

**Joint Legislative Corrections Hearing on Safety of Persons in Custody, Transparency,  
and Accountability within State Correctional Facilities**

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My name is Sebastian Solomon, and I am the associate director of the Vera Institute of Justice's Greater Justice New York program. Vera works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. Thank you for the opportunity to submit testimony.

We applaud the Senate and Assembly committees for turning their attention to safety, transparency, and accountability inside state correctional facilities. The recent wildcat strikes, alongside the deaths of Robert Brooks and Messiah Nantwi, have demonstrated the seriousness of these issues.<sup>1</sup> The current state of our prisons causes trauma and harm to both incarcerated people and staff, ultimately making all New Yorkers less safe.<sup>2</sup> Increasing transparency and accountability will, in turn, increase safety.

Incarceration is costly, both in terms of public funds and the toll it takes on individuals, families, and broader communities, who suffer from financial strain, emotional distress, and social stigma.<sup>3</sup> Pursuing true safety means questioning who is in our prisons, for how long, and under what conditions, as well as how our facilities give people the tools they need to succeed upon release.

My testimony will focus on how the legislature can improve safety, transparency, and accountability by:

1. passing the Earned Time and Second Look Acts;
2. passing a package of bills titled "Prison Safety is Public Safety: Robert Brooks Transparency and Accountability;"
3. passing Fair and Timely Parole and Elder Parole Reform; and
4. equipping corrections and parole professionals with the resources necessary to carry out their jobs effectively and with dignity.

Please do not hesitate to contact Alana Sivin, director of the Greater Justice New York program, at [asivin@vera.org](mailto:asivin@vera.org) if the Vera Institute of Justice can provide further support to you.

***Passing the Earned Time and Second Look Acts***

To improve safety in our prisons, we need to prioritize and incentivize participation in rehabilitative programming. Passing the Earned Time and Second Look Acts will do just that.

The Earned Time Act will change New York’s merit time laws to incentivize program participation more widely than existing restrictions allow. For too long, New York has restricted access to merit time credits. The vast majority of people incarcerated are ineligible solely because they are serving time for a violent offense, a restriction that dates to the Pataki administration in the 1990s.<sup>4</sup> Yet the benefits of rehabilitative programming for all participants are clear, regardless of their crime of conviction.<sup>5</sup> Removing merit time credit restrictions will incentivize participation in programming, which will improve behavior to make prisons safer for incarcerated people and staff alike, safely reduce the prison population, and improve post-release outcomes, reducing recidivism and increasing public safety.<sup>6</sup>

In tandem with the Earned Time Act, the Second Look Act will help make our system more rehabilitative. Second Look laws allow judges to review individual cases after a person has served a significant amount of time to determine if that person has been rehabilitated such that their sentence should be reduced. This legal mechanism rewards rehabilitation and ensures that the state does not waste public funds incarcerating people who are no longer a threat to public safety.<sup>7</sup>

Both the Earned Time and Second Look Acts have the public’s overwhelming support. In October 2024, Vera commissioned polling of 500 New Yorkers—representative of the state’s geographies and demographics—regarding these two policies.<sup>8</sup> The polling found that 74 percent of New Yorkers support allowing people to earn time off their sentence, including majority support across all age groups, gender and racial groups, and self-identified political categories. Similarly, 68 percent support allowing judges to reassess sentences, also including a majority across demographics.

Passing the Earned Time and Second Look Acts will improve safety both within the state’s prisons and its communities. We urge the Senate and Assembly to pass these bills swiftly.

***Passing a package of three bills titled “Prison Safety is Public Safety: Robert Brooks Transparency and Accountability”***

We urge the Assembly and Senate to support a package of three bills titled “Prison Safety is Public Safety: Robert Brooks Transparency and Accountability.”<sup>9</sup> Together, these bills will improve safety, transparency, and accountability by creating more oversight mechanisms for New York’s correctional facilities and ensuring that prison staff who break the law face consequences.

