

Joint Legislative Budget Hearing on Public Protection

Written Testimony of Brian King

Greater Justice New York

Vera Institute of Justice

February 12, 2026

My name is Brian King, and I work with the Vera Institute of Justice's Greater Justice New York initiative. Vera works to end mass incarceration, protect immigrants' rights, ensure dignity for people behind bars, and build safe, thriving communities. While my colleagues in Vera's Advancing Universal Representation initiative have submitted testimony and requested time to speak concerning immigration issues, I am writing with respect to criminal justice legislation and the urgent need to fund and implement existing laws—all of which are essential to reducing incarceration, improving prison conditions, and delivering safety and justice to our communities.

We commend the governor's proposed legislation on ghost guns, as well as her prior support for the prison omnibus bill.¹ Advocates have called for these reforms, and we were glad to see some of them included in the Executive Budget.² The budget is also notable for what it omits: we applaud the absence of further rollbacks to commonsense criminal justice reforms.

Even amid a challenging national political environment—where this year's budget and legislative session will rightly focus on immigration and affordability—New York can still advance safety, justice, and accountability. As outlined below, we can do this through legislation that will increase safety for everyone in our prisons and by finally adequately funding Raise the Age.

Improve prison safety, alleviate the staffing crisis, and save taxpayer funds by revisiting New York's sentencing and early release laws

New York prisons have had a difficult 14 months. In December 2024, corrections officers murdered Robert Brooks in a medical unit at Marcy Correctional.³ A few months later, Messiah Nantwi was murdered at Mid-State Correctional Facility.⁴ An illegal work strike by corrections officers then exacerbated an existing staffing shortage. The governor expects that deploying National Guard troops to fill staffing gaps will cost the state \$1.2 billion through the end of 2026.⁵

To the governor's credit, she responded decisively to Robert Brooks's murder, both in the immediate aftermath and later by signing a slimmed-down version of the omnibus prison bill.⁶ While other organizations and coalitions will speak to the need for broader reforms around prison conditions, oversight, and accountability, Vera supports legislation that advances the original goals of the omnibus bill, along with legislation like the CARE Act that ensures human dignity behind bars.⁷

In addition to these measures, we must address the excessive prison sentences that are unnecessarily crowding our facilities at great cost as well as our insufficient rehabilitative efforts. Vera recommends the following legislation, which would increase access to programming, prioritize and incentivize rehabilitation, improve safety and wellness for incarcerated people and corrections professionals, and better prepare people for success after release—all of which will increase public safety.

- **Fix merit time through the Earned Time Act.**⁸ New York’s merit time credit structure—also known as “earned time”—is overdue for change. The availability of merit time credits is vital to safer facilities, as research shows that when incarcerated people participate in treatment and programming, the result is improved safety for incarcerated people, corrections professionals, and members of the community.⁹ Yet, as of December 2025, more than 71 percent of the prison population (more than 24,000 people) was ineligible for merit time credits, solely because they were serving time for a violent offense.¹⁰ By limiting incentives and opportunities for early release, New York’s laws disincentivize people from engaging in programs that support personal growth, education, and emotional regulation—necessary goals for people convicted of all offenses. Indeed, studies have shown that restricting merit time eligibility negatively affects behavior inside facilities and increases recidivism.¹¹
- **Revisit long sentences through the Second Look Act.**¹² New York should join the growing number of red and blue states that have passed laws like the Second Look Act, which allows judges to review and reconsider excessive sentences after a person has served a significant portion of time.¹³ These laws incentivize good behavior in prison, reward rehabilitation, and ensure the state does not spend taxpayer money incarcerating people who pose no threat to public safety. New York’s top judges, unions, and a broad public coalition support the Second Look Act.¹⁴
- **Expand the Limited Credit Time Allowance (LCTA).**¹⁵ This bill would increase the existing limited credit time allowance for incarcerated people serving sentences for violent offenses from six months to two years. This matters because these people are currently ineligible for merit time, and the prospect of earning six months off a long sentence is not compelling. By increasing the time from six months to two years, the state can provide a significant incentive for people serving lengthy sentences to engage in programming and rehabilitative efforts.
- **Allow consideration of mitigating circumstances in guilty pleas.**¹⁶ Under current law, New York prohibits prosecutors, defendants, and judges from agreeing to certain plea deals, either because plea deals cannot be more than one level below the indicted offense by law, or because “predicate offenders” are subject to mandatory minimum sentences. This legislation fixes that problem by allowing for consideration of mitigating circumstances in the context of a plea bargain that would otherwise be constrained by mandatory minimums. It does so in two ways: First, it removes arbitrary restrictions that limit plea deals to just one felony class below the charged indictment. Second, it allows the court to accept plea agreements with sentences below mandatory minimums for people with at least one prior felony conviction. These changes would ensure that sentences better reflect the circumstances of the crime and promote justice over rigidity.
- **Support community stability through the Treatment Court Expansion Act (TCEA).**¹⁷ New York’s jails and prisons have become the default psychiatric facility for far too many New Yorkers—especially in New York City, where more people in jail custody are classified or self-identified as having mental health needs than those who are not.¹⁸ Research shows incarceration worsens mental health, increasing the likelihood of future arrests.¹⁹ A carceral system so ineffective that it makes people more likely to be reincarcerated benefits no one. The TCEA would expand diversion opportunities to include people with mental health issues and disabilities charged with certain offenses, leading to better individual outcomes and increased public safety.

