

New York State Department of Corrections and Community Supervision

Fiscal Year 2025 Budget Hearing

January 25, 2024

Testimony of Daniel F. Martuscello III, Acting Commissioner

Good afternoon, Chair Krueger, Chair Weinstein, and other distinguished members of the Legislature. I am Daniel Martuscello III, the Acting Commissioner for the Department of Corrections and Community Supervision. It is my honor to discuss some of the highlights of Governor Hochul's Executive Budget plan and the various initiatives that will benefit the Department and enhance public safety.

The Department continues to implement a multitude of structural changes as a result of shifting demographics and legislative initiatives. The incarcerated population has been on a consistent downward trend, decreasing 55% from our high of 72,773 in 1999 to the current population of 32,750. This dramatic reduction in the incarcerated population has resulted in our ability to right-size the system with the closure of facilities and consolidation of housing units across the state.

While we have been focused on ongoing recruitment and retention efforts, we continue to have critical vacancies throughout the Department, particularly with the position of Correction Officer. This issue is not unique to New York as correctional systems across the nation are struggling to meet staffing demands. As a result of current staffing levels and excess capacity, the Executive Budget recommends the closure of up to five correctional facilities to ensure the safe and efficient operation of the system. This will assist us in managing the population, utilizing staff more effectively, and operating programs in a safe manner, while we continue to focus on our recruitment efforts. Staff wellness and retention initiatives will be prioritized to ensure the hardworking employees of the Department are provided the support and relief they deserve.

Facility safety will continue to be an issue of overriding concern. Last year, there were 1,671 assaults on staff, a 13% increase, and 2,107 incarcerated on incarcerated assaults, a 42% increase. The rates for both categories of assault were the highest ever recorded. No one should have to endure the threat of violence at their place of work or

fear for their safety while residing in any of our facilities. We will continue to work with all stakeholders to enhance safety and security and pursue solutions to drive down assaults within the system, including the deployment of new technology such as body scanners, enhanced staff training, and introduction of new and innovative programs to ensure we are addressing the population's risks and needs.

I believe that education, in all its forms, is transformative in a correctional setting and a key pillar to the Department's mission and an individual's success. Building on the Governor's vision to restore TAP eligibility for incarcerated individuals, we will expand college programming from the current 36 to all facilities. This will open additional avenues to higher education for the population so that they may enrich themselves and their peers, while serving as role models for the remainder of the population. We will also seek to enhance existing programs and institute articulation agreements to ensure credits are transferable between facilities and there is no interruption in a college student's education. Understanding that not all individuals are suited for college, it is critical that we address reading comprehension as a building block for further educational advancement. Accordingly, the Executive Budget includes funding to institute a reading remediation program to enhance reading skills among the population. Through these initiatives, the Department will expand the availability and quality of education programs so that incarcerated individuals can reach their true potential.

Recognizing that the trades are an important facet of our society and an area with tremendous job opportunities, the Department continues to implement several programs included in the Governor's Jails to Jobs initiative. These include the expansion of our Auto Tech and Commercial Driver's License programs, as well as new initiatives such as Heavy Equipment Operator and Coding programs. The Department is laser-focused on enhancing employment opportunities for the individuals in our care and will continue to evaluate programs to provide economic security for individuals releasing to the community.

In 2022, the Department began piloting the Edgecombe Transitional Housing Program – a first-of-its-kind program for undomiciled men returning to New York City to receive transitional housing and social supports as they seek permanent housing and employment. The program has been a great success and has prevented over 215

individuals from entering the New York City homeless shelter system. This year, building on our success, we will expand this initiative to include undomiciled women who are returning to New York City, with additional financial support for those who secure permanent housing.

Among our Community Supervision operations, working with the Board of Parole, we have seen a significant reduction in the number of releasees on supervision, with our current population at 17,730 individuals. As part of Governor Hochul's Jails to Jobs initiative, the Department hired Employment Parole Officers that are deployed throughout each of the community supervision regions and are tasked with connecting releasees with employment resources and opportunities in their communities. This initiative, combined with the lower population, has enabled us to focus our efforts more centrally on an individual's needs, employment, and overall adjustment to release and supervision to promote their success, reduce recidivism, and increase community re-integration.

Last year, Governor Hochul advanced a bold agenda to reduce gun violence and violent crime which included the launch of a new initiative called SAVE, Supervision Against Violent Engagement, in Albany, Buffalo, Rochester, and Syracuse. SAVE identifies individuals under community supervision who are at the highest risk of reoffending in a violent manner. Since the program began, more than 80% of participants have successfully adjusted to supervision. Fifteen percent of SAVE cases resulted in arrest, with more than half of those arrests being firearm related, as compared to only 9% of non-SAVE firearm related arrests. While the program is still being evaluated, these early indicators show that the SAVE initiative is having an impact on community gun violence. This year, we will establish two specialized versions of SAVE – one for those at high risk of engaging in domestic violence and the second for individuals with a mental health diagnosis which will better connect them to behavioral and mental health services in the community, in partnership with the Office of Mental Health. The Department will utilize advanced supervision tactics, community-based referrals, and information sharing, to ensure access to services and enhance overall public safety.

Under the previously enacted Medication Assisted Treatment law, the Department is now offering all forms of MAT in our facilities to address substance use disorder among the population. In 2023, we provided lifesaving MAT medication to 5,831 incarcerated

individuals. Recognizing the Governor's commitment to fight the opioid crisis, DOCCS will continue to work with OASAS to leverage available opioid settlement dollars to enhance services in the correctional setting.

The overall safety of our staff and the security of our facilities and area offices remain a top priority for the Department, while providing progressive programs and employment opportunities for the population. The Department is fully committed to supporting our workforce and recruiting the next generation of corrections and community supervision professionals, who will continue to be our most valuable resource in advancing our mission into the future. The Governor's budget positions the Department for success and addresses our staffing issues by leveraging excess capacity to the benefit of the entire agency, as well as the taxpayer. Thank you for the opportunity to appear before you today. I will be happy to answer any questions.