



**Joint Public Hearing – Safety of Persons in Custody, Transparency, and Accountability
within State Correctional Facilities**

May 14, 2025

Testimony of Daniel F. Martuscello III, Commissioner

Good morning, Chair Salazar, Chair Dilan, and other distinguished members of the Senate Committee on Crime Victims, Crime, and Correction and Assembly Committee on Corrections. My name is Daniel Martuscello III, Commissioner for the Department of Corrections and Community Supervision. I appreciate the opportunity to discuss safety, transparency and accountability at today's hearing.

Maintaining the safety of the individuals in our care is a core function of the department and a bedrock principle upon which decisions are made. Individuals are sent to prison as punishment, not for punishment, and there is an expectation of safety and opportunities for rehabilitation. The last few months have challenged the foundation of this belief. The senseless murders of Robert Brooks and Messiah Nantwi at the hands of staff members is inexcusable. These acts erode trust for those committed to our mission. I want to again express my deepest sympathies to the families of Mr. Brooks and Mr. Nantwi.

This is an important moment for DOCCS. One in which we have the opportunity to push boundaries and transform our culture. To do this, we need to question conventions, rethink outdated practices, and commit to doing what's right, even when that's not easy. I would like to walk through some of the steps we've already taken and share with you my vision for the future.

For our department to maintain safer, more humane, and more restorative environments, there must be accountability. Following these two incidents, I immediately made criminal referrals to the State police and Office of the Attorney General, while launching an internal investigation. At the Governor's

direction, I began termination proceedings for all individuals involved. I increased management rotations in the evening, and the presence of investigators from the department's Office of Special Investigations. We improved our Whistleblower policy and created greater external oversight of the department through expanded relationships with the New York State Commission of Corrections and the Correctional Association of New York. We have retained an independent law firm to conduct a holistic review of our practices, and we are conducting a safety gap analysis with Chicago Beyond. Accountability is not just a response to staff wrongdoing but applies equally to the department.

I remain deeply committed to ensure the safety of all in our care, and providing transparency around areas of improvement. Without transparency there is no trust. Following these incidents, I moved to enhance our body-worn camera policy and practice. Staff are now required to activate their BWCs any time they are engaging with the population. We implemented a new compliance matrix to monitor compliance with the BWC policy. With the support of Governor Hochul and the legislature, we have codified our body-worn camera policy into law and received over \$18.4 million to fully deploy body worn cameras across our facilities, as well as \$400 million to expand fixed cameras. We have already begun the implementation process. The law firm's findings and recommendations will be made public, and I am in the process of building a public facing data dashboard, that will provide further transparency into relevant corrections data.

While transparency and accountability are critical, there is nothing that will be more impactful to the future state of the department than culture. Improving prison culture is essential to public safety. We can achieve this by leveraging the recommendations of experts, overcoming the staffing crisis, and reducing violence within our facilities.

We are leveraging independent experts including a partnership with AMEND to assess the operating culture of our facilities through a public health and human rights lens. We will also launch a Future of Prisons Committee within the Council of Community Justice, which is led by DCJS. We are conducting

de-escalation training and use of force training, while evaluating opportunities to supplement our academy training.

There are certainly challenges to our progress. Adequate staffing is a prerequisite to safe and secure facilities. The Department continues to recover from a three-week illegal job action that has impacted our ability to operate our facilities and have put us at unsustainably low staffing levels. The strike resulted in approximately 2,000 officers and sergeants being terminated or resigning. Much of the work we had begun on institutional reform was unfortunately stalled during the illegal job action and resulting state of emergency. With that said, we have already started to re-engage as the facilities resume safe operations. Resolving the staffing crisis is critical to building a culture of safety and security. We are taking aggressive steps to expand our recruiting efforts and would like to thank Governor Hochul and the legislature for passing legislation that allows for broader recruiting.

Another challenge to developing a culture of safety is the ongoing challenge of drugs and dangerous contraband entering our facility, which often leads to violence. Drug use in prison threatens the safety of staff and the incarcerated population and undermines efforts at developing a rehabilitative culture. I have taken an aggressive approach to drug interdiction, including a new process for screening all legal correspondence for potential contraband and implementing body scanners in our facilities.

Despite the obstacles I've outlined, many of the steps required to build the future state of corrections in New York State are underway. We are focused on our Recover, Recruit, and Rebuild plan to resume operations, restore services, and build for the future. This plan is supported by legislation and funding advanced by Governor Hochul and passed as part of the FY 2026 enacted budget.

Under the Governor's leadership, we have a plan to address any systemic and cultural issues that are identified in order for us to carry out our mission more effectively and humanely. I am committed to leading correctional facilities that are safer and more restorative environments. Our plan is not static

and will evolve over time. This work will be done transparently and with accountability at every step. There is no doubt we have a long and challenging road ahead, but it is my sincere belief that we will forge a future in New York State corrections that is safer, more humane, and redemptive for incarcerated individuals. Thank you again for inviting me to testify today. I would be happy to address any questions you may have.