Each of these laws would lessen the strain on our correctional system; create safer, more structured prison environments; and prepare people for more successful community reentry, making us all safer. Importantly, in an antagonistic national political climate that has involved federal funding cuts and the threat of more cuts, many of these measures will deliver an immediate benefit: reducing the prison population, reducing recidivism, and bringing budgetary relief.

Distribute Raise the Age funds to community-based service providers to increase safety and improve youth outcomes

A fundamental promise of Raise the Age was that it would be paired with significant funding to build the infrastructure necessary to provide justice-involved adolescents with high-quality programs and services. Today, however, almost nine years after the bill's passage, over one billion dollars appropriated for Raise the Age remain undistributed.²⁰ Of the funds that have been distributed, very little has reached community-based organizations that provide critical services and programming to youth. Instead, most of the money has gone towards detention.²¹

Fully funding Raise the Age would allow New York to fully accomplish the goals of the legislation: not only treating children differently from adults in sentencing and detention decisions, but also providing counties with the resources needed to stand up services that deliver the safest outcomes through proven, evidence-based practices. These services include violence interruption, mentoring, mental and behavioral health, substance use treatment, pathways back to school, good paying jobs, and stable housing. Building this infrastructure across the state means putting funds directly into the hands of community-based organizations that provide these services and programs.

One way to ensure more funds go to services—not detention—is through the Youth Justice Innovation Fund (S. 643 / A. 8491). Administered by the Division of Criminal Justice Services, the fund would allocate \$50 million (or 20 percent of the annual \$250 million appropriation) to directly fund community-based organizations.²² If passed, it would allow community-based organizations to bypass county mechanisms to access funding, even in counties with different priorities.

Thank you for the opportunity to submit testimony in support of safety, accountability, and justice for New York. Please do not hesitate to contact me at bking@vera.org if the Vera Institute of Justice may provide further support to you all.

¹ New York State Division of the Budget, “Part C: Stopping Illegal Homegrown Guns,” in *FY 27 New York State Executive Budget, Public Protection and General Government Article VII Legislation* (Albany, NY: Division of the Budget, 2026), 10-24, <https://www.budget.ny.gov/pubs/archive/fy27/ex/artvii/ppgg-bill.pdf>; New York SB 8415 (2025); New York AB 8871 (2025).

² New Yorkers Against Gun Violence, “Advocacy Initiatives,” <https://nyagv.org/advocacy/>; End Prison Violence, “Bills We Support,” <https://www.endprisonviolence.org/bills>.

