

**TESTIMONY PRESENTED BY**

**Donn Rowe**

**President**



**January 27, 2009**

## **Testimony of Donn Rowe President**

**New York State Correctional Officers and Police Benevolent Association, Inc.**

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Good afternoon Chairman Kruger, Chairman Farrell and Members of the Legislature. My name is Donn Rowe and I am President of the New York State Correctional Officers and Police Benevolent Association – NYSCOPBA. NYSCOPBA represents over 28,000 active and retired critical law enforcement personnel, including State Correctional Officers and Correctional Sergeants who provide vital security and ensure safety of New York's prisons. NYSCOPBA also represents Security Hospital Treatment Assistants and Safety and Security Officers who provide the security and maintain the safety of our State's mental health institutions. In addition, we represent Security Services Assistants and Security Screener Technicians who provide the security here at the Legislative Office Building and at the State Capitol. These are just some of the many security titles which NYSCOPBA proudly represents.

Our members are the backbone of the fourth largest correctional system and one of the finest in the nation. On behalf of all our members, I wish to thank you for the opportunity to comment on issues contained within the Governor's Executive Budget that impact the members we represent.

I will limit my comments to four crucial areas of concern with respect to the recently proposed Executive Budget:

- First and foremost I will focus on the proposed closure of the four minimum correctional facilities: Pharsalia, Georgetown, Gabriel and Mt. McGregor.
- I will address the one-year notification law codified in § 79-a of the Correction Law and the need for it to remain unchanged.
- I will speak of the need to eliminate duplication and waste at the administrative level of the Department of Correctional Services.
- Finally, I will convey the Union's desire to accurately report the factual inmate population within New York State.

The most significant and troubling concern with respect to this year's Executive Budget is the proposed closure of four minimum security correctional facilities. As you know, the Department is seeking to close the most intricate element of our statewide correctional system. The Department of Correctional Services' mission statement is very clear and it states: ...*To "Enhance public safety by providing appropriate treatment services, in safe and secure facilities, that address the needs of all inmates so they can return to their communities better prepared to lead successful and crime-free lives."*

**Clearly, the primary goal of the Department is to ensure that those inmates who do return to society “can return to their communities better prepared to lead successful and crime-free lives.”**

As a Correctional Officer who has worked in our State’s prisons for 27 years, I cannot stress enough the importance of the role that minimum security facilities play in the Department’s mission of preparing these men and women to return to their communities.

As inmates progress toward the end of their terms of incarceration, many look forward to lowering their security classification and serving the remainder of their time in these minimum security facilities. These facilities not only provide programs designed to assist inmates with their assimilation into society, but they also afford incarcerated individuals with an opportunity to begin working in an atmosphere with less supervision – a crucial step in their development as individuals ready to return home. Eliminating this vital part of the DOCS mission may save money in the short run, but it is irresponsible to take away such an important tool to combat recidivism.

Closing these transition facilities will not only serve to jeopardize the success rate of individuals hoping to overcome being a “statistic” of recidivism, but the communities to which they return will also suffer if the inmate is not “better prepared” to return to his or her respective community.

The proposed closures would also clearly impact individuals convicted of low level offenses, since many of these individuals will now be required to serve their terms

of incarceration with some of the State's harshest and most dangerous felons. Clearly, these minimum security facilities not only protect society by ensuring that inmates are better prepared to re-enter their communities, but they also serve as appropriate housing for the State's lowest level offenders.

In addition to proposing the closure of these four facilities, legislation has also been proposed within the Executive Budget that would change the one-year notification requirement contained in § 79-a of the Correction Law in instances when a facility is recommended for closure.

Briefly, § 79-a of the Correction Law requires that the Department of Correctional Services take certain actions before a prison closure can be effectuated. Specifically, the Commissioner of DOCS must provide notice by certified mail, at least 12 months prior to such closure, to all employee labor organizations operating within or representing employees of the correctional facility. This extremely important statutory provision was enacted during the 2005 legislative session at the specific request of NYSCOPBA.

At that time, the Legislature and the Executive understood the hardships that are incurred when an employee is suddenly asked to uproot his or her family and move hundreds of miles away to a new work location, assuming such a position is available. Many will have to sell their homes and purchase new ones. They will have to take their children out of schools and away from their friends.