The first bill lays out a disciplinary procedure that enables the Department of Corrections and Community Supervision (DOCCS) commissioner to hold staff accountable when they engage in serious misconduct. This is important because existing practices rely on outside arbitrators and suffer from unreasonable union influence. As an example of the current system’s failure, an analysis by the Marshall Project found that of 290 cases in which

DOCCS tried to fire officers or supervisors it says physically abused incarcerated individuals or covered up mistreatment, DOCCS was only able to terminate officers in 28 cases.<sup>10</sup>

The second bill creates a new Office of the Correctional Ombudsperson, which will be responsible for oversight of DOCCS's internal affairs and disciplinary processes, as well as oversight of all jail and prison policies, practices, programs, and procedures. The recent wildcat strikes and deaths of Robert Brooks and Messiah Nantwi highlight the need for this type of independent agency to address some of the standards and processes that lead to harmful outcomes.

The third bill gives the Correctional Association of New York (CANY) access to DOCCS records and the ability to visit correctional facilities at any time and without notice. It also requires CANY to issue periodic reports and recommendations based on their work. This bill will allow for more transparent prison oversight and accountability.

### ***Passing Fair and Timely Parole and Elder Parole***

Parole is intended to build safety inside and outside prisons. It disincentivizes misconduct during incarceration, incentivizes participation in programs that reduce recidivism and prepare people for success upon release, and ultimately allows people who pose a minimal safety risk to return home, reunite with their families, and contribute to their broader communities.<sup>11</sup> Unwarranted parole denials translate to larger—and therefore costlier—prison populations, as well as ongoing harm to incarcerated people and their networks.<sup>12</sup>

Fair and Timely Parole will increase the transparency of the parole process, incentivize programming and good behavior, and ultimately improve safety both within prisons and outside. It will direct the Board of Parole commissioners to assess candidates for parole based on their current public safety risk instead of the risk that person posed at the time of conviction. The bill amends the parole hearing process to focus on the ways in which someone has taken accountability for their actions and prepared to return to society. This will stop commissioners from repeatedly denying parole-seekers based solely on their original crimes, which they cannot go back and change.<sup>13</sup>

In addition, Elder Parole will improve justice and cut down on unnecessary incarceration by giving parole-seekers aged 55 and over who have already served 15 years of their sentence the opportunity to make their case for release. It will not automatically release anyone—it will simply give people the chance to make their case to the Parole Board. If granted parole, these elderly New Yorkers will be able to live their remaining days in dignity, surrounded by family and community. As data from DOCCS shows, the overwhelming majority of elderly incarcerated people pose no public safety risk.<sup>14</sup>

## ***Equipping corrections and parole professionals with the resources necessary to carry out their jobs effectively and with dignity***

Corrections professionals are tasked with helping incarcerated people grow and change.<sup>15</sup> Their jobs can be difficult given the stressful working environment and the toll that prison takes on both corrections professionals and incarcerated people, as evidenced by the recent corrections officer strike. Research has shown that, compared to the general population, corrections professionals have higher rates of depression and post-traumatic stress, higher rates of suicide, and significantly reduced lifespans.<sup>16</sup>

We recommend that the legislature fund

- training for corrections professionals focused on emotional intelligence, mental health awareness and practices, de-escalation, and transformational leadership;
- easy, anonymous access to quality mental health services such as independent therapists, on-site wellness rooms, as well as physical exercise and other avenues to promote wellness; and
- adequate time off to rest and recuperate between shifts.

All these investments will ensure that corrections professionals are better equipped to carry out the difficult tasks of supervision and support within prisons and in communities.<sup>17</sup>

Finally, we urge the legislature to couple the legislation mentioned here with funding increases for parole officers. Passing Earned Time, Second Look, Fair and Timely, and Elder Parole legislation will increase eligibility for in-prison programming and enable people to be released from prison sooner—which both corrections professionals and incarcerated people agree will improve conditions behind bars and reduce violence. To implement these pieces of legislation adequately, parole office will need additional support so that they can take on the increased responsibilities they will have with more people on parole.

