

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

Testimony on the Impact of COVID-19 on Prisons and Jails

Submitted by Michael B. Powers, President

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September 22, 2020

Chairs Sepulveda, Rivera, and Members of the Legislature in presence, thank you for allowing me to present this written testimony on behalf of the more than 30,000 active and retired members of the New York State Correctional Officers and Police Benevolent Association, Inc. (NYSCOPBA).

My name is Michael Powers and I have the distinct honor of representing the hard-working men and women who are correctional officers and correctional sergeants working inside our State's prison system charged with the care, custody and control of New York's prison population.

The world as we collectively once knew it changed in Mid-March of 2020. New York and other states around our great nation essentially "shut-down" to mitigate the spread of the Novel Coronavirus. While some states have slowly begun the process of "reopening", the impacts of the deadly coronavirus remain. This "virtual" public hearing is just one of the many examples that life in New York is far different than it was pre-COVID-19. Some of the remaining effects range from every day citizens of New York working remotely, to restaurants and eateries being shuttered or operating at limited capacity, to students "attending" school from their homes distanced from their friends and teachers, to people being fearful of spending time with family, neighbors and friends; New York is now different.

What hasn't changed, however, and what didn't change during the pandemic, was the fact that my members left the safety of their homes and went to work every day with the same fears of this unknown disease that all of you have. As essential workers in the NYS prison system, they went to work with the resolve to do their jobs for the benefit of all New Yorkers at a time when no one truly comprehended the nature and gravity of the virus.

During the initial stages of the pandemic, DOCCS was slow to take necessary safety precautions for everyone associated with the prison system. It impacted not only those who reside inside the State's correctional facilities, it also impacted the rank and file members of NYSCOPBA and all employees of DOCCS. While I certainly understand that the focus of this hearing is on the incarcerated population, as there is no reference whatsoever in the Notice of Public Hearing to the approximately 20,000 men and women of NYSCOPBA working inside our State's prison walls, I respectfully remind you that it was my members who, faced with the uncertainty of the disease, reported to work each day to keep our prisons operational and returned home at the end of every shift (in many cases double shifts) unsure of the potential impact on them and their families. Prison visits were still occurring during the early stages of the pandemic which recurrently introduced the virus to the facilities exponentially. Inmate movement did not cease. There was a total lack of personal protection equipment (PPE) for my members and those incarcerated despite mandates that were being implemented publicly and the hazards of working without necessary protections. Contact tracing was not occurring uniformly throughout the system. In short, the Department was unprepared and unable to protect staff and inmates at the outset. In spite of the knowledge we have now compared to when the pandemic began, my members have conveyed to me instances of positive test results among the prison population and the failure of DOCCS to properly protect my staff and other incarcerated individuals accordingly.

Realizing that my members were placing themselves in harm's way for the benefit of every New York citizen on a daily basis for several weeks, NYSCOPBA aggressively advocated for DOCCS to make necessary changes to its operational protocols in an effort to protect them and the prison population overall. Through our efforts we were able to achieve some of these much needed changes, but it took far too long. Clearly, the State was not ready to handle the complexity of issues that resulted from the outbreak.

In addition to the failures referenced above, the Department has also shown an inability to address its workforce issues that arose when so many of my members were testing positive for COVID-19 or being forced to quarantine. NYSCOPBA members, who believed that they were protected by some of the sick leave provisions put in place in response to COVID-19, in many cases found themselves having to

utilize personal accruals to cover mandatory absences that resulted from them simply doing their jobs. This is unacceptable and needs to be addressed. I am requesting your assistance in this regard.

Several operational changes within the prison system could have been put in place prior to the COVID-19 outbreak that would have alleviated some of the extreme hazards of this disease; operational changes that we have been asking all of you to make for several years. Yet, these changes have not happened. For example, for several years we have been advocating for the removal of double bunks in the State's medium dormitory settings through the enactment of legislation. We explained that this would not only create a more humane environment for the incarcerated population, but it would also promote increased safety by reducing the number of individuals that a correctional officer or sergeant are required to supervise. Clearly, a necessary result of the enactment of this legislation would have been the promotion of greater social distancing within the prison system. However, the Legislature's failure to consider this legislation has not achieved this desirable goal. When this legislation was first introduced, it was not only supported by NYSCOPBA, it was also supported by inmate advocate groups. However, believing the enactment of this legislation could somehow impact potential prison closures, these groups changed their position. What these groups, and others, have failed to realize is that the closure of prisons creates a hazardous environment inside the prison system with a greater concentration of incarcerated individuals per facility. While the Governor and some members of the Legislature have been advocating for additional prison closures each year, there appears to be no discussion or consideration about how such closures would negatively impact a better and more humane living environment for the incarcerated population as a whole.

There are those who wrongfully assume that NYSCOPBA opposes prison closures solely on the basis of "protecting jobs" for its members. This assumption is clearly flawed. Despite the rash of prison closures in recent years, layoffs have not occurred with respect to the membership of NYSCOPBA. Our position has never been grounded in "protecting jobs." The basis of our argument in opposing prison closures is to promote a safer working environment where the ratio of officers to inmates inside correctional facilities increases to safer levels. An inarguable advantage of an increased ratio is safer social distancing within the prison system.

Less incarcerated individuals in each facility necessarily means safer social distancing. We ask that you take the necessary action to promote increased safety, safer social distancing and a more humane environment for New York's incarcerated population by enacting legislation removing double bunks and preventing further prison closures until the ratio of inmates to officers is more appropriate.

Thank you for the opportunity to present the impact of COVID-19 in the prison system from the perspective of the security staff – the public servants – who risked their health and the health of their families every day while the Department of Correctional and Community Services adjusted to the realities of a world-wide pandemic.