



ALLIANCE OF FAMILIES FOR JUSTICE

May 10, 2025

Dear Members of the New York State Legislature,

Thank you for the opportunity to present testimony on the topic of the Safety of Persons in Custody, Transparency and Accountability within State Correctional Facilities. I commend Senator Salazar and Assemblymember Dilan for convening this important hearing.

I am the founder and executive director of the Alliance of Families for Justice (“AFJ”), a nonprofit organization whose mission is to support, empower and mobilize families with incarcerated loved ones and individuals whose lives have been impacted by incarceration, to help them marshal their collective power to bring about changes to the systems that harm them, their families and their communities. Prior to founding AFJ in 2016, I was the executive director of the Correctional Association of New York (“CANY”). I am the only person of color, a Black woman, to ever head the nearly 180-year-old organization. I am a criminal defense lawyer by training and a former law professor, having taught at the City of New York School of Law and Harvard Law School for a combined total of 19 years.

Although my professional career has focused on the criminal justice system and incarceration for over 40 years, I first encountered New York’s prison system in 1972 when I visited Auburn Correctional Facility - not on a class trip while I was a student at Cornell University, but rather to visit my boyfriend from high school. That visit to Auburn occurred just a year after the Attica uprising and massacre. Like today, in 1972 the incarcerated population at Auburn was overwhelmingly Black, Latinix and poor, and almost all the staff members were white. The facility was antiquated in 1972 and little to nothing about the physical plant has changed in the last 53 years.

Like now, most of the prison staff in 1972 had no contact with Black or Latinix people other than those who made up the bulk of the prison population. Racism, sexism and homophobia prevailed within the system then like it does today. Fifty-three years ago, the Ku Klux Klan had a strong presence amongst prison staff. Their presence was so rampant that a legislative hearing was convened, much like this one, to investigate and examine the problem and come up with solutions.

One of the issues of great concern then was the fact that white prison guards openly displayed tattoos on their lower arms of Black babies hanging from nooses or impaled on pitchforks. The hearing concluded with recommendations and mandates. One such mandate was that no racist symbols including tattoos could be displayed by prison staff. This meant that the staff could keep their jobs, but they had to wear their shirt sleeves rolled down to cover the racist tattoos. The

mandate was never enforced however, and the tattoos have been witnessed by countless visitors and incarcerated people more recently.

I begin my remarks in this manner to set the context for understanding the critically toxic culture that has prevailed in the Department of Corrections and Community Supervision ("DOCCS") for over 5 decades. In my career I have interviewed thousands of incarcerated and formerly incarcerated people, their family members, and current and former DOCCS staff about conditions inside the Department. The unmistakable conclusion is that physical and sexual abuse from DOCCS security staff is normalized and ingrained in the culture.

I vividly recall during my tenure at CANY that I had a meeting with top DOCCS administrators about numerous complaints that younger incarcerated people at Green CF were routinely physically abused by security staff there. The beatings would persist and then the youth would be forced to sign statements that their injuries came from fighting with each other. Upon signing the statement, they were thrown in the hole (solitary confinement). In one instance, I described how a sergeant had beaten 3 young men in their faces with an oversized Bible while taunting them that it was now time for them to find religion. I was stunned that the Acting Commissioner's response was, "you can't expect me to be concerned about just a few slaps and shoves". Despite his shocking response, he was candid in that he reflected the attitude and culture of the Department.

Incarcerated people have been beaten, murdered and sexually abused with impunity by DOCCS staff for decades. In 2011, a gang of Attica guards brutally beat George Williams within an inch of his life. He only had 4 months left on his sentence and he spent them in a hospital bed due to his severe injuries. The only thing that saved him from death was that the nurse on duty in the infirmary was new to her job and immediately called the EMT upon seeing Mr. Williams' condition. Unbeknownst to her, calling EMT was NOT the practice at Attica, and she was barraged with threats from the security staff. As a result, she was eventually forced to leave her job due to safety concerns. With the help of a reporter for The Marshall Project, Tom Robbins, CANY was able to bring enough public attention to what happened to Mr. Williams and for the first time in the history of New York State DOCCS staff were criminally charged with felonies for physically abusing an incarcerated person. Once the story of his beating surfaced on the front page of the Sunday New York Times in March of 2015, the guards pleaded guilty to misdemeanors and were allowed to resign and keep their pensions. THAT leniency is part of the embedded culture of DOCCS.

