

Testimony of Donn Rowe

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

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Good morning Chariman DeFrancisco, 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 more than 23,000 active and retired critical law enforcement personnel, including State Correctional Officers and Correctional Sergeants who provide an invaluable public service by ensuring the security of New York's prisons and in turn the safety of all New Yorkers.

In addition to our Correctional Officers, NYSCOPBA also proudly represents Security Hospital Treatment Assistants; Safety and Security Officers; Security Services Assistants; and Security Screener Technicians including those who work to protect all of you here every day in the Legislative Office Building and at the State Capitol. These are just some of the many security titles NYSCOPBA proudly represents.

On behalf of all our members, I would like to thank you for the opportunity to testify here today and to voice our members' serious concerns with the Executive Budget proposal from the New York State Department of Correctional Services (DOCS). We firmly believe the Executive Budget proposal, if enacted as currently written, will have

devastating impacts to the structure and safety of our prison system. These proposed cuts would further deteriorate what was once a nationally prized system, and still the nation's fourth largest, and would threaten to reduce it to little more than a warehouse for some of the world's most dangerous individuals.

I'd like to begin today by reminding you all where we have been and how we got to this point.

During the 1990's our prison system was overrun with inmates. At one point we housed more than 71,000 inmates that flooded our system. In order to accommodate these numbers, drastic temporary measures were necessary.

Double-bunking, the placing of two dangerous criminals in a space designed for one, became one of the preferred methods for handling this overcrowding crisis. In addition, we used whatever physical structure we could think of. Inmates were housed in gymnasiums, hallways and even former psychiatric wards. We utilized every square inch in what we understood to be temporary, emergency conditions. Never did we think these conditions were long-term as they are very simply not sustainable or safe.

Today, some twenty years later, while we have seen a significant reduction in non-violent criminals, our overall system currently remains at 100% capacity and our maximum-security facilities are currently operating at 122%. As a result, while we have closed

nearly all of the minimum-security facilities, we are still double-bunking more than 10,000 medium- and maximum-security inmates.

What's worse is that these inmates, many of whom are some of the most dangerous and prone to extremely violent acts, are now housed in medium-security facilities. As these centers do not have cells, violent offenders live in a dorm setting, meaning that these maximum-security prisoners are living in open areas where they are allowed to roam from room to room, interacting and engaging with virtually any other inmate as they wish.

For comparison, in a modern maximum-security facility inmates are locked in their cells for 8-10 hours per day. In these dorm room settings, there are no cells and the prisoners have nearly free rein.

Most troubling, some of these facilities are semi-converted psychiatric centers. These facilities were not designed to hold these prisoners long-term, let alone some of the most dangerous inmates, as they have diminished sightlines and nooks and corners where prisoners can hide, or worse, ambush prisoners and officers. Putting more and more of these prisoners into these environments is not only unsafe, it is unwise, and I will fear it will result in a catastrophe.

Now, if you couple those facts with the number of prisons that have closed and the number of officers and sergeant positions that have been eliminated in the past few years,

you can see clearly how what was once a nationally recognized system for excellence and safety has quickly deteriorated into a crisis waiting to happen.

In the past ten years, more than 2,000 corrections officers and sergeant positions have been eliminated. In the past three years alone we have seen a reduction of nearly 1,000 members.

These are not simply budgetary numbers; these are people with families and lives. They are also the men and women who safeguard these facilities. By removing them from the system, you have significantly decreased the safety and control of our prisons' environments. Anyone who says that our security force numbers have not changed as the minimum-security prison population fell, is simply not aware or not being honest.

In addition to a reduction in officers, since 2009, 5 prisons (Camp Gabriels, Camp Pharsalia, the camp at Mt. McGregor, Lyon Mt and Butler Minimum), and 6 annexes (Eastern, Green Haven, Groveland, Lakeview, Sullivan and Washington) have been closed.

As a result, you now have fewer officers watching more dangerous criminals crammed in a tighter space. For example, 30 years ago, a single State Correctional Officer working in a medium-security prison was in charge of supervising roughly 40 prisoners. Today, that officer is charged with supervising 65 inmates.

Doing more with less is what we have had to do for the past 30 years. At some point there comes a breaking point.

To understand all of the dynamics at play in today's prison system, it's also important to understand how the profile of today's inmate has changed in the past decade to become more violent and part of an organized group.

