care but did not receive it, described, “I’m hearing many voices in my own head. I’ve had no help. I know I am many people inside. It’s getting worse.” Mr. G. at Franklin C.F. reported, “Starting February

17th, 2025, until at least March 24th, 2025, not one mental health worker or anyone ever came around to check on any inmate to see if I was OK or anything was needed . . . I suffer from social anxiety, bipolar disorder, and ADHD, and this entire situation caused me a lot of anxiety and stress. Especially at first when the National Guards came in and took over the facility.” Mr. C. at Cayuga C.F. reported, “I’m developing depression because now I see that officers can do anything they want and not be held accountable.”

Lack of care has extended beyond the official strike. Mr. L. at Elmira C.F. reported, “[As of 4/7/25,] I still haven’t been seen by my mental health counselor. I get 3 medications a day for anxiety, PTSD, depression, and nightmares. I could not get any mental health help. I had a call out to be seen 2/17/25, the day of the strike, but was left in my cell. It’s been now over 60 days. I did not speak to my mental health counselor. I have attempted suicide on my record from mental health issues in the past, and I am even more traumatized from this strike.”

Even the few people who received a visit from the Office of Mental Health (OMH) Staff experienced problems with their care. Mr. H. at Marcy Residential Mental Health Unit (RMHU), described, “I was forced to speak cell-side to OMH and was insulted for expressing my feelings of stress.”

### **C. Visitation**

During the strike, visitation was completely shut down at a majority of facilities, legal calls were not being scheduled, and mail delivery was sporadic. New York’s State’s entire incarcerated population, approximately 32,500 individuals, were denied access to counsel and family support during a time when they needed it most.

Since the cessation of the strike, visitation has remained curtailed and limited. At most maximum security facilities, visitation has been reduced to weekends only, if that often. Mr. B. reported that at Auburn C.F., “We only have visits 2 times a month, and the visits are only on

weekends.” Some people are regularly unable to see their families. For example, Mr. A. at Eastern C.F. wrote, “I feel that because of the strike we are being punished for something we don’t have anything to do with. I can’t get visits now because the visits are only on the weekend and my family can only come on weekdays.” Mr. W. at Attica C.F. is “currently still being denied visitation [d]ue to the large number of people. . . attending visits. There are only 36 tables open for a population of 1700 prisoners. . . They are making it impossible to see your family.”

In addition to the DOCCS-imposed logistical hurdles to visitation, officers are harassing incarcerated people and their families. Mr. A. at Attica C.F. described, “Children are held outside for hours at a time, or some don’t get to even see their families. . . staff are taking their time with transporting visitors to see their family.” Mr. W. at Attica C.F. reported, “We are being harassed prior to going to a visit by what you wear, or sent back to your cell to change clothing that you were wearing, just to make things more difficult.” Mr. H. summarized, “The visits were cancelled which is unfortunate, because our families had nothing to do with anything, yet they had to suffer (and still are). The weekend visits are now allowed, but only every 2 weeks (here at Auburn). It’s difficult to receive visits, especially when we are not able to choose the days that we can go.”

#### **D. Programs**

Programming was completely shut down during the strike in facilities across the State and reports are that the incarcerated population continue to be denied access to programs. Mr. P. at Upstate C.F. reported that he appeared before the Time Allowance Committee before the strike, and his good time was withheld pending completion of two programs. “However, due to the current conditions in prison, to my understanding, no programs are being run. . . So how am I supposed to earn any of my good time back when no programs are being run? I feel that it’s unfair that I must have to sit in jail longer until the Dep. of Corr. gets their facilities back in order so they can be able to provide me programing. Every day I sit in prison not doing these programs, makes it longer that

I must stay in prison." Similarly, Mr. N. at Groveland C.F. stated, "My merit date was refused because the COs did something that was illegal. . . Now I can't go home to my kids and family. . . I was punished by parole for something I didn't do."

#### **E. Education**

While some programs are discretionary, others are not. During the strike and continuing with its suspension of all programs, DOCCS has been and continues to be in violation of both New York and Federal law. NYS Correction Law §136 mandates the provision of academic programs and secondary education for all incarcerated individuals: Education Law §3202(7) mandates that any individuals under the age of 21 in DOCCS custody be provided with academic instruction leading to a high school diploma or equivalency; and the federal Individuals with Disabilities Education Act (IDEA) mandates the provision of special education to eligible students in DOCCS custody. PLS has received a number of complaints regarding lack of appropriate education including complaints that no academic classes have been held since the strike began and that students have lost their entire spring college semester since all of the college programs were shut down during the strike and did not resume.

DOCCS is tasked by the State with providing rehabilitation to those in its custody and without education and other programming it cannot do so. The suspension of all programming, including education, means the suspension of rehabilitation and, as such, DOCCS is not fulfilling its mission.

#### **F. Increased Violence and Harassment**

Since the strike began, 65% of respondents reported increased staff violence. Sixteen people reported being personally assaulted by staff, 67% reported increased verbal harassment and 62.7% reported increased discrimination, primarily based on race and religion. Mr. T. at Franklin C.F. wrote that COs were calling incarcerated people, "Donkeys."

## **G. The Grievance Process**

People who are incarcerated have limited recourse, but they are supposed to be able to file a grievance when subjected to illegal or unconstitutional conditions. However, of respondents who sought to submit a grievance, 27.4% were unable to file one. Of respondents who were able to file grievances, only 31.1% received a response.

Harassment is reportedly rampant in facilities across the state: 36.5% of respondents reported being verbally threatened when they filed or attempted to file a grievance; 10.1% reported physical retaliation; 3.4% reported other forms of retaliation for filing a grievance, such as Mr. P. at Upstate C.F. who reported his mail was withheld.

## **H. Protective Custody**

DOCCS' security staff have repeatedly told individuals at correctional facilities throughout the state that since HALT was enacted, protective custody no longer exists. Individuals with a history of protective custody placement tend to be transferred from one facility's general population to another's, but typically these are individuals who have become targeted by unauthorized organizations (e.g., gangs). Because many unauthorized organizations have a large, statewide presence, the chances of finding a facility where people can safely reside in general population are slim to none.

When vulnerable individuals are denied protective custody, they frequently resort to self-help measures that result in unsustainable or unlawful living conditions. Some people will claim they are suicidal – or they will actually attempt suicide – to be moved to the Residential Crisis Treatment Program (RCTP). We were unable to communicate with one client who spent weeks in RCTP where he did not have access to pen and paper, or a telephone. Other people will be forced to endure SHU-like conditions, too afraid to risk leaving their cell at any time because they have been threatened with physical harm.

SHU-like conditions are not always self-imposed. A client in need of protective custody was housed at a medium, and lived in the dormitory. The facility [Washington C.F.] said it didn't have a PC unit so they put him in a single cell in the infirmary, in "pending protective custody" status. While in the infirmary, meals were brought to him three times a day, but that was all. The client was denied access to showers, commissary, recreation, the law library and telephone calls. He had a tablet, which should have allowed him to conduct legal research and make phone calls – except it did not work in the infirmary because the wi-fi was turned off. He had access to pen and paper, yet he could not send mail because no one came to pick it up. He also reported that he was not receiving mail. [The client has since been transferred out of Washington C.F.; we estimate that he was in the infirmary for approximately two weeks before he was transferred.]

To ensure prison safety, it is critical that DOCCS create protective custody units that provide the necessary and required education and programming to those individuals who have a legitimate need for protection.

#### **I. National Guard v. Correction Officers & Holding People Accountable**

Our clients have repeatedly compared the conduct of corrections officers to that of the National Guard and found the contrast shocking because, "National Guard made better Correctional Officers," as summarized by Mr. B. at Clinton C.F. Mr. F. at Franklin C.F. elaborated, "National Guards treated us like humans, and I felt so much safer with them. Most of the staff from Sgt to COs and up treat us like we are a nobody or will never be nothing or we are always trying to get over. Not all, but 97% of the staff do . . . And when you're upstate, the staff all know each other. They're family on the outside. You never have a win on a grievance. At the end of the day, in their eyes, we are the bad guys and no good, and [they] make our life hell. And it's a fact they are racist up in this hub." Another respondent, who declined to share his identity, stated, "The National

Guard treated incarcerated individuals better than DOCCS employees ever have. They treated us as humans and with dignity. DOCCS employees treat us as animals.”

In the words of Mr. M. at Franklin C.F. “The strike was one of the worst things I’ve been through in my life. It made jail ten times worse than it already is.” The consequences are serious and long lasting; as described by Mr. A. at Coxsackie C.F., “My inability to attend recreation and walk and exercise has caused weight gain and an increase in my blood pressure, anxiety, and increased depression requiring an increase in depression medication.”

Further, the current conditions remain degrading and unsafe; as described by Mr. R. at Coxsackie C.F., “The COs are upset that they were forced to come back to work & we’re getting the shitty end of the stick because now they’re doing the bare minimum.” Mr. S. summarized, “To this date [April 22nd], the COs here at Eastern NY Correctional Facility continue to strike in-house by intentionally delaying the [incarcerated individual’s] access to available programs, recreation, services, and weekly visits. Visits during the week are shut down on the alleged basis the facility is short on staff. . . , yet, in every corner, every housing unit CO’s office, and at the hospital, there are over 5 COs chit-chatting, hanging out, and doing nothing.”

The consequences of the strike have been, and still are, dire. The incarcerated community and their families were, and still are, the victims of illegal conduct by corrections staff. Mr. C. at Five Points C.F. wrote, “I just want to say that it is not right in any way that these COs can violate the Taylor law, break their contracts, burn down buses, and leave convicts in their cells for nearly six weeks to suffer in a multitude of ways with no repercussions. I have been incarcerated for over 21 years, and I have seen COs kill probably 10 inmates, beat hundreds, destroy all their personal property, break our TVs, radios, mirrors, headphones; put all our pictures and legal work in the shower & turn it on; steal our personal food that we either bought from commissary or that we received from our families. They antagonize us to no avail and 98% of us just take it, but every now

& then an inmate will lose it because they have had enough. I can promise you, despite all the lies they are trying to make the public believe, 99.99999% of convicts do NOT assault an officer for no reason at all!"

Mr. M. at Auburn C.F. stated, "The National Guards who came in during that illegal, unauthorized strike were better at doing the job than the NYSDOCCS officers. COs lied to the public & showed just how corrupt they are. In my 22 years of captivity . . . That video of what they did to Mr. Robert Brooks . . . They became complacent & never had to face accountability for their actions. Yet, they beat us up & then manufactured false [Misbehavior Reports] for assault on staff & they [are] the ones who routinely assault us. We (I/Is) need a voice because we need to be heard about the truth that goes on in here because it'll only get worse. What they did was illegal & we suffered because of that."

Mr. G. at Franklin C.F. stated, "What happened was wrong and illegal. It was against the law, the officers striking, and I am in prison for breaking the law and these officers broke the law [and] got away with it and caused undue hardship to me. Why can they break the law and nothing happens? What kind of message does this convey to people?"

These calls for accountability are appropriate. It is our understanding that the participating corrections officers, who initially were prohibited from state jobs, are now allowed to become officers at county and city jails. The majority of the fines imposed by the courts have since been reduced or waived. Meanwhile, the people incarcerated are still being denied services, visitation, education, programs (some of which affect their release date), and congregate recreation. The blatant double standard and lack of accountability only contributes to distrust and increased tension in the prison making our prisons and communities unsafe.

### **III. RECOMMENDATIONS FOR INCREASING SAFETY, TRANSPARENCY, ACCOUNTABILITY AND OVERSIGHT**

#### **A. Require DOCCS to Provide Critical Data & Information**

To provide transparency with respect to the current operations of NYS prisons and the conditions under which incarcerated individuals are being held, PLS recommends that the Legislature require DOCCS to make the following data publicly available:

- A daily list of current staffing levels at each facility;
- A daily comprehensive list of the educational classes and programs that are running or are suspended at each facility;
- A detailed explanation of which specific provisions of HALT DOCCS has determined is within the Commissioner's discretion to suspend;
- A detailed explanation from DOCCS as to why the still present National Guard officers are not enough to support programming, visitation, movement and other services; and
- A detailed explanation from DOCCS as to how it can claim a significant staffing shortage that prevents DOCCS from providing education, programming and services when the staffing ratio in NYS is lower than almost any other jurisdiction in the country.

With respect to the daily lists of current staffing and programming at each facility, disclosing this information to the public, should not cause any undue burden on DOCCS because this information is required to be maintained at each facility. The Memorandum of Agreement,<sup>3</sup> signed by Commissioner Martuscello during the strike, only allows a suspension of programming, both for people in general population and programming provided for in HALT, when staffing

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<sup>3</sup> See: <https://doccs.ny.gov/system/files/documents/2025/04/moa-doccs-nyscopba-3.8.2025.pdf>.

vacancies at a given facility rise to 30%. As such, the DOCCS Executive Team must know the staffing levels at each facility every day, or it would not know which programs should be running at each facility every day. If programs are not running, if visitation is curtailed, if people are not being provided congregate time out of their cells as mandated by the HALT Act, are remaining in SHU for weeks on end, and remaining in disciplinary confinement beyond their expiration, the public and this Legislature deserve a detailed accounting of why that is the case.

**B. Require Statewide & Expansive Use of Body Worn Cameras (BWC's), Detailed Data Surrounding the Use of BWC's and an Adverse Inference at Disciplinary Hearings**

Of the 400 individuals who replied to our questionnaire, 50.1% reported that there has been no BWC usage by COs or Sgts., 14.8% reported some Sgts. wear BWC's, though many reported they were not turned on, and 76.4% reported DOCCS' Correctional Emergency Response Team (CERT) does not use BWC's. In light of this, we urge the Legislature to require DOCCS to make the following data publicly available:

- A list of which facilities have BWC for all staff, just Sgt's., or no staff;
- A report on compliance levels with BWC policies in the facilities that have them;
- A detailed projection as to when all corrections staff will be provided with BWC's;
- A detailed explanation from DOCCS as to the consequences for staff who fail to comply with BWC policies, including, but not limited to, disciplinary action.

We commend the Legislature for recently passing legislation requiring and governing the use of BWC's in DOCCS facilities. Along those lines, we ask that the Legislature mandate that DOCCS prioritize BWC implementation. PLS notes that when it came to the implementation of new mail scanners to potentially decrease the amount of contraband that is coming into the prisons, DOCCS demonstrated a keen ability to expeditiously implement this new technology. We ask the Legislature to require DOCCS to implement the new BWC technology with the same speed and diligence.

We also urge the Legislature to **require DOCCS to mandate the use of BWC's in the mailroom** as well as when DOCCS staff are interacting with incarcerated people. As one of our respondents to our questionnaire noted, "Stealing of packages increased since [COs] came back."

Finally, with respect to the use of BWC evidence at disciplinary hearings, we urge the Legislature to **mandate that DOCCS adopt an official policy that, in cases where BWC footage is relevant, but the officer involved failed to comply with BWC policy and there is a question of fact, the Hearing Officer is obligated to draw an adverse inference against the officer.** This is not a novel proposal as adverse inferences against parties who control the evidence are regularly used in a spoliation of evidence context in courts across the country.

#### **C. Revamp the Prison Disciplinary Process**

The current disciplinary hearing system within DOCCS lacks transparency, independent oversight and fundamental fairness. Incarcerated individuals face severe punishments, prolonged isolated confinement and loss of privileges. Hearing officers, who are DOCCS employees rather than neutral arbiters, act as judge, jury and enforcer. DOCCS' disciplinary hearings fail to meet the most basic standards of due process. Individuals and even legal representatives struggle to secure witness testimony and evidence that could be used to establish a defense.

Unsurprisingly, decisions favor the institution's allegations. These hearings have become a way for DOCCS to rubber-stamp allegations and provide a facade of due process. The disciplinary system often unjustly punishes those who are not guilty and silences those who speak up, while shielding staff misconduct.

##### *1. Change the Standard of Proof at Disciplinary Hearings*

Under current law, prison disciplinary charges will be upheld at a prison discipline hearing, and in a subsequent Article 78 proceeding challenging the hearing disposition, if the charges are supported by substantial evidence. Under the substantial evidence standard, a person can be found

guilty if there is any evidence that reasonably supports guilt, even if the weight of the evidence supports a conclusion that the person is not guilty.

Other standards of proof are used in different kinds of legal proceedings. In a criminal case a defendant must be found guilty beyond a reasonable doubt. In certain cases, evidence must be “clear and convincing.” In most civil cases the burden on the plaintiff is to prove the case by a “preponderance of the evidence,” meaning the weight of the evidence is slightly in favor of the plaintiff. The plaintiff can meet the preponderance of the evidence standard if 51% of the evidence supports their case.

Prison disciplinary hearings frequently turn on credibility, in that a DOCCS employee alleges misbehavior, and an incarcerated person typically denies engaging in misbehavior, and may offer a very different account of what happened. With respect to violent altercations, what staff allege as “assault on staff” are often the incidents that incarcerated people describe as unprovoked assaults by staff upon them. Prisoners frequently complain that they have been “set up” by an officer finding, or claiming to find, a weapon or other contraband attributed to the individual.

Because the standard of proof in a prison discipline hearing is so low, it is difficult to impossible for an incarcerated person to successfully disprove allegations of misconduct. Yet it is inherent in the institutional setting of prison discipline hearings that credibility determinations are not made on a level playing field. Hearing officers employed by DOCCS almost always accept statements of their co-workers at DOCCS as credible, and find contrary statements by incarcerated people as lacking in credibility. Any statement by staff that is accepted by the hearing officer as being credible can, by itself, support a determination that an incarcerated person is guilty of misbehavior.

**In light of the above, we urge the Legislature to pass A6651/S6727 which would raise the standard of proof in a prison discipline hearing, and in an Article 78 challenging the**

**evidentiary sufficiency of such a hearing, from “substantial evidence” to a “preponderance of the evidence” giving an incarcerated person an opportunity to rebut charges that are not supported by the weight of the evidence, including fabricated and retaliatory charges.**

*2. Provide Incarcerated People and Their Lawyers a Meaningful Opportunity to Defend Against False Allegations of Misbehavior*

Alleged violations of prison rules are addressed at administrative disciplinary hearings that can result in severe and harmful sanctions—including extended disciplinary confinement, delayed release to the community and limitations on family contact. Despite these risks, incarcerated people and their counsel do not have a direct right to obtain the record of a disciplinary hearing for purposes of an administrative appeal or a court challenge. By commonly forcing people to pursue appeals and lawsuits without reviewing the record, the current framework hamstrings the ability to challenge improper charges.

New York State already recognizes that full and timely access to an administrative record is essential to a fair process. Section 302(2) of the State Administrative Procedure Act requires state agencies to provide parties with a copy of their own hearing record within a reasonable time (and in all instances before the deadline for seeking judicial review). DOCCS, however, is expressly excluded from that requirement. As a result, incarcerated people and their attorneys must instead rely on the Freedom of Information Law (FOIL) to get the record of a disciplinary hearing. FOIL is not fit to the task. It allows DOCCS to provide records after appeal deadlines have passed, and allows key information to be withheld merely because the general public does not have an independent right to see it. As a result, the current system is both inefficient and unfair. It requires people to pursue appeals—and even litigation—with only limited information, lest they be barred from challenging a wrongful hearing determination at all.

Ensuring that attorneys providing direct representation at prison disciplinary proceedings have access to the evidence while a hearing is still pending is critical to due process.<sup>4</sup> The HALT act enshrined the right to representation at prison disciplinary hearings, but it did not mandate that such representatives be provided with the evidence presented.

While there have been some cases where DOCCS has provided PLS with requested documents, in the majority of cases DOCCS denies PLS attorneys access to evidence during disciplinary hearings, including critical video and incident reports. Without the ability to review relevant evidence, a representative cannot meaningfully defend against baseless charges. A statutory right of access to all evidence during pending hearings will allow representatives to present a more effective defense. **We urge the Legislature to address this issue by creating an enforceable right of both the accused and his/her attorney to receive completed hearing records in a timely manner.**

#### **D. Revamp the Grievance Process to Prevent Retaliation**

##### *1. Model PREA to Reduce Retaliation Related to Complaints About Excessive Use of Force*

Recognizing the inherent risk of retaliation when someone reports prison sexual abuse, the federal Prison Rape Elimination Act (PREA) sets forth guidelines to “protect inmates who make prison rape complaints from retaliation.” 34 USC 30306(e). The risk of retaliation is no less for a complaint about excessive force or officer brutality. Often a person who has been subjected to

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<sup>4</sup>Two recent PLS cases drive this point home. In one case, soon after the alleged misbehavior, because we were providing representation to the client at the hearing, we were provided the *unredacted* version of the Unusual Incident Report (UI) which reported an injury to the hand of a staff person who described injuring his hand by banging it on a gate en route to the incident. When we received this same document weeks later through FOIL, that information was redacted. If we had not received the unredacted version of the UI, we would have had no way of knowing that the alleged staff injury was not caused by our client. As a result, PLS was able to get his hearing reversed and expunged. In another case, because we were representing the accused at his hearing, we were promptly provided the relevant records, including the alleged victim’s post-incident medical report. Our client, together with three others, were alleged to have cut the victim. No weapon was recovered and the incident was not witnessed. The only evidence in the Misbehavior Report to support the charges were two lacerations to the victim’s face. Yet, in the medical report, which we would never have received under FOIL, the victim was examined in his boxers and no lacerations were noted. Our client was found not guilty, but two of the others, who we did not represent, were found guilty.

excessive force wishes to bring a lawsuit against the people who hurt him, and if he is suing in federal court, there are very specific things that he must do to preserve his lawsuit. However, these steps often open our clients up to harassment and further mistreatment.

The Legislature, under Correction Law §139, has empowered the DOCCS Commissioner with wide latitude to establish a grievance system. Under the existing system established by DOCCS, someone who was hurt by officers must file a written grievance within 21 days. 7 NYCRR 701.5 (a). He usually must file in the same facility where he was beaten. A grievance committee reviews the grievances and issues a decision, which he must appeal to the Superintendent within seven days. 7 NYCRR 701.5 (c). After the Superintendent issues a decision, the grievant must appeal to the Central Office Review Committee within seven days. 7 NYCRR 701.5 (d). That ends up being three steps where someone has to tell his story, opening up disclosure of the details to involved staff. The three-step process also invites difficulties in getting to the next stage. A grievant not only relies on corrections staff to pick up his grievance and deliver it to the appropriate place, but also on timely delivery of the decision in order to follow the subsequent steps in the seven-day window. The grievance process is intended to resolve disputes, yet this goal significantly impairs our client's ability to access justice in matters of excessive force.

Additionally, if an incarcerated person wants a transfer or is concerned for his safety, he (or a family member) will file a complaint with the Office of Special Investigations (OSI) about staff misconduct. OSI is the investigative arm of DOCCS and is mainly staffed by former corrections officers. Often the OSI investigator has an informal relationship with involved staff and reaches out to staff to get their opinion on the request. The lack of an outside independent investigation increases our clients' exposure to retaliatory harm.

In contrast, a sexual abuse complaint may be made to *any* DOCCS staff member and can be in writing or by phone to OSI. A single documented complaint exhausts administrative remedies

without requiring the person to follow the three-step grievance process. 7 NYCRR 701.3 (i).<sup>5</sup> PREA also allows for individuals to report abuse to the State Commission on Correction, who forwards the complaint to OSI. Directive 4027 (c)(2). Under the national PREA standards, DOCCS is required to monitor for retaliation for at least 90 days following the report and employ protective measures such as housing changes and periodic status checks.<sup>6</sup> In each facility, DOCCS has placed a Deputy Superintendent for PREA in charge of coordinating the retaliation monitoring.

**Consistent with the institutional policies for sexual abuse, PLS proposes that the following measures carry over to claims of excessive force:**

- **Amend Correction Law §139 to limit the statutory authority of DOCCS for excessive force grievances to:**

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<sup>5</sup> 7 NYCRR 701.3 (i) states: Sexual Abuse and Sexual Harassment Complaints. The Department has zero tolerance for sexual abuse and sexual harassment. For purposes of the Prison Rape Elimination Act (PREA) Standards (28 C.F.R. § 115.52) and the exhaustion requirement, any allegation concerning an incident of sexual abuse or sexual harassment (See, Departmental Directives #4027A Sexual Abuse Prevention & Intervention--Inmate-on-Inmate and #4028A Sexual Abuse Prevention & Intervention--Staff-on-Inmate) shall be deemed exhausted if official documentation confirms that: (1) an inmate who alleges being the victim of sexual abuse or sexual harassment reported the incident to facility staff; in writing to Central Office Staff; to any outside agency that the Department has identified as having agreed to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials under the PREA Standards (28 C.F.R. § 115.51(b)); or to the Department's Office of the Inspector General; or (2) a third party reported that an inmate is the victim of sexual abuse and the alleged victim confirmed the allegation upon investigation. A sexual abuse or sexual harassment complaint may be submitted at any time; however, a timely complaint is essential to providing services and proper investigation. Acceptance of a late complaint does not waive the applicable statute of limitations with respect to any related lawsuit. Any inmate grievance filed regarding a complaint of sexual abuse or sexual harassment shall immediately be reported by the IGP Supervisor to the Watch Commander for further handling in accordance with Departmental policies. The complaint shall be deemed exhausted upon filing for PLRA purposes. If the grievance does not set forth any additional matters that require a response, the grievance shall be closed.

<sup>6</sup> PREA standard 115.67 (a) The agency shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation. (b) The agency shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. (c) For at least 90 days following a report of sexual abuse, the agency shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The agency shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. (d) In the case of inmates, such monitoring shall also include periodic status checks. (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation. (f) An agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

- require DOCCS to accept any oral or written complaint as documented by a DOCCS staff person or OSI employee, and
- deem such grievance sufficient for purposes of exhausting administrative remedies.
- Task the Inspector General with investigation of excessive force complaints instead of DOCCS OSI.
- Require a retaliation monitoring period of 90 days with protective housing moves and periodic status checks.

2. *Require More Evidence at Disciplinary Hearings For Charges Imposed Within 180 Days of the Filing of a Grievance Against An Officer*

Under current law, virtually any oral or written statement by DOCCS staff that they observed an incarcerated person engage in misbehavior, or that they otherwise observed misbehavior, such as by observing contraband in an area under an individual's control, is sufficient evidence to find the incarcerated person guilty. See, *Vega v. Smith*, 66 N.Y.2d 130 (1985); *Walton v. Goord*, 290 A.D.2d 764 (3rd Dep't 2002); *Ratliff v. Goord*, 13 A.D.3d 772 (3rd Dep't 2004). The U.S. Supreme Court has acknowledged the bias inherent in the prison disciplinary system. See, *Cleavinger v. Saxner*, 474 U.S. 193, 204; "The credibility determination they make often is one between a co-worker and an inmate. They thus are under obvious pressure to resolve a disciplinary dispute in favor of the institution and their fellow employee. See *Ponte v. Real*, 471 U.S. 491, 513, 105 S.Ct. 2192, 2204–2205, (1985) (dissenting opinion). It is the old situational problem of the relationship between the keeper and the kept, a relationship that hardly is conducive to a truly adjudicatory performance." This adjudicatory imbalance is of special concern in disciplinary hearings after an incarcerated individual has filed a prison grievance about officer misconduct.

**In light of the above, we urge the Legislature to pass A6600/S6419 which will require a more rigorous standard of proof for disciplinary charges imposed within 180 days of a staff grievance and involving the same personnel subject to the grievance. By this bill, such**

charges can only be imposed if there is actual evidence of the misconduct beyond staff member's oral or written statements.

**E. Mandate DOCCS Create Secure Protective Custody Units That Provide Necessary Programming and Required Education**

We urge the Legislature to require DOCCS to establish Protective Custody Units across New York State that provide the protection necessary for vulnerable individuals while also providing them with the programming and education they need to ensure successful reintegration upon release.

**F. Mandate DOCCS Identify Learning Disabilities at Reception**

To ensure safety in our prisons and successful reintegration of individuals into the community upon their release, it is incumbent upon DOCCS to guarantee that incarcerated individuals are provided the programming they need and the education to which they are legally entitled.

People with learning difficulties are over-represented in the criminal justice system. Researchers estimate that 30%-50% of the adult prison population has a learning disability. They also have a higher recidivism rate than those who do not have learning disabilities.<sup>7</sup> People with learning disabilities have learning needs specific to their disability. They often learn in a different way from most individuals and standard teaching methods do not meet their learning needs.

Throughout PLS' years of providing legal assistance to incarcerated individuals, we have noticed that our clients with learning difficulties often struggle to succeed in their required classes, including Adult Basic Education (ABE), pre-Highschool Equivalency (HSE), and HSE. Upon review

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<sup>7</sup> Angela Koo, *Correctional Education Can Make a Greater Impact on Recidivism by Supporting Adult Inmates with Learning Disabilities*, 105 J. CRIM. L. & CRIMINOLOGY (2015).  
<https://scholarlycommons.law.northwestern.edu/jclc/vol105/iss1/6>

of our numerous education clients, we have found that DOCCS policies and procedures related to education have had a disparate impact on those with learning needs in a number of ways.

First, many of our clients have been enrolled in the same class level for years on end, yet were never identified as having learning difficulties nor provided with the reasonable accommodations they needed in order to fully access educational programming. With little to no academic improvement they became frustrated, suffered from low self-esteem, humiliation and depression, and left prison with no academic advancement at all. Many of them could have received an HSE before release if their learning difficulties had been identified and they had been given the appropriate accommodations they needed to learn. This would have increased their ability to successfully re-enter society and decreased their recidivism rates.

Second, the failure to succeed in obtaining an HSE prevents many incarcerated individuals from obtaining a higher paying job or vocational training since a variety of department programs require an HSE.

Third, students with learning difficulties have been unable to successfully complete their required education programming which has contributed to denials of early release including merit time, good time, parole and work release.

Overall, through no fault of their own, many people with learning difficulties are remaining in prison longer and returning to prison at a higher rate than those who do not have learning difficulties.<sup>8</sup>

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<sup>8</sup>The following are a few examples that demonstrate the extent of the problem:

JS entered DOCCS reception in 2020 when he was 36 years old, and tested at a 5th to 6th grade level. He had no accommodations for his learning disabilities while in DOCCS but had been in special education classes while in school where he had an IEP, received extra time on tests, was given permission to use notes and a calculator on tests, and had tests read to him. PLS advocated to the education supervisor at Great Meadow that he be evaluated by an educational psychologist. The education supervisor then requested his public-school records which confirmed that he had been in special education. We were informed that he would be provided accommodations when testing began in January. We have followed up with the education supervisor noting that JS needs accommodations in the classroom in order to learn, not just when he is being tested.

JA entered DOCCS reception in 2014 when he was 22 years old, and was incarcerated for three years with no accommodations for his learning disabilities. He re-entered DOCCS on a second bid in 2022 when he was 31 years old

The examples in footnote five (FN5) highlight the profound challenges that incarcerated individuals with learning difficulties face in successfully completing their educational programming and obtaining early release. Considering the high percentage of individuals with learning difficulties who are incarcerated, it is clear that, over the years, countless individuals who did not have PLS' assistance were unable to successfully complete their education programming and have suffered the consequences. Upon review of the DOCCS' directives that are related to education we found that DOCCS reception procedures which determine an individual's initial educational needs and placement fail to identify those individuals with learning difficulties. This, in turn, thwarts DOCCS' rehabilitative educational goals from the start.

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and tested at a 6th grade level. He has been in pre-HSE with no accommodations since reception and has a history of a learning disabilities and ADD/ADHD. He notified staff that he was in special education classes during his childhood with accommodations such as extra time on tests and one-on-one instruction. PLS advocated to the education supervisor at Hale Creek that he be evaluated by an educational psychologist. The evaluation was done and it was determined that he has a learning disability and will be provided with accommodations on the HSE test. It is likely that he will need accommodations in the classroom as well.

DG entered DOCCS reception in 2010. He is now 57 years old, and has been in ABE with no accommodations for over 13 years. His education records show that he had stagnant test scores between 2010 and 2018. He has a history of dyslexia, was in special education classes pursuant to the IDEA in school, and received special education. We advocated with the education supervisor at Ulster that he be evaluated by an educational psychologist. The evaluation was done, the psychologist diagnosed him with a learning disability, and recommended accommodations including extra time on all tests.

RA entered DOCCS reception in 2006. He is 59 years old and requested assistance with getting enrolled in academic classes. He had been in ABE from reception in 2006 to 2021 but was unable to progress. We advocated to the education supervisor at Riverview for him to be evaluated for learning disabilities, re-enrolled in academic programming, and provided with reasonable accommodations to address any undiagnosed learning disabilities which were inhibiting his progress in class. He is now enrolled in ABE again, and has been given accommodations to address his learning needs.

MR entered DOCCS reception in 2016 at 52 years old. In 2019, based solely on his "overall unacceptable level of program participation and/or progress" he was denied merit time eligibility. MR had been diagnosed with the following severe impairments: an intellectual disability, learning disability, personality disorder, schizophrenic delusional disorder, and schizoaffective disorder. His I.Q. was 59, placing him in the mild range of intellectually disabled. He performed at a third-grade level in oral reading, and a first-grade level in spelling. His math skills were limited to simple addition and subtraction of one-digit numbers. In grade school, he had been classified with a disability and placed in a special education setting. PLS advocated that the ineligibility determination constituted unlawful disability-based discrimination because his inability to accomplish the merit time requirements resulted from his disability, and he was not given any accommodations for testing or for classroom instruction to address his learning difficulties. Without such accommodations it was impossible for MR to complete the eligibility requirements for merit time. We requested that, given his learning difficulties, the merit time requirements should be waived as a reasonable accommodation. MR was granted merit release to parole on December 12, 2019.

State and Federal law requires DOCCS to identify incarcerated students with educationally handicapping conditions and special learning needs, and to address those students' disabilities in a meaningful manner.

First, the Correction Law requires DOCCS to evaluate each newly received individual's educational needs and capacity to complete the academic course work required for an HSE.<sup>9</sup>

Second, state regulations governing the department's academic education program state that the education program shall include, but is not limited to, "special education for inmates identified as having an educationally handicapping condition(s) and/or special learning needs;<sup>10</sup> Additionally, the department is required to develop and implement a system of incentives which are designed to encourage learning handicapped inmates to enroll and remain in academic education programs.<sup>11</sup>

State regulations also mandate that, "**as soon as practicable following reception into the department** (*emphasis added*), each inmate shall undergo assessments in his/her dominant language in order to determine educational needs and interests."<sup>12</sup> And, "that at a minimum, such assessments shall determine: (1) IQ level; (2) achievement in reading and mathematics; (3) oral proficiency in English for speakers of other languages; (4) language dominance; and (5) educationally handicapping conditions or special learning needs which may require special education placement.<sup>13</sup> Additionally, "following such assessments, all inmates shall be recommended for placement in appropriate academic education programs.<sup>14</sup> Finally, state regulations require teaching personnel to evaluate students on a regular basis to determine their

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<sup>9</sup> Corr. Law §§136(2), 137(1)

<sup>10</sup> 9 NYCRR 7677.4(b)(3)

<sup>11</sup> 9 NYCRR 7667.4(d)

<sup>12</sup> 9 NYCRR 7677.8(a)

<sup>13</sup> 9 NYCRR 7677.8(b)

<sup>14</sup> 9 NYCRR 7677.8(c)

progress<sup>15</sup>, and require education counselors to monitor a student's progress, maintain written records of such progress, recommend programming adjustments, and discuss program participation and progress with students.<sup>16</sup>

Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act prohibit, on the basis of disability, discrimination, the exclusion of participation, or the denial of benefits of services.<sup>17</sup> Regulations implementing these statutes make clear that a prison may not, on the basis of an inmate's disability, deny him the opportunity to benefit from a service, to attend an equal service, or deny him the opportunity to "obtain the same result, gain the same benefit, or to reach the same level of achievement as that provided to others."<sup>18</sup> Additionally, prisons may not utilize criteria or methods of program administration that have the effect – whether intentional or unintentional – of subjecting qualified individuals with disabilities to discrimination on the basis of disability.<sup>19</sup> State agencies must make reasonable accommodations to their programs and services, including academic coursework, when they know or should know that an individual has a disability-related need for an accommodation.<sup>20</sup>

In light of the above, we support A1325/S395 which requires all incarcerated individuals who do not have a high-school diploma or its equivalent to receive a reading proficiency level assessment and dyslexia screening upon intake by DOCCS and requires that individuals who perform below a certain proficiency level be provided with intervention services that are evidence-based, effective and consistent with science-based research specifically tailored to addressing dyslexia. We further urge the Legislature to consider broadening the scope of this legislation to require DOCCS to begin the process of identifying

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<sup>15</sup> 9 NYCRR 7677.8(d)

<sup>16</sup> 9 NYCRR 7677.8(e)

<sup>17</sup> 42 U.S.C. § 12132; 29 U.S.C. § 794(a)

<sup>18</sup> 28 C.F.R. §§ 35.130(b)(1), 42.503(b)(1)

<sup>19</sup> 28 C.F.R. §§ 35.130(b)(3), 42.503(b)(3)

<sup>20</sup> 28 C.F.R. § 35.130(b)(7)(i), *Wright v. NYSDOCCS*, 831 F.3d 64, 72-73 (2<sup>nd</sup> Cir. 2016)

individuals with additional learning challenges, including other learning disabilities such as dysgraphia, dyscalculia and conditions that impact learning including ADHD and Autism at reception. This will allow individuals with conditions that impact learning to gain the earliest possible equal access to education and other programs with the assistance of the reasonable accommodations they are entitled to by law.

#### **G. Prison Closures & Infrastructure Improvements**

Since July 2024, a total of 183 reports have been submitted to PLS regarding life-threatening environmental hazards at Fishkill Correctional Facility. These reports cite the presence of asbestos, lead-based paint, black mold, roach and rodent infestations, and extensive structural deterioration. Broken windows at the facility not only contribute to extreme seasonal temperature swings within the facility, but reportedly broken glass shards have also been used as weapons.

Complainants have described a wide range of associated health concerns, including respiratory difficulties, chest infections, hospitalizations, dermatological reactions such as hives and rashes, nosebleeds, chest pain, nasal congestion, eye irritation and vision issues, as well as gastrointestinal discomfort. Notably, at least one in every seven individuals has filed an official grievance without receiving any response.

**PLS urges the Legislature to order DOCCS to investigate and report on the environmental hazards and physical condition of Fishkill C.F. and other older facilities and urges DOCCS and the Executive to consider such information when deciding future prison closures.**

#### **H. Prison Oversight & Accountability**

Currently there are bills pending in the Legislature that would dramatically increase oversight and accountability. One such bill is S1671/A5355 which authorizes DOCCS to discipline DOCCS employees for acts of serious misconduct, defines serious misconduct,

establishes procedures for such disciplinary action, and prohibits employees who have been removed for serious misconduct from being placed on the eligible list after such removal. Also pending is S1707/A6322 which creates the office of the Correctional Ombudsperson to achieve transparency, fairness, impartiality and accountability in New York state correctional facilities. Finally, there is S651/A3781 which authorizes the Correctional Association to visit correctional facilities at any time and without advance notice and grants the Correctional Association access to certain records and information of correctional facilities. All three of these bills would promote transparency and strengthen accountability and oversight and we urge the Legislature to pass them.

#### IV. CONCLUSION

There is much to be done to address the issues of safety, accountability, transparency and oversight. However, what must be avoided above all is a concession that any of the current strike-related conditions are acceptable as a new normal. The current conditions in prison that our clients have reported demonstrate that our prisons and communities are less humane, less rehabilitative, and less safe than in the past. We urge the Legislature to consider adopting the recommendations set forth in this testimony to help improve safety, accountability and transparency within DOCCS.

Again, thank you for inviting PLS to testify before you today, for listening to the concerns of the incarcerated population, for inviting PLS to provide possible solutions to these issues and for considering our proposals.

