

**Testimony of
Michael B. Powers
President
New York State Correctional Officers & Police Benevolent Association, Inc.**

As part of the

**Joint Legislative Public Hearings On the 2017- 2018 Executive Budget Proposal:
Public Protection**

**January 31, 2017
9:30AM
Hearing Room B
Legislative Office Building
Albany, NY**

Good afternoon Assemblymember Farrell, Senator Young, Chair Gallivan, Chair Weprin (if they're attending) and esteemed members of the Fiscal Committees.

Thank you for allowing me the opportunity to speak today on behalf of the over 21,000 dedicated members of the New York State Correctional Officers & Police Benevolent Association, (NYSCOPBA).

My name is Michael Powers, and as President of NYSCOPBA, I have the privilege of representing the interests of our membership, including 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.

Most days, theirs is a thankless job that is becoming more dangerous each year. As you consider the Governor's budget proposal, I urge you to keep in mind that the statistics we are discussing today are not just an exercise in academics. They represent funding so 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. The budget allocation for our prisons is the thread that holds together the blanket of security we work every day to provide for our communities.

With me today are three of NYSCOPBA's statewide elected officials, Executive Vice President Tammy Sawchuk, Secretary Mike Dildine and Treasurer Dave Viddivo. Also present are several other members of the NYSCOPBA Executive Board.

A year ago most of us were waiting for the Inspector General report on the 2015 escape at Clinton Correctional Facility. While we feel that some of the IG findings were inaccurate and misleading, the report as a whole did identify systematic weaknesses in our system; weaknesses that we at NYSCOPBA have raised and proposed solutions for over the course of many years. The report showed the need for real investments to be made in our correctional system to help improve safety and ensure another incident such as the one at Clinton doesn't occur again.

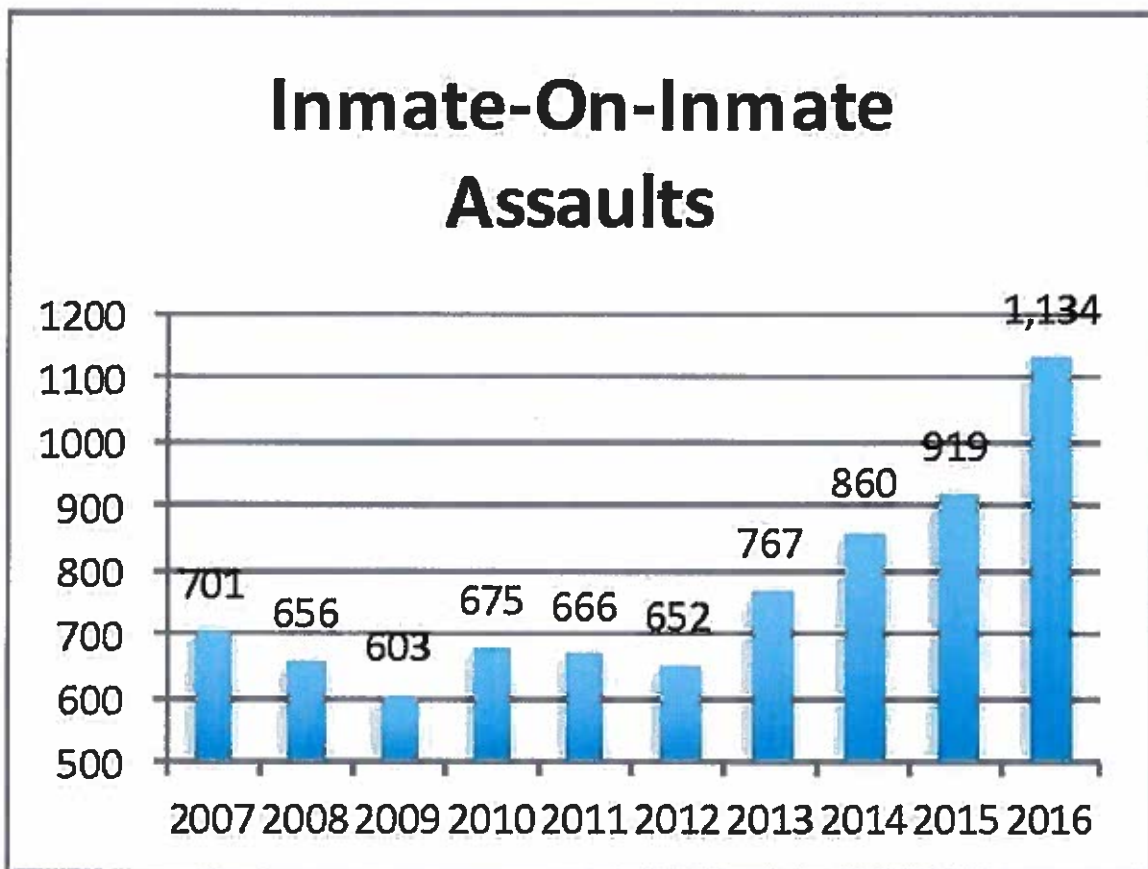
For many years, NYSCOPBA has made suggestions on how to better supervise inmates. Even before the release of the IG report we worked with DOCCS to bring necessary changes to the correctional system with respect to the inmate dress code, K-9 units, altered food packages, package room procedures and other areas where potential contraband could be introduced and safety could be compromised. This effort will continue until our officers have all the tools, training and technology they need to improve the safety and security for themselves, our prisons, and our communities. We will continue to advocate for these critical reforms until they have been achieved.