As everyone knows, in the past ten years the minimum-security prison population has decreased. The repeal of the Rockefeller laws, which removed small-time drug dealers and the like, significantly reduced the number of petty, non-violent offenders. What you have left in the system is a more concentrated group of extremely unstable and violent offenders.

As a result, we have seen a dramatic increase in violence in our system in the past few years. Just look at the comparisons from this year to last year alone, inmate-on-inmate violence is up 12%, inmate suicides doubled, the list goes on.

In fact, if you look at the numbers, due to the reduced staff and crowded conditions, virtually every violent statistic from inmate-on-inmate assaults to inmate-on-staff assaults to inmate suicides to contraband have all increased from 2009 to 2010. And these, of course, are only the attacks that DOCs decides to report. These numbers are low, artificially so, but the trend is strikingly clear: less security, more violence.

Overall, when you honestly look at New York's prison system today what you are left with is a more violent felon, being held in tighter quarters but in less secure environments with little or no programs for any help to change behavior and a significantly diminished security force to manage it all. That is where we stand today, a deteriorating structure that is quickly becoming a warehouse or holding pen that teaches these people how to become more violent and more destructive. And that is of course BEFORE we even begin to discuss any additional cuts to the system.

If you look at the cuts that are being proposed, it is no wonder why we are very deeply concerned. We are very seriously concerned for the safety of the inmates and the officers who guard them, and increasingly concerned about our ability to maintain order within these facilities. We cannot continually undermine the structure of the system and expect it to remain in tact. Sooner or later the system will break. Look again at the facts:

- 2,000 security force personnel have been removed from the system
- Since 2009, 5 prisons have been closed, 6 annexes and 987 (nearly 1000) Officer and Sergeants positions (front line staff) have been lost.
- Double-bunking remains a fact for 10,000 inmates
- NYS Maximum security prisons are at 122% capacity.
- Overall, NYS security prisons overall are at 100% capacity.
- Today's inmate population is comprised of more violent and hardened criminals
- Inmate-on-inmate assaults are up significantly (12%) in the past year
- Inmate suicides have doubled since last year
- Due to the reduced staff and crowded conditions, inmate-on-inmate assaults, inmate-on-staff assaults, inmate suicides and contraband have all increased from

2009 to 2010.

Carving out 3,500 beds is simply not possible without further compromising the core of our safety and security system. These cuts are putting my men and women in increasingly grave danger every single day. What is a budget cut today becomes an officer's wound tomorrow. Or worse.

To add insult to injury, this proposed plan also eliminates the one-year moratorium on closing a facility. The way it would be structured, in a matter of 24 hours my officers' lives and their families' lives could be completely turned upside down. To treat these men and women with such disrespect and without any regard to their wellbeing or their families' wellbeing is beyond reproach. It says what we have always feared but could not bring ourselves to believe: the commissioner does not care about people who fight, bleed and die for his system. It is amoral and the commissioner should be ashamed for pushing it forward.

Through it all, NYSCOPBA members recognize that these are incredibly challenging times for New York. Faced with a daunting budget shortfall and the need to make more out of less, there is no doubt that cuts must be made, spending must be reeled in and new cost saving measures must be employed.

To that end, last year we worked diligently with members of both legislature houses to craft a bill that could provide clarity on the number of empty beds in our prisons system. This number is at the heart of understanding the problem and how to address it correctly.

The bill was supported by both Democrats and Republicans and ultimately passed both houses. Unfortunately, the Commissioner vigorously fought for a veto citing the “cost associated with the bill” when in fact there were absolutely zero costs.

We have tried to help this State save money and save lives, but the commissioner stood in the way. Despite this, we again pledge our ongoing cooperation with the legislature and new Governor to rightsize our corrections system.

The Department of Correctional Services’ proposal to eliminate beds and close prisons is a direct threat to the public safety of all New Yorkers and will jeopardize the safety of inmates and the brave men and women who serve as New York's correctional officers. If enacted, these closures will represent a clear and present danger to our prison system and the men and women who serve in it. It is essential that everyone who has a vote in this decision understand the ramifications and the impact this may have on thousands of lives across New York, as well as the future of our State’s prison system.

Thank you for providing me with the opportunity to testify in front of you today. I would be happy to address any questions you may have or to continue this dialogue on these crucial matters at any time or place in the near future.