Dated: May 14, 2025

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**Written Testimony of Lucy Lang  
New York State Inspector General**

**Before the Senate Standing Committee on Crime Victims, Crime & Correction  
and the Assembly Standing Committee on Correction**

**May 14, 2025**

**Introduction**

Chairperson Salazar, Chairperson Dilan, and distinguished members of the Senate and Assembly Committees, thank you for the opportunity to offer written testimony regarding the conditions, operations, and oversight of the New York State Department of Corrections and Community Supervision (DOCCS).

As the New York State Inspector General, I lead an independent agency – the Offices of the Inspector General (OIG) – whose mission is to foster confidence in New York State government by promoting integrity and transparency through oversight of covered agencies, their employees, and those doing business with the State. To that end, my staff of lawyers, investigators, auditors, forensic analysts, and administrative professionals at regional offices throughout New York State are responsible for investigating allegations of corruption, fraud, criminal activity, conflicts of interest, and abuse in state agencies, including DOCCS. Our work is grounded in the principles of integrity, transparency, and accountability, and I submit this testimony on behalf of my office and in service of those values.

There can be no doubt that the murders of Robert Brooks at Marcy Correctional Facility in December 2024 and Messiah Nantwi at Mid-State Correctional Facility in March 2025 highlight a system under extraordinary stress and underscore the critical need for continued and enhanced oversight of our State's correctional system. Having personally visited every State prison in New York and spoken with incarcerated New Yorkers and correctional staff at each one, I have seen firsthand the stark challenges facing these institutions which house many of our most vulnerable community members. Having also spent several years as an educator in New York State prisons, I am deeply aware of the humanity of the more than 30,000 New Yorkers who live in these facilities. My colleagues and I are committed to continuing to provide independent oversight of DOCCS mindful of the dignity of every New Yorker who works or lives behind bars, and to enhancing that oversight in the years to come.

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## **Oversight and Review of Allegations**

Pursuant to New York State Executive Law Article 4-A, OIG serves as the oversight body for DOCCS and other covered State agencies. OIG has the authority to investigate allegations of various forms of misconduct, which we receive from a wide variety of sources, and to audit the activities of state agencies, including their procedures, programs, and financial operations to, among other things, identify and make recommendations regarding systemic failures. To that end, OIG is empowered to compel production of documents and testimony and to subpoena records and witnesses.

Notably, DOCCS also has an internal investigations unit, the Office of Special Investigations (OSI), which operates 24 hours a day, 365 days a year, and has approximately 250 staff members assigned across each of the State's correctional facilities and DOCCS's central office. In most instances, OSI serves as the first and primary investigative body for allegations of misconduct within DOCCS, as they are able to respond immediately, direct corrections staff, utilize all DOCCS resources, and take other preliminary investigatory steps to collect and preserve evidence.

OIG receives complaints related to DOCCS through direct communications such as regular mail, our public hotline, and an online complaint portal, through quarterly meetings with the Correctional Association of New York (CANY) and periodic meetings with advocacy organizations, as well as referrals from partner agencies and review of DOCCS internal materials including the DOCCS Central Command Center's Unusual Incident Reports and weekly lists of complaints received by OSI. Recognizing that more than half of the allegations we receive annually – which encompass those related to more than one hundred agencies, the welfare system, and the workers' compensation system – are related to DOCCS, in my first year as Inspector General I designated a specialized Attorney-in-Charge of DOCCS matters. This senior investigative attorney assesses every single complaint we receive related to DOCCS, and then works with our statewide interdisciplinary teams to conduct investigations, identify systemic risks, and offer policy-driven recommendations. We continue to work with our limited resources – approximately 120 staff members with oversight responsibilities for more than 100 covered agencies *in addition to DOCCS* – to build a sustainable and expert infrastructure to most effectively and impactfully carry out this vital portion of our mission.

In this vein, since the escape from Clinton Correctional Facility and ensuing manhunt a decade ago, which exemplified the potential risks to public safety that can arise from staff illegality, our office has regularly worked in conjunction with OSI in conducting unannounced facility-wide searches of DOCCS facilities. These surprise spot investigations include searching all on-site DOCCS staff and staff areas, including locker rooms, offices, and other locations that might contain evidence of staff misconduct or criminal activity. Members of my staff and I have also visited the residential, medical, and dining facilities at every prison, in addition to the residential rehabilitation housing units (RRUs) and segregated housing units (SHUs) at facilities that have

them, as well as the cook-chill production facility in Rome that prepares and provides the food served across the DOCCS system.

DOCCS-related allegations fall into several categories, including allegations of staff-on-incarcerated person assaults, sexual abuse or inappropriate relationships, retaliatory disciplinary action, mail tampering, contraband, threats, and denial of medical care. Upon receipt, every allegation is logged into our case management system, and those that meet threshold criteria are reviewed weekly by a multidisciplinary Case Review Process (CRP) team, including the Attorney-in-Charge of DOCCS matters.

Depending on the nature of the allegation, we then open a preliminary investigation which we handle internally, refer the case to DOCCS with a 45-day response request, or forward the matter to another appropriate agency. We notify the person who made the allegation, and we track outstanding matters in coordination with DOCCS in an effort to ensure that follow-through is completed and documented. When an investigation reveals criminal wrongdoing, we prepare the case for law enforcement intervention and partner with the appropriate federal, state, or local prosecutorial and police agencies to bring criminal charges and secure an appropriate disposition, whether it includes a disciplinary, remedial, financial, or incarcerated sanction. When an investigation instead reveals gaps in DOCCS policies or other systemic failures, OIG may issue a public report or letter to raise awareness and make recommendations for change.

## **Findings from Recent OIG Oversight Reports**

Several recent reports published by my office have illuminated deep-rooted challenges within DOCCS, all of which can be found at [ig.ny.gov/doctsreports](http://ig.ny.gov/doctsreports):

- Our [2024 Review of the First Two Years of HALT Implementation](#) found that DOCCS routinely failed to track and report segregated confinement placements in accordance with the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act. We identified critical gaps in recordkeeping and reporting, raising serious concerns about compliance and transparency.
- Our [2023 Investigation of the DOCCS Drug Testing Program](#) revealed that incarcerated individuals were subjected to false-positive drug tests due to defective Microgenics testing systems. These erroneous results led to wrongful disciplinary actions, extended confinement, and delayed parole. Despite early warnings, DOCCS failed to suspend or scrutinize the tests, resulting in avoidable harm and injustice.
- Our [2023 Review of the Lost Wage Benefit Provided to Security Services Unit Employees Within the New York State Department of Corrections and Community Supervision](#), and multiple annual reports to the Workers' Compensation Board detailed how our repeated investigations into workers' compensation misuse at DOCCS revealed patterns of abuse and overuse by some DOCCS

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employees. These findings reinforce the need for tighter oversight and integrity measures within the workers' compensation system as it relates to DOCCS staff.

- Our [2022 Report on Racial Disparities in the Administration of Discipline in New York State Prisons](#) documented stark racial and ethnic disparities in DOCCS disciplinary practices, housing placements, and access to programming. Black and Latino incarcerated New Yorkers were disproportionately affected by punitive measures and underrepresented in opportunities for education and rehabilitation—trends that must be addressed if we are to ensure equity in our justice system.

## **Staffing, Training, and Programming**

Correctional facilities cannot function safely or humanely without sufficient and properly trained staff. My office has consistently observed the impact of chronic staffing shortages, particularly in areas that are essential to institutional well-being such as mental health care, education, and unit supervision. These gaps endanger both staff and incarcerated individuals and erode the foundation of safety and rehabilitation.

Recognizing the power of prevention, OIG participates directly in the training of every new class of correction officers. A confidential investigator who reports directly to me conducts these trainings, which includes instruction on the Public Officers Law and related ethics statutes and emphasizes the responsibilities of state employees to act with integrity and transparency. We train every incoming officer on their legal and ethical duty to report misconduct, reinforcing that complicity through silence is unacceptable in a just system. We also educate recruits about proper use and accountability around workers' compensation, an area that has been the focus of ongoing investigations by my office. These trainings are not one-offs. They are part of a sustained strategy to instill a culture of lawful conduct and personal responsibility from day one of a correction officer's career.

At the same time, incarcerated individuals must have access to rehabilitative programming—vocational training, education, mental health treatment, and cognitive-behavioral therapy. These services are proven to reduce recidivism and support successful reentry. When staff are unavailable to administer or support these programs, the rehabilitative mission of our correctional system is significantly compromised.

## **Need for Increased Transparency and Accountability**

Transparency is a prerequisite for effective government. Without accurate and accessible data on incidents, investigations, and outcomes, neither my office nor the public can assess the performance of our correctional system.

Our investigations regularly face the challenges that arise from lack of consolidated electronic record-keeping. By way of example, to assess DOCCS's compliance or non-compliance with the HALT Act, my staff had to resort to reviewing individual paper logbooks entries to determine whether incarcerated people were being granted the required out of cell time daily. This is simply not a tenable system of oversight in a department that includes 42 facilities and houses 30,000 people. Data collection on use-of-force incidents, medical emergencies, staffing levels, and program participation must be consistent, comprehensive, and electronically maintained.

Where transparency is lacking, accountability cannot be sustained. For this reason, OIG continues to pursue direct access to DOCCS systems so that requests for information and documents need not be routed through OSI. Moreover, OIG would welcome the embedding of a member of OSI staff within OIG to provide instant systems access and increase transparency.

### **Need for Increased Infrastructure and Human Connection**

Facility infrastructure also requires sustained investment. Many prisons in New York suffer from deteriorating conditions and outdated systems. Investments in safety technology, communication tools, and sanitation are necessary to protect both staff and the incarcerated population.

Notably, the investigation into Mr. Brooks' tragic murder highlighted the incredible utility of body-worn cameras in conducting investigations into prison violence, and the need for improved storage capacity and regulation of the footage derived from this important investigative and deterrent tool. OIG is currently monitoring emerging technology and the relevant policies to ensure that body-worn cameras fulfill their potential in improving conditions for incarcerated New Yorkers.

Equally vital is ensuring that incarcerated individuals maintain connection to family and community. Visitation and access to communication support rehabilitation, reduce recidivism, and promote public safety. Policies that facilitate meaningful contact must be upheld and expanded, especially in remote facilities.

### **Conclusion**

Our work at the Offices of the Inspector General to provide oversight of DOCCS has revealed a system in need of reform, investment, and sustained oversight. My office remains committed to ensuring that DOCCS operates in accordance with the law, with respect for human dignity, and with full public accountability.

I thank the committees for your attention to this critical matter and for your partnership in working toward a correctional system that reflects the values of safety, justice, and integrity for all New Yorkers.

*The Offices of the New York State Inspector General: Fostering confidence in New York State government by promoting integrity and transparency through oversight of covered agencies, their employees, and those doing business with the State. To report wrongdoing, call 1-800-DO-RIGHT (367-4448) or visit ig.ny.gov. Follow the office's work on social media at @NewYorkStateIG.*

May 14<sup>th</sup>, 2025

*Testimony of Serena Martin, executive director, New Hour for Women and Children, LI, Inc.*

Dear Members of the Senate Committee on Crime Victims, Crime and Correction and the Assembly Committee on Corrections:

Thank you for calling today's hearing addressing the safety of persons in custody, transparency, and accountability within New York State correctional facilities.

My name is Serena Martin, I am the founder and executive director of New Hour for Women and Children LI, a non-profit organization based on Long Island dedicated to empowering justice-impacted women, children and families throughout New York State. Since 2015, New Hour has provided fifteen weekly programs to women in Long Island's three jails, including a jail-based nursery program for women who give birth in the Suffolk County jails. With only eight staff members, many of whom have also been directly impacted by incarceration, we have met the needs of over 15,000 incarcerated and formerly incarcerated women and families. This outreach includes women who are housed at Rose M. Singer on Rikers Island and women in all New York State prisons who consistently reach out to us for support. Just this past year, we raised funds and facilitated the donation of over 300 small indoor fans to address the heat wave impacting women behind bars, as well facilitating the donation of over 20,000 feminine products to both Bedford and Taconic facilities with the support of the Thurman Perry Foundation. We recognize the growing concern for conditions and the safety of incarcerated people and extend our deep outrage and unwavering support for the family of Robert Brooks who was killed in custody by correctional officers. May we never forget his name.

At our core mission, we are consistently seeking ways to stem the trauma that is intrinsic to women and mothers and all people that have experienced incarceration. In local jails across New York State, 79% of women are mothers to minor children<sup>1</sup>; 62% of women in state prisons<sup>2</sup> are mothers; and 56% of federally incarcerated women are mothers<sup>3</sup>. As current data shows, the system that incarcerates women continues to drastically balloon. Since the 1980s, the number of incarcerated women has increased

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<sup>1</sup> McCampbell, S.W. (2005). The Gender-Responsive Strategies Project: Jail Applications. Washington, DC: U.S. Department of Justice, National Institute of Corrections.

<sup>2</sup> Glaze, L.E. & Maruschak, L.M. (2010). Parents in Prison and Their Minor Children. Washington, D.C.: Bureau of Justice Statistics. Retrieved from: <http://www.bjs.gov/content/pub/pdf/pptmc.pdf>

<sup>3</sup> Glaze, L.E. & Maruschak, L.M. (2010). Parents in Prison and Their Minor Children. Washington, D.C.: Bureau of Justice Statistics. Retrieved from: <http://www.bjs.gov/content/pub/pdf/pptmc.pdf>

by a staggering 585%, making women the fastest-growing segment of the prison and jail population (Prison Policy Initiative, 2023). The silent population at risk among this group are pregnant women and infants born to those incarcerated. Pregnancy carries inherent risks, but incarcerated individuals face compounded health challenges, including higher rates of chronic illness, substance use disorders, mental health conditions, and histories of limited healthcare access (Prison Policy Initiative, 2023).

As a step to reduce the harm that the carceral system has on mothers and infants, New Hour coalesces the statewide CARE Coalition, a coalition of over 150 health care providers, attorneys, advocates, students and directly impacted women who have given birth while incarcerated. The CARE Coalition aims to address the failures of our current laws and the needs of those pregnant and giving birth behind bars. Over the past year, the CARE Coalition has been advocating for legislative change as it relates to incarcerated pregnant and birthing people and demanding that humanity and dignity be restored for women and mothers and their infants while incarcerated and in reentry. The CARE Act (S4583/A4879), along with a slate of other bills reintroduced this session, including the Protect In-Person Visiting (S.5037/A.4603), the Anti-Shackling (S.2667/A.1670) and the Breast-Pump Access (S.2666A/A.1207) bills, are aimed at protecting the dignity and rights of pregnant people and protecting and nurturing family bonds.

The United States has one of the highest maternal mortality and morbidity rates among developed countries, with disproportionate impacts on low-income women and women of color (CDC, 2022). In prison, these disparities are magnified. Six state prison systems—Alaska, Hawaii, Iowa, Maine, Nevada, and Washington—reported providing no staff training on the care of pregnant individuals. Yet these states accounted for 5% of nearly 50,000 women admitted to prison in 2021 (Bureau of Justice Statistics, 2023). According to John Hopkins University, 4% of women entering US state prisons from 2016-2017 were pregnant, a total of 1496, with 800 women giving birth while incarcerated, according to the Advocacy and Research on Reproductive Wellness of Incarcerated People, Pregnancy in Prison Statistics - Project (PIPS). As a result of our FOIL request in collaboration with Cornell Law School, we found a sizable drop in the number of women who were pregnant from 2021 through 2023 in DOCCS custody. We have requested and are awaiting data for 2024.

In 2021, there were a total of 20 women pregnant, 14 who delivered while in custody and 6 who were paroled before delivery. In 2022, we found that 15 were pregnant, 14 delivered while in custody and 1 was discharged before delivery. In 2023, 15 were found to be pregnant, 11 delivered while in custody and 4 were released/discharged before delivery.

As a formerly incarcerated Latinx, I have dedicated my life to the cause of women behind bars and advocated, along with many other advocates, to pass legislation that has a significant impact on the lives of women behind bars. In the past decades, I joined statewide efforts to pass the Domestic Violence Survivors Justice Act and the Anti-Shackling Law which prohibits the shackling of women during childbirth. The challenges incarcerated women face are nuanced and uniquely set apart from incarcerated men. According to the Bureau of Justice Statistics, over 1,900 pregnant individuals were admitted to state prisons in 2023. In jails, the number was even higher, with over 55,000 pregnant admissions in one year (Bureau of Justice Statistics, 2023). In 2023, according to the Bureau of Justice Statistics, more than 700 pregnancies concluded in custody: 91.5% resulted in live births, 6.5% ended in miscarriage, and 2.1% ended in abortion. Additional outcomes included four stillbirths and ectopic pregnancies.

As an organization, we often drive upstate and pick women and their infants up from prison when released; and we pick up babies sent away while their mothers remain behind bars. We spend our days providing resources, support and compassion to mothers like the one who recently called us from prison to beg that we advocate on her behalf. While she and her baby are in the state prison, she will be able to keep her infant until her baby is 18-month old as mandated under New York State law. After that, her infant will be taken away from her and sent to family until she completes her prison sentence.

Incarcerated mothers are five times more likely than fathers to have their children placed in foster care and face a higher likelihood of having their parental rights terminated (Urban Institute, 2017). Despite this, many pregnant individuals in custody are denied basic pregnancy-related care, including regular prenatal visits, adequate nutrition, and basic hygiene products. Some are still subjected to shackling during labor, a practice condemned by medical experts and human rights advocates (ACOG, 2011; Amnesty International, 2017).

Of the three state prisons which solely hold women, Albion Correctional Facility, Bedford Hills Correctional Facility, and Taconic Correctional Facility, only one has a prison nursery, Bedford Hills. Nationally, only 11 states in the federal system currently operate prison nursery programs, where an infant can reside with their parent after birth (Bureau of Justice Statistics, 2023). Simple accommodations remain unavailable in many prison systems in the United States. The Prison Policy Initiative reports that postpartum diets were provided in only 60% of systems, doula support in 35%, extra pillows during pregnancy in 69%, and breast pumps in 78%. Prenatal vitamins, known to prevent 50–70% of neural tube defects and improve other outcomes, are also not guaranteed (CDC, 2020).

While there are sixty-two counties in New York State, we know of only four county facilities that have nurseries and programming for mothers and infants: Rose M. Singer on Rikers Island, Bedford Hills, and the Suffolk County Riverhead and Yaphank jails under Suffolk County Sheriff Errol Toulon. While Sheriff Toulon has worked with New Hour to create the nursery setting where we provide programming, supplies and support to women when they give birth in Suffolk County, this collaboration is an anomaly and may or may not be replicated without law dictating this. In Nassau County, some 50 miles west, there is no such nursery and women arrested and incarcerated in Nassau County will have their infants removed from them at birth. The timeframe for an infant to remain with their birthing parent is also not consistent across all prisons and jails, it is up to the Sheriff overseeing that facility to determine whether or not their facility will prioritize the health and safety of pregnant women and infants by creating a jail nursery and the timeframe an infant is allowed to stay with their mother.

Under current law, localities are not required to have a nursery for mothers and infants and as a result, infants are often removed from their mothers' care the day they are born. The Compassion and Reproductive Equity Act (CARE Act) (S.4583/A.4879)) would change this. It would also expand the definition of "special populations" to include pregnant individuals for a period of three months, rather than eight weeks, to ensure that birthing people receive proper accommodations and care. Additionally, the bill mandates the establishment of a system that provides prenatal screenings, treatment for pre-existing conditions, proper nutrition, humane birthing practices, postnatal care, and adequate time and space for bonding between parents and their children. This legislation is critical to ensuring that incarcerated pregnant individuals and birthing parents receive proper healthcare, support, and the opportunity to bond with their children. By improving access to necessary medical care and supporting the parent-child relationship, it will help promote healthier futures for both the parent and child.

The research and science are clear: reduced maternal bonding is associated with poorer infant outcomes, including less secure attachment, difficult temperament, higher colic ratings, and less positive infant mood (Le Bas et al., 2020). Without intervention, poor bonding is likely to persist beyond the first year postpartum (de Cock et al., 2016). Correspondingly, perinatal depression and anxiety are associated with poorer offspring outcomes spanning from infancy through adolescence, across mental health (Srinivasan et al., 2020), cognitive, language, motor, and adaptive behaviour domains (Rogers et al., 2020). Why would we want this to be the outcome and result for infants, just because they were born to jailed mothers?

While incarcerated over 25 years ago myself, I still recall watching pregnant women struggling on the program movement line to get to programs in the allotted amount of

time, trudging up and down the big hill inside Bedford Hills Correctional Facility. Nothing about their experiences has changed in 25 years based on my many conversations with women who returned home after having been pregnant and incarcerated. They still endure multiple outside hospital trips, are put in waiting rooms in basements of hospitals with incarcerated men and they are often the only pregnant women in those holding areas. According to the findings of the State Policy Advocacy Clinic at Cornell University, through an analysis of the 2023 FOIL request from DOCCS it was found that the following was true: *"Pregnant incarcerated women in prison often face delays in receiving timely OB-GYN consultations and necessary treatments due to bureaucratic processes and resource limitations, which may jeopardize their health and the health of their unborn child. They are offered limited options for contraception and they lack access to contraceptive services and infertility treatments that restrict reproductive autonomy for women, leaving them without adequate support in family planning or managing reproductive health concerns. There was inconsistent prenatal care, and while OB-GYN specialists are available, continuity and consistency of prenatal care is often inadequate, increasing the risk of complications during pregnancy for both the mother and child."*

It is the memory of those women that weighs on my conscience, the women who are still suffering behind bars and who fuel my commitment to this cause. Among the many experiences shared with me and my staff at New Hour, as recently as this year, are the overwhelming, egregious human rights violations of women behind bars. One pregnant woman was told she was just fat by correctional staff and they would not readily provide her with a trip to the nurses office to take a pregnancy test. Another lost over 35 pounds while 5 months pregnant due to lack of food and water. Another was forced to drink dirty brown water from the sink in her cell and yet another 6 month pregnant woman was put in solitary without additional food for 13 days. While these are anecdotal experiences, the health outcomes for innocent infants and fetuses are astoundingly apparent to even the most hard-hearted.

It is my hope that the crisis in prison staffing and the increased knowledge and awareness of the plight of parents and birthing people behind bars will urge this legislative body to move rapidly this session to enact amendments to Section 611 law to create humanity and compassion, but most importantly, dignity and hope, for infants and birthing people behind bars. If we have evolved as much as we claim in this past century, we must prioritize women who are incarcerated; just as we prioritize the rights of infants and mothers in our hospitals. Never would someone imagine that an onlooker would be in a birthing room other than who the parent chooses and yet in exam rooms and during birth, incarcerated pregnant women have to endure the humiliation of strangers, correctional staff viewing the most intimate experience of giving birth.

New Hour deeply believes that women behind bars who are pregnant and parenting should be the very first population to be considered for early release, and if not released, that they be treated with dignity and humanely, while caring for themselves and their infants inside correctional settings.

We will continue to fight for the passage of the CARE Act (S.4583/A4879) to ensure that pregnant and postpartum individuals in correctional facilities have access to adequate medical services, a safe environment, and the resources they need to support both their own health and the well-being of their children.

On behalf of all pregnant mothers, women and infants, we ask that, as we just celebrated Mother's Day this past Sunday, priority be given to the CARE Act and the aforementioned slate of bills that will amend Section 611 of CPL law and significantly improve the lives of infants and mothers in New York State's prisons and jails. Thank you for your time and attention to this important and lifesaving issue.



**Testimony by Stanley Bellamy, NYC Regional Organizer  
Release Aging People in Prison (RAPP Campaign)  
Before the Joint Assembly & Senate's Crime Victim, Crime and Correction  
Committees' Hearing  
On the Safety of Person in Custody, Transparency, and Accountability Within  
State Correctional Facilities**

**May 14, 2025**

Good morning to this esteemed body. I would like to begin by thanking Chair Salazar and Chair Dilan for convening this hearing and giving me this opportunity to speak. Thank you.

My name is Stanley Bellamy. I am the NYC Community Organizer for Release Aging People in Prison/RAPP Campaign. I am also a formerly incarcerated individual, who survived 37.5 years out of a 62.5 years to life sentence. Moreover, I am an impacted family member with an incarcerated brother who entered the prison system at the age of 20 and who turns 60 years old next month.

During my incarceration I earned two college degrees and served as president, chairperson, and executive director of countless inside organizations. Further, I either created or facilitated numerous programs that identified, examined and addressed anti-social attitudes, behaviors, and values. These programs helped incarcerated people come to terms with the harm, pain and suffering their crimes caused the victims, the victims' families, their own families and themselves. These programs are some of the most effective resocialization and therapeutic programs in DOCCS history, and, unlike DOCCS' own programming, those who participated in several of the programs I helped lead have a zero percent recidivism rate.

However, I am not here today to talk about myself. I want to briefly discuss the longstanding and ongoing culture of physical and sexual violence in the prison environment and, how we, as stakeholders, can best alleviate some of the problems we are faced with today.

In order to help address the safety concerns of the incarcerated and state employees, we must first identify what the problems are. In this way we are better able to make meaningful changes.

Thus, the number one problem for me, as someone who survived 37.5 years in this system, is the culture of prisons. Prison guards and security supervisors often bring their inherent biases of how people should be treated, particularly Black and Brown people—especially those convicted of crimes— into the workspace, and create a work environment that upholds and even enforces anti-Black and Brown attitudes and behaviors.

For instance, staff, whether civilian or correction officers, who just want to do their job and go home, and who treat incarcerated individuals fairly, or as fellow human beings, are labeled “inmate lovers.” They are told by a majority of their colleagues that they are: “Either with us, or against us!” If these employees continue the apparently offensive behavior of treating incarcerated individuals as human beings and not livestock, they are subjected to being bullied, threatened, having their tires slashed, and in some instances assaulted. Staff who blow the whistle about misconduct by their colleagues are subjected to far worse; their families are harassed to the point where they often must resign and leave town.

This attitude, or rite of passage into accepting and taking on dehumanizing attitudes and behavior are promoted from the Deputy Superintendent of Security to the Captains, Lieutenants and Sergeants who all began their careers as so-called Correction Officers.

Consequently, in just about every prison I entered in my 37.5 years, I encountered the same orientation: “Put your hands on the wall, lean back as far as you can go and spread your legs!” I was told if I moved or took my hands off of the wall, or did anything they perceived as threatening, even if it was only to finch at another man touching my body, I would be beaten within an inch of my life.

We witnessed how these attitudes and behaviors played out in real time as we watched the brutal murder of Robert Brooks. Thankfully, what was missing from that video was the sound of Robert Brooks’ screams. Screams and cries that I have heard far too often, along with the crack of batons breaking people’s bones and the racial epithets that guards frequently use when they are assaulting people.

Robert Brooks is far from the only person murdered by prison guards. Sadly, I cannot even describe such incidents as rare. For years and decades, officers have beaten and killed Black people in New York’s prisons – including Leonard Strickland, Samuel

Harrell, Karl Taylor, Terry Cooper, John McMillon, and countless others – and yet the racist system of brutality continues unabated.

As many as 20 officers were reported to have repeatedly kicked and punched Samuel Harrell while shouting racial slurs at him, before throwing Samuel down a staircase. Other officers were similarly reported to have punched, kicked, choked, and stomped John McMillon to death. Jurors awarded \$9.25 million to Terry Cooper's family, after officers reportedly beat him to death with a baton. The state settled a lawsuit with Karl Taylor's family for \$5 million after officers reportedly beat, jumped on, and choked him to death. Even after all the court settlements and thousands of complaints, the state did nothing to change the conditions that fostered this type of violence.

I was incarcerated at Sullivan when staff murdered Karl Taylor. Everyone in the prison, incarcerated people and staff alike, knew exactly what happened. Yet, the guards who killed Karl Taylor were allowed to retire and keep their pensions.

In addition to this type of violence, there is an epidemic of sexual violence against people of all genders in New York State prisons, particularly against women and femmes. In fact, under the Adult Survivors Act passed by this legislature, the party most frequently sued is the New York City jail system, followed by the New York State prison system.

Staff impunity, solitary confinement, searches and strip frisks, along with systemic deprivation of basic necessities all foster rampant physical and sexual abuse. Despite DOCCS' common refrain that it has "zero tolerance" for such behavior, those in authority are well-aware of the problem, but do little or nothing to stop it. Often, the Prison Rape Elimination Act (PREA) officers are among those engaging in abuse. Reporting abuse by staff is among the most dangerous actions a person in prison can take.

Sadly, there is actually no cure for the racist brutality and sexual violence of our state's prison system. Mass incarceration is the latest incarnation of the legacy of slavery. Some members of this legislative body are perfectly comfortable explicitly advocating for the continued reliance on the imprisonment of Black and brown bodies from across the state to fuel the local economies in their districts. These same legislators apparently lack the will or the imagination or both to deliver good *and* just employment opportunities for their constituents, and instead expect the racial caste system of our legal system to keep them afloat indefinitely. That ideology manifests in the attitudes and behaviors of prison staff, who view themselves as masters and owners of incarcerated people, and laws and policies exist only to be circumvented as they carry

out their own idea of what justice or punishment means. That said, there are critical steps the State can and must take this session, amid heightened attention to this crisis to reduce the harm and help save lives.

My recommendations for this esteemed body are:

1. The surest way to protect people from the racist brutality, sexual violence, and pervasive medical neglect of our state's prison system is to offer fair and meaningful pathways to release. That is why we urge the Legislature to pass the Elder Parole (S454/A514) and Fair & Timely Parole (S159/A127) bills – to reunite families, promote personal transformation and public safety, and end permanent punishment. Among other benefits, these bills will promote safety inside prisons by offering people a light at the end of the tunnel and a greater impetus to change their own behavior.
2. We also support the The Second Look Act (S.158/A.1283) and Earned Time Act (S.342/A.1085) bills for these same reasons, as well as the Marvin Mayfield Act (S.1209/A.1297) to end mandatory minimum sentences.
3. While these bills are critical and urgent, there already exists one underutilized pathway to release: Executive Clemency. We urge the Governor to use this power expansively, inclusively, and transparently to correct the injustices of mass incarceration and extreme sentences.
4. To help transform the culture inside prisons, it is critical to require that the prison system respect basic human rights. Following decades of rampant abuse and neglect, NYSDOCCS only aggravated the problem in recent years by banning care packages from loved ones, restricting contact visits, and – perhaps most appallingly – wantonly violated the HALT Solitary Confinement Law enacted by a supermajority of legislators and signed into law. For this reason, we urge the legislature to pass the Rights Behind Bars bill and we urge NYSDOCCS to fully implement the HALT Solitary Confinement Law.
5. To hold prison staff accountable and prevent abuse and other misconduct, the state needs an effective, independent oversight body led by people who have survived this system and those with loved ones inside. Unfortunately, the many layers of oversight that exist currently are not working. That includes DOCCS' internal Office of Special Investigations, the State Commission on Correction, and local, state and federal prosecutors. The power structure of our prison system, along with the culture of brutality and the blue wall of silence, render such oversight feckless and even dangerous. One important step is to pass the Ending Qualified Immunity (S176/A1402) bill.
6. In recognition of the reality that the racist brutality by staff in prisons also occurs in immigration detention facilities, we also support New York for All

(S.2235/A3506), Dignity Not Detention (S316/A4181), and Access to Representation Act (S141/A270).



**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.



Testimony

by

Ziyadah Amatul-Matin,  
Member  
Katal Center for Equity, Health, and Justice

Submitted to

Joint Legislative Public Hearing  
Senate Crime Victim, Crime and Correction Committee and  
Assembly Corrections Committee

Wednesday, May 14, 2025 -- 11:00 AM  
Albany, NY

Thank you, Senator Julia Salazar and Assemblymember Eric Dilan, for holding this joint legislative hearing on the Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities. My name is Ziyadah Amatul-Matin and I am a member of the Katal Center for Equity, Health, and Justice. I stand here today fighting for my deceased brother and for my son who is currently incarcerated.

For decades, state prisons across New York have failed to keep our incarcerated loved ones safe. With the recent killing of Robert Brooks and Messiah Nantwi in state prisons, we are at a critical moment. Too many lives have been lost by this cruel system. My brother Ramadan Mubarak Ibn Abdul-Mateen died at Wende Correctional facility because of the lack of access to medical care and excessive force. While detained, he experienced so much pain at the hands of correctional officers. Words cannot express the pain that I/we feel to have a loved one die behind bars and not be able to be there with them to take care of them in their last hours.

My brother deserved better. Robert Brooks deserved better. Messiah Nantwi deserved better. I'm so sick and tired of our loved ones being abused, mistreated, medically neglected, and murdered by this cruel criminal legal system disguised as Justice.

I have a son, Rashad Abdul-Matin, who is currently incarcerated in a New York State Prison. He is also experiencing the same horrific conditions my brother faced. He's been starved, medically neglected, and physically abused. My son is diabetic and has had many medical complications that need urgent care, but it can take months for him to see a doctor. The excuse he is given is that they are short-staffed. That is not acceptable. Access to medical care should not be an option but a right! This is why my family have requested a motion to have his sentence pardoned or to place him under community supervision. It is clear to us that every day that he remains in prison his life is at risk.

As family members, we shouldn't have to grieve our loved ones or worry daily about their well-being while detained at a New York State Correctional Facility. Yet, that is the current reality we face. The New York State Legislature should do everything possible to pass reforms needed to address the horrible conditions in prisons by increasing oversight and shutting down dangerous and deadly facilities. A necessary step in this process is to overhaul the State Commission of Correction (SCOC).

In this year's budget, the Legislature already increased the funding of the SCOC to \$7.1 million – an increase of \$3 million from last year's budget – and strengthened oversight and accountability provisions. We urge the Legislature to build on the reforms included in the budget and expand the SCOC by passing (S. 856)-Salazar / (A.2315)-Gallagher.

The State Commission on Correction is an independent body mandated with the constitutional authority to ensure that correctional facilities across New York – all local jails and state prisons – are “safe, stable and humane.” The SCOC has wide-ranging power to hold jails and prisons in compliance, by conducting inspections, obtaining information from correctional staff, examining DOCCS documentation and medical records, issuing subpoenas, and more. The commission also has the power to shut down correctional facilities found to be out of compliance. But for more than 20 years the SCOC has consistently failed to meet its responsibility. That’s why we’re working on legislation to fix the SCOC by bringing greater accountability so that it meets its mandate with regard to prison oversight throughout the state.

This legislation will expand the number of commissioners from three to nine and distribute appointments among the Governor, the Senate, the Assembly, and the Correctional Association of New York. The appointment requirements would guarantee a diversity of backgrounds, including in public health, behavioral healthcare, prisoner’s rights litigation, and personal experiences of incarceration.

Support for this legislation is growing, with over 90 community, legal, advocacy, and faith-based groups demanding the immediate passage and nearly 50 legislators signed on as co-sponsors.

We urge the legislature to urgently pass this legislation to help address the crisis unfolding in New York State prisons. Lives are at stake and the clock is running out. Our families and communities deserve better.

Thank you for the opportunity to testify.



# New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO

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**To:** Senate Standing Committee on Crime Victims, Crime & Correction and Assembly Standing Committee on Corrections

**From:** New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO

**Date:** May 09, 2025

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

**RE:** Statement from Council 82 Regarding the Purpose and Scope of Examination into Safety Transparency, and Accountability in DOCCS Facilities

On behalf of the dedicated NYSDOCCS Lieutenants and law enforcement professionals represented by Council 82 across the State, we submit the following statement to the panel tasked with the examination of safety for individuals in custody, and efforts to ensure transparency and accountability in New York State's correctional facilities operated by the Department of Corrections and Community Supervision (DOCCS).

We recognize and affirm the critical importance of ensuring the safety, dignity, and constitutional rights of all individuals in the custody of the State. Correction Lieutenants are the professionals tasked with maintaining order and security, both at the front line and supervisory level, often under extraordinarily difficult and dangerous conditions. Our members perform their duties with integrity, courage, and professionalism, despite being routinely exposed to threats, unrealistic duty expectations, and systemic under-resourcing.

As the panel examines the causes and contributing factors to incidents affecting persons in custody, it is imperative to consider the following systemic realities:

- **Chronic Staffing Shortages:** Facilities across the state continue to operate with dangerously low staffing levels. This has increased risks for both officers and incarcerated individuals, stretching response times, limiting programming, and undermining safety protocols.
- **Erosion of Institutional Authority:** Recent policy shifts have weakened officers' ability to manage behavior and enforce facility rules, contributing to a rise in assaults, contraband proliferation, and disorder. A balanced approach to discipline and behavioral management is essential for maintaining safety and rehabilitation.
- **Training and Resources:** Departmental staff require ongoing, robust training—not only in security and de-escalation tactics, but also in trauma-informed care, mental health awareness, and cultural competency. Yet, access to such training is inconsistent, and often underfunded.

- **Transparency with Context:** While we support appropriate transparency and oversight, reporting and public disclosures must be contextualized. Misrepresentation of incidents without proper context risks undermining public confidence and officer morale, and can obscure the root causes of facility challenges.

We urge the panel to adopt a comprehensive and collaborative approach in developing solutions. This must include:

1. **Investment in staffing and infrastructure** to alleviate dangerous workloads and improve facility safety, to include the design and construction of new state of the art facilities to replace crumbling infrastructure and inefficient designs of old prisons.
2. **Increase the number of supervisory positions.** Since the Clinton escape in 2015, the responsibilities of NYSDOCCS sergeants and lieutenants have expanded significantly, limiting their capacity to effectively supervise front-line staff. Despite these increased demands, many facilities still operate with the same number of lieutenants as in the 1990s. To ensure proper oversight, accountability, and adherence to high Departmental standards, additional supervisory positions are urgently needed.
3. **A review of recent policy changes** that may inadvertently reduce safety and institutional control;
4. **Support for staff wellness and mental health**, recognizing the impact of cumulative stress and trauma;
5. **Commitment to balanced oversight** that protects rights and dignity without criminalizing or scapegoating correctional professionals.

The success of any correctional system lies not only in its ability to uphold justice, but also in how it treats those who serve within it. We stand ready to work alongside stakeholders to develop and implement reforms that truly advance the safety, transparency, and accountability we all seek.

Respectfully submitted,

*Michael P. Surprenant*

Michael Surprenant  
Council 82 Staff Director

**TESTIMONY OF DANIELLE MUSCATELLO, ESQ.**  
**BARKET EPSTEIN KEARON ALDEA & LOTURCO, LLP**

“On October 4, 2023, I was incarcerated at Green Haven Correctional Facility. I was locked in my cell in the Special Housing Unit (“SHU”). The prison was locked down, and Correctional Emergency Response Team officers were in the SHU. I could hear them marching and chanting, something to the effect of “cuff ‘em up, break ‘em up.” They were wearing what looked like black riot gear. Four CERT officers stopped in front of my cell and directed me to strip down to my boxer shorts. I recognized the officers from the lockdown at Sing Sing in November 2022. The officers remembered me as well. I was beaten so badly by CERT officers at Sing Sing that I defecated on myself. The officers ordered me to face the wall of my cell and put my hands on my head. I complied, but almost immediately, I heard my cell gate open, one or more officers yelled, “Stop Resisting,” and the CERT officers rushed into my cell. I turned around and was punched in the face so hard that I fell back into my sink. I was then pulled to the floor, and with my back on the floor, I was kicked in my ribs. The officers bent my fingers backwards, stomped on my legs and ankles, and spread my legs and kicked me in the genitals. I was crying. I thought I was going to die.”

Good afternoon. My name is Danielle Muscatello. I am an attorney and member of the law firm Barket Epstein Kearon Aldea & LoTurco, based in Garden City, New York. What I just read to you is the statement of one of my clients. I have spent the better part of my career as a criminal defense attorney, with a focus on post-conviction litigation, but in the fall of 2022, when the mother of one of my appellate clients called to alert me that something had happened at Sing Sing Correctional Facility, I took a trip to Ossining, and my attention was called to a different type of post-conviction issue – the inhumane treatment of incarcerated men and women in state correctional facilities and the pattern of abuse, neglect, and abject indifference that has come to define correctional culture in this State.

