



NEW YORK STATE SENATE

TASK FORCE ON GOVERNMENT EFFICIENCY

"Protecting the People's Money"

A Public Forum to examine spending at
The Department of Correctional Services

March 24, 2010, 12:30 P.M.

Room 124

Capitol Building

Department of Correctional Services

Brian S. Fischer
Commissioner

NYSCOPBA

Chris Leo
Legislative Director

Public Employees Federation

Kenneth Brynien
President

**Testimony of Brian Fischer, Commissioner
New York State Department of Correctional Services
Before New York State Senate Task Force on Government Efficiency
March 24, 2010**

Senator Klein, Senators, Thank you for affording me this opportunity to testify today.

Allow me to begin by raising a point that may surprise a number of people here.

There has been an assumption that our prison population has dropped as rapidly as it has due to what are commonly referred to as earned early release programs such as Merit Time, Shock Incarceration, Supplemental Merit Time and others. While such programs have contributed to the overall drop in the prison population, the declining crime rate has had a more profound impact. Our prison population continues to drop because we are simply seeing fewer offenders enter the system. This positive phenomenon has allowed us to safely reshape the agency and save money. Should this trend continue, it is both reasonable and prudent to anticipate an additional drop in the prison population this coming fiscal year, perhaps as much as 1,000 or more. That is where we can find additional major savings for New York's taxpayers without compromising the safety and security of our prisons.

Having said this, allow me to respond to a number of fiscal and operational issues in response to specific questions sent to me last week and other matters of concern to all of us.

Overtime

Overtime is authorized to meet our obligations in maintaining safe and secure prisons and essential services such as heat and electricity, food and medical care. Overtime is caused by a number of systemic issues: vacancies due to attrition and vacancies due to our inability to hire easily, emergency hospital trips and outside hospital coverage, required security coverage during construction, facility lockdowns, absenteeism due to worker's compensation and illnesses, military leave, jury duty and many other smaller issues. Overtime is also necessary to provide coverage for specialized training of our staff that is critical to the Department. We factor in \$3.2 million in overtime to make sure our 1,200 Correctional Emergency Response Team members and 400 Crisis Intervention Unit members receive monthly training. These are the men and women we need trained and ready to go when there are major incidents in a facility.

The nurses at Bedford Hills Correctional Facility who earn a disproportionate amount of overtime are a case study in overtime problems.

Because of the job market for health care workers in the Westchester County and New York City area, and the salaries for nurses set by the Civil Service Commission, we have consistently been unable to hire enough nurses to provide the care for our inmate/patients that is constitutionally mandated.

Legislation was passed this year that did away with mandatory overtime for nurses, except in an identifiable emergency. Vacancies do not constitute an emergency. Work schedules for nurses are developed in four-week cycles, in part to avoid non-emergency overtime. Volunteers place their names into schedule slots where there is no coverage. After the volunteers sign up, remaining schedule slots are filled by outside per diem nurses who are considerably more expensive than the cost of overtime to our staff.

PEF's and CSEA's contracts, and that of NYSCOPBA, allow for staff to volunteer for as much overtime as they want, including working on days they would normally be off, called RDO's. As an agency, we limit overtime to 16 hours per day. If we had the ability to fill all our vacant nurse positions at Bedford Hills, the employee would not have the opportunity to work so many hours of overtime.

As for overtime related to workers' compensation, requests were made to GOER to negotiate changes in the NYSCOPBA contract. A recommendation that would save the state millions of dollars dealt with separating out direct inmate incident-related injuries from all others. For the inmate-related injuries, no change in the program would occur. For all injuries not related to inmates, the recommendation was for NYSCOPBA to accept the same plan as that which is in place for PEF and CSEA. Analysis has shown that about 74% of workers compensation by security personnel is unrelated to direct inmate contact or responses to inmate actions. This proposed change in the NYSCOPBA contract has not been adopted.

Correction Law Section 29(4) requires that each year I submit a detailed annual report to the Legislature on the staffing of correction officers and sergeants throughout the entire system. Such report includes the following factors: the number of closed posts designed to minimize overtime needs, the total amount of overtime accrued, and the overall overtime expenditures that resulted.

Central Office Staff

Central Office staff represents about 2% or 739 of the entire agency's workforce of 29,982 full-time equivalent employees. Not every position in Central Office is a management position, nor does every staff person on the Central Office payroll work in Albany. More than half the Central Office staff are in titles below Director and are CSEA, PEF and NYSCOPBA members.

Since 2007, 80 items were added to Central Office, all directly related to new programs mandated by the Legislature and required to meet new court

resentencing decisions and Information Technology (IT) expansion. Of those, 32 were IT positions to reduce our dependence on outside contracts, and they remain largely unfilled, 10 are temporary jobs so we can install civilian personal alarms in facilities, and eight were created so we could operate a second training site and have since expired. At the same time, and again directly related to the same mandates, 792 positions were added across the agency - 340 security staff and 452 civilians.

The complexities and requirements placed on the agency are represented by the largest units within Central Office: IT, Health Services, Budget & Finance, Personnel, Legal Counsel, Labor Relations and Facilities Planning.

In addition, legislative changes to Shock, creation of the Limited Credit Time Allowance, the resentencing of Class A and B drug offenders and the recent court decisions requiring the resentencing of inmates all require complex behind-the-scenes activity that are labor intensive and have been accomplished by our workforce with relatively minor expansion.

To reduce the cost of Central Office, two actions have been taken; the first was to cut the number of filled positions by 74 – despite the addition of the 80 required items. The second was to hold back filling critical positions throughout the year for a cash savings of \$1.2 million. Agency-wide, we have 1,020 fewer positions filled today than when we did when the fiscal year started. And by delaying the filling of facility executive team items, an additional \$4.1 million was saved.

Health Services, for example, has 105 persons who daily deal with both medical and mental health issues. Of those, 67 are based in Albany and 48 are based in the field as regional personnel such as Infection Control Nurses and Senior Utilization Review Nurses.

Several years ago, the Department contracted with outside contractors to arrange for medical care by specialists, hospital stays and payment for these services. Long before PEF argued against such contracts, the Department dropped its contracts and hired staff who have saved the state millions by carefully reviewing all hospital stays, developing provider contracts with physicians and hospitals, and centralizing all payments for outside medical service, a difficult problem originally left to each facility to contend with. The staff in our Coordinated Specialty Care Unit has improved the consistency and quality of the health care available to inmates throughout the State while saving the State money by systematically arranging for health care as efficiently as possible by considering the security cost and safety implications of health care service arrangements.

Combining Administrations

The idea of combining two administrations into one at some closely located facilities is, in my opinion, counterproductive. Each facility is unique, with its own generalized personality due to the make-up of staff and the offender population.

I was a Supervising Superintendent for over 15 years before becoming the Commissioner. Staff and offenders need to know who their boss is and see him or her walk around and be accountable for decisions that must be made. Meeting with staff, the local unions and the inmate liaison committees are critical administrative matters. Likewise, paying attention to disciplinary appeals, special housing time cuts and interacting with staff from the Office of Mental Health require full-time attention.

Combining some administrative functions seems reasonable, until you start looking at what can be combined and whether or not it diminishes the ability to operate effectively. While costs may be reduced, effectiveness may be lost.

Combining personnel and payroll offices has been tried, but problems transmitting documents back and forth created problems. Staff at a facility want to get direct answers to complicated issues over workers' compensation, time and attendance, payroll discrepancies and the like. They do not want to be referred to staff at another facility who may give priority attention to their own facility's staff. As the agency's computerized network expands in the next year, centralizing such services becomes more realistic.

Where we can effectively, we have combined operations such as commissary and laundry at co-located facilities, and have realized efficiencies without losing effectiveness. Likewise, we have eliminated some infirmary units in co-located sites, reducing staff levels without diminishing the delivery of medical care. We have also consolidated infirmaries in eight facilities in various parts of the state.

More cost efficiencies are being planned. The Department is working on centralizing our inmate accounts program, and looking at a single source commissary provider. I believe we can make our staff work smarter and more efficiently through these efforts, especially since staff vacancies and staff reductions are inevitable.

By next spring, the Department will begin to operate an automated, centralized pharmacy operation. This will allow us to reduce our dependency on local outside pharmacies and reduce the workload of facility staff. Once operational, we will be able to extend our service to other State agencies and even county jails in the same manner as we help county jails save money by providing cook chill food from our centralized food production program.

Planned Mental Health Expansion and Other State Agency Agreements

By statute, the Office of Mental Health (OMH) is required to provide forensic psychiatric services inside the prisons. No other state agency is authorized to provide services within correctional facilities. Since 2007, when a court settlement agreement was reached, DOCS and OMH have worked on expanding the number of beds and programs designed to deal with inmates with serious mental health issues.

In anticipation of meeting the requirements of the Special Housing Exclusion Law by the statutory deadline of July 2011, the two agencies have created a Residential Mental Health Unit at Marcy Correctional Facility and have broken ground on a second unit at Five Points Correctional Facility.

With respect to working with OMH, our two agencies recently redefined which prisons would receive OMH resources and which would not. This was based on OMH's ability to attract and retain staff in some locations but not in others, usually rural areas. Fiscally, the Department pays for all psychotropic medications and reimburses OMH for the staff assigned to units we call Intensive Care Programs.

DOCS works cooperatively with other agencies, particularly Parole and OASAS in re-entry efforts. In addition, DOCS works with the Department of Health on mutually related issues, especially Medicaid and HIV oversight.

Medical Services and Outside Hospitals

Local hospitals are reluctant to take in prisoners, except for emergency care. Most small hospitals do not have the specialty care clinics and services the inmates require. Almost all the hospitals do not want to provide space for a secure prison ward where correction officers can provide security. Where we do have such units, we have agreements with local county jails where they can use a vacant bed in our unit, thus saving the county money.

Where we do have agreements with local hospitals, we have to work out payment schedules that often require us to pay above the standard Medicaid rate. Because of this, and the fact that private hospitals don't want to deal with prisoners, over the years we have entered and then lost contracts with hospitals throughout the state.

The Department has five Regional Medical Units strategically located across the State. They house inmates who need 24-hour medical services beyond that which is available in a facility infirmary. The Walsh Regional Medical Unit at Mohawk Correctional Facility takes in even more seriously ill inmates. Using these sites maximizes savings in two ways: we do not have to keep inmates in expensive outside hospitals, and we can pull inmates in from outside hospitals after surgery and allow them to convalesce in one of our units, rather than remain in the hospital.

State Readies

Our current policy calls for the Department to take all “state ready” prisoners within 10 days of being notified, or pay the county for holding them, retroactive to the day they notify us. By working closely with each county jail, “state readies” are accepted into the system usually within five days. When the system was overcrowded and we could not accept “state readies” within established timeframes, the Department was forced to contract with local jails to keep the inmates and paid out millions each year. In 1999-2000, we paid out \$55 million. This fiscal year, we have paid out only \$18,000.

We have also opened two upstate facilities, Auburn and Albion, to allow county jails to bring “state readies” to these facilities instead of transporting them to Downstate in Dutchess County and Bedford Hills in Westchester. These changes have saved many county jails significant money.

Parole Violators

Current law, specifically Executive Law Section 259-1 (3) (b), mandates that final hearings held on Parolees charged with a rule violation must take place in the county of the violation. A principal issue behind this law relates to the need for Parolees to be able to call witnesses at their hearings. Not every county has a state prison in the vicinity. An Article VII was introduced in 2007 that would have overridden the current law by authorizing such hearings to be conducted through videoconferencing should a county jail wish to enter into a contract with the Department. The bill was not approved, due in part to objections of defense attorneys and the lack of viable videoconference networks in many sites.

Analysis by DCJS shows that the average time for Parole to hold a final hearing in order for the county jail to declare the offender a state ready is 29 days in non-NYC counties and 20 days in NYC.

Boarding Locally Sentenced Inmates

Until last year, the Department was prohibited from boarding inmates serving definite sentences in local county jails. When the law was changed, there was a discussion with the New York City Department of Correction. New York City wanted us to board about 750 to 1,000 sentenced offenders. We could not reach an agreement on the cost. DOB asked for more money than the City was willing to pay.

County jails hold three types of offenders; pre-sentenced detainees, sentenced inmates and Parole violators who become “state readies.” DOCS cannot house pre-sentenced detainees as they have legal rights that make holding them extremely problematic.

To house sentenced county inmates, with the longest possible sentence of one year, DOCS would want to place them in either a minimum security or low medium security facility. This would mean, in almost all cases, transferring these inmates away from their home counties, complicating visiting and other issues.

In terms of cost, the daily cost per inmate in a State prison is higher than the daily cost of a county jail, primarily related to security, program, medical and mental health costs. In addition, transportation costs would be incurred by either party, particularly if a sentenced county inmate had to go back to court on other charges or appeals.

Staff Housing

There are approximately 1,217 houses, apartments, single and double occupancy rooms throughout the system. In July, some 969 spaces were occupied by security personnel of all ranks, 73 by administrators of various titles, and 93 by civilians like maintenance workers, chaplains, doctors, nurses, etc. No employee lives in any residence rent free. Annually, the State collects \$2.5 million in rental fees from DOCS staff.

There are 24 houses identified by size, type and location as Superintendents' residences. Of those, 7 are occupied by Superintendents, 1 by a Superintendent and one other staff person, 2 have been converted to other uses and should no longer be considered residences, 3 by other titled administrators, 1 was shut down and 10 are vacant.

While some of these homes were built when the prisons were built, others were built by other agencies like Mental Hygiene and OMRDD. The rent paid on all residences is determined by the Division of the Budget.

Almost all the residences are on State property and are connected to the prison for water, electricity, and sewer lines.

It should be noted that in the past 12 months the agency converted an air force barrack at the Stewart Airport in Orange County at a cost of \$233,675 for staff working in the region. This was done to replace housing at a place called Harlem Valley in Dutchess County. The former, and now the latter sites, were and are used almost exclusively by security personnel.

