

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 27,000 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' response to the 2012-2013 executive budget proposal. The Governor has proposed a budget that keeps funding relatively flat for the corrections system. As we have stated time and time again, real savings could be realized through Administrative cuts within the Department. The number of Deputy Superintendents

within the system who perform duplicative functions, the proximity of certain facilities to other facilities and the rise of technology in recent decades make it crystal clear that the Department could be run more efficiently. We believe there could be significantly less management, provided that the men and women who serve on the frontlines everyday – those who are charged with the day-to-day duties of care, custody and control – are held harmless from any reductions. It is these men and women who are truly responsible for safety within the system, not the hundreds of administrators in Building 2.

Given the deep cuts we have seen in recent years, I'd like to begin today by providing a brief update on the state of New York's corrections system, and providing a snap shot of the conditions NYSCOPBA members face as a result of budget decisions made by the state in recent years, and how we got here.

Twelve years ago, New York's prison system was overrun with inmates. At one point, the system housed more than 71,000 inmates and 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. We also housed inmates in gymnasiums, hallways and retro-fitted abandoned psychiatric hospitals. We utilized every square inch in what we understood to be temporary, emergency conditions. Our system was bursting at the seams, and never did we think these conditions were long-term as they are very simply not sustainable or safe.

Over the past decade, as this inmate population has decreased, there has been a lot of talk about “right-sizing” the prison system. But even with the decline in the inmate population and closing of facilities, overall the system is at 100 percent capacity and our maximum-security facilities are currently operating at 122 percent capacity. Most alarming, we are still double-bunking more than 10,000 medium- and maximum-security inmates.

Due to the current condition of the corrections system, many would-be maximum security inmates – convicted of violent crimes and a danger to the public and corrections officers – are serving in medium security settings. 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.

Even more troubling, some of these medium security facilities are semi-converted psychiatric centers, which were never designed to hold these dangerous and violent prisoners long-term.

Also consider that the introduction of alternatives to incarceration, presumptive release, lacks merit time standards have removed small-time drug dealers and the like from our prisons, which significantly reduced the number of petty, non-violent offenders.

Subsequently, what you have left in the system is a more concentrated group of extremely unstable and violent offenders.

Put yourself in the shoes of one of my members serving in one of these facilities. A higher concentration of violent offenders, inside older buildings that have been repurposed, with diminished sightlines and nooks and corners where prisoners can hide, or worse, ambush prisoners and officers. Putting violent prisoners into these environments is not only unsafe for the other inmates, it is potentially life-threatening for our members.

Since 2009, the inmate population has decreased by a little more than 8 percent (60,844 on January 4, 2009 to 55,804 on January 22, 2012, a decrease of 5,040 or 8.3%). But in that same time, New York State has closed eight (8) prisons, four (4) camps, five (5) annexes and 12 farms. 1,780 corrections officer and Sergeant positions have been lost.

However, despite that decrease in the inmate population, working in New York's corrections system is less safe today than it was four years ago. Since 2009, total incidents of inmates-on-inmate assaults are up by 10 percent. The ratio of inmate assaults on staff is eight percent higher than in 2009. Escape incidents quadrupled, and total contraband incidents are up nearly 5 percent. The average inmate to officer ratio in housing unit areas remains over 43 to 1.

As the overall prison population declines, and as the prison system is "right-sized," it would only stand to reason that we should also see a decrease in these incidents. Instead, you now have fewer officers watching more dangerous criminals crammed in a tighter space. And, we have not yet had enough time to assess the actual repercussions of four

years of devastating budget cuts, let alone the potential damage of last year's sweeping closures.

In many ways, given the radical change it has experienced in the last few years, what we have today is a brand new corrections system New York. And we believe it is time we made a real and transparent assessment of the deficiencies of that system for the sake and safety of the men and women who serve inside of it everyday.

For the past two years, we have worked diligently with members of both houses of the legislature to craft a bill that could provide clarity on the true status of our prison system. With your assistance, these bills made it successfully to the Governor's desk in 2010 and 2011. We thank all of you for your efforts. Unfortunately, two different Governors have vetoed these proposals. DOCCS Commissioner, Brian Fischer, vigorously fought for both vetoes, citing the cost associated with the bill, despite the fact that there is no financial impact to DOCCS.

This year, we will seek your assistance and will again submit legislation that will require a new assessment of the system – an assessment that is clearly needed based on the significant changes that have occurred recently. Given the deep cuts of recent years, including the dozens of closures and hundreds of lost jobs I have cited, the system we have today is vastly different than it was even last year. There is no reasonable justification to avoid doing the assessment that we have been calling for. Even if you accept that there is some nominal cost to producing such a report – and we do not – I can

assure you that the cost to the men and women who serve everyday in this battered corrections system is greater.

The State has a responsibility to publicly and transparently provide an evaluation of this system beyond simply counting empty beds. We also believe that it is critical that you and your members have access to information like security staffing ratios, bed capacity, double-bunking and double-ceiling of inmates prior to being asked to vote on a budget proposal. DOCCS is already required to provide you with an annual report; we are simply asking for that report to contain information that will allow you to make informed decisions about the votes you will be asked to take this year, and in subsequent years as well.

We are simply asking for more information and transparency, and we are asking out of sincere concern for the safety and well-being of our members.

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

women we ask to risk their lives to guard that structure have less incentive to even take the job.

These are not simply budgetary numbers; I am talking about men and women who wake up in the morning, kiss their loved ones goodbye, and go to work to safeguard these facilities. They are your constituents: New Yorkers, who have families and lives outside of those prisons.

This is not about the bottom line on a budget spreadsheet. 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.

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.