Our primary goal, and one I hope we all share, is creating a safer environment in our prisons, for both staff and inmates, by dramatically reducing the violence that has steadily grown within New York's correctional facilities. That goal is possible with a

commitment to safety from all stakeholders, including lawmakers, agency officials, and our union.

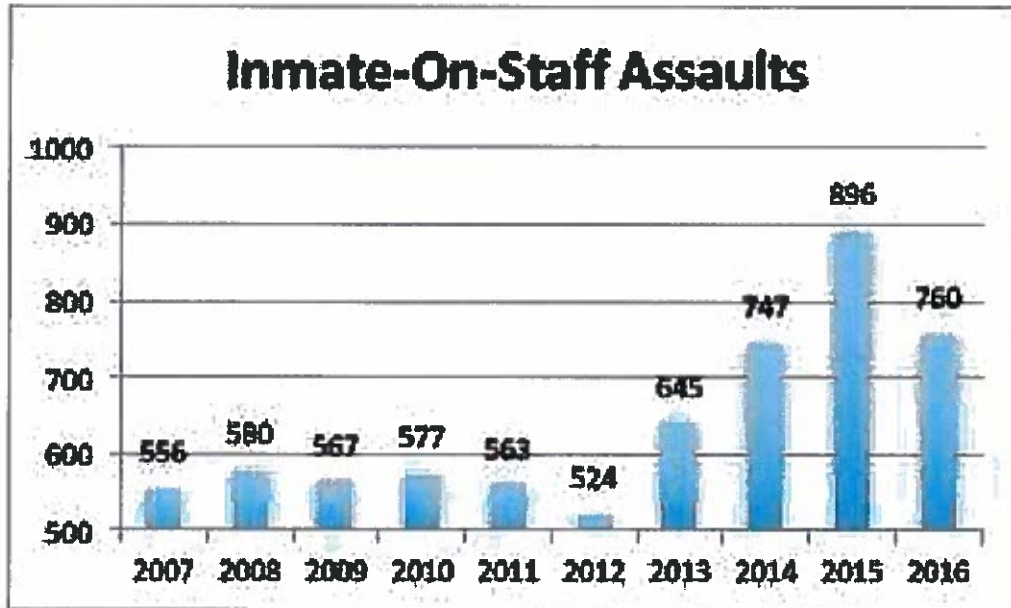
Some of you may remember our testimony from prior years. Both last year and the year before, we presented visual displays of the amount of violence that afflicts New York's correctional system.

As the first graph illustrates, the violence in our correctional facilities continued to escalate in 2016.



