

KATAL

CENTER FOR EQUITY, HEALTH, & JUSTICE

Testimony

Joint Legislative Hearing on Public Protection for the
(FY) 2025-26 Executive Budget Proposal

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New York State Senate Finance Committee and
Assembly Ways and Means Committee

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Thank you, Senator Liz Krueger and Assemblymember J. Gary Pretlow, for holding this joint legislative hearing on the Public Protection section of the Fiscal Year (FY) 2025-26 Executive Budget Proposal. We submit this testimony to bring your attention to the dangerous and deadly conditions in jails and prisons across New York.

When a person is incarcerated in New York, the conditions of confinement must meet basic constitutional requirements. But across the state – from Buffalo to New York City and Greene County to Suffolk County – many jails and prisons are plagued by human rights crises and routine constitutional violations.

In New York City, the Rikers Island jail complex has a long and well-documented history of torture, abuse, violence, and a lack of safety for both incarcerated people and staff. The jails in Greene, Dutchess, and Onondaga counties, as well as others consistently put incarcerated people at grave risk of harm.ⁱ

State prisons are no different. The gruesome killing of Robert Brooks by correctional officers at Marcy Correctional Facility is a recent stark and gut-wrenching example of the deadly and dangerous conditions incarcerated people face in New York state prisons.

The State Commission of Correction (SCOC) 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.”**ⁱⁱ The commission also has the power to shut down correctional facilities found to be out of compliance. But for more than 20 yearsⁱⁱⁱ the SCOC has consistently failed to meet its responsibility.

In 2006, a state comptroller’s audit found that in the 1990s, due to funding and staffing reductions, the commission stopped its longstanding practice of regularly inspecting jails and prisons.^{iv}

In 2024, New York Focus reviewed over 200 SCOC jail inspection reports from 2018 to 2023 and found that major problems drag on unresolved for years, contributing to a growing problem of violence, assaults, and deaths in those facilities.^v

Intervention by federal court underscores failures of the SCOC to meet its mandate: The SCOC’s inaction has led to dire consequences, most vividly on Rikers Island. In 2018, the commission released a report about the worst jails in the state: Rikers topped the list because of severe leadership failures, a host of regulatory violations, and perilously unsafe conditions for incarcerated people and staff. The report concluded that “it is now time for the Commission to examine steps to expeditiously close Rikers and to ensure that the constitutional rights of inmates and staff are protected.”^{vi} But almost seven years later, the SCOC has taken no further action and conditions at Rikers continue to deteriorate. At least 33 people have died in the New York City jail system since Eric Adams became mayor in 2022.^{vii}

Now a federal judge is poised to put Rikers into federal receivership – a drastic step taken only when all other remedies have failed. By definition, the federal court’s actions show that the SCOC is failing to meet its mandate. Had the SCOC met its responsibilities, – and, for

instance, followed through on its 2018 report – the federal court might not be prepared to intervene.

There is currently legislation sponsored by Senator Julia Salazar and Assemblymember Emily Gallagher to fix the SCOC by bringing greater accountability so that it meets its mandate with regards to jails and prisons throughout the state. [\(S. 856\)-Salazar](#) / [\(A.2315\)-Gallagher](#).

This legislation will expand and diversify the State Commission of Correction to ensure it meets its oversight mandate:

- **Expanding the Number of Commissioners:** The bill suggests adding six new commissioners to the SCOC (expanding it from three to nine), distributed among the governor, the state senate, the state assembly, and the Correctional Association of New York (CANY), an independent oversight organization. The governor would retain three appointments, and the senate, assembly, and CANY would each select two commissioners.
- **Diversifying Appointments:** The appointments would guarantee diversity in background, requiring commissioners who have experiences in public health, behavioral health care, indigent legal defense, prisoner’s rights litigation, and formerly incarcerated individuals.

The State Commission of Correction must ensure that all jails and prisons comply with minimum standards and constitutional obligations – otherwise, the SCOC is obligated to shut them down to prevent unsafe conditions, injuries, and deaths. This legislation can activate and strengthen the commission to fulfill its constitutional mandate and take urgent action to address the life-threatening conditions at jails and prisons across New York State.

We urge the legislature to pass S.856 (Salazar) / A.2315 (Gallagher) immediately.

This is a bill that makes both moral and fiscal sense and deserves to be included in the public protection budget with adequate funding to ensure that the State Commission of Correction fulfills its constitutional mandate.

Lawmakers must make sure that this year's budget furthers New York’s pursuit of justice and safety for all, including those currently suffering in local jails and state prison.

ⁱ New York State Commission on Correction. *The Worst Offenders Report: The Most Problematic Local Correctional Facilities of New York State*. February 2018.

<https://scoc.ny.gov/system/files/documents/2023/09/problematic-jails-report-2-2018.pdf>

ⁱⁱ NYS Commission on Correction. “About the Commission of Correction.” New York State.

<https://scoc.ny.gov/about-commission-correction>

ⁱⁱⁱ Eliza Fawcett. “This Agency Is Supposed to Monitor Jails. Is Anyone Monitoring It?” New York Focus. December 18, 2023. <https://nysfocus.com/2023/12/18/new-york-jail-prison-correction-scoc>

^{iv} Eliza Fawcett. “This Agency Is Supposed to Monitor Jails. Is Anyone Monitoring It?” New York Focus. December 18, 2023. <https://nysfocus.com/2023/12/18/new-york-jail-prison-correction-scoc>

^v Fawcett, “This Agency Is Supposed to Monitor Jails.”

^{vi} New York State Commission on Correction, *The Worst Offenders Report*, 3.

^{vii} Sam McCann and Erica Bryant. “Fifth Confirmed Jail Death in 2024 Brings New York City’s Total to 33 Under Mayor Adams.” Vera Institute of Justice. August 21, 2024.

<https://www.vera.org/news/nyc-jail-deaths>