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The State Commission Of Correction Is Failing To Keep Incarcerated People Safe

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FOR IMMEDIATE RELEASE**Thursday, January 9, 2025****Contact:** Yonah Zeitz, yonah@katalcenter.org • 347-201-2769

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With Jails and Prisons from Rikers to Marcy in Deadly and Dangerous Conditions, the State Commission of Correction is Failing to Keep Incarcerated People Safe**Community Groups Vow to Keep Up Fight to Ensure the Commission is Accountable to its Mandate: S865 (Salazar) / Gallagher (Bill Number Pending)**

Albany, NY: As the 2025 legislative session kicks off, conditions in jails and prisons across the state are deadly and dangerous for incarcerated people and those who work there.

The gruesome killing of Robert Brooks by correctional officers at Marcy Correctional Facility is a stark and gut-wrenching example of the State Commission of Correction (SCOC) failing to fulfill its constitutional mandate: to ensure that state prisons and local jails are “safe, stable, and humane.” For decades, the SCOC has failed to regularly inspect prisons even though they are statutorily responsible for these facilities.

When it comes to local jails, the SCOC is also failing to meet its mandate. An investigative report by *New York Focus* (<https://nysfocus.com/2023/12/18/new-york-jail-prison-correction-scoc>) highlighted how, from 2018 to 2023, significant problems at jails across the state—including Onondaga, Rockland, and Dutchess counties—dragged on for years unresolved. In 2018, the SCOC released a report about the state’s worst jails, and Rikers Island topped the list with leadership failures, flagrantly unsafe conditions, and more. Yet, years later, little to no action has been taken by this commission on their findings and recommendations. 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 fails to fulfill its statutory responsibilities.

There is bipartisan legislation pending in Albany to expand and strengthen the State Commission of Correction. The proposal increases the number of members on the State Commission of Correction from three to nine and also codifies the manner of confirmation of such members to diversify the commission. Last session, the bipartisan legislation was passed by the NY State Senate and made it all the way to the Assembly floor before the clock ran out. The proposal, sponsored by Sen. Julia Salazar and Assemblymember Mily Gallagher, has been reintroduced this year. **S865 (Salazar)** (<https://www.nysenate.gov/legislation/bills/2025/S856>) / **Gallagher (bill number pending)**.

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. Community groups and impacted community members demand that Albany do more to address the various crises unfolding in jails and prisons across the state, from Buffalo and the Southern Tier to New York City, by immediately passing this legislation.

Quotes from elected officials, community groups, and directly impacted people:

Senator Julia Salazar, Prime Bill Sponsor, said: “The SCOC is charged with the indispensable role of ensuring our corrections system is safe, secure, and humane, and yet New York’s prisons continue to foster terrible violence, suffering, and distress. The fatal beating of Robert Brooks by corrections officers, which was enabled by passive medical staff at the scene and captured on body cameras whose footage is now public, not only underscores the urgency of comprehensive DOCCS reform, but also makes this pressing need patently undeniable. The structural change this particular bill promises would help prevent such devastation from recurring by making the SCOC more independent, accountable, and effective. Now is the time to pass the SCOC updates we have been calling for.”

Assemblymember Emily Gallagher, Prime Bill Sponsor, said: “The tragic death of Robert Brooks at Marcy State Prison and the impending possibility of federal receivership of Rikers Island highlight the importance of the mandate of the State Commission of Correction. The Commission is intended to be a vigorous and independent watchdog over all correctional facilities in the state. Oversight over these facilities is so essential that the State Commission of Correction was written into our

state's constitution in 1894. Strengthening this commission by restoring its size to 9 members, as it was in 1894, and requiring that members have necessary expertise in relevant fields, such as public health and prisoner's rights, is a vital step towards ensuring that these disasters do not repeat themselves. I look forward to working with my colleagues in the legislature this session to pass this important legislation, as well as other bills intended to bolster accountability in our state's correctional system."

Lah Franklin, Member of the Katal Center for Equity, Health, and Justice, said: "When I was sent to Rikers, I remember being terrified for my life. I don't think anything can prepare you for the violence and life-threatening conditions found there. I am grateful to have made it out alive. I feel for those who are currently incarcerated, not just at Rikers but in jails and prisons across the state. The modern-day lynching of Robert Brooks at Marcy Correctional Facility shows the whole world that these carceral facilities are inhumane and killing our people. This is precisely why the state legislature must act quickly to pass legislation S865 (Salazar) / Gallagher (Bill Number Pending). This bill will expand and bolster the State Commission of Correction to ensure they fulfill their purpose of shutting down correctional facilities found out of compliance with maintaining 'safe, stable, and humane' conditions."

Anthony Maund, Member of the Katal Center for Equity, Health, and Justice: "No one should have to fear for their lives while incarcerated. Yet, this is the reality for the majority of New Yorkers detained in New York State jails and prisons. I have had many situations where a correctional officer has been extremely heavy-handed and used physical force on me. I am lucky to be out alive, but that is not the case for so many others who have died behind bars. In December 2024, Robert Brooks was murdered at the hands of correctional officers at Marcy Correctional Facility. This is incredibly sad not only to the person's family, but they took someone important to the world. The Department of Correction is so proud to say these things like Custody, Care, and Control. They had the Custody; where was the Care and Control of these awful Corrections staff? It's very upsetting! Actions like these must be put to an end. I urge the state to swiftly and immediately pass S865 /(Bill Number Pending), which expands and bolsters the State Commission of Correction to ensure they fulfill their purpose of ensuring that all of these correctional facilities are humane and do not violate people's constitutional rights as it was in the case of Robert Brooks. I implore the legislature not to wait any longer and pass this bill now!"

Yonah Zeitz, Advocacy Director of the Katal Center for Equity, Health, and Justice:

“New Yorkers are deeply concerned about the intense violence and deadly conditions facing incarcerated people across the state. Katal members – many of whom are formerly incarcerated or have loved ones currently incarcerated in jails and prisons across the state – have experienced violence and abuse at the hands of correctional officers. The heinous killing of Mr. Brooks at Marcy Correctional Facility is emblematic of the systemic issues of violence, abuse, and torture occurring in state prisons. Conditions in local jails, like Rikers Island, have gotten so bad that a federal judge is on the verge of putting Rikers into federal receivership. The State Commission of Correction has a constitutional mandate to ensure correctional facilities are ‘safe,’ but they are failing to fulfill this responsibility.

The New York legislature must take swift action to stem the violence and abuse, or more New Yorkers will die behind bars. Passing legislation to expand and diversify the commission can activate and strengthen the SCOC to fulfill its mandate and urgently address the life-threatening conditions in our state’s jails and prisons.”

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****PRESS RELEASE**** Thursday, January 9, 2025 Contact: Yonah Zeitz – 347-201-2768
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