NEW YORK STATE | Offices of the Inspector General

LUCY LANG
Inspector General

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September 11, 2025

Daniel F. Martuscello III
Commissioner
New York State Department of Corrections
and Community Supervision
Harriman State Office Campus
1220 Washington Avenue
Albany, New York 12226

Re: NYSIG 2570-316-2025

Dear Commissioner Martuscello:

From mid-June of this year through the present, the Office of the New York State Inspector General has received an unusually high influx of allegations related to the living conditions at New York State Department of Corrections and Community Supervision (DOCCS) Sing Sing Correctional Facility. The complaints have varied in nature and detail, but generally share common concerns about lack of movement throughout the prison and unsafe, unhealthy, and unsanitary living conditions. The antiquated and sprawling physical plant of the facility—construction of which began 200 years ago this year—no doubt contributes to many of the problems facing both the incarcerated population and staff of the facility. Notably for purposes of this letter, many of these recent complaints included worry about the dangerously high temperatures in New York this summer, and the absence of effective relief from the heat for the incarcerated population of Sing Sing. While our overall analysis of the breadth of the allegations remains ongoing, I write today to recommend an immediate alteration to your temperature tracking practices to better capture and respond to the threat of a potential health crisis in this face of ongoing high temperatures, and to better facilitate continuing oversight.

In a visit on July 22, my colleagues and I inspected the areas of Sing Sing relevant to the complaints received, met with staff and leadership, and spoke to incarcerated individuals. We visited the housing units; recreational, educational, programming, and visitation areas; medical, dining and bathing facilities; and library and law library. Over the past two months, we have also had ongoing conversations with members of your staff, conversations with family members and other representatives of the population incarcerated at Sing Sing, and have reviewed extensive documentary materials related to the issues implicated by the complaints received.

During the period including these complaints, Governor Kathy Hochul declared a State of Emergency in Westchester County, and the National Weather Service issued multiple heat advisories there, advising that on some days, between the hours of 11 a.m. and 8 p.m., the heat and humidity combined to feel as high as 105 degrees. In response to the staffing shortages that your department is experiencing, the facility has made programmatic changes that resulted in

incarcerated individuals spending uncharacteristically extended periods in their cells, which lack air conditioning and, unless purchased by the incarcerated individual themselves when available through the commissary, a fan. Based on the department's representations, for the same reason, incarcerated individuals are currently afforded limited access to showers and to time out-of-doors and in interior common areas with access to natural airflow.

As you are aware, section 112 of New York Correction Law was amended in January 2025 to require your department to "promulgate rules and regulations to establish and maintain an annual heat mitigation plan to ensure incarcerated individuals and correctional facility staff have options available to stay cool, hydrated and safe during high heat temperatures."[1] While the amendment did not set forth a timeline for finalizing such a heat mitigation plan, I understand that you are in the process of drafting a comprehensive system-wide plan. To that end, I urge you to expeditiously finalize the plan and consider the following findings regarding the conditions and practices at Sing Sing this summer.

Consistent with what we have been told by executive staff at Sing Sing, since July 3, 2025, steps have been taken to track the ambient temperatures across each of the housing units and other areas. In our efforts to evaluate the complaints received from incarcerated individuals and their families, among others, about the heat conditions at Sing Sing, we requested copies of the instructions related to the taking of these temperature measurements as well as any logs or other documentation reflecting the results. We also followed up with members of the facility's executive staff, facilitated by your Office of Special Investigations (OSI), which has assisted with our efforts to evaluate the conditions there.

As we have relayed to you in the past (see the Inspector General's August 2024 report, "Review of the First Two Years of HALT at the New York State Department of Corrections and Community Supervision"),[2] the ability of the Inspector General to fully assess the cause of many reported complaints is impeded by DOCCS's continued usage of paper-based tracking systems for most elements of prison administration, particularly that of the movement of incarcerated individuals throughout the facility and the daily duties and actions of staff. That remains true with respect to several areas of the instant inquiry. In short, we found the information received here insufficient to effectively exercise our oversight authority in assessing complaints related to temperature.

On July 3, 2025, an email was sent by a plant superintendent instructing certain plant utility engineers "to take temperatures in all the housing units (HBA, HBB, HB7, HB5, HBC, PSU and infirmary) once a shift. The temperatures are to be logged in the OIC[3] log books and also in an email sent to the Superintendent, First Deputy Superintendent, Deputy Superintendent for Administration and Plant Superintendent." A review of OIC log books by the Inspector General reflected that while temperature readings were generally being taken each shift, compliance with the instruction was not uniform and the recordkeeping and email reporting were incomplete and inconsistent. Additionally, there was no consistency in the times or locations where the temperatures were sampled for this reporting.

Subsequently, on July 18, 2025, a follow-up email was sent by a deputy superintendent to the engineering staff directing that they "please make sure that TEMPERATURES are being taken

[1] New York Correction Law § 122(6)(a).
[2] https://ig.ny.gov/system/files/documents/2024/08/nys-oig-doccs-halt-report-8.5.24.pdf.
[3] OIC is an initialism for "Officer in Charge."

from all floors" and that he was "told by the II that staff are not going to the upper galleries." Notably, there was nothing in the initial July 3 directive requiring staff to take temperatures on all floors.

Following that updated instruction on July 18, the readings recorded in the OIC log books and emailed to supervisors more consistently noted which floor(s) on which the temperature was taken. However, during many shifts, rather than being written down, the log book merely indicates that temperature readings were emailed. There is also no way to determine whether the temperature readings were being taken in the same locations each day for purposes of comparison, nor is there any indication that the temperature readings were being taken at predetermined times to capture the peak heat during a given day. The absence of comprehensive codification of the instructions for staff regarding the taking, recording, and reporting of temperature readings within the facility has led to confusion and lack of clarity on the part of staff interviewed by the Inspector General. Even more concerning, our inquiry revealed that there are no standards for determining when the temperature rises to a critical level, nor any standardized mitigating steps to be taken by staff when such level is triggered.

To that end, and in the interest of alleviating some measure of the suffering being experienced at the facility, we recommend that you swiftly finalize the heat mitigation plan to offer relief to the incarcerated population and staff of Sing Sing and all other correctional facilities during periods of extreme heat going forward and that such plan can be implemented and followed regardless of staffing levels.

Please advise me of the action taken by DOCCS in response to this recommendation within 45 days of the date of this letter. If you require further information, please contact Attorney-in-Charge for DOCCS Jonathan Schultz at [redacted].

Sincerely,

Lucy Lang
Inspector General

cc: Jason Golub, Esq.
Deputy Commissioner and General Counsel