Our firm now represents nearly 90 men who have all suffered physical and psychological abuse at the hands of the men and women entrusted to safeguard and rehabilitate them. 32 of these men were brutalized by CERT members during the Sing Sing lockdown in November 2022, and 48 of them were brutalized by CERT members during the Green Haven lockdown in October 2023. And these are just the men who, with the assistance of their loved ones, were able to reach us. What is also remarkable, and what should disturb everyone listening, is that these lockdowns and overall facility searches were conducted in the presence of OSI staff, the very people charged with policing correctional officers and investigating their misconduct.

Our clients have suffered ruptured spleens, broken ribs, fractured facial bones, and disfigured fingers and toes. They have been kicked in the face and genitals, choked, slammed headfirst into concrete walls, and blinded and gagged by chemical spray. One of our clients, a man in his early sixties, whose daughter is here today to share her experience, was beaten by CERT members at Green Haven, transferred to Upstate Correctional Facility and put in segregated confinement, and 30 days later, after being denied medical care, and the medicine he needed to control his blood sugar, he died; another client, a young man in his 30s, was beaten by CERT members at Sing Sing, and this past December, after his pleas for mental health care were ignored, he was found dead in a SHU cell at Attica; and two other clients were beaten by CERT members at Green Haven, drafted out of the facility immediately, and then water boarded at the now shuttered Great Meadow Correctional Facility later the same day. One described an officer holding a rag around his face and repeatedly dunking his head in a bucket of water, and the other, through tears, described being laid down on a gurney while an officer held a dirty rag over his head and poured water over it.

What is also so disturbing about these harrowing accounts is that in addition to being beaten and dehumanized, many of these men are threatened with retaliation if they report their injuries, denied medical care, moved to segregated housing, and issued Misbehavior reports, falsely and predictably accusing them of either having a weapon or taking up a fighting stance. It is clear, in other words, that not only is there a culture of violence in our State's prisons, but there is also a culture of cover-up, and, as a result, incarcerated men and women have been unseen and unheard for far too long.

Reform is desperately needed. Section 24 of the Correction Law prohibits litigants from suing correctional officers in their individual capacities in State Court for tortious acts committed within the scope of their employment; the contract between the correctional officers union, NYSCOPBA, and the State makes it almost impossible to fire or even discipline prison guards; and DOCCS' antiquated paper-based record keeping system, as detailed by the Inspector General in her August 2024 report on the first two years of the HALT Act, invariably stalls the litigation of meritorious claims and thwarts the efforts of oversight organizations.

Individuals who commit violent felonies and other serious offenses can and should be held accountable for their crimes. I am not an abolitionist. But if we truly care at all about rehabilitation, reducing recidivism, and preventing generational trauma, we have to start also holding correctional employees accountable for their crimes. To start, the Legislature should pass Senate Bill S7312, and expand surveillance,

recording and investigation standards. Further, if the Legislature is truly serious about reform, it *must* pass legislation mandating that DOCCS overhaul and modernize its recordkeeping keeping practices. This should not be controversial. Increased visibility increases accountability. And finally, it is time to take from private anonymous arbitrators the final say in firing correctional officers in cases of serious misconduct and place that power where it belongs – with the commissioner.

Thank you for the opportunity to speak here today and be part of this important conversation.

Perlmutter

**Center for Legal Justice**

at Cardozo Law

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## TESTIMONY OF DERRICK HAMILTON

Co-Founder, Families and Friends of the Wrongfully Convicted

Deputy Director, Perlmutter Center for Legal Justice at Cardozo Law

Submitted to the Senate Standing Committee on Crime Victims, Crime & Correction & the

Assembly Standing Committee on Correction

May 14, 2025

My name is Derrick Hamilton, and I am the Deputy Director of the Perlmutter Center for Legal Justice at Cardozo Law and the co-founder of Families and Friends of the Wrongfully Convicted. I am providing testimony today on the human costs of failing to provide robust, authentic, and independent oversight in New York prisons. This is a systemic problem nationally and this 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 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. While the incarcerated man who stabbed Larry was charged with murder, the corrections officers who stood by while he bled to death experienced no repercussions for their actions. Correctional and medical records are commonly falsified to provide justification for correctional violence, resulting in the creation of a record that defies what witnesses observed with their own eyes. Typically, when officers abuse incarcerated people, they yell, "stop resisting!" despite the absence of resistance to allow them to use force. Medical professionals, who are mandated reporters, will go about their business with blinders on as their patients are actively battered in the infirmary. Subsequent misbehavior reports are

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curiously written up in the same manner, using similar details, describing the same scene despite the various ways these episodes play out.

We have long known that the secretive nature of this pervasive misconduct has restricted authentic accountability. Indeed, you cannot fix what you refuse to count and what is kept from public view. Two bills should be advanced to assist policymakers with beginning to understand the scope of the problem. Specifically, A1010A (Epstein)/S5680 (Salazar), would require notification to families of deaths in correctional custody within 24 hours, which would allow for independent autopsies at the direction of families. It would also help the government determine the scope of deaths in correctional custody, and bring DOCCS into compliance with the federal Death in Custody Reporting Act.

A second bill worthy of passage is A3761 (Weprin)/S651 (Salazar), which would authorize the Correctional Association of New York to visit correctional facilities at any time and without advance notice; and improve access to certain records and information from correctional facilities on a quarterly basis, restoring some of its previously removed powers,

Local counties do not prosecute corrections officers who break the law. They allow persistent abuse that leads to preventable murders. A2677 (Solages) / S 1291 (Cooney) - relating to the appointment of a special independent counsel - would create the type of independent investigations and prosecutions that would enable true accountability and meaningfully deter future misconduct. A2149 (Gonzalez-Rojas)/ S360 (Rivera) also deserves the committee's support as it would expand the health department's review of correctional health services by including a biennial study of health care staffing at facilities operated by the department of corrections and community supervision.

What remains extraordinary is not the unabated abuse inside of New York State prisons, but instead what has largely been a deafening silence in response to DOCCS' routine dehumanization of the people in their custody. Correctional officials persistently argue they are the victims of abuse behind prison walls, however let us be clear: according to data collected by the Correctional Association, there was an increase in the number of deaths in custody in the past year—143 deaths were reported in 2024 compared to 107 reported in 2023. All of those deaths were of incarcerated people and not corrections officers. So who is really unsafe? New York has a unique opportunity to address correctional oversight in earnest but the response must be comprehensive. The government must model the kind of behavior it expects from its citizens. The passage of this collection of bills would provide a robust foundation for transparency and accountability in New York's prisons; a failure to do so would be an insult to those of us who lived through similar horrors.

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Finally, given overwhelming evidence and research that suggests that public safety is diminished by excessive sentences, enabling great harm to the incarcerated, their families and the larger community, the legislature should promote legislation that provides additional avenues and pathways for freedom, including:

- Challenging Wrongful Conviction Act (A7422) (Walker): Makes critical changes to the postconviction framework, including the lifting of a current bar to relief for people who are innocent and plead guilty but do not have DNA evidence in their case.
- Elder Parole (S454/A514) (Hoyleman-Sigal/Davila): Provides incarcerated people aged 55 and older who have already served 15 or more years an opportunity for parole release consideration. This includes some of the state's oldest and sickest incarcerated people.
- Fair and Timely Parole (S159/A127) (Salazar/Weprin): Provides a more meaningful parole review process for incarcerated people who are already parole-eligible, and ensures that people are evaluated for release based on who they are today, including their rehabilitation, personal transformation and their current risk of violating the law.
- Both the Second Look Act (S158/A1238) (Salazar/Walker) and the Resentencing by the People proposal (S3286) (Myrie) would provide mechanisms to revisit excessive sentences.

As we consider legislation that would begin to provide oversight of DOCCS, we should also not lose sight of the excessive sentences that have been meted down through the years in the Empire State. Reducing excessive sentences promises to reduce many of the stresses on the correctional system while enabling people who pose no risk to society, and indeed are well-positioned to serve the community, to return home and thrive. We remain committed to supporting authentic oversight of the prisons, but we must also consider the purpose of incarceration and the warehousing of people who would otherwise flourish outside of prison walls. We implore you to hear the voices of those who best understand the injustices of the current system and to partner with us to make these critical changes.



### TESTIMONY FOR JOINT HEARING

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

## **TESTIMONY FROM INCARCERATED MEMBERS OF THE CENTER FOR COMMUNITY ALTERNATIVES (CCA)**

### INTRODUCTION

#### I. The Case for Sentencing Reform

- A. The Earned Time Act (S.342/A.1085)
- B. The Second Look Act (S.158/A.1283)

#### II. Systemic Abuse of Incarcerated Individuals

- A. Abuse During the February 2025 Illegal Work Stoppage
- B. Abuse During the October 2023 CERT Raids at Green Haven

#### III. Lack of Oversight and Transparency in Complaints and Investigations

#### IV. Current Deficient Facility Conditions and Limited Programming

#### V. Experiences of Age, Illness, and Medical Neglect

#### VI. Family Separation and Intergenerational Harm

## **INTRODUCTION**

New York's prison system is facing a humanitarian crisis. No one understands this more acutely than the people living behind its walls and under the custodial care of prison staff.

The Center for Community Alternatives (CCA) has hundreds of currently incarcerated members in correctional facilities across New York State. Many are serving long sentences imposed under racially discriminatory and outdated sentencing laws. These individuals—along with their loved ones, policy advocates, and experts—have played a central role in shaping the Communities Not Cages legislative platform, including the Earned Time Act and Second Look Act. Their lived experience is essential to understanding both the causes of systemic prison violence and the pathways to real reform.

For years, CCA has received consistent, credible reports from our incarcerated members and their families about the pervasive physical, sexual, and psychological abuse they endure at the hands of correctional staff. The recent murders of Robert Brooks at Marcy Correctional Facility and Messiah Nantwi at Mid-State Correctional Facility have brought public attention to the reality that incarcerated people have long tried to convey: that violence, degradation, medical neglect, and impunity are not anomalies. They are embedded features of the life of people incarcerated in New York State prisons.



These harms intensified during the recent illegal work stoppage by corrections officers. Networks of incarcerated people, loved ones, and advocates provided real-time reports of deteriorating conditions: indefinite lockdowns, cancelled visits, and restricted access to legal and rehabilitative programming. Even now—more than two months later—these conditions persist in many facilities.

When the story and video of Robert Brooks' murder became public in December, CCA staff were inside state prisons conducting holiday visits with our members. What we heard during those visits was harrowing: stories of people beaten so severely they were left with broken bones, missing teeth, hearing loss, and lifelong injuries and trauma at the hands of prison staff. One individual told us he would remain in a wheelchair for the rest of his life due to staff violence. Women spoke in hushed tones, fearful of being overheard, as they described incidents of sexual abuse by staff. These accounts reflect widespread and unchecked brutality that continues to go unpunished.

Efforts to gather testimony for this hearing were themselves obstructed. DOCCS staff blocked dozens of messages we sent to incarcerated members across the state. Every single Securus message sent to individuals at Marcy Correctional—where Robert Brooks was killed—was rejected under the justification that they posed a threat to "the good order of the facility." This mirrors a larger pattern: incarcerated people know that their electronic messages, phone calls, and written letters are monitored. They know that speaking out, let alone seeking redress, can result in retaliation—not only against them, but also their families. Many simply have no safe avenue to report abuse or tell their stories.

This makes today's hearing all the more urgent. To confront the scope and reality of systemic violence in New York's prisons, the legislature must hear directly from incarcerated people—on-site, uncensored, and unmediated. Only then will the full weight of this crisis come into view. We urge the legislature to visit the prisons and meet with incarcerated people themselves to hear from them directly about the violence they experience at the hands of staff charged with their custodial care.

Critically, addressing this crisis requires more than oversight—it demands structural change. Sentencing reform is one of the most effective and immediate strategies available to reduce the harm and violence inside prisons. The Earned Time Act and Second Look Act would create meaningful pathways home for people who have served long sentences, reduce overcrowding, and shift the culture inside facilities by incentivizing growth, stability, and accountability. By shrinking the incarcerated population and providing hope and opportunity, these bills would directly reduce the conditions that allow abuse to flourish. Public safety inside prisons begins with valuing the lives of the people held within them.

What follows in this written testimony are excerpts from only a few of the dozens of responses we received just this past week from incarcerated members across New York in response to this hearing. In addition, we include statements collected at Green Haven



Correctional Facility after a particularly violent and militarized CERT raid in October 2023, which left multiple individuals with broken bones, concussions, serious wounds, and irreparably destroyed personal property.

Their words offer a direct window into the ongoing conditions behind prison walls. We urge the legislature to listen—and to act.

## **I. The Case for Sentencing Reform**

**J.W. (Green Haven):** "There are currently few programs that incentivize change. We need more options and a greater path to rehabilitation... My 33 year-to-life sentence could be reduced enough for me to be released within the next five to eight years. If released, the time reduction wouldn't minimize the seriousness of my crimes because leaving prison doesn't mean I'm free. My wrongdoing will always be with me—it goes everywhere I go."

**L.K. (Shawangunk):** "The Second Look Act and the Earned Time Act will infuse the entire prison population with a much-needed long-lasting feeling and sense of hope, direction and purpose."

**P.H. (Five Points):** "These bills would make tremendous steps in righting the imbalance of true rehabilitation and condemnation by giving those the chance to be back with their family that can demonstrate leading a meaningful and productive life in society."

**L.K. (Shawangunk):** "I was sentenced to 62-and-a-half years-to-life in Poughkeepsie, New York, and will see my first parole board when I'm 82 years old—if I live that long. I know now, at 50 years old, I have a lot to lose as far as my family goes and seek to achieve all that I can to one day return to them alive."

**D.S. (Attica):** "I thought this was called a fair justice system, with "Correctional Facility" meaning a place to correct our wrongs. With that being said—how much time does it really take for one to correct their wrongs? The prisons have become warehouses for criminals and cash cows for their staff—i.e., C.O.s, medical, commissary, etc. This modern-day slave trade has existed since before I was born and will continue if there is no prison reform."

**M.C. (Attica):** "Passing the Earned Time Act and the Second Look Act is another way we don't abandon people. If enacted, these proposals could drastically change things for my family and our community. My 33-years-to-life sentence could be reduced enough for me to be released within the next five to eight years. If released, the time reduction wouldn't minimize the seriousness of my crimes—because leaving prison doesn't mean I'm free. My wrongdoing will always be with me. It goes everywhere I go. To release me early is to release a man permanently shaped by his past—a man with something to prove to his son and other children like him. If released, I'll continue promoting alternatives to crime and violence—skills I've taught men who have had smoother transitions into society because of



my programs. Doing this work on the outside means I can catch people before crime happens. My work can save lives. From a general point of view, the Earned Time Act and Second Look Act could reduce the NYS prison population and shrink the size of the challenges we are facing right now in all facilities, making solutions more feasible. Employees and prisoners—and both of our families—need and deserve immediate prison reform."

**D.S. (Attica):** "I believe there are many more guys just like me—who look like me—who are innocent and became victims of the long arms of the law. So the first step of many should be passing both the Earned Time Credit Act and the Second Look Act. These can help get a lot of innocent and guilty people home who do not deserve these long, harsh, draconian sentences."

**P.H. (Five Points):** "These bills, if enacted, would change the environment in prisons by instilling a vision of a possible future and something for those with no hope—a light at the end of the tunnel."

## A. The Earned Time Act (S.342/A.1085)

**J.S. (Sing Sing):** "Expanding the pool of people who can earn merit time to include those who would otherwise get no credit for their rehabilitative efforts does not mean the gates will swing open. Though the Earned Time Act will motivate more people to earn merit time, programs have capacity limits which throttle the number of people who can actually earn it.

Therefore, although thousands of people would have the potential to earn merit time, the people that can actually put in the work to earn merit time, through college degrees and pristine disciplinary records, is a small percentage (most likely in the single digits). Currently, only a small number of incarcerated people are eligible to earn merit time, making it an under-utilized tool. All of this is why there shouldn't be carve outs based on the nature of one's crime. The expansion of merit time would raise the value of a clean disciplinary record to the entire prison population. Losing an early release date is a far greater deterrence to violence than solitary confinement—especially when the general population already feels like we are in solitary due to the chronic staffing shortage." **C.M. (Shawangunk):** "If individuals are able to see the value in themselves, the value in the programs offered and the value of earning time or earning a second chance, surely it would serve as the greatest equalizer in a dehumanizing system."

**J.W. (Green Haven):** "Earned time is the exact incentive to get the incarcerated population to prioritize rehabilitation... Gang banging wouldn't be as attractive if you could get these programs and earn a significant portion of your sentence back."



**T.L. (Bedford Hills):** Currently, earned time and merit time only account for up to six months off a sentence. And for people labeled "violent," they're often not available at all. Yet many of us were convicted based on one mistake—something we would never repeat. Individuals who serve longer sentences—especially those who earn a college degree—are the least likely to return to prison. At Bedford Hills Correctional Facility, only one person who earned a bachelor's degree has ever returned. Studies also show that children of incarcerated parents with higher education are more likely to pursue education themselves."

## **B. The Second Look Act (S.158/A.1283)**

**D.S. (Attica):** "Most of us in here caught our case younger than 25. It's been scientifically proven that our brain isn't fully mature until after 25. It's also shown and proved that most inmates who do more than 15 years in prison don't come back to prison."

**J.B. (Bedford Hills):** "The Second Look Act means that someone would reevaluate my prison time and the things that led me here. It means they would ask me to tell my story—and not just see me as an incarcerated individual, but as a person who lives with mental illness and struggles with chemical addiction. It would mean the world to me for someone to take that second look—not just at my record, but at who I am now. It would give me one more chance to prove that I'm ready to be heard and ready to get the help I need to make it in everyday life and in society as a whole. Taking a second look means seeing the person I've become—not just my past, but the future I'm trying to shape."

**T.L. (Bedford Hills):** "In considering the Second Look Act, I want people to know that I have changed. I've worked hard to grow, heal, and build a future. I've become someone my peers, correctional staff, and family see as honest, authentic, compassionate, and accountable. I live with autism spectrum disorder, and I've faced the challenge of expressing my true gender identity while incarcerated. This month, I will graduate with my bachelor's degree in Sociology. I hope to become a social worker for formerly incarcerated and transgender individuals. I want to be a light for others facing the same struggles—to help reduce recidivism and help transgender people grow into their full selves. A Second Look at my sentence would help me get there sooner."

**D.M. (Bedford Hills):** "Here I am—a single mother who had never been to jail—sentenced to 24 years on a first-time offense. My sentence impacted my family tremendously. To have A Second Look would allow me to go back home and rebuild what was broken and torn down. I have been a model inmate for the last nine years. If the Second Look Act were passed, it would give women like me hope. It would give



us motivation to do better. It would allow the courts to consider who we are now, not just who we were at our worst moment. I hope this moves you to do the right thing—not just for individuals, but for families, and for society as a whole. Everyone deserves a chance at redemption and to be seen. We are not our worst mistake. And we are not our best decision either. We are so much more than that."

**K.P (Bedford Hills):** The Second Look Act and the Earned Time Act would give me the opportunity for a judge to reevaluate my sentence. It would mean the possibility of a time cut and a chance to reconnect with the family I still have left."

**P.S. (Bedford Hills):** "I have been incarcerated for 34 years and 9 months. I received this death-by-incarceration sentence at the young age of 22. Without a change in the law, or the passage of the Second Look Act, the only way I will ever leave prison is in a casket."

**B.S. (Bedford Hills):** "The Second Look Act would change everything—for me, for my sons, for my family, and for the people who love me. If it were possible to get a "second look," it would have a huge impact on me—and an even greater impact on my children. This would give me an opportunity to say my piece and get the chance to be reunited with my children and loved ones—and finally meet my grandchildren."

**S.H. (Bedford Hills):** "I'm serving 15 years and I have a 9-year-old son who is growing up without his mother. When I was sentenced, I felt like my life was over and I failed at being a mother. I thought about my loved ones who will probably not see me again. I was labeled a "predicate felon" because of my history and that increased my time. I would love to have a Second Look at my case and another shot at my freedom. I would make sure everything is done right so my family and I will never experience this again. A lot of people going through what I am going through die. A Second Look is my only hope."

**C.M. (Shawangunk):** "An observable track record is a commonsense solution to a broken system that is very fixable. The prospect for release will serve as a legitimate resocialization agent."

## **II. Systemic Abuse of Incarcerated Individuals**

**J.W. (Green Haven):** "Violence is an operation for them. Societal acceptance and emotional calcification of this behavior gives rise to beatings, quotidian and anticipated by prisoners, like the one Robert Brooks could not survive."

**J.S. (Sing Sing):** "Every prison in the state has a group of officers we call the "beat-up squad," that regularly abuse their authority through acts of violence, threats, and false misbehavior



reports. These officers target individuals based on any number of things: they want to enact revenge on someone who has assaulted staff; they've decided someone is an asshole (an impression that can be earned through simple miscommunications and language barriers).

The culture in New York prisons is such that whenever an officer is overwhelmed, they call in the beat-up squad. During the recent illegal strike—and more generally, before and after—officers and their supporters have made the public believe that the prison population as a whole is violent and dangerous. But prison reflects society: a majority of the violence is committed by a small number of officers and prisoners.

Many of the COs involved in beating Robert Brooks to death had already been known abusers. There has to be something in between looking the other way when officers accumulate complaints and lawsuits, and terminating only after an incarcerated person has been killed. The data about these complaints is available, but it's dispersed within the Department's many databases, such as the systems for grievances and disciplinary actions, and the Central Office's own incident system."

**P.H. (Five Points):** "I unfortunately have seen numerous instances of Corrections Officers inflicting violence on the incarcerated. I too have been subjected to physical and mental abuse."

**T.E. (Shawangunk):** "I've been jumped by 10, 8, 6 and 2 officers at a time. I had lying reports written against me to cover up their wrong. I've seen men killed by C.O.s and denied food."

**D.S. (Attica):** "I've also witnessed the C.O.'s beat an incarcerated individual after using mace on him while handcuffed several times. They talk to us as if we're animals. I made the C.O. aware that a guy was hanging himself. He ignored the cries and allowed this man to die under his watch.

Those ex-COs they caught on body cams beating that man to death sure didn't look scared, did they? I've personally seen and heard that type of abuse countless times over the years here. What they showed in that video IS who they are—especially here. Scared? Of getting caught. That's about it."

**J.U. (Green Haven):** "I watched another incarcerated person be assaulted."

**M.B (CCA Member):** "My son was beaten by six corrections officers. He was naked, asking for mental health care. Instead of help, he got fists. Two days later, when I finally saw him, my six-foot-three son collapsed into my arms, sobbing. His hand was swollen, likely broken. He had bruises across his groin, a concussion. A year later, he still doesn't have full feeling in one hand."



**T.E. (Shawangunk):** "Coming to prison at 25 years of age and living and surviving for 40 yrs—do you think I or anyone else who has experienced the hell emotionally, physically, psychologically and even spiritually that I've endured is thinking about doing a crime? Think again."

**C.G. (Sing Sing):** "I saw a man tackled to the floor by an officer. More officers arrived and immediately started punching and kicking this guy. We started screaming from behind our bars for them to stop—but they kept going. I felt this beating in my soul. They beat this man so badly. We could hear the kicks they were giving him. A few weeks later, I saw this man walking—let me rephrase that, barely walking—to medical. Just talking about it, I feel the pain in my heart that I felt for that man while they were beating him."

**J.P. (Greenhaven):** "For far too long, we—the prisoners—have been the victims of countless atrocities at the hands and actions of correctional staff (i.e., corrections officers and medical departments). In these twenty-eight years of wrongful imprisonment, I have witnessed the brutality and victimization of prisoners in facilities such as Attica, Clinton, Great Meadow, and even here at Green Haven Correctional Facility."

## **A. Abuse During the February 2025 Illegal Work Stoppage**

**J.W (Sing Sing):** "On February 10, 2025, at The State of the Judiciary, Commissioner Martuscello said, "No mistake [that the Department has made] is more tragic than the recent murder of Robert Brooks." That was unprecedented. Some say his motive behind being forthright was to get ahead of the video backlash. Others believe it was a testament to his devotion to justice. Whatever the motive, Commissioner Martuscello is headed in the right direction.

I understand the steps to the internal fight of accountability. As a convicted murderer, I had to grapple with my actions and their causes. Clearly, Martuscello acknowledges the result. However, he minimizes this incident as a "mistake" and avoids complicit responsibility -- the culture of beat-up crews in jails and prisons and protected class status protections that embolden them. Some officers in the Brooks assault were already in litigation for civil rights violations. Yet, they proceeded to assault Mr. Brooks as if it were a mundane task. No one protested. No one looked shocked.

Corrections' officers are trained to dominate, subjugate, and "other" the incarcerated population, not integrate. Some programs should be geared toward bridging divides between law enforcement and justice impacted people, seeing humanity in everyone. The current strategy is not effective. Revise it."

**R.L. (Auburn):** "Men during the lockdown were found dead in their cells due to neglect. The very man who delivered me out of the dark and taught me how to box



was found dead in his cell in Auburn Correctional Facility (Jonathan Grant)—rest in power.

So the strike showed the real world just how things look on the inside to those who are supposed to be responsible for redirecting us and sending us back to society upright. Medical is short-staffed. There is no dentist—people's teeth are decaying. Medical issues are severely neglected. Programs are not being run properly. The culture of charades is growing by the second, the minute, and the hour. There are no civil liberties.

**J.L. (Sing Sing):** "We were locked down 24 hours a day with no showers and no rec. Imagine not taking a shower in seven days. We couldn't see our loved ones. Inmates killed themselves, started talking to themselves and screaming. At one point, we weren't even getting toilet paper or hot water because they weren't letting the porters out. We weren't allowed to go to the commissary, so we had no food and no water. Mind you, if you didn't have a tablet—or your tablet was broken—you couldn't speak to anyone at all. It was pure madness."

**J.W. (Green Haven):** "Corrections officers who have walked off the job, left people confined to cells without food or medication, have halted educational programs, caused the suspension of family visits, and are responsible for at least one death would be legitimately entertained by legislatures is shocking to people who are being punished for their illegal actions."

**C.M. (Shawangunk):** "This traumatizing event has resulted in yet another case of rewarding officers' bad behavior and a lack of accountability."

## **B. Abuse During the October 2023 CERT Raids at Green Haven**

**S. (Green Haven):** "The CERT team came through, marching down G Block and chanting. They claimed it was a search, but they immediately began destroying people's belongings... I was handcuffed during the search of my cell... In the strip search room, CERT beat me while I was completely naked. They spit on me, bashed my head, and kicked me in my ribs and back. The beating lasted 5 to 10 minutes."

**E.S. (Green Haven):** "CERT stripped me and other men down to our boxers and paraded us in front of five female OSI officers... They brought out dogs and had them sniff our groins and rectums while we stood there wearing nothing but boxers."

**U.W. (Green Haven):** "After the CERT search, I was left with no mattress, no pillow, and no blanket. Twenty-four people from E Block were missing and unaccounted for for weeks... I haven't had a shower in nine days. For three nights in a row, our dinner



has been cold potatoes and salad. They're only letting people on my block out of their cells in their underwear. This is inhumane. This is unfair."

**M.E. (Green Haven):** "They handcuffed me, maced me, and beat me—badly. They dragged me while I was zip-tied... No medical attention was offered."

**J.U. (Green Haven):** "When CERT searched my cell, I was placed on contraband watch—in the 'shit room'—just because I coughed."

**D.B. (Green Haven):** "I was escorted to the magnetometer. Then a K9 officer brought a dog over to sniff me while I stood there in nothing but my purple Hanes briefs... I was taken... through to the frisking room where two female officers were present. This was degrading. I should not have been paraded... in only my briefs and shower shoes."

**S. (Green Haven):** "After being injured by the CERT team, I've continued to ask for medical treatment. I'm still not receiving it. Neither the hospital nor the prison clinic will take photos of my **injuries**."

**E.S. (Green Haven):** "Since that Friday, I've been requesting both medical and mental health care every single day. I haven't seen anyone."

### **III. Lack of Oversight and Transparency in Complaints and Investigations**

**D.S. (Attica):** "The I.G.R.C. is biased and not impartial. 98% of the time they side with their staff even when they're dead to the right."

**T.E. (Shawangunk):** "I've filed lawsuits and complaints to the AG, OSI, DOCCS, IGRC, PLS—anybody that would hear me and help me."

### **IV. Current Deficient Facility Conditions and Limited Programming**

**J.U. (Green Haven):** "Packages that have been at the facility for over a week still haven't been delivered."

**T.E. (Shawangunk):** "The way it is run could be better if the programs were open five days a week. Men need to keep their minds busy and they need to be paid a good wage so they can survive."



**D.S. (Attica):** "The showers are disgusting with green mold everywhere... They serve us soy in every meal which is not good or healthy for us. On the back of the bags of soy in the mess hall it states: 'Not For Human Consumption.' But yet they still serve us this dog food."

**J.S. (Bedford Hills):** "I have been struggling this year in particular with the lockdown caused by the officers' strike and the lasting effects it continues to have: limited visitation, no Family Reunion Program visits, reduced programs, and dehumanizing medical Experiences."

## **V. IV. Experiences of Age, Illness, and Medical Neglect**

**T.E. (Shawangunk):** "Now I suffer with lung cancer. Had they given me treatments soon after they knew I had it, I could've beaten it. They did not start my treatment until months later. DOCCS medical personnel F'd up."

**U.W. (Green Haven):** "One person caught hypothermia and had to be sent to the hospital because the COs are freezing us out—leaving all the windows open in this weather."

**D.S. (Attica):** "I've survived a dislocated shoulder injury due to lack of medical attention. The medical care here is horrible—they will let you die from medical indifference. The living conditions are inhumane, with a lack of cleaning supplies like bleach, Comet, etc. The showers are disgusting, with green mold everywhere. Whenever Albany does a tour, they don't allow them to see any of this due to staff escorts."

**M.C. (Green Haven):** "In addition to the recent deaths of Robert Brooks and Messiah Nantwi, two other incidents of great concern come to mind. The first occurred in Attica. Painful gurgling sounds broke through silence on a regular afternoon during shift change. It grew in intensity before I realized my neighbor was ending his life, leaving prison the only way he knew how. I screamed for medical. Other prisoners screamed too. But no one rushed to help. I could hear the officer walking, taking his time. Officer No-Rush reached the gate finally and said, "Yep, this guy's a goner." Calmly, he radioed it in and walked back to his work station to open my neighbor's cell manually. There was no urgency in saving my neighbor's life. Back then—somewhere between 2012–14—I was going back and forth from A to R.I. for monthly court appearances, so my neighbor had only been my neighbor for a few days. I never learned his name. Days after his death by suicide, no one counseled me or my other neighbors. We never debriefed the incident with the guidance of a professional. And I never asked for someone to talk to because I feared the possible ways officers might use my need for help against me—they could've claimed I was trying to report their unprofessional response, placing me and/or my visiting loved ones in immediate danger. I also kept the incident from my loved ones because worrying about my wellbeing compounds over the years, and this particular situation—its weightiness, its indiscriminate nature—would only worsen the pain my incarceration has already caused them."



I'd be remiss if I didn't mention Mr. Benjamin Smalls Jr. We worked together at Green Haven in the same prisoner-run organization for years. He was a legal beagle who provided much-needed hope to others who wouldn't know how to represent themselves in court and couldn't afford a lawyer. He caught COVID in 2020. Nurses gave him a handful of ibuprofen and sent him back to his cell, where he died.

Had policies been in place for this elderly man and extraordinary leader, he would've had access to better medical attention—or, at minimum, he would've been in the care of those who loved him most. Instead, he died alone.

Our incarcerated population—and the community at large—lost an irreplaceable asset because we failed to enact policies capable of increasing community safety while simultaneously recognizing the power of transformation. You now have the power to help us change that."

## **VI. Family Separation and Intergenerational Harm**

**C.M. (Shawangunk):** "My son Xzavier believes that the FRP unit is my house. He asks, 'Daddy, why we not going to the same house as before?'... It's heartbreaking to try and explain that while he sees a house, it's not my home."

**J.W. (Green Haven):** "My 33 year-to-life sentence could be reduced enough for me to be released within the next five to eight years. If released, the time reduction wouldn't minimize the seriousness of my crimes because leaving prison doesn't mean I'm free. My wrongdoing will always be with me—it goes everywhere I go."

**P.H. (Five Points):** "The chance to be a son, brother, and father again would be an opportunity not squandered. Families that do support their loved ones must suffer and continue to suffer when the one they support is beyond rehabilitated and/or innocent with no proper mechanism to restore them."

**D.M. (Bedford Hills):** "When you spend decades in prison, you tend to lose family bonds. It's not easy being in prison—because it's just as hard, if not harder, on the family you leave behind. Being incarcerated, my family didn't just lose a mother. They lost an advocate, a nurturer, and a support system. And the trauma doesn't start or end with the person who is incarcerated. It affects our children. It follows them. It becomes their burden too."

**K.P. (Bedford Hills):** "I saw my dreams of having a family of my own, of being part of my children's lives, disappear. Not deferred, but lost. Gone.

There was a deep feeling of helplessness—for myself and for all of the families involved. We all had the same dreams: parenthood, family, growing old with loved ones. And then, no more. The family contact I do have is a pittance, and there is nothing I can do about it while behind these walls. The damage continues and grows worse every day we are apart. My



parents and my children are hurting. Because of the distance between us, I don't get to see them or have physical contact—which is a basic human need. With touch so restricted here, I flinch even when someone puts a hand on my shoulder. I've been deprived of the normalcy of physical affection for so long. Prison is psychological warfare."

**Testimony of Jennifer Scaife, Executive Director Correctional Association of New York  
Before the Senate Standing Committee on Crime Victims, Crime & Correction and the  
Assembly Standing Committee on Correction Joint Public Hearing on the Safety of Persons  
in Custody, Transparency, and Accountability within State Correctional Facilities**

May 14, 2025

Greetings, Chairs Salazar and Dilan, and members of the Senate Committee on Crime Victims, Crime and Correction, and the Assembly Standing Committee on Correction. My name is Jennifer Scaife, and I am the Executive Director of the Correctional Association of New York, or CANY. I appreciate the opportunity to appear before you today to address the critical issues of safety, transparency, and accountability in correctional facilities operated by the Department of Corrections and Community Supervision (DOCCS).

CANY is charged under §146 of New York's Correction Law with carrying out oversight of New York State correctional facilities. In Fiscal Year 2024, CANY conducted 19 monitoring visits to state prisons, interviewed over 1,000 incarcerated individuals and hundreds of state employees, and addressed hundreds of inquiries from or on behalf of incarcerated individuals by mail, phone, and email. We also distributed thousands of surveys and issued 15 public-facing reports, data analyses, and legislative testimonies which seek to provide policy makers, prison administrators, and the public with a nuanced understanding of systemic issues and trends within the state's 42 prisons.

My testimony will respond to the following topics, which were articulated in the hearing notice: safety and security of incarcerated individuals; complaints, investigations, and oversight processes; data collection; programming opportunities; staffing ratios; screening processes; facility and equipment upgrades; and visitation and access to the facilities.

➤ **Safety and security of incarcerated individuals**

In 2024, DOCCS reported 143 deaths in custody, a 34% increase from the 107 deaths reported in 2023 and the highest number of in-custody deaths in the past five years – including the years during the COVID-19 pandemic. Similarly concerning is the rise in the proportion of deaths of incarcerated individuals under the age of 40. In 2024, 43 individuals under the age of 40 died in custody, compared to 18 individuals under 40 in 2023 – a 139% increase. As of May 1, there had been 47 deaths in custody, which suggests that the trend in number of deaths in custody is continuing in 2025. Eleven of those individuals were under the age of 40. There has also been a troubling increase in the number deaths by suicide. Twelve people died by suicide in 2023, and 26 did in 2024. At least three people died by suicide in April 2025.

While attention has rightly been focused on bringing about accountability and lasting change in response to the shocking murders of Robert Brooks and Messiah Nantwi at Marcy and Mid-State Correctional Facilities, we urge the Executive and the Legislature to take additional action to ensure the health, safety, and well-being of incarcerated people. These actions include increasing data collection, reporting, and transparency about deaths in custody; addressing delays in access to and quality of medical care, including specialty care; examining the root causes of suicides in prison and implementing evidence-based prevention measures; and reforming the processes by which elderly and gravely ill incarcerated individuals are evaluated for medical parole, compassionate release, clemency, or other release mechanisms.

Two pending bills would begin to address concerns related to limitations on medical parole:

- Provide for the release on medical parole for incarcerated individuals who require the level of care typically provided in a nursing home setting or those who, because of their physical or cognitive condition, are limited in their ability to perform basic life activities (Dilan).
- Provide medical parole and determinations of whether a person released on medical parole is physically or cognitively incapable of presenting a danger to society (Dilan / Sepulveda).

Additional actions needed related to safety and security of incarcerated people (from CANY's *Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Replace all mental health and crisis bed capacity eliminated by the closure of Great Meadow and Sullivan Correctional Facilities.
- Include external stakeholders as permanent members of the Prison Violence Task Force.
- Engage research partners to study causes of violence and mechanisms for increasing safety and publish the results.
- Expand peer navigation programs, peer led facilitation opportunities, and the use of "credible messengers" for violence interruption and reduction.

#### ➤ **Complaints, investigations and oversight processes**

DOCCS' Incarcerated Grievance Program (IGP) is the primary mechanism by which incarcerated people can seek resolution for complaints that cannot otherwise be resolved informally. According to DOCCS, the IGP "is intended to provide an orderly, fair, simple, and expeditious way of resolving problems that may arise within a correctional facility setting."

CANY's oversight reveals that the grievance program is fundamentally failing those it is meant to serve. Our 2023 report, *"Smoke Screen": Experiences with the Incarcerated Grievance Program in New York State Prisons*, found that 87% of respondents considered the IGP to be "not effective" or "seldom effective." In spite of this low confidence score, incarcerated individuals file more than 20,000 grievances annually, which indicates that, absent other avenues for seeking recourse, there is a strong desire for mechanisms for effectively resolving problems.

Our prison monitoring activities and analysis of administrative records have identified systemic issues undermining the efficacy of the grievance process, including significant delays in processing grievances, inconsistencies in how the process is applied across different facilities, and a pattern of retaliation against individuals who file grievances. CANY's survey results and DOCCS' semi-annual reports consistently show medical concerns (Code 22) and staff misconduct (Code 49) to be the most commonly filed types of grievances by far. CANY urges DOCCS to overhaul the grievance system to restore public confidence in its ability to effectively resolve problems.

In New York, in addition to the monitoring and reporting which CANY has carried out since 1844, a patchwork of prison oversight is provided by various state offices and agencies, including the Commission on Correction (which has historically limited its oversight of prisons to reviews of deaths in custody); the Office of the New York State Inspector General (which has established a task force to investigate complaints against DOCCS); the Justice Center for the Protection of People with Special Needs (which monitors the quality of care provided to incarcerated individuals with serious mental illness and compliance with HALT); the Department of Health (which oversees the management of infectious diseases within prisons); and the Office of the State Comptroller

(which carries out audit functions). The Attorney General investigates deaths caused by corrections officers. DOCCS' internal investigative body, the Office of Special Investigations (OSI), is charged with "detecting and preventing criminal behavior, staff or incarcerated individual abuse, employee misconduct or corruption."

The Executive and the Legislature have recently taken significant steps to strengthen oversight of DOCCS. Additional action that could be taken by the Legislature includes the consideration of the following bills, which suggest considerable political appetite for even stronger oversight:

- Providing CANY with the authority to conduct unannounced inspections of state prisons and ensuring regular access to comprehensive data (Weprin / Salazar).
- Requiring the public notification of the death of any individual in the custody of the Department of Corrections and Community Supervision (Epstein / Salazar).
- Expanding the Department of Health's review of correctional health services to include a biennial study of healthcare staffing levels within DOCCS facilities (Gonzalez-Rojas / Rivera).
- Directing DOCCS to conduct a comprehensive study on the causes and circumstances surrounding deaths in correctional facilities within New York State (Dilan / Sanders).
- Establishing an independent office of chief medical examiner in the department of corrections and community supervision (Dilan).
- Increasing the number of members on the State Commission of Correction and establishing a clear process for their confirmation (Gallagher / Salazar).
- Establishing a temporary state commission to study and make recommendations on the causes and consequences of violence in state correctional facilities (Weprin / Sepulveda).
- Creating an independent Office of the Correctional Ombudsman to monitor prisons, investigate complaints, and report findings to the Governor, the Legislature, DOCCS, and the public (Walker / Salazar).
- Providing the Attorney General with the authority to transfer investigatory authority and criminal jurisdiction in cases involving the death of a person caused by an act or omission of a peace officer to an independent body (Solages / Cooney).
- Authorizing the State Inspector General to receive and investigate complaints of sexual assault in correctional facilities (Gibbs / Salazar).
- Creating a temporary state commission to study and investigate sexual misconduct in state correctional facilities among incarcerated individuals and employees, and to devise a reporting system for such misconduct (Bichotte Hermelyn / Sanders).