3/24/10

Outline Comments

Inmate Population Changes

- **Assumption that the drop is due to early release programs.**
 - **effective in the overall drop**
 - **declining crime rate has had a more profound impact.**
 - **less offenders enter the system.**
 - **Has allowed us to safely reshape the agency and save money.**
 - **Anticipate additional drop as much as 1,000 or more**

Response to Questions and Concerns

Overtime

- **Overtime is authorized to meet our obligations in maintaining safe and secure prisons and essential services: heat and electricity, food and medical care.**
- **Caused by a number of systemic issues**
 - **Vacancies due to attrition and vacancies due to our inability to hire**
 - **See attached charts**
 - **Emergency hospital trips and outside hospital coverage,**
 - **Facility lockdowns**
 - **Absenteeism due to worker's compensation and illnesses, military leave, jury duty, etc**
- **Necessary for specialized training that is critical to the Department.**
 - **\$3.2 million for 1,200 Correctional Emergency Response Team members and 400 Crisis Intervention Unit members**
- **SEMO requests**
 - **10,558 man hours due to Silver Creek flood in western NY**
- **Bedford Hills nurses**
 - **Job market for health care workers in the Westchester County and New York City area, and the salaries for nurses set by the Civil Service Commission, make use unable to hire**
- **Legislation passed this year that did away with mandatory overtime for nurses, except in an identifiable emergency.**
 - **Vacancies do not constitute an emergency.**
 - **Work schedules for nurses are developed in four (4) week cycles, in part to avoid non-emergency overtime.**
 - **Volunteers place their names into open slots**
- **PEF, CSEA and NYSCOPBA contracts allow for staff to volunteer**
 - **For as much overtime as they want, including working on days they would normally be off, called RDO's.**
 - **We limit overtime to 16 hours per day.**

- **Workers' compensation**
 - Requests were made to GOER to negotiate changes in the NYSCOPBA contract.
 - For the inmate related injuries, no change in the program would occur.
 - For all injuries not related to inmates, the recommendation was for NYSCOPBA to accept the same plan as that which is in place for PEF and CSEA.
 - Would save the state millions
 - About 74% of workers compensation by security personnel is unrelated to direct inmate contact or responses to inmate actions.

- **Oversight management**
 - Correction Law Section 29(4) requires a detailed annual report to the Legislature on the staffing of correction officers and sergeants.
 - Report includes the number of closed posts designed to minimize overtime needs, the total amount of overtime accrued, and the overall overtime expenditures that resulted.

Central Office Staff

- **About 2% or 739 of the entire agency's workforce of 29,982.**
 - Not every position in Central Office is a management position
 - Not every staff person on the Central Office payroll work in Albany
 - More than half the staff are in titles below Director and are CSEA, PEF and NYSCOPBA employees.
 - Health Services has 155 persons who daily deal with both medical and mental health issues.

- **Since 2007**
 - 80 items were added to Central Office
 - All directly related to new programs mandated by the legislature
 - And required to meet new court resentencing decisions
 - And IT expansion.
 - At the same time 792 positions were added across the agency
 - 340 security staff
 - 452 civilians

- **Complexities and requirements placed on the agency**
 - Health, Budget & Finance, Personnel, Legal Counsel, Labor Relations and Facilities Planning
 - Employee Investigations, Inspector General, Classification & Movement
 - Resentencing of Class A and B drug offenders
 - Research (internal and legislative requirements)
 - IT interface with DCJS, Parole, OFT, etc

- **Savings initiatives**
 - Cut the number of positions filled by 74.
 - Hold back filling critical positions
 - Cash savings of \$1.2 million in Central Office

- Cash savings of \$4.1 million system-wide
 - Delay filling facility executive team items
 - 1,020 fewer positions filled today than on 4/1/09
- **Health initiative**
 - Previously, the Department contracted with outside contractors to arrange for medical care by specialists, hospital stays and payment for these services.
 - Department dropped the contracts and hired staff who have saved the state millions by carefully reviewing all hospital stays, developing provider contracts with physicians and hospitals, and centralizing all payments for outside medical service

Combining Administrations

- **Each facility is unique, with its own generalized personality due to the Make-up of staff and the offender population.**
 - Staff and offenders need to know who their boss is
 - See him or her walk around, and be accountable for decisions
 - Meet with staff, the local unions, and the inmate liaison committees
 - Paying attention to disciplinary appeals, special housing time cuts
 - Interacting with staff from the Office of Mental Health
- **Combining some administrative functions seems reasonable**
 - **Combining Personnel Offices & Payroll has been tried**
 - Problems transmitting documents back and forth created problems.
 - Staff at a facility wants to get direct answers to complicated issues over workers' compensation, time and attendance, payroll discrepancies and the like. .
 - As the agency's computerized network expands in the next year, centralizing such services becomes more realistic.
- **Accomplishments**
 - Combined operations such as commissary and laundry at co-located facilities
 - Eliminated some infirmary units in co-located sites reducing staff levels without diminishing the delivery of medical care.
 - Consolidated infirmaries in 8 facilities
- **Plans**
 - Working on centralizing our inmate accounts program
 - Looking at a single source commissary provider
 - By next spring will operate an automated, centralized pharmacy operation.
 - Allow us to reduce our dependency on local outside pharmacies, and reduce the workload of facility staff.

- Can be extended to other State agencies and even county jails
 - Like the Cook Chill program

Planned Mental Health Expansion and Other State Agency Agreements

- **Office of Mental Health is required to provide forensic psychiatric services inside the prisons.**
 - No other state agency is so mandated.
 - Since 2007, the two agencies have worked on expanding the number of beds and program designed to deal with inmates with serious mental health issues.
 - Will meet the Special Housing Exclusion Law by July 2011,
 - Created a Residential Mental Health Unit at Marcy
 - Broke ground for a second unit at Five Points.
 - Our two agencies redefined which prisons would receive OMH resources and which would not.
 - Based on OMH's ability to attract and retain staff in some locations but not in others, usually rural areas
 - DOCS works cooperatively with other agencies,
 - Parole and OASAS in re-entry efforts
 - DOH on Medicaid and HIV oversight
 - OASAS in certifying DOCS drug programs

Medical Services and Outside Hospitals

- **Local hospitals are reluctant to take in prisoners, except for emergency care.**
 - Most small hospitals do not have the specialty care clinics and services the inmates require
 - Hospitals do not want to provide space for a secure prison ward where correction officers can provide security.
 - Where we do have such units, have agreements with local county jails where they can use a vacant bed in our unit, thus saving the county money.
- **Have 5 Regional Medical Units strategically located across the State**
 - Place inmates who need 24 hours medical services beyond that which is available in a facility infirmary.
 - Operate the Walsh Medical Unit for more seriously ill inmates.
 - Advantages
 - Do not have to keep an inmate in an expensive outside hospital.
 - Can pull inmates out from outside hospitals after surgery and allow them to convalesce in one of our units rather than stay in the hospital.

State Readies

- **Current policy calls for the Department to take all “state ready” prisoners within 10 days of being notified, or pay the county for holding them, retroactive to the day they notify us.**
 - **“state readies” are accepted into the system usually within five (5) days and usually within 10 days.**
 - **when the system was overcrowded and we could not accept “state readies” within established timeframes the Department was forced to contract with local jails to keep the inmates**
 - **paid out millions each year.**
 - **in 1999, we paid out approximately \$55 million in contract and penalties**
 - **this past year we paid out only \$18,000.**
 - **Designated two upstate facilities, Auburn and Albion for local reception**
 - **allows county jails to bring “state readies” to these facilities instead of transporting them to Elmira in Chemung County and Bedford Hills in Westchester.**
 - **changes have saved many county jails significant money.**

Parole Violators

- **Current law mandates that final hearings held on Parolees charged with a rule violation must take place in the county of the violation.**
 - **law relates to the need for Parolees to be able to call witnesses at their hearings.**
 - **not every county has a state prison in the vicinity.**
 - **an Article VII was introduced in 2007 that would have overridden the current law by authorizing such hearings to be conducted through videoconferencing should a county jail wish to enter into a contract with the Department.**
 - **bill was not approved, due in part, by objections of defense attorneys and the lack of viable videoconference networks in many sites.**
 - **average time for Parole to hold a final hearing in order for the county jail to declare the offender a state ready is 29 days in non-NYC counties and 20 days in NYC.**

Boarding Locally Sentenced Inmates

- **Until last year, the Department was prohibited from boarding inmates serving definite sentences in local county jails.**
 - **law was changed and there was a discussion with the New York City Department of Correction**
 - **could not reach an agreement on the cost. DOB asked for more money than the City was willing to pay.**
- **County jails hold three types of offenders**
 - **pre-sentenced detainees**
 - **DOCS cannot house such detainees**

- sentenced inmates
- Parole violators who become “state readies.”
- **Problems**
 - means transferring these inmates away from their home counties complicating visiting and other issues
 - daily cost per inmate in a State prison is higher than the daily cost of a county jail
 - transportation costs would be incurred, particularly if a sentenced county inmate had to go back to court on other charges or appeals.

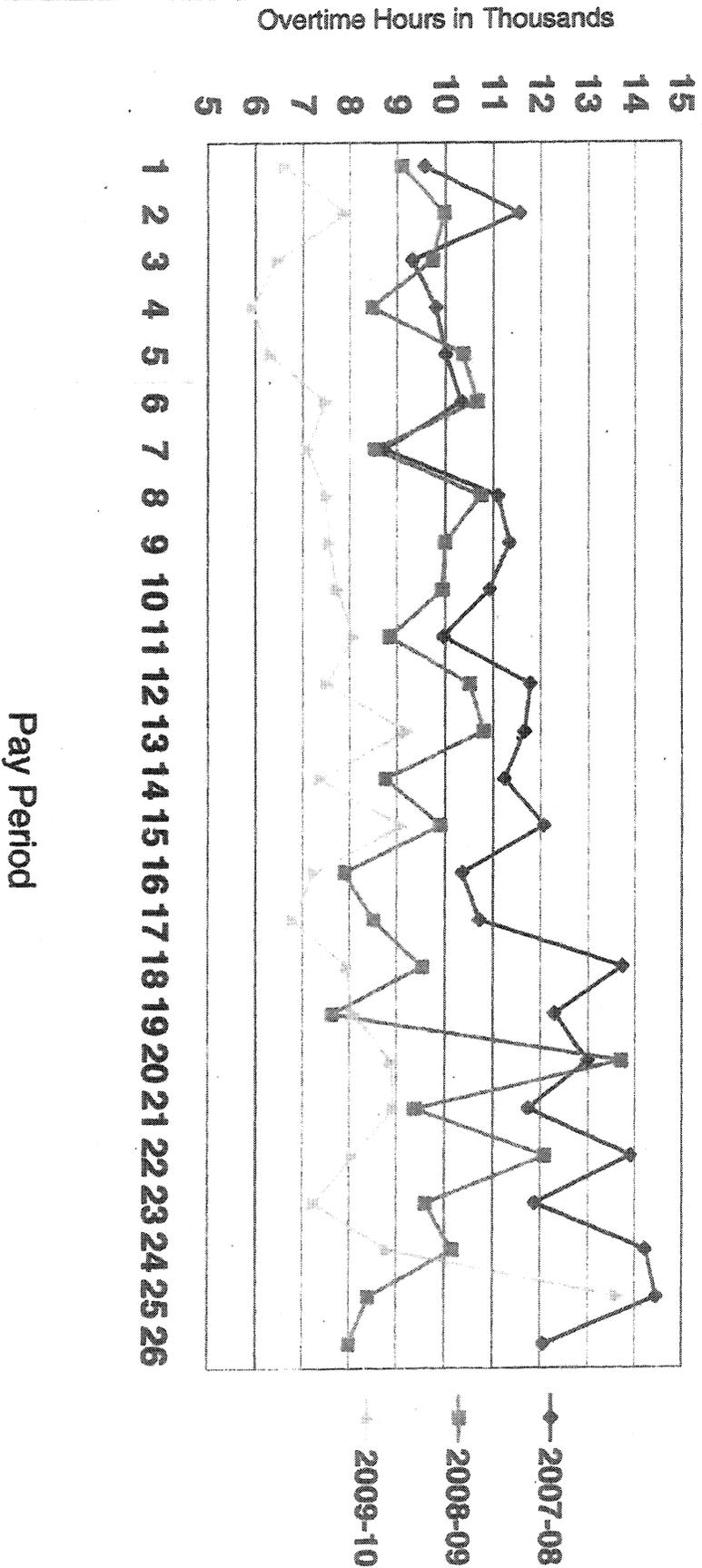
Staff Housing

- There are approximately 1,217 houses, apartments, and single and double occupancy rooms throughout the system.
 - In July, 969 spaces were occupied by security personnel of all ranks
 - 73 by administrators of various titles,
 - 93 by civilians like maintenance workers, chaplains, doctors, nurses,
 - no employee lives in any residence rent free.
 - State collects \$2.5 million in rental fees from DOCS staff.
- 24 houses identified by size, type and location as Superintendents’ residences.
 - 7 are occupied by Superintendents, 1 by a Superintendent and one other staff person, 2 have been converted to other uses and should no longer be consider residences, 3 by other titled administrators, 1 was shut down and 10 are vacant.
 - some of these homes were built when the prisons were built
 - others were built by other agencies like Mental Hygiene and OMRDD.
 - rent paid on all residences is determined by the Division of the Budget.
 - residences are on State property and are connected to the prison for water, electricity, and sewer lines.
 - agency converted an air force barrack at the Stewart Airport in Orange County at a cost of \$233,675 for staff working in the region.
 - replaced housing at a place called Harlem Valley in Dutchess County
 - used almost exclusively by security personnel.

