



Public Protection Joint Legislative Budget Hearing

2019-2020 Executive Budget Proposal

January 29, 2019

Testimony by Steven Drake

Good afternoon Chairs Krueger, Weinstein, Sepulveda, and Weprin. My name is Steven Drake and I am a Vocational Supervisor at Mohawk Correctional Facility and have worked for the Department of Corrections and Community Supervision (DOCCS) for over 26 years.

The NYS Public Employees Federation represents nearly 5,000 DOCCS members including those who work in the communities in the Division of Community Supervision. It also includes those who work within the prison health system, rehabilitative services, education, vocational training, drug treatment and many other titles that provide programs and services to inmates. These are all areas critical to help DOCCS fulfill its mission.

We continue to be disappointed in the fact that the Department has not yet been able to settle an agreement with the vendor – based package program. This change greatly impacts the safety of all employees working inside facilities. One of the ways drugs are introduced into the facilities is through the package rooms. PEF looks forward to working with the Department to put forth the needed information to bring back this program.

Many new program initiatives put forward by the Governor have reduced the population of our state prisons. Unfortunately, while smaller, the current population is more violent than ever before. The administrative changes regarding how inmates are charged with disciplinary violations have empowered and emboldened them to violently stand up against staff. The Department has continued to work diligently in providing new programs as well as enhance trainings with staff and added pepper spray to assist in dealing with these situations. Programs such as SDU, ASAT SDU, reduction in SHU time based on good behavior have enhanced inmates' abilities to transition back into general population, or more importantly back into society for those long-term inmates. Proposed Legislation such as the HALT Bill will impact not only the overall safety of staff, but impose an "only the strong survive" environment for the inmates.

One area of concern with the proposed HALT legislation is the inability for the department to hold inmates to the acceptable standards of behavior not only in our community, but within the facilities where we house our population. If the dynamics in which we use tools / skills in correcting inmates many social flaws, continuing to restrict a staff's choice of sanctions only allows inmates to develop more manipulative skills.

The SHU is a tool that the department uses to help reset and redirect inmates that have made poor choices within their programs or facility living. Through the years, the Department has developed programs with the assistance of security and program staff that help inmates to progressively develop better choices related to their poor decisions. Many of the inmates have gone through our progressive discipline system and have been separated from the general population.

The Department has continued to prove that direct programming, both through early intervention as well as post separation from general population, has led to a safer environment for both inmates and staff. More resources would allow for the Department to expand current programs so that it can front load the programs afforded to inmates. This would allow inmates to make better choices while they are incarcerated. This would be a better situation than what exists today where inmates are being programmed based on their earliest release dates. If inmates received programs such as Aggression Replacement Training, Alcohol and Substance Abuse Treatment as they enter into incarceration, it would give them the tools to make better choices both while incarcerated as well as post release. This would be a better investment than simply to allowing inmates to manipulate a law that only allows for 15 days SHU time.

I sit here again today and testify to the shortages within the DOCCS Healthcare system. The vacancy rates in the titles of Nursing, Dental and Pharmacist have continued to increase over the last year, Vacancy rates for Nursing exceed 22%, Dental 19% and Pharmacist is now over 10%. While these numbers are bad, the reality is far worse. We have facilities managing 24-hour care for both inmates and staff that are at vacancy rates closer to 50 % plus. Worse yet, is some facilities are higher: 78% at Cape Vincent, 50% at Washington, 47% at Green Haven, 46% at Coxsackie and 45% at the two Adolescent Offender facilities Hudson and Adirondack. We have 9 facilities in total that have greater than 25% vacancy rates in nursing alone. An alarming percentage of our nurses are forced to work short-handed. These nurses not only attend to inmates' needs, but just as importantly, they attend to all staff. They perform critical services related to medical emergencies, inmate fights, staff injuries and drug overdoses.

The larger state agencies such as DOCCS have been forced to rely on geographic pay differentials to try to avoid staffing shortages. Unfortunately, these are short-term fixes that do not address the real need which is increased salaries. Actual salary-based monies will help to stabilize our staffing needs.

If the state is serious about attracting and keeping skilled nurses, it is imperative that we begin to look at increasing the base pay for our nurses. A much-needed pay increase would help with the recruitment and retention of qualified nurses. Increases are needed for all medical titles within the state workforce.

Chronic understaffing has caused overtime expenses at state agencies to spiral out of control. Reliance on overtime to provide adequate staff levels clearly demonstrate the need to reinvest in the state workforce. The taxpayers' best interest is served by employing the proper number of state employees at state agencies.

Over the last year, we have continued to work with the Department and brother and sister unions to reevaluate the risks associated with each work location and develop training relative to those risks. Almost all DOCCS Facilities are completed and locations such as Community Supervision offices and report stations will begin to roll out the program in the early part of the next fiscal year.

These security concerns lead me to reiterate the need to upgrade the aging personal alarm system within the Department. The Department is currently in the process of replacing four new personal alarm systems. The current system dates to pre-1994. The most recent upgrades, which started in 2009, have not reached 25% of facilities due to the continued stress on the Department's budget and from expanded projects in Step Down Units, Adolescent Facilities, expanded Mental Health Facilities and the NYCLU lawsuit settlement. The Department has continued to put in multimillion-dollar camera systems as well as many other changes. Meanwhile, we are still left holding a personal alarm that has an operating system using Windows 97 and alarms and repeaters that can only be fixed by using parts found on eBay. I know we are in financially tough times, but ask yourselves how to quantify the cost of a life lost or a negative life changing event?

The geriatric parole proposal for age 55 and older, while compassionate sounding, prematurely releases convicted criminals that cannot care for themselves back to communities that may not be able to care for them either. Financial considerations, such as the lack of Medicaid funding for inmates, should not be the determining factor when parole is considered. Furthermore, this proposal will only increase the caseload of our already overburdened Parole Officers.

Recent statistics have shown that there has been an increase in parole violations. Over the past several years, the prison population has dropped for a variety of reasons, mostly due the changes put forward by the state and with the

Department's progressive programs which have allowed inmates to be released earlier because of their participation with those programs. So naturally, as more inmates are being released, there is going to be increases in parole violations. The State, along with the Department, continues to make changes in the program services that these parole and parole violators receive. Currently, the Department is continuing to expand programs such as RESET, through the NYCLU settlement. The SDU also provides inmates with longer term incarceration sentences the chance to develop changes to better prepare for their release back into society. So please, let's not throw out what the Department and all its staff have committed to do- adjusting change for the good of the inmate.

I would like to thank you for your time and attention in listening to our needs for our members in DOCCS. Please feel free to ask me any questions at this time.