



TESTIMONY PRESENTED
TO THE JOINT LEGISLATIVE HEARINGS
ON THE NEW YORK STATE PUBLIC PROTECTION BUDGET
FOR FY2026-2027
CONDUCTED BY
THE ASSEMBLY WAYS AND MEANS & SENATE FINANCE COMMITTEES
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I. INTRODUCTION

Thank you for giving Prisoners' Legal Services of New York (PLS) this opportunity to submit testimony in support of our request for funding in the FY 2026-2027 State Budget. Thank you also for your continued and generous support over the years.

As many of you know, PLS' mission is to provide high quality, effective legal representation and assistance to indigent incarcerated New Yorkers and to help them secure their civil and human rights. Created by New York State in 1976 in response to the 1971 Attica prison uprising, PLS protects the civil and constitutional rights of incarcerated individuals, and helps ensure respect for human dignity and human rights, thereby reducing the likelihood of another prison uprising, while helping incarcerated individuals prepare for successful reintegration into their communities upon release.

To fulfill this mission, PLS provides critical civil legal services to over 33,000 incarcerated individuals in prisons located across the state from Buffalo to Albany and from Plattsburgh to New York City. PLS helps fulfill New York State's commitment to the criminal justice goals of rehabilitation and reintegration by advocating for incarcerated individuals on issues related to their conditions of confinement including medical and mental health care, education, programming, disciplinary issues, sentencing and jail time, family visitation, brutality and harassment and pre-release and re-entry.

PLS currently has five offices statewide, located in proximity to most of the state's 42 prisons. Our offices are in Albany, Brooklyn, Buffalo, Ithaca and Newburgh. Last year, PLS received and responded to over 11,000 requests for assistance from incarcerated New Yorkers.

II. PLS' FUNDING REQUEST FOR FY2026-2027

PLS is requesting total funding of \$9.2 million for fiscal year 2026-2027.

In her FY2026-2027 Executive Budget, the Governor included funding for PLS of \$3.2 million. **PLS' funding request from the Legislature is as follows:**

- **\$3 million from the Assembly; and**
- **\$3 million from the Senate;**
- **for total legislative funding of \$6 million.**

This amount, together with the \$3.2 million from the Governor, will result in the requested \$9.2 million for FY 2026-27. For FY 2025 – 2026, PLS received a total of \$6.4 million in funding. The additional \$2.8 million in funding will allow PLS to:

- 1. Create a Rapid Response Brutality Unit – \$1,200,000**
- 2. Expand PLS' Disciplinary Representation Unit (DRU) – \$800,000**
- 3. Expand PLS' Pre-Release & Reentry Program (PREP) – \$400,000**
- 4. Absorb Increased Personnel and Operating Costs – \$400,000**

The requested funding of \$9.2 million will also restore PLS to a funding level close to what it had in the early 1990's under then-Governor Mario Cuomo. In FY1990-1991, PLS was funded at \$3,883,000. Accounting for inflation, funding of at least \$9,564,687 would be required to bring PLS to our 1990 level of funding.¹

As noted above, PLS is currently funded at \$6,400,000, approximately 69% of what PLS' equivalent funding was in 1991. As such, providing total funding of \$9.2 million (\$3.2m from the Executive and \$6m from the Legislature) for FY2026-2027 will help move PLS toward a level of funding that is reasonable and necessary and will allow PLS to do the job it has been tasked to do by New York State.

¹[Inflation Calculator | Find US Dollar's Value From 1913-2026](#)

III. FUNDING A RAPID RESPONSE BRUTALITY UNIT

PLS should be funded to establish a **Rapid Response Brutality Unit**. This unit is urgently needed to respond immediately and effectively to escalating incidents of violence inside New York State correctional facilities.

As you know, over the past year, reports of **severe brutality and systemic physical abuse** inside New York State correctional facilities have increased sharply, drawing significant media, legislative, and public attention. These reports have included allegations of group assaults, retaliatory beatings, excessive force during cell extractions, falsified reporting, and patterns of intimidation that undermine both institutional safety and public trust. Several incidents have resulted in serious injuries, hospitalizations, and at least two high-profile criminal investigations in light of the murders of Robert Brooks and Messiah Nantwi.

PLS was founded 50 years ago in direct response to unconstitutional and abusive conditions in New York's prisons – conditions that the State recognized required independent legal oversight and a trusted advocate for the incarcerated population. Since that time, PLS has repeatedly uncovered, litigated, and remedied brutality and civil rights violations, including:

- Federal civil rights litigation resulting in damages for individuals beaten or abused in NYS custody and injunctive relief such as the installation of cameras on various units and mandating photographs of injuries and completion of use of force reports;
- Hundreds of successful Article 78 actions involving due process violations connected to unfair, illegal and/or retaliatory disciplinary actions; and
- Advocacy that has repeatedly prompted DOCCS to preserve evidence, provide medical care, and remove abusive staff from contact with vulnerable individuals.

