

# DEFENSELESS

NEW YORK PRISONS

Behind the Robert Brooks beating lies a deeply flawed prison culture

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*Content warning: This story contains graphic images and descriptions of a beating that led to the death of an inmate.*

The yellow glare from prison floodlights obscures the camera's view as it bobs along, following a state prison guard as he jogs toward a scrum of fellow officers grappling with an inmate along a fence line ringed with barbed wire. • It's after 9 p.m. on a cold and rainy December night at Marcy Correctional Facility, a medium-security prison near Utica. • The guard and the others are unaware cameras attached to their prison jackets are silently recording every move. He hadn't hit record. None of them had. • At least four cameras are quietly watching, covert witnesses to the brutal assault that's unfolding.

Moments later, another body camera captures the inmate restrained in handcuffs being carried face down by three officers — two at his arms, another at his legs — through the entryway. Minutes before, a camera had spied a Tom Cruise movie playing on a TV mounted to the lobby wall.

They deliver him to an examination table in an infirmary stocked with stethoscopes, boxes of medical gloves and a sign that offers tips on how to respond if someone's choking. It's supposed to be a place for healing.

It's there the beating begins. Vicious blows are delivered by a state corrections officer in glasses, his baseball cap turned backward catcher-style, so it won't get in the way.

Over the course of several minutes, he repeatedly punches the handcuffed prisoner in the face, bloodying his nose and mouth while a camera tallies the hits.

There is a brutal choreography to it all. Officers join in with blows to the stomach, a kick to the groin. Others stand at the edges, their faces expressionless. One steps over to a sink and peels off a medical glove. A lens captures a stream of water washing blood from his hand, down the drain.

They grab the inmate by the neck and toss him up against a wall like a department store mannequin. They shove a white towel in his mouth. And they remove his green prison-issued sweatshirt and pants, leaving him in his underwear.

When it appears the inmate has slipped into unconsciousness, an officer rubs his sternum to see if he's still responsive.

Over 10 minutes, the room's fluorescent light will deliver movie-set quality

views of every face — each one white — so that a state investigator who once worked beside them as a Marcy guard will be able to identify each by name.

The inmate, Robert Brooks, a 43-year-old Black man from a Rochester suburb serving time for a 2016 stabbing, would die the following day at a nearby hospital.

More than a decade ago, in response to police-involved killings, cities turned to body cameras as a way to hold officers accountable for deadly mistreatment and, for officers, a videotaped defense to counter false allegations. Their rollout has not always gone smoothly: Many officers choose not to activate them, leading some departments to use cameras that activate automatically as a gun is removed from a holster, for example.

The body cameras were new partners at the Marcy prison, introduced just eight months before the beating. They captured no sound from the assault, but would have had the officers activated them, according to Ian Adams, a former officer who studies these issues at the University of South Carolina.

The visuals were taped thanks to a built-in feature that allows the state to access half-hour snippets for up to 18 hours after they're recorded, even when the cameras aren't activated, Adams said.

On Thursday, five of the officers were charged with second-degree murder and three others with manslaughter. Onondaga County District Attorney William Fitzpatrick said the investigation might not have resulted in criminal charges if not for the evidence provided by the recall feature in the body cam-

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Images from inside Marcy Correctional Facility revealed a culture many say justifies abuse by officers in the name of keeping order. OBSERVER-DISPATCH

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eras.

"The officers were not aware that they were being taped," Fitzpatrick said at a press conference after the officers' indictment was unsealed on Thursday. "That's going to be proven beyond a reasonable doubt at trial."

Hours after the attack, state investigators contacted Axon, the cameras' manufacturer, to determine whether footage could be retrieved.

Several questions remain in the aftermath of Brooks' death. For instance, why was Brooks transferred from Mohawk Correctional Facility to Marcy on Dec. 9? And what prompted the officers to react with such fury?

What is clear is that none of the officers appeared to be aware their new companions, which they believed were deactivated and dormant, could betray them.