3/24/10

CORRECTIONAL SERVICES

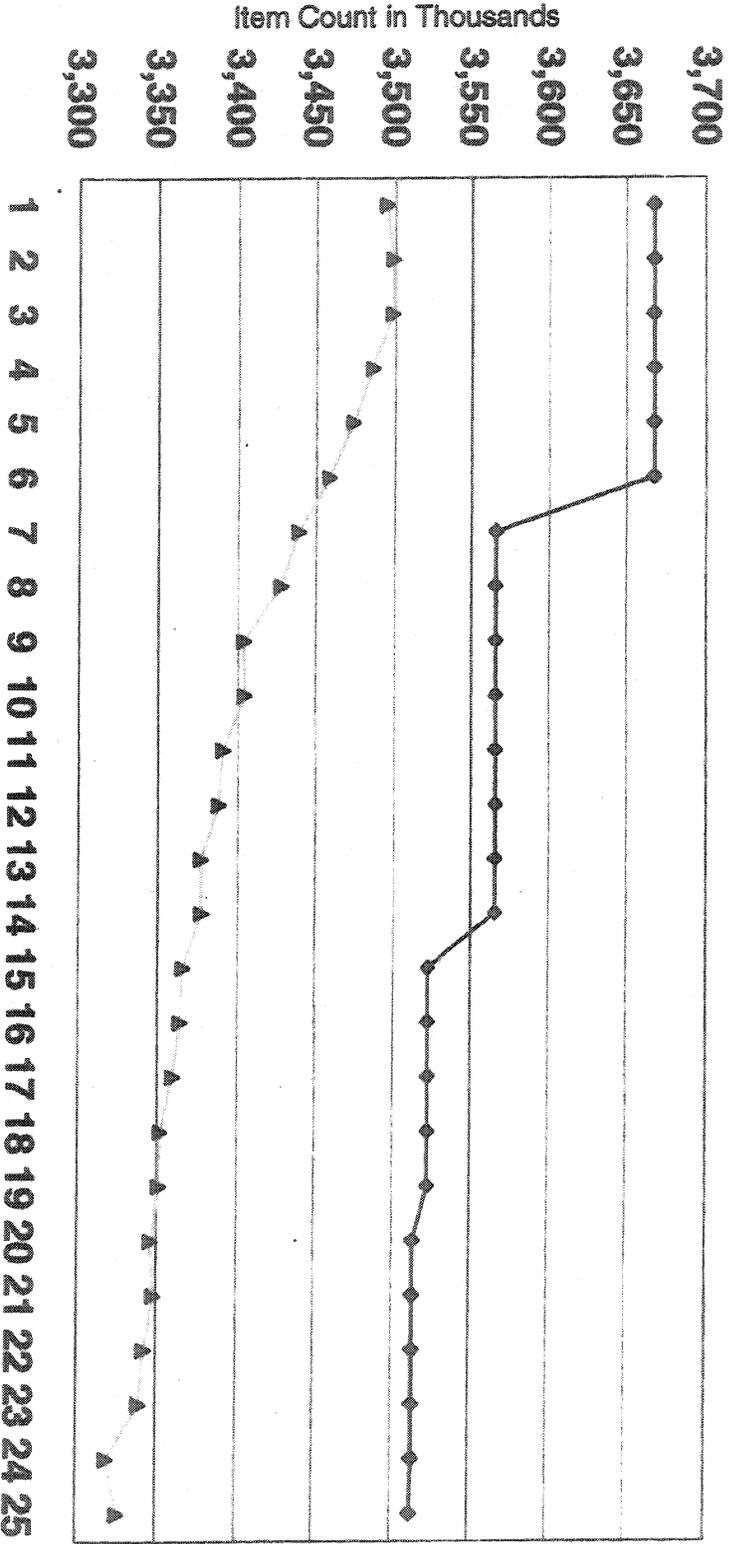
Support Overtime
FY 2007-08 to 2009-10



CORRECTIONAL SERVICES

Support Services - FTE's & Fills

FY 2009-10

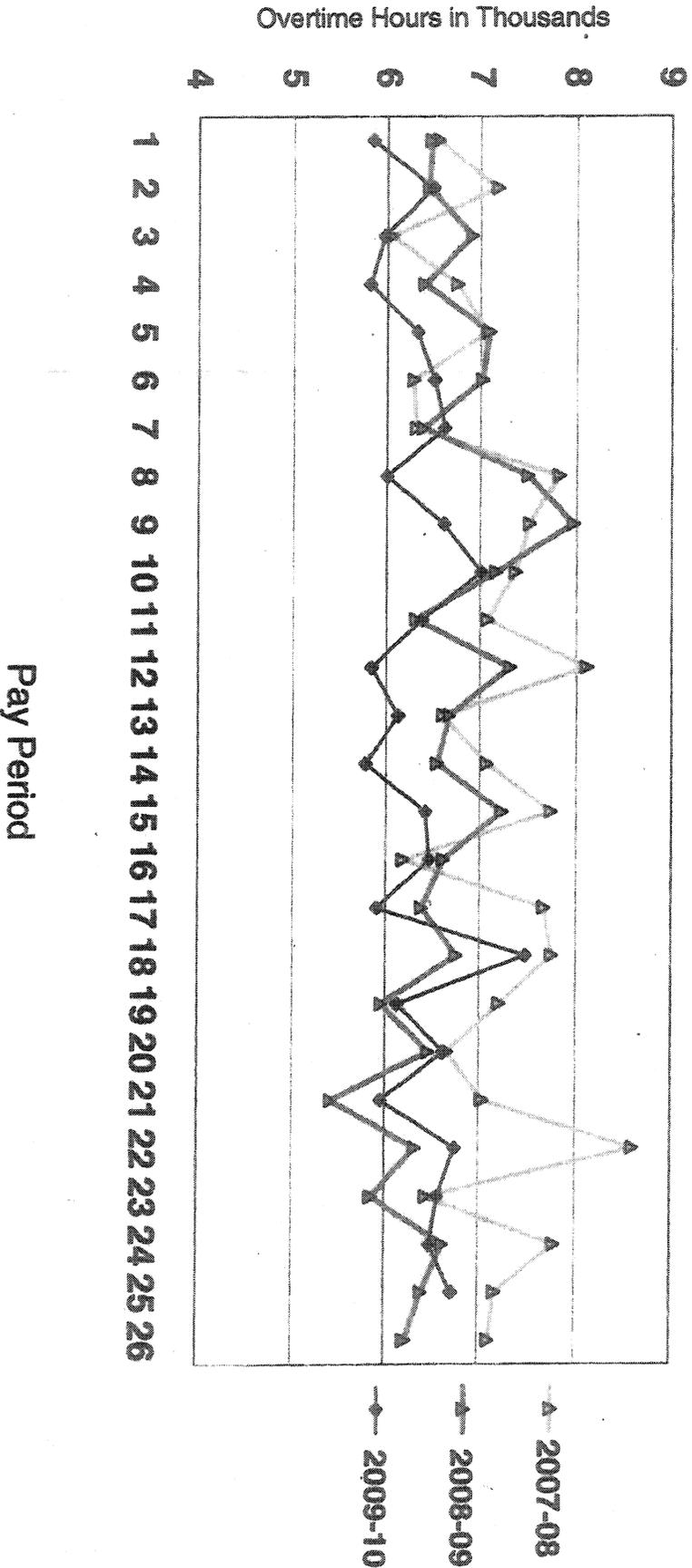


Pay Period

◆ 2009-10 Support FTE's
 ▲ 2009-10 Support Fills

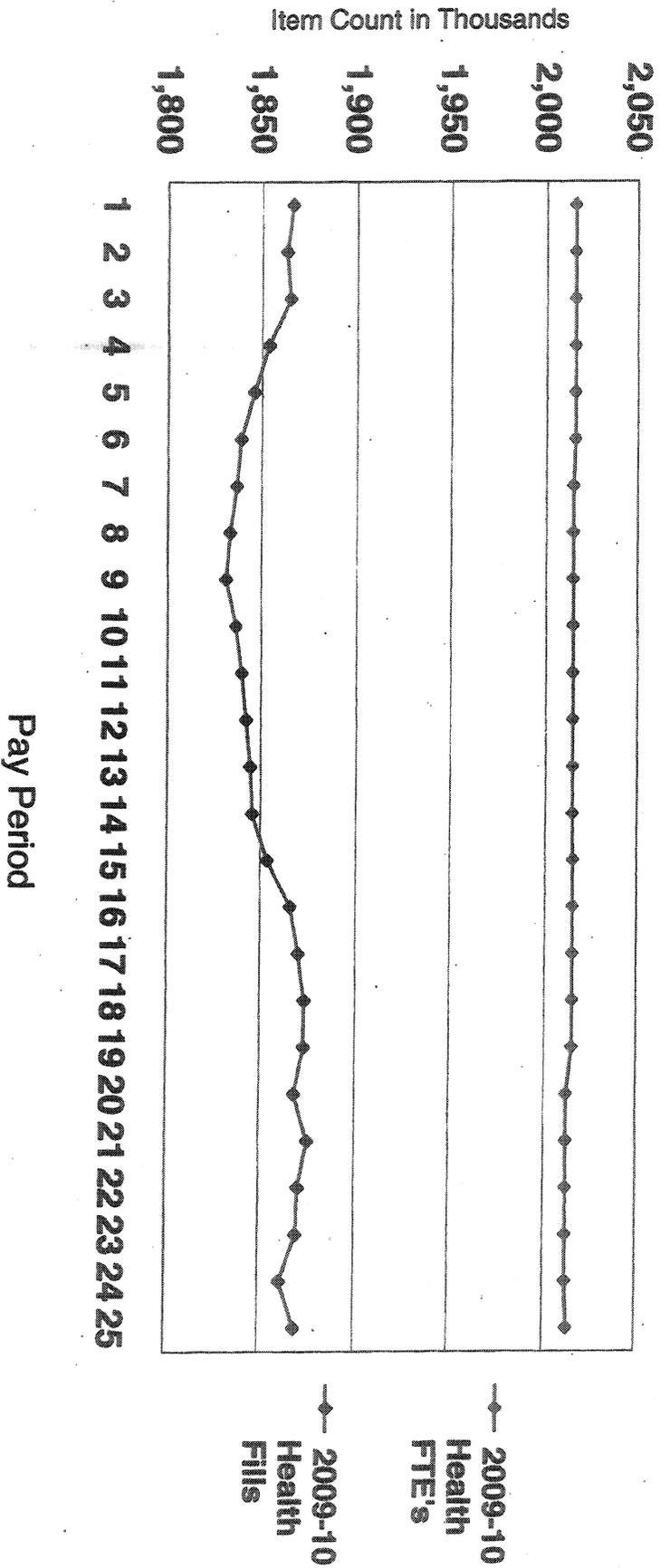
CORRECTIONAL SERVICES

Health Overtime
FY 2007-08 to 2009-10



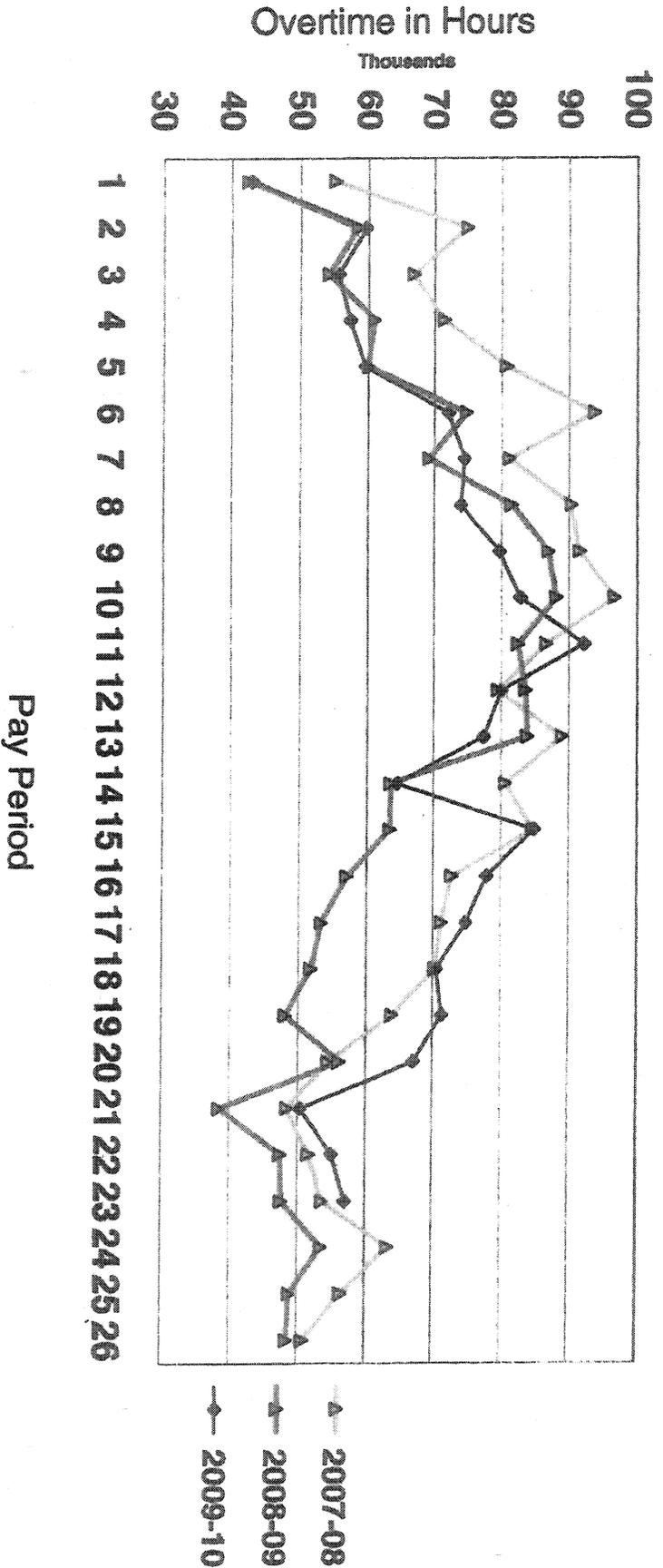
CORRECTIONAL SERVICES

Health Services - FTE's & Fills
FY 2009-10

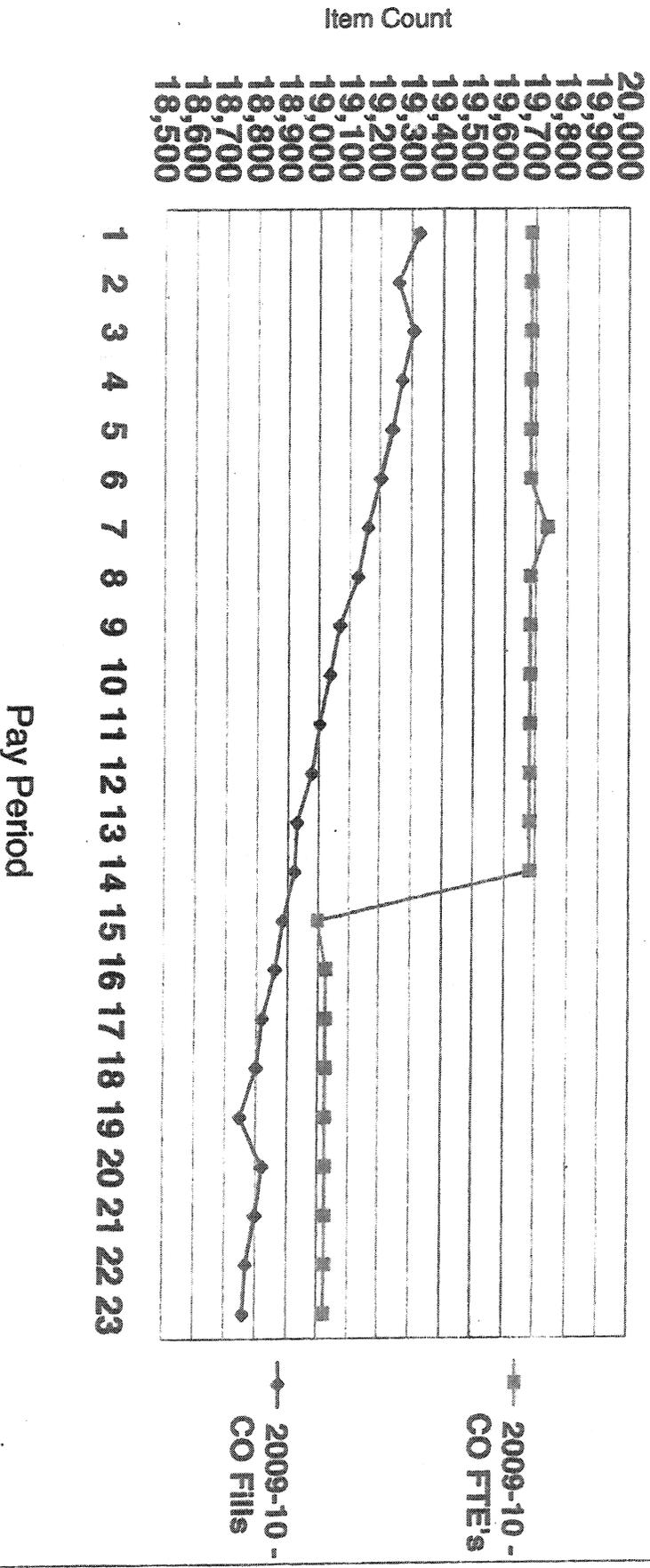


CORRECTIONAL SERVICES

Security Overtime
FY 2007-08 to 2009-10



CORRECTIONAL SERVICES
Security Correction Officers
FTE's & Fills
FY 2009-10



NYS DOCS BI-WEEKLY ATTENDANCE RECORD

Overtime Eligible Employees

A

Form 1029-F(07/01)