Additional actions needed related to complaints, investigations and oversight processes (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Make documents such as directives, policies, memoranda, and Central Office Review Committee (CORC) decisions readily accessible to incarcerated individuals and to the general public.
- Improve the Incarcerated Grievance Program (IGP) by making procedures for election of the Incarcerated Grievance Resolution Committee (IGRC) standard across facilities<sup>1</sup>; allowing IGRC representatives to carry out meaningful investigations into grievances; providing additional detail about the roles of IGP supervisor and IGP sergeant in Directive 4040; and recording IGRC hearings.

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<sup>1</sup> DOCCS reported to CANY on January 13, 2025, that this recommendation had been adopted.

- Create a task force comprised of relevant stakeholders, including incarcerated individuals and DOCCS staff, to identify and address systemic issues that lead to delays in grievance processing. Actively seek input from this group to understand the most common problems they encounter with the grievance process and collaborate on developing practical solutions.
- Expand annual public reporting on the IGP to include deidentified details of cases including the rate of acceptance, denial, and dismissal by category, as well as the length of time for resolution of each grievance at each stage; specific actions taken by the department to address the grieved issue; and disaggregated instances of “consolidated” grievances.

➤ **Data collection**

DOCCS currently requires CANY to use the Freedom of Information Law (FOIL) to gain access to administrative records for use in monitoring inspections, which is a cumbersome, time-consuming and resource-draining exercise. FOIL contemplates relatively prompt disclosure, but the department's response time is often stretched by multiple extension requests, causing months of delays in accessing basic information about prison operations. CANY filed 173 FOIL requests between July 2023 and December 2024. With better access to information, CANY can better ensure the accuracy, timeliness, and rigor of its monitoring reports.

A.3781 Weprin / S.651 Salazar would provide CANY on a quarterly or yearly basis key records that the organization currently obtains through Freedom of Information Law (FOIL) requests, including:

- Information on individuals admitted into custody, including demographics, admission type, facility information, sentencing and crime details
- Information on individuals currently under custody, including facility and housing unit information, sentence information, parole eligibility dates
- Information on individuals released from custody
- Information on individuals on parole
- Information on programming, education, vocational and work assignment requirements
- Information on staffing levels
- Information on deaths in custody
- Information on unusual incidents
- Information on disciplinary charges and penalties
- Information on grievances and appeals
- Information on employee disciplinary records
- Information on parole eligibility and hearing outcomes
- Annual budget of correctional facilities

A.3781 Weprin / S.651 Salazar aims to improve transparency and accountability within the correctional system in New York State. This proposed provision is consistent with ABA Standard 23-11.3 (b)(iv), recommending that monitoring teams be given authority to “review all records, except that special procedures may be implemented for highly confidential information,” and would allow CANY to more effectively identify and report on issues regarding the treatment of incarcerated individuals, concerns of staff, and operations of the state’s prisons.

➤ **Programming opportunities**

Between January and April of 2024, there was a monthly average of 6,177 incarcerated people participating in secondary education programs; 6,776 participating in vocational education

programs; and 1,768 participating in college programs. In the same period, there was a monthly average of 3,503 people participating in substance abuse treatment; 1,673 participating in aggression treatment; and 542 people participating in sex offender treatment.

As of January 1, 2024, there were 1,254 individuals working in Corcraft industries. The facilities with the highest number of individuals in Corcraft industries include Clinton (184 individuals, primarily working in the Garment & Textile Shop), Auburn (158 individuals, primarily working in the License Plate Shop and Wood Furniture Shop), and Attica (130 individuals, primarily working in the Metal Shop). A total of 82 people work in Call Center Operations for the DMV, and 29 work in the Optical Shop in Wallkill.

Persistent staffing shortages are severely undermining programming opportunities for incarcerated individuals. A system-wide vacancy rate of 16.2% among program staff as of January 2024 diminishes the frequency, consistency, and diversity of available programs. The issue is most pronounced in maximum-security facilities, where the vacancy rate stands at 20.1%, while medium-security facilities fare slightly better at 13.5. Certain facilities, including Bedford Hills, Coxsackie, Eastern New York, Sing Sing, and Taconic, are facing vacancy rates above 30%, which has led to program cancellations, long waitlists, and restricted access for those seeking rehabilitative and educational opportunities.

These staffing shortfalls have significant consequences. Our interviews and direct observations reveal that many incarcerated individuals are unable to access the programs necessary for personal development and reentry preparation. Reports consistently describe frustration and setbacks due to cancelled classes, indefinite delays, and insufficient offerings. The problem has been further compounded by reduced access during and after the strike, revealing a crisis within a crisis.

Additional actions needed related to programming opportunities (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Provide robust support to and encouragement of incarcerated organizations at all facilities.
- Finalize agreement with the Office of Mental Health (OMH) on the delivery of programming in Residential Rehabilitation Units (RRU).
- Expand use of Trauma, Addiction, Mental Health, and Recovery (TAMAR) curriculum so that it is offered regularly in all facilities. Provide incentives for participation.
- Develop additional strategies for recognizing achievements and good conduct by issuing positive informational reports or commendations to incarcerated individuals.
- Expand earned housing opportunities as incentives for incarcerated people.
- Partner with SUNY to certify skilled trades and career training programs and provide opportunities to transfer credits earned through those programs.
- Expand partnerships with local animal shelters to provide additional dog training and rehabilitation programming.
- Make ASAT, ART, SOCTP, and other mandatory therapeutic programs available earlier in an individual's incarceration.
- Ensure that individuals with conditional release dates have the opportunity to complete mandatory programs before the Time Allowance Committee reviews their eligibility for release.

## ➤ Staffing ratios

Even before the unauthorized strike, DOCCS was facing critical staffing shortages that strained facility operations and undermined the delivery of essential services.

- As of January 25, 2024, 13.3% of all positions across the system were vacant, with the highest vacancy rates in health services (25%), support services (19%), and program services (17%). Security staff had a systemwide vacancy rate of 11%. As of January 2024, there were 2.2 incarcerated people for every uniformed security officer at DOCCS facilities in 2024, among the lowest staff to incarcerated individual ratios of any large state.
- As of January 17, 2025, 14.5% of all positions across the system were vacant, with the highest vacancy rates in health services (23%), support services (15%), and program services (14%). Security staff had a systemwide vacancy rate of 14%.

These vacancies are compounded by high rates of leave related to workers' compensation claims. According to data maintained by the New York State Insurance Fund (NYSIF), over 100,000 workdays were lost in 2024 due to work-related incidents—an average of five days per Full Time Equivalent (FTE). The incident rate has surged by 75% over the past five years; Marcy and Bedford Hills Correctional Facilities experienced the highest rates and costs per FTE. NYSIF paid out \$196 million in compensation to DOCCS employees in 2024 alone.

Additional actions needed related to staffing (from *CANY's Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

- Continue and expand trainings on staff wellness for DOCCS employees.
- Partner with external organizations focused on culture change inside correctional facilities.
- Expand staff recruitment/retention initiatives like the Central NY 200 Recruitment Initiative and discretionary changes to the negotiated reassignment list.
- Highlight staff excellence through expanded train-the-trainer opportunities, profiles in the DOCCS Today newsletter, videos such as "Healing from the Inside Out," and other forums.

## ➤ Screening processes

In light of the alarming increase in suicides year over year – 12 incarcerated people died by suicide in 2023, and 26 did in 2024 – it is essential that the Executive and Legislature give greater scrutiny to screening processes related to mental health and suicide risk. The screening and assessment process to identify and manage suicide risk is outlined in DOCCS Directive 4101. On the day of arrival at designated reception centers (Bedford Hills, Elmira, Green Haven, and Auburn), incarcerated individuals are required to be screened by OMH for suicide risk. In addition to this screening, staff are required to conduct 30-minute observation rounds during the reception process, and health services staff are required to complete standardized health, mental health, and PREA screening forms. Each person also receives a suicide prevention pamphlet and an orientation about how to access mental health services.

The DOCCS directive states that suicide risk assessment is an ongoing process, with screenings required at key high-risk points during incarceration. The Directive includes additional protocols for screening on admission to SHU/RRU, post-parole board hearings, upon return from escape or absconding, and after a family member's death. Additional screenings are also mandated for individuals in Residential Crisis Treatment Program (RCTP) or therapeutic transitional units

following any outside trip, such as court appearances, hospital visits, or alternative RCTP placements.

CANY recommends that DOCCS publish findings and recommendations from Joint OMH/DOCCS Suicide Workgroup and the DOCCS Suicide Assessment/Mortality Review Committee.

#### ➤ **Facility and equipment upgrades**

CANY has consistently reported the ways in which the aging infrastructure of many New York State prisons significantly compromises both the operations of these facilities and the safety of incarcerated individuals. A recent report on Wallkill Correctional Facility raised concerns about deteriorating material conditions, including disrepair in bathrooms, broken windows, and ineffective temperature controls, all of which hinder the ability to operate a modern correctional institution within a century-old building.

Similarly, CANY's report on Fishkill Correctional Facility highlighted a range of challenges linked to its aging infrastructure, including concerns about asbestos, peeling paint, and the inability to meet basic electrical demands. Incarcerated individuals at Fishkill also reported issues with inadequate temperature controls in housing areas, as well as broken fixtures and appliances that often went unrepaired due to delayed maintenance. These conditions not only make it difficult to provide safe, humane living and working environments but also create operational inefficiencies, further straining resources and exacerbating risks to safety and well-being.

CANY supports additional investments to accelerate installation of fixed cameras throughout facilities and to expand the use of body-worn cameras. CANY recommends that DOCCS issue regular, detailed reports of its progress installing and deploying cameras.

According to a Prison Rape Elimination Act (PREA) audit<sup>2</sup> of Mid-State Correctional Facility, only 14 out of 42 facilities, or 33%, had fixed cameras as of November 2024. CANY documented during its October 2022 monitoring visit to Mid-State Correctional Facility that a fixed camera installation project was in the capital project pipeline; during a follow-up visit on January 27, 2025, CANY representatives learned that that project had not yet begun. A 2020 settlement relating to the 2015 killing of Karl Taylor at Sullivan Correctional Facility included the stipulation that DOCCS install comprehensive video and audio recording equipment throughout the prison. According to the Mid-State PREA audit, camera installation was still underway at Sullivan when the facility was shuttered in November 2024.

Again, according to the Mid-State PREA audit, which as of this writing is the most detailed source of public source of information CANY has identified about the status of camera installation in DOCCS facilities, body-worn camera programs are fully implemented at seven facilities (Bedford Hills, Fishkill, Franklin, Marcy, Mid-State, Sullivan, and Taconic) and four additional facilities have body-worn camera pilots underway or a subset of staff wear body cameras. On January 28, 2025, CANY representatives learned during follow-up visit to Mohawk Correctional Facility that body cameras are now fully in use at that facility.

Additional actions needed related to facility and equipment upgrades (from CANY's *Recommendations to Improve Safety, Institutional Culture, and Living & Working Conditions within DOCCS Facilities*, January 2025):

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<sup>2</sup> <https://docts.ny.gov/system/files/documents/2024/11/mid-state-cf-final-prea-audit-report-11.22.24.pdf>

- Expedite the installation of fixed cameras throughout all DOCCS facilities; expand the use of body cameras and their operating times; and make footage available to incarcerated individuals for the purposes of disciplinary hearings and grievances.
- Launch a multi-year plan to modernize record-keeping systems, spanning such services and operations as incarcerated individual property transfers, accounts, sick call requests, grievances, and program attendance; electronic medical records; and data management infrastructure to replace legacy systems.
- Modernize and upgrade technology equipment used by staff and incarcerated people in offices, libraries, law libraries, and computer labs across facilities.
- Publish five-year capital plans, annexing any portions that contain sensitive security information.

➤ **Visitation and access to facilities**

CANY generally receives positive feedback from incarcerated individuals about their ability to receive visitors: 89% of people interviewed during CANY's most recent seven monitoring visits reporting being able to access visits. On average, incarcerated people in New York are held in facilities that are located 140 miles away from the county in which they were sentenced to prison (which is used by CANY as a proxy for county of last residence).

Since the end of the unauthorized strike by correctional officers and sergeants, weekend visiting has resumed across the system but weekday visiting in maximum security facilities has not. Limiting visits to weekends has created barriers for families, especially those traveling long distances or with mobility challenges. Indeed, CANY has heard from family members who have been unable to see their loved ones since the strike. Suspending weekday visits also presents operational challenges by exacerbating crowding and waiting times for screening on the weekends. We encourage DOCCS to reinstate 7-day-a-week visiting at New York's maximum security prisons.

➤ **Conclusion**

We urge the Committees to recognize the critical need for a fundamental shift in the culture within the state's correctional facilities – a shift that prioritizes safety, transparency, and accountability at all levels. The legislative proposals we have highlighted offer concrete pathways towards achieving these goals. CANY remains steadfast in its commitment to independent oversight and stands ready to collaborate with the Legislature and the Executive to support vital reforms. By working together, we can improve the safety and well-being of incarcerated individuals and employees working in these facilities, enhance public trust in our correctional system, and ultimately strengthen public safety for all New Yorkers. Thank you for your time and consideration.



**Jerome Wright**  
**#HALTsolitary Campaign**

**TESTIMONY BEFORE NYS SENATE AND ASSEMBLY JOINT PUBLIC HEARING**

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

May 14, 2025

**Introduction: The Legislature and Governor Must Meet this Moment of Reckoning with Transformational Policy Change that Includes Meaningful Pathways Out of Prison, An End to Human Rights Abuses Inside, and Greater Accountability**

Thank you to Chair Salazar, Chair Dilan and the Senate and Assembly for holding this hearing on the racist brutality of New York's incarceration system and for this opportunity to present testimony on behalf of the #HALTsolitary Campaign.

Led by people who have survived solitary confinement and had family members inside, the #HALTsolitary Campaign is a New York statewide campaign comprised of more than 400 organizational supporters. The #HALTsolitary Campaign aims to end the torture of solitary confinement for all people, create more humane and effective alternatives, and build on these changes to dismantle the racial injustices and punishment paradigm that underpin the entire incarceration system. The #HALTsolitary Campaign led the movement of people, organizations, and groups across the state that resulted in a supermajority of both houses of the legislature passing, and the Governor signing, the HALT Solitary Confinement Law, which was signed in March 2021 and went into effect in April 2022. The #HALTsolitary Campaign has also led the efforts since the law was enacted in 2021 to push for the law to be fully implemented in order to stop torture, save lives, and improve safety for everyone.

Today's hearing is critically important. We are at a pivotal moment of reckoning for New York's incarceration system. New York's prisons are killing, torturing, and brutalizing people and have a long history of doing so. I personally have been subjected to this racist brutality (*See Santiago v Miles* discussed below). The unconscionable killings of Robert Brooks and Messiah Nantwi have brought to light the type of abuses taking place every single day in prisons across the state and that are part and parcel of a racist system inflicting grave harm. Officers' illegal work stoppage was orchestrated to try to distract from increased scrutiny of officer brutality and abuse. These officers' abdication of their basic duties led to at least 12 people dying and put, and continues to

put, tens of thousands of people in life threatening conditions, many locked in solitary confinement with restricted access to medical care, mental health care, food, out-of-cell time, programming, family and legal visits, communication, and other essential services.

Compounding the crisis, the Department of Corrections and Community Supervision (DOCCS) illegally claimed to “suspend” portions of the HALT Solitary Confinement Law, which since DOCCS has no authority to suspend the law was an announcement of their plans to violate this law enacted by a supermajority of New York’s legislature and the former Governor. The Legal Aid Society and their clients have filed a [lawsuit](#) challenging this illegal “suspension” and have [sought a preliminary injunction](#) to end it.

Even before this acute crisis created by illegal officer actions, staff brutality against incarcerated people has remained rampant and the violence of the prison system itself has caused grave harm and death. Due to extreme sentence lengths and repeated parole denials, people spend decades incarcerated, people are aging and dying in prisons, and a person dies in a New York prison once every two and a half days. There have been years and decades of reports of [staff sexual assaults](#) against incarcerated people, use of [waterboarding](#) against people, and [physical brutality](#) against incarcerated people that results in broken teeth, broken bones, and deaths. In addition, DOCCS continues to torture people by systematically violating the HALT Solitary Confinement Law, failing to provide people with the required out-of-cell time and programming required by the law, locking people with disabilities in solitary, and doubling down on the use of solitary by another name for everyone. Moreover, DOCCS continues its inhumane and cruel [ban on family care packages](#), [sweeping restrictions on people’s visits](#) with their family members, and restrictions on mail based in part on what have now been proven to be [false](#) drug tests of mail.

We are hopeful that the legislature will meet this moment by passing urgent legislation that creates meaningful pathways of release in order to subject less people to the racism, trauma, torture, brutality and death of the incarceration system and makes fundamental changes to the prison environment to end all brutality and abuse inside, including most urgently:

- **Elder Parole** (S454/A514) and **Fair & Timely Parole** (S159/A127) to provide meaningful opportunities for individual, case-by-case consideration of release for people incarcerated for years and decades;
- **Rights Behind Bars** (S3763/A1261A) to address rampant brutality, systemic violations of the HALT Solitary Law, and sweeping restrictions on visits, packages, and mail;
- The **Second Look Act** (S.158/A.1283), **Earned Time Act** (S.342/A.1085), and **Marvin Mayfield Act** (S.1209/A.1297) to create critical sentencing reform and incentivize people to transform their lives;
- **Challenging Wrongful Conviction** (S6319/A7422), **Treatment Court Expansion Act** (S4547/A4869), and **Ending Qualified Immunity** (S176/A1402), **Restructure the State Commission of Correction** (S856/A2315), and **Give State and Local legislators Full**

**Access to Local Jails** (S1892B/A2119) and more, to address wrongful convictions, divert people with mental health and substance abuse needs from the incarceration system, and increase accountability for officer abuse.

In this current moment with the egregious attacks of the federal government on our immigrant communities, the legislature must also urgently pass:

- **New York for All** (S.2235/A3506), **Dignity Not Detention** (S316/A4181), **Access to Representation Act** (S141/A270), and the **Clemency Justice Act** (S394/A403) to help protect our immigrant communities; and
- Adopt **the full Justice Roadmap** in order to address the various forms of repression and abuse through the incarceration, immigration, and deportation systems.

### **The Killing of Robert Brooks and Messiah Nantwi are Part of a Long History of Racist Brutality, Abuse, and Cover-Ups with Solitary Confinement**

Robert Brooks was a 43-year-old Black man with a family and community who cared deeply about him. On December 9, prison guards and medical staff at Marcy prison in New York State brutally beat, tortured, and lynched Robert Brooks while he was handcuffed behind his back. Although the guards did not turn on their body cameras, “passively recorded” video extracted from the cameras showed the brutalization in horrific detail. Thirteen guards and a nurse have been implicated in the unconscionable attack.

As seen by the business-as-usual manner in which officers and medical staff tortured and killed Robert Brooks in the videos, his murder was not an anomaly but emblematic of routine racist brutality inflicted throughout New York’s prisons and jails.

Less than three months after the killing of Robert Brooks, while the whole world is watching and after DOCCS said it would be rethinking the entire system, a large number of officers brutally beat Messiah Nantwi, age 22, to death in a manner Governor Hochul referred to as “extremely disturbing conduct”, resulting in 15 staff being placed on leave. Recordings of a subsequent attempt to falsely justify their murder of Mr. Nantwi, guards (and a sergeant) are overheard conspiring to cover up and lie about what happened and why deadly force was used.

For years and decades, officers have beaten and killed Black people in New York’s prisons – including Leonard Strickland, Samuel Harrell, Karl Taylor, Terry Cooper, John McMillon, and countless others – and yet the racist system of brutality continues unabated.

As many as 20 officers reportedly repeatedly kicked and punched Samuel Harrell while shouting racial slurs at him, and then threw Samuel down a staircase. Officers similarly reportedly

punched, kicked, choked, and stomped John McMillon to death. Jurors awarded \$9.25 million to Terry Cooper's family, after officers reportedly beat him to death with a baton. The state settled a lawsuit with Karl Taylor's family for \$5 million after officers reportedly beat, jumped on, and choked him to death.

Witnesses to Leonard Strickland's death reportedly said "the guards got away with murder, ganging up on Mr. Strickland and beating him so viciously that he could barely move." Video then shows Leonard, who had schizophrenia, "in handcuffs, barely conscious and being dragged along the floor by officers, while a prison nurse standing close by does nothing. Even as he lies face down on the floor, near death, guards can be heard shouting, 'Stop resisting.'"

Innumerable people across prisons and jails have reported detailed accounts of staff [physical](#) and [sexual](#) assaults, then false tickets for "assaults on staff" as cover-up. [Thousands of people](#) have filed claims under the Adult Survivors Act for sexual abuse in NY prisons over decades.

There have been countless investigative reports of a "[scourge of racial bias](#)" and [routine and frequent brutal beatings covered up](#) by locking people in solitary confinement on false charges. "Shattered teeth. Punctured lungs. Broken bones. Over a dozen years, New York State officials have documented the results of attacks by hundreds of prison guards on the people in their custody." After [officers beat Chad Stanbro](#) to the point he was paralyzed, he was thrown in solitary as part of a broader effort at cover-up. When officers [brutally beat Samuel Harrell to death](#), they then locked witnesses in solitary – including at least nine people who had seen what had happened. [This report](#) by the Correctional Association of NY about the former supermax prison dedicated to solitary with a long history of abuse that was closed as a result of the HALT Solitary Law shares additional examples of these practices. As one individual reported, "I came to Southport with a multiple year SHU sentence after being brutalized by staff at another prison. Although I was beaten so badly that I was hospitalized for multiple days, had a fractured bone, and continue to suffer medical effects, I was sent to the box for multiple years for allegedly assaulting staff." Multiple officers involved in the killing of Robert Brooks have [themselves](#) been accused in lawsuits of brutally beating other people in various prisons, falsifying records, and locking those beaten in solitary confinement on false charges.

### **The Illegal Work Stoppage and DOCCS' Response Put Tens of Thousands of People's Lives at Risk, including by Locking People in Solitary and Purporting to "Suspend" HALT**

To try to distract from increased scrutiny of rampant officer brutality following the unconscionable lynching of Robert Brooks, officers across the state orchestrated an illegal work stoppage the week that fellow officers faced indictment for killing Robert Brooks. That illegal abdication of officers' basic duties left tens of thousands of people in life threatening conditions, locked down in solitary confinement with limited or no access to food, medications, medical and

mental health care, family and legal visits and communication, out-of-cell time, programs, or other essential services. Many of those conditions persist in prisons across the state. Fully predictably and horrifically, it is reported that at least 12 people died just during the height of the official illegal work stoppage, and likely others have died that have not yet been reported.

Compounding the crisis, DOCCS illegally purported to suspend portions of the HALT Solitary Confinement Law, enacted by a supermajority of New York's legislature and the former Governor. This purported suspension is illegal – as the DOCCS Commissioner does not have authority to suspend parts of a duly enacted law and nothing in HALT itself provides such authority – and has and will cause grave harm and death, and worsen safety for everyone.

[This recent report by the Legal Aid Society](#) documented the experiences of people incarcerated all across the state describing the horrific, life-threatening conditions that people are enduring in New York's prisons, during the height of the illegal work stoppage and still today. People have been locked down in solitary confinement, with restricted or no access to out of cell time, recreation, medications, showers, food and more. People have been locked in these conditions for weeks and now months. One person with a known epilepsy condition describes having multiple seizures induced by being solitary during the strike and receiving no treatment or care. Another individual, who had open heart surgery in 2020, reported having Afib and feeling he was having a heart attack and just being trapped in his cell without medical care.

People quoted in the report also debunk the false claims by officers about HALT. For example, as one individual stated, “Corrections officers seem to have switched the narrative to their dissatisfaction with the HALT Act, and what they’re essentially saying is that their dissatisfaction justifies them taking drastic actions that plunges the state into darkness and chaos. Blaming the HALT Act is disingenuous. This is about the murder of Robert Brooks. What happened to him was only a glimpse of something I know all too well, of what happens behind the prison gates of DOCCS. It’s terrible that brutality is such common knowledge here. The normality of it is what is so dangerous. What’s going on right now is a sense of indignation on behalf of the officers: ‘How dare you attempt to prosecute the officers for murdering Robert Brooks on camera.’ That’s really what’s going on, let’s not make a mistake.”

The report concludes by calling on DOCCS to comply with the HALT Solitary Law, as well as provide people with basic access to medical care, mental health care, and other basic needs.

People incarcerated in New York prisons, represented by the Legal Aid Society, just filed a [new class action lawsuit](#) outlining how DOCCS has no authority to suspend the HALT Solitary Law, and how DOCCS is flagrantly violating the plain language of the HALT Law and the constitutional separation of powers between the executive and legislative branches. As a result, people have been locked in solitary confinement upwards of 24 hours a day for weeks and

months, with devastating and deadly consequences for people in New York's custody. Examples of press coverage of the lawsuit can be found [here](#) and [here](#). Legal Aid and their clients have now also [filed for a preliminary injunction](#) in the lawsuit to stop the illegal so-called "suspension" of HALT. As the brief in support of the preliminary injunction lays out:

*The consequences [of the illegal suspension] have been devastating. Plaintiffs and putative class members are experiencing a constellation of acute psychological, neurological, and physical symptoms that are the inevitable result of the profound isolation to which DOCCS is subjecting them. Those harms will continue as the suspension of HALT drags on. And they may linger indefinitely, inflicting lifelong damage across the classes. Already, Defendant's suspension of HALT has had tragic and intolerable results: Anthony Douglas, a 66-year-old man, was found hanging in his cell at Sing Sing in late February after being locked inside for a week straight. Unless this Court intervenes, these harms will persist and intensify for thousands of incarcerated New Yorkers. More suffering and death will surely follow.*

### **Before the Current Illegal So-Called “Suspension”, Prisons and Jails have been Systematically Violating the HALT Solitary Law, with Devastating and Deadly Consequences**

Long before the illegal so-called “suspension” of HALT, prisons and jails across New York State have been systematically violating the HALT Solitary Law.

The HALT Solitary Confinement Law itself has had tremendous positive impacts on people's lives, and at the same time prisons and jails across the state continue to systematically violate the law. Solitary confinement is [torture](#). It causes [devastating](#) and [deadly harm](#). It also [worsens safety](#) for all, while alternative forms of separation – like the [Merle Cooper program](#), [RSVP program](#), and [CAPS/PACE programs](#) – have been [proven](#) to reduce violence.

On the positive side, the HALT Law has already led to:

1. The closure of Southport Correctional Facility (which was one of New York's two supermax prisons dedicated to solitary confinement, with a long history of abuse);
2. The official end of keeplock (one form of solitary confinement where people were locked 23 to 24 hours a day in a cell);
3. Drastic reductions in the use and length of SHU (another form of solitary where people had been locked in 23 to 24 hours a day for months, years, and decades before HALT) and finally prior to the illegal “suspension”, DOCCS at least officially reported that people generally are no longer held in SHU for more than 15 consecutive days;

4. The removal of people who had spent years and decades in solitary, including individuals who have now come home from prison and are being successful in the outside community;
5. The official opportunity for people to be represented by an attorney, paralegal, law student, or fellow incarcerated person at disciplinary hearings; and
6. The operation of some alternatives with opportunities for at least some meaningful human engagement.

At the same time, tragically, DOCCS is systematically violating nearly every core component of the HALT Law. For example, DOCCS is:

1. Locking people in solitary despite bans on protected populations, including people with mental health needs and physical and cognitive disabilities, as fully documented in a class action lawsuit by people incarcerated in NY prisons represented by the Legal Aid Society and Disability Rights Advocates.
2. Operating alternatives as solitary by another name by failing to provide required out-of-cell time or programming in units that were previously solitary units and chaining people to desks during the limited out-of-cell time. The law requires people in alternatives to have access to at least seven hours of daily out-of-cell group programming and activities. Instead, before the illegal “suspension” people at some prisons are officially getting at most three hours of out-of-cell time and many people are not receiving any and are instead locked in solitary confinement 24 hours a day.
3. Operating various other solitary-by-another name units as if HALT doesn’t apply, such as step-down units, protective custody, and residential mental health treatment units.
4. Sending people to solitary and alternatives for conduct banned by the law. DOCCS data shows they have issued SHU sanctions at a higher rate after HALT than before, and between 18% to two-thirds of SHU sanctions are for reasons not allowed under the law. People in NY prisons, represented by PLS and NYCLU won a lawsuit, with a New York Supreme Court judge finding DOCCS has violated HALT by sending people to solitary and alternatives without following the law’s sanctions criteria.
5. Even more disproportionately sending Black people to solitary and alternatives. Racial disparities in the infliction of punishment of incarcerated people / solitary confinement – already at egregious levels for years – have increased in recent years. On December 1, 2024, Black people made up 66% of people in SHU (solitary confinement) and 62% of people in RRU (supposed to be alternative to solitary under HALT), despite making up 49% of people in the whole prison system and only 18% of New York State’s population. By comparison, in 2019, Black people made up 57% of people in SHU on a given day, so the egregious racial disparities are getting *worse*.

One of the core ways DOCCS is flagrantly violating the law is by failing to provide people with the required out-of-cell time and programming required under the law. Instead as a result DOCCS has continued to inflict solitary confinement by another name. HALT requires that all people in alternative units – RRUs and RMHTUs – and in general population have access to at least seven hours of daily out-of-cell time in group settings with programming opportunities. In practice, many people in alternative units and in general population continue to be locked in their cells upwards of 23 to 24 hours a day, without meaningful human contact or programming, leading to all of the same devastating effects of other forms of solitary – psychosis, heart disease, depression, anxiety, and death by suicide and other causes.

Absurdly, DOCCS is mis-labeling people being locked alone in a rec pen at the back of their cell as “out-of-cell” time and “congregate out-of-cell” time. That is not out-of-cell time and it is not congregate out-of-cell time. Since HALT went into effect, we tragically have heard from several families whose loved ones have died in solitary confinement in what are supposed to be alternative units but are solitary by another name. This is beyond unacceptable. DOCCS is breaking the law and not only causing grave harm and worsening violence, but also leading to people’s deaths.

The following provides some additional information regarding some of the ongoing key violations of the law.

### *1. Out of Cell Time and Programming in the RRUs, Including Core Programs*

The HALT Law is very explicit that people in the RRUs generally must have access to at least seven hours of daily out-of-cell group programming and activities, including access to core programs comparable to those in general population, like education, ASAT, and ART. We have received innumerable reports from prisons and jails all across the state that people do not receive access to the required out-of-cell time or programming. Many people report that they do not receive any out-of-cell time, while others receive up to at most three hours to – rarely – six hours of group out-of-cell time, often only during weekdays. For example, at Upstate C.F., which has by far the largest RRU in the state, the official policy at the facility is that people at most get access to one module of three hours per day of out-of-cell time (and many people do not receive any out of cell time).

Based on surveys from over 800 people in New York prisons, the government’s own [Justice Center documented](#) that 99% of survey respondents in 2023 and 2024 reported receiving less than the legally required seven hours of daily out-of-cell group programming and activities, and 97% of survey respondents in 2023 and 93% in 2024 reported receiving between zero and four hours. DOCCS claims people being locked *alone* in a rec pen in the back of their cell is *group*

*out of cell* time. It clearly is not out of cell time and most definitely not group out of cell time required by the law.

DOCCS also has failed to provide people in RRUs with access to core programs as required by HALT, including ASAT, ART, academic programs, vocational programs, sex offense programming, and transitional services. DOCCS refuses to provide access to the core programs, even though these are the programs DOCCS says people need to take and even though the HALT Law requires access to such programs. DOCCS' response to this issue that providing access to programming would incentivize bad behavior – is archaic, counterproductive, out of line with the entire purpose of HALT, and cruel. It is also nonsensical for DOCCS to say that the programming should be aimed at addressing the reasons why a person may need to be separated from the general population and thus can't be the core programs that DOCCS has mandated a person to take when the reason those programs are mandated by DOCCS is purportedly to address people's needs and behaviors.

## *2. Residential Mental Health Treatment Units*

The HALT Law requires that all of the Residential Mental Health Treatment Units (RMHTUs - RMHUs, BHU, TBU) not only continue to follow the requirements under the SHU Exclusion Law, but also follow all of the requirements for the RRUs. Those requirements include the issues discussed throughout this testimony, including access to seven hours of daily out-of-cell group programming, the criteria of conduct for placement in the units, the use of shackles, and the mechanisms of release. We have received numerous complaints across the RMHTUs that out-of-cell time and programming has not changed after HALT was enacted, and that people are not being provided access to the required seven hours of daily group out-of-cell programs and activities. People also continue to be sent to the RMHTUs and given more disciplinary confinement time while in the RMHTUs for reasons banned by the HALT law. Coupled with the failure to follow the release mechanisms, people continue to be warehoused in these units for months and years at a time.

## *3. Rehabilitation Plans, Reviews, and Releases from RRUs*

The HALT Law requires that every person in an RRU and RMHTU have a rehabilitation plan. In turn, every person is supposed to have a review every 60 days in the RRU and RMHTU to determine if they should be discharged from the unit. If a person is not released, the law requires that the person be told what they have to do to be released, provided access to whatever is required, and then be released if it is completed. In addition the law requires that people who substantially complete their rehabilitation plan have their good time restored. DOCCS does not appear to be doing, or at least meaningfully doing, any of those processes required by the law. DOCCS has a very large number of people in the RRUs – more than the number of people in

SHU prior to HALT's implementation. Part of that large number stems from the failure to implement HALT's sanctions criteria discussed in this testimony, and part of it is a failure to follow the reviews and release mechanisms under HALT, as people spent months and longer in the RRUs and RMHTUs.

#### *4. One Year Limit*

The HALT Law provides generally for a one year time limit on placement in RRUs and RMHTUs, with very narrowly tailored exceptions. We have received multiple complaints about people being held in such units past the one year limit, and DOCCS carrying out objectionable practices to try to circumvent the one year limit. This time limit is of paramount importance because of the long history of DOCCS warehousing people in solitary confinement and alternative units, including people spending many years in RMHTUs.

#### *5. Protective Custody*

Similarly, the HALT Law is explicit that no person can be placed in segregated confinement for purposes of protective custody (PC) and explicitly requires that all protective custody units comply with the requirements of the RRUs, including access to at least seven hours of daily out-of-cell group programming and activities. We have received numerous complaints about people in protective custody not receiving the out-of-cell time, programming, and other requirements of the RRUs, as well as complaints that DOCCS denies people the ability to be in protective custody, despite real safety issues. In addition, DOCCS has been denying protective custody to numerous people for years and decades, putting people at grave risk of harm, and many staff repeatedly falsely tell people that there is no protective custody because of the HALT Law, which is a blatant lie. HALT continues to allow for protective custody and does nothing to restrict its use.

#### *6. Out of Cell Time and Programming in SHU*

The HALT Law requires that all people in segregated confinement, up to the 15-day limit, have access to at least four hours of daily out-of-cell programming. The state's own Justice Center has repeatedly [reports](#) how people in SHU are not receiving required out-of-cell time / programming, that DOCCS uses empty tiers to carry out programming, that DOCCS forces people to choose between using a tablet to contact their loved ones and out-of-cell time and programming, and that DOCCS does not offer people access to mandated programs, such as ART, ASAT, and educational programming. People also report that DOCCS staff often deny people the ability to leave their cell or participate in programming. Also, the space DOCCS is utilizing for programming in SHU is not in any way conducive to actual programming or meaningful

interaction with each other, since people are just in a single file line of restart chairs where people are chained to the chair.

#### *7. Other Units that are Not SHU, RRUs, RMHTUs, or PC*

DOCCS is operating numerous units across the state in violation of the law, with prison administrators or staff falsely telling people that HALT does not apply to those units. Such units include step-down units, reception, administrative segregation, close supervision unit, I-ASAT, and other units. The step-down unit at Midstate is of particular concern as many people seem to be warehoused there for extended periods of time for either past disciplinary infractions or as a form of administrative segregation, while being illegally denied the protections of HALT discussed throughout this testimony, including the 15-day limit on segregated confinement and ban on special populations, and the requirements to have access to seven hours of daily out-of-cell group programming and activities if not in segregated confinement. People are kept in the step-down program for months or years, and are often only provided a few hours of out-of-cell group programming time, and only four days a week.

#### *8. Restraints*

HALT has a presumption against the use of restraints during out-of-cell programming in alternative units and a required individualized determination before restraints could be utilized. For approximately one year, it was DOCCS' official policy – in direct violation of the HALT Law – that every person in RRU programming be chained to their desk. Now, even after that is no longer the official policy, in practice people continue to be automatically shackled across the state without justifiable reasons or any reason.

#### *9. Special Populations in Segregated Confinement*

The HALT Solitary Law, by incorporating a very explicit definition of disability in New York's human rights law, has a clear and precise ban on the use of segregated confinement for all people with any diagnosed mental health need and any diagnosed physical, sensorial, cognitive, intellectual, developmental, or other disability. This definitely clearly and unequivocally includes any person on the state's own Office of Mental Health (OMH) caseload. However, DOCCS continues to lock hundreds of people on the OMH caseload, as well as people with disabilities, in segregated confinement in Special Housing Units (SHU) and locks people in conditions that are segregated confinement in other units because they are locked in cell confinement more than 17 hours a day, such as Residential Rehabilitation Units (RRUs) and Residential Mental Health Treatment Units (RMHTUs).

#### *10. Criteria of Conduct Resulting in Segregated Confinement and RRUs*

The HALT Solitary Law has very explicit requirements for what conduct can result in placement in either segregated confinement, RRUs, or RMHTUs. The law requires individualized determinations at a hearing - where representation is supposed to be allowed under the law - that any particular incident of conduct both fits within the very explicit list of acts in the law and that such act(s) were so heinous or destructive that remaining in general population poses a significant risk of *imminent serious physical injury* to staff or other incarcerated persons *and* an unreasonable risk to the security of the facility. As noted above, there was a successful class action lawsuit about DOCCS' violations of this provision of the HALT law, including their failure to even assess individual conduct against the HALT criteria. Yet, people continue to be sent to solitary confinement and alternatives for reasons banned by the law and DOCCS' own data continues to show that thousands of sentences to segregated confinement have been for conduct that is not permissible under HALT.

For example, the Justice Center reported the following example of DOCCS sending people to solitary and alternatives for reasons prohibited under the law:

*Per the records received, the individual, a Mental Health Service Level 3, was in a group of individuals returning from chow. Per the Misbehavior Report, upon returning to A-Lobby, “attempted to go towards an on-going incident with staff and other [incarcerated individuals].” It continues with “responding staff was giving direct orders to all [incarcerated individuals] that were in the group returning from chow to keep moving forward.” The individual “refused the direct orders and stood and watched the incident occurring in the lobby.” After several direct orders, it is documented that the individual “followed staff direction.” The misbehavior report does not include any narrative description of the individual making a threat or engaging in the on-going incident outside of watching it occur. As a result of the incident, they received 300 days of SHU Time. Based on the evidence provided, the actions of the individual during this on-going incident does not meet the HALT law requirements for a Tier 3 infraction. Furthermore, in reviewing the incarcerated individual’s disciplinary history, the sanctioned length of SHU time should be considered excessive.*

## *11. Deaths*

We have tragically heard from family members and people inside about several deaths in RRUs and RMHTUs. These deaths are directly related to the failure to implement HALT and to continue to operate these units as solitary by another name.

