

New York State Department of Corrections and Community Supervision

Commissioner Brian Fischer on Governor Andrew M. Cuomo's 2012-13 Executive Budget

Before the Senate and Assembly Fiscal Committees

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Good morning Chairman DeFrancisco, Chairman Farrell, and members of the legislative fiscal committees. I am Brian Fischer, Commissioner of the Department of Corrections and Community Supervision. I appreciate your time this morning to discuss Governor Cuomo's Executive Budget for Fiscal Year 2012 – 2013.

Since the former Division of Parole and the Department of Correctional Services merged last year, I will be speaking of matters related to prisons, community supervision and the Board of Parole. I have asked Andrea Evans, Chairwoman of the Board of Parole, to join me in the event there are questions specific to the operations of the Board.

The Executive Budget proposal for 2012-2013, as did last year's budget, speaks directly to the issues of performance and accountability, and the goals for the Department of Corrections and Community Supervision for the upcoming fiscal year reflect those pursuits.

The proposed budget calls for a General Fund appropriation of \$2.5 billion dollars and a workforce of 29,773 responsible for approximately 95,000 offenders both inside our prisons and under community supervision.

The Executive Budget also includes funding to resume correction officer training classes in order to replace those leaving state service. Given the current rate of attrition, seventeen (17) classes are planned. In addition, at least one parole officer training class has been planned to address a small projected decrease in parole officers.

Furthermore, the Executive Budget includes legislation that requires all sex offenders undergoing SOMTA review to remain in the custody of the Department of Corrections and Community Supervision pending the outcome of all judicial civil commitment proceedings until the maximum expiration date of their sentence, or until released to parole supervision.

Last year, under the Governor's leadership, we successfully closed seven (7) prisons, and merged two state agencies; all designed to make state government more efficient and fiscally responsible.

This year the agency will concentrate on the need to evaluate what we've put in place by moving toward research-based analysis, completing the merger of the two agencies, and establishing a risk/needs approach to both programming and community supervision that is designed to reduce recidivism through better predictability considerations.

This past year I have worked closely with Chairwoman Evans to make certain that the Board of Parole in its entirety has the resources necessary to properly execute their duties and

responsibilities with the measure of independence envisioned by the Legislature. In fact, under Chairwoman Evans' leadership, the Board has adopted a mission statement to accurately reflect its role and autonomy in the criminal justice community.

"To ensure public safety by granting parole when appropriate under the governing standards, revoking community supervision when necessary and discharging offenders from their sentence when it is in the best interest of safety."

Members of the Board and its staff will continue to work on special issues with corrections like Medical Parole, and will be using a new Parole Board Criminal History Report being developed with the Division of Criminal Justice for a more comprehensive review of an offender's criminal and previous Parole supervision. This will be used in conjunction with the risk/needs assessment tool mandated by the legislature.

Lastly, the Board of Parole will be finalizing a formal operating manual, detailing standards to be followed by all members and staff and closely monitoring the revocation process that is under their responsibility.

With the success of our Edgecombe Residential Treatment Program we will open a similar unit of 60 residential treatment beds at Orleans Correctional Facility. Parolees from the Buffalo and Erie County area, having trouble in the community, but otherwise deemed appropriate, will be transferred from local jails to Orleans Correctional Facility within 24 hours to participate in a forty-five day treatment program. Not only will we keep parolees from coming back into prison for an extended time, but we will remove parolees from local jails, thus saving state and county taxpayers the cost of local or long term incarceration. This will allow us to expand community supervision's use of what has become known as "graduated sanctions."

The merger of the two agencies has allowed, and will continue to allow, a better understanding of risk/needs and re-entry programming with an emphasis on government working smarter and more efficiently.

While the legislature last year made the use of a risk/needs instrument a requirement for inmates appearing before the Parole Board, we will be expanding that approach by initiating a comparable risk/needs assessment tool upon reception, followed by a data-based treatment initiative for in-prison programming, followed by the required pre-release risk/needs assessment. In Fiscal Year 2012/13 we will also begin, on a regular basis, to use a new risk instrument on all sex offenders under community supervision designed to highlight potentially negative changes

in thinking and behavior. Such a tool will enable the Parole Officer to more quickly respond to changes in order to modify the offender's supervision needs.

The goal is to better plan, provide and document treatment from day one through release and community supervision for every offender. We are seeking a better understanding of what the treatment needs of our inmates are, and what programs have the greatest likelihood of reducing recidivism for those released.

With respect to the review of sex offenders under SOMTA, efforts have also begun to ensure that both DOCCS and OMH can more openly share information about an offender's conviction, pre-sentence report, evaluations, prior parole supervision, in-prison treatment, Parole Board hearing appearances and any other information each agency has available. The goal is to ensure both OMH and DOCCS make available to the court the most detailed and fully developed information we can compile relative to an inmate's mental health status and potential risk of re-offending.

FY 12/13 will mark the first full year the SHU Exclusion Law will be in effect. We will use the year to more critically evaluate the five (5) residential mental health treatment units, which were established primarily to meet the law's requirement.

Given the cost of these programs it is important that we continue to monitor their effectiveness. One measure of success, similar to that used in the community by mental health experts, is how long after release from any program does the inmate relapse, what may trigger the relapse, and what type of behavior does he or she demonstrate. Conversely, we need to consider the fact that for many inmate-patients, continued placement in such programs is the best course of treatment for him or her, to say nothing about the safety to staff and other inmates.

Lastly, in the coming year we will be conducting a facility by facility review relative to staffing needs to re-establish what our security and all other staffing needs are, with the parameters established in the Executive Budget. Of particular concern is to ensure that we have the right programs, and the right program staff assigned to each facility.

Thank you for your time and opportunity to discuss these matters with you today. Chairwoman Evans and I would be happy to answer any questions.