

New York State Department of Corrections and Community Supervision

Fiscal Year 2017-18 Budget Hearing

January 31, 2017

Testimony of Anthony J. Annucci, Acting Commissioner

Good Morning. Chairwoman Young, Chairman Farrell, 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.

Last year, under the Governor's Executive Order, Hudson was converted into a hybrid youth facility where 16 and 17 year olds are completely separated from adult inmates. While this is a progressive interim measure, I urge the Legislature this year to enact the Governor's Raise the Age proposal.

The Governor has also advanced the Permanent Sentencing Commission's proposal that New York switch to determinate sentences for those class B thru E felonies that are still subject to indeterminate sentences, and also authorize alternative sentences for low-level predicate offenders. This will save taxpayer dollars, eliminate confusion, and ensure greater transparency, while also reducing the burden on the Board of Parole.

To ensure that safety and security remain a top priority, we continue our partnership with the unions and have implemented a number of technological enhancements, training improvements, and policy changes. These initiatives include the completion of a full facility camera project at Attica, with plans for similar projects at Clinton and Great Meadow, among others. Additionally, we have completed the deployment of thermal imaging and heartbeat detection devices, and new state of the art

portable metal detectors. Also, for the first time, we are piloting the use of body cameras at Clinton, with an expansion to Bedford Hills this year. In addition, we significantly revised our Use of Force policy and included de-escalation techniques in our annual training to better enable staff to defuse situations without resorting to physical force. Lastly, we have worked with our federal partners and have developed and deployed a comprehensive, security audit instrument that will be used in all facilities.

Our partnerships and the initiatives I have briefly outlined have shown positive results. While one assault on staff is too many, the total number of assaults on staff has been reduced by more than 15%, reversing the alarming upward trend. With the new Use of Force Training, we have seen a 10% reduction in both the number of use of force incidents, and the number of staff involved in uses of force, an 11% reduction in staff injured during a use of force incident, and a 45% reduction in baton use in the pilot pepper spray facilities.

In terms of the Inmate Disciplinary System, which is vital to the safety of all staff, inmates and visitors, we continue to evolve by implementing the terms of the historic SHU settlement agreement, that will further, dramatically reform our approach to segregated confinement and provide greater uniformity to prison discipline. These reforms have already resulted in dramatic changes in the population being housed in SHU, including a 12% decrease in the number of African American inmates in SHU, a 7% decrease in the proportion of African-American inmates in SHU, an almost 30% decrease in the average length of sanction in a SHU cell, and a 16% decrease in the median length of sanctions.

In April we will institute the second round of changes to the disciplinary guidelines with ranges being adjusted downward, and we have begun a statewide training initiative

for all staff on the terms of the settlement agreement, de-escalation techniques and implicit bias in decision-making. Although, we thus far have seen encouraging results, as evidenced by these statistics, we can and will do better as we continue to evolve by implementing this historic agreement, leading to a more fair and humane system, while preserving safety and security.

With respect to programming, the budget will expand the Limited Credit Time Allowance statute to include two additional significant program accomplishments, which are, participation in the DMV Program and the Culinary Arts Program. The LCTA benefit is a six-month reduction that is also based on good behavior, thus saving taxpayer dollars while making prisons safer.

To achieve savings, weekday visiting will be reduced in our maximum facilities, similar to our protocols for medium facilities. By the same token, processing time for visitors will be greatly facilitated by our planned switch to a secure vendor package program.

With respect to Community Supervision, the Swift and Certain literature for effective parole supervision focuses on the need for positive rewards for good behavior, as well as the need for certain limited sanctions for negative behavior. Thus far, we have seen encouraging results in our pilot RESET initiative, but our ability to provide meaningful rewards is somewhat limited by certain anachronistic laws. This budget would allow LCTA eligible inmates who are released and serving Post Release Supervision to advance their maximum expiration date by three months, for every six months of unrevoked supervision they serve. This is consistent with overall public safety since the

research indicates, if you have not been violated in the first two or three years, you will most likely succeed. Parole officers can thus concentrate on higher risk parolees.

In conclusion, many challenges and expectations lie ahead for the Department as it continues to develop transformative programs and initiatives, while relying upon well-trained and dedicated staff who perform their responsibilities in an exemplary manner, often under dangerous and difficult circumstances. The Governor's proposed budget takes bold new steps to place DOCCS in an advantageous position to fulfill these expectations. Thank you and I will be happy to answer any questions.