## **The Violence of the Incarceration System Itself, Including Long Sentences and Parole Denials, Is Also Killing People and Causing Grave Harm**

Beyond direct officer brutality and killing of incarcerated people, there is a crisis of aging, medical neglect, and death behind prison walls. The combination of extreme prison sentences with the failures of the New York State Parole Board mean that people are aging and dying at alarming rates. A person dies in a New York prison every two and a half days. This is beyond a crisis. Contributing to this crisis, the Parole Board denies release to thousands of people every year, often repeatedly, causing people to spend years and decades in prison longer than the minimum sentence imposed by the judiciary and the legislature. Yet, far too often the Board inflicts those denials – in a [racially biased manner](#) – based on the person’s crime of conviction or past criminal history, rather than making determinations based on who the person is today who appears before them, what current risk to public safety they pose, what accomplishments and transformation they have achieved, or whether they have demonstrated their current readiness for release. At the same time, draconian prison sentences mean that many people who spend decades behind bars will never even have an opportunity to appear before the Parole Board and are sentenced to die in prison.

There is no price that can be placed on all of the lives who continue to be lost without legislative action. At the same time, New York spends an average of \$60,000 annually to incarcerate just one person, and between \$100,000 and \$240,000 annually per older adult in prison.

The Senate and Assembly must pass and the Governor must sign the Fair & Timely Parole Act (S.159-Salazar / A.127-Weprin) to ensure that people who appear before the Parole Board are assessed for who they are today and their current readiness for release, and Elder Parole (S.454-Hoyleman / A.514-Davila) to ensure that people who are at least 55 years old and have served at least 15 years in prison have an opportunity to at least appear before the Parole Board. Passing these bills could save the state \$522 million per year, critical resources that could be used to actually provide the supports and resources needed to improve public safety, while also providing opportunities for amazing community leaders to return from prison, be with their families, and support their communities.

The legislature must also pass the Second Look Act (S.158/A.1283), Earned Time Act (S.342/A.1085), and Marvin Mayfield Act (S.1209/A.1297) to create critical sentencing reform and incentivize people to transform their lives

### **DOCCS has been Inflicting Various Other Interconnected Forms of Repression and Abuse**

In addition to rampant racist staff brutality, sexual violence, and infliction of the torture of solitary confinement, DOCCS has also increased its repression of incarcerated people by agency policy. DOCCS has been moving in the opposite direction of rehabilitation and empowerment by intentionally weakening ties between people incarcerated and their family members and

communities, including by taking away people's packages, visits with their family members, and mail.

Specifically, DOCCS has inflicted a ban on family care packages and a ban on direct mail. At the same time, [DOCCS' regulations](#) also vastly expanded the ability of DOCCS to take away people's visits with their loved ones. Visits, care packages, and mail from family, friends, and loved ones serve as a critical form of connection and community, help relieve stress and tension, provide hope and care, provide people with essential food and nutrition, provide access to religious materials, and more.

DOCCS has been continuously repressing people more and more to their breaking points. The HALT campaign and allies at various campaigns and legal organizations continue to receive innumerable complaints from people in the state prisons reporting staff brutality against themselves and others, as well as false tickets, retaliation, and other abuse. Staff misconduct and medical issues remain [the most common](#) issues raised by people incarcerated in NY prisons through the formal grievance process, a process that continues to act as a barrier to relief rather than a conduit, and for which incarcerated people face retaliation and abuse.

The combination of staff brutality, systemic violations of the HALT law, and the restrictions on packages, mail, and visits are creating an abusive and repressive environment and increasing tensions. Many people across the state have said that DOCCS is creating conditions akin to those in the lead up to the Attica rebellion. In addition to implementing the HALT Solitary Law and enacting the bills above, the legislature must pass Rights Behind Bars (S3763/A1261A) to address rampant brutality, systemic violations of the HALT Solitary Law, and sweeping restrictions on visits, packages, and mail.

### **Officers have been Waging a Misinformation Campaign about HALT, Staffing, and Violence**

Despite the very concrete evidence of rampant staff brutality, abuse, violations of the HALT Solitary Law, and other forms of repression, officers have been waging an intentional misinformation campaign about HALT, staffing, and violence.

First, HALT has not led to an increase in violence by incarcerated people. As documented throughout this testimony, there is a crisis of officer brutality and killing of incarcerated people. Officers and the system are inflicting and waging grave violence and that is the true crisis. In addition, as discussed below, all evidence indicates that reducing the use of solitary reduces violence and that alternative forms of separation that do not involve solitary but instead involve full days of out-of-cell group programming and engagement dramatically reduce violence.

Moreover, there has been no evidence presented at all to tie any reported increase in violence to the use of HALT. Indeed, *reported* “assaults on staff” have increased each year for more than the last decade well before HALT or any solitary changes. A Northern District judge threw out a NYSCOPBA lawsuit challenging HALT saying an “upward trend beginning in 2012, when changes to solitary confinement practices did not begin until 2016, offers little persuasive value.” If there has been an increase in reported assaults since at least 2012 – ten years before the HALT Solitary Law went into effect, clearly the HALT Law is not the cause of any reported increase in assaults. Indeed, as discussed above, DOCCS has not even fully implemented the HALT Law. How could HALT be the cause of an increase in violence if it hasn’t even been implemented yet and the increase in assaults has been happening well before HALT went into effect? If they were to implement HALT fully and properly, there would be a decrease in violence. Moreover, despite the claimed increase in violence, [DOCCS data](#) shows that more than 97% of *reported* “assaults on staff” have resulted in no injury (70%) or minor injury (27%) to staff, where minor injuries are defined by DOCCS as “injuries that require either no treatment, minimal treatment (scratch, bruise, aches/pain) or precautionary treatment.” As discussed above, officers often falsely write up “assaults on staff” after staff have brutalized an incarcerated person.

Second, there has been no staffing crisis as officers and DOCCS claim. The above trend in reported increases in assaults coincides with a significant *increase* in the number of security staff for each incarcerated person. Since 1999, the security staff to incarcerated person ratio has nearly doubled, including a 38% increase since 2011. The trend also coincides with a 212% increase in staff use of force since 2011, including a 3400% increase in the use of chemical agents.

Indeed, New York State continues to have significantly higher numbers of officers per incarcerated person than the rest of the country. Specifically, with a [current ratio](#) of one security staff per 2.4 incarcerated people, New York prisons [have nearly](#) two and half times as many officers per incarcerated person than the average of all state prisons across the country (ratio of one security staff to every 5 incarcerated people) and nearly five times as many officers per incarcerated person as federal prisons (ration of one staff per 10 incarcerated people).

### **Effective Program-Based Interventions that are the Opposite of Solitary Confinement Can Reduce Officer Abuse, Transform Lives, and Improve Safety for Everyone**

I really want to emphasize how instrumental effective interventions, programming, and separation without isolation, is to reducing staff abuse and to the rehabilitation, and in some cases habilitation, but in all cases the betterment, of the men, women, and gender non-conforming people incarcerated in New York prisons. Programs change lives. Effective programming that is focused on empowerment is also the key for how to promote safety and how to ensure people do not return to prison after release. Real public safety is when people have the supports, services, and programming models that help them deal with the issues that led them to

be inside. People who participate in college programming have a less than 1% recidivism rate. Other programming can have that same type of impact when carried out in an effective manner and with the proper time, energy, and approach.

Programs can come in myriad forms – including community-led programming, peer-led programming, and core programming like education, anger management, substance use treatment, and more. All can be helpful when prioritized, but I have lived and worked in these facilities and I know that sadly programming is not a priority in New York's prisons and there are nowhere near enough programs operating. As importantly, programs work most effectively when the message given will resonate with the audience. When we have peer educators provided the support to lead programs, that's when lives can be changed.

I am a product of programming I received. Core programming is good and necessary. I learned from it. I learned more from peer-led programs. And peer-led programs spurred me to create one that I led and it impacted people's lives in the most effective ways.

In this testimony, I want to share my experiences with programs that were incredibly effective at transforming my and other people's lives. And I want to contrast those effective interventions with DOCCS' current approach that has doubled down on its use of solitary confinement by various names, isolation, torture, and degradation. To better people's lives, improve safety, and save lives, DOCCS must move away from its approach focused on punishment and isolation and embrace true program-based models involving full days of out-of-cell group engagement, with peer-led and community-led programming at the center.

When done well, programming can transform lives and improve safety in prisons and after people return home. I spent over half of my life inside New York prisons. Two of the most effective programs I witnessed and experienced were the M.A.N. program and the Merle Cooper programs.

I helped create the [M.A.N. program](#) while I was in solitary and it still operates in various facilities. M.A.N. stands for Mentoring And Nurturing, which is what people are born to do: help each other to grow. M.A.N. is a peer-facilitated and peer-led program. We took the population of elders and trained them to be facilitators and let them run the programs. There are five core pillars to M.A.N.: change, responsibility, empathy, accountability, and maturation. Change: we are all always adapting and growing. Responsibility: we must all take responsibility for our actions and act in a responsible way. Empathy is the most fundamental human characteristic we all have; when one baby cries, all babies cry. Accountability: a person has to be accountable for your actions and your actions can't be blamed on anyone else – you always have the last choice. Maturation: we foster people growing in every aspect of their mental, physical, and spiritual lives.

The primary goal is teaching people how to mentor and nurture themselves and others, and people were able to learn from others they respected and saw going in the right direction. The curriculum addresses issues like HIV and sexual health; parenting and child development; emotional issues; math, reading, and writing development; public speaking, how to be an entrepreneur, honing skills in business planning, resume and cover letter writing, and interviewing. It was so successful at engaging young people and stabilizing the prison environment that I was asked to bring it to other prisons across the state. DOCCS let me run it in every facility I was in. I was even drafted to move to another prison in order to run the M.A.N. program there to help address issues related to gangs and violence. The M.A.N. program changed all of the metrics wherever I ran it: violence went down, disciplinary tickets went down, and education went up.

As another example of a successful program, I participated in the former [Merle Cooper program](#) at Clinton Correctional Facility – first as a participant and then as a program coordinator and counselor. The criteria for going to Merle Cooper was to be a person considered one of the “worst of the worst”, with a history of violence. Basically, DOCCS said people needed to be there because others couldn’t handle them. The first thing I noticed was we weren’t locked in cells. We were in rooms that were unlocked all day. It essentially operated as the opposite of solitary — people were separated from the general prison population but had full days out of cell, with programming, peer-led programming, and even the ability to earn the right not to be locked in at night.

Merle Cooper had positive outcomes on violence, and was praised by staff, administrators, and participants throughout its 36 years in operation from 1977 to 2013. As a former Merle Cooper participant and program counselor, I can tell you it was an effective and staff-supported program that helped others like myself deal honestly with some of the issues that brought us to prison and kept getting us in trouble while there.

According to the [Correctional Association of NY](#), at the time the program was still operating with over 200 participants in 2012, *“participants in the program live in a therapeutic community completely separate from the general population and live in double cells, dorms, or single cells. When people first enter the program, they begin living in the doubles, then work their way into the dorms, and finally into the single cells. The doors to the cells are not locked at night, and the living areas have kitchens with stoves and refrigerators, creating an environment that provides for more freedom and more personal responsibility....”*

*...The core components of the Merle Cooper program are therapy and group discussion aimed at helping participants to address their past problematic behavior and develop new skills and abilities to be successful in general population and back home in their communities upon*

*release.... Apart from the Merle Cooper-specific programmatic components, like the small groups and community meetings, Merle Cooper participants have access to the core programs available in general population, including academic classes, vocational courses, ASAT, and transitional services.... In addition to the DOCCS-run programs, Merle Cooper provides much greater opportunities for peer-led classes... At the time of our visit, participants in the program ran the following classes: 12 steps, anger management, assertiveness training, change group, family and parenting, houses of healing, life skills, Stop the Abuse Cycle (STAC), understanding addiction, work ethics, and GED reviews in both English and math. ”*

Outside of New York State prisons, I want to highlight two other program-based interventions: the Resolve to Stop the Violence Project (RSVP) in San Francisco jails and the CAPS and PACE programs, as originally operated in New York City jails.

RSVP involves full days of out of cell congregate programming and engagement, including “an intensive, 12-hours-a-day, 6-days-a-week programme, that teaches male role reconstitution, accountability, empathy, alcohol and drug recovery, creative expression, and awareness of one’s contribution to the community.” It has shown dramatic reductions in violence [in jails](#) and [outside communities](#) after people returned home, all while achieving financial savings. The RSVP program included people who had carried out acts of assault, sexual assault, other violent acts, and repeatedly carried out “heinous” acts, and again led to a precipitous drop in violence among participants to the point of having *zero incidents over a one year period*. This well-studied and documented project immerses residents in an intensive program including most of the day out-of-cell, group discussions, classes, counseling, and meetings with victims of violence. During the time period reported on, RSVP resulted in a 25-fold reduction in violent incidents, five-fold reduction in rearrests for violent crimes, six-fold reduction in jail time, and cost savings.

The [CAPS \(Clinical Alternatives to Punitive Segregation\) program](#), as it originally operated in the New York City jails, was an alternative to solitary for people with significant mental health needs that is based on therapeutic approaches rather than punitive ones or isolation, and involved full 14-hour days out of cell with programming and engagement. “CAPS is designed to offer a full range of therapeutic activities and interventions for these patients, including individual and group therapy, art therapy, medication counseling and community meetings.” CAPS as originally operated showed significant reductions in violence and self-injury. Similarly, the PACE (Program to Accelerate Clinical Effectiveness) program, while not a disciplinary unit, as originally operated, was an intervention involving full 14-hour days out of cell with group programming and engagement that more successfully treated people with serious mental health concerns and reduced violence. The [NYC DOC website](#) states that incarcerated individuals “in CAPS and PACE are involved in fewer Use of Force incidents and show lower rates of self-harm than

similar [incarcerated individuals] in other housing” and that there “has been a 72% decrease in assaults on staff in CAPS; and a 63% decrease in assaults on staff in PACE.”

This type of intervention – embodied by M.A.N, Merle Cooper, RSVP, and CAPS/PACE – with additional afforded freedom and empowerment helped people to grow and mature and be accountable. That is how you get public safety. Not by locking someone deeper and deeper into a cage where they feel like an animal and react off that feeling. Not locking people up 24 hours a day. Not chaining people to desks while they are looking at an out-of-date workbook if they do get out of cell, and then worrying about their own physical safety because they are chained rather than whatever lessons are in the program. The type of program-based interventions of M.A.N, Merle Cooper, RSVP, and CAPS/PACE where people are out of their cells all day with peer-led, community-led, and other effective programming are shining examples of what real programs are and how to improve safety. They can change the dynamics of a block and a whole prison.

### **Practices Outside of Adult Carceral Settings in the United States Provide Lessons to Draw From in Transforming New York’s Incarceration System**

Looking beyond adult carceral settings in the United States, we see an even more successful approach rooted in reducing the number of people incarcerated and lengths of incarceration, ensuring greater ties to the community, creating an environment as close to the community as possible, and utilizing effective programming without the use of solitary confinement or other forms of isolation.

In youth facilities, there has been growing efforts in recent years to focus on reducing the use of incarceration and if young people are incarcerated using program-based interventions while restricting or ending the use of solitary confinement – often termed “room confinement” or “seclusion” in that context – to minutes or hours at a time. As an example, the federal [First Step Act](#) fully banned the use of solitary/room confinement in youth facilities (defined as the “involuntary placement … alone in a cell, room, or other area for any reason”) in all circumstances other than for up to a maximum of 30 *minutes* in instances where there was a risk of self-harm and up to a maximum of three hours in instances where there was a risk of harm to others. This law follows best practices among leading experts and other jurisdictions. For example, the [American Bar Association has urged an absolute maximum of four hours](#) of such confinement for young people. Similarly, the leading expert on youth facility monitoring and assessments, the Juvenile Detention Alternatives Initiative (supported by the Annie E. Casey Foundation and in more than 250 sites in 39 states), has also said for a number of years that there should be an [absolute maximum of 4 hours](#) (p. 192) on such confinement because of the harm solitary/isolation can cause. Various jurisdictions have limited solitary in youth settings to time measured in hours or less. For [example](#), Colorado has reduced room confinement to the point of having an average duration of roughly one hour (with a dramatic reduction in the number of

times a person is placed in room confinement) and Massachusetts has an average duration of less than 40 minutes, with positive impacts on safety and well-being.

The renowned [Missouri model](#) in youth facilities focuses on a holistic rehabilitative approach, and any use of solitary confinement is [limited in practice](#) to – at most – one to two hours. According to the 17-year former [director](#) of the Missouri Division of Youth Services, Mark Steward, “The Missouri Approach works. In my state, there are lower levels of violence and better recidivism rates than in most juvenile justice systems in the country. More than 90% of the youth who have been served through Missouri’s juvenile justice system do not re-enter the juvenile system or enter adult prisons....Since Missouri adopted this model — which is still used today — youth are 4 ½ times less likely to be assaulted and staff are 13 times less likely to be assaulted, compared with other states.” Of note, the system in Missouri was not always the way that it was, but required a dramatically re-invented approach to bring about change. As the former director stated, Missouri’s system “was plagued by violence and suicides in a horrific prison-like environment. The conditions were so bad that in the 1960s, a juvenile judge in St. Louis refused to send youth into Missouri’s juvenile justice system.” Because Missouri’s approach has been [proven](#) to better support people, and to drastically reduce violence both within facilities and after people return home, various jurisdictions around the country have replicated it.

Similarly, in adult mental health settings, over the last few decades there has been growing and now accelerated movement completely away from what was once a very widespread practice of solitary confinement or what is often called “seclusion” because of the recognized harm of isolation. For example, in Pennsylvania, in the 1990s, the state’s mental health hospitals [dramatically restricted the use of seclusion to very few incidents with an average length of just over 1 hour](#), and in the 2000s they reduced it even further to the point of fully eliminating it, with reporting that there has been [no use of seclusion in PA hospitals since 2013](#). The reductions in the use of seclusion, as well as reductions in the use of restraints, were correlated with *fewer* assaults by patients.

Many European countries have an approach in adult correctional facilities that focuses on reducing the number of people incarcerated and lengths of incarceration, using program-based approaches, and ensuring that incarceration is as close to the community as possible and best prepares people to return back to the outside community. Many such countries rarely utilize solitary confinement, and when they do, it is only for very short periods, including for only hours at a time and for only days or weeks total during an entire year. For [example](#), the Netherlands legislatively prohibits anyone from being placed in solitary confinement for more than two weeks total in an entire year; Germany has a similar limit of four weeks annually; and in practice prisons in both countries rarely utilize any solitary confinement and most often use it for hours at a time.

Relatedly, the restrictions on solitary are part of an overall approach that attempts to create an environment more akin to the outside community, and rather than isolation or punishment focuses on more respectful and productive treatment by well-trained staff; abundant programming; connections to family and community; granting people autonomy and responsibility; creating conditions akin to life outside of incarceration; and preparation for returning home. Looking again at [Germany and the Netherlands](#), their systems are reportedly focused primarily on “resocialization and rehabilitation,” with German law for instance indicating that “the sole aim of incarceration is to enable [incarcerated people] to lead a life of social responsibility free of crime upon release, requiring that prison life be as similar as possible to life in the community.” As a result, incarceration is used far less as a punishment for crime with much greater diversion to non-custodial alternatives even for serious crimes; prison sentences are far shorter (with 75% of sentences in Germany being one year or less and 92% two years or less); the primary focus of incarceration is to prepare people to successfully return to the outside community; people retain their right to vote and receive social welfare while incarcerated; and people maintain greater connections with family through home leaves from prison.

As another example, in the Norwegian prison system there are no life sentences, a maximum sentence of 21 years (which can be extended in some cases for stated purposes of preventing serious danger to society), and a relatively recently adopted focus on rehabilitation and reintegration. [Norway's Halden Prison](#) has never used its solitary confinement cell. Instead, the purpose of incarceration is “wholly focused on helping to prepare [people] for a life after they get out.” People incarcerated at Halden have freedom of movement without officer escorts, and officers socialize with incarcerated people every day, including sharing meals together. The Norwegian Correctional Service ensures people going home have housing, employment, and a supportive social network prior to release; and Norway provides formerly incarcerated persons—as it does for all citizens—health care, education, and a pension.

Similarly, at [Norway's Bastoy prison](#), incarcerated people have their own rooms and share kitchen facilities, are provided only one meal a day in a dining hall, earn around \$9 a day (for jobs including farming, bicycle repair shop, timber workshop, horse stables), are additionally given a \$107 food allowance per month to buy groceries to make their own meals; and have opportunities for weekly visits in private living areas with their families. The intent, according to an officer, is for people to “get used to living as they will live when they are released.”

People incarcerated in prisons like Halden and Bastoy include people convicted of the most serious crimes. Nearly half of the people incarcerated at Halden were convicted of violent crimes such as murder, assault, or rape. Yet, these individuals live under conditions aimed primarily at rehabilitation and promoting autonomy and responsibility rather than punishment,

control, torture, and abuse. In the end, Norway is documented to have the lowest rates of people returning to prison after release across Europe, and rates far lower than in the United States.

Additionally of note, around 40% of the people incarcerated in Norway's prisons are people who have immigrated and who are not Norwegian citizens and come from more than 30 other countries (primarily Eastern Europe, Africa, and the Middle East), debunking arguments that there is something unique with respect to homogeneity of people in Norway's prisons that would allow for its practices to somehow be more successful.

It is also important to note that – like the Missouri youth confinement system – the Norwegian prison system only [recently made a dramatic shift](#) in its approach from one similar to that in the United States – with punitive and abusive practices. In the late 1990s, the system shifted to a focus on rehabilitation, and the intense focus on reintegration did not begin until the 2000s.

Similarly, in [Sweden](#), there are “open prisons,” where incarcerated people serving time for anything from drug trafficking to murder wear their own clothes, eat together with officers, and are allowed to leave the prison to spend time with their family in the community. According to the [head of the prison system in Sweden](#), “Our role is not to punish. The punishment is the prison sentence: they have been deprived of their freedom. The punishment is that they are with us. . . It has to do with whether you decide to use prison as your first option or as a last resort . . . It has to be a goal to get [incarcerated people] back out into society in better shape than they were when they came in.”

Rather than embrace the type of programs described above, DOCCS has not prioritized effective programming, there is far more need for programming than is offered, people are penalized for not having completed programming that DOCCS hasn't even made available to them, and there is a lack of effective programming. The epitome of this failed approach is DOCCS' failure to provide effective programming in supposed alternatives to solitary confinement and DOCCS' continued use of solitary confinement by other names. Overall, DOCCS' approach of punishment and isolation, coupled with the state's lengthy sentences, parole denials, and death by incarceration, causes grave harm, worsens safety, and creates the conditions that lead to rampant staff brutality against incarcerated people and the repeated killings of incarcerated people by state employees.

### **Conclusion and Recommendations for Change to Stop Racist Brutality, Abuse, and Death in New York's Prisons**

I lived more than half my life in DOCCS' prisons and I have gone back in as a civilian. With respect to programming and overall repression, abuse, and killings, the status today is at a very low point. DOCCS, the Governor, and the legislature need to meet this current moment of

reckoning with transformative changes that have been proven to address the issues New York faces today. The legislature must fully embrace an approach that is rooted in evidence, ends all staff abuse, and is centered on human rights, empowerment of people incarcerated, and a recognition of the ability of people incarcerated to transform their lives.

If the legislature and Governor are truly concerned about public safety, then they will stop using a racist, repressive, violence-creating, and deadly system of incarceration. The legislature must provide meaningful pathways for release from these brutal prisons, end all abuse inside and transform the prison environment, following models like M.A.N, Merle Cooper, RSVP, and CAPS/PACE, in order to stop torture, improve safety for everyone, and save lives. Taking that approach outside of prisons as well, the legislature must instead make real investments in housing, healthcare, education, and employment opportunities, as well as provide real support to survivors of violence and utilize interventions in the community as well as inside of prisons and jails (so long as they exist) that actually support people's health, well-being, and safety.

As initial urgent and critical first steps *this legislative session* to create meaningful pathways of release and end all brutality and abuse inside, the legislature must immediately pass:

- **Elder Parole** (S454/A514) and **Fair & Timely Parole** (S159/A127) to provide meaningful opportunities for individual, case-by-case consideration of release for people incarcerated for years and decades;
- **Rights Behind Bars** (S3763/A1261A) to address rampant brutality, systemic violations of the HALT Solitary Law, and sweeping restrictions on visits, packages, and mail;
- The **Second Look Act** (S.158/A.1283), **Earned Time Act** (S.342/A.1085), and **Marvin Mayfield Act** (S.1209/A.1297) to create critical sentencing reform and incentivize people to transform their lives;
- **Challenging Wrongful Conviction** (S6319/A7422), **Treatment Court Expansion Act** (S4547/A4869), and **Ending Qualified Immunity** (S176/A1402), **Restructure the State Commission of Correction** (S856/A2315), and **Give State and Local legislators Full Access to Local Jails** (S1892B/A2119) and more, to address wrongful convictions, divert people with mental health needs from the incarceration system, and increase accountability for officer abuse.

In this current moment with the egregious attacks of the federal government on our immigrant communities, the legislature must also urgently pass this legislative session:

- **New York for All** (S.2235/A3506), **Dignity Not Detention** (S316/A4181), **Access to Representation Act** (S141/A270), and the **Clemency Justice Act** (S394/A403) to help protect our immigrant communities

- Adopt [the full Justice Roadmap](#) in order to address the various forms of repression and abuse through the incarceration, immigration, and deportation systems.

Thank you for your consideration and for your urgent action to save lives, stop abuse, and improve safety for everyone inside of prisons and jails and in our outside communities.

### **Testimony of Jessica Lowe- Daughter of Clement Lowe**

My name is Jessica Lowe. Clement Lowe was my father. At the age of 62, he was brutally beaten by correctional emergency response team officers at Green Haven Correctional Facility, subjected to water hosing, and completely demoralized. He was then denied medical care and medication, and on November 7, 2023, he died. I've chosen to provide this testimony because I believe my father would want his story shared. I understand that my father was incarcerated, he was more than that. He was a human being, and the injustice and inhumane treatment he endured is outrageous and unacceptable.

In the summer of 1998, at the age of 14, I had the opportunity to observe my father's unwavering dedication to his business. He was the sole proprietor of a restaurant situated directly opposite the Barclays Center on Flatbush Avenue. His daily routine was rigorous: rising at 5 AM, he would drive from our home in Queens to Brooklyn to open his establishment. By 8:30 AM, he would return to Queens to collect my sister and me, bringing us to the restaurant to spend the day with him.

Our days typically concluded around 10 PM when we closed the restaurant, only to repeat the cycle the following morning. Throughout this time, I witnessed my father's generosity as he often provided free meals to those who entered claiming they couldn't afford to pay. His exceptional work ethic and tireless efforts profoundly influenced my perspective, instilling in me the belief that with dedication, any goal is attainable.

My father's commitment extended beyond his business; he was a devoted parent who deeply loved his children and consistently provided for his family. This experience occurred before an unfortunate turn of events led to his imprisonment, during which time he was still a respected businessman in the community.

Despite his incarceration, my father played an integral role in my life from birth until his passing. His influence shaped me into the woman I am today and contributed significantly to my success. I now manage Clinical Operations for studies that save numerous lives. My father emphasized the importance of education to all his children. He remained actively involved in my daughters' lives, inspiring and motivating them despite physical separation. One of my daughters even wrote and published a medical research paper at just 16 years old, a testament to his influence.

My father was the kindest person I've ever known, with an incredibly big heart. We were extremely close, speaking every week, sometimes 2-3 times. He never missed an opportunity to call, and our conversations were filled with laughter and joy. Throughout his 26 years of incarceration, he always maintained a positive outlook and faith in eventual freedom. This incident, however, broke him in a way I had never witnessed before.

**October 10, 2023:** I received a call from a counselor/Rehabilitation Program Specialist at Upstate Correctional stating that my father was transferred from Green Haven and he asked her to call me and let me know where he is. The lady also noted that she will see my father at least 3x daily as he will be in a special rehabilitation program.

**October 11, 2023:** My father called me crying (which is a first in his 26years of incarceration) and outlining the details of the severe beatdown at GreenHaven. He also stated that he was in excruciating pain, and he has been telling Upstate nurses that he needed to go to the hospital due the pain his head where he was beaten with the baton. He was frustrated that he was being ignored. My father detailed the incident to me noting:

Beatdown occurred at Housing Location 3331 (West Side) on 07Oct2023 at an estimated 8:20am. He was dragged through courtyard B and C around 8:45am. Further dragged to the hospital at 8:50am and then dragged to H block at 9am. After which he was water hosed in his underwear only and left to sit in his feces for hrs and then thrown on a bus and sent to Upstate several hrs later.

Details of beatdown: On the morning of 07Oct2023, 7 Officers dressed in black stormed in his cell 3331 where he was seated on the bed. They proceeded to beat him. The officers stood on each hand and twisted their shoe heel on the back of his hand. One officer tried to pull his eyes out of the socket. The others continuously beat him with a baton in his head, stomach, and rib. Kindly note that my dad is in his 60's. After throwing him on a bus the said day, he was sent to Upstate.

**October 14, 2023:** My father called again stating that he was in pain. His voice started to sound different. I asked him if he had a cold or if he was getting sick and he just stated that he needed to go to the hospital, but they will not send him. He said his request to go to the hospital was being ignored.

**October 17, 2023:** My father complained about the pain in his head and said he can hardly hold a pen and feed himself. His voice started sounding weak.

**October 20, 2023:** Dad called and complained of excruciating pain in his head. He stated that his head was very tender to the touch on the side where he was beaten. He sounded sick.

**October 23, 2023:** Dad called and said it was really rough with not feeling well.

**October 26, 2023:** Dad called and sounded extremely weak. I told him that he sounded like when he was having a stroke in 2022. I asked him what is going on. He proceeded to tell me that his medications have finished for weeks and the facility did not give him a refill. He stated that he continuously requested a refill and did not receive it. Atorvastatin 40mg 2@bedtime, Aspirin EC 81mg daily, Metformin 500mg 1tablet 2x daily. After hearing this I called the facility twice on

27Oct2023 to confirm the sites Standard Operating Procedures as it relates to refilling an inmate's prescription. I also expressed concerns of my dad getting another stroke because he was not taking his medicine and also based on his symptoms, he appeared to have an elevated sugar level, I also called Albany Regional Medical Director Office at 518-457-8126 to report the issue re medical care. I spoke to a gentleman who documented all the details of my dad's medication being withheld and also the fact he needed to be seen at the ER for injuries from the beatdown. The gentleman stated that he would pass the information on to the appropriate parties. I called back Upstate to get an update on my father's situation and spoke to Bethany and NA Downer, who stated that a nurse went to take my dad's vitals. I expressed concerns that merely taking his temp and BP will not be indicative of a high sugar level. I expressed that he needed to be seen by physician and go to ER based on his symptoms. They ignored.

**October 29, 2023:** Dad called and confirmed that he received his medication on 27Oct2023. He stated that the NP took his vitals on 27Oct, and his BP was 120/80. He sounded even weaker than the last time I spoke to him.

**November 1, 2023:** Dad called, and it was the worst that I have ever heard him. He was **slurring** in his speech and tongue sounded heavy. He expressed **severe dry mouth and frequent urination**. He sounded like he had a stroke, and he was dying. After speaking with him, my best friend (who is the Medical Director of a hospital) and I contacted the Facilities medical department and begged them to please take him to the ER. A NA Davis in the Infirmary answered the phone on Nov1,2023(call made from Dr. Thomas phone) and stated that "Everyone here is an adult, some of them are even older than I am. If they need medical attention, they should open their mouth and ask for it." Dr. Thomas stated that based on the patients' symptoms, they may not be strong enough. NA Davis explicitly stated that she doesn't care and hung up the phone.

**November 2, 2023:** I called Albany Regional Medical Director Office at 518-457-8126 to report the issue re medical care. I spoke to Ashley who took all the details. I expressed my concern that he had a stroke and possible neuro damage and that he needs to be seen urgently at the ER. She took the information and said she would pass it on.

**November 4, 2023:** I booked a last-minute flight from West Palm Beach to visit my dad at Upstate as he sounded like he was dying. When I arrived in RRU/SHU visiting room, I was instructed to sit at J4 and did so. After waiting for a period, the CO stated that I should go to B1 for the visit. When I got there, I was shocked as my father was unrecognizable. He looked extremely emaciated and appeared to have lost over 20-30lbs. He was the only inmate sitting at B (hence isolated). His pupils appeared dilated, and he had the stare of someone with a stroke. The CO asked him if he wanted to go back in his wheelchair and he nodded yes. He was unable to make a complete sentence. His mouth was draining saliva which I had to wipe continuously.

He did not speak much and after 45 minutes he gestured that he wanted to return to his cell. I confirmed by asking him if that is what he wanted and he said yes.

The trauma of what happened to my father has deeply impacted me and my family. The pain of knowing his suffering - which could have been avoided if he had been treated as a human being - persists and, even with therapy, impacts my ability to perform daily tasks. This tragedy has profoundly affected everyone who knew and loved him.

I believe that my father's story underscores the urgent need for reform in our correctional system to prevent this type of inhumane treatment in the future. As a first-world country, we must do better in treating all individuals, even those convicted, with the dignity and respect they deserve as human beings.

Testimony for the Joint Public Hearing: Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities

Submitted by Justyna Rzewinski, LCSW, PhD(c)

Good afternoon and thank you for the opportunity to submit this written testimony. My name is Justyna Rzewinski, and I am a Licensed Clinical Social Worker, PhD candidate, and proud member of Social Workers Against Solitary Confinement (SWASC). I am writing to express my strong support for the End Health Professionals' Complicity in the Torture of Detained or Incarcerated Individuals Act of 2025.

This legislation represents the kind of systemic change I desperately wished for during my time working inside one of the most violent jails in the country: Rikers Island. From December 2023 through September 2024, I was a clinical supervisor overseeing two mental health units, which housed severely mentally ill individuals.

During those nine months, I witnessed a consistent violation of human rights. Patients with mental illness were subjected to an unofficial but widespread practice called "deadlocking", being locked in their cells 24 hours a day for weeks or even months at a time. They were denied medication, showers, sunlight, and all meaningful human contact. These were not isolated cases. For many, this was the daily reality, sanctioned by silence and normalized by routine. When I could no longer ethically remain in that environment, I resigned and testified before the New York City Board of Correction on October 8th, 2024. I described the use of deadlocking and the broader failures in care. That testimony sparked media coverage and ultimately a formal investigation by the Department of Investigation. But it should never have required that kind of risk or public pressure to raise alarms about abuse. What I experienced not only happened in Rikers, but it is also a reflection of what occurs in prisons.

What was most shocking to me, beyond the cruelty of what I witnessed, was the complete absence of a formal, protected mechanism for reporting human rights violations as a healthcare provider inside a carceral setting. I was forced to go to the media because there was no process that could guarantee I would be heard, let alone protected.

Had legislation like this existed then, I could have remained in my role, fighting for my patients from within the system rather than exposing it from the outside. This bill is not abstract for me; it is deeply personal. It represents the safeguards I needed, and the moral clarity we must demand from our institutions.

The urgency of this legislation has only deepened in the wake of horrific cases like the death of Robert Brooks, killed in a medical unit while nurses stood by, and Messiah Nantwi. These tragedies are not anomalies. They are symptoms of a culture that devalues the lives of incarcerated people and silences the professionals who try to advocate for them.

I am deeply grateful to Senator Salazar and Assemblymember Kelles for championing this legislation and to all those advancing it. It is a critical and overdue step toward ensuring that health professionals are empowered and obligated to uphold their ethical responsibilities, even

behind bars. No one should have to choose between protecting their license and protecting their patients. And no one should ever suffer in silence because a clinician was too afraid or unsupported to speak up.

I didn't leave Rikers because I stopped believing in my patients; I left because the system made it impossible to protect them. But I have never stopped carrying their stories, suffering, and hope. This bill is the first absolute acknowledgment that health professionals should never be forced to choose between their ethics and employment.

We are not meant to be silent witnesses to torture. We are healers. Pass this bill, for those still behind the walls, for those we've already lost, and for every provider who wants to do what's right but fears the cost. Let us end complicity. Let us begin accountability.



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

### **SENATE STANDING COMMITTEE ON CRIME VICTIMS, CRIME & CORRECTION ASSEMBLY STANDING COMMITTEE ON CORRECTION**

TESTIMONY OF DR. MEGAN FRENCH-MARCELIN, SENIOR DIRECTOR OF NEW YORK STATE POLICY  
AT LEGAL ACTION CENTER on behalf of the NYS ALTERNATIVES TO INCARCERATION AND  
REENTRY COALITION

**MAY 14, 2025**

Thank you to Chairwoman Salazar and Chairman Dilan and members of the respective committees for this opportunity to testify. My name is Megan French-Marcelin. Today, I appear on behalf of the New York State Alternatives to Incarceration and Reentry Coalition. The coalition is a network of service organizations with decades of experience in providing holistic, community-based supports to justice-involved New Yorkers. Collectively, our programs serve more than 30,000 New York City residents each year. We also consistently advocate for the need to scale the model we have been able to create in New York City, where we work as an ecosystem to ensure access to holistic and appropriate treatment and services. I encourage you to read our comprehensive white paper, *Unlocking Potential: The Role of Community-Based Alternatives in Strengthening Public Safety in New York State*, which outlines the gaps in services and supports in upstate and Western New York.

Our services and our partnerships are essential now given the very clear challenges facing the Department of Corrections and Community Supervision (DOCCS); Our prisons are in crisis. In a span of just three months, corrections officers brutally murdered two men: 43 year-old Robert Brooks and Messiah Nantwi, who was only 22. One of the most shocking aspects of the interplay between their deaths is that Mr. Nantwi was killed just days after the public announcement of the indictment in Mr. Brooks' murder amid an unauthorized strike by corrections officers. Taken together, it is clear that these two unconscionable incidents are symptoms of a widespread and deeply entrenched culture of violence in which far too many correctional staff believed they could act with complete impunity. For years, the Correctional Association of New York has reported on a pattern of routine sexual and physical abuse as well as vitriolic bigotry.

In the face of continued suspension of programming, and sharply curtailed visiting, we are at a flashpoint where we must make decisions about how to establish dignity, humanity, and care in our prison system. It is exceptionally clear that amid this crisis, part of how we do that is a renewed and targeted effort to release people through all mechanisms at our disposal.

While we appreciate the Commissioner's attempt to reduce the population, utilizing Correction Law (CL) § 73 is not just ineffective, it is not even being deployed as outlined in law, thus creating gaps in access to resources for every person released. CL § 73 allows for the early release of individuals to a residential treatment facility when they are or soon will be eligible for community supervision and are less than a year out from completion of sentence. Because of this, all of the guidelines for release in the statute are tailored to individuals who will be residing in a residential treatment facility, not, as the statute is now being cited, to individuals who will be released to private residences. This effectively sets released individuals up to fail.

In reality, it is almost a misnomer to refer to these people as being "released." Rather, they are being classified as on the "outcount" for DOCCS, which means they are still technically in DOCCS custody and we understand that DOCCS has therefore determined that they cannot access essential community services including Medicaid or any other public benefits. They will also be issued a temporary DOCCS identification card, which will not provide the requisite points to assist them in obtaining a driver's license, or even a non-drivers state identification card. Without identification, they will be unable to obtain employment, and without Medicaid, they will be unable to access healthcare - including even prescription medication. To obtain prescriptions, or access routine healthcare, they will have to return to the prison from which they were released.

