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**NEW YORK STATE SUPREME COURT OFFICERS ASSOCIATION, INC.
I.L.A. - A.F.L. - C.I.O.**

TESTIMONY BEFORE 2019 JOINT LEGISLATIVE BUDGET COMMITTEE

Good afternoon Chairpersons and Legislators.

My name is Patrick Cullen. I am president of the New York State Supreme Court Officers Association, which represents over 1,500 men and women who proudly serve in New York City's courts, as well as our 9th Judicial District.

I am grateful for the opportunity to address this body for the sixth consecutive year regarding the State budget process. I am here today to offer our perspective on the Unified Court System's 2019-2020 budget, its impact on my membership, as well as the public. I'm also here to highlight our critical role in protecting the judiciary, its facilities and the citizens of New York who depend on a safe and efficient court system.

In years past, I have conveyed to this committee our concerns about the slow pace of our collective bargaining negotiations, as well as our need for new and innovative security equipment. The Office of Court Administration has addressed these issues as all Court employees are currently under contract and for the third consecutive year, we see a capital appropriation for the modernization of crucial security infrastructure. However, that being said, there are still issues that must be addressed with respect to our security within the system, the burden our officers endured and their treatment as State employees.

Let me begin with a sincere thanks to members of the Senate and Assembly for your support for our "Campaign for Safer Courts," which for the first time, exposed the severe staffing shortage in our court system and the public safety crisis it created. Your public

support on this critical issue helped push the Office of Court Administration to hire 300 new court officers, the largest number of officers in recent years.

Despite this commitment, we continue to have a shortage of approximately 300 officers in New York City and the 9th Judicial District. Never having truly recovered from the recession and a retirement incentive, our staffing levels have dwindled to never before seen levels where courtrooms are consistently shut and parts are unable to open, preventing cases from being swiftly adjudicated.

Until these new Officers arrive in their new assignments, we will continue to see backlogs, adjournments and idle calendars. For these reasons alone, I support the budgetary increases requested by the Unified Court System. Beyond the present and pressing need, we will require a much more consistent commitment to the hiring of new Court Officers in the months and years ahead. For example, in calendar year 2017, we lost 58 Officers to retirement and in 2018, that number rose to 71. Without a steady increase in hires we will not be able to outpace the current rate of attrition.

The success of our campaign signaled by the impending commitment to new hiring places us at an integral turning point. With your help, both in this budgetary cycle and beyond, we can hold the judiciary accountable to the public which it serves and keep our hard-working Officers safe as we deliver justice in a timely and efficient manner.

It is also evident that a major priority has been placed on criminal justice reform in our current political landscape. While we take no official stance on the outcome of various political debates, we ultimately must abide by the policies formed right here in the Capitol. As such, we believe it is of vital importance to work in partnership with you on any potential reforms which may have an impact on our members. Issues such as bail reform and speedy trial revisions have significant implications for a wide range of stakeholders including my members.

When implemented, these proposed reforms will significantly change the daily operation of our criminal courthouses in ways that may not have been not been previously considered. Obviously, the addition of new Judges requires additional staff. With any proposal along these lines, we need to see a full and complete set of guidelines to fulfill these new requirements.

Bail reform will bring with it more individuals attending court coming directly from their homes, not a correctional facility. This new dynamic will create longer lines than we already have where it takes sometimes an hour to enter the courthouse. Also, this has the potential to add hundreds of more audience members daily in our already crowded and tense courtrooms throughout the City.

Changes to the speedy trial statute will lead to the commencement of more trials than we have judges and, therefore, it will cause multiple trials to be juggled at the same time. This can potentially lead to major mistakes being made with jurors and witnesses by staff who are barely equipped to handle one trial let alone two.

The creation of specialized parts, while intending to address very specific issues, has a negative effect on operations because it demands new judges and extra room, hence extra security, all of which we simply do not have. Much like the implementation of the "Raise the Age" law, these changes have a meaningful intent but they unfortunately lack the deep insight as to how it will work in reality.

Again, taking no stance on the merits, I urge both houses of the legislature to ensure the final determinations of any criminal justice reforms takes into consideration the safety and feasibility of the entire system to accommodate these changes. I, along with many of my colleagues throughout the system, am surely willing to help address the potential hurdles that may arise and welcome the opportunity to be an active participant in the implementation of these reforms.

Another important issue I want to address today is the disability retirement inclusion bill, which was vetoed for the fifth consecutive year in 2018. While it is a tremendous disappointment to have such a badly needed bill vetoed, we thank each and every member of the legislature for its unanimous passage in every legislative session since 2014.

Governor Cuomo's veto message noted that the measure would be a fiscal burden the State could not bear, however, that determination was made when coupling it with many other unrelated bills. The veto message requests to include funding in the budget process, as we have done so in the past, only to see it get redlined. We are endeavoring to approach the funding mechanism aspect differently so that it would be in place beyond this budget cycle. Apart from the particulars of financing, it is important to note that this proposal protects Court Officers in the same fashion that our brothers and sisters in uniformed service are protected throughout the State, should they be injured in the workplace. As it currently stands, a Court Officer would not be entitled to the same benefits as police, fire, corrections or sanitation workers in retirement as a result of an on-duty injury. Technically, a freak accident could occur forcing one to retire with those benefits, but, not if they were injured in the performance of their duties. As I am sure you all agree, this is an odd loophole that should be corrected as every violent crime in the State passes through our doors. In addition to the extremely tense situations

present in our Family courts and matrimonial parts as well, there are physical altercations on a daily basis. We are not looking to invent a new benefit here, we only seek to have the same fair and equitable treatment that many other uniformed personnel in this state receive. We will continue to fight for this and I look forward to speaking to you all about it once again while requesting full throated support from the Legislature.

In closing, I thank you for this opportunity to come before your today to address the most critical issues affecting my members and the security of our courts. Based on our past collaboration on policies that govern the operations of our court system, I am fully confident we all share the same objective, to make New York a better place for those we represent. I stand, as always, prepared to assist you in any way possible to make sure we meet the challenges ahead and so that together we can enhance the security of our court system for everyone.