

**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 in prisons 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 minimum 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 Hoylman-Sigal / A.514 Davila