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MEMORANDUM

TO: NYSCOBPA
FROM: Sheehan Greene Golderman & Jacques, LLP
DATE: January 31, 2012
RE: Legislative Session Update

Budget Hearings: On Wednesday, January 25, 2012, the Joint Legislative Committee on Workforce Issues convened to hear testimony from various agency heads and interested parties regarding issues contained within the Executive Budget proposal for fiscal year 2012-2013 which affect the State's workforce. NYSCOPBA presented testimony before the committee strongly opposing the enactment of the Governor's proposed Tier VI plan. A host of other union leaders and individual legislators also voiced opposition to such a plan. In fact, no member of the Joint Legislative Committee expressed support for the Governor's proposal. NYSCOPBA also expressed its strong opposition to the Governor's proposal to allow the closure, consolidation, merger or substantial reduction in services at a State psychiatric hospital without adherence to the one-year notification requirement currently codified in § 7.17 of the Mental Hygiene Law.

On Monday, January 30, 2012, the Joint Legislative Committee on Public Protection convened to hear testimony from various agency heads and interested parties regarding aspects of the Governor's proposed Executive Budget which impact the State's law enforcement agencies. The proposed Executive Budget included funding for additional correctional officer training academy classes, although the exact number of training classes could not be determined from the budget language. During his testimony at the Public Protection hearing, Commissioner Fischer explained that there is funding for an additional 17 classes within the proposed Executive Budget.

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During the hearing, NYSCOPBA presented formal testimony and spoke about the current status of the State prison system and the need to enact legislation this year which would require the Commissioner to report on such status subsequent to the prison closures which took effect last year (see *Key Legislative Issues* below). In addition, NYSCOPBA once again reiterated its position that significant savings to the Department could be realized through a significant reduction of the DOCCS administration.

Key Legislative Issues: On behalf of NYSCOPBA, we recently met with Assembly counsel to discuss the development of new legislation this year that would mandate the Commissioner of DOCCS to report to the Legislature on the current status of the prison system – subsequent to the prison closures which have taken place in recent years. We proposed that any such legislation include, but not be limited to, the following information:

- Any change within the prison system relative to the new capacity levels as a result of the recent closures;
- Any change to the officer to inmate ratio within the system as a result of the recent closures;
- Any loss of programs or opportunities to participate in programs as a result of the closures;
- Any change in the number of unusual incidents reported within the prison system, on a monthly basis, since implementation of the closures;
- Any change in the number of inmates with differing security classifications being comingled; and
- A report on the status of “empty beds” as required by A.3582/S.2765 of 2011.

Memoranda in Support/Opposition: On behalf of NYSCOPBA, we issued a formal memorandum to the Senate Codes Committee supporting legislation that would criminalize certain actions of inmates that are not currently covered by Penal Law § 240.32. Specifically, the bill would now include within the provisions of the *aggravated harassment of an employee by an inmate* statute the actions of placing saliva, other bodily secretion or excretion, or the contents of a toilet bowl “at or on such employee.” NYSCOPBA supported this bill last year which passed the Senate but remained in the Assembly Codes Committee. On behalf of NYSCOPBA we also drafted formal memoranda opposing the Governor’s proposed Tier VI plan and his proposal to allow for the closure, consolidation, merger or reduction in services at a State-operated psychiatric hospital without the currently required notice of one-year.

We will continue to keep NYSCOPBA apprised of any new developments with the Executive Budget or key legislative initiatives.