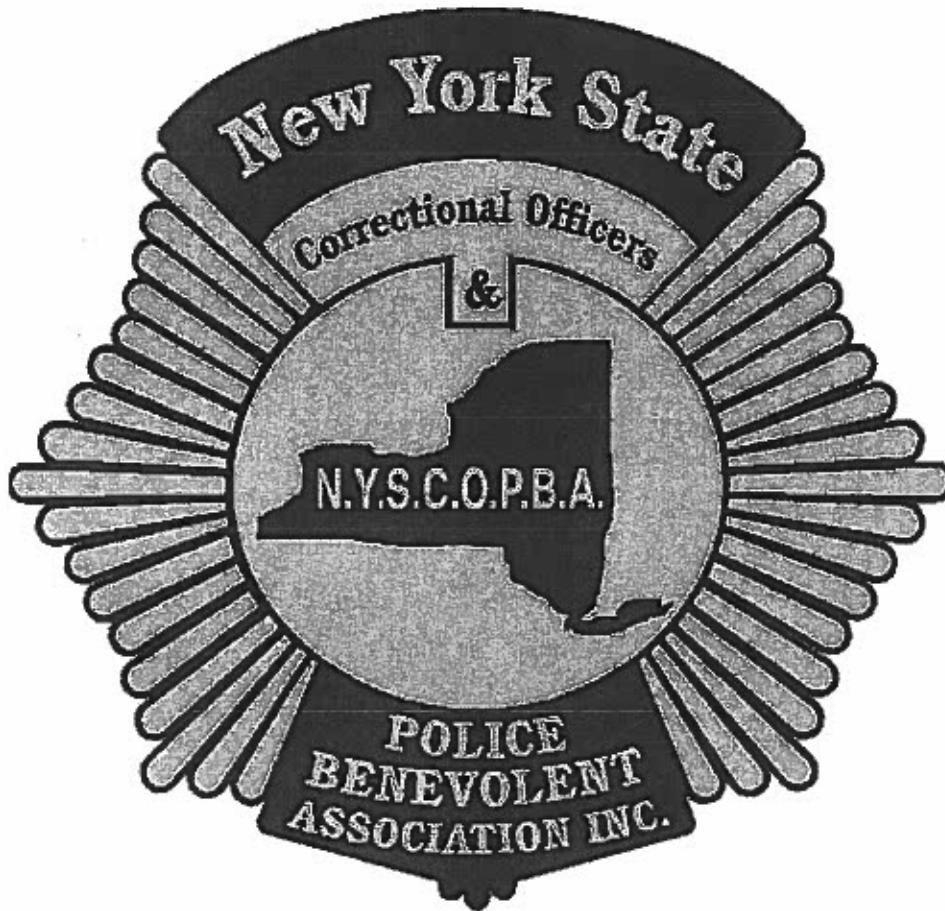


Submitted

TESTIMONY PRESENTED BY

DONN ROWE

President



February 14, 2012

Testimony of Donn Rowe

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

February 14, 2012

Good morning Chariman DeFrancisco, Chairman Farrell and Members of the Legislature. My name is Donn Rowe and I am President of the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA). NYSCOPBA represents more than 27,000 active and retired critical law enforcement personnel, including State Correctional Officers and Correctional Sergeants who provide an invaluable public service by ensuring the security of New York's prisons and in turn the safety of all New Yorkers.

In addition to our Correctional Officers, NYSCOPBA also proudly represents Security Hospital Treatment Assistants; Safety and Security Officers; Security Services Assistants; and Security Screener Technicians including those who work to protect all of you here every day in the Legislative Office Building and at the State Capitol. These are just some of the many security titles NYSCOPBA proudly represents.

On behalf of all our members, I would like to thank you for the opportunity to testify here today and to voice our members' response to Governor Andrew Cuomo's 2012-2013 budget proposal.

There are two specific provisions in the Governor's budget proposal that I want to discuss with you today, both of which NYSCOPBA does not support. The first is a relatively obscure and seemingly minor change to the Mental Hygiene Law regarding the closing of facilities which could have potentially devastating consequences for hard-working families in New York. The second will give the state the freedom to privatize security at New York's mental health facilities.

