

# **New York state prison guards wildcat over investigation into beating death of inmate**

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New York's Democratic Governor Kathy Hochul has mobilized 3,500 National Guard soldiers to enter state prisons in response to a wildcat strike by corrections officers, now in its second week.

The prison guards claim to be protesting being forced to work under what they claim to be hazardous conditions. However, the immediate trigger was the impending indictment of some of their own for the brutal beating to death of an inmate at the Marcy Correctional Facility, near Utica, New York, last December.

At least 17 prison guards and other corrections employees were allegedly involved in the fatal beating of the 43-year-old inmate, Robert Brooks. The brutal attack was recorded on guards' body cameras. The videos show Brooks, who was shackled and handcuffed at the time, being punched, kicked and violently manhandled. The death of Brooks has been ruled a homicide by the Onondaga County Medical Examiner's Office.

On Thursday, a grand jury indictment was released in Brooks' death. Six corrections officers were charged with second-degree murder and first-degree manslaughter. In addition, two of them were charged with gang assault. Three other officers were charged with manslaughter for failing to intervene to stop the fatal attack.

In New York state, public employees, including prison guards, are prohibited from striking under what is known as the Taylor Law. The action by the guards, which began at two facilities, on Monday, February 17, has now spread to all but one of the state's 42 prisons. It has not been officially called by their union, the New York State Correctional Officers and Police Benevolent Association, affording the union leadership "plausible deniability" of legal responsibility for the job action.

Hochul is handling the strike with kid gloves as have the courts. Instead of issuing an immediate injunction, which would likely have been done against any other group of state employees, a State Supreme Court judge has ordered the officers to return to work under a temporary restraining order and gave them until the following Tuesday to provide justification for their action.

News reports indicate that the National Guard initially entered the Attica Correctional Facility, the site of the brutal massacre by police in 1971, ordered by then Governor Nelson Rockefeller, of inmates who had taken over the facility to protest inhuman conditions.

In response to the strike, Hochul and the state corrections commissioner, Daniel Martuscello, III, issued pro forma statements which sought to characterize the killing of Brooks as uncharacteristic of the state prison system.

The union also issued a statement describing the brutal beating of Brooks as "not reflective of the great work that the vast majority of our membership conducts every day." It also expressed "no confidence" in the commissioner, alleging that dangerous conditions had been created due to understaffing—as if that justified brutality against inmates. In effect, the union is claiming that guards can abuse and even kill inmates with impunity.

The Legal Aid Society has charged that the strike is intended to divert attention from Brooks' murder.

The corrections officers are also protesting a state law from 2021 that put some restrictions on the use of solitary confinement, an inhuman practice used to discipline prisoners. The law, known as the Humane Alternatives to Long-Term Solitary Confinement Act (HALT), is supposed to limit individual episodes of solitary confinement to 15 consecutive days. The

guards reportedly feel that it has altered the balance of power between them and the inmates (i.e., put some limitations on their ability to impose a regime of terror). One of the main goals of the strike appears to be the law's repeal.

Lawsuits have documented that the state prison agency, the Department of Corrections and Community Supervision (DOCCS), has repeatedly flouted provisions of HALT, including sending disabled people to solitary, sending people to solitary for minor infractions and prolonged denial of social interaction, among others.

Again, the guards are claiming an absolute right to use any method, no matter how savage, against inmates.

In response to the strike, some provisions of HALT have been suspended for an unspecified duration. The Prisoners' Rights Project at the Legal Aid Society has reported that inmates have complained of being locked in their cells, cut off from access to medical and mental health care, food, medicine, heat, electricity, showers, and other basic necessities.

The aggressive behavior of prison guards against inmates is a routine occurrence in New York and nationally. The Marcy facility itself has a history of violence by the staff, which has been documented by the prison oversight group Correctional Association of New York. In 2016, for example, correction officers rioted following a false report that a guard had been assaulted by an inmate.

The latest reported incident in New York occurred shortly before the current guards' strike. Inmates at another state prison, the Collins Correctional Facility in Erie County, apparently triggered by a minor rules violation—the discovery of two contraband cell phones in the possession of one individual—resulted in a disproportionate punitive action. This involved an unwarranted lockdown of prisoners in three dorms for several hours, followed by a forceful “retaking” of the dormitories involving police and the Correctional Emergency Response Teams. No violence on the part of inmates reportedly occurred. Nevertheless, it was initially described in news accounts as a prisoner “uprising.”

There is a well-established tradition of abuse and torture in New York state prisons. Separate civil lawsuits filed in December 2023 by two prisoners in

upstate New York highlight the brutality and horror of the American gulag. The plaintiffs reported that they were savagely beaten by guards at one prison and waterboarded at another the previous October.

In New York City, the infamous Rikers Island, the largest jail complex in the United States, is notorious for inmate death, sickness, filth and barbaric violence. Many of its occupants are being held before trial, legally presumed innocent, not having been convicted of a crime. In a move that will increase police terror in Rikers, the city's Democratic mayor, Eric Adams, has now allowed Immigration and Customs Enforcement officers to enter the facility, a contravention of the city's sanctuary laws.

The United States has the largest prison population in the world, with approximately 1.9 million as of March 2023, according to the Prison Policy Initiative, representing roughly 25 percent of the world's total. This reflects the country's large and increasing social inequality and the growing use of violence by the ruling class to defend its interests, both abroad and at home.

Prisons and their staffs, as part of the entire legal system, are one of the primary tools used by the ruling class to suppress the working class by the use of terror and physical control. The existing brutality of the US prison system is a warning. President Trump's plan to build massive camps to hold undocumented migrants presages the expansion of the vast prison gulag to incarcerate any who defy his dictatorial rule, unless stopped by a revolutionary struggle to end capitalism by the working class.



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