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Testimony of
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As part of the

Joint Legislative Public Hearings On the 2017- 2018 Executive Budget Proposal:
Mental Hygiene

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1:00PM
Hearing Room B
Legislative Office Building
Albany, NY

Good afternoon Assemblymember Farrell, Senator Young and esteemed members of the Fiscal Committees.

Thank you for allowing me the opportunity to speak today on behalf of my entire membership regarding the Governor's proposed budget for the upcoming fiscal year.

My name is John Harmon. I have the privilege of serving as Vice President of Law Enforcement for the New York State Correctional Officers & Police Benevolent Association, (NYSCOPBA). In this capacity, I represent the interests of all non-Corrections members of the union, including Security Hospital Treatment Assistants (SHTAs) at the Office of Mental Health (OMH) and Safety and Security Officers (SSO) employed by OMH and other agencies.

NYSCOPBA's principal interest is the safety and well-being of its members. The subject of my testimony today relates to the steps that *must* be taken to ensure the safety of these dedicated professionals.

You may remember that last year I dedicated my testimony to the plight of our SHTAs. Regrettably, our SHTAs are not alone in feeling the negative effects of the policies and procedures being implemented in our State's mental health agencies. NYSCOPBA's SSO members are also unnecessarily being placed in harm's way as a result of decisions being made at the facility level. These law enforcement officers have statutory peace officer status but only *while on-the-job*. And unfortunately, not all facility administrators deem it necessary to ensure their respective SSOs are authorized to utilize their full complement of peace officer powers. Some administrators limit the duties that these statutorily recognized peace officers are authorized to carry out. This creates a void of a true law enforcement presence, thereby endangering the safety and well-being of all employees, patients and visitors of these facilities.

NYSCOPBA is calling upon the Legislature once again this year to pass our 24-hour SSO peace officer status bill. Enactment of this bill will not only ensure that each and every SSO member, regardless of work location, has full peace officer powers while on duty, but it will also ensure that this status does not cease when the individual SSO member ends their respective shift.

Why is 24-hour peace officer status necessary? Unfortunately, many SSO members work at facilities in communities with high levels of crime. Moreover, many of these law enforcement officers come into contact in their communities with patients and people who they encounter at the work site. Maintaining their peace officer status when they leave the job not only ensures a greater law enforcement presence in localities that all too often need such a presence, but it will also ensure that should an encounter occur outside of the facility, the SSO member will still maintain the requisite peace officer powers to keep himself or herself safe.

What else can be done to promote safer working environments and communities in which our SHTA and SSO members reside? Quite simply, the provision of additional training that

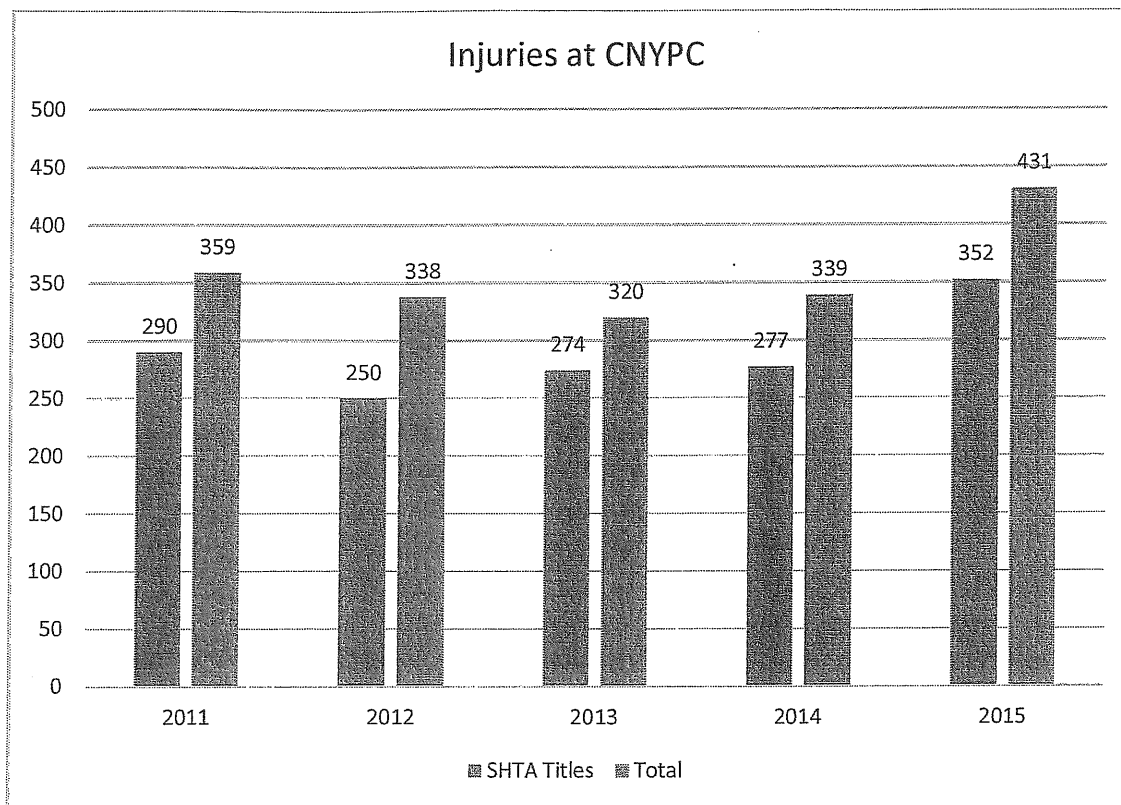
is commensurate with the work these members do and the patient population that they interact with. Gang violence and other types of violent behavior are not just limited to jails and prisons. This type of behavior is, unfortunately, an everyday occurrence for NYSCOPBA's SHTAs and SSOs, particularly those that work in the State's forensic psychiatric centers. Despite an increasingly violent and aggressive clientele, funding for additional training for the dedicated men and women who have to deal with these individuals has not been proposed as part of the 2017-2018 Executive Budget. We are calling on the Legislature to assist NYSCOPBA with ensuring that its Law Enforcement members are more readily equipped, through additional training, to handle the hazards of their jobs.