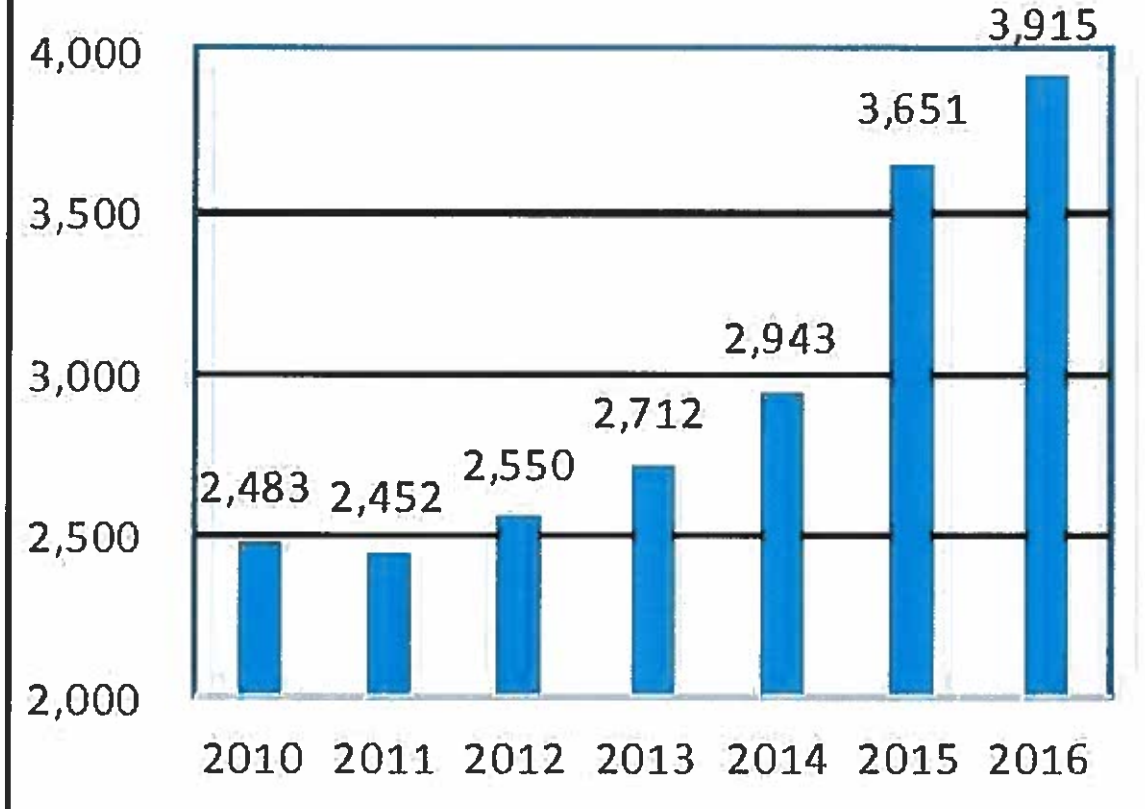
According to data gathered by the Department of Corrections and Community Supervision (DOCCS), inmate on inmate assaults grew by 25% just in the last year. Three inmates are assaulted *each and every day* by other inmates.

Staff members were also assaulted at historically, and unacceptably, high levels again in 2016.



One possible explanation for the continued rise in violence is the explosion of contraband we first saw in 2015. As the following chart illustrates, the number of incidents in 2015 was just a preview for what we saw in 2016.

Contraband



Over the last 12 months we continuously read about the dangers of K2. The explosion of K2 inside our prisons is most readily apparent when looking at the number of confiscations just a few years ago. In 2012, K2 was confiscated only three times. Three years later that number rose to an astonishing 1,247 confiscations. The epidemic was so widespread and urgent that Acting Commissioner Annucci sent a letter to every inmate imploring them not to use K2 because of the extreme danger to the health of anyone who uses it. This past April alone, seven inmates overdosed on K2 in our Western Region prisons and needed to be transported to outside hospitals for treatment.

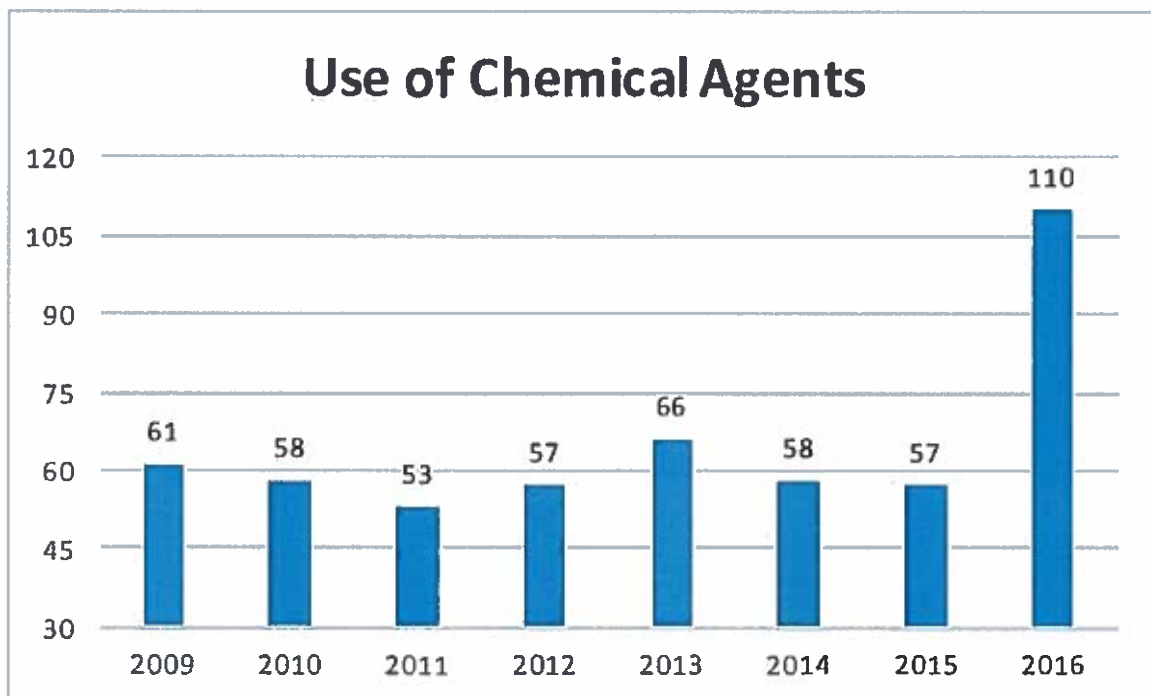
I was privileged to participate in the roundtable Senator Klein held on this critically important issue last year. NYSCOPBA commends Senator Klein for his leadership in trying to rid our communities, both inside and outside the walls of our correctional facilities, of this scourge. It is our hope that 2017 is the year we achieve a breakthrough in getting the K2 epidemic under control.

