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**VIA ELECTRONIC DELIVERY**

The Honorable Kathy C. Hochul  
Governor of the State of New York  
Executive Chamber  
State Capitol  
Albany, New York 12224

*Re: NYSBA Support for S.8415/A.887*

Dear Governor Hochul:

On behalf of the New York State Bar Association, I write to convey our support for the above-referenced bill. We also call your attention to an inconsistency in Parts B and J of the bill that we believe warrants careful consideration.

This Omnibus Bill is a package of prison reforms which provide the following:

- Part A requires that correctional facilities must turn over un-redacted video footage related to any death where correctional officers are involved to the Attorney General's Office of Special Investigation within 72-hours of the death;
- Part B mandates comprehensive audio and video surveillance in common areas of correctional facilities with retention period of 1-year, or 5-years if related to misconduct or litigation;
- Section C requires prompt notification to the next of kin following an incarcerated individual's death and mandates public notice on the DOCCS Website within 24 hours of notification;
- Part D directs the State Commission of Corrections to investigate the causes of death in custody over the past decade and make recommendations for systemic reform;
- Part E (Terry Cooper Autopsy Accountability Act) requires autopsy reports to include photographs, x-rays, and other relevant documentation reviewed by the medical examiner to ensure full transparency;
- Part F provides the framework for separating prosecution and civil defense roles within the Attorney General's Office and allows appointment of independent prosecutors when conflict arise;
- Part G requires DOCCS to report data quarterly to the legislature and governor on complaints, investigations, staffing, and enforcement actions handled by the Office of Special Investigation;
- Part H expands the State Commission of Correction from three to nine members and requires membership including public health professionals, civil rights advocates, and at least one formerly incarcerated individual;

- Part I expands the Correctional Association of New York's Authority to conduct independent, unsupervised inspections, to speak with incarcerated individuals and staff an access quarterly data from DOCCS;
- Part J expands the time frame for incarcerated individuals to file civil claims for harm suffered in custody to three years after their release rather than three years after the date of the incident.

*Part B and J Inconsistencies*

Part B of the bill mandates comprehensive audio and video surveillance in common areas of correctional facilities with retention period of 1-year, or 5-years if related to misconduct or litigation. Part J expands the time frame for incarcerated individuals to file civil claims for harm suffered in custody to three years after their release rather than three years after the date of the incident. Part J recognizes the complex barriers to timely legal redress for those still incarcerated. Part B, however, mandates the retention of audio and video surveillance footage for only one year—or five years if connected to a known incident or pending litigation. This limited retention period risks undermining the effectiveness of Part J. If an individual is incarcerated for an extended term, the relevant surveillance footage could be destroyed before any claim is filed.

*Part B: Audio/ Visual Expansion Effort*

We applaud the expedited funding all state prisons and distribute more body cameras for corrections officers. In the [Report and Recommendations of the Task Force on Racial Injustice and Police Reform](#), our Task Force noted that police departments have had to adapt to technological changes to investigate crimes and apprehend people suspected to have committed a crime.<sup>1</sup>

Our [Task Force on Racial Injustice and Police Reform](#) concluded its report noting that, “The problem is not with policing, but bad policing.”<sup>2</sup> While we appreciate the complexity of this issue, it is important to have a transparent and humane infrastructure in New York's correctional facilities.

Therefore, the New York State Bar Association **SUPPORTS** S.8415/A.887 and urges your approval.

The New York State Bar Association stands ready to assist any way we can. Please do not hesitate to contact me, or NYSBA's General Counsel, David Miranda, who can be reached at [dmiranda@nysba.org](mailto:dmiranda@nysba.org), 518-487-5524.

Respectfully,



Kathleen Marie Sweet,  
President

Cc: Hon. Brian M. Mahanna, Counsel to the Governor  
Ms. Densie Gagnon, Legislative Secretary and Director of Legislative Services

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<sup>1</sup> Report and Recommendations of the Task Force on Racial Injustice and Police Reform, Approved by the New York State Bar Association House of Delegates on June 12, 2021, at 55.

<sup>2</sup> Supra, at 105.