EMPLOYEE'S NAME [REDACTED]		ACCRUAL SUMMARY	Annual *	Sick	Personal	Holiday	Floating Holiday	Vol. Reduc.	Comp. Time
DIVISION/UNIT MEDICAL		Balance Start of Pay Period	206.25	10.12	4.10	11.2			
PERIOD FROM: 10/18/09 TO: 10/21/09		Charges This Period							
Annual Leave Anniversary	Personal Leave Anniversary	Credits Sub-Total							
Negotiating Unit (CIRCLE ONE) 01 NYSCOPBA 02 CSEA 03 04 05 PEF 06 MC 61 C-82		Credits Earned	6	4	0	8			
IPP Grant Dates (M/C employees)		Balance End of Pay Period	212.5	10.16	4.0	12.0			

ALL EMPLOYEES ELIGIBLE TO EARN OVERTIME MUST USE THIS CARD

ALL PS&T EMPLOYEES MUST USE THIS CARD, SHOWING ACTUAL HOURS WORKED

TIME CARDS ARE VOUCHERS FOR TIME WORKED - PLEASE TURN IN YOUR CARD PROMPTLY.

*Special note on vacation credits

PLEASE CHECK THE CONTRACT AGREEMENT FOR YOUR BARGAINING UNIT REGARDING VACATION CREDITS SO THAT YOU DO NOT EXCEED ALLOWED MAXIMUM. CONFER WITH YOUR SUPERVISOR ABOUT USING YOUR CREDITS WHEN THIS BALANCE EXCEEDS 35 DAYS IN ORDER THAT YOU WILL NOT LOSE TIME YOU HAVE EARNED

APPROVED WORK SCHEDULE From: 3p To: 11p

LUNCH: None (PEF & Security) 30 min. 45 min. 1 hr.

ACTUAL HOURS WORKED								ACCRUAL USE RECORD								
	Time In	Lunch		Time Out	Extra		Comp Time Earned	Paid OT	Tardy	Annual Leave	Sick Leave	Personal Leave	Holiday	Vol. Reduc.	Comp Time	Explanation
		Out	In		In	Out										
Thu	RDC				3p	7:30		16.5								
Fri	3p			11	11	7:30		8.5								
Sat	3p			11	11	7:30		8.5								
Sun	2p	FLCAT MEDS		10p	10p	7:30		9.5								
Mon	2p	FLCAT MEDS		10p	10p	7:30		9.5								
Tue	RDC				3p	11p		8.5								
Wed	3p			11p	11	11:30		8.5								
Thu	3p	FLCAT MEDS		11p	7pm	3p		1								
Fri	3p	FLCAT MEDS		11	11	8		9								
Sat	RDC				3pm	7:30		16.5								
Sun	RDC	FLCAT MEDS			2p	7:30		17.5								
Mon	3p			11p	11p	11:30		8.5								
Tue	3p			11p	11p	7:30		8.5								
Wed	2p	FLCAT MEDS		10p	10p	7:30		9.5								
TOTALS - carry to line 2 of the Accrual Summary:																

OT = 124 HOURS

EMPLOYEE [REDACTED]
I certify this is an accurate record of time worked and accruals charged.

AUDITED BY: _____ Date: _____

SUPERVISOR [Signature]
I certify that I have reviewed this time card and attest that it is correct.

ORIGINAL - Timekeeper DUPLICATE - Employee

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES
 NYS DOCS BI-WEEKLY ATTENDANCE RECORD
 Overtime Eligible Employees

B

Form 1029-F(07/01)

EMPLOYEE'S NAME	[REDACTED]		ACCURAL SUMMARY	Annual *	Sick	Personal	Holiday	Floating Holiday	Vol. Reduc.	Comp. Time
DIVISION/UNIT	MEDICAL		Balance Start of Pay Period	218.25	1016	40	120	0		
PERIOD FROM:	10/22/09 TO: 11/14/09		Charges This Period					8		
Annual Leave Anniversary	Personal Leave Anniversary		Credits Sub-Total							
Negotiating Unit (CIRCLE ONE)	01 NYSOPBA	02 CSEA	Credits Earned	6	4			8		
IPP Grant Dates (M/C employees)			Balance End of Pay Period	218.25	1020	40	120	0		

ALL EMPLOYEES ELIGIBLE TO EARN OVERTIME MUST USE THIS CARD
 ALL PS&T EMPLOYEES MUST USE THIS CARD, SHOWING ACTUAL HOURS WORKED
 TIME CARDS ARE VOUCHERS FOR TIME WORKED - PLEASE TURN IN YOUR CARD PROMPTLY

*Special note on vacation credits
 PLEASE CHECK THE CONTRACT AGREEMENT FOR YOUR BARGAINING UNIT REGARDING VACATION CREDITS SO THAT YOU DO NOT EXCEED ALLOWED MAXIMUM. CONFER WITH YOUR SUPERVISOR ABOUT USING YOUR CREDITS WHEN THIS BALANCE EXCEEDS 35 DAYS IN ORDER THAT YOU WILL NOT LOSE TIME YOU HAVE EARNED.

APPROVED WORK SCHEDULE From: 3p To: 11p LUNCH: None (PEF & Security) 30 min. 45 min. 1 hr.

RDC Absence Thursday & Tuesday with Alternate Work on Sat & Sun.

	ACTUAL HOURS WORKED										ACCURAL USE RECORD						
	Time In	Lunch		Time Out	Extra		Comp Time Earned	Paid OT	Tardy	Annual Leave	Sick Leave	Personal Leave	Holiday	Vol. Reduc.	Comp Time	Explanation	
Thu	RDC				3p	7 ³⁰		16.5									
Fri	3p			11	11	7 ⁴⁵		8.75									
Sat	3p			11	11	11 ³⁰		0.5									
Sun	3p			11	11	7 ⁰⁰		8.5									
Mon	3p			11	11	7 ⁰⁰		8.5									
Tue	RDC				3p	11 ³⁰		8.5									
Wed	3p			11	11	7 ⁰⁰		8.5									
Thu	3p			11	11p	11 ³⁰		0.5									
Fri	3p			11	11	7 ³⁰		8.5									
Sat	RDC	VACILLANT DAYTIME ENDS			3p	8 ⁴⁵		18.75									
Sun	RDC	Cone to One Medication			2p	7 ³⁰		17.5									
Mon	3p			11	11p	7 ⁴⁵		8.75									
Tue	HOLIDAY	CREATING			11p	8 AM						8					
Wed	8A	IN SERVICE			4p	4p											
TOTALS - carry to line 2 of the Accural Summary:																	

OT = 123.75 HOURS

EMPLOYEE [REDACTED]
 I certify this is an accurate record of time worked and accruals charged

AUDITED BY: _____ Date: _____

SUPERVISOR [REDACTED] NA 11/13/09
 I certify that I have reviewed this time card and attest that it is correct

ORIGINAL - Timekeeper DUPLICATE - Employee

Senate Task force on Government Efficiency

To examine N.Y.S. Department of Corrections Operations

**Testimony of
Chris Leo
Statewide Legislative Director**



**New York State Correctional Officers
& Police Benevolent Association
(NYSCOPBA)**

Chairman Klein, members of the Task Force on Government Efficiency, good Afternoon. My name is Chris Leo and I am the Statewide Legislative Director of the New York State Correctional Officers & 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 psychiatric 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.

We would like to begin with saying that NYSCOPBA has been and will always be supportive of the Governor and the Legislature's desire to seek potential cost savings within the budget and we believe this year more than any other we need to begin to be more innovative. We believe eliminating positions at the administrative level has become timelier 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. While administrators continue to cut areas that directly affect the security function of New York's prisons they should find ways to eliminate duplication and waste within their own ranks, now and in the future.

This brings up an interesting dilemma. The Commissioner and his administrators know the ins and outs of the budget are the very same ones who, each year, decide where the cuts will be made. Of course they will never recommend cutting themselves. The

commissioner will use clever and deceptive language when he discusses this subject and state that the department is not filling administrative "vacancies" , but when it comes to correction officers and correction sergeants he very clearly cuts the full time items from the budget. These are full time items that we will never get back from the department of budget and yet when no one is looking I can guarantee those administrative vacancies will be filled.

On November 23, 2009 a supervising superintendents meeting was held for the sole purpose of coming up with proposals for the 2010 budget. According to a confidential document that NYSCOPBA received (see attachment #1) the ninth proposal on page 1 clearly states their desire to not "give up" any members of the administration. That is why we believe that there needs to be more oversight and that cuts at the top are even more necessary. Another example of the lowest hanging fruit theory occurs in the 2010 Article VII proposals from the Department of Corrections

(see attachment #2) you will again see that the administrative cuts proposed were zero, while at the same time cutting more security staff.

Since 1999, the inmate population has been reduced by approximately ten-thousand inmates. Since 1999, there have been approximately two-thousand five-hundred cuts to the correction officer title and yet the administration increased.

According to F.O.I.L. payroll records for central office personnel the number of D.O.C.S. central office employees were as follows: 2006 – 793 central office employees, 2007 - 804 central office employees , 2008 – 801 central office employees , 2009 – 907 central office employees . Why does New York State need to maintain such a massive administration to oversee less inmates and a much smaller security staff? As we lost those 2,500 correction officers, we were told to do more with less so why doesn't that same mindset hold true for the more highly compensated administrator's?

Combining Facility Administrations

With today's technology and instant communication the prisons could easily merge many parts of the administrative bureaucracy without disrupting the function of the prisons at all. Many of these prisons are situated where another prison is directly across the street from one another or on the same property only separated by a fence or a ball-field. If you look at attachment's 3,4,5,6 & 7 you will find just a few of the many examples from around the state that illustrate how close these prisons are to each other. Besides the massive amount of administrators that exist at the Albany based operations center, each one of the 67 prisons in New York State have their own full compliment of the same exact titles.

Keep in mind that for sixteen hours every day and twenty-four hours a day on weekend's and holiday's, New York State

Correctional facilities operate just fine without administrations. The administration works from 8am until 4pm Monday thru Friday. They also enjoy having every weekend and holiday off. Our members work twenty-four hours a day each and every day, including weekends and holidays.

Over the last twenty years or so, the Albany "command center" has slowly taken most administrative responsibility and decision making away from the individual facilities and many decisions are now made directly from the DOCS "command center." This has reduced the local administrations to nothing more than very expensive informational relay systems. The command center is located in Building two of the Harriman Campus here in Albany. The micromanaging of the facilities by building two has inadvertently proven the point that the seven to ten layers of administration at each of the sixty-seven prisons could easily be done away with or at least consolidated. Real savings could emerge and that would not affect the staff or the inmates if the true intent of the HUB concept was instituted.

The potential for immediate savings is enormous. Each prison has layer upon layer of bureaucracy and these are employees that rarely, if ever see an inmate. Most are civilian's titles, which have not and did not come up through the security ranks; including Commissioner Fischer. Sixty-seven prisons around the state and one massive operations center in Albany employ approximately one-thousand-six-hundred administrators. Many who earn more than \$100,000 dollars a year in salary and this doesn't even include the generous benefits each of these administrators receive. Each of the sixty-seven prisons has a Superintendent, a Deputy Superintendent of Security, A Deputy Superintendent of Administration, a Deputy Superintendent of Programs, sometimes an Assistant Deputy Superintendent of 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 get additional salary for being the "HUB Superintendent." The total payroll and benefits for those positions would be savings of tens of millions of dollars in 2010

alone. We can no longer afford these unnecessary positions and together we can stop this waste and duplication of services.

All of the titles and salaries are available on the website www.seethroughny.net. NYSCOPBA recommends that the current consolidation/closure scheme that Commissioner Fischer is proposing, begin with his own administration before they cut the true security and resources from the areas that directly affect the safety and security of the prisons and the surrounding communities.

Superintendent Housing

The New York State Department of Corrections continues to cut at the bottom in order to feed the top. The January 2010 Senator Klein and Senator Savino report titled; "Cutting Spending at The Department of Correctional Services" spoke to the issue of

luxurious homes for the superintendents. On page 16 of the report it states that according to OGS records the state supplied home of the Mid-Orange C.F. superintendent is 7,099 square feet and state supplied home of the Wallkill C.F. superintendent is 7,177 square feet.

Examples of this administrative opulence can be found repeatedly at each correctional facility around the state. We don't believe these abuses were intended, but they have developed to the point of absurdity and should now be eliminated.

Many years ago the, then called Wardens didn't receive the high salaries they do today and it was also necessary for the Warden to live in a close proximity in order to quickly respond to prison emergencies. Warden's homes were built right on the state property, close to the prison as a way to satisfy both of these needs. Because of the poor communication at the time, the "on site housing" practice was totally understandable in the 1800's and maybe in into the 1900's , but as we all know instant communication is no longer a problem and "on site housing" is a

practice that is unfathomable in 2010, especially when many lower paid citizens are losing their jobs to the recession and forfeiting their homes in foreclosures.

Currently, Superintendents and many administrators enjoy state subsidized lavish homes with water, electricity and maintenance included. As was mentioned, these homes were understandable with the lower salaries of decades ago, but each of the Superintendents today averages well over \$100,000 of annual salary and that doesn't even include the cars, gasoline, and free property taxes. Many of these inmate manicured homes and the sprawling acres of land could be sold for hundreds of thousands of dollars and be put back on the state tax rolls in their local communities.

There have also been many new inventions since the time of needing the Superintendent to live so close in the event of an emergency. We now have cell phones, fax machines, computers, video cameras etc...