Because PLS is independent, trusted by the incarcerated population, and already in direct communication with thousands of individuals across DOCCS, PLS is uniquely positioned to **identify abuse immediately and intervene before evidence is lost or witnesses are silenced.**

As you well know, at the end of the 2025 Legislative Session, the Legislature passed landmark prison oversight legislation intended to increase transparency and provide additional systemic review of DOCCS operations. That bill, with some minor amendments, was signed into law by the Governor. The bill strengthens independent oversight; increases public reporting and systemic monitoring of DOCCS facilities; requires more robust data collection; and provides recommendations to improve conditions and reduce violence. However, the omnibus bill does not mandate investigation of individual brutality incidents in real time; provide for legal representation or direct advocacy for injured individuals; ensure preservation of evidence or the gathering of timely witness statements; hold individual staff accountable for excessive force; or protect vulnerable individuals from retaliation.

Undoubtedly, this oversight legislation will contribute meaningfully to public awareness and systemic review of prison operations. However, oversight and enforcement are not the same. Oversight may show the public what is happening. Accountability stops it from happening again. Oversight may document excessive force. Enforcement compensates the victim and punishes the wrongdoer. Oversight may reveal troubling patterns. Accountability changes those patterns. If the State's goal is to both reduce violence and restore trust – in the correctional system and in government itself – then oversight must be paired with effective, immediate, trusted enforcement.

While this bill will indisputably play a role in expanding oversight, it will not – and cannot – perform the hands-on, real-time investigative and enforcement work required to meaningfully address brutality or hold individuals accountable for unconstitutional acts. PLS' Rapid Response Brutality Unit will fill that critical gap.

Supporting PLS in this work will also:

- Signal to the public that the NYS Legislature is committed to transparency, accountability, and humane correctional practices;
- Improve safety for correctional staff, who are also placed at heightened risk when violence escalates or is tolerated;
- Reduce the State's exposure to litigation, medical costs, and long-term liability.

PLS' proposed Rapid Response Brutality Unit will respond to serious brutality allegations **within 36 hours**. Staff will:

- Conduct **immediate legal visits** with injured individuals;
- **Photograph and document injuries**;
- **Interview witnesses** and gather contemporaneous accounts;
- **Request evidence preservation** (video footage, log books, medical records, unusual incident reports);
- Conduct **follow-up advocacy** with medical and administrative staff; and
- Pursue litigation where appropriate.

The Unit will include:

- 1 Managing/Supervising Attorney
- 3-4 Staff Attorneys
- 2-3 Paralegals
- 1 Administrative Assistant

PLS knows that the Legislature is serious about ending brutality in New York's prisons – your work in this area to date has proven this. However, more must be done. The Rapid Response Brutality Unit is the enforcement mechanism that New York currently lacks – a timely, trusted, trained legal response team capable of deterring abuse and bringing transparency to one of the State's most opaque environments.

IV. EXPANSION OF PLS' DISCIPLINARY REPRESENTATION UNIT

One cannot overstate the importance of legal representation in a system lacking trust. The prison disciplinary process is one of the most consequential justice systems in New York, yet also one of the least transparent. Incarcerated individuals routinely report that the process appears rigged, unfair, and predetermined, fueling deep mistrust of institutional authority. The stakes faced by incarcerated individuals who are subjected to disciplinary hearings are extraordinarily high:

- Placement in solitary confinement or the Residential Rehabilitation Unit;
- Loss of packages, commissary, phone, or visitation;
- Demotion in program levels affecting merit time or release dates; and
- Loss of good time, which directly extends incarceration.

Additionally, many individuals facing disciplinary hearings suffer from mental illness, cognitive disabilities, physical impairments, trauma histories, or limited literacy, making meaningful self-representation impossible.

The HALT Solitary Confinement Act created a statutory right to representation in disciplinary proceedings. Increased Executive funding in FY2025–2026 allowed PLS to establish a pilot Disciplinary Representation Unit (DRU) with limited staffing of one Managing Attorney, one staff attorney, one paralegal and one secretary.

This pilot currently operates mainly at Albion and Shawangunk Correctional Facilities, although our DRU staff also accepts cases from other facilities when resources allow. PLS' DRU has achieved remarkable results since its inception this past year, consistently preventing or undoing extreme disciplinary sanctions and significantly reducing time our clients would otherwise have spent in solitary confinement or the Residential Rehabilitation Unit (SHU/RRU).