Unfortunately, most of the targeted employees are senior employees and have been at these facilities for more than 20 years. And their absence will undoubtedly create

a noticeable void within their communities. These dedicated NYSCOPBA members are volunteer firemen, baseball and football coaches, Boy Scout leaders and members of many intricate portions of society within their local communities. On behalf of NYSCOPBA, I would like to once again thank you, members of this Panel and all members of the Legislature, for being sensitive and taking the necessary steps in 2005 to protect the interests of Departmental employees by granting the one-year notification. We ask for that same sensitivity and compassion now.

Please understand that NYSCOPBA is supportive of the Governor's desire to seek potential cost savings within the budget and we believe that the State as a whole needs to begin to be more innovative. NYSCOPBA believes that eliminating positions at the administrative level is now timely with the prospect of significant reductions in the Department of Corrections budget, as the State readjusts its spending to reflect the reality of less revenue.

However, before administrators continue to cut areas that directly impact the security function of New York's prisons – including not only Correctional Officers but also services and programs which should be considered basic components of complete rehabilitation – they should find ways to eliminate duplication and waste, now and in the future.

The process of seeking ways to cut costs should begin “at the top of the food chain,” so to speak. With today's technology and instant communication, our prisons

could merge many parts of the administrative bureaucracy without disrupting the basic function of the system as a whole. In fact, many of our State's prisons are situated geographically so that they are literally across the street from one another. Real savings would emerge upon a consolidation of administrative functions – savings that would not adversely affect the safety of Departmental staff or the individuals whose care, custody and control we must maintain.

The potential for immediate savings is enormous. Each prison has layer upon layer of bureaucracy; and these are individuals that rarely interact with an inmate. 70 prisons around the State and one massive operations center in Albany employ numerous administrators, many of whom earn more than \$100,000 dollars per year in salary and enjoy generous benefit packages. (It should be noted that all of the titles and salaries of Departmental employees are available on the website [www.seethroughny.net](http://www.seethroughny.net).)

Each of the 70 prisons has a Superintendent, a Deputy Superintendent for Security, a Deputy Superintendent for Administration, a Deputy Superintendent for Programs, an Institutional Steward, two and sometimes three Captains. Many of the maximum security facilities have a First Deputy Superintendent and many of the Superintendents receive additional salary for being the "HUB Superintendent." We can no longer afford these unnecessary positions and must begin the process of eliminating this waste and duplication of services.

NYSCOPBA recommends the tabling of the current consolidation/closure scheme being proposed until a thorough analysis of administrative waste and duplication of effort is performed. We are confident that the State can realize true savings without cutting necessary front line staff.

Finally, I would like to take this opportunity to address misinformation that is disseminated by DOCS with regard to the true inmate population in New York. When New York's inmate population was at a peak of 71,000 inmates several years ago, our prisons were operating at 130% of capacity. New York's maximum security facilities are currently operating at 123% and the medium security facilities are currently operating at 100%. Thus, despite a decrease of the inmate population, New York State prisons are still operating at excess capacity. Simply put, our prisons are still overcrowded and understaffed.

These figures include 8000 inmates who are currently living in double-bunked conditions. Double-bunking was an immediate and risky response to our prison population expanding well beyond its capacity several years ago. My members, and the inmate population as well, have endured many years of this risky housing practice. Today we have an opportunity to truly right-size New York's prison system by eliminating many of these double-bunked conditions within our facilities. The time has come to right this wrong.

The Department's plan calls for dormitory consolidations, which translates to stuffing inmates into already overcrowded dormitories and continuing the double-bunking of inmates in cells designed for one person. This will only increase the potential for conflict and violence. Please keep in mind that these medium security facilities, which are already over capacity, have no cells. More than 30,000 of the State's inmates are never "locked in." Each evening in these dorms, when the lights go out, there is one Correctional Officer assigned to watch as many as 60 inmates. And with all of this in mind, the Commissioner's solution is to place more inmates in these dorms and make additional cuts to security staff. This is a systemic approach that is ineffective, irresponsible and places my members and the inmate population in an even more hazardous environment.

The members of NYSCOPBA already have a dangerous job and the current "consolidation plan" is a plan that makes our profession even more dangerous. The current "consolidation plan" is a plan that jeopardizes the security of our prisons and the safety of Correctional Officers, civilian staff and inmates. The current "consolidation plan" is a plan for catastrophe and NYSCOPBA hopes and urges you to stand as strongly opposed to this scheme as we do.

Thank you for your time and I would be happy to answer any questions you may have at this time, or please feel free to call upon me personally to review these matters.