So, it is not surprising that a month later Karl Taylor was beaten and choked to death by guards at Sullivan and Samuel Harrell was beaten to death by guards at Fishkill. In both instances, staff

and supervisors attempted to cover up the murders. No indictments were handed down in either case.

However, a civil suit was brought by the family of Mr. Taylor, and the case was tried in the Southern District of New York. During the trial, numerous DOCCS staff and supervisors lied under oath claiming that Mr. Taylor died of a heart attack, making a mockery of justice and displaying their utter disregard for Mr. Taylor's life. The case of Mr. Taylor's wrongful death against DOCCS resulted in a landmark settlement regarding brutality. Nonetheless, almost 10 years after the murders of Mr. Taylor and Mr. Harrell, Robert Brooks and Messiah Nintwai were murdered by DOCCS guards within the past 6 months. ONLY because those murders were captured on camera, has the public even learned about them.

Sexual abuse of incarcerated people by staff has been common for decades at both women's and men's facilities. PREA, the Prison Rape Elimination Act is a federal law designed to protect incarcerated people. Despite its enactment in 2003, it took 4 years before DOCCS took any action in 2019 when it created a PREA hotline. However, sexual abuse continues unabated. I have heard of numerous instances where incarcerated people were raped and/or sodomized by staff while supervisors watched and ordered compliance by the victim. Victims' fear of retaliation oftentimes prevents them from filing a formal complaint pursuant to PREA as they know the consequences usually are worse.

I would be remiss in my efforts to describe the current state of safety, transparency and accountability in DOCCS if I did not highlight additional areas of concern. The physical conditions in the prisons are inhumane at best. There is no hot water in the cells. Incarcerated people are doled out a half bucket of warm water at the end of the day which is what they must use to wash their bodies. Access to showers is limited to 2-3 times a week! In many of the Hudson Valley facilities the water has been brown for years. There is no clean water to drink, wash or cook with in those prisons. The staff bring bottled water with them, but the incarcerated population does not have that "luxury" and access to bottled water in the commissary is minimal to none.

There is no air conditioning in the living quarters. The heat is oftentimes unbearable in the summer months rising over 100 degrees. During the winter months, the "heat" remains on low all the time resulting in people wearing as many layers as possible of clothing or staying wrapped up in blankets to stay warm. I have witnessed these conditions firsthand.

Lack of even baseline dental, mental health and medical care are the norm throughout DOCCS. Rarely are dental problems, even as simple as a cavity, treated with anything beyond extraction.

It is totally accepted practice for DOCCS not to provide the most basic of dental maintenance care. Mental and behavioral health care is lacking on so many levels. There is no emotional support for grief or trauma. The “response” of DOCCS for people who take steps to commit suicide is a disciplinary ticket and punishment in solitary confinement. It goes without saying that if someone is so distraught that they contemplate and take steps to end their life, isolation in solitary confinement is NOT the solution or the standard care in the community. DOCCS’ failure to provide reasonable mental health care results in exacerbated emotional and psychological untreated complications that do not disappear upon someone’s release from prison. DOCCS’ neglect of these concerns increases the likelihood of recidivism and despair. There are no systems in place to make DOCCS accountable for this rampant neglect.

Visitors are also subjected to mistreatment. They have been referred to by staff with racist and sexist slurs. They have been the recipients of sexual innuendos and overtures by staff; made to submit to humiliating sexually invasive canine searches; and with the introduction of x-ray body scanners women on their menses are routinely being denied access to visits (contact and non-contact).

There is a stark need for culture change throughout DOCCS. Unfortunately misconduct and turning a blind eye to abuse are rewarded with promotions and accolades. How else can we explain the recent promotion of Bennie Thorpe to head the Marcy Correctional Facility after the murder of Robert Brooks, when he has been the subject of multiple allegations of rape while working as a captain at Bedford Hills Correctional Facility, a maximum-security women’s facility?

Equally disturbing is the network of nepotism that permeates all the top DOCCS positions that are filled with the immediate family, in-laws and friends of Commissioner Daniel Martuscello III. The Martuscello “family and friends” program, as it is knowingly referred to by current and former DOCCS employees, police itself and its members cover for each other. In this way, cover-ups, misconduct and scandals proceed out of the public’s view.

I submit to you that if culture change in DOCCS is ever to become a reality, it is imperative that it start with sweeping personnel changes. No agency has the ability to police itself. Transparency and accountability cannot coexist with nepotism.

Thank you for your time and attention to this important issue.



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