Through aggressive advocacy at hearings, on appeal, and directly with facility leadership, DRU staff have secured numerous not guilty findings, dismissals, and reversals of guilty dispositions. Many of these cases involved clear procedural violations – denial of representation, exclusion of the client from hearings, refusal to allow testimony, reliance on incomplete or misleading video evidence, or a total disregard of due process requirements – which DRU successfully challenged. As a result of this work:

- **Dozens of individual disciplinary charges were reversed on appeal.**
- Nine successful appeals to the Office of Special Housing alone resulted in **1,275 cumulative days of SHU/RRU confinement vacated, along with restoration of 90 days of visitation.**
- Multiple clients avoided sanctions ranging from 180 to 365 days of SHU/RRU.
- Several cases resulted in complete **dismissals or not guilty findings at the hearing stage**, sparing clients from spending months in SHU/RRU awaiting results of an administrative appeal.
- In other matters, **facility Superintendents reversed sanctions** – sometimes more than once – after DRU intervention, demonstrating the strength and credibility of our advocacy even before appeals are necessary.

Collectively, through not-guilty findings, dismissals, and reversals, the DRU has saved clients a potential cumulative total of several years of SHU/RRU confinement while also restoring visits and other critical privileges. These outcomes reflect not only technical legal skill, but persistent, principled enforcement of due process in a system where it is routinely denied – and they translate directly into safer, more humane conditions for our clients.

But, demand for representation vastly exceeds PLS' current capacity. Additional funding will allow PLS to extend representation to individuals in additional correctional facilities, ensuring the HALT Act's promise is realized. The proposed expansion includes:

- 3-4 additional Staff Attorneys
- 3-4 additional Paralegals

Providing funding to PLS to expand the DRU will:

- Increase fairness and integrity in the disciplinary process;
- Reduce reliance on solitary confinement;
- Improve outcomes for individuals with mental illness or disabilities;
- Increase confidence – among incarcerated people and staff – that the system operates with integrity and oversight; and
- Breathe life into the HALT legislation which allows individuals to be represented by counsel at their disciplinary hearings.

V. EXPANSION OF PLS' PRE-RELEASE AND REENTRY PROGRAM (PREP)

Reentry is one of the most important determinants of long-term public safety. PLS' Pre-Release and Reentry Program (PREP) has helped dozens of returning New Yorkers not only reintegrate, but thrive in their communities. PREP is the only program of its kind in the country. PREP Social Workers begin working with incarcerated individuals 18 months prior to their release and continue working with them for three years post-release. PREP staff provide assistance with reentry planning, therapeutic support, goal-setting, accountability, housing, medical care, benefits, employment, family reunification and accessing mental health resources. PREP staff also help address biopsychosocial barriers to long-term success. **This success is borne out by PREP's 2% recidivism rate – quite an accomplishment especially when compared to the recidivism**

rate in New York State which is estimated to be between 40 and 50%. Additional funding will allow PLS to expand PREP coverage to nearly all counties statewide. This expansion will directly advance the State's goals of reducing recidivism, stabilizing communities, and strengthening family reunification.

Currently, PREP operates in Albany, Buffalo, Newburgh and New York City. Additional funding will allow PLS to:

- Hire two additional licensed Social Workers;
- Hire an Administrative Assistant; and
- Provide PREP coverage to nearly all counties statewide.

This expansion directly advances the State's goals of reducing recidivism, stabilizing communities, and strengthening family reunification.

VI. ABSORPTION OF INCREASED PERSONNEL AND OPERATING COSTS

Under PLS' Collective Bargaining Agreement (CBA) with the Association of Legal Aid Attorneys UAW Local 2325, PLS must provide annual salary increases. These increases are not just mandated by the CBA, but they are essential to recruitment, retention, staffing stability, and morale.

In addition, PLS saw a 13–17% increase in health insurance costs for 2026, alongside rising rent, technology, and operational expenses. As noted earlier, PLS was funded for FY2025-2026 at \$6.4 million, the same amount that was provided in FY2024-2025. As such, we are forced to balance our budget this year through attrition and without an increase of at least \$400,000 for next fiscal year, PLS will be unable to maintain its current staffing levels, resulting in a decrease in providing essential services and an increase in the unmet need.

CONCLUSION

We commend and thank Governor Hochul for including PLS in her Executive FY2026-2027 budget and the Assembly and the Senate for providing PLS with funding in the past, as both actions are a clear indication of their commitment to civil and human rights and a testament to

the value that New York State places on the rehabilitation and reintegration goals of our criminal justice system, as well as public safety (both inside and outside prison walls.)

We ask the Legislature to add \$6 million (\$3 million from each house) to the Executive appropriation of \$3.2 million to attain total annual funding of \$9.2 million for core PLS services.

This level of funding will allow PLS to:

- Establish New York's first Rapid Response Brutality Unit;
- Expand legal representation at disciplinary hearings mandated under the HALT Act;
- Strengthen reentry services across nearly all counties;
- Sustain PLS' current operations amid rising personnel and non-personnel expenses.

PLS plays a unique and indispensable role in New York: ensuring safety, accountability, fairness, and humane treatment in a system that largely operates outside public view. At a time of heightened concern about brutality in state prisons, the need for trusted oversight and effective legal advocacy has never been greater. This is a critical opportunity for the Legislature to lead on prison safety, transparency, and justice – for incarcerated New Yorkers, for correctional staff, and for the public.

Dated: February 12, 2026

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