

Testimony of
Michael B. Powers
President
New York State Correctional Officers & Police Benevolent Association, Inc.

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on the
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Chairwoman Krueger, Chairwoman Weinstein, and other distinguished Chairs and members of the Legislature, I am Michael Powers, President of the New York State Correctional Officers & Police Benevolent Association, Inc. On behalf of the more than 30,000 active and retired members of NYSCOPBA, thank you for the opportunity to submit this testimony and discuss the current state of New York's Correctional Facilities.

Over the past several years, healthy discussions have occurred nationally on how to create a more just society for all. Whether it be debating the role of law enforcement in policing our communities, to decriminalizing recreational drugs, everyone has brought their experiences and opinions to the table with vigor and furor. New York has been at the forefront of progressive criminal justice policies, and unfortunately, the decisions made by the elected leaders in our state have resulted in tremendous consequences for the brave men and women who work in our correctional facilities.

Last week, members of the New York State Legislature sat in this very room and took an in-depth look at crime statistics while debating hotly contested topics like bail and other criminal justice reforms. Several lawmakers proclaimed that their decisions are based on "facts and data," and not "conjecture or sensationalism." Well, the past year's statistics on prison violence couldn't be clearer. Laws put in place by the New York State Legislature, like the HALT Act, has resulted in a more unsafe work environment for staff and a more dangerous living environment for the incarcerated community.

This isn't hyperbole, this is a one-to-one correlation using the State's own data. Days after the implementation of the HALT Act, violent assaults in our prisons skyrocketed. Many incarcerated individuals knew this change was coming, as we received reports of "15 days" being chanted by groups of incarcerated individuals before HALT went into effect. Then, due to the inability to separate dangerous individuals who assault others for any meaningful amount of time, a new baseline of violence was created and sadly, it hasn't wavered since.

Since the implementation of the HALT Act on April 1, 2022, violent assaults on staff have increased over 30%. Over that same timeframe, inmate-on-inmate violence is also up nearly 30%. Simply put, 2022 was the most violent year in our correctional facilities in New York State history. Single year records were set in both inmate-on-staff assaults and inmate-on-inmate assaults. The data is right there for the public to see and for our elected leaders to review. These are not the "paper cup" assaults some would have you believe.

Not only have the number of assaults significantly increased, but the severity and boldness of the attacks have also increased. For example, in early February 2022, a female correction officer working in Attica Correctional Facility was sexually assaulted by an inmate as she was escorting him from a COVID-19 testing site inside the facility. In plain sight of other incarcerated individuals, staff, and officers, the inmate brazenly attacked the female officer, grabbing her in her groin area multiple times and groping her in other areas of her body. He violated her both as a sworn officer of the law and as a human being, simply disgusting behavior. And yet thanks

to the HALT Act, this individual was afforded out of cell time in a congregate setting only days after this attack, free to sexually assault another victim. I ask, how does that make prisons any safer? I was able to personally meet this brave officer and talk to her about how this incident has impacted her daily life. I'm proud of how she has not allowed this sexual assault to define her and her motivation to use her horrific experience to help other officers who have endured trauma while simply trying to do their jobs. I'm honored to represent her here today and I thank her for allowing me to share her story with you.

The viciousness of the attacks isn't targeted just toward staff, but the incarcerated community alike. Just a few short weeks after the enactment of HALT, there were two inmate-on-inmate homicides. These reprehensible acts matched the total number of in-facility homicides over the previous three years. Now under the HALT Act, inmates who murder fellow inmates are legally required to receive out of cell time in congregate settings a mere 15 days after committing their horrific crime, putting other incarcerated individuals, and staff, at risk of being the next victim.

For years, NYSCOPBA has warned this body of government that enacting policies like HALT would lead to more violence, and unfortunately, we were right. The proponents of HALT in the New York State Legislature refuse to acknowledge the data, instead doubling down on their misguided beliefs that HALT would make our prisons and jails safer by calling us "liars" and using trigger words like "torture" to deflect their own culpability in creating these horrific conditions. How is it torture to be secured alone in a cell after violent behavior against others when other people need to be protected from the violence? How is it torture to then be provided in their cell an internet-connected tablet for reading books, listening to music, playing games, and emailing and making phone calls to friends, family, and other loved ones? Surely, dangerous incarcerated individuals can spend more time separated from their targets under these conditions without it being called torture.

In society, law breakers go to prison to keep them separate from the population. The same used to be true in our correctional system, for the good of staff and those just trying to safely do their time and move on with their lives. Now, the worst of the worst roam freely and staff suffer, those seeking to rehabilitate themselves suffer, and their families suffer. The worst of the worst have more power than they've ever had.

As our members see our elected leaders ignore our pleas for help and instead attack the brave men and women who work inside our prisons, morale has plummeted. The Executive Budget proposal unveiled last week talks about a state workforce crisis and corrections is at the forefront of that. Due to the deteriorating conditions in our facilities, recruitment and retention of staff is a major issue. Officers who have decades of experience are simply walking away from the job because it is too dangerous. Prospective candidates see the skyrocketing prison violence data and simply withdraw their applications. This in turn creates staffing shortages, mandated overtime, and loss of regularly scheduled days off for existing staff. The working conditions are so grim, I fear not only for the health and safety of our members, but for the future of our facilities. We simply cannot continue down this path.

While we support efforts by the Governor, including her proposal to lower the hiring age for correction officers to increase the applicant pool, and the introduction of body scanners at visitor entrances to stem the flow of contraband into our facilities, more needs to be done to ensure our staff's safety.

That's where you, the New York State Legislature come in. I propose to you that it's time for our elected leaders to finally listen to the subject matter experts, recognize the factual data, and act accordingly to rectify this situation. Ignoring the rise in violence isn't an option. The health and safety of everyone who works or resides in a prison facility is in jeopardy and inaction only puts more lives at risk.