### Marcy recording sent shock wave through NY government, police

The disturbing images from the Marcy infirmary have yanked back the curtain on a prison culture advocates and attorneys say is fueled by racism, coverups and an us-against-them approach that justifies abuse in the name of keeping order, all with the tacit support of prison leadership.

They offer an unvarnished look at the sort of behavior that inmates, their families, attorneys, advocates and news organizations like The New York Times and The Marshall Project have documented over several decades.

On Dec. 18, 2024, a week after Brooks died, state Department of Corrections and Community Supervision Commissioner Daniel Martuscello alerted his staff about the investigation into Brooks' assault and issued a directive about body-worn cameras.

"Violence, regardless of the perpetrator, is not tolerated," Martuscello wrote. "Our values include operating with the utmost ethical behavior; recognizing the value of each person; and protecting the human dignity of everyone." *Everyone* is italicized in bold.

It does not mention whether the cameras continue to record interactions with an inmate even when not activated.

The incident spurred a flurry of state moves to account for the actions the recordings revealed.

The first wave of suspensions named 12 officers — Nicholas Anzalone, Matthew Gallihier, David Kingsley, Nicholas Kieffer, Robert Kessler, Michael Fisher, Christopher Walrath, Michael Along, Shea Schoff, David Walters, Sgt. Michael Mashaw and Sgt. Glenn Trombly.

Nurse Kyle Dashnaw was suspended and Officer Anthony Farina resigned.

Four other employees — Sgt. Christine Ploss, Sgt. Evan Thisse, Officer Jaried Popiel and nurse Patricia Matos — were suspended on Jan. 10.

On Thursday, five of the officers — Anzalone, 44, Kingsley, 44, Farina, 49, Walrath, 36 and Gallihier, 43 — were charged with second-degree murder and manslaughter. A sixth defendant, who was not named in the indictment, is facing second-degree murder charges and awaiting arraignment.

Officers Mashaw, 47, Fisher, 54, and Walters, 36, were charged with manslaughter. And Officer Nicholas Gentile, 36, was charged with tampering with evidence.

The prison's superintendent was replaced and the state Attorney General's Office initiated a criminal investigation before turning it over to the Onondaga County Prosecutor's Office, citing a con-



A large photo of Robert Brooks, above, greeted attendees at a Feb. 4 community forum entitled "How Many More?: A Call for Change, Action, and Accountability" organized by the Rochester Police Accountability Board at a city high school. Left: Mary Brooks, mother of Robert Brooks, gets a hug of support from Camille Simmons, the Rochester School Board president who also attended the event.

SHAWN DOWD/ROCHESTER DEMOCRAT AND CHRONICLE



dict. The state is already representing several of the same officers in civil litigation filed by other Marcy inmates.

Gov. Kathy Hochul has proposed a slate of initiatives in response, including hundreds of millions of dollars to pay for more cameras. Protests have broken out in Rochester and Brooklyn, and outside the prison. There have been calls to shut down Marcy. The officers' union said the incident was "not reflective of the great work" its officers perform every day.

But will any of this be enough to cause a shift in prison culture or at least make officers accountable for their behavior?

"It is chilling when people see that video," Hochul told the USA Today Network earlier this month. "But I'll tell you this. Even before I saw that video, I fired them. ... I was so shocked by just the description of what they did that people need to know that this is absolutely intolerable."

### Marcy a setting for regular abuse? 'This is a hands-on facility'

It's not the first time Marcy officers have been accused of mistreating inmates, but it's the first incident that was recorded.

"I was horrified to hear the news and sickened to watch the video but sadly this did not come as a surprise," said Jennifer Scaife, the executive director of the Correctional Association of New York, a nonprofit that investigates conditions at state prisons.

The group's July 2023 report highlighted several issues at Marcy, including Black inmates being turned away from the mess hall for wearing their hair in cornrows or braids. It included a quote from one inmate: "Physical abuse is rampant; the CO told me when I got here, 'This is a hands-on facility, we're going to put hands on you if we don't like what you're doing.'"

