

New York State Correctional Officers & Police Benevolent Association

Fiscal year 2022-2023 Budget Hearing

January 25, 2022

Testimony of Michael B. Powers, President

Good morning. Chairwoman Krueger, Chairwoman Weinstein, and other distinguished Chairs and members of the Legislature, I am Michael Powers, President of the New York State Correctional Officers & Police Benevolent Association. On behalf of the more than 30,000 active and retired members of NYSCOPBA, thank you for the opportunity to submit this testimony and discuss the current state of New York's Correctional Facilities.

For years, the State of New York has touted itself as the "Progressive Capital of the World". The previous administration, with the assistance of the NYS Legislature, has proudly closed more correctional facilities than any governing body in the State's history. The process of decarcerating New York's prisons is viewed as a victory for social justice and proponents claim it has righted-the-wrongs of decades of antiquated policies. Depending on which side of the aisle you sit, you can debate the merits of becoming a more lenient society, but I think we can all agree that freeing individuals who should not be incarcerated for low-level offenses is the right thing to do. Sadly though, this effort has also drastically changed the State's rehabilitation model which has resulted in significant human costs.

Correction officers are often the forgotten part of the law enforcement community. Their job responsibilities don't often intersect with the general public. They work behind huge cement walls, apart from the surrounding community. The environment inside correctional facilities is harsh and unforgiving and over the past decade, statistics show that living and working in prisons has become significantly unsafe. The State's numbers simply speak for themselves. Despite a prison population being at its lowest point in nearly 40 years, violent attacks on staff by incarcerated individuals are at a record high. In 2021, a total of 1173 assaults on staff were recorded, with an inmate population that hovered around 31,000. Compare that to 10 years ago, 2012, 524 assaults on staff with a prison population of just under 55,000. Seeing these staggering numbers should garner media headlines and an immediate response from the administration of the New York State Department of Corrections and Community Supervision. Unfortunately, it has only resulted in a sternly worded memo to the incarcerated population warning them that they would be held accountable for their actions which were described by Acting-Commissioner Annucci as "savagery". After years of the Department hand-waving these attacks as "isolated incidents", one would think NYSCOPBA would stand and applaud the State for finally admitting to the violence problem with our facilities. Regrettably, that is not the case. Despite this admission, the Department still has not taken any significant proactive steps to protect our members of this looming threat to their personal safety. Because of the State's inaction, when a correction officer enters a facility and the large metal gates lock, there is no guarantee the officer won't be rushed to a nearby hospital before their workday ends.

On November 18th, Officer Adrea Adamczyk, a 5yr veteran of the department was overseeing her unit at Mid-State Correctional Facility in Marcy. Mid-State is a medium security facility which holds approximately 1600 male inmates, primarily in a dorm-like setting. In Officer Adamczyk's assigned dorm, she typically oversees approx. 40 incarcerated individuals, alone, for her entire workday. Officer

Adamczyk is viewed as a solid, respected officer by both her peers and the men she is tasked with keeping safe, even in volatile situations. That morning, as Officer Adamczyk was making her rounds, she received complaints of one incarcerated individual's hygiene. When she directed the man to take a shower, the individual viciously attacked Officer Adamczyk, punching her repeatedly in the face. Despite an attempt to defend herself, she fell to the ground where the inmate repeatedly kicked her in her face and head. Incarcerated individuals nearby heard the violent assault and pulled the attacker away long enough for other officers to arrive. The assailant continued to fight with the responding officers, injuring others until the officers were finally able to get the attacker's arms in restraints. Officer Adamczyk was quickly rushed to a nearby medical facility where she received 70 stitches to close the gash in her forehead. She also had her nose broken so badly it required significant reconstructive surgery to repair and she suffered a severe concussion. Eventually, the physical wounds will heal but the mental pain she has endured is immeasurable. There were no personal warning signs that this was going to happen to Officer Adamczyk. She had no significant dealings with this individual prior to this day. This was an unprovoked, violent assault upon an employee of the State who did nothing more than attempt to do the job she was hired to do. Despite our pleas for additional resources, the Department continues to require officers to work alone in these dormitory settings. Our members shouldn't have to hope and pray that other incarcerated individuals intervene on their behalf until responding staff arrive.