At one time the decision making was done at the facility level by the Warden. That is no longer the case. The Superintendent must now make a series of calls to "command center" each day for the simplest of tasks. The Superintendent at each prison has become nothing more than someone who relays information that is transmitted from building #2 in Albany. So why is the "on site housing" still necessary?

Subsidized housing is not appropriate, it's definitely not necessary and I'm sure I can state with extreme confidence that it is not fiscally responsible in good or bad economic times. I'm sure New York State taxpayers would be furious in these times of foreclosures and bankruptcies to find out that administrators who make two to three times the average state worker also receive subsidized houses on manicured state property.

Efficiency in Data Reporting

The only way to improve the efficiency at the Department of Corrections is to require the accuracy of data reporting through more legislative oversight.

I would like to take this opportunity to clear up some misinformation that is regularly disseminated by DOCS in regards to the inmate population in New York. In 1999, New York's inmate population was at a peak of 71,000 inmates, but our prisons were also operating at 130% of capacity. Unfortunately, DOCS conveniently leaves out that most important caveat when making this statement.

New York's maximum security facilities are currently operating at approximately 122% and the medium security facilities are currently operating at approximately 93.68%. So even though there has been a decrease of the inmate population, New York State prisons are currently operating at an overall 101.01 % capacity (attachment 8). Prior to changing the way that DOCS reported the inmate population, even their own spokesman

admitted that the inmate population was over 100%. Actually, at that time it was 107%. In the October 6, 2008 edition of the Legislative Gazette (attachment 9, page 2) , Erik Kriss stated ...”Yes, we are over capacity...” and attributed it to the use of double bunks.

These figures include 786 inmates in double-bunked maximum security cells that were designed for one inmate, 3,863 double-bunked beds in medium security facilities and 1,222 double-bunked beds in minimum security facilities. That is a total of 5,871 inmates currently living and sleeping on top bunks throughout the New York State prison system. Let me be clear about this. This does not include facilities that were designed for double bunked cells. This would include the SHU 200’s, Five-Points and Upstate C.F., where there are an additional 1,575 inmates are currently on top bunks. This is grand total of 7,446 inmates living and sleeping on top bunks or 14,892 inmates in double-bunked conditions. That means we are now warehousing twenty-five percent of the total New York State prison population

in double-bunked conditions. If all these imaginary empty beds are available, we only ask one question. Why are there 7,446 inmates on the top bunk beds?

Imagine that you take all the furniture from the different rooms in your house and move it to your living room as a way to save on heat and electricity in the rest of the house. On paper it will appear that you are saving and consolidating household expenses, but at what cost? The DOCS plan calls for dormitory consolidations, which translates to warehousing inmates in already overcrowded dormitories. This will only increase the potential for conflict and violence. Please keep in mind that these medium security facilities, which are already at capacity, have no cells. These are dorm styled facilities and nothing like what you have seen on television. Thirty-thousand of the states inmates are never locked in. Each evening in these dorms, when the lights go out, there is one (1) Correction Officer is assigned to watch sixty (60) inmates. And with all of this in mind the Commissioner's solution

is to put more inmates in the dorms and then cut security staff?

This is a system approach that is not effective and puts our members in even more hazardous working conditions. Rationing security in order to maintain unnecessary and costly administrators is simply dangerous.

Our members 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 Correction Officers, civilian staff and inmates. The current "consolidation plan" is a plan for catastrophe and NYSCOPBA hopes and urges you stand as strongly opposed to this scheme as we do.

Accurate Data

There are many examples of where it has been quite difficult to get accurate answers from DOCS or where the responses were found to be less than forthcoming when supplying data or answering questions:

1 The March 2010 report Assembly Minority Task Force on Workforce Issues in the Correctional System, (attachment 10, Page 10) noted that “The department of corrections themselves were reporting an operating inmate capacity of 102% on April 26, 2009 and days later, the percentage disappeared from the report.” Also in the Assembly minority task force report on the correctional system it was verified that “thousands of temporary beds –typically subtracted from the total permanent bed count- were now being included, giving the appearance of significantly more beds in the system.”

2 On February 18, 2010 the Assembly standing committee on corrections released their 2009 ANNUAL REPORT (attachment 11). On page 8 of the report the standing committee on corrections felt it necessary enough to enact legislation simply because DOCS was not completely forthcoming with their responses. Specifically, on page 8 of the report concerning the use of mechanical restraints on pregnant females. "Although DOCS had claimed that they do not use restraints on pregnant inmates being transported to the hospital or during labor, before the passage of this legislation, internal DOCS policy actually required handcuffs to be used during transport – even where a women was in active labor. Further, DOCS policy allowed for the use of leg restraints during transport to the hospital and for the use of handcuffs during delivery of the child." The theme of DOCS "claiming" or stating one thing, but doing another is something we deal with on a regular basis and would welcome a more intense permanent oversight at the department of corrections. Relying and

receiving information from only one person, the Commissioner, has been proven to not work and to only creates more confusion.

3 During the 2009 budget discussions, NYSCOPBA questioned the providing of free homes to already highly compensated correctional superintendents across the state. When legislative staff inquired about these homes, they were told by DOCS that they were just a bunch of old buildings that didn't amount to anything. To validate our claims, NYSCOPBA then provided numerous photographs to verify the existence of these palatial accommodations. Specifically on pages 14-17 these grand homes were referenced in the January 2010 Klein/Savino report titled, "Cutting spending at the Department of Correctional Services."

4 Throughout the spring of 2009, NYSCOPBA questioned the reporting of fifty-three deputy superintendents. These 53

deputy superintendents had not been previously approved according to their own reports. If you look at the DOCS budget fill column (attachment 12) you will notice that the column for deputy superintendents clearly states that zero were approved. Only after a NYSCOPBA press release and numerous inquiries from news reporters was this mystery solved. With the wave of their magic wand, the department of corrections simply moved the 53 unapproved deputy superintendents into the "budget fill" column and said they were approved (attachment13). NYSCOPBA issued a press release condemning the approval of 53 positions during a hiring freeze and budget crisis. Each of these titles come with an annual average salary of \$100,000 or 5.3 million dollars, while at the same time cutting front line security staff. When DOCS was confronted with this, their response was that this was an "accounting glitch."

5 May 12, 2009 NYSCOPBA received a freedom of information response on who and how many personnel work at central office in Albany. (attachment 14). According to the information we received there were 907 employees in the Albany central office alone, although their response stated 825. In an effort to show less administrators on the payroll for the central office staff here in Albany, they have once again resorted to tactics that are less than helpful in our quest for the truth. The most recent data from seethroughny.net states that on paper, Bruce Olsen is the Superintendent of Fulton C.F. at \$134,234 even though he is actually the Director of the Academy in Albany. We know for a fact that the physical Superintendent of Fulton is Elnora Porter \$107,126, yet she is paid out of Altona C.F., located in upstate N.Y. The ability of DOCS to show one thing on paper as a way to conceal pertinent information is troublesome to say the least.

So not only is there a shell game being played with the inmates and double bunks, but this tactic is also employed in the staffing as a way to confuse and misdirect anyone looking into this massive mismanaged monarchy.

As demonstrated, any information that the Department of Corrections provides must be called into question as being misleading or inaccurate.

Finally, the Commissioner recently wrote and published an article concerning the display that NYSCOPBA had erected in the well of the Legislative Office Building from March 8 – March 11, 2010 (attachment 15). Many of you visited the display and we would like to thank you for taking the time to examine the exhibit and ask questions about the information we provided.

The double-bunked cell was erected for the simple reason that our place of employment is behind concrete walls and razor topped fences. We are out of sight and out of mind. When attempts are made to educate you, the elected officials and the public, as to what is really going on in the prisons we have to rely on one person. Unfortunately, that has not been effective.

The reason much of this information has not gotten out in the past is two fold. We have already proven how difficult it is to get reliable and accurate information from the department of corrections. The second reason is fear of retaliation. Our members are not allowed to speak out by policy.

DOCS is run like Las Vegas. Like Vegas, the odds are stacked against us and getting worse. Like Vegas, DOCS requires what happens behind the walls, to stay behind the walls. And like Vegas, the house wins because they control the odds through smoke and mirrors. We cannot allow DOCS to continue to run like this. It's not fair and it's not efficient.

The article continues and the Commissioner once again implies empty cells exist simply because of the decline in inmate population and forgets to mention that we are operating at over 100% capacity. He does this while at the same time he knows we have approximately 7500 inmates sleeping on top bunks across the state. Whether it is maximum security cells or medium security dorms, the fact is that we do not have enough cell space for all inmates currently in the system. The Commissioner states that there are 5400 empty beds and yet data shows 7500 inmates on top bunks?

His next point, he states, "that's impossible" when commenting on the amount of inmates on the top bunks. He is playing semantics, and particularly with the word "cell" as opposed to the word "bed." His response was designed to draw attention away from the facts that we provided at the display, but more troubling because he should at least know how many inmates are on the top bunks since he put them there.

His statement about the California photograph is very odd to say the least. The photograph of the inmates in orange that we had on display was clearly stated and explained to anyone who stopped; that it represented the dangerous conditions that currently exist in the California prisons. We used that photograph to illustrate the unsafe warehousing system that it seems were moving towards. We clearly stated on the photograph, "Don't make New York Prisons like California's warehouses!"

The Commissioner's response to this was, "New York bans orange for security reasons; all inmates here wear green." Rather than speak to the dangers of double-bunking his response was fixated on the color of the inmate's uniform? The fact that he did not once express concern about the dangerous double-bunking conditions that he is creating in New York is even more startling. The warehousing direction that he is spearheading is simply dangerous. The fact that in his statement, he did not once convey alarm about the one officer that is forced to watch sixty inmates by

him or herself, is more of an indication on how cuts have been made at the bottom in order to maintain the top.

NYSCOPBA has demonstrated the layer upon layer of duplicated services that exist at each facility and at central office. As a cost saving measure, NYSCOPBA has recommended the "consolidating" of administrators; at least at neighboring facilities.

When responding about the dangers of double bunking the response was the color of the inmate's uniform. When broaching the hands-off subject of administrative cuts there was a much more thorough response. In the article Commissioner Fischer states, *"To combine individual prison management teams wherever there are two facilities in close proximity would invite trouble. Prisons operate best when staff and offenders alike know who's in charge and see and talk to those leaders as they regularly walk through galleries, dormitories, yards and mess halls. At the core of every serious prison incident nationwide is a lack of firm, knowledgeable leadership and neglect of the needs, moods and problems of the*

institution.” After working in three maximum security facilities I can confidently state that the inmates rarely if ever see an administrator, let alone speak with one.

If I had my druthers I would like to see any one of those administrators sit in one of those overcrowded double-bunked dorms that they have created by themselves for just one day. I would challenge any one of them to leave the comfort of their desks, walk through a yard filled with 200-300 inmates, then look around for help, and realize their decisions have eliminated the necessary staff and they are on their own.

The department of corrections services should know better than to play numbers games in prisons.

Thank you for your time and I would be happy to answer any questions you may have at this time.

N.Y.S. D.O.C.S.

Attachment I

SUPERVISING SUPERINTENDENTS' MEETING - 11/23/09

CONFIDENTIAL

Number of proposals for budget

State of State 01/05/10

No sign-off on our budget

Can we shrink some more - closings, attrition, cuts, etc.

\$40 million in stimulus money - next year, no money

How do we pay down the road? Where does the money come from?

CERT programs are ok.

Non-violent inmates down, violence up and down

* Don't want to give up Deputy Superintendents, Captains, etc.

500 asked for severance package - 24 received it (3%)

Limited Credit Time Allowance - what's the feedback?

Inmate photos - digit scan - inmates will have user ID - bio scans. Inmates to have thin clients. Stand-alone PC's to be gone.

Think 3-5 years down the road.

Resentencing - Law Library numbers up or down as a result. Some judges want inmates released ASAP. Others are more understanding of our system.

In-call TV's??? Eliminate had, then they lost it. 2-3 years - what does it take to do it? Capital Money could be ok. What are your priorities? Basic channels are paid by the state. Cheaper and more secure to have TV's. Yards are down as a result, etc.

Inmate wages have not had a raise in 10 years.

Missing children playing cards. County jails sell them - can we?

* DCJS has money.

CQC - are you comfortable with them? Not looking to build a case against staff. Does staff have a right to refuse? Union does not sit.

D.O.C.S.
WANTS TO START
WAREHOUSING
Inmates

Logbooks will save or burn you. Critical: Protective. Legal. Look at what is recorded.

Legal work must accompany inmate to court.

Workplace violence - staff violence. Inmate on staff. Staff on staff.

Deny time off (don't do it). CAYSA, NAAWS, NYSMICJ, etc.

Staff development, correction education.

Weapons prohibition - misconduct. Modified ID card???

Secondhand smoking - no ban in sight.

Cell phone policy. Good or bad?

Outside crews: Search the van.

Correctional association advocacy group. Questionnaires - 400 questions now being reduced. Teir only - not shut down the jail.

 MP3 players - in about a year.

Attachment 2

CORRECTIONAL SERVICES

The safety and security of the Department's correctional institutions and the surrounding communities is maintained by the Supervision of Inmates Program while the Support Services Program provides all resources necessary for the operation of a correctional institution. This includes inmate food and transportation services, maintenance of the physical plant of the prisons and operating the business offices that provide administrative support for the facilities.

ALL FUNDS APPROPRIATIONS (dollars)

Category	Available 2009-10	Appropriations Recommended 2010-11	Change	Reappropriations Recommended 2010-11
State Operations	2,980,277,000	2,697,191,000	(283,086,000)	40,190,000
Aid To Localities	577,000	200,000	(377,000)	5,945,000
Capital Projects	320,000,000	320,000,000	0	587,734,000
Total	3,900,854,000	3,017,391,000	(283,463,000)	633,869,000

NYSCOPBA LEGISLATIVE DEPARTMENT

ALL FUND TYPES PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM FILLED ANNUAL SALARIED POSITIONS

Full-Time Equivalent Positions (FTE)

Program	2009-10 Estimated FTEs 03/31/10	2010-11 Estimated FTEs 03/31/11	FTE Change
Administration			
General Fund	236	236	0
Special Revenue Funds - Federal	653	653	0
Enterprise Funds	11	11	0
Correctional Industries			
Internal Service Funds	315	315	0
Facilities Planning and Development			
Capital Projects Funds - Other	31	31	0
Health Services			
General Fund	1,856	1,918	62
Program Services			
General Fund	3,050	3,168	118
Supervision of Inmates			
General Fund	20,853	20,355	(298)
Support Services			
General Fund	3,222	3,280	58
Total	30,027	29,967	(60)

1-19-2010
NO CUTS TO ADMINISTRATION
???

