



January 13, 2025

Gov. Kathy Hochul
The Capitol
Albany, NY

RE: Urgent necessity of closing Marcy Correctional Facility

Dear Governor Hochul,

We, the undersigned New York State legislators, urge you to take steps to immediately close Marcy Correctional Facility. The enacted 2024 NYS Budget empowers you to close correctional facilities, and you can shut down Marcy CF without seeking any additional legislative approval. It is essential—not as a solution to all concerns brought to light by the beating death of Robert Brooks at Marcy CF in early December 2024—but as an essential step towards our shared goals of ensuring justice, protecting the safety and wellbeing of individuals incarcerated at Marcy CF, and increasing accountability in the NYS corrections system.

Closure of Marcy CF is warranted by the well-documented history and culture of violence and retaliation by staff directed against individuals who are incarcerated at Marcy CF.

You have correctly and strongly spoken out regarding the brutal beating of Robert Brooks by multiple staff members at Marcy CF on December 9, 2024, resulting in Mr. Brooks' death hours later. You have taken action to hold staff accountable for their actions or their failure to intervene during this incident and have implemented multiple steps to address underlying concerns raised by this incident.

Your actions to date in response to the beating death of Mr. Roberts are welcomed and appreciated. However, they do not sufficiently or completely address the culture within Marcy CF that led to this horrific incident or made it possible. These steps do not provide the urgently needed protection of incarcerated individuals at Marcy CF and they would not accomplish the necessary goal of disrupting and ending the long-documented patterns of physical and racial abuse and medical neglect of incarcerated individuals by at Marcy CF.

As has been noted, the December 9th attack on Mr. Brooks in the prison infirmary was witnessed by supervisory officers as well as medical staff. Not only did no one intervene to protect Mr. Brooks from the sadistic assaults, it appears clear from the video recordings that all present (more than a dozen staff members)—those directly involved in the assaults as well as witnesses—viewed the incident as routine and normal, and, in some instances, as humorous.

We note the Correctional Association of NY's Post-Visit Briefing and Recommendations issued in July 2023 and based on their October 2022 monitoring visit to Marcy CF found extremely high levels of dissatisfaction with the quality and accessibility of medical, dental, and mental health care, reports of rampant abuse by staff, including physical assaults and retaliation, and a significant number of instances of racialized abuse and discrimination from

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staff. (<https://www.correctionalassociation.org/press-releases-archive/2023-marcy-pvb-release>) We also note, with alarm, that when provided an opportunity to respond to the details contained in the CANY report, the NYS Department of Corrections and Community Supervision essentially ignored all the information in the CANY report, claimed all was well at Marcy CF, and incredibly asserted, “Marcy Correctional Facility is an example of why New York is a leader in the corrections field.” (CANY report, p. 51.)

We are cognizant, as well, of numerous additional reports, anecdotal accounts, and formal and informal complaints raised over a period of many years regarding the pattern of systemic brutal and violent staff behavior at Marcy CF.

We understand serious concerns exist regarding the lack of protection of the human rights of incarcerated individuals throughout New York’s prison system. We respectfully submit much work needs to be done to thoroughly address these concerns. We urge you to work with the legislature in the coming months to take comprehensive steps to change the culture, improve programming, address concerns regarding medical and mental health care, and find new ways to hold DOCCS accountable.

However, a bold initial step is necessary to safeguard those who are incarcerated and to send an unmistakable message to those who work in and manage New York’s prisons. You are in a position to take immediate and bold action to close Marcy CF and we urge you to do so.

Closing Marcy CF immediately would accomplish key goals. It would:

- (1) End the deeply embedded pattern of brutality, retaliation, racism, and lack of accountability at Marcy CF,
- (2) Send a clear message to all DOCCS staff that the State will not tolerate the continuation of “business as usual” at this facility, or, by extension, at any DOCCS facility,
- (3) Separate Marcy CF staff from each other and disperse them to other facilities where their established patterns of brutality—supported by long-established work relationships at Marcy CF—will be disrupted and dismantled,
- (4) Provide immediate protection to individuals currently incarcerated at Marcy CF who remain under dangerous and traumatic conditions at that facility.

