

Testimony of Donn Rowe

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

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Good morning Chairman 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 26,000 active and retired critical law enforcement personnel, including state correction officers and correction 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 correction 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 everyday 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 voice our members' response to Governor Andrew Cuomo's 2013-14 budget proposal.

Last month, Governor Cuomo announced he is proposing to close two more correctional facilities to help balance the state budget – Bayview Correctional in Manhattan and Beacon Correctional in Dutchess County. One hundred-sixty correction officers would be directly impacted by the proposed closures, and the ripple effect would be felt throughout the system.

The Governor's latest budget proposal is yet another dose of bad news for hard working correction officers and their families. Since the economic crisis hit New York, 11 correctional facilities have been closed – nine of them during the Cuomo Administration. Since 2009, more than 2,000 correction officer positions have been lost and hundreds of officers and their families have been displaced.

This year's proposed closures are particularly confounding because they come in a year with the smallest budget deficit New York has seen since before the Great Recession. After years of double-digit deficits, the state is now facing a more manageable \$1 billion gap. While all deficits must be taken seriously, this shortfall simply does not warrant the hardship that would fall on so many New York families if these closures were to take effect. We owe it to them – some of New York's hardest working public servants – to find alternate solutions to this year's budget challenge.

Also troubling is the Governor's proposal to once again ignore the state law requiring a one-year notice before closing a correctional facility. Instead, Governor

Cuomo has proposed to bypass the rules – just as his Administration has every other time it has closed a correctional facility – and shutter these facilities just 60 days after the budget passes. I want to emphasize this point: if this proposal is approved by the legislature, Governor Cuomo will have closed nine correctional facilities in less than three years and while ignoring the law that requires a one-year notice in every single one of those closures.

The 1-year notice law is on the books because advance warning is critical for officers and their families to plan and potentially relocate in a challenging economy. And it is exceedingly important for the impacted communities to begin working on the reuse effort for the closing facility. Albany's track record with regards to repurposing mothballed correctional facilities since 2009 speaks volumes: not a single former correctional facility has been sold or repurposed.

A sixty-day notice also poses an unnecessary additional burden on correction officers and families already forced to make difficult decisions. Sixty days isn't enough time for a correction officer's spouse to find a new job in a new community when New York's unemployment rate continues to be one of the highest in the nation. Sixty days is not enough time for a family to sell their home in a lagging real estate market and relocate to a new part of the state. Sixty days isn't enough time to show these hard working public servants and their families the respect they've earned from Albany.

Governor Cuomo has said that no jobs will be lost as a result of the proposed closures, but that's not the full truth. Hundreds of correction officers are still waiting for transfers within a daily commuting distance of their homes, having had their jobs displaced hours away from their previous assignments after nine correctional facility closures during the Cuomo Administration. These forced transfers mean many officers live hours away from their families during the workweek, and are only able to return home on their days off. Closing two more facilities means officers will be waiting even longer before a transfer home is a reality. This proposal will force even more correction officers out of the job or away from their families.

Correction officers understand better than most that sacrifice is a part of rebuilding the state's economy. They've given more than their fair share in the last few years to help balance the state budget. But this latest round of proposed closures comes at a breaking point, both for the security personnel and the system itself.

New York's correctional system has been through its share of major changes in the last two decades. In the early 1990s, the inmate population reached record levels and our correctional facilities were bursting at the seams. The state's correctional infrastructure was never designed to house that many inmates.

Even with the decline in the inmate population and the closing of facilities, overall, the system is at 101 percent capacity and our maximum-security facilities are

currently operating at 117 percent of capacity. Alarming, there are still more than 10,000 active double bunk beds in medium- and maximum-security facilities.

Recent policy changes, including Rockefeller Drug Law reform and the introduction of alternatives to incarceration have removed small-time drug dealers and the like from our prisons, which significantly reduced the number of petty, non-violent offenders. What remains is a more concentrated group of extremely unstable and violent offenders. As a result, correction officers are now more likely to be assaulted by an inmate than in the past – and this proposal will only make it worse.

The two facilities proposed for closure this year – Beacon and Bayview – housed 285 female inmates before Superstorm Sandy hit. Both facilities provide critical alcohol and substance abuse treatment programs as well as work release initiatives. These programs keep inmates active and productive while they are incarcerated, which helps to keep correction officers safe. They also help inmates build the skills they will need to reenter society – a critical part of rehabilitating these individuals since the vast majority of inmates return to their communities after serving their sentences.

In addition, Bayview is the last remaining female facility south of the Tappan Zee Bridge. Closing Bayview will make it harder to incarcerate women in facilities near their home communities. Inmates who maintain family connections while they are incarcerated have better behavior in prison – keeping correction officers safer – and

have better outcomes when they reenter society. Closing these facilities means putting up additional, unnecessary barriers to rehabilitation and increasing the risk of recidivism.

As you make these difficult budget decisions, we ask that you keep in mind the human impact of making these deep cuts. The people who stand to be affected by these proposed closures are not simply budget numbers; they are the men and women who safeguard our communities. They are also New Yorkers, with families and lives. This is not about the bottom line. It is about the obligation the state has to serve citizens of New York, especially those citizens who have already given so much to the state.

New York's economy is starting to recover, but our unemployment rate is unacceptably high – one of the highest in the country. Albany has an obligation to promote policies that help the economy, protect and grow jobs and put the state on the path to prosperity. The economy is just too fragile to make more of these cuts, which will do more to harm New York than help it.

Thank you for this opportunity to testify before you today. I would be happy to address any questions you may have or to continue to discuss these crucial matters at any time in the future.

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