

New York State Department of Corrections and Community Supervision

Fiscal Year 2019-20 Budget Hearing

January 29, 2019

Testimony of Anthony J. Annucci, Acting Commissioner

Good Afternoon. Chairwoman Krueger, Chairwoman Weinstein, and other distinguished Chairs and members of the Legislature, I am Anthony J. Annucci, Acting Commissioner for the Department of Corrections and Community Supervision. It is my honor to discuss some of the highlights of Governor Cuomo's Executive Budget plan. Specifically, the proposed criminal justice agenda will continue the transformation of rehabilitation in the state and advance fundamental fairness for all New Yorkers. Since the Governor took office, the incarcerated population has decreased by nearly 10,000 people – representing a 17% reduction. The fact that New York continues to be the safest large state in the country, is proof that Governor Cuomo's smart, firm and fair criminal justice policies are fundamentally sound and working well.

Over the past two years, the Department has worked with state and local partners to implement the law raising the age of criminal responsibility, in stages, to eighteen. In 2018, we transitioned two facilities – Hudson and Adirondack – to serve the needs of adolescent offenders and provide age-appropriate services. This year, the Department will finish renovations to a third and final facility – the Groveland Annex – to coincide with the full implementation of Raise the Age in October 2019.

The overall safety of our staff and the security of our facilities and offices remain a top priority. Last year, we increased our use of K-9s and expanded the use of pepper spray statewide. This year, working with the unions, we will continue to explore

technological solutions, training initiatives and policy modifications. We will also extend our first-in-the-nation body camera pilot beyond the five current facilities and continue the installation of fixed camera systems.

Under Governor Cuomo's leadership, we continue to implement the historic NYCLU settlement agreement, drastically reforming and reducing our use of special housing units (SHUs). Last year, we were able to close or convert more than 1,200 SHU beds, and this year, we will open a 252-bed step-down unit at Southport. These efforts have significantly reduced the number of individuals serving a SHU sanction in SHU by 40 percent and shortened the average time spent in a SHU cell by 30 percent.

Building upon this success, the Executive Budget includes bold new legislation that would codify the parameters of the settlement agreement and establish new residential rehabilitation units, that will allow individuals serving a disciplinary sanction to receive ample out-of-cell programming, address their underlying misbehavior and reinforce pro-social behavior. When fully implemented, no individual would serve more than 30 days in SHU. The proposal also requires specialized training, both for staff assigned to the various units, and for our disciplinary hearing officers. Through these reforms, we will successfully provide incarcerated individuals with the services and treatment they need, while continuing to keep staff, the population and visitors safe.

The population served by DOCCS is not immune to the opioid epidemic plaguing society at large. To counter this epidemic, DOCCS has launched several programs over recent years, including the widespread training of both staff and the population in Narcan and the provision of kits to those being released. The Department has also established medication assisted treatment (MAT) programs at six facilities to provide appropriate

pharmaceuticals and counseling to individuals with substance use disorders and short periods of incarceration. This year's Executive Budget provides the resources to expand MAT programs to three additional facilities, ensuring a smooth continuity of care with community-based providers and reducing the likelihood of overdose.

For women in DOCCS custody, we recognize that their pathways into the criminal justice system are often different than their male counterparts. A significant number of incarcerated women have been victims of domestic violence, sexual abuse, or assault. While the Department continues to provide the latest in trauma-informed care, the Governor has advanced legislation – the Domestic Violence Survivors Justice Act – to meaningfully reduce criminal sentences, in certain circumstances, and allow for some currently incarcerated survivors to apply for re-sentencing and earlier release, due to prior victimization.

The Executive Budget will build also upon previous re-entry initiatives to improve outcomes for formerly incarcerated individuals. The Governor's four-point plan to ease unfair burdens, practices and barriers, will ensure that all returning individuals have the tools they need to succeed. Additionally, to address the aging prison population, compassionate release legislation has been advanced for certain individuals over 55 with incapacitating medical conditions that are exacerbated by their age.

The Department's Community Supervision staff leverage evidence-based practices such as swift, certain and fair sanctions and use incentives and rewards to encourage positive behavior for individuals on parole, with the goal of reducing the number of violations and returns to prison. To that end, the Department will work with the Board of Parole to implement revised regulations governing the parole revocation process

and will partner with a community-based organization to further explore alternatives to incarceration for the parolee population. DOCCS will also continue to support the Board of Parole in all administrative activities, ensuring the members' ability to set the terms for successful reentry and reintegration into society.

In conclusion, this year will bring bold new reforms to improve our criminal justice and correction system, leading to greater fairness and equality. The Governor's budget positions the Department to successfully implement these proposals, bringing a positive impact to the entire agency. None of this would be possible without our professional, well-trained and dedicated workforce who perform their daily, and oftentimes, dangerous duties in an exemplary manner. Every day, this Department reaffirms its mission to operate safe and secure facilities, while providing incarcerated individuals and parolees with the programs and services they need to succeed.

Thank you and I will be happy to answer any questions.