Cuts to Security Staff

STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE APPROPRIATIONS (dollars)

Fund Type	Available 2009-10	Recommended 2010-11	Change
General Fund	2,785,808,000	2,512,708,000	(273,202,000)
Special Revenue Funds - Federal	37,900,000	39,300,000	1,000,000
Special Revenue Funds - Other	35,750,000	29,480,000	(6,270,000)
Enterprise Funds	43,343,000	43,013,000	(330,000)
Internal Service Funds	77,976,000	73,692,000	(4,284,000)
Total	2,980,277,000	2,697,191,000	(283,086,000)

Adjustments:	
Transfer(s) From Special Pay Bill	
General Fund	(308,918,000)
Appropriated 2009-10	<u>2,671,959,000</u>

Chart 4e

Attica CF (left)
Wyoming CF (right)

Attachment 3

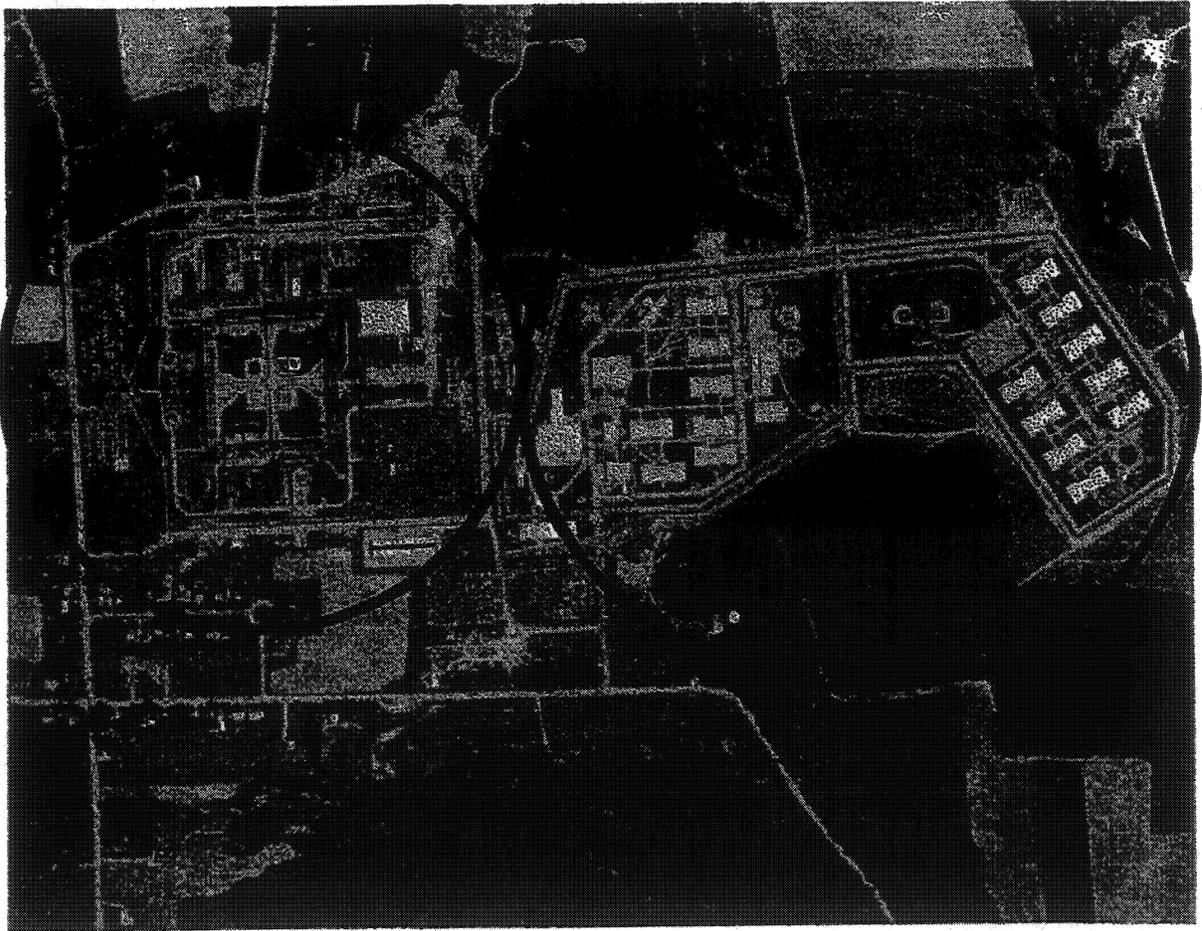


Chart 4f
Collins CF (top)
&
Gowanda CF (bottom)

Attachment 4

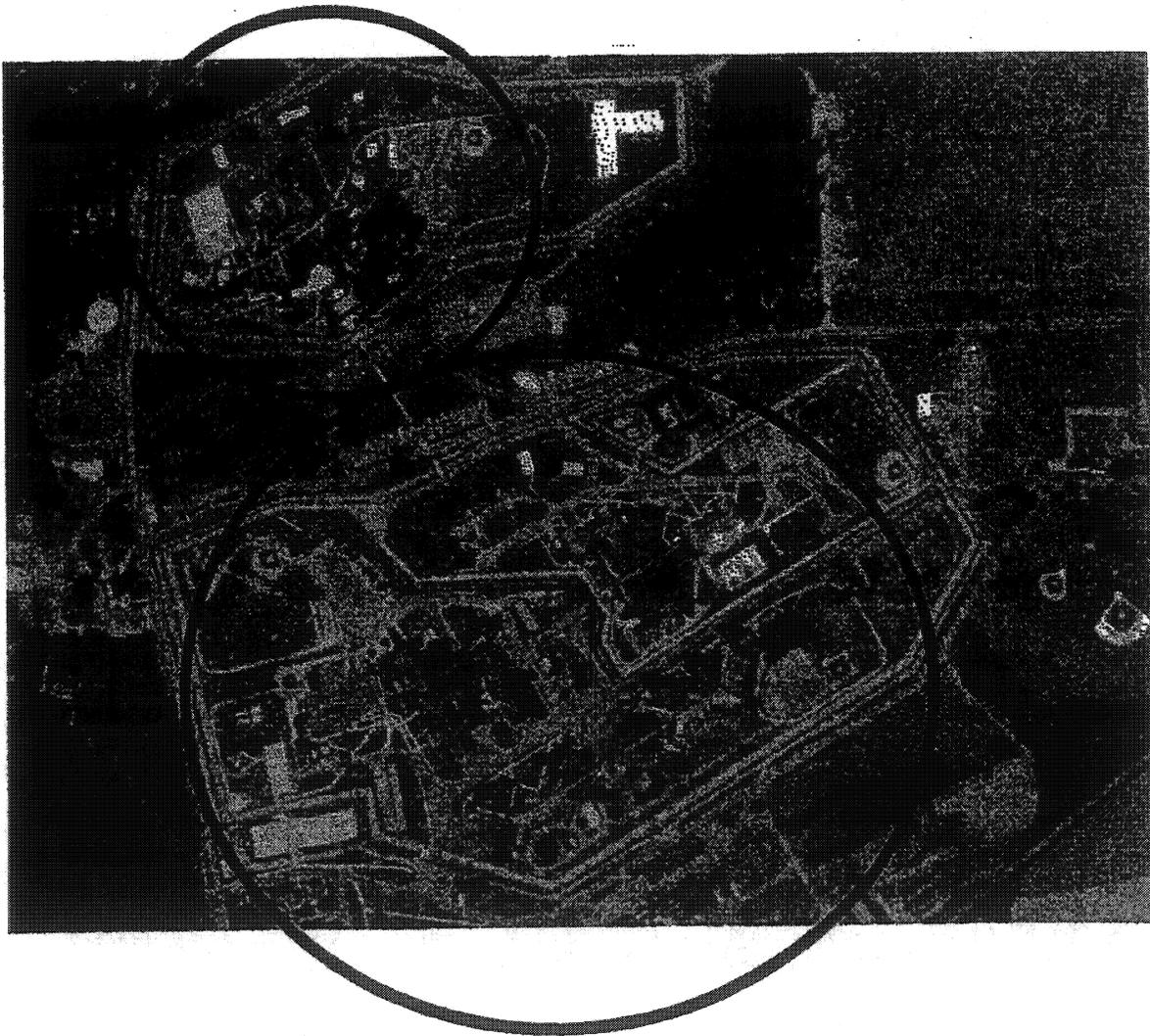
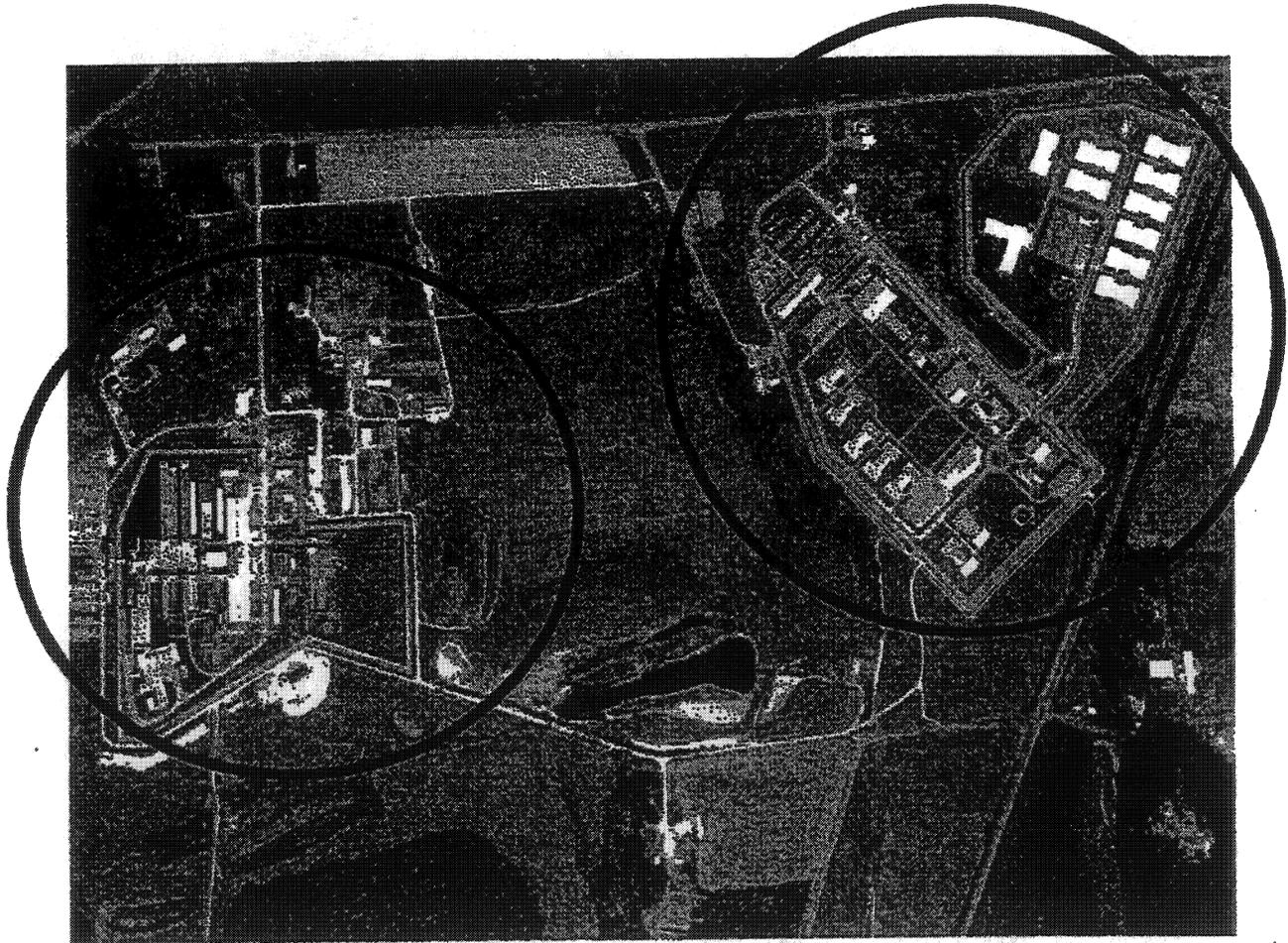


Chart 4g
Greene CF (right)
&
Coxsackie CF (left)

Attachment 5



Attachment 6

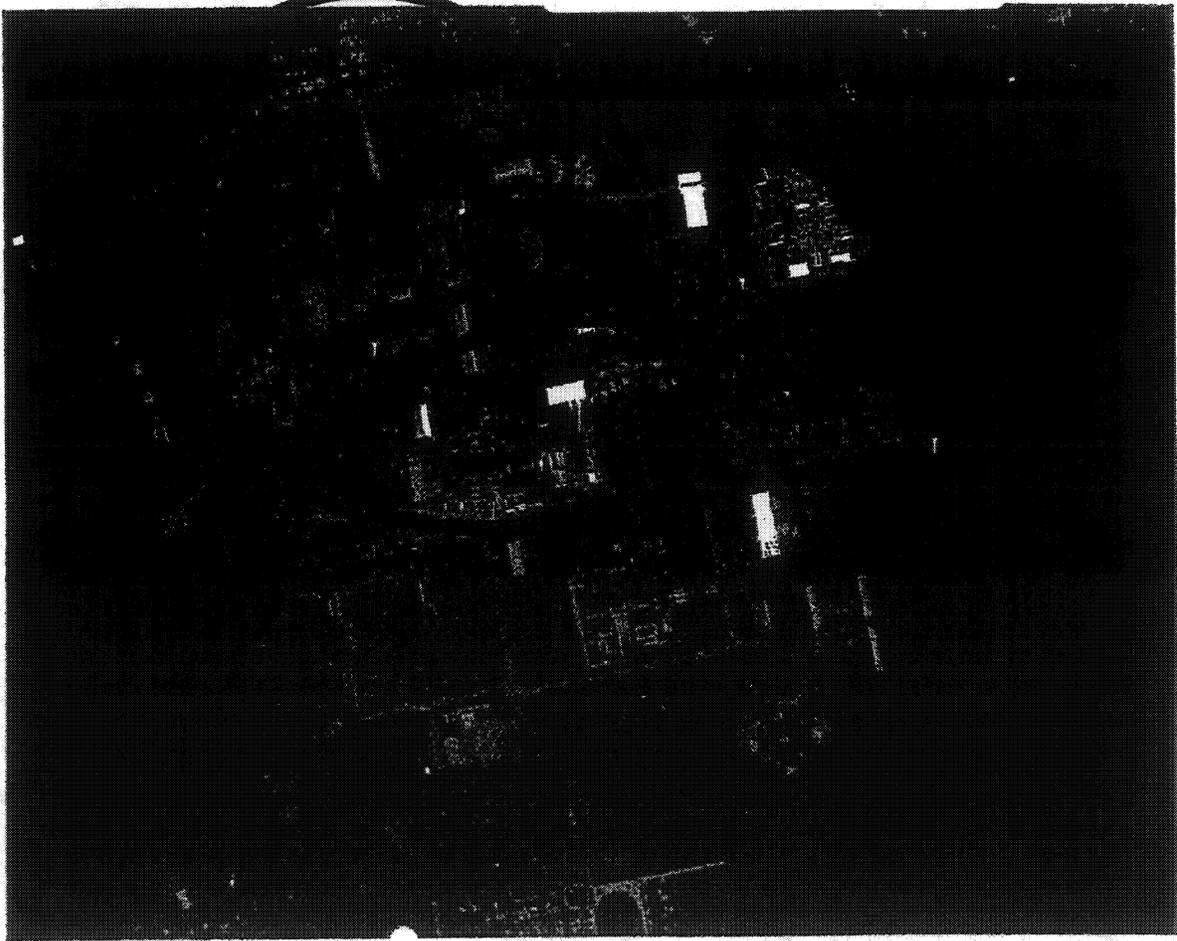
Chart 4h

Washington CF (top)
&
Great Meadow CF (bottom)