In 2016, NYSCOPBA members also experienced the frightening rise of orchestrated violence inside the walls of our correctional facilities. Using code words and signals

to carry out coordinated movements, inmates sought to bring chaos and carnage to the recreation yard and to staff on many occasions resulting in facilities being locked down for security purposes. Only through the use of chemical agents were these attacks able to be quelled. You will see in the chart below the meteoric rise in the use of chemical agents in 2016.

A prime example of the need for the use of chemical agents occurred only a few months ago. In October, our officers had to dispense 19 canisters of chemical agents to combat a fight in the recreation yard at Clinton Correctional Facility that involved up to 180 inmates.

While the use of chemical agents is a tool that certainly can protect our officers, the violence inside the prison walls persists.



I would be remiss if I did not remind you that this alarming *rise* in violence has been occurring while the inmate population has *fallen* by more than five percent.

The horrific levels of violence shown in these graphs are simply unacceptable. That, we can hopefully all agree on. However, despite our differences, we must come together to find common ground as part of a thoughtful and productive dialogue about the root cause of this epidemic and, more importantly, find ways to reverse it.

I would now like to clearly and concisely state what the dedicated professionals of NYSCOPBA believe:

- Our number one concern is a lack of resources. We believe it takes adequate resources to effectively supervise inmates. Currently we are lacking the resources necessary to curb the growing violence. This is especially true as four out of five inmates in maximum-security facilities and more than half of inmates in medium security facilities have been convicted of violent felonies.
- The necessary resources required include a sufficient number of regularly and uniformly trained corrections officers outfitted with equipment that enables them to both do their job *and* return home safely to their families each night.
- While we are encouraged by the increase in correctional officer positions that have been filled as a result of Departmental staffing reviews, we have a long way to go to reach a staffing ratio that allows critical posts to remain open.
- Achieving a better staffing ratio would be more attainable if there was an incentive in place to retain some of NYSCOPBA's most seasoned, retirement-eligible officers. Our senior officers are consistently opting for retirement to protect the financial well-being of their families because sufficient death benefits are not currently available to them. We need to pass equitable death benefit legislation that gives our senior officers a reason to remain on duty. Doing so will ensure that our newly hired officers learn on the job from our most senior NYSCOPBA members with the most experience and practical knowledge. This on the job training is even more indispensable because meaningful classroom training remains unavailable after a corrections officer leaves the Academy. Too often, the training that is provided does not focus on the tools and techniques corrections officers need to provide security to a facility.
- While we are encouraged by some of the actions the Department has taken to act on recommendations made by the Inspector General and made previously by NYSCOPBA, much of the equipment corrections officers rely on is still embarrassingly outdated or inadequate to the detriment of officers and inmates alike.

NYSCOPBA has articulated its stance on these critical issues frequently and consistently at hearings like this and through official channels like Labor-Management meetings at both the State and facility levels. And we will continue to make our voices heard on these and any other issues that affect the safety and security of our members, inmates, and the prisons they collectively work and reside in.

The men and women of NYSCOPBA, each of whom walks the toughest beat in law enforcement (as our friend Senator Nozzolio used to say), remain committed to such reform. We look forward to working with all of you as partners in that effort.

Thank you again for the opportunity to share our views. We will do our best to answer any questions you have.