³ Chris Gelardi, “One Year Since Robert Brook’s Killing, Prison Chaos Has No End In Sight,” *New York Focus*, December 10, 2025, <https://nysfocus.com/2025/12/10/doccs-new-york-prisons-robert-brooks-killing-guard-strike-attica>.

⁴ Chris Gelardi, “I’m Doing This for My Friend: Imprisoned Man Recounts Watching Guards Beat Messiah Nantwi to Death,” *New York Focus*, March 28, 2025, <https://nysfocus.com/2025/03/28/prisoner-nantwi-death-midstate-correctional>.

⁵ Jimmy Vielkind, “New York’s Prison Strike has \$1 Billion Tab—and Climbing,” *Gothamist*, December 2025, <https://gothamist.com/news/new-yorks-prison-strike-has-1-billion-tab-and-climbing>.

⁶ Kathy Hochul, “Governor Hochul Visits Marcy Correctional Facility Demanding Answers Following Death of Robert Brooks and Announces Immediate Corrective Actions,” press release (Albany, New York: Governor’s Press Office,

-
- December 30, 2025), <https://www.governor.ny.gov/news/governor-hochul-visits-marcy-correctional-facility-demanding-answers-following-death-robert>; New York AB 8871 (2025); New York SB 8415 (2025).
- ⁷ New York SB 4583A (2025); New York AB 4879 (2025).
- ⁸ New York SB 342 (2025); New York AB 1085 (2025).
- ⁹ Robert Bozick, Jennifer Steele, Lois Davis, and Susan Turner, “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/virtuallibrary/abstracts/does-providing-inmates-education-improvepostrelease-outcomes-meta>; and Sheila A. French and Paul Gendreau, “Reducing Prison Misconducts: What Works!” *Criminal Justice and Behavior* 33, no. 2 (2006), 185-218, <https://de-escalate.org/wp-content/uploads/2019/02/Reducing-PrisonMisconductsWhat-Works.pdf>; and 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_postrelease.pdf.
- ¹⁰ Department of Corrections and Community Supervision, *DOCCS Fact Sheet* (New York: DOCCS, 2025), <https://doocs.ny.gov/system/files/documents/2025/12/doocs-fact-sheet-december-2025.pdf>.
- ¹¹ Zack A. Goodman and Evan Green-Lowe, “The Consequences of Truth in Sentencing,” *Recidiviz*, April 8, 2022, <https://www.recidiviz.org/updates/the-consequences-of-truth-in-sentencing>; Ilyana Kuziemko, “How Should Inmates Be Released from Prison? An Assessment of Parole Versus Fixed-Sentence Regimes,” *The Quarterly Journal of Economics* 128, no. 1 (2013), 371–424, <https://doi.org/10.1093/qje/qjs052>; and David C. Macdonald, “Truth in Sentencing, Incentives and Recidivism,” *The Review of Economics and Statistics* (2024), https://doi.org/10.1162/rest_a_01538.
- ¹² New York SB 158 (2025); New York AB 1283 (2025).
- ¹³ Sarah Cohbra and Becky Feldman, *The Second Look Movement: An Assessment of the Nation’s Sentence Review Laws* (Washington, D.C.: The Sentencing Project, 2025), 11-24, <https://www.sentencingproject.org/app/uploads/2025/10/Second-Look-Movement-An-Assessment-of-the-Nations-Sentence-Review-Laws.pdf>.
- ¹⁴ Rowan Wilson, Chief Judge of the New York Court of Appeals, has been vocal in his support of the Second Look Act. See Harubie Meko, “Top Judge Favors a Second Chance for Those Languishing in Prison,” *The New York Times*, February 10, 2025, <https://www.nytimes.com/2025/02/10/nyregion/second-look-prison-ny-judge-wilson.html>. Likewise, New York Chief Administrative Judge, Joseph Zayas, supports the legislation. See Joseph Zayas, “In the New Year, Take Another Look at Second Look,” *New York Law Journal*, January 13, 2025, <https://www.law.com/newyorklawjournal/2025/01/13/in-the-new-year-take-another-look-at-second-look/?slreturn=20260209061235>. At least 11 unions, including 1199SEIU, DC37, and the New York State Nurses Association, signed a letter calling for passage of the Second Look Act and the Earned Time Act. See Rebecca C. Lewis, “Unions Back Not One, But Two Sentencing Reform Measures,” *City & State*, May 15, 2025, <https://www.cityandstateny.com/policy/2025/05/unions-back-not-one-two-sentencing-reform-measures/405338/>. In December 2024, Vera commissioned EMC Research to conduct polling of the concepts of the Earned Time Act and the Second Look Act. Respondents largely supported both approaches to rewarding rehabilitation, with 74 percent of New Yorkers supporting the Earned Time Act and 68 percent supporting the Second Look Act. Vera Institute of Justice and EMC Research, “New Polling Shows Strong Voter Support for Allowing Rehabilitated Incarcerated People to Safely Return Home,” December 2024, https://vera-advocacy-and-partnerships.s3.us-east-1.amazonaws.com/Vera+and+EMC_Sentencing+Reform+Polling.pdf.
- ¹⁵ New York SB 320 (2025); New York AB (5418).
- ¹⁶ New York SB 8944 (2025); New York AB 10024 (2025).
- ¹⁷ New York SB 4547 (2025); New York AB 4869 (2025).
- ¹⁸ Vera Institute of Justice, “New York Criminal Legal System Data Hub: Jail,” <https://www.vera.org/ny-data-hub/jail>. To view the Rikers Island population designated as “Brad H” status, select the “BradH” option from the leftmost drop-down box. For an explanation of Brad H status, see Kellyann Bock and Michael Rempel, *Flagging for Mental Health Needs in New York City Jails: Prevalence and Timing* (New York: Data Collaborative for Justice, 2025), https://datacollaborativeforjustice.org/wp-content/uploads/2025/04/MH_Brief-1.pdf.
- ¹⁹ Jacques Baillargeon, Ingrid A. Binswanger, Joseph V. Penn, et al., “Psychiatric Disorders and Repeat Incarcerations: The Revolving Prison Door,” *American Journal of Psychiatry* 166, no. 1 (2009), 103–109, <https://doi.org/10.1176/appi.ajp.2008.08030416>; Kristin G. Cloyes, Bob Wong, Seth Latimer, and Jose Abarca, “Time to Prison Return for Offenders with Serious Mental Illness Released from Prison: A Survival