But don't be fooled, this terrible incident was inevitable. Today in New York State prison facilities, more than 3 correction officers like Adrea are injured at the hands of incarcerated individuals. Tomorrow will be the same. And the day after that, another three officers will fall victim to the hands of a violent assault. As a result of the overhaul of the discipline system within correctional facilities, there are very few deterrents in place to dissuade incarcerated individuals from attacking staff. In a few months when HALT is fully implemented, the ability to remove and separate violent individuals from attacking more staff and other fellow inmates will be severely hampered. The incarcerated population is well aware of this. The chants of "15 days, 15 days" echoes throughout the hallways and cellblocks as another officer is carried off on a stretcher. The violent predators that lurk inside our prison facilities can't wait for HALT to be implemented, not because they believe they are capable of being rehabilitated with more programming and gold stars for good behavior, but because they know the State will no longer hold them accountable for their actions. These prison facilities will become consequence-free environments, allowing dangerous individuals to thrive in chaos and hurt anyone who attempts to stand in their way. Our organization has a bill pending with this Legislature that will bring stakeholders to the table and partake in a violence study. We strongly believe we know the reason for the skyrocketing violence, but this legislation will ensure that root cause behind the spike in violence is identified. Until that violence study is completed, and this safety issue is addressed, we request that any more changes to the State's incarceration model or policies that alter the disciplinary system be put on hold, including the implementation of HALT. As duly elected officials, you have a moral obligation to protect New York's citizens and that includes the brave men and women of NYSCOPBA.

Poorly constructed policies aimed to better the lives of one group of individuals at the expense of another group's health and safety is only one of the issues that our membership is facing. There are ways to protect everyone, the State just needs to implement them with the same urgency and fervor that they enact policies to improve the well-being of the incarcerated community. The continued saturation of contraband into our prison facilities only worsens an already dangerous work setting. While we echo the Department's commending of staff for screening packages and mail, as well as the

investment in drug-sniffing dogs at some visitor entrances, the creativeness by certain individuals to sneak illegal substances into facilities is unrelenting and ever-evolving. Given the State's current financial position, we request investments in safety be a top priority. Examples include: our secure vendor proposal, which has been dormant for several years within the Department due to monetary issues, and pushback by the advocacy community and Legislators, as well as investing in full body scanners to safely and discreetly scan all individuals who enter prison facilities. By making these types of investments, the State can severely decrease the number of illegal drugs in prisons and in turn make them safer for everyone.

While the violence and contraband are significant factors that our members face on a daily basis, the pandemic has also exacerbated staffing and morale issues. Correction officers choose this profession to give back to their community in ways most of us take for granted. There is no telecommute option for officers. COVID ravaged New York's prison system, afflicting incarcerated individuals and staff at significantly higher rates than in the general public. This virus has also tragically claimed the lives of over a dozen of our members and our hearts go out to each and everyone of their loved ones. Correction officers continue to stand on the front lines of this pandemic, being forced to work numerous stints of mandatory overtime shifts in order to meet minimum safety standards in our prison facilities. The hard-working men and women of NYSCOPBA should be properly recognized and equally compensated as their health care counterparts, whom they escort around the blocks every day. Currently, the State has engaged in several pilot programs within the health care industry to pay up to a 2.5 times overtime rate to combat staffing shortages, including staff nurses who work inside prison facilities. While a small portion of our membership who work in mental health facilities and SUNY hospitals do qualify for this program, it's our strong belief that all correction officers be included in some sort of financial incentive program to make up for enduring severe staffing shortages throughout the past two years of this pandemic. We also demand that correction officers be included in the worker retention bonuses the Executive Budget proposes in the healthcare and mental hygiene fields. Our members are directly responsible for the safety and well-being of incarcerated individuals and deserve to be financially compensated as such.

There is no sugarcoating the current situation in our prison facilities. The working conditions inside our correctional facilities are abysmal. Acting-Commissioner Annucci's memo to the incarcerated population has done nothing to quell the violence as attacks on staff in 2022 are already on pace to shatter last year's record. Contraband continues to run rampant. The implementation of HALT cannot move forward under these current circumstances.

Simply put, what New York City is experiencing with Rikers is the very near future for New York's prisons. The conditions will continue to deteriorate. The warning signs are there. If these issues go unaddressed by the State, more staff will be seriously hurt and it will be because of the inaction by policymakers and our elected officials.