The longer Marcy CF stays open, the more likely it is that there will be other incidents like what occurred to Robert Brooks.

We respectfully ask you to use your Executive power to shut down Marcy Correctional Facility immediately.

We thank you for your consideration.

Sincerely,



Senator Julia Salazar
Senate District 18
Chair, NYS Standing Committee
on Crime Victims, Crime & Correction



Assemblymember Eddie Gibbs
Assembly District 68



Assemblymember Michaelle Solages
Assembly District 22
Chair, Black, Puerto Rican, Hispanic,
and Asian Legislative Caucus

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Additional legislators who have signed this letter:

Senator Jamaal Bailey
36th Senate District

Senator Jabari Brisport
25th Senate District

Senator Samra Brouk
55th Senate District

Senator Siela A. Bynoe
6th Senate District

Senator Cordell Cleare
30th Senate District

Senator Leroy Comrie
14th Senate District

Senator Jeremy Cooney
56th Senate District

Senator Nathalia Fernandez
34th Senate District

Senator Kristen Gonzalez
59th Senate District

Senator Brad Hoylman-Sigal
47th Senate District

Senator Robert Jackson
31st Senate District

Senator John Liu
16th Senate District

Senator Jessica Ramos
13th Senate District

Senator Gustavo Rivera
33rd Senate District

Senator James Sanders
10th Senate District

Senator Jose Serrano
29th Senate District

Assemblymember George Alvarez
78th Assembly District

Assemblymember Khaleel M. Anderson
31st Assembly District

Assemblymember Rodneyse Bichotte Hermelyn
42nd Assembly District

Assemblymember Alex Bores
73rd Assembly District

Assemblymember Noah Burroughs
18th Assembly District

Assemblymember Monique Chandler-Waterman
58th Assembly District

Assemblymember Catalina Cruz
39th Assembly District

Assemblymember Brian Cunningham
43rd Assembly District

Assemblymember Landon C. Dais
77th Assembly District

Assemblymember Maritza Davila
53rd Assembly District

Assemblymember Harvey Epstein
74th Assembly District

Assemblymember Charles Fall
61st Assembly District

Assemblymember Phara Souffrant Forrest
57th Assembly District

Assemblymember Emily Gallagher
50th Assembly District

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Assemblymember Jessica Gonzalez-Rojas
54th Assembly District

Assemblymember Andrew Hevesi
28th Assembly District

Assemblymember Larinda C. Hooks
35th Assembly District

Assemblymember Pamela J. Hunter
128th Assembly District

Assemblymember Alicia Hyndman
29th Assembly District

Assemblymember Chantel Jackson
79th Assembly District

Assemblymember Dr. Anna R. Kelles
125th Assembly District

Assemblymember Nikki Lucas
60th Assembly District

Assemblymember Zohran K. Mamdani
36th Assembly District

Assemblymember Demond Meeks
137th Assembly District

Assemblymember Marcela Mitaynes
51st Assembly District

Assemblymember Crystal D. Peoples-Stokes
141st Assembly District

Assemblymember J. Gary Pretlow
89th Assembly District

Assemblymember Steven Raga
30th Assembly District

Assemblymember Gabriella A. Romero
109th Assembly District

Assemblymember MaryJane Shimsky
92nd Assembly District

Assemblymember Sarahana Shrestha
103rd Assembly District

Assemblymember JoAnne Simon
52nd Assembly District

Assemblymember Tony Simone
75th Assembly District

Assemblymember Yudelka Tapia
86th Assembly District

Assemblymember Al Taylor
71st Assembly District

Assemblymember Emerita Torres
85th Assembly District

Assemblymember Claire Valdez
37th Assembly District

Assemblymember Clyde Vanel
33rd Assembly District

Assemblymember Latrice M. Walker
55th Assembly District

Assemblymember David Weprin
24th Assembly District

Assemblymember Jordan Wright
70th Assembly District

Assemblymember John Zaccaro, Jr.
80th Assembly District

Assemblymember Stefani Zinerman
56th Assembly District