Chart 4i
Mohawk CF (top)
&
Oneida CF (bottom)

Attachment 7



Attachment 9

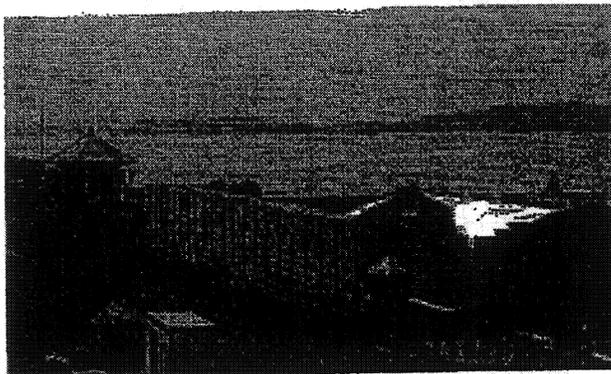
DOCS to cut \$81.6 mil., 200 positions

THE WEEKLY NEWSPAPER OF THE NEW YORK STATE GOVERNMENT
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By CHRIS MUELLER
Legislative Gazette Staff Writer
Mon, Oct 6, 2008

The New York Department of Correctional Services has adopted its first round of budget reductions that will immediately cut spending through consolidation of services and a decrease in correction officers.

The plan, which was announced by DOCS on Sept. 25, calls for an \$81.6 million reduction to the department's \$2.4 billion operating budget, a move that will comply with Gov. David A. Paterson's order for state agencies to reduce spending by 3.35 percent. In addition to these cuts, DOCS will be required to reduce spending by another 7 percent under the governor's requirements for agencies' 2009-2010 spending plans, a move DOCS Commissioner Brian Fischer said will be detailed in the coming months.



"These actions will allow the department to respond to Gov. Paterson's call to reduce state operations spending while ... protecting our agency's top priority: safety and security in and around our correctional facilities," Fischer said.

The department plans to make these reductions by cutting the number of correction officer positions by 1 percent. This will be accomplished through attrition and redeployment, said DOCS spokesman Erik Kriss. The department expects to see 200 of its 19,600 correction officer positions eliminated throughout the state.

Kriss said that at this stage in the process there are no plans for any staff layoffs. On average, about 74 officers leave or are redeployed every two weeks, he said. The department is still assessing the impact the budget reductions will have on civilian staff. The department has a staff of about 31,500 security and civilian employees.

"We have a pretty good handle on who is reaching retirement age, so we know where and when we will be losing some staff," Kriss said.

DOCS will begin to consolidate its prisoner housing populations at 17 men's medium- and minimum-security facilities. A typical prison dormitory at these prisons holds about 60 inmates, Kriss said. He said that due to a drop in crime, New York's inmate population has dropped 14 percent since 1999.

This decrease in inmates has resulted in many empty beds within the dorms, according to DOCS officials, and a decrease in the demand for correction officers to patrol them. The populations at maximum-security prisons have remained steady, so they will not be consolidated, Kriss said.

Of the 200 positions to be cut, 148 would be realized through the dorm consolidation. The decrease in these officers through attrition is expected to result in an annual savings of \$7.8 million.

If there were an increase in the inmate population, the unused housing units would still be available when necessary, Kriss said.

Still, the planned move of 1,000 inmates into what DOCS considers under-capacity dorms is not being endorsed by the unions that represent prison employees. Union officials argue the move could result in an increase in double bunking, which some fear could create a dangerous situation for officers patrolling those dorms.

"When you push the populations together like this you are taking already crowded situations and making them even more crowded," said Donn Rowe, president of the New York State Correctional Officers and Police Benevolent Association, the major union for state correction officers. "When you have double bunks you have visual obstructions, and this makes a dangerous atmosphere for our officers."

Rowe said the state's prison capacity in 1999 was at 130 percent, and today it is at 107 percent. Although he said this is an improvement, he worries that the consolidations would create too many double bunks, or "squeeze beds," creating an overpopulated and dangerous situation.

"Our members are already understaffed and work in the most dangerous atmosphere imaginable," Rowe said. "We definitely understand the idea of saving costs, but doing so at the expense of our members' safety can not be tolerated."

"We are all for returning this state to a healthy economic state but if you're going to look at this department, you have to do it from top to bottom," Rowe said. "Having worked in New York state prisons for over 27 years, I can not believe that they have figured out a way to make a dangerous job even more dangerous."



Kriss said the 107 percent capacity figure is misleading. "The technical capacity is how many single beds the facilities will accommodate, so yes we are over capacity," he said. "But it is standard, common and acceptable to have double bunks."

The department plans to place the double bunks along the far walls of the dorms, Kriss said. This would give the correction officers a clear line of sight to all the inmates.

Another area where DOCS plans to consolidate is within its inmate work crews. The work crews will be reduced by 39, leaving 166 crews in place. This will reduce the number of correction officers needed by 48, creating what is expected to be a \$2.4 million savings.

Work crews will be eliminated at two medium-security facilities: Gowanda Correctional Facility in Erie County and Otisville in Orange County, Kriss said. He said these prisons are close enough to other prisons with work crews that the surrounding communities that benefit from the inmate crews will not be affected.

DOCS will reduce the work crews at Camp Gabriels, a minimum-security prison in Franklin County, from 18 to 10. The Mount McGregor medium-security facility in Saratoga County will see its crews reduced from 10 to five. The medium-security Groveland facility in Livingston County and the minimum-security section of Mid-State Correctional Facility in Oneida County will have their work crews reduced from nine to four.

Prison unions are concerned about these consolidations as well.

"These crews provide services in their communities which you can't really put a price tag on," Rowe said. "This reduces a prisoner's chance of being released. If you stick that inmate, with no program or nothing, back into the rest of the population there is a good chance they will end up back in prison."

"This is going to hurt the communities," said Christian Mesley, the newly elected president of Council 82, another union that represents correction officers. "We believe this is just the tip of the iceberg. Our real concern is what's going to happen over the next 12 months as the economy gets worse."

The department also has a plan to freeze the hiring of civilian and security staff at the mental health treatment units in The Green Haven and Marcy correctional facilities.

Additional reductions in state spending will be achieved by accessing federal funds for incarcerated illegal aliens. Kriss said New York does not put illegal immigrants in its prisons, and the federal government has a program to fund the cost of incarcerating them. This could save the state \$23.6 million.

The department will try to save some money in the short term by developing a capital-financing plan for its security-related construction costs so they can be paid off over an extended period of time. This is expected to result in a savings of \$24 million.

DOCS will also delay implementation of its centralized pharmacy automation program to save \$1.8 million.

Kriss said because things are always changing in the Department of Corrections, the department is reserving the right to alter its cost-savings plan.

"There may be some reductions in places where we haven't noticed or looked at," he said.

The Assembly Republican Task Force on Workforce Issues in the Correctional System

approximately 700 drug felons will receive early release, pursuant to the law's re-sentencing provisions. Additionally, a law permitting murderers and other violent felony offenders to earn reductions in their prison sentences was enacted in 2009.

As a result of the actions taken by the Democratic Majorities in the Senate and Assembly and the Governor to reduce the prison population, crime will increase, the decline in prison population will end and a need for additional capacity will be created. New York is whittling away at the anti-crime measures that made it the safest large State in the nation.

Today, the inmate population stands at about 58,000. Despite numerous reforms, prisons continue to operate at 102 percent capacity.

SAFETY: ISSUES

Capacity - According to testimony given by NYSCOPBA, the Department of Correctional Services recently changed the way it reports its "percentage of occupancy" data, suggesting there are thousands of empty, permanent beds in the State's prison system, when in fact there are none.



Assembly Members (L-R) Joel M. Miller, Gary D. Finch, Joseph M. Giglio, Teresa Sayward and Joseph A. Errigo listen to testimony on prison capacity.

Every day, the Department of Correctional Services publishes and distributes its "Daily Population Capacity Report" to government agencies and watchdog groups. For decades, the document showed the prison system operating above capacity. In fact, on April 26, 2009, it was reportedly operating at 102 percent capacity. Days later, that percentage disappeared from the report and thousands of temporary beds

— typically subtracted from the total permanent bed count — were now being included, giving the appearance of significantly more beds in the system. NYSCOPBA claimed this was done to justify the Department of Correctional Services' decision to close prisons and reduce correctional staff.

Attachment 11

years prior to the application date and persons who, at any time, were adjudicated a second violent or persistent violent offender.

Finally, the new law established two new crimes with enhanced sentencing ranges. First, a new class B felony is created for an adult over age twenty-one who sells a controlled substance to a child under age seventeen. ("Criminal Sale of a Controlled Substance to a Child," Penal Law §220.48.) Second, a new class A-I drug crime is created. Under this new law, a person convicted for his or her role in a "controlled substance organization" involving more than \$75,000 in proceeds faces a life sentence with a minimum term of imprisonment (before parole eligibility) of between fifteen and twenty five years.

2. Prohibition on the Shackling of Pregnant Inmates

In 2000, the Assembly first passed a bill to prohibit the shackling of pregnant inmates during transport to the hospital to give birth or during labor. This year, the Senate was finally able to join the Assembly in passing this important legislation (A.3373-A / S.1290-A) which was signed into law by the Governor as Chapter 411 of 2009.

Specifically, the legislation prohibits correctional authorities from using restraints on a pregnant female inmate who is about to give birth and is being transported to the hospital. In extraordinary circumstances in order to prevent an injury to the inmate or medical or correctional staff, a pregnant inmate being transported to the hospital to give birth may be handcuffed by one wrist. However, under the new law, no restraints of any kind may be used on an inmate who is in active labor.

> Although DOCS had claimed that they do not use restraints on pregnant inmates being transported to the hospital or during labor, before the passage of this legislation, internal DOCS policy actually required handcuffs to be used during transport – even where a women was in active labor. Further, DOCS policy allowed for the use of leg restraints during transport to the hospital and for the use of handcuffs during delivery of the child.

The use of restraints on pregnant women is a degrading practice that can be dangerous to the health of the mother and child and is very rarely justified for security purposes. A number of other states, such as California, Illinois and Vermont, have also recently enacted laws that prohibit the use of restraints on pregnant inmates. In addition, the Federal Bureau of Prisons recently amended their regulations to prohibit the shackling of female inmates during transport to the hospital.

3. Sex Offenders

The Assembly passed a number of bills related to managing sex offenders. Only one of these bills was passed by the Senate and signed into law by the Governor.

> *A.1242-B (Chapter 478 of 2009) – Allows residents to receive an email alert when information about sex offenders in a particular locality is updated.*

This legislation will allow residents of New York to register their e-mail addresses with the Division of Criminal Justice Services (DCJS) to receive an automatic email alert when a Level 2 or 3 sex offender moves into their zip code. Citizens will be able to request email

BI-WEEKLY ACTION PLAN STAFFING REPORT

FBI Count # 07

ISSUED ON 07/02/09 (Facility)
ISSUED ON 07/02/09 (Central Office)

Facility Report

03-Jul-09

	1	2	3
	BUDGETED FILL LEVEL	ITEMS FILLED FTE	DIFFERENCE 1/2
I. OPERATIONS BFL - ALL FUNDS			
ADMINISTRATION	243.00	290.70	47.70 OVER
SUPPORT SVCS. (STATE OPS. & SCAAP)	3,562.50	3,438.97	(123.53) UNDER
HEALTH SERVICES (STATE OPS AND SCAAP)	2,014.50	1,836.55	(177.95) UNDER
PROGRAM SERVICES (STATE OPS & SCAAP)	3,698.60	3,311.21	(387.39) UNDER
SUPERVISION OF INMATES (STATE OPS & SCAAP)	21,916.00	21,387.48	(528.52) UNDER
	91.00	92.00	
	542.00	529.00	
	1,288.00	1,276.55	
	19,736.00	19,160.29	
	0.00	33.00	
	255.00	246.61	
SUB-TOTAL OPERATIONS BFL	31,437.00	30,234.88	(1,202.12) UNDER
II. INTERNAL SERVICES FUND - CORRECTIONAL INDUSTRIES			
CORCRAFT OPERATIONS	346.00	324.50	(21.50) UNDER
CORCRAFT SECURITY	0.00	0.00	0.00
CORCRAFT PROGRAMS	0.00	5.00	(3.00) UNDER
SUB-TOTAL INTERNAL SERVICES	354.00	329.50	(24.50) UNDER
III. MISCELLANEOUS FUNDING SOURCES			
CAPITAL - FACILITIES PLANNING	32.00	27.80	(4.20) UNDER
EMPLOYEE MESS PROGRAM	0.00	0.00	0.00
MISC FUNDS - OAP	3.00	3.00	0.00
FEDERAL GRANTS - TOTAL	67.00	56.80	(10.20) UNDER
SUB-TOTAL MISC. FUNDING SOURCES	102.00	87.60	(14.40) UNDER
IV. GRAND TOTAL STAFF	31,893.00	30,651.98	(1,241.02) UNDER
RECAP OF CORR. OFFICER IN FACILITIES			
OFFICERS PAID IN OPERATIONS	19,736.00	19,160.29	
OFFICERS PAID BY CORR. INDUSTRIES	0.00	0.00	0.00
OFFICERS PAID FROM OTHER SOURCES	0.00	0.00	0.00
TOTAL CORR. OFF. @ FACILITIES	19,736.00	19,160.29	(575.71) UNDER
CORRECTION OFFICERS IN THE TRAINING PIPELINE		0.0	

Attachment 12

BI-WEEKLY ACTION PLAN STAFFING REPORT

Fill Count # 08

ISSUED ON 07/14/00 (Facility)

ISSUED ON 07/02/00 (Central Office)

