

Testimony of
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Joint Legislative Public Hearings
on the
2020-2021 Executive Budget Proposal: Public Protection

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Good afternoon Chairwoman Krueger, Chairwoman Weinstein, and esteemed members of the Fiscal Committees.

Thank you for allowing me the opportunity to submit this testimony today on behalf of the more than 30,000 active and retired dedicated members of the New York State Correctional Officers & Police Benevolent Association, Inc. (NYSCOPBA).

I am Michael Powers, and as President of NYSCOPBA, I have the privilege of representing the interests of our membership, made up of the brave and hard-working correctional officers and sergeants who are charged with maintaining the care, custody and control of our State's prison population, security hospital treatment assistants and safety and security officers who maintain safety and security at our State's mental health institutions and many other State law enforcement officers working in a plethora of State agencies.

While there are many issues that I could address within the context of this submitted testimony, time constraints will only allow me to discuss with you a few of the most important. I listened carefully to the Governor's budget address and reviewed the budget legislation that followed and while there is certainly a significant amount of belt-tightening needed, we must not jeopardize the safety of our correctional facilities.

I would like to speak about and direct your attention to three issues that are paramount to not only the members I represent, but to all New Yorkers. These are:

- Prison closures
- Double bunking
- Adequate resources

Prison Closures

According to DOCCS' statistics, since 2011, the State of New York has closed a total of 17 correctional facilities. Few of these facilities have ever been repurposed and, in fact, most have grown into disrepair. The local communities that once welcomed these facilities at a time when other localities rejected them are left struggling in the aftermath of closures. And now, Governor Cuomo is once again proposing to close an undisclosed number of facilities within the 2020-21 Executive Budget. We must not let this happen.

Since 1999, New York's prison population has declined from over 72,000 to 43,881 as of February 1, 2020. Certainly with such a drastic reduction, the need to reorganize and right-size the system is unavoidable. However, the available data tells us that the State's plan to address the declining population is not only placing NYSCOPBA members in harm's way, but is also jeopardizing the safety of all DOCCS employees and incarcerated individuals alike. Notwithstanding the declining prison population, there is a corresponding fact that everyone in this room

must accept – violent incidents in our facilities have risen in recent years and are continuing to rise. To that point, violence in our prisons reached an all-time high in 2019 (1265 inmate on inmate assaults and 1033 inmate on staff assaults) despite a declining population. In January of 2020 alone, DOCCS has indicated a total of 108 assaults on staff and 115 inmate on inmate assaults. If this trend continues, 2020 will surpass the dubious assault numbers of 2019.

Furthermore, instances of contraband being seized inside the prison system have risen steadily in recent years. For example, in 2015 there were 3,651 items of contraband seized; while 2019 saw 4205 instances of contraband seizures. One thing this data tells us for certain – the State needs to immediately reinstitute the Secure Vendor Package Program that was briefly in place just a few years ago but was “suspended” following complaints from certain advocacy groups.

Again, the numbers referenced above – both the assault and contraband numbers – are not “NYSCOPBA numbers.” This data comes directly from DOCCS.

So why the increase in violence? Previously, prisons housed many low-level drug offenders who were released with the Rockefeller Drug Law reforms. The prison system is now home to a greater concentration of violent offenders in a shrinking number of facilities. And to allow the closure of additional facilities, the State will only be serving to exacerbate the problem of too high a concentration of violent offenders inside our correctional facilities.

In addition to failing to consider the safety of NYSCOPBA’s members and the safety of the prison population as a whole by proposing closures, the Governor is seeking to effectuate such closures while circumventing the one-year notice provision in existing law that is designed to provide individuals, their families and the communities affected by a closure with a minimal amount of notice. The Governor is urging you, the lawmakers, to allow him to fast-track these closures upon a mere 90 days’ notice.

This is completely unfair to my hard working members, their families and the communities within which they reside. Adding insult to injury is the fact that this one-year notification the Governor seeks to circumvent was enacted at the specific request of NYSCOPBA many years ago with the assistance of many of you. At the very least, my members should have the minimum protection of the basic notice that this body saw fit to provide us. We must be a compassionate State and compassionate to everyone, which includes the dedicated men and women of NYSCOPBA and their families. Closing more prisons – and in just 90 days – is a shortsighted, artificial fix to a serious and long-term problem.

Double Bunking

This brings me to my second point – double bunking of inmates in medium security facilities. For years, NYSCOPBA has been aggressively advocating with DOCCS

for the removal of double bunks in medium facilities but our requests have fallen on deaf ears. It is completely illogical to continue housing inmates in medium dorms in double bunk situations. The cubicles utilized for inmates in medium facilities are designed for one person. ONE PERSON. Double bunking began during a very specific time and for a very specific reason. At a time when the inmate population was exploding in the late 80's, the State needed to find ways to adequately house the prison population. Inmates were housed in gymnasiums, on draft buses, and in any open area available, including placing inmates in double bunking situations in medium dorms. The State had no choice. It had no available empty beds. Double bunking was a necessity! This is clearly no longer the case. Despite our repeated requests to take down the double bunks, we have never received a legitimate explanation as to why the State is refusing to take such action. As such, we have initiated the process of seeking the enactment of legislation that would mandate the removal of double bunks in our medium security facilities. We are asking you to take action this year and pass S.6582/A.930, one of NYSCOPBA's priority pieces of legislation this year.

Adequate Resources

Finally, I want to talk to you about providing the proper support and resources for our correctional staff so that they can do their jobs while protecting both the inmate population and themselves.

We ask the State to join us in finding solutions. We have worked with DOCCS to successfully implement changes to the State's prison system, which have included implementation of pepper spray, CellSense, greater use of fixed cameras and body cameras, and increased K-9 units and other procedures, but together we must do more.

In recent years, we have worked to review the staffing needs in our correctional facilities. Working jointly with DOCCS following the implementation of a memorandum of understanding ("MOU") executed in 2014, we began to see the much needed deployment of additional staff throughout the system. Unfortunately, despite the MOU requiring three years of additional staffing, we have been waiting for the final year of staffing for several years. We are asking you to assist us in ensuring the additional deployment of correctional officer items that were promised are put in place.

We also ask for funding for additional initiatives, including funding for better equipment and increased training, since each of these areas warrant additional investment. The men and women of NYSCOPBA, each of whom walks the toughest beat in law enforcement, remain committed to such reform. We look forward to working with all of you as partners in that effort.

These necessary investments represent funding desperately needed to keep our officers and inmates safe; funding for proper staffing levels, training and equipment, and new technology to head off a threat before it starts.

Fewer facilities plus overcrowding plus decreased staffing equals increased violence. This equation is not sustainable. All of these issues are interconnected and without action it may prove to be a pressure cooker with a broken valve.

On behalf of all the members of NYSCOPBA, I respectfully request that funding be provided to perform a thorough, unbiased analysis of the current violence epidemic that is plaguing not only the men and women of NYSCOPBA, but also the incarcerated population that is equally impacted by this disturbing trend. Legislation has been introduced to create such a violence study and we are asking you to pass S.5751/A.8209 this year.

I ask that we stop the continuous facility closings and instead work together to find the balance between proper staffing and safety inside our prisons. These decisions cannot be made in an office in Albany without an understanding of the staff, inmates and communities which are affected by closings.

We welcome the opportunity to work with each and every one of you to develop a commonsense approach to violence reduction within New York's correctional facilities. Let's all figure out why the prison system is becoming increasingly more dangerous before we rush to implement further changes that will likely only make matters worse.

Thank you again for the opportunity to share our views.