NYSCOPBA represents security at these facilities, and there are approximately 1,600 of our members who work there. Two groups of employees would be impacted by the implementation of the Governor's proposal – Security Hospital Treatment Assistants (SHTAs) and Safety and Security Officers (SSOs). SHTAs are employed at the state's forensic psychiatric hospitals – these are the hospitals that house people deemed “criminally insane” by a court of law. Our members are essentially corrections officers for those facilities. SSOs work at all psychiatric hospitals, not just forensic ones. They are the security personnel at these hospitals – patrol perimeter, assist SHTAs when necessary at the forensic sites, and perform traditional security work on a daily basis.

Under existing law, before the state closes any state psychiatric hospital or implements any significant service reductions within such hospital or within its catchment area, the Commissioner of the Office of Mental Health is required to provide notice of at least 12 months to the affected parties. This includes providing notice to local governments, community organizations, and *employee labor organizations*, among others.

The Governor's proposal would allow the Commissioner to close, consolidate, merge or reduce services at any state psychiatric hospital without having to adhere to this one-year notification requirement. Instead, the Commissioner could close, consolidate, or merge any hospital, and would only be required to provide 60 days notice in the form of a website posting. With respect to significant service reductions at a state psychiatric hospitals – specifically ward closures - only 30 days notice would be required.

Context is important, and NYSCOPBA members understand all too well what results from rash budget decisions made by the state in recent years. Since 2009, New York State has closed eight (8) prisons, four (4) camps, five (5) annexes and 12 farms. 1,780 corrections officer and Sergeant positions have been lost. Families have been uprooted and transferred. Communities have been devastated. All of them New Yorkers, who have been affected by decisions made purely for budgetary reasons.

However, these are not simply budgetary numbers; they are the men and women who safeguard these facilities. They are also New Yorkers, with families and lives. This is not about the bottom line. It is about the obligation the state has to serve citizens of New York, especially those citizens who have already given so much to the state.

By eliminating the one-year notification period, the state is showing callous disregard for the lives of these dedicated public servants. With nothing more than a posting on a website, my members' lives and their families' lives could be completely turned upside down. To treat these men and women with such disrespect and without any regard to their

wellbeing or their families' wellbeing is beyond reproach. We've already seen what happens to these New Yorkers and the communities in which they live when proper notice is not given. I would urge you not to make that mistake again, and reject this proposal.

The second proposal in the budget I would like to discuss with you today is a provision that would allow the Commissioner of the Office of Mental Health to privatize security services at these facilities.

The Executive Budget proposes an amendment to the Sex Offender Management and Treatment Act (SOMTA) that would allow OMH to contract with private employees to perform care, treatment and security services for those sex offenders that are civilly confined. Of course, this job is currently performed – and performed quite well – by properly trained civil servants.

It was only five years ago that the legislature passed the SOMTA law, after years of unsuccessfully managing civil confinement and strict post-release supervision for New York's most dangerous sex offenders. The law authorizes placement of the most dangerous sex offenders in a secure treatment facility operated by OMH. Furthermore, the SOMTA law requires collaboration among a wide swath of state agencies, including the Department of Correctional and Community Supervision, OMH, the Board of Examiners of Sex Offenders, the Office for People With Developmental Disabilities, and the Office of Temporary Disability Assistance, among others. All of these agencies are

overseen by the Inspector General's Office, and further, SOMTA requires careful coordination with the Attorney General's Office, which is responsible for filing all petitions seeking civil management for dangerous sex offenders.

Privatizing various functions of the SOMTA law will threaten its effectiveness, and the will move aspects of its primary functions outside of the full jurisdiction of the IG.

Through it all, NYSCOPBA members recognize that these are incredibly challenging times for New York. Faced with a daunting budget shortfalls and the need to make more out of less, there is no doubt that cuts must be made, spending must be reeled in and new cost saving measures must be employed. Look no further than last Thursday, February 9th, when I joined Director of State Operations Howard Glaser to announce a new contract agreement between NYSCOPBA law enforcement members and the state. That tentative agreement shows very clearly that we are willing to work with the state during this time of fiscal and economic crisis.

Thank you for providing me with the opportunity to testify in front of you today. I would be happy to address any questions you may have or to continue this dialogue on these crucial matters at any time or place in the near future.

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