Over the past 20 years, veteran civil rights attorney Katie Rosenfeld has filed several lawsuits against DOCCS for mistreatment of inmates at Marcy and elsewhere.

"The leadership is acting like they're so horrified, but this abuse has been an open sore festering in DOCCS for decades and they've allowed it," said Rosenfeld of the New York City firm Emery Celli Brinkerhoff Abady Ward & Maazel.

Several of the suspended Marcy officers have been named in lawsuits filed by other inmates.

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"I think the justice system is just inhumane, first of all," said Darlene McDay, shown looking at photos of her son Dante Taylor on Jan. 9, 2024. Taylor committed suicide in 2017 a day after allegedly being brutally beaten by correctional officers in Wende Correctional Facility, a prison in Erie County. Taylor was sentenced to life without parole for the 2014 stabbing death of his girlfriend. SETH HARRISON/THE JOURNAL NEWS

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Rosenfeld represents Adam Bauer, a Marcy inmate who alleges that in February 2020 one of the officers who beat Brooks – Anzalone – joined other officers in kicking and beating him after he was caught in a prison bathroom smoking a cigarette. Bauer said Anzalone then claimed the cuts to his head were self-inflicted.

And a 2023 lawsuit filed by civil rights attorney Amy Jane Agnew says Marcy officers retaliate against inmates by meting out assaults during van rides when they're alone with officers. "Security administrators have known about these 'van rides' for years yet allow them to continue as a form of behavior control," the lawsuit alleges.

### Brooks joins group of high-profile deaths in NY prisons

Brooks joins a list of state inmates who died after run-ins with New York prison guards in recent years: Samuel Harrell, Karl Taylor, Dante Taylor, Terry Cooper are among them.

Their alleged beatings weren't filmed. And it can be an uphill battle bringing claims on behalf of vic-

tims convicted of heinous crimes like rape and murder, crimes unlikely to engender jury sympathy.

Dante Taylor's mother, Darlene McDay, said she decided to file a lawsuit to hold officers at Wende Correctional Facility responsible for what they did to her son. The suit is still pending.

"I think the justice system is just inhumane, first of all," McDay said. "Secondly, I don't think they see people that are incarcerated as humans. They don't see them as people. And it's been going on for so long."

On Oct. 7, 2017, Taylor, 22, wrapped a bedsheet around his neck and killed himself in an infirmary cell at Wende Correctional Facility near Buffalo. The day before, the family's lawsuit alleges, Taylor was brutally beaten beyond recognition by corrections officers. Prison staff had ignored warning signs of his suicide, the lawsuit claims.

Taylor died while his lawyers were appealing his sentence of life without parole for the 2014 stabbing death of Sarah Goode, 21, on Long Island.

"They severely beat him and then they claimed, of course, that he self-inflicted those injuries by smashing his own face on the floor of the cell," Rosenfeld said.

McDay has monitored developments in the Brooks' investigation but can't bring herself to watch the body camera images.

"If I even start to see that video, I picture my son," McDay says. "It's something that's so traumatizing because the way I see it is, that is what happened to my son that night."

The DOCCS Office of Special Investigations determined that officers had "engaged in excessive force/assault of Dante Taylor the day before his death," according to a department spokesperson. Federal prosecutors ultimately chose not to pursue criminal charges, saying the evidence was inconclusive and insufficient, the spokesperson noted.

Attorney Luna Droubi said she confronted similar challenges in her bid to hold officers accountable for the death of Samuel Harrell and others assaulted by officers at Fishkill Correctional Facility. In Harrell's case, officers said he died of an overdose, but a witness told Droubi he watched as Harrell's body was thrown down a stairwell, she said.

Manhattan federal prosecutors and the Dutchess County District Attorney decided against bringing criminal charges in 2017, citing the absence of video that could have corroborated the claims, according to a statement made to The New York Times at the time.

"I'm haunted by the Sam Harrell case because each of these individuals who were at a low point in their lives were not being seen as humans," Droubi said. "It's like their life meant less and nobody seemed to care."