

New York State Department of Corrections and Community Supervision

Commissioner Brian Fischer on Governor Andrew M. Cuomo's 2013-14 Executive Budget

Before the Senate and Assembly Fiscal Committees

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FY 2013/2014 Budget Testimony

Department of Corrections and Community Supervision

Good morning, Chairman DeFrancisco, Chairman Farrell, and other distinguished Chairs and members of the Committees. My name is Brian Fischer, and I am the Commissioner of the New York State Department of Corrections and Community Supervision. Sitting next to me is Andrea Evans, the Chairwoman of the Board of Parole.

The Executive Budget for Fiscal Year 2013/2014 continues the transformation of State government envisioned by Governor Cuomo over the past two years to improve the delivery of services while operating more efficient and effective state agencies. This budget addresses three critical management components: running a cost effective prison and parole system that maintains safety and security in the prisons and in the community; providing treatment services to meet the needs of the two offender populations under the Department's care; and reducing recidivism.

The Executive Budget recommends a total appropriation of \$3.1 billion that includes General Funds (\$2.6 billion), Capital Funds (\$310 million) and Other Funds (\$192 million). These funds are necessary to provide for a population of approximately 91,000 offenders, consisting of 54,600 inmates and 36,800 parolees, and to continue meeting infrastructure needs of fifty eight (58) correctional facilities, seven (7) community supervision regional offices, and numerous leased spaces across the state.

The Executive Budget provides support to allow the Department to: provide existing needed services to the offender population; provide for security at community supervision sites previously funded through ARRA money; schedule correction officer recruit classes to correspond to our attrition rate; maintain the potential for a Parole Officer class depending upon attrition; and implement several new initiatives and other programs considered necessary to improve the services provided to inmates, parolees and the safety of staff.

The Executive Budget also recommends, as the next logical step in the downsizing of the agency given the continued decline in the inmate population, the closure of two small correctional facilities with female inmates. The number of inmates that were at Bayview before Hurricane Sandy forced us to evacuate the facility, and together with the number of inmates currently housed in Beacon, can be readily absorbed into two medium security correctional facilities without the need for additional new staff positions. It is anticipated that the state would save \$18.7 million in Fiscal Year 2013/2014 with the closing of the two facilities.

In addition, the Executive Budget recommends a total workforce of 29,471 Full Time Employees, an increase of 134 positions over the Fiscal Year 2012/2013 workforce. The 134 additional positions include 100 reinvestment items should Bayview and

Beacon close. The agency will use these 100 items to establish positions considered necessary.

Specifically, DOCCS will ensure compliance with the Prison Rape Elimination Act (PREA) by implementing a comprehensive prevention, investigation and reporting program designed to respond to any allegation of sexual abuse or sexual harassment made by an offender. This new law will strengthen the Department's existing zero tolerance policy against such action which already includes making it a duty to report any allegation and is consistent with legislation passed by New York that makes it a crime for staff to engage in sexual conduct with an offender (inmate or parolee). A significant number of the 100 reinvestment positions will go toward meeting the PREA requirements.

Second, two (2) new health positions for nurses will be created at Mohawk Correctional Facility so that, with the agreement of the Office of Mental Health, the facility can accept inmates who OMH identify as Level 2 inmates with mental illness. Increasing the number of medium security facilities that can provide services to these inmates will provide greater flexibility in distributing these inmates throughout the system.

Third, well before recent criticism was voiced concerning the Department's use of disciplinary segregation, we began to address the issue. I established a Special Housing Task Force to examine all aspects of disciplinary confinement within the special housing units and to make recommendations for improvement. One recommendation that the Executive Budget provides for is the creation of several new Commissioner's Hearing Officers. These positions will be held by experienced lawyers and will be assigned to hear complicated disciplinary cases. Reporting to the Counsel's Office, they are independent from facility staff in terms of making decisions regarding an inmate's disciplinary case. They are also charged with the training of facility staff who act as hearing officers, ensuring that agency policies are followed and do not conflict with an inmate's rights under the law.

Finally, the balance of the new positions will be distributed across the system based on a continuing assessment of our critical needs. Priorities will go toward security staff needed to provide safe environments for both staff and offenders alike.

The medical, mental health and substance abuse needs of the offender population are significant. The lack of education and vocational skills of those entering the system is overwhelming.

On a programmatic level, the Executive Budget gives the Department the opportunity to enhance its educational, vocational and employment readiness programs with the goal of better preparing inmates for their return to the community. Concentrating on reducing recidivism, the Department seeks to employ research-based best practices to focus on programs that have been shown to have the greatest impact on those released back into the community, particularly those placed on community supervision (Parole).

Assisting in the programmatic area, \$5.9 million has been allocated to Local Assistance, and \$11 million allocated within Internal Services, to provide for housing, treatment and transitional employment for offenders released on Parole across the state. Recent emphasis has been placed on contracting for such services in the upstate counties as more and more parolees are returning upstate rather than to the five (5) boroughs of New York City.

The Executive Budget recommends the transfer of the former Fulton Correctional Facility in the Bronx to the Osborne Association, a non-profit organization that has provided treatment and supportive services to offenders and ex-offenders for many years. If approved, the organization will establish a valuable resource for individuals released from prison who seek assistance in making a positive readjustment to community life.

In conclusion, the Governor's Executive Budget proposal furthers public protection while maximizing the impact of the Department's resources. Thank you for your time. Chairwoman Evans and I welcome any questions you may have.