It is our hope that we will be able to comprehensively illustrate just how dangerous work conditions are for SHTAs and SSOs in the near future. We know that this will be possible at the four forensic facilities once OMH complies with the requirements of Chapter 375 of the Laws of 2016. This law mandates the reporting of assaultive behavior of the inmate-patients confined in these four institutions.

Until such compliance, we can only analyze the data that the Central New York Psychiatric Center collects and shares with its Workforce Safety Committee. We believe it is illustrative of the situation at the other three forensic facilities as well.

The data below illustrates:

- On average, between 2011 and 2015, there is an injury suffered by staff each and every day at CNYPC;
- For every five of these injuries, four are suffered by professionals holding SHTA titles;
- There was an alarming spike in violence in 2015 (up 27% for both SHTA and Total over 2014) after four years of relatively stable, albeit high, levels of violence.



Given the dangerous working conditions at CNYPC, it seems logical to NYSCOPBA that OMH would want to do everything in its power to protect members of their staff. Sadly, this is not the case. Even when both houses of the Legislature compel it to do so.

Governor Cuomo signed A.1500-A/S.3600-A into law on December 17, 2014. The bill confers peace officer status on SHTAs. NYSCOPBA sought the legislation because of the statistics above. And because it believes that a more secure forensic facility will result in better outcomes for patients.

So what is the problem? The problem is the Commissioner of OMH refuses to implement the law for a variety of reasons, none of which were formally conveyed at the time the bill was passed by both houses or signed by the Governor. We are calling upon all Legislators to intervene with the Commissioner and mandate the implementation of the law that the Legislature passed to protect our SHTA members.

Now, some might argue that we should leave OMH to running its forensic facilities as the Commissioner sees fit. So, let's take a look at how well OMH, based on its own data and performance measures, does in that regard.

As we mentioned above, OMH gathers and publishes a lot of data on its web site. These statistics and reports include a Balanced Scorecard, which, according to OMH,

“allows anyone to view and assess the agency’s progress toward achieving its strategic goals. The Scorecard uses up-to-date quantitative data to compare actual performance against specific measurable targets. Content areas include outcomes experienced by individuals served in the NYS public mental health system, results of public mental health efforts undertaken by OMH, and critical indicators of organizational performance. The OMH Balanced Scorecard is updated quarterly.”

Within the OMH Balanced Scorecard there are three measures that relate to forensic facilities:

- Reduce or maintain the rate of psychiatric inpatient readmissions to ANY hospital within 30 days after discharge from State-operated forensic psychiatric facilities/units.
- Reduce the rate of patient hours in seclusion per 1,000 inpatient hours in State-operated forensic psychiatric facilities/units.
- Reduce the rate of patient hours in restraint per 1,000 inpatient hours in State-operated forensic psychiatric facilities/units.

For each of these outcome measures, OMH sets a quarterly statewide target and reports the actual performance.

How is OMH doing on these three measures of performance relating to forensic facilities?
Not very well.

- Over the course of the 15 quarters between March 2012 and September 2015 (the most recent publicly available data), OMH has *never* hit or exceeded its target for reducing or maintaining the rate of psychiatric inpatient readmissions.
- Over the course of the 25 quarters between September 2009 and September 2015, OMH has hit or exceeded its target for reducing the rate of patient hours in seclusion *four times*.
- Over the course of the 25 quarters between September 2009 and September 2015, OMH has hit or exceeded its target for reducing the rate of patient hours in restraint *twelve times. But it has not hit this target since June 2013.*

Based on its own data and performance measures, OMH’s approach at its forensic facilities results in poor performance for patients *and* an intolerable amount of injuries for staff.

NYSOPBA believes the State Fiscal Year 2017-18 budget is an opportune place for a change. And the place to start is a reallocation of resources that enables full compliance with the law, immediate implementation of peace officer status for SHTAs and full implementation of 24-hour peace officer status for all of our SSOs.

To accomplish this, OMH will almost certainly need not just a reallocation of its existing resources, but, additional resources as well. This is understandable given the fact that the OMH budget, according to data on the State’s Open Budget web site

(www.openbudget.ny.gov) has seen its spending *decline* by 0.9% between State Fiscal Year 2011-12 and what is proposed by the Governor for State Fiscal Year 2017-18 when inflation is factored in.