Facility Report

26-Jul-00

	1	2	3
	BUDGETED FILL LEVEL	ITEMS FILLED FTE	DIFFERENCE 1/2
I. OPERATIONS BFL - ALL FUNDS			
ADMINISTRATION	243.00	291.70	48.70 OVER
SUPPORT SVCS. (STATE OPS. & SCAAP)	3,965.90	3,427.57	(538.33) UNDER
HEALTH SERVICES (STATE OPS AND SCAAP)	2,014.50	1,833.00	(181.50) UNDER
PROGRAM SERVICES (STATE OPS & SCAAP)	1,698.90	3,302.58	(395.42) UNDER
SUPERVISION OF INMATES (STATE OPS & SCAAP)	21,916.00	21,323.01	(592.99) UNDER
CORRECTION CAPTAINS	95.00	92.00	
CORRECTION EMPLOYEES	942.00	927.70	
CORRECTION SERGEANTS	1,280.00	1,275.73	
CORRECTION OFFICERS w/o training	19,643.00	19,127.27	
DEPUTY SUPERINTENDENTS	53.00	52.70	
CERKIALS/CIVILIANS	243.00	247.61	
SUB-TOTAL OPERATIONS BFL	31,437.00	30,177.86	(1,259.14) UNDER
II. INTERNAL SERVICES FUND - CORRECTIONAL INDUSTRIES			
CORCRAFT OPERATIONS	346.00	322.29	(23.71) UNDER
CORCRAFT SECURITY	0.00	0.00	0.00
CORCRAFT PROGRAMS	8.00	5.80	(2.00) UNDER
SUB-TOTAL INTERNAL SERVICES	354.00	327.29	(26.71) UNDER
III. MISCELLANEOUS FUNDING SOURCES			
CAPITAL - FACILITIES PLANNING	32.00	28.30	(3.70) UNDER
EMPLOYEE MESS PROGRAM	0.00	0.00	0.00
MISC FUNDS - OAF	3.00	3.00	0.00
FEDERAL GRANTS - TOTAL	67.00	56.80	(10.20) UNDER
SUB-TOTAL MISC. FUNDING SOURCES	102.00	88.10	(13.90) UNDER
IV. GRAND TOTAL STAFF	31,893.00	30,593.25	(1,299.75) UNDER
RECAP OF CORR. OFFICER in FACILITIES			
OFFICERS PAID IN OPERATIONS	19,603.00	19,127.27	
OFFICERS PAID BY CORR. INDUSTRIES	0.00	0.00	0.00
OFFICERS PAID FROM OTHER SOURCES	0.00	0.00	0.00
TOTAL CORR. OFF. @ FACILITIES	19,603.00	19,127.27	(475.73) UNDER
CORRECTION OFFICERS IN THE TRAINING PIPELINE		0.0	

Attachment 13

Attachment 14

New York State Department of Correctional Services

OUTPUT FILE SPECIFICATIONS

File Name: SALFILE.PDF

Contents: Salary Information for Central Office Department of Correctional Services Employees.

Date Created: May 12, 2009

Record Count: 825

Sort Order: Sorted by Facility, Last Name, First Name, Title Description, Seniority Date, and Salary.

Media: CD ROM

File Layout:

<u>Field Name</u>	<u>Description</u>
FACILITY	ALPHABETIC
NAME	ALPHAERTIC
TITLE DESCRIPTION	ALPHABETIC
SENIORITY DATE	MM/DD/CCYY format
SALARY	#####.## format

CHART # 6



BRIAN FISCHER
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE HARRISMAN STATE CAMPUS - BUILDING 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

GAYLE HAPONIK
DEPUTY COMMISSIONER
ADMINISTRATIVE SERVICES

April 29, 2009

NYS COPBA LEGISLATIVE
DEPARTMENT

Mr. Chris Leo
102 Hackett Blvd., 3rd Floor
Albany, NY 12209

Re: FOIL Log No. 09-0696

Dear Mr. Leo:

This is in response to your letter requesting records under the New York State Freedom of Information Law.

We have received your check in the amount of \$2.00 covering the fee for the enclosed material.

Sincerely,

Chad Powell
Administrative Assistant
FOIL Office

CP/sc
ENCLOSURE: (1) compact disk
cc: Freedom of Information



Attachment 15

Fewer inmates mean cuts in state's prison system

By **BRIAN FISCHER**
SPECIAL COMMENTARY
MONDAY, MARCH 22, 2010

ARTICLE OPTIONS

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The cost of incarceration in New York state has raised legitimate concerns. While I welcome honest criticism of my management of the Department of Correctional Services, the leaders of the correction officers' union are sidestepping the most significant issue and spreading misinformation as they fight the right-sizing of the state prison system.

State correctional facilities hold 2,250 fewer inmates than they did just a year ago. More than 5,400 beds sit empty. We simply do not need the level of staff we have. Since uniformed employees make up more than two-thirds of our work force, it is only logical that they see the largest overall decrease.

The leaders of the New York State Correctional Officers & Police Benevolent Association (NYSCOPBA) largely ignore this population loss as they fight consolidation. Meanwhile, a "fact sheet" they distributed in Albany recently claims 10,170 offenders are double-bunked in single cells in medium- and minimum-security prisons. That's impossible; those prisons are made up almost exclusively of dormitory-style housing. Combined, they hold just 21 cells. The union leaders' "fact sheet" also cites double-bunked cells at three of our maximum-security prisons without explaining that those cells were built and designed to hold two offenders in the first place, and in accordance with all state regulations. And the union's display in the Well of Albany's Legislative Office Building included a photograph of a prison dormitory overcrowded with inmates in orange uniforms. New York bans orange for security reasons; all inmates here wear green.

NYSCOPBA's solutions — to reduce Central Office staffing and streamline individual prison management — are equally misguided.

Ninety-eight percent of department employees work at correctional facilities across the state. To manage a \$3 billion-plus annual budget, a Central Office team that accounts for just 2 percent of the agency's staff — and that despite being cut by more than 9 percent in the last three years produced nearly

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 **A FILM FAN'S NOTES**
By GARY SCHROEDER
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Monday, August 24, 2009

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\$300 million in savings -- is hardly excessive.

To combine individual prison management teams wherever there are two facilities in close proximity would invite trouble. Prisons operate best when staff and offenders alike know who's in charge and see and talk to those leaders as they regularly walk through galleries, dormitories, yards and mess halls. At the core of every serious prison incident nationwide is a lack of firm, knowledgeable leadership and neglect of the needs, moods and problems of the institution. Our prison system has remained free of any major incidents for 13 years, and our safety rate has stayed at historic lows. Let's keep it that way.

We must control costs, generate savings and - in the face of a projected drop of yet another 1,000 offenders in the coming year -- close prisons. No private business would continue operating empty facilities. State taxpayers simply cannot afford to maintain the status quo.

The writer is commissioner of the New York State Department of Correctional Services.

[SHOW COMMENTS \(1\)](#)

**Testimony of Kenneth Brynien,
President, Public Employees Federation
To the
Senate Task Force on Government Efficiency
March 24, 2010**

Mr. Chairman, committee members, guests ... thank you for the opportunity to testify before your committee. I am Kenneth Brynlen and I am president of the New York State Public Employees Federation, representing 58,000 members, including over 4,500 DOCS employees.

We understand the difficult financial straits the state is in ... and the urgent need to do something about it. We believe that there is a more logical approach to this crisis than the meat cleaver approach currently being used at DOCS.

The state has ignored the long term savings that would be achieved by appropriately staffing program areas.

Our members in DOCS staff the health care and rehabilitative services -- education, vocational instruction, drug treatment -- all those things that have the best chance of making an inmate a productive member of our society.

Study after study shows that inmates earning a high school degree or successfully completing a substance abuse program in prison have significantly lower recidivism rates than inmates who do not complete these programs.

A five percent reduction in the recidivism rate could reduce the number of inmates returned to prison by 1,400 ... saving taxpayers \$42 million.

The inmate population of today is more difficult to treat. Approximately 14,000 inmates in the New York State correctional system are functionally illiterate.

- About 18,000 read below the eighth-grade level.
- Approximately 35,000 inmates have not completed high school.
- About 37,000 admit to prior drug use, and
- Roughly 25,000 have serious alcohol abuse problems.

Yet program staff was reduced by 140 positions during the current year. Moreover the fiscal year will end with 290 fewer program staff in place than the enacted budget recognized as necessary.

Over 30% of DOCS's authorized program and health service positions are vacant. There are currently 187 vacant teaching positions, 120 vacant vocational instructor positions, 267 vacant correction counselor positions, and 153 vacant substance abuse treatment assistant positions.

While the proposed budget for 2010-11 calls for 118 new program services staff who provide educational and drug treatment services, the reductions and failure to fill authorized positions in the current year make it impossible to reduce caseloads to their size prior to the expansion of the prison population. Reductions in caseloads are necessary if educational and treatment programs are to be more effective in giving inmates the skills they need to become law-abiding citizens when released from prison.

When the prison population increased DOCS increased the teacher-to-inmate student ratio from 1 teacher per 10 inmates to 1 teacher per 25 inmates. Correction Counselor caseloads have increased from between 100 and 125 inmates per counselor to between 150 and 215 inmates per counselor. Unfortunately, as the inmate population came down, appropriate staffing ratios were never restored.

As I mentioned, the facts are unequivocal -- they show that inmates who earn a high school degree or successfully complete a substance abuse program in prison have significantly lower recidivism rates than inmates who do not complete these programs.

Reducing recidivism works for the inmate, and it works for the taxpayer.

Unfortunately, what DOCS is doing runs counter to these facts and counter to common sense.

As you know, the current budget resulted in the closure of three minimum security Department of Correctional Services facilities ...Camp Gabriels, Camp McGregor and Camp Pharsalla, as well as various annexes across the state, and the proposed budget calls for the further closure of Ogdensburg medium security prison, Lyon Mountain and Butler minimum secure prisons and the Moriah Shock Incarceration facility.

Of course, the Public Employees Federation is deeply concerned about the damage closures have on our members' job security, careers, families and communities.

But we are also VERY concerned about how it will reduce public safety and the state's ability to prepare inmates to return to our communities. And how it could potentially increase recidivism.

Medium and minimum security facilities were designed to prepare inmates to be "transitioned" into our communities. The professional staff at DOCS that PEF represents is a critical part of this transition.

DOCS has changed this procedure and now keeps most inmates in maximum security facilities for a longer period of time. Most inmates are never allowed to go to a minimum security facility.

DOCS should change its rules to make better use of minimum security facilities and improve inmate transition to the community. It is better for the inmates and it is better for the taxpayers.

The number of filled management positions has been disproportionately high until very recently. The number of vacant deputy superintendent positions has noticeably declined since the beginning of the fiscal year due to retirements. However, we suspect that those positions will be refilled; in fact there has been an upward creep in the number of filled deputy superintendent positions since October.

We also recommend that DOCS consolidate administrative services at DOCS facilities that are co-located and in close proximity to each other. Shared staffing is encouraged for lower level employees, why not management? There are currently 164 deputy superintendents throughout the DOCS system. That's about 2.5 deputies for each and every correctional facility.

We also strongly suggest that staffing should follow the "Camp" inmates to provide continuity of programming in order to insure successful re entry into the community.

We are concerned that DOCS did not adjust its medium security staffing levels when the camps were closed. Inmates from the camps were placed in medium facilities and put on waiting lists for programs. These inmates will not be able to continue their programming mandates, ultimately setting them back in their reentry process.

The camp closures and the cuts in program services have led DOCS to use staff from their regular ongoing health care and rehabilitative programs to staff the new sex offender and mental health units. That has led to an inability to provide the basic educational, health care and other rehabilitative services provided by DOCS's bedrock programs.

DOCS is also facing a major problem in implementing the new law which restricts mandatory overtime for all nurses including those that work in DOCS. Currently there are 139 nursing vacancies in DOCS, 116 of which occur in the Nurse 2 title which has a vacancy rate of 13%. That's a high vacancy rate for the nurses that provide direct health care services to inmates.

These high nursing vacancy rates are what lead to the need for a facility to mandate that a nurse work overtime. Since the new law went into effect we have received a large number of complaints from nurses that work in DOCS that they have been mandated to work overtime in violation of the new law. The Department of Labor has identified DOCS as the worst state agency violator of the mandatory overtime law.

DOCS must make a stronger effort to fill every vacant nursing position it has. Failure to fill these vacancies will not only lead to more violations of the law. It also leads to greater use by DOCS of contract nurses which cost at least 50% more to the state than the cost of hiring state employees to fill these vacant nursing positions.

We must look forward and plan ahead for the most cost effective use of our remaining DOCS resources by ensuring that inmates get the services they need to return safely to their communities upon release.

We strongly recommend that DOCS maintain and improve staffing in educational health care, and drug treatment programs and reduce its management ranks. It will do no good for the safety of our communities or for the long-term cost of corrections if we increase the long-term odds of recidivism in exchange for a short-term savings.

If you want to know how the state can afford to improve DOCS staffing and keep facilities open a major source of funding can be provided by reducing the cost of what New York State is paying for private consultants – at most every state agency.

New York spends nearly \$3 billion a year on consultant contracts, paying them an average annual rate of more than \$125,000. DOCS spent over \$181 million on consultants in the last fiscal year; \$7 million more than it spent in the previous year. DOCS's consultant spending is primarily for medical services and IT services. On average consultants charge 54 percent more than state employees who do the same work even when you include the cost of state employee benefits.

DOCS has a multi-year contract with one private contractor to provide IT consulting services for "Multiple Award Standby Agreements" (MASA). The MASA agreements provide routine IT support to many state agencies. During the SFY 2008-09, this contractor received \$1.8 million from DOCS for these routine IT services. Since this contractor did not file the required itemization of their detailed consultant costs, we do not have the exact costs. However, based on similar contracts with other vendors, the average hourly rate for a MASA contract was \$86.30 per hour compared to an average rate for state IT professionals (including benefits) of \$53.50 per hour. Thus, DOCS is paying 61% more for IT services that could be provided in-house. In fact, it appears that if state employees were used rather than a costly consultant, the state could have saved over \$700,000 on this contract alone.

The Legislature should require the Executive to institute a Consultant Reduction Plan with a goal of replacing about half of them with state employees. Each state agency should be given specific consultant reductions goals to meet over the next three years. This plan would save the state nearly three quarters of a billion over the three year time period and would result in \$417 million in recurrent permanent annual savings.

As you know, Senator Klein, PEF strongly supports your cost benefit analysis bill (S. 7011), which would prevent any agency from entering into a consultant contract for over \$500,000 without performing a cost benefit analysis to see if state employees could provide the same service for equivalent or lower costs. This action would be a huge step towards controlling wasteful state spending on private consultants.

I thank you very much for the opportunity to speak today on this important issue.