



THE NEW YORK STATE PUBLIC EMPLOYEES FEDERATION TESTIMONY

Public Protection Joint Legislative Budget Hearing
2026-2027 Executive Budget Proposal
February 12, 2026
Testimony by Wayne Spence

Good afternoon, Chairpersons Krueger, Pretlow, Salazar, Dilan and other honorable members of the Legislature. My name is Wayne Spence, and I am the president of the 56,000-member strong New York State Public Employees Federation (PEF). I want to thank you for the opportunity to speak to you about Governor Hochul's 2026-27 Executive Budget as it relates to public protection. Our union is composed of professional, scientific and technical experts who provide critical services to the residents and taxpayers of New York State. PEF represents more than 4,000 employees at the Department of Corrections and Community Supervision (DOCCS).

PEF members provide critical addiction, education, health, mental health and rehabilitative services for the incarcerated population. PEF also represents Parole Officers and Revocation Specialists, who work with the formerly incarcerated. These are all areas critical to help DOCCS fulfill its mission and provide needed services to those who are part of the criminal justice system.

PEF fully supports the effort to reduce the state's incarcerated population and to enhance transparency and accountability for all incarcerated individuals and staff at DOCCS. To that end, we believe that the state must do much more to meet its obligation to increase safety and security of the incarcerated population and staff by increasing staff, enhancing staff training and support, addressing the mental health crisis faced by staff and providing accessible state-operated supports and services for both the incarcerated and formerly incarcerated population. Unfortunately, PEF sees no real effort by the Executive to address the security concerns that continue to plague the state's correctional facilities.

2026-27 Executive Budget Proposal

For the Public Protection Budget, the Executive proposes the following appropriations for outside staffing at DOCCS:

- \$535 million for National Guard at DOCCS facilities
- \$22 million to support contract nursing costs at DOCCS.

While PEF understands and appreciates the complexities of the current situation, continuing to ignore the safety and security concerns of staff and the incarcerated population will only further contribute to the inability of the state to meet its staffing and service delivery needs. The use of untrained National Guard troops to provide security is untenable and unfair to the guard members and the communities from which they come. The continued use of National Guard troops and traveling nurses will only result in fewer and lower quality rehabilitative services for the incarcerated population and increased

costs for security services. This is not a solution to the problem – we need real solutions to the safety and security concerns brought by staff.

In order for policymakers, staff, incarcerated individuals and advocates for the incarcerated population to get on the same page, we offer the following principles for accountability and security:

I. Universal Pillars of Understanding Regarding Violence at DOCCS

- All New Yorkers support the humane treatment of all people in this state;
- It is absolutely unacceptable for any individual to come into harm's way while in the custody of or working for DOCCS;
- All incarcerated individuals and staff want to return home to their lives, families and their communities without injury or harm;
- Violence is violence regardless of who perpetrates it;
- All stakeholders should have a seat at the table, all stakeholders should be heard, and all stakeholders have a responsibility to work toward common-sense and common-ground solutions to end the cycle of violence in the state's DOCCS facilities.

II. Additional Policy Prescriptions

A. Rebuild DOCCS' Professional Workforce

One area where policymakers continue to underperform is how to deal with the staffing crisis at DOCCS. Policymakers repeatedly indicate that New York wants to transform its correctional system to provide more therapy and support, but resources dedicated to those purposes continue to be elusive.

By most estimates, about 40% of the incarcerated population have mental health issues, addiction problems, and/or learning or behavioral disabilities. Yet, the state does not have adequate staffing to provide even a base level of security, let alone treatment and support. The state needs to invest in staffing and professionalize the staff at DOCCS. To that end, PEF recommends the following:

1. Fix Tier 6: One way to increase the likelihood of filling some of the nursing and other civilian job vacancies at DOCCS is to "Fix Tier 6" of the State's pension plan.

PEF appreciates the efforts made as part of the 2024 State Budget which continued the process of correcting the inadequacies of Tier 6 by reducing the final average salary calculation from five years to a three-year final average salary benefit and excluding overtime compensation from the calculation of an employees' contribution rate until March 31, 2026. We need to do more. Working with other public employee unions, we will be seeking your support for additional improvements that will help attract and retain a career workforce.

The most cost-effective, universal way to positively impact public sector hiring, and more importantly retention, is to improve the pension plan. We look forward to engaging in this discussion with you directly over the coming weeks.

2. Increasing Compensation for Staff: The state just increased compensation for corrections officers and should do the same for the civilian staff so the state can attract and retain quality candidates and so quality candidates from across the state actively seek employment at DOCCS. These are difficult jobs that require significant training and re-training. Simply opening up the candidate pool to younger, less experienced individuals doubles down on the current system that undercuts the need for educational experience and maturity to provide effective rehabilitation and treatment.
 3. Professional Development: Expand training and professional development opportunities and requirements so staff can deal with behavioral and other issues, train on de-escalation techniques, and periodically re-train in order to stay current.
 4. Mental Health Support: Develop professional mental health support networks for corrections officers and staff and de-stigmatize such support by making it a regular and normal requirement of employment.
- B. Expand Access to Protective Custody: PEF supports allowing facilities to use segregated housing units for protective custody, if needed. The state needs to develop a fair process for placement, and such placement should not extend beyond a certain point without extenuating circumstances. Allowing incarcerated individuals to access this type of safe space enhances the security of the individual, while also mitigating any need to commit an

assault or other offense to be remanded to segregated housing under the current law (Correction Law, Section 136 (6)(k)).

- C. **Personalized Treatment and Sanctions for Repeat Offenders**: Current law requires “therapeutic programming” for incarcerated individuals who committed certain dangerous violations (Correction Law, Section 137 (6) (k)(ii)). However, under current law, there are limited sanctions available for incarcerated individuals who repeatedly violate those provisions. In order to establish the need for personalized mental health treatment and to remediate behaviors through progressive discipline for incarcerated individuals, PEF supports supplemental discipline for incarcerated individuals who commit two or more dangerous violations against staff or other incarcerated individuals in a 12-month period.

- D. **Expanded Treatment**: PEF supports expanded programming to address the mental health, behavioral, addiction and other issues experienced by the incarcerated population to reduce violence and provide for a more successful re-integration upon release. This will break down barriers between staff and the incarcerated population and provide a menu of more effective violence remediation strategies based on the individual’s condition(s).

- E. **Merit Time**: PEF supports the recent expansion of the merit time program for incarcerated individuals who demonstrate rehabilitation. Merit time programs foster understanding of appropriate conduct and help shape positive behaviors. All merit time programs, however, must have actual benchmarks and demonstrate success. Providing merit time based on time already served, without identifiable and achievable benchmarks to demonstrate positive individual change or achievement, undermines the judicial system and entire merit time concept. Additionally, when expanding these types of programs, the state cannot ignore the fact that parolees who are released through merit time or other early release programs, are still serving the sentences for their original convictions. As such, appropriate staffing is also needed in Community Supervision so there is adequate oversight and parole officers can continue to support parolees and build on the positive momentum established with the merit time release.

PEF opposes any further expansion of merit time credit without a commensurate increase in parole officer staffing.

Thank you for the opportunity to provide testimony on this important matter.

Respectfully submitted,

Wayne Spence

President, New York State Public Employees Federation