Sending people home from prison without access to Medicaid flies in the face of public health knowledge about reentry. People return to communities with exceptionally high rates of chronic health conditions that require immediate care, such as HIV and hepatitis, diabetes and hypertension, and serious mental illnesses (SMIs) and substance use disorders (SUDs).<sup>1</sup> When people are released without a continuity of healthcare, the resulting break in critical services can lead to rapid decompensation of their mental health, an overreliance on costly emergency services,

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<sup>1</sup>Gore, A. & Amaning, A. (2024, October 29). Expanding access to basic reentry services will improve health, wellbeing, and public safety. Center for American Progress.

and ultimately, higher incidences of death—overdoses and otherwise. Even without a known chronic condition, no access to healthcare coverage can be dangerous. For example, a simple infection that could be treated by a primary care physician with simple antibiotics could instead lead to major complications or death without treatment. Resultantly, in the two weeks following release, individuals are thirteen times more likely to die than the general public, and more than 130 times more likely to die from fatal overdose.<sup>2</sup>

It is precisely as a result of these damning statistics that we have worked alongside Commissioner Martuscello to ensure that Medicaid is turned back on as people come home. In recent years, the number of people who are released with active Medicaid is over 90 percent. This policy has no doubt saved countless lives which is why it is so concerning that people will have no access to routine and emergency health care without returning to facility - it runs counter to the very policies DOCCS has set up to ensure the success of regular release.

And the deleterious impact of this exclusion is already clear: Just last week we received word from a man released through CL § 73 who, during his incarceration, benefitted from DOCCS' medication for addiction treatment program. Now, upon release, and without access to health insurance, the only way he can receive medication is to return to the facility to have medication administered there. This policy creates an undue burden on this person who is just reentering society, but also has the potential to jeopardize his recovery.

There is no basis in state or federal law to prevent people from accessing full Medicaid coverage while in "outcount" status. Federal law, regulations, and CMS guidance are clear that federal financial participation (FFP) is only excluded when individuals are "in custody and held involuntarily through operation of law enforcement authorities in a public institution."<sup>3</sup> In fact, CMS guidance also provides that "individuals on parole, probation, or residing in "publicly operated corrections-related supervised community residential facilities" are eligible for Medicaid with federal financial participation (FFP). Preventing enrollment in full Medicaid and keeping people who have been released on an "inpatient only" status when individuals do not have access to health

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<sup>2</sup> Kincaid, S.A. & Gardner, T. (2023, November 22). A new Medicaid program could dramatically improve healthcare for imprisoned People—if states use it. *The Appeal*.

<sup>3</sup> CMS, SHO # 16-007 Re: To Facilitate Successful Re-entry for Individuals Transitioning from Incarceration to Their Communities, Q1(April 28, 2016), <https://www.medicaid.gov/sites/default/files/Federal-Policy-Guidance/Downloads/sho16007.pdf>

care provided by the correctional institution is not only inconsistent with state and federal law, but more importantly, wholly damaging to the wellbeing of persons coming home.

The “outcount” status has other implications as well that will clearly hinder successful reentry, including placing unnecessary burdens on families. Under DOCCS determination, individuals assigned this status will not be able to access SNAP or public assistance while on “outcount,” denying them access to essential supports. Given that we anticipate the vast majority of people released under CL § 73 will be living with family, it is important to note that more than two-thirds of families with incarcerated loved ones struggle to meet their basic needs – this policy will only exacerbate that reality.<sup>4</sup> Access to food has been considered so essential to reentry that under Commissioner Martuscello, DOCCS has piloted a program that enables SNAP to be activated at release thus assuring food resources to people returning home. Once again, the innovative policy fixes of DOCCS are unavailable to people returning under this mechanism.

The cumulative impact of these restrictions make reentry a disastrous prospect. It is unclear to us, as providers, how an individual is supposed to come home and be successful without access to programming, food, employment, or healthcare. CL § 73 represents a custodial approach disguised as reentry. This model restricts freedom, limits access to critical community supports, and increases the risk of technical violations and reincarceration thus setting people up to fail.

We believe that there are other mechanisms by which New York can and should pursue to decarcerate. The first of these options, and the most expansive, is executive clemency and commutations. Governor Hochul has yet to use her clemency powers amid this current crisis in DOCCS, however, it could be deployed to release people without restrictions and open the possibility of parole for the 36 percent of individuals with indeterminate sentences.

For years, our organizations have welcomed home, and even employed, people who have been granted clemency and go on to make tremendous contributions to their communities. While each and every one of them is exceptional, we know they are not the exceptions, and that there are far too many more men and women serving extremely lengthy sentences who have undergone deep

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<sup>4</sup> Joshua Williams, “How Incarceration Impacts the Basic Needs of Loved Ones & Families,” April 22, 2025: <https://www.diverseeducation.com/opinion/article/15743657/how-incarceration-impacts-the-basic-needs-of-loved-ones-families>

personal transformation and could, if given the chance, be assets to their communities if released. Research shows that people who have served long sentences for violent felony offenses, including homicide, are among the least likely to reoffend.<sup>5</sup> We can safely release a significant number of people, many of whom were incarcerated when they were children, who have literally aged out of criminal behavior and who have sought out every opportunity to engage in programming, serve as role models to other incarcerated people, and who will pose no threat to public safety. We urge the legislature to call on the Governor to stop the unnecessary and counterproductive warehousing of people who have more than paid their debt to society and truly pose no risk to public safety.

By expanding these alternatives, DOCCS can both reduce prison populations responsibly and ensure that individuals reenter their communities with dignity, opportunity, and the tools they need to succeed. Other mechanisms could include the use of presumptive release under Correction Law § 806, the expansion and commitment to medical parole under Correction Law § 259-r. Additionally, the state Legislature should utilize the end of session to enact Fair and Timely Parole, Elder Parole, the Earned Time Act, and Second Look, thus providing pathways for all incarcerated individuals to return to community and live healthy, thriving lives. These are common sense reforms that will reduce the state's overreliance on mass incarceration.

Finally, we must express our tremendous concern about the provision in the FY26 approved budget that will allow DOCCS to hire people as young as 18 years old to serve as Corrections Officers. We understand that the staffing crisis is severe, and that it impacts the capacity of DOCCS to provide robust programming, creates challenges in ensuring access to medical care, and undermines morale. Yet, we know from the research on brain development that our frontal cortex is not fully developed until age 25; prior to that, in high-stress, dangerous situations, young people are more likely to react impulsively and influenced by others, and are less likely to exercise the kind of self-control and physical restraint that is absolutely crucial in this role. We believe that this change will lead to more violence and trauma in and across the facilities. We urge lawmakers instead to consider raising the maximum age at which people can be hired, which is currently 35.

Our network of reentry providers welcomes the opportunity to collaborate with the Governor, Commissioner Martuscello and the state Legislature to identify mechanisms for release and create

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<sup>5</sup> Ashley Nellis and Breanna Bishop, "A New Lease on Life," The Sentencing Project, <https://www.sentencingproject.org/reports/a-new-lease-on-life/>

robust, individualized discharge planning that can ensure that people are set up for success as they come home from our state facilities. To effectively do that, our organizations must be positioned to identify individuals ready for release, work with those individuals in facilities to plan for appropriate and coordinated services upon release for each and every person, and to ensure a collaborative approach to community reintegration that addresses the needs of returning individuals holistically. We believe such a collaboration is essential to investing in the systems of care that will reduce our prison population, while shoring up community well-being and safety across New York state.



**TESTIMONY FOR JOINT HEARING**  
***Safety of Persons in Custody, Transparency, and Accountability within State  
Correctional Facilities***

*Written by Melanie Baker, CCA member*

**Subject:** Urgent Testimony on Behalf of Zachery Bishop (DIN: 19B2742) and the Need for Immediate Prison Reform

I am writing as a mother whose faith in our correctional system has been shattered. On **April 2, 2024**, during a visit with my son, **Zachery Bishop (DIN: 19B2742)** at Five Points Correctional Facility, he collapsed into my arms, weeping. My six-foot-tall son, who has spent the last two years in the Honor Block without a single ticket, cried uncontrollably on the visiting floor. That moment broke me in a way I can never describe. It is every parent's worst nightmare to watch their child suffer, especially when they are powerless to intervene.

Everything below was dictated by Zachery on the visit floor that day — **April 2, 2024** — and reflects a deeply troubling pattern of abuse, denial of medical and mental health care, and possible retaliation due to his new religious beliefs.

**Statement from Zachery Bishop (Dictated on the Visit Floor April 2, 2024)**

- On **March 31, 2024**, Zachery was ordered to lock in his cell after what he says was a misunderstood compliment to a female officer, after he admittedly was drinking as a way to cope with his uncomfortable feelings after a recent DVSJA hearing regarding his childhood trauma and abuse.
- Upon locking in, he began having a **mental health crisis**, he repeatedly requested to go to OMH, he was told you know you have to say "the magic word" and so he replied that yes, he was suicidal.
- After declaring he was suicidal, he was **frisked** and his **Qur'an was thrown down the hallway** by CO Gersher.
- He was transferred to suicide watch, **while crying** and repeatedly **mocked and threatened** by correctional officers. He was told, "just wait till we get you in the infirmary, no cameras and we have more bodies than you, Bishop"
- He was **beaten while naked in the suicide room**, kicked in the genitals and the head, and denied medical care. He named the COs involved in the beating when he reported it to OSI. No final determination has ever been given to him in regards to his grievance and report.

- When I saw him on April 2nd, I documented visible **bruises on his legs, a swollen and possibly broken hand, a bump behind his ear, and signs of a concussion**. He had been repeatedly denied medical care despite asking officers, a deacon, and staff.
- His **personal property was missing or destroyed**, including religious items, and he was forced to sleep on a **metal frame with no mattress for days**. Upon my in person visit several days after the assault in the infirmary. I stopped the Dep of Security who was walking around reminding people of no visits on Eclipse day and I asked her politely if he could at least get a mattress since it had been several days. By the time he returned from the visit he did have one.
- Upon Zachery being cleared from suicide watch, he was placed in a cell with another struggling individual, who was later murdered at Five Points possibly by his cellmate, Adam Lafferty. They found a **razor that didn't belong to either of them**, a situation that could have ended tragically. Both refused to touch it out of fear regarding why it was there.
- In response to him reporting the assault in the infirmary, officers began spreading **false claims about his criminal charges**, putting his safety at risk, and **mocked his conversion to Islam**, singling him out as the only white man attending Ramadan services.

#### **Observations of Zachery's Injuries During the April 2, 2024 Visit**

During my visit, I, **Melanie Bishop**, observed the following injuries on my son **Zachery Bishop**:

- **Right hand:** Very swollen, bruised, and disfigured — most likely broken.
- **Left leg:** Large hand-sized green and blue bruise on the inside lower leg, with a cut in the middle.
- **Right leg:** Multiple purple bruises.
- **Right ear:** Large bruise and bump behind the ear, with a slight cut on the front of his forehead hairline.

Zachery reported to me that he had been experiencing a **pounding headache** since the incident and woke up **dizzy** the morning of **April 2, 2024**. He believes he may have suffered a **concussion**.

During the visit, I purchased two click-click photographs and we attempted to document the injuries to his **left leg and hands**. Due to the flash of the Polaroid camera, the bruising was hard to capture clearly, but the **cut on his left leg** was visible, and we were able to photograph his hands side by side. I have these photographs as evidence.

As of the time of the visit, Zachery had repeatedly requested medical attention from officers on his block (Block 10), a Deacon who visited on **April 1, 2024**, and from officers on the visit floor. However, **his requests for medical attention were still being denied.**

## **My Call to Action**

As a mother, I beg you: **protect our incarcerated loved ones.** These facilities are not simply punitive spaces — they are responsible for the **well-being** of human beings, including our sons and daughters.

I urge you to:

1. **Pass legislation that protects in-person visitation.** It is a lifeline. Without that visit, I would never have known the extent of my son's suffering.
2. **Mandate transparency and external oversight** of correctional facilities. Cameras, incident logs, and audio recordings must be reviewed when allegations of abuse arise.
3. **Pass the Earned Time Act.** Give people the opportunity to grow, to heal, and to have hope. Zachery had two years without a ticket. He found faith. He was trying to be better — and he continues to try in the face of ongoing lockdowns, lack of programming, restricted movement after a Wildcat strike. In addition, Zachery has repeatedly requested access since he enter prison to Alcohol and Substance Abuse Treatment (ASAT) programs and has been repeatedly denied due to "lack of time left on his sentence." As a mother and taxpayer, I find that unbelievable. We are concerned with Contraband but offer no real credible solutions such as programming and earning good time only the status quo or punitive measures. Too many of our sons and daughters have substance abuse disorders as a result of childhood traumas and then enter prison only to experience and endure ongoing or new traumas. This does not make our communities safer or our families whole.
4. **Protect religious rights and mental health access** inside DOCCS. No one should be denied care because of their beliefs.

Zachery has already suffered more than his sentence intended. I fear for his life and mental well-being. If we cannot protect those in our custody — if we cannot even ensure they are treated as human beings — then we have failed as a society.

I can tell you since I viewed the horrific video of the murder of Robert Brooks I have had many sleepless nights. I saw so many similarities to my son's experience as I saw in that video of Mr. Brooks. My son was not given a death sentence. My son was a first time offender who has already learned a difficult lesson that prison is not the place he wants to be. This is not his path but he has no way to show who he truly is today. He is also loved. He is an uncle, a brother, a grandson, and so much more than his biggest mistake. Please pass meaningful legislation, this year, to guarantee that my son and countless others have HOPE and that they have the opportunity to earn their way home sooner. This is not a get out of jail free card. Finally, pass

these laws to show the men and women inside that will return to our communities that you see what they have endured, that they have held it together, and that their lives matter.

Thank you for hearing my testimony. As a mother, please keep in mind that their our countless mothers who carry heartbreak and hope in the same breath and still choose love—over and over again. We ask you to do the same.

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**Testimony from Messiah Ramkissoon,  
Associate Executive Director of the Youth Justice Network  
Before the Joint Public Hearing: Safety of Persons in Custody, Transparency,  
and Accountability within State Correctional Facilities**

**May 14, 2025**

Good morning. My name is Messiah Ramkissoon and I am Associate Executive Director of the Youth Justice Network.

I would like to thank Chairs, Senator Julia Salazar and Assembly Member Erik Dilan, along with the other members of the committees of this joint hearing, for the opportunity to address you today.

The Youth Justice Network is a NYC citywide non-profit whose mission is to break cycles of incarceration and help build a more equitable justice system that provides young people individualized advocacy, mentorship, and opportunities to grow, thrive and lead.

I am here today to talk about the life and experience of Messiah Nantwi. Before Messiah at 22 years-old was brutally beaten to death by officers at Midstate Correctional Facility, he was well known at the Youth Justice Network as one of our youth members.

Messiah would visit often, sitting and speaking with his mentors. I am proud to say I was one of those mentors. In addition to sharing a name, Messiah and I shared real time together. We both lived at a certain point in our lives on 129<sup>th</sup> Street in Harlem, and our paths would occasionally cross in the neighborhood. He was a hopeful, soft-spoken, intelligent teen who devoured books.

Messiah appreciated our arts and mentorship programs and was an active participant in our youth photography workshops. He participated in our financial literacy sessions for young people and possessed an entrepreneurial spirit, launching his own clothing line called, “Viva La Freedom.” Messiah also loved music and would engage with our music studio partner Audio Pictures, where he would record and exercise with the music team.

He wanted to travel the world and once asked us why a kid had to get into trouble to have access to a program like the Youth Justice Network. He also told us it was easier for him to get a gun than it was a book. We often call to check in on our youth members, and in Messiah’s case, he was reciprocal in the sense that he would call to check in on me.

During the COVID-19 pandemic the Youth Justice Network's borough headquarters was closed, and our young people, including Messiah, lost their consistent hub of support within the neighborhood. Messiah's phone was disconnected, and we did not hear from him for months.

The next time we heard from Messiah was when at age 18, he was arrested in a Bronx incident that started as a graffiti stop and ended with his being shot by the police – Messiah was shot 28 times by the police to be exact. After his miraculous survival, Messiah's case proceeded through the court system, during which he worked on his physical rehabilitation and recovery. He worked hard to do well and tried to get his life back on the right track. With support from his mentors, he took coding classes, was admitted to college and filled out his financial aid forms.

But by then his time in the justice system had done its job, and the joy in Messiah's eyes had faded, his hope for his future extinguished, and his mental health severely compromised. His pain was palpable. Messiah ultimately pled guilty to criminal possession of a weapon and was sentenced to a 5-year period of imprisonment that eventually brought him to Mid-State Correctional facility.

At age 22, instead of getting a college diploma, he was beaten to death on March 1, 2025, by the very people meant to protect him - New York State correction officers. At the time, Messiah was awaiting trial, indicted for the shooting death of two people – one of whom was only 19 years old.

There are thousands of kids out there like Messiah that have been, and continue to be, victimized by a system that prefers to imprison its youth rather than provide them with the opportunity to succeed.

I urge the committee members not to allow Messiah Nantwi to die in vain and do something to lift our communities and each other by prioritizing young people's safety and wellbeing through opportunity, access to support and services, and positive community networks.

Please break the cycle of knee-jerk responses like more imprisonment, fewer parole opportunities, and harsher sentences for adolescents. These short-sighted policy initiatives only lead to misery, a costly human and financial toll, and solve little when it comes to equal justice, public safety, and the mass incarceration of Black and brown young people.

I urge the committee to take concrete action in response to this trauma, pain, and loss.

I would urge you to pass Assembly Bill A767 and Senate Bill S643 that would establish a Youth Justice Innovation Fund to make funds available to community-based organizations for services and programs with the purpose of preventing youth arrest and incarceration and promoting positive youth development.

These bills would fund violence prevention services, diversion, alternatives to detention, placement and incarceration, post-release support, and education and employment for young people up to the age of 25.

Young people can only grow, gain a voice and fully realize their power and worth when they can feel safe, cared for, learn, play, and experience a world outside themselves. We must commit to leveraging their promise before it turns to pain, they cannot return from - as it did for Messiah Nantwi.

I would like to leave this committee with something that was conveyed to me by Messiah's aunt, Mayreni Lopez.

*"Messiah had a chance, but his dreams were tarnished by 27 undeserving bullets that forever changed his life. Through his traumatized mind, he was still reaching for his dreams and visions. His trauma/paranoia, unfortunately, affected more individuals to feel the same pains he went through. Messiah had a brilliant mind, a heart that wanted to help those around him, and a soul that could impact everyone that met him. His death was unnecessary, cruel, devastating, and a disgusting abuse of power. Senseless beatings, a week before his 23rd birthday... my nephew was given a death sentence that neither a judge, nor state law approved."*

Again, my thanks for the opportunity to speak before you this afternoon.

Messiah Ramkissoon ,Associate Executive Director of the Youth Justice Network.

[mramkissoon@youthjustice.org](mailto:mramkissoon@youthjustice.org)

212-760-0755

**Written Testimony in Support of the “End Health Professionals’ Complicity in the Torture of Detained or incarcerated individuals act of 2025”**

Submitted for the Joint Public Hearing: Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities

NY Senate Standing Committee on Crime Victims, Crime & Correction and

NY State Assembly Standing Committee on Correction

May 14, 2025

We the undersigned submit this written testimony in support of “End Health Professionals’ Complicity in the Torture of Detained or Incarcerated Individuals Act of 2025.” We are the New York Coalition Against Torture, a group of current and future health professionals-including social workers, physicians and psychologists, legal advocates, and formerly incarcerated individuals. We are working together on this bill determined to end a culture of brutality in New York State prisons and jails which many of us have witnessed first-hand. We can no longer remain silent about and complicit with the preventable epidemic of suffering and death of incarcerated persons in New York State like Robert Brooks who was murdered as health professionals looked on.

This ground-breaking bill prohibits health professionals licensed in NY State from participating in torture and requires reporting of torture and abuse of incarcerated persons in New York State by health professionals and other correctional facility staff and volunteers, who witness torture in NY State prisons and jails. The absence of adequate protections and procedures for reporting torture in NYS carceral settings is shocking. Health professionals should not be forced to choose between their safety and complicity in torture. This bill promotes the fundamental ethics and core values of New York State health professionals. This bill will save lives.

For far too long New York State licensed health professionals have been complicit in torture by turning a blind eye and remaining silent and about abuse of incarcerated persons they witnessed or had direct knowledge about. When this bill was first introduced in 2010, it was in response to the disgraceful violations of professional ethics by U.S. health professionals-including those licensed in New York State- who participated in torture under the guise of national security at Guantanamo, Abu Ghraib and other clandestine jails around the world. But then and even more so now, we learned about the epidemic of torture occurring here in our own backyard in New York State prisons and jails.

Enacting this bill will promote the health and safety of incarcerated persons as well as that of all individuals working in New York State Jails and Correctional facilities. It reaffirms and is entirely consistent with health professional ethics to preserve life and to “Do No Harm.” This bill will promote the dignity and humanity of all New Yorkers.

Silence is complicity. Silence can be death. The time to act is now.

Thank you,

- Allen S. Keller, M.D. Associate Professor of Medicine and Population Health/ NYU Grossman School of Medicine; Founder, Bellevue/NYU Program for Survivors of Torture
- Sandy Bernabei, LCSW
- Nicole Capozziello, MSW, PhD, Co-Director- Social Workers & Allies Against Solitary Confinement

- Mary Buser, LCSW, Author of *Lockdown on Rikers: Shocking Stories of Abuse and Injustice at New York's Notorious Jail*, Co-Director- Social Workers & Allies Against Solitary Confinement
- Jack Beck, Esq.
- Marvin Wade
- Justyna Rzewinski, LCSW, PhD(c)
- Yosef Brody, PhD
- April Strommer, MSW
- Martha Davis, PhD
- Lolayemi Charles
- Jacob Winick

*\*The opinions stated here are of the individuals and not the opinions of the organizations they are affiliated with.*

**Testimony of**  
**Chris Summers**  
**President**  
**New York State Correctional Officers & Police Benevolent Association, Inc.**

**Submitted to the Joint Public Hearing of the Senate Standing Committee on Crime Victims,  
Crime & Correction, and the Assembly Standing Committee on Correction**

**Wednesday**  
**May 14, 2025**  
**10:00 AM**  
**Hearing Room B**  
**Legislative Office Building**  
**Albany, New York 12248**

Chairpersons Salazar and Dilan and Honorable Members of the Committees,

Thank you for the opportunity to submit written testimony regarding the ongoing issues in our state prisons. My name is Chris Summers, and I have been a correction officer with the New York State Department of Corrections and Community Supervision (DOCCS) for the past 20 years. I also serve as President of NYSCOPBA, representing the fine men and women who have walked the most brutal beat in law enforcement.

First, I want to acknowledge the recent tragedies, including the deaths of Robert Brooks and Messiah Nantwi. No loss of life inside a prison should ever be taken lightly. NYSCOPBA immediately condemned the actions of those involved. These incidents must be thoroughly investigated, and those found to be responsible should face justice.

I want to be clear though that those actions do not depict the thousands of NYSCOPBA members who conduct themselves professionally and provide meaningful services to the incarcerated population (I.I.'s) daily. I urge this Committee to not forget about those dedicated employees who have continued to report for duty throughout the State's and the Department's challenges. Please consider the broader environment in which correction officers operate — an environment that is becoming increasingly dangerous, understaffed, and demoralized.

NYSCOPBA is always “sounding the alarm” on the increasing violence and safety concerns that exist in New York State’s prisons and mental health institutions. Year after year, we have shown you record increases in violence and the dangerous living and working conditions caused by the policies and laws that this State has enacted (HALT, Raise the Age, Bail Reform, “Less is More”). The system wide violence exploded following the March 2022 enactment of the HALT Law. The numbers speak for themselves. Yet our safety, health, and family concerns have been routinely ignored. In 2024, for the fourth consecutive year, DOCCS set another annual record of II's-on-staff and II's-on-II's assaults and injuries.

For years, and especially leading up to the unsanctioned strike, our officers have been required to work excessive amounts of overtime (18–24-hour shifts) due to chronic understaffing and unrelenting mandates. The impact of mandatory double and triple shifts on employees cannot be overstated — physical fatigue, emotional burnout, and decreased alertness create unsafe conditions for both officers and incarcerated individuals. We've all personally witnessed colleagues suffering from a mental health crisis when they decide to leave the job entirely due to the relentless demands and lack of institutional support. We have told you about these concerns for years, but the State has refused to provide the resources our corrections staff needs.

Now, there is growing public concern — and rightly so — about violence within facilities. But what is often overlooked is that violence is not one-sided. Officers are attacked, sexually assaulted, and threatened in record numbers, and there are not enough resources or staff to properly address these threats. We need comprehensive staffing reforms, updated equipment and training, enhanced recruitment and retention initiatives, a healthier work/life balance, meaningful disciplinary sanctions, and improved access to programs that work, not just for those incarcerated but for the people trying to maintain safety in these environments.

Transparency and accountability must go both ways. Officers welcome fair oversight, but we often feel scapegoated while our systemic challenges are ignored. Policies are changing rapidly, yet the frontline staff is rarely consulted or trained prior to new procedures being enforced. This breakdown in communication fuels confusion and mistrust with management.

Furthermore, there is a serious need to improve infrastructure — many of our facilities are outdated and ill-equipped to support the kinds of programming and services that both incarcerated individuals and staff desperately need. Access to mental health care, substance use treatment, and vocational training are not only critical for rehabilitation but also for reducing tensions inside prisons.

In conclusion, I ask this Committee to approach these issues with balance. Yes, we must do better to protect the dignity and well-being of those in custody. But we must also protect and support the people who risk their safety daily to uphold order. Meaningful reform must include investment in staff, clearer accountability structures that apply to all, and solutions informed by those who actually work in corrections.

Thank you for your time and consideration.

## TESTIMONY OF ROBERT BROOKS TO THE MAY 14 JOINT LEGISLATIVE HEARING

My name is Robert Lee Ricks. I am the father of Robert Lee Brooks, who was murdered by New York State corrections staff on December 9 at the Marcy Correctional facility.

As I have said before, I truly believe that my son died so that others may live. And you in this room have the power to see that my son did not die in vain.

The system that has tolerated and enabled the epidemic of violence against prisoners in New York's prisons and jails for decades must change. You have seen the videotape of my son being brutally beaten to death by corrections officers, while nurses and other DOCCS staff looked on and did nothing to stop them. I am asking you today to commit to passing real reform before this legislative session ends in June.

I want to call your attention to the Robert Brooks Agenda for Justice, which is being distributed here today. It is a list of 9 bills that would bring about meaningful change to this broken system.

The primary focus of the Agenda for Justice is transparency and accountability. It will strengthen both the State Commission on Corrections and the Correctional Association of New York so that they can provide meaningful oversight. It will enable more prisoners to file civil actions against abusive staff without fear of reprisals. It will install more cameras in prisons, reducing the number of "dead zones".

Most importantly. One of the bills in the Agenda for Justice, S 1671/A5355, would make it much easier for DOCCS to discipline correctional staff that assault prisoners. Between 2010 and 2022, DOCCS sought to terminate corrections staff for abusing prisoners in 290 cases. It is shocking that this number is so low, but it is even more shocking that, at the end of its opaque process, DOCCS was only able to terminate 28 officers.

An op ed column published in The Albany Times Union last month by my friend and counsel, Attorney General Eric Schneiderman, exposed the fact that DOCCS does not have a functional system of discipline for corrections staff. I urge you all to read it.

Finally, I know this to be true at a personal level. If DOCCS had an effective system of investigating and disciplining corrections staff, officers who had already been credibly accused of abuse by other prisoners would not have been on duty on December 9 to participate in the murder of my son.

I urge you to take action to repair this broken system now.

Thank you.

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**Joint Legislative Corrections Hearing on Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities**

Written Testimony of Sebastian Solomon  
Associate Director, Greater Justice New York  
Vera Institute of Justice

May 14, 2025

My name is Sebastian Solomon, and I am the associate director of the Vera Institute of Justice's Greater Justice New York program. Vera works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. Thank you for the opportunity to submit testimony.

We applaud the Senate and Assembly committees for turning their attention to safety, transparency, and accountability inside state correctional facilities. The recent wildcat strikes, alongside the deaths of Robert Brooks and Messiah Nantwi, have demonstrated the seriousness of these issues.<sup>1</sup> The current state of our prisons causes trauma and harm to both incarcerated people and staff, ultimately making all New Yorkers less safe.<sup>2</sup> Increasing transparency and accountability will, in turn, increase safety.

Incarceration is costly, both in terms of public funds and the toll it takes on individuals, families, and broader communities, who suffer from financial strain, emotional distress, and social stigma.<sup>3</sup> Pursuing true safety means questioning who is in our prisons, for how long, and under what conditions, as well as how our facilities give people the tools they need to succeed upon release.

My testimony will focus on how the legislature can improve safety, transparency, and accountability by:

1. passing the Earned Time and Second Look Acts;
2. passing a package of bills titled "Prison Safety is Public Safety: Robert Brooks Transparency and Accountability;"
3. passing Fair and Timely Parole and Elder Parole Reform; and
4. equipping corrections and parole professionals with the resources necessary to carry out their jobs effectively and with dignity.

Please do not hesitate to contact Alana Sivin, director of the Greater Justice New York program, at [asivin@vera.org](mailto:asivin@vera.org) if the Vera Institute of Justice can provide further support to you.

***Passing the Earned Time and Second Look Acts***

To improve safety in our prisons, we need to prioritize and incentivize participation in rehabilitative programming. Passing the Earned Time and Second Look Acts will do just that.

The Earned Time Act will change New York's merit time laws to incentivize program participation more widely than existing restrictions allow. For too long, New York has restricted access to merit time credits. The vast majority of people incarcerated are ineligible solely because they are serving time for a violent offense, a restriction that dates to the Pataki administration in the 1990s.<sup>4</sup> Yet the benefits of rehabilitative programming for all participants are clear, regardless of their crime of conviction.<sup>5</sup> Removing merit time credit restrictions will incentivize participation in programming, which will improve behavior to make prisons safer for incarcerated people and staff alike, safely reduce the prison population, and improve post-release outcomes, reducing recidivism and increasing public safety.<sup>6</sup>

In tandem with the Earned Time Act, the Second Look Act will help make our system more rehabilitative. Second Look laws allow judges to review individual cases after a person has served a significant amount of time to determine if that person has been rehabilitated such that their sentence should be reduced. This legal mechanism rewards rehabilitation and ensures that the state does not waste public funds incarcerating people who are no longer a threat to public safety.<sup>7</sup>

Both the Earned Time and Second Look Acts have the public's overwhelming support. In October 2024, Vera commissioned polling of 500 New Yorkers—representative of the state's geographies and demographics—regarding these two policies.<sup>8</sup> The polling found that 74 percent of New Yorkers support allowing people to earn time off their sentence, including majority support across all age groups, gender and racial groups, and self-identified political categories. Similarly, 68 percent support allowing judges to reassess sentences, also including a majority across demographics.

Passing the Earned Time and Second Look Acts will improve safety both within the state's prisons and its communities. We urge the Senate and Assembly to pass these bills swiftly.

#### ***Passing a package of three bills titled “Prison Safety is Public Safety: Robert Brooks Transparency and Accountability”***

We urge the Assembly and Senate to support a package of three bills titled “Prison Safety is Public Safety: Robert Brooks Transparency and Accountability.”<sup>9</sup> Together, these bills will improve safety, transparency, and accountability by creating more oversight mechanisms for New York’s correctional facilities and ensuring that prison staff who break the law face consequences.

The first bill lays out a disciplinary procedure that enables the Department of Corrections and Community Supervision (DOCCS) commissioner to hold staff accountable when they engage in serious misconduct. This is important because existing practices rely on outside arbitrators and suffer from unreasonable union influence. As an example of the current system’s failure, an analysis by the Marshall Project found that of 290 cases in which

DOCCS tried to fire officers or supervisors it says physically abused incarcerated individuals or covered up mistreatment, DOCCS was only able to terminate officers in 28 cases.<sup>10</sup>

The second bill creates a new Office of the Correctional Ombudsperson, which will be responsible for oversight of DOCCS's internal affairs and disciplinary processes, as well as oversight of all jail and prison policies, practices, programs, and procedures. The recent wildcat strikes and deaths of Robert Brooks and Messiah Nantwi highlight the need for this type of independent agency to address some of the standards and processes that lead to harmful outcomes.

The third bill gives the Correctional Association of New York (CANY) access to DOCCS records and the ability to visit correctional facilities at any time and without notice. It also requires CANY to issue periodic reports and recommendations based on their work. This bill will allow for more transparent prison oversight and accountability.

#### ***Passing Fair and Timely Parole and Elder Parole***

Parole is intended to build safety inside and outside prisons. It disincentivizes misconduct during incarceration, incentivizes participation in programs that reduce recidivism and prepare people for success upon release, and ultimately allows people who pose a minimal safety risk to return home, reunite with their families, and contribute to their broader communities.<sup>11</sup> Unwarranted parole denials translate to larger—and therefore costlier—prison populations, as well as ongoing harm to incarcerated people and their networks.<sup>12</sup>

Fair and Timely Parole will increase the transparency of the parole process, incentivize programming and good behavior, and ultimately improve safety both within prisons and outside. It will direct the Board of Parole commissioners to assess candidates for parole based on their current public safety risk instead of the risk that person posed at the time of conviction. The bill amends the parole hearing process to focus on the ways in which someone has taken accountability for their actions and prepared to return to society. This will stop commissioners from repeatedly denying parole-seekers based solely on their original crimes, which they cannot go back and change.<sup>13</sup>

In addition, Elder Parole will improve justice and cut down on unnecessary incarceration by giving parole-seekers aged 55 and over who have already served 15 years of their sentence the opportunity to make their case for release. It will not automatically release anyone—it will simply give people the chance to make their case to the Parole Board. If granted parole, these elderly New Yorkers will be able to live their remaining days in dignity, surrounded by family and community. As data from DOCCS shows, the overwhelming majority of elderly incarcerated people pose no public safety risk.<sup>14</sup>

## ***Equipping corrections and parole professionals with the resources necessary to carry out their jobs effectively and with dignity***

Corrections professionals are tasked with helping incarcerated people grow and change.<sup>15</sup> Their jobs can be difficult given the stressful working environment and the toll that prison takes on both corrections professionals and incarcerated people, as evidenced by the recent corrections officer strike. Research has shown that, compared to the general population, corrections professionals have higher rates of depression and post-traumatic stress, higher rates of suicide, and significantly reduced lifespans.<sup>16</sup>

We recommend that the legislature fund

- training for corrections professionals focused on emotional intelligence, mental health awareness and practices, de-escalation, and transformational leadership;
- easy, anonymous access to quality mental health services such as independent therapists, on-site wellness rooms, as well as physical exercise and other avenues to promote wellness; and
- adequate time off to rest and recuperate between shifts.

All these investments will ensure that corrections professionals are better equipped to carry out the difficult tasks of supervision and support within prisons and in communities.<sup>17</sup>

Finally, we urge the legislature to couple the legislation mentioned here with funding increases for parole officers. Passing Earned Time, Second Look, Fair and Timely, and Elder Parole legislation will increase eligibility for in-prison programming and enable people to be released from prison sooner—which both corrections professionals and incarcerated people agree will improve conditions behind bars and reduce violence. To implement these pieces of legislation adequately, parole office will need additional support so that they can take on the increased responsibilities they will have with more people on parole.

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<sup>1</sup> Jan Ransom “Seven Prisoners Die as New York Guard Strikes Cause Widespread Disarray,” *New York Times*, March 4, 2025, <https://www.nytimes.com/2025/03/04/nyregion/ny-prison-strike-guards.html>; Renee Anderson and Mark Prussin, “New York officers in beating of Robert Brooks Sr. indicted for murder by grand jury,” CBS News, February 20, 2025, <https://www.cbsnews.com/newyork/news/robert-brooks-beating-marcy-correctional-facility-update/>; and Jan Ransom, “2 Guards Charged With Murder in Beating Death of Prisoner in New York,” *New York Times*, April 16, 2025, <https://www.nytimes.com/2025/04/16/nyregion/messiah-nantwi-beating-death-charges.html>.

<sup>2</sup> Jule Pattison-Gordon, “What’s Driving the Uptick in Violence at New York Prisons?” *Governing*, March 20, 2025, <https://www.governing.com/policy/whats-driving-the-uptick-in-violence-at-new-york-prisons>.

<sup>3</sup> Julian Harris-Calvin, Sebastian Solomon, Benjamin Heller, and Brian King, *The Cost of Incarceration in New York State* (New York: Vera, 2022), <https://www.vera.org/the-cost-of-incarceration-in-new-york-state>; and Vera Institute of Justice, “Incarceration’s Impact on Kids and Families,” June 2016, <https://www.vera.org/the-human-toll-of-jail-2016/return-to-rikers/incarcerations-impact-on-kids-and-families>.

<sup>4</sup> Vera analyzed “Under Custody Profile” data published by DOCCS. See <https://docts.ny.gov/system/files/documents/2025/05/2025.05.01-uc-profile.pdf>. For the restriction on people with violent felony convictions earning merit time, see Consolidated Laws of New York Chapter 43, Article 24, §803(d)(iii).

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<sup>5</sup> John M. Nally, Susan Lockwood, Taiping Ho, and Katie Knutson, “The Post-Release Employment and Recidivism Among Different Types of Offenders with a Different Level of Education: A 5-Year Follow-Up Study in Indiana,” *Justice Policy Journal* 9, no. 1 (2012), 1–25, 20, [https://www.cjcl.org/media/import/documents/the\\_post-release.pdf](https://www.cjcl.org/media/import/documents/the_post-release.pdf).

<sup>6</sup> Robert Bozick, Jennifer Steele, Lois Davis, et. al, “Does Providing Inmates with Education Improve Postrelease Outcomes? A Meta-analysis of Correctional Education Programs in the United States,” *Journal of Experimental Criminology* 14, no.3 (2018), 389–428, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/does-providing-inmates-education-improve-postrelease-outcomes-meta>; and Sheila A. French and Paul Gendreau, “Reducing Prison Misconducts: What Works!” *Criminal Justice and Behavior* 33, no. 2 (2006), 185–218, 207–209, <https://de-escalate.org/wp-content/uploads/2019/02/Reducing-Prison-Misconducts-What-Works.pdf>.

<sup>7</sup> DOCCS, 2018 *Releases from Custody: Three Year Post-Release Follow-Up* (Albany: DOCCS, 2023), “Table 7.1, 2018 and 1985–2018 Releases: Returns by Age at Release,” 20, [https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases\\_three-year-post-release-follow-up.pdf](https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases_three-year-post-release-follow-up.pdf).

<sup>8</sup> Vera Institute of Justice, “New Polling Shows Strong Voter Support for Allowing Rehabilitated People to Safely Return Home,” (New York: Vera, 2024), [https://vera-advocacy-and-partnerships.s3.amazonaws.com/Vera%20and%20EMC\\_Sentencing%20Reform%20Polling.pdf](https://vera-advocacy-and-partnerships.s3.amazonaws.com/Vera%20and%20EMC_Sentencing%20Reform%20Polling.pdf).

<sup>9</sup> New York State Senate, S651, “An act to amend the correction law, in relation to correctional facility visits by the correctional association,” 2025–2026 Session, <https://www.nysenate.gov/legislation/bills/2025/S651>; New York State Senate, S1671, “An act to amend the correction law and the civil service law, in relation to discipline of certain persons for serious misconduct,” 2025–2026 Session, <https://www.nysenate.gov/legislation/bills/2025/S1671>; New York State Senate, S1707, “Creates the office of the correctional ombudsperson,” 2025–2026 Session, <https://www.nysenate.gov/legislation/bills/2025/S1707>.

<sup>10</sup> Alyria Santo, Joseph Neff, and Tom Meagher, “In N.Y. Prisons, Guards Who Brutalize Prisoners Rarely Get Fired,” *New York Times*, May 25, 2023, <https://www.nytimes.com/2023/05/19/nyregion/ny-prison-guards-brutality-fired.html>.

<sup>11</sup> On community benefits, releasing people from prison may reduce the likelihood that others in their community will be incarcerated. For example, the children of an incarcerated person face challenges that may increase the likelihood of them becoming involved in criminal activity. It stands to reason that in these cases, releasing a parent from prison may reduce the economic instability, emotional harm, and social stigma that make children likelier to be incarcerated themselves. For more information, see Eric Martin, “Hidden Consequences: The Impact of Incarceration on Dependent Children,” *National Institute of Justice*, March 2017, <https://www.ojp.gov/pdffiles1/nij/250349.pdf>. On reducing recidivism, see Lois M. Davis, Robert Bozick, Jennifer L. Steele, et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults* (Santa Monica, CA: RAND, 2013), [https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND\\_Correctional-Education-Meta-Analysis.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND_Correctional-Education-Meta-Analysis.pdf).

