



## **Testimony of Donn Rowe**

### **New York State Correctional Officers & Police Benevolent Association, Inc.**

**February 5, 2014**

Good morning Chairman 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 26,000 active and retired critical law enforcement personnel, including state correction officers and correction 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 correction 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 everyday 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 voice our members' response to Governor Andrew Cuomo's 2014-15 budget proposal.

As Governor Cuomo first announced last year, he is proposing to close four more correctional facilities to help balance the state budget – Chateauguay Correctional, Butler Correctional, Mt. McGregor Correctional, and Monterey Shock. The Governor's budget confirms his plans to close these facilities, a decision that has not gone through any sort of democratic process involving our members and state legislators. Four hundred and fifteen (415) correction officers and sergeants will be directly impacted by the proposed closures, and the ripple effect would be felt throughout the system and throughout our economy.

The Governor's latest budget proposal is yet another dose of bad news for hard working correction officers and their families. Since the economic crisis hit New York, 11 correctional facilities have been closed. Since 2009, more than 2,000 correction officer positions have been lost and hundreds of officers and their families have been displaced.

Every job lost at a correctional facility has a ripple effect through the local economy due to lost consumer spending. Many upstate communities rely on correctional facilities for good-paying jobs. With upstate's economic recovery still fragile, now is not the time for mass job cuts. The Governor's half-hearted attempts to compensate areas that are losing prisons will be ineffective at best.

This year's proposed closures are particularly confounding because they come in a year with the first budget surplus New York has seen since before the Great Recession. After years of double-digit deficits, the state is now facing a projected surplus. We were willing to help shoulder some of the pain of balancing the budget during the years of deficit, but now that there is a surplus the administration should reverse its course. Minimal cost savings – in a year with major tax cuts and spending increases – do not warrant the hardship that would fall on so many New York families if these closures were to take effect. We owe it to them – some of New York's hardest working public servants – to stop this year's proposed prison closures.

Governor Cuomo has said that no jobs will be lost as a result of the proposed closures, but that's not the full truth. Correction officers from previous closures are still waiting for transfers within a daily commuting distance of their homes, having had their jobs displaced hours away from their previous assignments, after eleven correctional facility closures during the Cuomo Administration. These forced transfers mean many officers live hours away from their families during the workweek, and are only able to return home on their days off. This situation has

doubled their work commute expenses and created new childcare and housing expenses. Closing four more facilities means officers will be waiting even longer before a transfer home is a reality. This proposal will force even more correction officers out of the job or away from their families.

Correction officers understand better than most that sacrifice is a part of rebuilding the state's economy. They've given more than their fair share in the last few years to help balance the state budget. But this latest round of proposed closures, confirmed in this year's budget, comes at a breaking point, both for the security personnel and the system itself.

New York's correctional system has been through its share of major changes in the last two decades. In the early 1990s, the inmate population reached record levels and our correctional facilities were bursting at the seams. The state's correctional infrastructure was never designed to house that many inmates.

While the inmate population has declined since its peak in the 1990s, it is still well above a safe level. Even with the decline in the inmate population and the closing of facilities, overall, the system is at 101 percent capacity and our maximum-security facilities are currently operating at 115 percent of capacity. The lack of space means that 10,000 inmates are forced to double bunk

In addition, while the decrease in the number of New Yorkers serving prison sentences for non-violent drug offenses is a good thing, it means that the

remaining inmates are a more concentrated group of extremely unstable and violent offenders. Consider that since 2004, the percentage of male inmates in maximum-security facilities with violent felony convictions has risen from 75.4 percent to 81.4 percent.

In other words, more than four out of five inmates serving time at maximum-security prisons have been convicted of a violent crime such as murder, rape or kidnapping. Many have been convicted of multiple violent crimes. Some inmates with violent pasts want to spend their prison term peacefully. Some don't.

The DOCCS annual report on the state of New York's prisons, released on January 1, demonstrated the results of these policies. Every single statistic that measures violence in prisons is at a five-year high. There were more assaults by inmates on staff – Up 23% over the past year (521-645) – Up 13 % (563 – 645) since the 2011 prison closures. There were more assaults by inmates on other inmates. Up 17 % over the past year (653 – 765) and 15% (666 – 765 ) since the 2011 prison closures. And assaults were proportionately more likely to result in injuries. The average inmate to officer ratio in housing unit areas remains over 44 to 1.

Even more troubling, the state has started to downplay the severity of those injuries to make our prisons seem safer than they are. According to the DOCCS official report, corrections officers suffered zero “serious” injuries last year and

any of the previous four years. In other words, according to DOCCS, corrections officers have not suffered a serious injury for at least five years. It is incredible that DOCCS can make such a claim with a straight face.

In reality, 2013 saw at least five separate assaults on staff resulting in broken bones, four separate stabbings of corrections officers, and two incidents in which corrections officers received concussions. For example, one corrections officer at Greene Correctional Facility was punched to the floor and then kicked in the face by an inmate. The attack broke his cheekbone and eye socket bone. As of now he has still not recovered enough to return to work. Yet DOCCS did not consider his injury "serious."

Just to give you a more realistic picture of what work in our correctional facilities is like than the rose-colored glasses the administration wears, I'll discuss the month of December 2013. In December alone, there were five serious assaults on corrections officers: one inmate attacked an officer with a homemade ice pick, and a second refused to return to his cell and then fought two officers; an inmate broke an officer's nose with a punch to the face; an inmate threw human feces at an officer; and an officer needed 17 stitches after being attacked by another inmate.

These violent – and potentially lethal – incidents can occur at any time. The men and women of my union, the New York State Correction Officers and Police Benevolent Association, are proud to help keep New York safe, but the

state must be honest in reporting the increase in violence in our prisons. And given the true conditions our members are facing every single day, the Cuomo Administration must reconsider the ill-conceived plan to close four more correctional facilities this year.

The four facilities proposed for closure this year – Butler, Chateaugay, Monterey Shock, and Mount McGregor – house over a thousand inmates combined. Closing them means that the inmates will be mixed in at other, overcrowded, facilities. Closing Monterey Shock, which has a special program and a recidivism rate well below the state average, is an especially bad idea. In a time when the state is looking for alternatives to incarceration, they are cutting the most successful program already in place, and the first successful program of its kind in the nation. It shows that the administration is more concerned with saving a few dollars than protecting public safety.

Doing more with less is what we have had to do for the past 30 years. At some point there comes a breaking point. Overall, when you honestly look at New York's prison system today what you are left with are more violent offenders, being held in tighter quarters but in less secure environments, with few programs to help change behavior and a significantly diminished security force to manage it all. That is where we stand today, a deteriorating structure that is quickly becoming a warehouse or holding pen that teaches these people how to become more violent and more destructive, while the men and women we ask to risk their lives to guard that structure have less incentive to even take the job.

As you make these difficult budget decisions, we ask that you keep in mind the human impact of making these deep cuts. The people who stand to be affected by these proposed closures are not simply budget numbers; they are the men and women who safeguard our communities. They are also New Yorkers, with families and lives. These are people whose work will become much more dangerous – perhaps fatally – if our correctional facilities become more crowded. 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.

New York's economy is starting to recover, but our unemployment rate is unacceptably high – one of the highest in the country. Albany has an obligation to promote policies that help the economy, protect and grow jobs and put the state on the path to prosperity. The economy is just too fragile to make more of these cuts, which will do more to harm New York than help it.

Thank you for this opportunity to testify before you today. I would be happy to address any questions you may have or to continue to discuss these crucial matters at any time in the future.