



NEW YORK STATE SENATOR

Julia Salazar

Urgent Necessity of Closing Marcy Correctional Facility

SENATOR JULIA SALAZAR January 13, 2025

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| COMMITTEE: **CRIME VICTIMS, CRIME AND CORRECTION**

Legislators' Letter to Governor Hochul to Close Marcy Correctional Facility

Dear Governor Hochul,

We, the undersigned New York State legislators, urge you to take steps to immediately close Marcy Correctional Facility. The enacted 2024 NYS Budget empowers you to close correctional facilities, and you can shut down Marcy CF without seeking any additional legislative approval. It is essential—not as a solution to all concerns brought to light by the beating death of Robert Brooks at Marcy CF in early December 2024—but as an essential step towards our shared goals of ensuring justice, protecting the safety and wellbeing of individuals incarcerated at Marcy CF, and increasing accountability in the NYS corrections system.

Closure of Marcy CF is warranted by the well-documented history and culture of violence and retaliation by staff directed against individuals who are incarcerated at Marcy CF.

You have correctly and strongly spoken out regarding the brutal beating of Robert Brooks by

multiple staff members at Marcy CF on December 9, 2024, resulting in Mr. Brooks' death hours later. You have taken action to hold staff accountable for their actions or their failure to intervene during this incident and have implemented multiple steps to address underlying concerns raised by this incident.

Your actions to date in response to the beating death of Mr. Roberts are welcomed and appreciated. However, they do not sufficiently or completely address the culture within Marcy CF that led to this horrific incident or made it possible. These steps do not provide the urgently needed protection of incarcerated individuals at Marcy CF and they would not accomplish the necessary goal of disrupting and ending the long-documented patterns of physical and racial abuse and medical neglect of incarcerated individuals by at Marcy CF.

As has been noted, the December 9th attack on Mr. Brooks in the prison infirmary was witnessed by supervisory officers as well as medical staff. Not only did no one intervene to protect Mr. Brooks from the sadistic assaults, it appears clear from the video recordings that all present (more than a dozen staff members)—those directly involved in the assaults as well as witnesses—viewed the incident as routine and normal, and, in some instances, as humorous.

We note the Correctional Association of NY's Post-Visit Briefing and Recommendations issued in July 2023 and based on their October 2022 monitoring visit to Marcy CF found extremely high levels of dissatisfaction with the quality and accessibility of medical, dental, and mental health care, reports of rampant abuse by staff, including physical assaults and retaliation, and a significant number of instances of racialized abuse and discrimination from staff. (<https://www.correctionalassociation.org/press-releases-archive/2023-marcy-pvb->

release) We also note, with alarm, that when provided an opportunity to respond to the details contained in the CANY report, the NYS Department of Corrections and Community Supervision essentially ignored all the information in the CANY report, claimed all was well at Marcy CF, and incredibly asserted, “Marcy Correctional Facility is an example of why New York is a leader in the corrections field.” (CANY report, p. 51.)

We are cognizant, as well, of numerous additional reports, anecdotal accounts, and formal and informal complaints raised over a period of many years regarding the pattern of systemic brutal and violent staff behavior at Marcy CF.

We understand serious concerns exist regarding the lack of protection of the human rights of incarcerated individuals throughout New York’s prison system. We respectfully submit much work needs to be done to thoroughly address these concerns. We urge you to work with the legislature in the coming months to take comprehensive steps to change the culture, improve programing, address concerns regarding medical and mental health care, and find new ways to hold DOCCS accountable.

However, a bold initial step is necessary to safeguard those who are incarcerated and to send an unmistakable message to those who work in and manage New York’s prisons. You are in a position to take immediate and bold action to close Marcy CF and we urge you to do so.

Closing Marcy CF immediately would accomplish key goals. It would:

(1) End the deeply embedded pattern of brutality, retaliation, racism, and lack of accountability at Marcy CF,

- (2) Send a clear message to all DOCCS staff that the State will not tolerate the continuation of “business as usual” at this facility, or, by extension, at any DOCCS facility,
- (3) Separate Marcy CF staff from each other and disperse them to other facilities where their established patterns of brutality—supported by long-established work relationships at Marcy CF—will be disrupted and dismantled,
- (4) Provide immediate protection to individuals currently incarcerated at Marcy CF who remain under dangerous and traumatic conditions at that facility.

The longer Marcy CF stays open, the more likely it is that there will be other incidents like what occurred to Robert Brooks.

We respectfully ask you to use your Executive power to shut down Marcy Correctional Facility immediately.

We thank you for your consideration.

Sincerely,

Senator Julia Salazar Senate District 18

Chair, NYS Standing Committee on Crime Victims, Crime & Correction

Assemblymember Eddie Gibbs Assembly District 68

Assemblymember Michaelle Solages Assembly District 22
Chair, Black, Puerto Rican, Hispanic and Asian Legislative Caucus

Additional legislators who have signed this letter:

Senator Jamaal Bailey 36th Senate District
Senator Jabari Brisport 25th Senate District
Senator Samra Brouk 55th Senate District
Senator Siela A. Bynoe 6th Senate District
Senator Cordell Cleare 30th Senate District
Senator Leroy Comrie 14th Senate District
Senator Jeremy Cooney 56th Senate District
Senator Nathalia Fernandez 34th Senate District
Senator Kristen Gonzalez 59th Senate District
Senator Brad Hoylman-Sigal 47th Senate District
Senator Robert Jackson 31st Senate District
Senator John Liu 16th Senate District
Senator Jessica Ramos 13th Senate District
Senator Gustavo Rivera 33rd Senate District
Senator James Sanders 10th Senate District
Senator Jose Serrano 29th Senate District
Assemblymember George Alvarez 78th Assembly District
Assemblymember Khaleel M. Anderson 31st Assembly District
Assemblymember Rodneyse Bichotte Hermelyn 42nd Assembly District
Assemblymember Alex Bores 73rd Assembly District
Assemblymember Noah Burroughs 18th Assembly District
Assemblymember Monique Chandler-Waterman 58th Assembly District
Assemblymember Catalina Cruz 39th Assembly District

Assemblymember Brian Cunningham 43rd Assembly District

Assemblymember Landon C. Dais 77th Assembly District

Assemblymember Maritza Davila 53rd Assembly District

Assemblymember Harvey Epstein 74th Assembly District

Assemblymember Charles Fall 61st Assembly District

Assemblymember Phara Souffrant Forrest 57th Assembly District

Assemblymember Emily Gallagher 50th Assembly District