<sup>12</sup> Nazish Dholakia, “Sending People to Prison for Decades Is Dangerous ,” Vera Institute of Justice, February 14, 2025, <https://www.vera.org/news/sending-people-to-prison-for-decades-is-dangerous>.

<sup>13</sup> Benjamin Heller, Cherrell Green, Shirin Purkayastha, et al., *Toward a Fairer Parole Process: Examining Parole Denials in New York State* (New York: Vera Institute of Justice, 2021), <https://vera-institute.files.svcdn.com/production/downloads/publications/toward-a-fairer-parole-process-report.pdf>.

<sup>14</sup> New York State Department of Corrections and Community Supervision (DOCCS), 2018 *Releases from Custody: Three Year Post-Release Follow-Up* (Albany: DOCCS, 2023), “Table 7.1, 2018 and 1985–2018 Releases: Returns by Age at Release,” 20, [https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases\\_three-year-post-release-follow-up.pdf](https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases_three-year-post-release-follow-up.pdf).

<sup>15</sup> New York State Department of Corrections and Community Supervision (DOCCS), “Vision & Mission,” from “The Department Mission,” <https://doccs.ny.gov/departmental-mission>, accessed January 30, 2025.

<sup>16</sup> Vera Institute of Justice, “The Prison Experience for Corrections Staff,” n.d., <https://www.vera.org/reimagining-prison-web-report/examining-prisons-today/the-prison-experience-for-corrections-staff>.

<sup>17</sup> These recommendations are drawn from a 2022 Blue Ribbon Commission on corrections officer wellness sponsored by One Voice United, a group of correctional officers. See One Voice United, *Blue Ribbon Commission Report* (Lake Odessa, MI: One Voice United: 2022), <https://onevoiceunited.org/wp-content/uploads/2022/10/BRC-Report-2022.pdf>.



## ALLIANCE OF FAMILIES FOR JUSTICE

May 10, 2025

Dear Members of the New York State Legislature,

Thank you for the opportunity to present testimony on the topic of the Safety of Persons in Custody, Transparency and Accountability within State Correctional Facilities. I commend Senator Salazar and Assemblymember Dilan for convening this important hearing.

I am the founder and executive director of the Alliance of Families for Justice ("AFJ"), a nonprofit organization whose mission is to support, empower and mobilize families with incarcerated loved ones and individuals whose lives have been impacted by incarceration, to help them marshal their collective power to bring about changes to the systems that harm them, their families and their communities. Prior to founding AFJ in 2016, I was the executive director of the Correctional Association of New York ("CANY"). I am the only person of color, a Black woman, to ever head the nearly 180-year-old organization. I am a criminal defense lawyer by training and a former law professor, having taught at the City of New York School of Law and Harvard Law School for a combined total of 19 years.

Although my professional career has focused on the criminal justice system and incarceration for over 40 years, I first encountered New York's prison system in 1972 when I visited Auburn Correctional Facility - not on a class trip while I was a student at Cornell University, but rather to visit my boyfriend from high school. That visit to Auburn occurred just a year after the Attica uprising and massacre. Like today, in 1972 the incarcerated population at Auburn was overwhelmingly Black, Latinx and poor, and almost all the staff members were white. The facility was antiquated in 1972 and little to nothing about the physical plant has changed in the last 53 years.

Like now, most of the prison staff in 1972 had no contact with Black or Latinx people other than those who made up the bulk of the prison population. Racism, sexism and homophobia prevailed within the system then like it does today. Fifty-three years ago, the Ku Klux Klan had a strong presence amongst prison staff. Their presence was so rampant that a legislative hearing was convened, much like this one, to investigate and examine the problem and come up with solutions.

One of the issues of great concern then was the fact that white prison guards openly displayed tattoos on their lower arms of Black babies hanging from nooses or impaled on pitchforks. The hearing concluded with recommendations and mandates. One such mandate was that no racist symbols including tattoos could be displayed by prison staff. This meant that the staff could keep their jobs, but they had to wear their shirt sleeves rolled down to cover the racist tattoos. The

mandate was never enforced however, and the tattoos have been witnessed by countless visitors and incarcerated people more recently.

I begin my remarks in this manner to set the context for understanding the critically toxic culture that has prevailed in the Department of Corrections and Community Supervision ("DOCCS") for over 5 decades. In my career I have interviewed thousands of incarcerated and formerly incarcerated people, their family members, and current and former DOCCS staff about conditions inside the Department. The unmistakable conclusion is that physical and sexual abuse from DOCCS security staff is normalized and ingrained in the culture.

I vividly recall during my tenure at CANY that I had a meeting with top DOCCS administrators about numerous complaints that younger incarcerated people at Green CF were routinely physically abused by security staff there. The beatings would persist and then the youth would be forced to sign statements that their injuries came from fighting with each other. Upon signing the statement, they were thrown in the hole (solitary confinement). In one instance, I described how a sergeant had beaten 3 young men in their faces with an oversized Bible while taunting them that it was now time for them to find religion. I was stunned that the Acting Commissioner's response was, "you can't expect me to be concerned about just a few slaps and shoves". Despite his shocking response, he was candid in that he reflected the attitude and culture of the Department.

Incarcerated people have been beaten, murdered and sexually abused with impunity by DOCCS staff for decades. In 2011, a gang of Attica guards brutally beat George Williams within an inch of his life. He only had 4 months left on his sentence and he spent them in a hospital bed due to his severe injuries. The only thing that saved him from death was that the nurse on duty in the infirmary was new to her job and immediately called the EMT upon seeing Mr. Williams' condition. Unbeknownst to her, calling EMT was NOT the practice at Attica, and she was barraged with threats from the security staff. As a result, she was eventually forced to leave her job due to safety concerns. With the help of a reporter for The Marshall Project, Tom Robbins, CANY was able to bring enough public attention to what happened to Mr. Williams and for the first time in the history of New York State DOCCS staff were criminally charged with felonies for physically abusing an incarcerated person. Once the story of his beating surfaced on the front page of the Sunday New York Times in March of 2015, the guards pleaded guilty to misdemeanors and were allowed to resign and keep their pensions. THAT leniency is part of the embedded culture of DOCCS.

So, it is not surprising that a month later Karl Taylor was beaten and choked to death by guards at Sullivan and Samuel Harrell was beaten to death by guards at Fishkill. In both instances, staff

and supervisors attempted to cover up the murders. No indictments were handed down in either case.

However, a civil suit was brought by the family of Mr. Taylor, and the case was tried in the Southern District of New York. During the trial, numerous DOCCS staff and supervisors lied under oath claiming that Mr. Taylor died of a heart attack, making a mockery of justice and displaying their utter disregard for Mr. Taylor's life. The case of Mr. Taylor's wrongful death against DOCCS resulted in a landmark settlement regarding brutality. Nonetheless, almost 10 years after the murders of Mr. Taylor and Mr. Harrell, Robert Brooks and Messiah Nintwai were murdered by DOCCS guards within the past 6 months. ONLY because those murders were captured on camera, has the public even learned about them.

Sexual abuse of incarcerated people by staff has been common for decades at both women's and men's facilities. PREA, the Prison Rape Elimination Act is a federal law designed to protect incarcerated people. Despite its enactment in 2003, it took 4 years before DOCCS took any action in 2019 when it created a PREA hotline. However, sexual abuse continues unabated. I have heard of numerous instances where incarcerated people were raped and/or sodomized by staff while supervisors watched and ordered compliance by the victim. Victims' fear of retaliation oftentimes prevents them from filing a formal complaint pursuant to PREA as they know the consequences usually are worse.

I would be remiss in my efforts to describe the current state of safety, transparency and accountability in DOCCS if I did not highlight additional areas of concern. The physical conditions in the prisons are inhumane at best. There is no hot water in the cells. Incarcerated people are doled out a half bucket of warm water at the end of the day which is what they must use to wash their bodies. Access to showers is limited to 2-3 times a week! In many of the Hudson Valley facilities the water has been brown for years. There is no clean water to drink, wash or cook with in those prisons. The staff bring bottled water with them, but the incarcerated population does not have that "luxury" and access to bottled water in the commissary is minimal to none.

There is no air conditioning in the living quarters. The heat is oftentimes unbearable in the summer months rising over 100 degrees. During the winter months, the "heat" remains on low all the time resulting in people wearing as many layers as possible of clothing or staying wrapped up in blankets to stay warm. I have witnessed these conditions firsthand.

Lack of even baseline dental, mental health and medical care are the norm throughout DOCCS. Rarely are dental problems, even as simple as a cavity, treated with anything beyond extraction.

It is totally accepted practice for DOCCS not to provide the most basic of dental maintenance care. Mental and behavioral health care is lacking on so many levels. There is no emotional support for grief or trauma. The “response” of DOCCS for people who take steps to commit suicide is a disciplinary ticket and punishment in solitary confinement. It goes without saying that if someone is so distraught that they contemplate and take steps to end their life, isolation in solitary confinement is NOT the solution or the standard care in the community. DOCCS’ failure to provide reasonable mental health care results in exacerbated emotional and psychological untreated complications that do not disappear upon someone’s release from prison. DOCCS’ neglect of these concerns increases the likelihood of recidivism and despair. There are no systems in place to make DOCCS accountable for this rampant neglect.

Visitors are also subjected to mistreatment. They have been referred to by staff with racist and sexist slurs. They have been the recipients of sexual innuendos and overtures by staff; made to submit to humiliating sexually invasive canine searches; and with the introduction of x-ray body scanners women on their menses are routinely being denied access to visits (contact and non-contact).

There is a stark need for culture change throughout DOCCS. Unfortunately misconduct and turning a blind eye to abuse are rewarded with promotions and accolades. How else can we explain the recent promotion of Bennie Thorpe to head the Marcy Correctional Facility after the murder of Robert Brooks, when he has been the subject of multiple allegations of rape while working as a captain at Bedford Hills Correctional Facility, a maximum-security women’s facility?

Equally disturbing is the network of nepotism that permeates all the top DOCCS positions that are filled with the immediate family, in-laws and friends of Commissioner Daniel Martuscello III. The Martuscello “family and friends” program, as it is knowingly referred to by current and former DOCCS employees, police itself and its members cover for each other. In this way, cover-ups, misconduct and scandals proceed out of the public’s view.

I submit to you that if culture change in DOCCS is ever to become a reality, it is imperative that it start with sweeping personnel changes. No agency has the ability to police itself. Transparency and accountability cannot coexist with nepotism.

Thank you for your time and attention to this important issue.



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**Testimony to the New York State  
Joint Hearing of the Senate and Assembly Corrections Committees**

**on the**

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

**May 14, 2025**

Tanya Krupat  
Vice President, Policy & Advocacy  
Osborne Center for Justice Across Generations



Thank you for the opportunity to testify today and for holding this hearing. My name is Tanya Krupat and I am the Vice President for Policy and Advocacy at Osborne Association. As you may know, Osborne is one of the largest and oldest criminal justice service organizations in the state. Our services reach over 14,000 individuals each year, assisting them and their families in navigating arrest, courts, incarceration on Rikers and in state prisons, and reentry. We have offices in Brooklyn, the Bronx, Buffalo, Newburgh, White Plains, and Troy. We also have programming in 39 state prisons and on Rikers Island. This programming includes an array of services – video visiting at 11 prisons and Rikers, discharge planning, parenting and relationship programs, and health and wellness programs. We have Family Centers in five prisons, and run the Hospitality Centers in 19 prisons. Osborne also now provides a variety of reentry housing, including the Fulton Community Reentry Center, which we opened last April. Fulton, a former prison, now provides transitional supportive housing for 140 men returning from DOCCS.

My testimony highlights our insights into the current challenges faced and our related recommendations; both are based on our longstanding and broad experience working with NYS prisons, collaborating with DOCCS to provide an array of programming, and continuous learning from individuals, families, and our staff (many of whom are formerly incarcerated). We thank DOCCS for decades of partnership and for the groundbreaking programs and initiatives we have implemented over the years, including the first parenting program for men in NYS (FamilyWorks was launched in 1986), and Family Centers inside of visiting rooms. We have also collaborated with DOCCS on important legislative changes such as the Proximity Law (or Proximity to Minor Children Transfer) passed in 2020, which has led to more than 5,000 incarcerated parents being closer to their children.<sup>1</sup>

All of our work at Osborne is grounded in our core values, which include recognizing our shared humanity, advancing racial justice and equity, promoting healing and accountability, and strengthening communities. **We believe prisons are harmful places for everyone – those who live there, work there, and visit there. And we believe we are at a crossroads where we need to both address the daily crisis and also pull back to examine the big picture and rethink our strategy and approach.**

#### **Current Context:**

The 2025 NY State prison landscape looks significantly different than it did 20 years ago, and 50 years ago. Our approach (policies and practices) should adapt to be responsive to the current times and needs. We support and look forward to DCJS convening a "Reimagining Prison" initiative and urge this to include the perspectives of those directly affected – including families – and to begin convening very soon.

Our responses and solutions to the current crisis must acknowledge and be grounded in the following realities:

- There has been a significant and commendable reduction in the prison population in NY State from a high in 1999 of over 70,000 to the current census of just over 32,000 (which

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<sup>1</sup> [Proximity to Minor Children Report 2024](#)

is still significantly more than the 12,000 census of 1970). Importantly, this reduction in the prison population coincides with a reduction in crime, demonstrating that it is possible to both decarcerate and promote public safety.<sup>2</sup>

- The incarcerated population has decreased by 56.3% since 1999 and uniformed staffing has decreased by 48.6% over the same time, which reframes the current staffing “crisis” as recalibrating to the changing landscape. Further, according to CANY’s staffing dashboard<sup>3</sup>, “There were 2.2 incarcerated people for every uniformed security officer at DOCCS facilities in 2024. New York has among the lowest staff-to-incarcerated-individual ratio of any state.”

Staffing and Population Differences				
	12/31/99	5/1/25	Numeric Difference	Percent Change
<b>Correction Officers, Sergeants, Lieutenants</b>	22,112	11,359	10,753	-48.6%
<b>Incarcerated Individuals</b>	72,649	31,694	40,955	-56.3%

DOCCS [Fact Sheet May 2025](#)

- Those incarcerated in State prisons come from across the State, and reflect more geographic diversity with more incarcerated women now coming from outside NYC and the Westchester area.<sup>4</sup>
- The percentage of the prison population (about 22%) that is older (age 50 and up) is growing, which is a result of extreme sentences and narrow release mechanisms, including parole denials. With research on “aging out of crime” and generally low COMPAS scores (DOCCS’ measure of assessing risk for re-offending), one would expect higher parole release rates for older people, but this is not what we have seen.
  - We recently hired a formerly incarcerated individual who came home after serving 49 years. He was denied parole 13 times and served an additional 26 years after reaching his minimum sentence. This is an estimated cost of \$2.86 million to the State and taxpayers *after* he reached parole eligibility. The community is not safer having incarcerated this person 26 years past when the judge said he could be released; taxpayers are unconscionably poorer; and he is haunted by additional decades of trauma and exacerbated chronic conditions.
- In considering what victims and survivors want, it’s important to consider the findings of a [2024 report by the Alliance for Safety and Justice](#), which include:
  - By a three-to-one margin, victims believe that the most effective way to reduce crime is to create **more jobs and housing** instead of long sentences.

<sup>2</sup> See [How One State Reduced Crime and Incarceration \(2010\)](#)

<sup>3</sup> CANY’s dashboard [press release \(September 2024\)](#)

<sup>4</sup> It is common to continue to hear people, including elected officials, refer to the groundbreaking Seven Neighborhood Study from the early 1990s by the (incarcerated) members of the Otisville Think Tank which importantly demonstrated that most people in NYS prisons came from 7 NYC neighborhoods. However, this is no longer the case in 2025.

- More than two in three victims believe that mental health and addiction treatment or job training and placement are more effective strategies to stop repeat crimes than long sentences.

Alternatives to incarceration, including restorative justice programs, are far more cost-effective than jail or prison, with better outcomes, often including healing for victims, as well. The money saved by investing in these approaches leaves more money to invest in providing victims services as well as giving victims and survivors choices about what their justice looks like.

- The isolation of people inside during COVID-19 was extreme and terrifying. Since that time, policy choices to respond to contraband (including drugs) and violence have been made that further isolate people and punish families without first analyzing the root causes of the identified problems. This contributes to depression and hopelessness, which can in turn fuel drug use and violence. We strongly urge DOCCS and the legislature to recognize the importance of, nurture, and protect relationships by:
  - Re-examining the ban on packages;
  - Utilize technology and other mechanisms to allow letters and drawings from children to reach their parents rather than photocopying all mail;
  - Examine the use of body scanners, train staff, and monitor the increased use of non-contact visits (this is discussed further below);
  - Restore 7 day/week visits at max facilities (76 organizations signed a letter to Commissioner Martuscello last week calling for the full restoration of visits)

### **Staffing Challenges:**

The staffing shortage can also be reframed as a need to recalibrate and approach staff deployment differently. While DOCCS and officers experience a shortage of staff and 2,000 officers were recently fired as a result of their illegal striking, DOCCS remains one of the most well-staffed corrections systems in the country, with a staff-to-incarcerated person ratio more than double that of the average for state prisons across the country.<sup>5</sup> The highest percentage of DOCCS staff vacancies (as of 2024) are actually in health services (25%), support services (18%), and program services (16%), compared with an 11% vacancy rate for Officers.<sup>6</sup> This is an invitation to all of us to support DOCCS in creatively and effectively deploying existing staff, assessing roles for other job titles, and designing a system that best supports safety for everyone.

We were very disappointed to see the finalized State budget include the lowering of the age for DOCCS Correction Officers to 18. We wholeheartedly oppose this for many reasons and have outlined these in an addendum to our testimony. Instead of hiring 18-year-olds and limiting their responsibilities, we propose the following as solutions to be explored:

- Raise the upper age above 36 (currently those over age 36 cannot apply to become COs). People can enlist in NY's National Guard up to age 41, and in NY's Naval Militia up to age 67.

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<sup>5</sup> According to [this research](#) only Massachusetts has a higher ratio of staff to incarcerated.

<sup>6</sup> See CANY's dashboard: <https://www.correctionalassociation.org/prison-map>

- Conduct a landscape and workforce analysis to strategically close and consolidate prisons, and determine the number and types of staffing needed. There are currently jobs assigned to correction officers that could be done by and may be a better skill-set fit for civilians, social workers, mental health counselors, and peers.
- Release more people who are ready to be released. DOCCS is now invoking CL73, which is a great first step, but this will actually only affect a small number of people (estimated around 300 per quarter). There are many other release levers that should be pulled now to safely release people including increasing parole release, medical parole, clemency and commutations, intensive discharge planning for everyone in DOCCS custody who is past their release date, and lifting the ban on violent convictions for work release eligibility.<sup>7</sup> There are other release mechanisms that are almost never used and could be explored as well, such as conditional release, educational release, industrial training leave, and community service leave. Regarding parole releases, in particular:

- [A recent study](#) specifically focused on NY State Board of Parole decisions using an algorithm that “looked at 91 variables to predict crime risk” that included “age, minimum and maximum sentence, prison type, race, time in prison, previous arrests and other criteria,” and concluded:

*“We conservatively estimate the board could have more than doubled the release rate without increasing the total or violent felony arrest rate. And they could have achieved these gains while simultaneously eliminating racial disparities in release rates.”<sup>8</sup>*

- Shift the culture, expectations, and some of the work hour rules to attract people to apply. Look to other correctional systems that have implemented policies to address this like the State of Maine Department of Corrections’ [personal cell phone use policy](#) (2022).
- To address a culture of violence, including extreme brutality against those incarcerated such as killed Robert Brooks and Messiah Nantwi, and also staff reporting feeling unsafe and needing more tools, bring in outside experts to assist in designing and operating proven violence prevention and drug treatment strategies. Implement positive incentives and rewards to incentivize desired behavior, and fully implement HALT.
- In 2011, Parole merged with corrections to form DOCCS. We hear very little about the parole supervision side of DOCCS. As of December 2024, there were 17,542 people actively on parole.<sup>9</sup> What are the caseloads of parole officers? Below I share some of

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<sup>7</sup> The exclusion of people with violent convictions as a regular practice must also be re-examined as type of conviction does not correlate to a measure of harm done. In reality this false-proxy of who is safe and who is dangerous keeps many people incarcerated, excluded from opportunities, and on parole for sometimes a lifetime, at very high taxpayer cost.

<sup>8</sup> See “Artificial Intelligence Could Aid in Evaluating Parole Decisions,” (2023) [HERE](#).

<sup>9</sup> See [DOCCS Fact Sheet](#).

what we are seeing on the ground as well as recommendations for transparency and monitoring of practice, including compliance with Executive Law 259(j) and greatly increasing the numbers of people who are safely let off parole.

### **What We See on the Ground**

When programs are up and running (as they were prior to the strike), Osborne is in 39 of the State's 42 prisons. We operate 19 Hospitality Centers, 5 Family Centers, and offer parenting, healthy relationships, connected couples programs, and fatherhood forum in 8 men's prisons, parenting in the largest women's prison (Albion), and discharge planning programs operating in 27 NYS prisons. Last year:

- Our **19** Hospitality Centers at prisons spanning nearly 300 miles across the state hosted **82,033** visitors.
  - This number is the sum of **65,021** adults and **17,012** children.
- Our **5** Family Centers within men's prisons hosted **1,008 unique adult and child** visitors.
- We conducted **523** video visits between children, other family members, and incarcerated people in DOCCS custody at 11 prisons, connecting from our 3 community sites in NYC, Newburgh, and Buffalo.
- Since launching ReentryWorks in late 2022, we have served 725 people returning to the five boroughs of NYC.

Since the end of the wildcat strike, we see varying levels of resumption of programs; every facility is different, and every day is different, which makes it hard to plan and implement programs. Two examples below show the varied state of programming:

- At Green Haven, we are planning our parenting graduation for mid-June as we received approval to move forward. You are welcome to attend.
- At Woodbourne (where many staff were striking), our programs are not yet running, our Family Center is not open, and our parenting graduations were canceled.

The lack of programming for months in some places is dire. While we have heard that merit time and parole boards are not counting unfinished programs against people (if they have not completed a program as the result of the strike), the lack of programming and interaction with outside providers affects overall morale, pursuit and completion of goals and transformation, and connection.

Regarding visiting, we are concerned that 7 day/ week visits have not been restored at the 13 maximum security facilities which together house 14,359 people.<sup>10</sup> With these prisons reduced from 7 days of visiting each week to 2, there are high numbers of visitors on weekends. This is a strain on Officers as well as visitors: more people denied visits; longer waits for visiting; and fewer visiting opportunities.

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<sup>10</sup> See [DOCCS Fact Sheet May 2025](#)

We are also concerned about the use of body scanners that abruptly went into effect on March 22. This was a request of striking officers and was granted to them. Our staff have received phone calls from visitors crying, who were turned away and accused of having drugs on them when they did not. If people refuse the body scanners, but are cleared in other ways, they are to be offered a non-contact visit, but this has limitations such as a maximum of 2 visitors. What are families - a mother and 3 children- supposed to do if only 2 people are allowed to visit, behind a glass partition? This needs to be monitored and staff need to be adequately trained in how to use the scanners. One uniformed DOCCS staff member shared with us, honestly, that they had been trained so long ago they forgot how to interpret what they see through the scanner. Another issue we are hearing about is women being denied visits because their sanitary napkins or tampons are interpreted as drugs.

Osborne has a lot of experience training Corrections Officers who interact with visitors, and creating trauma-informed tools for families affected by incarceration. We could assist DOCCS in creating materials for families, training for COs (not in the technical aspect of the scanners but in interacting with visitors and children). We also recommend DOCCS evaluate the speed and effectiveness of visitor processing with the new technology to optimize both security and visitor experience.

Visiting is such a critical lifeline. While there are Officers and DOCCS staff who support and believe in visiting, an unverified and often pervasive assumption is that visitors are a major source of contraband. This should be corrected; DOCCS should firmly assert and demonstrate in practice that maintaining relationships for those in its custody is a departmental value and priority. DOCCS' states:

*"The New York State Department of Corrections and Community Supervision (DOCCS) encourages visits by family and friends, which can be a positive influence during the time a person spends in prison and after their release. Research shows that incarcerated individuals who receive regular visits adjust much better once they are released from prison when the privilege is used to maintain positive relationships. DOCCS wants the visiting experience to be family friendly and positive."*

We applaud the Commissioner who has asserted on many occasions his belief in the importance and positive influence of visiting. This is a time to get back on track and ensure that visiting is happening and that visitors are supported to have a positive experience.

## **Safety and Accountability**

### *What creates safety?*

In addition to well trained officers, it is also programs, and connections to the outside. It is hope and motivation, role models, and positive incentives. It is receiving responsive and timely healthcare. These items do not necessarily require more Officers.

While the State budget allocated additional money for cameras and body-worn cameras, we urge you, the legislature, to closely monitor the status of the following:

- the installation and mandatory use of fixed and body worn cameras (see below)<sup>11</sup>;
- executive staff being present during the 3pm to 11pm and 11pm to 7am shifts;
- training on using the body scanners that is paired with data on their use, the number of visits denied, and the use of non-contact visits across all facilities.

We also recommend body worn cameras be worn and turned on when Officers are interacting with visitors.

Key to the safety of those incarcerated is a culture change and accountability. We urge a zero tolerance approach to:

- harm, harassment, retaliation, abuse, violence, and death of those incarcerated by correctional staff with swift consequences (that can include pay and pension being affected).
- Officers who don't turn on their camera, turn their camera upward, cover it with their shirt or hand, zip their jackets over their cameras, or otherwise intentionally obstruct the view of their body-worn camera; Officers who turn them on when they should not be for privacy reasons.

## Transparency

Transparency is needed in many areas, but I will focus on release mechanisms that are critical in this moment when DOCCS continues to cite a lack of adequate staffing as the reason programs and visits cannot be fully restored. My colleague Laura Roan, Vice President of In-Prison Services at Osborne, has pointed me to the criminologist Dr. Tony Fabelo and his bathtub analogy:<sup>12</sup>

The amount of water in a bathtub depends on the faucet and the drain. The numbers of people in prison are a function of how much water is running in, the water level, and whether the water is draining. DOCCS cannot control how much water comes in (although right now there are close to 1,000 people "stuck" on Rikers awaiting transfer into DOCCS), but they can control how long people stay (through the parole board and medical parole) and how many are released. This section focuses on transparency around release mechanisms, and urges increased use of all options available.

While CL73 is an important effort to release people, and we are working closely with DOCCS on this, in practice it is inequitable and fraught with unintended, troubling consequences. For example, people remain on an outcount and so are technically still in custody, which creates a host of very serious challenges. It also affects very few people. We urge DOCCS, the Governor, and the legislature to work to change the status and limits currently placed on people who would be released via CL73 so this mechanism becomes equitable and supportive. Though unintended, CL73 is currently inequitable for individuals without release housing and without

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<sup>11</sup> The installation and use of cameras should be closely monitored by an outside entity given the significant delays over the past 10 or more years in installing and using cameras as detailed in [this New York Focus article](#).

<sup>12</sup> See [this article](#) (2015).

well-resourced family support, and it is dangerous for those with medical conditions and no access to benefits.

With a focus on safely releasing as many people as possible, we urge the use of all release levers possible and examining data related to:

- Parole board releases: Provide parole board with their monthly release rates analyzed in different ways (race, age, gender, geographical, offense type, parole board hearing type)
- Community supervision:
  - Track and make public rates of people being discharged from parole supervision after 2-3 years, and reasons for keeping people on.
  - Track and monitor parole violations for minor technical infractions which are sending people back to Rikers for 10-30 days. This includes for “absconding,” which can mask a person missing their appointment to report to their parole officers for a variety of reasons, including having dementia and not knowing they need to report. If the underlying reason for the infraction is related to addiction, developmental disability, mental illness, cognitive challenge, or aging/dementia, it is not an effective or cost-effective solution to send someone to Rikers over and over and over again. A DOCCS 2024 report states:  
*“Technical Violation – Absconder cases made up the highest proportion of violation cases (51%) created between January 1 and December 31, 2023 (Table 15).”*<sup>13</sup> Given our recent work with people on parole who have been violated for “absconding” for the underlying issues mentioned above, we urge this category be unpacked and the underlying reasons examined and addressed.
  - Exec Law 259(j) requires discretionary review for everyone on parole, every 2-3 years. This means no one should be coming out of the gate with “lifetime parole” yet this is a common practice. We work with many individuals who tell us they are on “lifetime parole” as per their parole officer.
  - Examine current training and performance evaluation for parole officers in the community. We recommend training and refreshers on aging, dementia, developmental disability, mental illness, and substance use, as well as clarifying job duties. According to DOCCS, parole officers are charged with “assisting individuals in transitioning back to the community”<sup>14</sup> but we sometimes hear that people have been told to find their own programs and housing, including people with mental health or cognitive challenges.
- Clemency applications. In 2024, Governor Hochul granted 22 people clemency out of thousands of applications. As has been the pattern, she did so in December rather than reviewing and granting applications throughout the year. We urge an increase in utilization of this important release mechanism.

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<sup>13</sup> See [this DOCCS 2024 report](#).

<sup>14</sup> See [DOCCS website here](#).

- Medical parole eligibility and applications. In 2022 (the last year there is [DOCSS published data for](#)), DOCSS received 34 applications (slightly up from previous years), conducted 26 interviews and granted 21 releases, of which 15 of these individuals were actually released. Eight people applied who were not interviewed, and 6 people were granted release who were not released- did they die inside? Was a lack of housing the reason they could not be released? According to DOCSS, the most common reason for denying someone medical parole is the seriousness/nature of their offense- the one thing a person cannot change. With the criteria for medical parole being near death, we recommend closely looking at this so that more people can be safely released to die with their family/community around them.<sup>15</sup>

### **Legislation that Would Help Address the Crisis**

Finally, as of the date of this hearing, there is about one month left of this legislative session, and many legislative bills that can significantly address this prison crisis.

We urge the Senate and Assembly to pass the following bills:

**Fair and Timely Parole Bill** ([S159](#)/A127) requires the state to show that an individual poses a current and unreasonable risk of violating the law and a threat to public safety in order to deny parole release once they have reached their minimum sentence. The bill also requires the Board of Parole to consider all evidence of rehabilitation and, when determining unreasonable risk to public safety, to not solely and primarily rely on the seriousness of the crime, correcting the current injustice of prioritizing the nature of the original crime to determine release.

**Elder Parole Bill** ([S454](#)/A514) would allow individuals 55 years of age and older who have served 15 years or more a chance to go before the Board of Parole, even though they have not yet reached their minimum sentence or would not otherwise be parole eligible. At great expense to taxpayers and the state, approximately one in five incarcerated individuals is now aged 50 and older, representing a four-fold increase in the past 10 years. Incarcerating older people does not make us safer (as noted earlier, recidivism rates for those over 60 for new offenses are close to zero) and deprives their community of wisdom, contributions, and leadership.

**Protect In-Person Visits Bill** ([A4603](#)/ S5307) protects in-person visits at state and local correctional facilities, ensuring that in-person visiting is offered during accessible hours and that video conferencing cannot replace in-person visits, an alarming trend across the country that is encouraged by for-profit companies. The Senate passed this bill the past four years and we urge the legislature to pass it immediately. The bill is now in the Assembly Ways & Means Committee, and awaits a full floor vote in the Senate.

**Transitional Reentry Health** ([S614/A1008](#)) would require the state to develop a process to enroll all incarcerated individuals into Medicaid, and require all correctional facilities to provide individuals with information about enrollment. It also allows a 60-day presumptive enrollment window in the community post-release.

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<sup>15</sup> Reasons for denial can be found on page 8 of [this 2022 DOCSS report](#).

**Reentry Assistance Bill** ([S6222/A6990](#)) addresses the inadequate long-standing practice of providing people with \$40 “at the gate” upon release from prison. It establishes a reentry fund to provide stipends to individuals released from a New York State prison, setting them up for success by providing cash assistance. The first payment is provided by DOCCS at release, with subsequent payments distributed by community supervision agencies, up to a total of \$2,550 per person.

**Reentry from the Inside Out**- A3934/A3935 recognizes that “reentry begins inside,” prior to release from prison. The two bills that make up RIO are [A3934](#), which would establish a pilot program to provide access to a range of reentry services before and after release, and [A3935](#), which would require DOCCS to coordinate with social service agencies and non-profits to assist with benefits applications before release.

**Compassion and Reproductive Equity (CARE) Act** ([S4583/A4879](#)) promotes the well-being of babies by requiring correctional facilities to provide basic standards of pre- and postnatal care for incarcerated individuals who are pregnant. It institutes universal, science-based conditions in correctional facilities for bonding, promoting positive outcomes for babies who remain with their incarcerated parents during the critical bonding period of the first year of life.

We also urge passage of the bills in the **Communities Not Cages, Youth Justice and Opportunities Act**, and **Justice Roadmap** platform of essential bills.<sup>16</sup>

Finally, we urge New York to continue to pursue applying for the Federal Medicaid waiver for those incarcerated; this would cover certain needed services for up to 90 days prior to the individual’s expected release date. As per the [CMS Memo](#) (January 2024), “New York is working to align its request with the April 17, 2023 SMDL #23-003, entitled ‘Opportunities to Test Transition-Related Strategies to Support Community Reentry and Improve Care Transitions for Individuals Who Are Incarcerated.’” We hope NY continues to pursue this important route to access healthcare coverage for those incarcerated.

## **Conclusion**

Providers like Osborne and other critical stakeholders, are partners in arriving at a better place, one that supports correctional administrators, leaders, and their staff, as well as those inside and their children and families. We look forward to working with the legislature and DOCCS to identify solutions not just to facility-specific situations and day-to-day challenges, but with the big picture and the current context and opportunities in mind. There are deeper reasons why people don’t want to be correction officers that have to do with the system we currently have and how it treats people. A different approach is possible and now is the time to make some bold changes. This is not “us versus them,” but about all of our shared humanity and arriving at a system that addresses harm without inflicting more of it. Thank you.

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<sup>16</sup> Osborne’s full 2025 Policy Priorities are detailed [HERE](#).

## Addendum: 18 Year Old COs are Not the Answer

### Why Employing 18 Year Olds as COs is NOT a Solution:

- Brain research tells us that our brains are still developing until age 25; 18 year olds are still developmentally more impulsive, less focused on consequences and still developing their identities, and highly influenced by peers:

*"Emerging adults, like younger adolescents, are remarkably malleable. They are still developing impulse control, the ability to anticipate consequences of choices, and the ability to weigh risks and rewards, especially when they are under stress. Brain development during this period means that emerging adults have significant capacity to make positive changes but are also especially vulnerable to trauma."<sup>17</sup>*

Further,

*"Using driving simulation games, studies have found that the presence of peers significantly increased risk taking among adolescents and emerging adults, but not among adults in their 30s.<sup>18</sup> Similarly, while logical reasoning typically develops by around age 15, "hot cognition," which includes impulse control and emotional regulation in a stressful situation, continues to develop into the mid-20s.<sup>19</sup>*

- The Governor proposes that COs under age 21 would have limited responsibilities and would not interact with incarcerated people and not carry a firearm. Such positions sound like they do not need to be done by COs. Trained civilians could be hired to do these or other jobs, and a reassessment of the correctional workforce and duties should be done: what jobs are currently done by COs that don't need to be done by a CO?
- The current purported staffing crisis runs parallel (and intertwined with) the current prison environment / culture of violence crisis where staff violence and racism run rampant and are killing those incarcerated. As of 2021, DOCCS facility staff were reported to be 77% white and Central office staff and NYC administration were reported to be 81% white.<sup>20</sup> Racism within facilities and racially- disparate decision-making such as parole releases are well-documented.<sup>21</sup> Adding 18 year old officers who- unless significant efforts were made to shift this, would be majority white as well- to this racialized power structure will only worsen this crisis.

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<sup>17</sup> YJO Emerging Adult Briefing (2025)

<sup>18</sup> Chein, Jason et al. "Peers increase adolescent risk taking by enhancing activity in the brain's reward circuitry." *Developmental science* vol. 14,2 (2011)

<sup>19</sup> Barkin, Rachel. "[Hot and Cold Cognition: Understanding Emerging Adults' Cognitive Reasoning.](#)" Columbia Justice Lab (2021).

<sup>20</sup> See DOCCS report,

<https://doccs.ny.gov/system/files/documents/2022/04/diversity-equity-and-inclusion-five-year-strategic-plan-2021-2025.pdf>

<sup>21</sup> See Inspector General's report (2022):

<https://ig.ny.gov/system/files/documents/2022/12/oig-doccs-racial-disparities-report-12.1.22.pdf> and [Freedom Delayed, Justice Denied](#) (2024).

*"Young Black men aged 20 to 24 face an incarceration rate 8 times greater than for white men of the same age, while Latinx men in that age group face an incarceration rate 3 times higher than their white counterparts.<sup>22</sup> While racial disparity permeates the criminal legal system, it is more pronounced for emerging adults than any other age group in the adult system. One factor driving the disparity is that emerging adults are disproportionately criminalized. In New York young people aged 18 to 25 make up approximately 10% of the population but over 20% of arrests statewide.<sup>23</sup>"*

- Being a Corrections Officer, like being a police officer or fire fighter, requires training, life experience, and maturity. To start a career as a firefighter in NYS you must be at least 21, to become a police officer the age varies between 20 and 21. It is unfair to 18 year olds- whose brains are still developing and who by virtue of their age, have little professional and limited life experience- to make this job (which includes having power and responsibility over others' lives) available to them.
- While people can be enlisted at age 18, this is an outdated age. The Selective Service Act of 1917 conscripted men from age 21 to 31 into the US military. This was updated in 1940, but still had the minimum age at 21.<sup>24</sup> In 1941, during World War II, the age was lowered to 18 and extended to age 65. We now know that brains are still developing until age 25 and today, *"Studies [on emerging adulthood] find that this period is longer now than in previous generations: emerging adults today stay in school longer, rely more on their parents for financial support, and wait longer to marry and have children.<sup>25</sup>*

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<sup>22</sup> Ibid, citing E. Ann Carson, Prisoners in 2019 (Bureau of Justice Statistics, 2020), <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>

<sup>23</sup> Youth Represent and Children's Defense Fund of NY, [Expanding Youth Justice In New York](#) (2020).

<sup>24</sup> As per Wikipedia: "President Roosevelt's signing of the Selective Training and Service Act on September 16, 1940, began the first peacetime draft in the United States. The 1940 law instituted conscription in peacetime, requiring the registration of all men between 21 and 35."

<sup>25</sup> Richard J. Bonnie, et. al., eds. [Investing in the Health and Well-Being of Young Adults](#). Washington, DC: National Academies Press (2015).

## **Addendum: Osborne's Reentry Housing Models**

Osborne now has an array of reentry housing in NYC and soon, in Newburgh, ranging from transitional supportive housing to permanent supportive housing. Highlighted here are two of our innovative models: the first transforming a former prison into a reentry center and the second providing subsidies to families to welcome loved ones back home from incarceration.

### **Fulton Community Reentry Center: supportive transitional housing**

As you may know, Osborne successfully advocated to take ownership of the former Fulton prison in the Bronx with the plan of transforming it into a community and reentry center. We opened our doors last April 2024. Similar to the Fortune Society's Castle Gardens, Fulton is a 140-bed transitional housing facility for formerly incarcerated older men who have been away for many years, would otherwise be without housing, and will benefit from support to reacclimate to a changing, fast-paced, digital world. Fulton will offer an array of programming, as well as housing specialists to assist people in the daunting task of finding permanent housing.

