



New York State Department of Corrections and Community Supervision

Fiscal Year 2026 Public Protection Budget Hearing

February 13, 2025

Testimony of Daniel F. Martuscello III, Commissioner

Good morning, Chair Krueger, Chair Pretlow, and other distinguished members of the legislature. I am Daniel Martuscello, Commissioner for the Department of Corrections and Community Supervision. It is my honor to discuss the Governor's Executive Budget plan as it relates to DOCCS.

Let me begin by expressing my deepest sympathies to the family of Robert Brooks, who was tragically and senselessly murdered at Marcy Correctional Facility. I've watched the videos of the assault, each time feeling the same emotions that I imagine all New Yorkers feel – anger, disgust, and disappointment. The actions of those staff members were repugnant and do not represent our values as an agency. Individuals go to prison as punishment, not for punishment, and I will not normalize violence within our system. Upon learning of these horrendous actions, I immediately ordered an investigation and made criminal referrals to external investigatory agencies. Thanks to our investigators, we were able to obtain and preserve the video of this event that will be crucial evidence in the disciplinary and criminal proceedings. I am committed to ensuring that justice is served for the Brooks family and that we achieve meaningful reform.

I am thankful to Governor Hochul for her swift and aggressive response to this incident. The Governor announced several actions that we are in the process of implementing, including termination of the involved staff members, appointment of a new Superintendent, funding for fixed cameras and body-worn cameras, expansion of our Office of Special Investigations (OSI) to proactively identify trends and mitigate risks, and heightened monitoring from external stakeholders to improve culture and accountability within the system. At my direction, we've expanded our body-worn camera policy, requiring activation any time security staff are interacting with the population. I've increased management rotations outside of normal business hours, expanded the presence of our investigators within facilities, and introduced a whistleblower policy to ensure staff feel safe to report misconduct without fear of retaliation. We are conducting an independent review of Marcy and other facilities,

introducing new and innovative use of force trainings, and evaluating our culture across the agency. I am committed to transformational reform to ensure that our facilities are operated safely, humanely, and effectively.

The FY 2026 Executive Budget provides DOCCS with the resources it needs to carry out its mission, including new appropriations to meet our goals. These include:

- \$400 million to install fixed camera systems in every correctional facility;
- \$18.4 million to procure and deploy body-worn cameras; and
- \$7.2 million to expand and restructure OSI, including a new Public Integrity Division and Medical Review Team focused on staff misconduct and use of force.

I am a firm believer in the value of cameras in a correctional setting. Cameras are highly effective at enhancing accountability and professionalism and are valuable assets when conducting investigations. This technology and the expansion of OSI will greatly improve our ability to identify wrongdoing, protect both staff and the incarcerated, and change prison culture. I thank the Governor for including these resources in her budget plan.

The Executive Budget also includes funding and legislation to advance the Governor's Jails to Jobs initiative. This includes \$2 million for DOCCS to establish job training programs in green energy. The Department looks forward to training the population in this expanding field and contributing to the economy of the future. The Governor also advanced legislation to grant DOCCS discretionary authority to add programs eligible for Merit Time and Limited Credit Time Allowance, which are currently set in law. This legislation will enable the Department to add eligible programs as they come online and provide more individuals with incentives to engage in rehabilitative programming.

DOCCS continues to be critically understaffed. This must be addressed to keep our facilities safe. We implemented several new recruitment programs with success, including a regional recruitment initiative that offers direct placement to facilities in certain counties, but more is needed to lower the number of vacancies. The Governor advanced legislation that will remove the residency requirement for security staff. This will enable us to recruit from neighboring states, which is common practice across the country. This legislation will help improve our staffing levels so that our employees can do their jobs safely and have the work-life balance that they deserve.

Last year, the Department announced its commitment to join the Reentry 2030 campaign – a national initiative to improve reentry outcomes for justice-involved populations. DOCCS established several goals to accomplish by the year 2030 relating to programming, employment, housing, healthcare, personal documents, and Medicaid enrollment. Early indicators are showing success with

these initiatives. The recidivism rate among 2021 releases was just under 19%, which was the lowest return rate since DOCCS began tracking this information.

DOCCS Community Supervision continues to promote public safety and reentry services. The Department expanded its Supervision Against Violent Engagement (or SAVE) initiative to provide heightened supervision of domestic violence offenders and referrals to treatment for releasees diagnosed with a mental illness. DOCCS is also supporting the Governor's subway safety plan with enhanced monitoring of recidivists committing crimes in transit hubs. The Department will continue to utilize a multi-pronged strategy to support reentry to the workforce and enhance public safety.

There is no question that this is a challenging time for our agency following the death of Robert Brooks. It is critical that we meet this moment with a commitment to transparency, accountability, and integrity so that we may achieve structural change. We must operate a humane system that treats those under our care with dignity and respect and prioritizes safety, security, and opportunity. Anything less would be a disservice to the Brooks family, all those who interact with our system, and the people of the State of New York.

Thank you for having me here today. I would be happy to answer any questions you may have.