-
- Analysis,” *Criminal Justice and Behavior* 37, no. 2 (2010), 175–187, <https://doi.org/10.1177/0093854809354370>; James A. Wilson and Peter B. Wood, “Dissecting the Relationship Between Mental Illness and Return to Incarceration,” *Journal of Criminal Justice* 42, no. 6 (2014), 527–537, <https://www.sciencedirect.com/science/article/abs/pii/S0047235214000828>; and Kristen M. Zgoba, Rusty Reeves, Anthony Tamburello, and Lisa Debilio, “Criminal Recidivism in Inmates with Mental Illness and Substance Use Disorders,” *Journal of the American Academy of Psychiatry and the Law Online* 48, no. 2 (2020), 1–7, <https://perma.cc/8DPB-Z3MK>. *Criminal Justice* 42, no. 6 (2014), 527–537, <https://doi.org/10.1016/j.jcrimjus.2014.09.005>; and Kristen M. Zgoba, Rusty Reeves, Anthony Tamburello, and Lisa Debilio, “Criminal Recidivism in Inmates with Mental Illness and Substance Use Disorders,” *Journal of the American Academy of Psychiatry and the Law Online* 48, no. 2 (2020), 1–7, <https://perma.cc/8DPB-Z3MK>.
- ²⁰ Thomas DiNapoli, *Economic and Policy Insights: Spending on Raise the Age Programs in New York* (Albany, New York: Office of the New York State Comptroller, 2025), 2, <https://www.osc.ny.gov/files/reports/pdf/spending-on-raise-the-age-programs-in-new-york.pdf>.
- ²¹ Ibid, 5-6.
- ²² New York SB 643 (2025); New York AB 8491 (2025).