### **Marcus Garvey Supportive Housing Program: permanent housing**

The Marcus Garvey Supportive Housing Program consists of 52 studio and one bedroom apartments designated for those over 50 returning from lengthy terms of incarceration (residents have served an average of 25 years of incarceration). This vibrant and welcoming community has brought relief to its residents in their quest to find a safe, supportive home and a place that recognizes their needs. This is especially meaningful for those who are transitioning after decades of inadequate and unaddressed health needs and a lack of digital and technological skills.

### **Kinship Reentry: investing in families**

The Kinship Reentry Housing Program addresses two intertwined challenges for people returning from incarceration: safe and stable housing, and reunification with loved ones in the community. Since 2016, 40% of people released from state prisons to NYC are discharged directly to shelters, amounting to an average of 3,500 people each year at a cost of \$138 per day, which comes to an annual cost of \$176 million. Many have families who are excited to welcome them home but may lack the financial resources to do so, or who may need support to navigate the reentry process.

To interrupt the cycle of homelessness and incarceration and divert people from the shelter system, Osborne has created an innovative model that supports families who welcome their formerly incarcerated loved ones into their homes after their release from prison. Based on the kinship foster care model that allows relatives who are fostering children to receive the same support that unrelated foster parents receive, Kinship Reentry addresses the underlying challenges that may discourage families from offering people coming home from prison a safe place to land.

Services for families include:

- \$500 monthly cash assistance for up to 12 months to help offset the financial costs of housing a formerly incarcerated family member;
- Case management and counseling to support families in the reunification process, delivered by credible messenger staff who draw from their own experiences welcoming a loved one home;
- Home visits and advocacy for families, including advocacy with landlords to address unsafe living conditions;
- Financial literacy education and financial planning for the end of the 12-month cash assistance program; and
- Service coordination with the formerly incarcerated person's reentry services provider.

Since launching Kinship in 2021, 235 families have fully enrolled and we have an 85% successful completion rate and close to zero recidivism. A total of 135 families have successfully completed the 12-month Kinship program; 75 are currently enrolled and active. A research team from Chapin Hall at the University of Chicago is evaluating Kinship Reentry for cost effectiveness and its impact on family outcomes.

To bring Kinship Reentry to Buffalo, the Erie County Sheriff's Office recently received a federal grant, for which Osborne is a subcontractor. We are excited about this but uncertain of the status of this funding in the current environment. We would also like to expand this cost-effective model in Western NY. Thus, **we are seeking \$325,000 to serve 25 families in Buffalo.** This is a nominal cost of \$13,000 per family (far less expensive than entering the shelter system) and produces positive results and successful reentry. This could be funded through the \$50 million allocated in the Governor's budget for anti-poverty initiatives in Buffalo, Rochester, and Syracuse.

While we know we need more affordable housing throughout the state, we cannot only build our way out of the housing crisis. We must create and support the ability of families to take in their loved ones when they come home. Kinship Reentry is a solution worth investing in, replicating, and taking to scale throughout the state.



# THE NEW YORK STATE PUBLIC EMPLOYEES FEDERATION TESTIMONY

Joint Legislative Hearing Senate Crime Victims, Crime and Correction and Assembly Standing Committee on Correction

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

May 14, 2025

Testimony by Wayne Spence, President

Good morning, Chairpersons Salazar and Dilan and other honorable members of the Legislature. My name is Wayne Spence and I am the President of the Public Employees Federation (PEF). I want to thank you for the opportunity to provide testimony on behalf of our 54,000 members about the safety of persons in custody, transparency, and accountability within state correctional facilities in New York State.

**I. Background of PEF Members at DOCCS:**

The NYS Public Employees Federation represents nearly 4,500 Department of Corrections and Community Supervision (DOCCS) members, including those who work within the prison health system, rehabilitative services, education, vocational training, drug treatment and many other titles that provide programs and services to incarcerated individuals. We also represent Parole Officers and Revocation Specialists, who work with the formerly incarcerated. These are all areas critical to help DOCCS fulfill its mission and provide needed services to those who are part of the criminal justice system.

PEF fully supports the effort to reduce the state's incarcerated population and to enhance security and safety for all incarcerated individuals and staff at DOCCS. To that end, we believe that the state must also do much more to meet its obligation to increase staff, enhance staff training and support and provide accessible state-operated support and services for both the incarcerated and formerly incarcerated population.

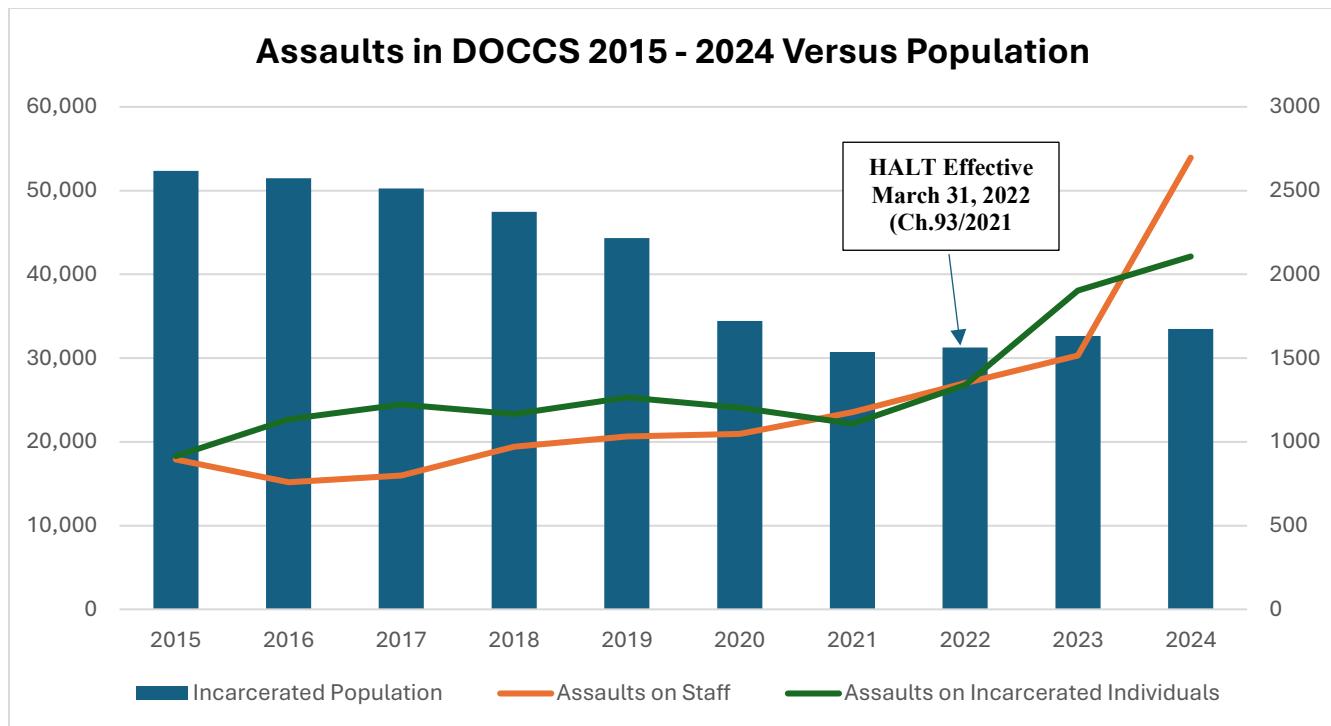
**II. Universal Pillars of Understanding Regarding Violence at DOCCS:**

- All New Yorkers support the humane treatment of all people in this state;
- It is absolutely unacceptable for any individual to come into harm's way while in the custody of or working for DOCCS;
- All incarcerated individuals and staff want to return home to their lives, families and their communities without injury or harm;
- Violence is violence regardless of who perpetrates such violence;

- All stakeholders should have a seat at the table, all stakeholders should be heard and all stakeholders have a responsibility to work toward common sense and common ground solutions to end the cycle of violence in the state's DOCCS facilities.

### III. Understanding the Problem:

- A. **Assaults of Incarcerated Individuals and Staff Are Increasing:** Data released by DOCCS indicates that assaults and injuries against incarcerated individuals and staff are up significantly since the enactment of the “Humane Alternatives to Long-Term” (“HALT”) Solitary Confinement Act was enacted in 2021. Assaults against incarcerated individuals are up 57% and assaults against staff are up 99% from 2020 to 2024.



#### Increase in Assaults in NY Correctional Facilities 2020-2024

	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>Total Population</b>	52,344	51,466	50,271	47,459	44,334	34,446	30,746	31,269	32,633	33,465
<b>Assaults on Staff</b>	895	759	799	972	1,033	1,047	1,177	1,351	1,516	2,697
<b>Assaults on IIs</b>	915	1,135	1,224	1,165	1,265	1,205	1,108	1,340	1,904	2,107

(Source: DOCCS Monthly Fact Sheets, December 1, 2015 – December 1, 2024<sup>1</sup>)

<sup>1</sup> See also, <https://docts.ny.gov/research-and-reports>

The increase in assaults and injuries at DOCCS is also reflected in the “Annual Report of NYS Government Employees’ Workers’ Compensation Claims” from 2023-2024, which clearly indicates the differentiation of DOCCS versus other agencies and our collective need to find solutions to enhance security for all.

#### 2023-2024 Workers’ Compensation Claims at DOCCS

	Incidents	Lost Days	Workers Comp Costs	Medical Costs	Total WC Costs
DOCCS Vs.	6,949	109,831	\$9,055,748	\$12,275,339	\$21,331,087
Total all Agencies	14,993	303805	\$36,055,739	\$29,483,347	\$65,539,086
% of DOCCS Claims	46.3%	36.2%	25.1%	41.6%	32.5%

(Source: NYS Department of Civil Service “Annual Report of NYS Government Employees’ Workers’ Compensation Claims;” [Annual Report of NYS Government Employees’ Workers’ Compensation Claims 2023-2024](#))

#### B. Staffing Issues Persist at DOCCS:

DOCCS cannot deliver quality and effective services or maintain appropriate security protocols to protect incarcerated individuals and staff without adequate staffing. The state has rightly begun to address its long-standing staffing issues by reducing arbitrary barriers to hiring practices and improving compensation and benefits for employees, but even more needs to be done to support DOCCS and other state agencies supporting at-risk New Yorkers.

#### Staffing Levels at DOCCS

Select Agencies	Staffing 2013-23					Gov. Hochul Staffing 2021-23			Overtime Cost 2023	
	Year	2013 vs. 2023		2013 vs. 2023		2021 vs. 2023		2021 vs. 2023		
		2013	2021	2022	2023	Difference	Percentage	Difference	Percentage	
DOCCS	30,162	26,845	25,202	23,911	-6,251	-20.7%	-2,934	-10.9%	\$353M	

(Source: *NYS New York State Agency Use of Overtime and State Workforce Trends, 2013 – 2023*, Office of the State Comptroller, May 2023)

The continued loss of staff has equated to an explosion in overtime costs and decreases in safety and security. Even before the “wildcat strike,” the state continued to pay significantly more in personnel costs to provide a minimal baseline of security, oversight and programming.

The reliance on mandatory and other overtime to cover shifts, to deliver services and to monitor incarcerated individuals is not a cost-effective method to support the needs of this population.

**Total Hours Overtime Worked  
2020-2023**

<b>Agency</b>	<b>OT Hours 2021</b>	<b>OT Hours 2022</b>	<b>OT Hours 2023</b>	<b>OT Difference 2021 vs. 2023</b>	<b>% Increase</b>
DOCCS	4,525,292	5,290,451	6,160,437	1,635,145	26.5%

(Source: *NYS New York State Agency Use of Overtime and State Workforce Trends, 2013 – 2023*, Office of the State Comptroller, June 2024)

**V. Policy Solutions in Motion:**

PEF appreciates the efforts of policymakers to address violence in the state's correctional facilities on the heels of the murder of Robert Brooks, which was captured on body-worn cameras at Marcy Correctional Facility, and in the wake of the recent death of Messiah Nantwi at Mid-State Correctional Facility. To enhance transparency and accountability, the Governor has proposed increasing DOCCS' budget by adding \$400 million for acceleration and continued installation of fixed cameras in all facilities, \$18.4 million for the expansion of the body-worn camera program and \$7.2 million to expand and restructure the Office of Special Investigations (OSI).

Additionally, the Governor also proposed the following policies which were included in the final 2025 State Budget.

- A. Expanded use of body cameras, including use by certain civilian staff;
- B. The expedited closure of up to three more prisons with 90 days' notice; and
- C. Expanded oversight and latitude available to the State Commission on Corrections.

**VI. Additional Policy Prescriptions That Require Additional Consideration:**

**A. Rebuild DOCCS Professional Workforce:**

One area that was not addressed in the state budget was how to deal with the staffing crisis at every level of DOCCS. Policymakers repeatedly indicate that New York wants to transform

its correctional system to provide more therapy and support, but resources dedicated to those purposes continue to be elusive.

By most estimates, about 40% of the incarcerated population have mental health issues, addiction problems, and/or learning or behavioral disabilities. Yet, the state does not have adequate staffing to provide even a base level of security, let alone treatment and support. The state needs to invest in staffing and professionalize the staff at DOCCS. To that end, PEF recommends the following:

1. Increasing Compensation for Staff: The state just increased compensation for corrections officers and should do the same for the civilian staff so the state can attract and retain quality candidates and so quality candidates from across the state actively seek employment at DOCCS. These are difficult jobs that require significant training and re-training. Simply opening up the candidate pool to younger, less experienced individuals as staff simply doubles down on the current system that undercuts the need for educational experience and maturity to provide effective rehabilitation and treatment;
  2. Expand Educational Requirements for Staff: Increase the academic and other qualifications for corrections officers so the state is attracting quality candidates for these important roles;
  3. Professional Development: Expand training and professional development opportunities and requirements so staff can deal with behavioral and other issues, training on de-escalation techniques, and requirements for periodic re-training so staff can stay current; and
  4. Mental Health Support: Develop professional mental health support networks for corrections officers and staff and de-stigmatize such support by making it a regular and normal requirement of employment.
- B. Expand Access to Protective Custody: The HALT Act restricted the use of segregated housing units for protective custody. PEF supports allowing facilities to use segregated housing units for protective custody, if needed. The state needs to develop a fair process for placement and such placement could not extend beyond a certain point without extenuating circumstances. Allowing incarcerated individuals to access this type of safe space enhances the security of the individual, while also mitigating any need to commit an assault or other offense to be remanded to segregated housing under the current law (Correction Law, Section 136 (6)(k)).

C. **Personalized Treatment and Sanctions for Repeat Offenders:** The HALT Act required “therapeutic programming” for incarcerated individuals who committed certain dangerous violations (Correction Law, Section 137 (6) (k)(ii)). However, under current law, there are limited sanctions available for incarcerated individuals who repeatedly violate those provisions. In order to establish the need for personalized mental health treatment and to remediate behaviors through progressive discipline for incarcerated individuals who commit two or more dangerous violations in a 12-month period, PEF supports the following course of action:

1. **Personalized Mental Health Treatment for Repeat Offenders:** PEF proposes altering the current recreation requirements of two hours of treatment and two hours of recreation time for incarcerated individuals remanded to segregated housing for violations of Correction Law, Section 137 (k)(ii) to three hours of personalized treatment per day with a mental health specialist, with an additional hour of recreation time;
2. **Restraints Required for Repeat Offenders:** Currently the use of restraints is optional for a single violation. PEF proposes requiring restraints required for incarcerated individuals who commit two or more violations of Correction Law, Section 137 (k)(ii) in a 12-month period. Such restraints would be removed after the completion of the individual’s six-day stay in segregated confinement;
3. **Expanded Segregated Confinement for Repeat Offenders:** PEF supports requiring segregated confinement for a mandatory duration of six days for two or more violations of Correction Law, Section 137 (k)(ii) in a 12-month period; and
4. **Expand the Offenses in Correction Law, Section 137 (k)(ii):** PEF supports expanding the list of offenses in Correction Law, Section 137 (k)(ii) to include other actions that harm other incarcerated individuals and/or staff, including:
  - (a) Possession or use of fentanyl or any fentanyl analog or any other narcotic or poison that can harm others if intentionally or accidentally exposed;
  - (b) Engaging in unhygienic acts, including causing or attempting to cause a person to come into contact with blood, seminal fluid, urine, feces, or the contents of a toilet bowl, by throwing, tossing or expelling such fluid or material (Current Penal Law Section 240.32); or
  - (c) Engaging in lewd behavior in front of staff or other incarcerated individuals, including intentionally exposing the private or intimate parts of a person’s body in a lewd

manner or committing any other lewd act in which such person may readily be observed with intent that such person be so observed (Current Penal Law Section 245.00).

- D. **Expanded Treatment:** PEF supports programming to address the mental health, behavioral, addiction and other issues experienced by the incarcerated population to reduce violence and provide for a more successful re-integration upon release. This will break down barriers between staff and the incarcerated population and provide a menu of more effective violence remediation strategies based on the individual's condition(s).
- E. **Merit Time:** PEF support the recent expansion of the merit time program. Merit time programs foster understanding on appropriate conduct and help shape positive behaviors. All merit time programs, however, must have actual benchmarks and demonstrate success. Providing merit time based on time already served, without identifiable and achievable benchmarks to demonstrate positive individual change or achievement, undermines the judicial system and entire merit time concept. Additionally, when expanding these types of programs, the state cannot ignore the fact that parolees who are released through merit time or other early release programs, are still serving the sentences for their original convictions. As such, appropriate staffing is also needed in Community Supervision so there is appropriate oversight and parole officers can continue to support the parolee and build on the positive momentum established with the merit time release.

Thank you for the opportunity to provide testimony on this important matter.

Respectfully submitted,

Wayne Spence  
President, New York State Public Employees Federation



# Commission of Correction

**KATHY HOCHUL**

Governor

**ALLEN RILEY**

Chairman

**YOLANDA CANTY**

Commissioner

**ELIZABETH GAYNES**

Commissioner

May 13, 2025

Hon. Julia Salazar  
Chair, Senate Committee on Crime Victims, Crime & Correction  
172 State Street  
State Capitol Building, Room 514  
Albany, New York 12247

Hon. Erik Dilan  
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***Written testimony submitted by Allen Riley, Chair, New York State Commission of Correction, to the Senate Standing Committee on Crime Victims, Crime & Correction and the Assembly Standing Committee on Correction:***

The New York State Commission of Correction (Commission) is an independent Executive agency providing correctional oversight, regulatory, investigatory, and technical services for all correctional facilities in New York. The Commission's organization, functions, authority, and duties are set forth in Article 3 of the New York State Correction Law. The Commission's jurisdiction extends to every correctional facility throughout the state, including facilities of the Department of Corrections and Community Supervision (DOCCS), county jails and penitentiaries, the New York City Department of Correction, specialized secure juvenile detention facilities for older youth (SSDs), secure juvenile facilities of the Office of Children and Family Services (OCFS), and every municipal and county police lockup and court detention facility. The Commission advises the Governor on correctional policy; promulgates and enforces standards and regulations for correctional facility management and operations; monitors, adjusts, and enhances prison and jail procedures and capacity; oversees new correctional facility development; and assists in facility and technology development. The Commission's mission is to provide for a safe, stable and humane correctional system by ensuring the delivery of essential services.

To this end, the Commission's yearly agency operations for local correctional facilities currently consist of:

- An on-site inspection and evaluation of each county jail and New York City Department of Correction facility to ensure compliance with Commission regulations and applicable state statutes.
- The daily monitoring of county incarcerated populations and facility capacity. The Commission employs its statutory authority to set facility capacity limits and effectuate the legal transfer of incarcerated individuals from crowded facilities to those with available capacity.
- The provision of technical planning, capital project development and construction plan review services for the development of new correctional facilities and the improvement, rehabilitation and renovation of existing structures.
- The on-site inspection and evaluation of each county jail and New York City Department of Correction facility to ensure compliance with the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act and the publication of an annual report detailing its findings.
- The determination and enforcement of minimum facility staffing levels for each county jail to provide for adequate incarcerated individual supervision and for staff and public safety.
- In conjunction with its Medical Review Board (MRB), the investigation, review and reporting of every incarcerated individual mortality, the investigation and review of systems for the delivery of incarcerated health services, and the operation of a statewide incarcerated suicide prevention program in conjunction with the Office of Mental Health (OMH).
- The on-site inspection and evaluation of each county jail and New York City Department of Correction facility to ensure compliance with statutory and regulatory requirements for the provision of medication assisted treatment (MAT) to incarcerated individuals, and the publication of an annual report detailing its findings.
- Participation in the state's juvenile justice system, including the oversight and regulation of juvenile secure facilities operated by the Office of Children and Family Services (OCFS), and federally required on-site inspection and monitoring of adult jails, lockups and juvenile detention facilities to ensure compliance with the requirements of the Juvenile Justice Delinquency Prevention Act (JJDPA).
- In conjunction with its Citizen's Policy and Complaint Review Council, the review, deliberation and determination of 4,000 county jail and penitentiary incarcerated grievance appeals.
- The review and appropriate inquiry of approximately 30,000 reports of significant correctional facility incidents and events. Incidents of particular significance or concern are further investigated.
- The review, response and necessary investigation of approximately 600 written letters of complaint from incarcerated individuals, their families and other representatives.

As set forth above, the Commission undertakes extensive oversight efforts for local correctional facilities. However, with respect to state facilities, currently, the Commission's oversight activity is limited to the MRB investigation of every incarcerated death, the review and approval of plans and specifications for facility construction and renovation, and the receipt, review, and appropriate treatment of approximately 1,000 written letters of complaint from incarcerated individuals, their families, and other representatives.

This has been the case since the Commission incurred significant personnel reductions in the mid-1990s, which reduced the staff to levels below that which is necessary to conduct

regular visits and evaluations of Department of Corrections and Community Supervision (DOCCS) and provide oversight services comparable to those provided to local correctional facilities. In the mid-2000s, after the State comptroller issued a report criticizing the Commission for not evaluating DOCCS facilities, the legislature amended Correction Law §45(3) in 2009 to clarify that the Commission's visitation and inspection of correctional facilities did not need to cover every correctional facility in the state annually, but rather must be on a schedule that considers available resources, workload, and staffing.

Recent events, including tragic incidents, have underscored the urgent need for enhanced oversight of DOCCS facilities. Given the Commission's constitutional mandate, its experience regulating, assessing, and monitoring correctional facilities, and the existing statutory authority allowing for unlimited access to DOCCS facilities and records, Governor Hochul recognized that the Commission is the appropriate agency to provide such oversight. To reinforce and assist the Commission's duty and ability to provide sufficient oversight through regular site visits and evaluations of DOCCS facilities, the Governor has ensured the FY 2026 Enacted Budget includes the necessary funding and statutory changes for the Commission to annually visit, inspect, and appraise each DOCCS facility and establish a webpage that allows for the electronic submission of complaints regarding any correctional facility. Through the agreement with the legislature, these provisions are in the FY2026 enacted budget and the Commission will be able to leverage these new resources as soon as they become available.

Thank you for the opportunity to provide written testimony on this important topic. As the State's specialized correction oversight agency, the Commission remains dedicated to improving the safety of individuals incarcerated throughout the state and local correctional facilities across New York. With the anticipated appropriations and legislation provided in the budget, I am confident that the Commission will have the necessary resources to augment its oversight operations to include facilities operated by the Department of Corrections and Community Supervision, furthering the Commission's mission to provide for a safe, stable, and humane correctional system in New York State.



May 14, 2025

Senator Julia Salazar  
Chair, Committee on Crime Victims, Crime & Correction

Assemblymember Erik Dilan  
Chair, Committee on Correction

### **Written Testimony by FWD.us**

#### **Joint Public Hearing: Safety of Persons in Custody, Transparency, and Accountability within State Correctional Facilities**

#### **Introduction**

This is a moment of crisis for New York prisons. The tragic deaths of Robert Brooks and Messiah Nantwi, combined with an unsanctioned strike by corrections officers at dozens of New York Department of Corrections and Community Supervision (DOCCS) facilities, make clear that we need solutions for our prison system that advance safety, dignity, and hope for incarcerated people and correctional staff alike.

By expanding time credit incentive programs for following facility rules (good time) and for participating in programming while incarcerated (merit time) in New York prisons, the [Earned Time Act, S342 \(Cooney\) / A1085 \(Kelles\)](#) will:

- Make incarcerated people, corrections officers, and staff working in New York prisons safer;
- Reduce recidivism; and
- Save New York taxpayers millions of dollars.

Critically, it will also reduce the staff-to-incarcerated-person ratio in DOCCS facilities.

New York lags far behind states like Oklahoma and Alabama in providing good time credit incentives, and over 73% of people in New York's prisons cannot access merit time at all. The Earned Time Act is a commonsense reform and a constructive response to the current crisis in our prisons.

## **Strengthening Earned Time Will Help Keep Corrections Staff Safe by Decreasing Staff-to-Incarcerated-Person Ratios and Reducing Misconduct and Violence in Prisons**

The Earned Time Act will safely reduce the prison population and help make prisons safer for staff and incarcerated people through data-driven solutions that can help bring down violence in prisons. Indeed, studies consistently show that when jurisdictions have limited opportunities for earned time credits, misconduct in prisons—including serious misconduct—increases:<sup>1</sup>

- In **Florida**, new sentencing laws reducing time credits for good behavior led to a significant increase in misconduct: people sentenced under the new law were 91.1% more likely to commit an infraction and 56.3% more likely to commit what was defined as a violent infraction.<sup>2</sup>
- In **North Carolina**, when a new system significantly reduced good time, there was a nearly 20% *increase* in disciplinary conviction rates among people sentenced under the new policy.<sup>3</sup>

Increasing incentive programs in New York prisons is essential to keeping people safe.

## **The Earned Time Act Will Help Reduce Recidivism**

DOCCS' own research shows that between 1997 and 2006, even with the broad exclusions and limits on the time that can be earned under the current merit time program, people receiving merit time releases had recidivism rates that were seven percentage points lower within one year of release and eight percentage points lower within two and three years of release compared to all other released individuals.<sup>4</sup> Multiple studies from across the country have reached similar conclusions:

- A study in **Washington** found that an increase in the earned time credit allowance to 50% of a person's sentence led to a 3.5% decrease in the felony recidivism rate among people released under the new law.<sup>5</sup>
- One comprehensive study found that earned time incentive programs have helped reduce recidivism in multiple states: **Kansas's incentive program** saw a 35% decrease

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<sup>1</sup> William D. Bales and Courtenay H. Miller, *The Impact of Determinate Sentencing on Prisoner Misconduct*, J. of Crim. J., June 2012, available at <https://www.sciencedirect.com/science/article/abs/pii/S0047235212000839>.

<sup>2</sup> *Id.*

<sup>3</sup> John M. Memory, et al., *Comparing Disciplinary Infraction Rates of North Carolina Fair Sentencing and Structured Sentencing Inmates: A Natural Experiment*, Prison Journal, March 1999, available at <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=177b0be59ecc5dc124da5a1e38ecd72c3ba78595>.

<sup>4</sup> NY Department of Correctional Services, *Merit Time Program Summary October 1997 - December 2006*, August 2007, available at [https://doccs.ny.gov/system/files/documents/2019/09/Merit\\_Time\\_Through\\_2006.pdf](https://doccs.ny.gov/system/files/documents/2019/09/Merit_Time_Through_2006.pdf).

<sup>5</sup> E.K. Drake, R. Barnoski, and S. Aos, Washington State Institute for Public Policy, *Increased Earned Release From Prison: Impacts of a 2003 Law on Recidivism and Crime Costs, Revised*, 2009, available at [https://www.wsipp.wa.gov/ReportFile/1039/Wsipp\\_Increased-Earned-Release-From-Prison-Impacts-of-a-2003-Law-on-Recidivism-and-Crime-Costs-Revised\\_Full-Report.pdf](https://www.wsipp.wa.gov/ReportFile/1039/Wsipp_Increased-Earned-Release-From-Prison-Impacts-of-a-2003-Law-on-Recidivism-and-Crime-Costs-Revised_Full-Report.pdf).

in new crimes committed by people who completed the program and a 45% decrease in parole revocations; **Minnesota's incentive structure** resulted in participants being 17% less likely to go back to prison and nearly twice as likely to find work after being released; in **Pennsylvania**, the recidivism rate of participants who completed their incentive program was 17% lower; and in **Maryland**, the recidivism rate was reduced by about a third.<sup>6</sup>

Providing the necessary educational and vocational programming for incarcerated people is a central component of setting people up for a successful return to their communities.

### **Expanding Earned Time Will Save Taxpayer Dollars**

Expanding earned time credits is also a proven way to save the State millions of dollars every year, without compromising public safety. According to DOCCS' own analysis, even with its limitations, New York's current merit time program saved taxpayers an estimated \$384 million in under 10 years, from 1997 to 2006.<sup>7</sup> As a DOCCS official testified in February 2023: "I can tell you, we've saved billions of dollars in prison cost avoidance with programs like SHOCK incarceration, Merit Time, and Limited Credit Time."<sup>8</sup>

Across the country, earned time laws reduce incarceration and lower prison-related costs. States such as Oregon,<sup>9</sup> Minnesota,<sup>10</sup> and Washington<sup>11</sup> have seen millions of dollars in savings. New York currently pays nearly \$115,000 per person in prison per year.<sup>12</sup> Expanding earned time credits will undoubtedly save additional millions of taxpayer dollars every year, while still prioritizing public safety.

The Earned Time Act expands eligibility for merit time and increases both good time and merit time, which will save New York taxpayers millions of dollars, make prisons safer, and reduce recidivism. New York policymakers should prioritize passing the Earned Time Act in the 2025 session.

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<sup>6</sup> Gary Mohr and Gary Maynard, Alliance for Safety and Justice, *The Case for Productivity Credits in Michigan*, 8-9, 2021, available at <https://allianceforsafetyandjustice.org/wp-content/uploads/2021/04/ProductivityCreditsBrief.April2021.pdf>.

<sup>7</sup> NY Department of Correctional Services, *supra* note 4.

<sup>8</sup> Anthony Annucci, Acting DOCCS Commissioner, *Public Protection - New York State Budget Public Hearing*, February 7, 2023, available at <https://www.youtube.com/watch?v=iJBkSHQVCzo>.

<sup>9</sup> Oregon's good time credit system led to an average of about 80 fewer days in prison, and savings of at least \$25 million to the state. National Conference of State Legislatures, *Principles of Effective State Sentencing and Corrections Policy*, August 2011, available at <https://www.ncsl.org/civil-and-criminal-justice/principles-of-effective-state-sentencing-and-corrections-policy>.

<sup>10</sup> A study of Minnesota's incentive structures for work and employment in prison (called "productivity credits") found that the program saved the state \$1.25 million. Mohr, et al., *supra* note 6.

<sup>11</sup> A Washington State law that increased the allowance of earned time credit to 50% of an individual's sentence generated an estimated \$15,359 per person in benefits to the state through reduced recidivism, prison cost avoidance, and increased labor market earnings. Drake, et al., *supra* note 5.

<sup>12</sup> Jullian Harris-Calvin, et al., Vera Institute of Justice, *The Cost of Incarceration in New York State*, October 2022, available at <https://www.vera.org/the-cost-of-incarceration-in-new-york-state>.



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The following quotes and narratives have been pulled from letters received by our office between February – April 2025 from individuals incarcerated at facilities across New York State. These quotes, which reflect only a fraction of the stories we've recently received regarding violence in NYS prisons, detail instances of abuse, retaliation, medical neglect, sexual assault, denial of resources, weaponization of disciplinary tickets, and widespread harassment and violence at the hands of corrections staff.

All identifying details have been removed to protect the identity of those reporting the abuse.

“When I asked for OMH [Office of Mental Health], they put me in MHU [Mental Health Unit] for 7 days where I passed out twice. It is very hot. I told the CO I did not feel good and they did not care. I had to cry for toilet tissue. This place needs to be investigated. We are being treated like animals.”

“I was threatened by an officer in the yard to be ‘fucked up and sprayed’ for asking to go back up to my unit and grab my coat.... I was scared to ask to use the bathroom.... I have severe PTSD and I started to panic... One wrong move could screw up my Alternative Shock program and I wouldn’t be going home [this year].”

“Officers were doing a cell search on the unit; when [an individual] bent down to pick up the trash they were throwing out her cell, [an officer] punched her twice in the face knocking her out almost. They then held her hands down putting her in a chokehold til she couldn’t breathe and started to seize. The CO hit her so hard you could hear it in the rec room. She was not resisting in any way but stunned from what just happened to her.”

“None of us is safe. We have had everything taken from us class-wise, program-wise... we need help.”

“A few COs assaulted a prisoner, and they sprayed four canisters in the air. This had all of us coughing uncontrollable, with our throats burning as we battled just to breathe. It’s obvious that many of the staff that have returned back to work [after the strike] have a negative attitude and are extremely angry.”

“The force I’ve seen the National Guard take on women 7-to-1 is not cool. They have special training none of us could predict. Some are cool, others talk to us very badly like some COs here. Degrading us on many levels.”

“I was sucker punched and slammed on my neck. [The CO] repeatedly banged my neck against the tiled floor numerous times which resulted in me having a seizure.” (For putting a pillow back in their cell during a search.)

“Incarcerated individuals are dying because they do not take medical needs seriously.”

"I am scared for my safety every day. COs here are unpredictable with their actions."

"[Pepper] spray entered my cell and I was denied medical attention. I could not breathe. I had to put my face in a dirty toilet for air."

"A nurse wore a gray hooded sweatshirt inscribed in the front and back with the following statements: 'I stand with correctional officers' on front and 'I am NYSDOCCS' on back. Such a message is disturbing as it comes during the time of the Robert Brooks homicide... For a nurse to wear attire with such a message is actually scary... us incarcerated individuals expect nothing less than neutrality. We should not have to be put in a position where we are made to feel skeptical or cynical as to whether we are able or willing to trust the nurse and/or other medical staff."

In 2024, "staff attempted to murder me. It's on camera. They knocked me unconscious, beat my head while I was unconscious. My hands and feet still have loss of sensation because while i was unconscious they cuffed and shackled me so tight that my nerves were damaged. They never got me no medical to this day."

"I have tried to fight back. In return I have been raped, beaten, starved and deprived medical and mental help... I have many times dodged hits set up by corrections officers, been fed food I'm highly allergic to, starved, other inmates paid to hurt me. I'm going to be killed eventually."

"I was beat up, almost killed, by 3 COs, another stood in the doorway and sgt let it happen. I wrote a grievance. One of the COs threw it away. The CO called me a nigga, put water in my food tray, pushed it in the slot, called in a hang up [suicide]."

"I've been on the waiting list for ASAT and ART for 13 years."

"While I was in RRU they wouldn't give me toilet paper for over a week. I had to rip up my sheets and socks and use that instead."

"I've been in solitary for 51 days. I have been denied hygiene – soap, toothpaste."

There are COs "that are prejudiced and racist and just hate inmates and hate being here. You can see it in their face, and then they deliberately start [to] mess with us and they say that we are assaulting staff when in fact they start messes and then say we are assaulting them."

"There is an old chinese man, he's been here since dust was made... he started fussing with a lady CO about his meds [and] they beat the shit out of him. Gave him a black eye and limping the next day."

"Another kid, they smashed his face into the wall, breaking his teeth. Other inmates told him, don't say anything [about the beating] or you won't make it out of here."

"I saw COs and a sergeant beat a inmate until the inmate begged for his life just because a lady CO told him to lock in but he forgot his watch in the shower and went to get it."

"The only ones who is making their work an unsafe environment is the executive team and the corrections officers... they have been antagonizing the prison population for years. That is why they do not want the bill [giving CANY access without advance notice] to become law."

"COs ran in an I/I's cell, sprayed him with 4-5 big cans of MK-9 and commenced to whip and beat him with their batons. Meanwhile all windows was closed, whereas the entire block was choking on the effects of the chemical agent called MK-9, which is only allowed to be used in the outdoors on bears in the wild."

Individual received a total of 90 days SHU. Spent 78 days in SHU before tier 3 disciplinary ticket was reversed on appeal. "During my time in solitary confinement I have experienced cruel and unusual punishment, mental anguish, medical neglect, pain and suffering."

While the facility was on lockdown, "COs were searching the entire facility for an 'unknown substance,' and that led them believing I had something on me. I was sent to the infirmary on contraband watch. I had to be in a cell locked in with the lights on. I had to use the bathroom in front of them either in a water jug to piss in or a bucket to #2, [so that] the officers could see if any contraband was in my body. I felt humiliated and degraded to the lowest level. I was experiencing that for a total of 11 days. They did not allow me to shower through that entire process. They finally brought me back to my original cell location without any contraband being found."

"I fear for my life every day that I'm incarcerated that I won't make it home to my children who are 7, 6, 5 and 4 years of age. My ribs are popping when I breathe, move, stand up, lay down or even sit down. I keep requesting x-rays of them. [I'm also unable] to close my jaw all the way due to excruciating pain on the right side of it."

Individual slipped and fell in cell. Medical did not believe he was in pain until 6-9 months later the pain had progressed to the point that he lost all feeling below the knee in one leg. Had to hold a lighter up to his foot in front of medical staff to prove that he had lost feeling. When finally x-rayed, discovered that 2 vertebrae had been so dislodged by fall they were "floating," causing severe back pain, permanent loss of sensation in one leg below the knee, and requiring longterm physical therapy.

"[This facility] doesn't have a protective custody wing so they place anyone in it in the RRU/box [as Involuntary Protective Custody]. I do not get all the things I am entitled to there like rec and programs. When they do have programs [once in two weeks], I'm restrained to the chair, table wing ankle restraints."

"Grievances are backed up by [a backlog of] almost 345 [grievances,] so none of our grievances are being acknowledged."

"Medical staff [give] inmates' private health info to officers, making fun of inmates or using it against them."

:"Left in a bullpen while suicidal... 29 hours without eating, all types of things [around] to harm myself."

"I entered prison HIV positive. That information was immediately shared with my peers by officers and I knew I had to toughen up to protect myself against how I'd be targeted. There's a lot of stigma around HIV here and officers know that."

Officer forced individual into strip search rather than body scanner (when scanner was available) after regular visit with family, and looked at him luridly while laughing and requesting him to bend over further, twice. Individual had experienced sexual violence as child and filmed strip search experience triggered severe PTSD.

"Officers walk around with no bodycam and cover up their name tags so you can't write them up...one officer told me to suck his dick and threatened that I would not eat or receive a tablet for the day. I wrote the superintendent 3 times with no response."

"My nightmare started when I was assaulted and almost killed by certain corrupt officers. For the beatings I took I received a misbehavior report for assault on staff and spent time in SHU."

Experiencing a lot of harassment from staff, including frequent searches, pushing up against the wall, and blaming for things he wasn't present for/didn't do. Concerned that guards are turning off their body cams before interacting with him.

"On the last day of February 2025 an inmate here was beaten repeatedly and had fingers pulled out of socket, head busted, and something happened to his ankles. Then he was put in the box."

Severe beating by CO for smoking, kicked and punched all over, causing him to urinate blood. Lives in fear of retaliation by COs who continue to make threatening verbal comments after speaking with OSI about the beating. Has not had the proper medical tests run to assess the extent of damage.

"The officer told all the inmates that I am a transgender female and to beat me up and stab me to get me out the housing unit, and the sergeant ain't gonna write nobody a ticket. I was jumped and stabbed in my head. One officer swung on me and then they started beating me up. I was handcuffed and multiple officers beat me almost to death and then an officer cut me under my left eye."

"The officers set inmates up with weapons, jump on them and then claim they were assaulted."

Medical neglect: Individual visited medical four times with stomach pains – told first it was constipation, next a pulled abdominal muscle, then nothing (after a sonogram), then finally informed they have a hernia. Saw a doctor and was told they should have surgery on it within 6 weeks. That was 6 months ago – they've heard nothing in that time while the pain increases, causing hip pain and difficulty using the bathroom.

Medical neglect: individual has stage four cancer and is being denied all the medications recommended by the oncology and pain management staff. Has requested mental health medication and was told "that I would not be the first person with stage four cancer having depression and anxiety, that I can deal with it on my own."

Medical Neglect: Following surgery on ACL, "I have not been instructed how to change the angle of the brace, I have not been put in physical therapy, and after a month in the infirmary with no help from the doctors, I removed my stitches myself."