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<sup>1</sup> Jan Ransom “Seven Prisoners Die as New York Guard Strikes Cause Widespread Disarray,” *New York Times*, March 4, 2025, <https://www.nytimes.com/2025/03/04/nyregion/ny-prison-strike-guards.html>; Renee Anderson and Mark Prussin, “New York officers in beating of Robert Brooks Sr. indicted for murder by grand jury,” CBS News, February 20, 2025, <https://www.cbsnews.com/newyork/news/robert-brooks-beating-marcy-correctional-facility-update/>; and Jan Ransom, “2 Guards Charged With Murder in Beating Death of Prisoner in New York,” *New York Times*, April 16, 2025, <https://www.nytimes.com/2025/04/16/nyregion/messiah-nantwi-beating-death-charges.html>.

<sup>2</sup> Jule Pattison-Gordon, “What’s Driving the Uptick in Violence at New York Prisons?” *Governing*, March 20, 2025, <https://www.governing.com/policy/whats-driving-the-uptick-in-violence-at-new-york-prisons>.

<sup>3</sup> Jullian Harris-Calvin, Sebastian Solomon, Benjamin Heller, and Brian King, *The Cost of Incarceration in New York State* (New York: Vera, 2022), <https://www.vera.org/the-cost-of-incarceration-in-new-york-state>; and Vera Institute of Justice, “Incarceration’s Impact on Kids and Families,” June 2016, <https://www.vera.org/the-human-toll-of-jail-2016/return-to-rikers/incarcerations-impact-on-kids-and-families>.

<sup>4</sup> Vera analyzed “Under Custody Profile” data published by DOCCS. See <https://doccs.ny.gov/system/files/documents/2025/05/2025.05.01-uc-profile.pdf>. For the restriction on people with violent felony convictions earning merit time, see Consolidated Laws of New York Chapter 43, Article 24, §803(d)(iii).

