



NEW YORK STATE SUPREME COURT OFFICERS ASSOCIATION, INC. 80 Broad Street • New York, N.Y. 10004



I.L.A. - A.F.L. - C.I.O.

TESTIMONY BEFORE THE NEW YORK STATE

JOINT LEGISLATIVE BUDGET COMMITTEE

PATRICK CULLEN, PRESIDENT

NEW YORK STATE SUPREME COURT OFFICERS

ASSOCIATION

JANUARY 31, 2017

Good afternoon Chairwoman Young, Chairman Farrell and members of the Legislature. I am once again thankful for the privilege to address you all. It is an honor to appear on behalf of the men and women that I represent. They are New Yorkers who put service first and bravely protect their fellow citizens. We are citizens of this great State who endeavor on a daily basis to provide safety and security for the millions of users who enter our facilities each year. It is a task we continue to do better than our many counterparts nationwide, despite being without a collective bargaining agreement for six years. Lean personnel levels and training inefficiencies add to the troublesome work conditions we encounter and I thank you for allowing me this forum to, once again, share the manner in which this budget affects our professional and personal lives.

This year's Judiciary budget can be described as yet another in a series of illusions, specifically its impact on New York State Court Officers. As it is outlined, another 2% increase and a new line item for a \$15 Million capital appropriation are steps in the right direction. The larger picture, however, remains unclear as we have serious financial and personnel short falls dating back seven years that have still not been fully recovered. The budget directly notes that the system, "faced significant cost increases, mostly non-discretionary, without corresponding increases in funding." Over a seven year period an increase of only \$120 Million was granted while costs were absorbed at a much higher rate. The summary continues by admitting that service to the public suffered. Workforces shrunk and positions were not refilled upon attrition and cessation of service for more lucrative jobs in the law enforcement and civil service arena to the tune of more than 2000 employees. These disadvantages and burdens would be catastrophic for private business and enterprise, but for us it is a mere hardship to digest and move forward. Efforts have unquestionably been made to address the many inadequacies our system faces and I am grateful for the new and inclusive philosophy Chief Judge DiFiore has infused into the Court System. Her Excellence Initiative is exactly the type of action which will rebuild this ailing system.

We know how we got to this point and I believe new leadership will prove how to deliver us to the future. The question at hand is, Where are we presently? The hard truth remains that in the jurisdiction I represent, we are still shorter, albeit by a small number, than 2015 when we were at an 8.3% deficit



from 2009. This miniscule shift in totals of security staffing translates into problematic disorganization through safety breaches in our courts, a force well behind on training, issues of delays in every court and ultimately a disservice to the public. This continual lack of staff and the system's inability to properly reconstitute its security protocols leads to delays throughout the day. They contribute to much slower entry times, part opening times and the inability to promptly deliver inmates to court. A system wide moratorium of sorts on overtime is responsible for a decrease in the length of the actual court day. This leads to frustrated court users, jurors and employees who all attribute this stagnant pace to the inherent indolence of an entire branch of government. All of this while Judges and Judicial staff are continuously added as no Court Officers are to maintain acceptable security for them. In fact, bringing Court Officer staffing to levels attainable in 2008 would cure these ills. The court day would begin faster, trials would begin on time and all safety protocols met, allowing the system to perform efficiently and recover from years of listless operation. Furthermore, the staffing deficits we have faced have further reaching consequences. Many of our members have not been sent for yearly CPR, AED, First Aid and equipment training because they cannot be spared at their work location. This is beyond unacceptable, it is nonsensical. It is equivalent to sending a carpenter to work without a hammer. In fact, school resource employees in the Metropolitan area receive more training than we do because it is mandated, where we overlook the importance of keeping up to date with our most important capabilities and certifications because the Office of Court Administration refuses to maintain a proper census of Officers. Another development to consider with respect to these personnel deficiencies is the employees' inability to be granted their duly accrued vacation time with their families because managers cannot afford their absence. It has been proven that law enforcement officers face serious stressors in their workplace and should be required to take leave when requested. Lastly, health initiatives conducted by our organization demonstrate that our levels of serious health concerns such as hypertension and heart disease continue to rise higher than national averages. We must recognize that the mandate of doing more work with less resources, especially in the law enforcement world, is making our people ill. These issues affect our family life as spouses and parents. By once again expanding our rosters to sufficient levels, the Court system can once again flourish and our employees can begin to feel less burdened both at work and at home.

As of March 31, 2017, our bargaining unit will be out of contract for six full years. Our members want a fair contract, they want to be compensated for the efforts they have given in the leanest of times. They also want to be compensated for the ever increasing hazards they face on a daily basis. Overcrowded courts, simultaneous multiple defendant cases, large gang populations, suspicious packages, the always present specter of terror and the NYC Department of Corrections continually shifting their responsibilities to our ranks are among the latest conditions which cause our employment to be more perilous. These issues must be addressed through training, as I have said earlier, but this expansion of duties must be addressed in the fair and equitable compensation that comes with bargaining in good faith. Furthermore, matters requiring massive amounts of funding have superceded the reasonable and decent provisions that would bring us labor peace through a long term contract. The massive raises given to Judges and civilians within the Court system as well as initiatives in excess of \$100 Million to ensure attorney engagement in the very system this budget funds are among the more frustrating features of this budget process. We are earnest and hard working men and women and we want to be treated as such by receiving what we deserve for the job we do, no more and no less.

I wholeheartedly welcome and applaud our New Chief Judge, Janet DiFiore and her Excellence Initiative, which is rooted in a back to basics philosophy. I believe the best method of change is to break things down to bare elements and that is the ideology being used in rebuilding the New York State Court System. In recent years, at this hearing I have testified and advocated for new equipment, programs and training to become comparable to other agencies throughout the nation who have innovated security protocols and practices. I am pleased to see some of these issues addressed within this budget. There is a request for an appropriation in the amount of \$15 Million, some of which will be used to re-outfit our entire force with body armor. It will also be used to replace our security screening equipment which is the first line of defense for anyone using a Court facility. These inclusions in the Judiciary budget are clear indications that the critical issue of security has not been overlooked as it has been in the past. I urge the Office of Court Administration to sustain that sensibility and look to support our forces with forward thinking measures both practically and financially to progress into the future. We are only as safe as the policies and operations we maintain. We must technologically advance with the use of cameras, explosive detection and K-9 programs. It is my sincere hope that next year I can sit here and update you on the development of such critical and innovative programs.

This summary of serious and crucial issues to New York's Court Officers is only a cursory view of some of the problems we face and how the budget affects us. Our morale has been subterranean for many years now because of the Agency's inability to fund the most necessary tools we require. Our pride has been terribly damaged and the way to reconstruct it is through budgetary items, only some of which I have described here today. I urge you to visit your court facilities as well, as many of the problems are obvious upon arrival. Together, we can all steer the course forward for the System, the public it serves and those who have sworn to serve it.

I thank you once again for your time and for your service to the People of the State of New York.