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- <sup>5</sup> John M. Nally, Susan Lockwood, Taiping Ho, and Katie Knutson, “The Post-Release Employment and Recidivism Among Different Types of Offenders with a Different Level of Education: A 5-Year Follow-Up Study in Indiana,” *Justice Policy Journal* 9, no. 1 (2012), 1–25, 20, [https://www.cjci.org/media/import/documents/the\\_post-release.pdf](https://www.cjci.org/media/import/documents/the_post-release.pdf).
- <sup>6</sup> Robert Bozick, Jennifer Steele, Lois Davis, et. al, “Does Providing Inmates with Education Improve Postrelease Outcomes? A Meta-analysis of Correctional Education Programs in the United States,” *Journal of Experimental Criminology* 14, no.3 (2018), 389-428, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/does-providing-inmates-education-improve-postrelease-outcomes-meta>; and Sheila A. French and Paul Gendreau, “Reducing Prison Misconducts: What Works!” *Criminal Justice and Behavior* 33, no. 2 (2006), 185-218, 207-209, <https://de-escalate.org/wp-content/uploads/2019/02/Reducing-Prison-Misconducts-What-Works.pdf>.
- <sup>7</sup> DOCCS, *2018 Releases from Custody: Three Year Post-Release Follow-Up* (Albany: DOCCS, 2023), “Table 7.1, 2018 and 1985-2018 Releases: Returns by Age at Release,” 20, [https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases\\_three-year-post-release-follow-up.pdf](https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases_three-year-post-release-follow-up.pdf).
- <sup>8</sup> Vera Institute of Justice, “New Polling Shows Strong Voter Support for Allowing Rehabilitated People to Safely Return Home,” (New York: Vera, 2024), [https://vera-advocacy-and-partnerships.s3.amazonaws.com/Vera%20and%20EMC\\_Sentencing%20Reform%20Polling.pdf](https://vera-advocacy-and-partnerships.s3.amazonaws.com/Vera%20and%20EMC_Sentencing%20Reform%20Polling.pdf).
- <sup>9</sup> New York State Senate, S651, “An act to amend the correction law, in relation to correctional facility visits by the correctional association,” 2025-2026 Session, <https://www.nysenate.gov/legislation/bills/2025/S651>; New York State Senate, S1671, “An act to amend the correction law and the civil service law, in relation to discipline of certain persons for serious misconduct,” 2025-2026 Session, <https://www.nysenate.gov/legislation/bills/2025/S1671>; New York State Senate, S1707, “Creates the office of the correctional ombudsperson,” 2025-2026 Session, <https://www.nysenate.gov/legislation/bills/2025/S1707>.
- <sup>10</sup> Alysia Santo, Joseph Neff, and Tom Meagher, “In N.Y. Prisons, Guards Who Brutalize Prisoners Rarely Get Fired,” *New York Times*, May 25, 2023, <https://www.nytimes.com/2023/05/19/nyregion/ny-prison-guards-brutality-fired.html>.
- <sup>11</sup> On community benefits, releasing people from prison may reduce the likelihood that others in their community will be incarcerated. For example, the children of an incarcerated person face challenges that may increase the likelihood of them becoming involved in criminal activity. It stands to reason that in these cases, releasing a parent from prison may reduce the economic instability, emotional harm, and social stigma that make children likelier to be incarcerated themselves. For more information, see Eric Martin, “Hidden Consequences: The Impact of Incarceration on Dependent Children,” *National Institute of Justice*, March 2017, <https://www.ojp.gov/pdffiles1/nij/250349.pdf>. On reducing recidivism, see Lois M. Davis, Robert Bozick, Jennifer L. Steele, et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults* (Santa Monica, CA: RAND, 2013), [https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND\\_Correctional-Education-Meta-Analysis.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/RAND_Correctional-Education-Meta-Analysis.pdf).
- <sup>12</sup> Nazish Dholakia, “Sending People to Prison for Decades Is Dangerous,” Vera Institute of Justice, February 14, 2025, <https://www.vera.org/news/sending-people-to-prison-for-decades-is-dangerous>.
- <sup>13</sup> Benjamin Heller, Cherrell Green, Shirin Purkayastha, et al., *Toward a Fairer Parole Process: Examining Parole Denials in New York State* (New York: Vera Institute of Justice, 2021), <https://vera-institute.files.svcdcdn.com/production/downloads/publications/toward-a-fairer-parole-process-report.pdf>.
- <sup>14</sup> New York State Department of Corrections and Community Supervision (DOCCS), *2018 Releases from Custody: Three Year Post-Release Follow-Up* (Albany: DOCCS, 2023), “Table 7.1, 2018 and 1985-2018 Releases: Returns by Age at Release,” 20, [https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases\\_three-year-post-release-follow-up.pdf](https://doccs.ny.gov/system/files/documents/2023/01/final-2018-releases_three-year-post-release-follow-up.pdf).
- <sup>15</sup> New York State Department of Corrections and Community Supervision (DOCCS), “Vision & Mission,” from “The Department Mission,” <https://doccs.ny.gov/departamental-mission>, accessed January 30, 2025.
- <sup>16</sup> Vera Institute of Justice, “The Prison Experience for Corrections Staff,” n.d., <https://www.vera.org/reimagining-prison-web-report/examining-prisons-today/the-prison-experience-for-corrections-staff>.
- <sup>17</sup> These recommendations are drawn from a 2022 Blue Ribbon Commission on corrections officer wellness sponsored by One Voice United, a group of correctional officers. See One Voice United, *Blue Ribbon Commission Report* (Lake Odessa, MI: One Voice United: 2022), <https://onevoiceunited.org/wp-content/uploads/2022/10/BRC-Report-2022.pdf>.