NEW YORK STATE | Corrections and Community Supervision

Acting Commissioner Anthony J. Annucci on Governor Andrew M. Cuomo's

2015-16 Executive Budget

Before the Senate and Assembly Fiscal Committees

Legislative Office Building, Hearing Room C

February 26, 2015

FY 2015/16 Budget Testimony

Good Morning. Chairman DeFrancisco, Chairman Farrell, and other distinguished Chairs and members of the Legislature present here today, my name is Anthony J. Annucci, and I am the Acting Commissioner for the New York State Department of Corrections and Community Supervision. It is my honor to be here today to briefly sketch some highlights of the Department's proposed budget and then to answer any questions you may have.

As was the case for the four prior fiscal years, the Department's proposed Executive Budget for Fiscal Year 15/16 again advances Governor Cuomo's vision to transform state agencies for the benefit of all New Yorkers, to focus upon the performance of core responsibilities in a sound and cost-effective manner, while increasing outcome measures, accountability, transparency and operational efficiencies. This is a significant undertaking for an agency this large when one considers that the Department incarcerates approximately 53,000 inmates in fifty-four different correctional facilities, supervises approximately 35,900 parolees among seven different regional bureaus, and employs nearly 29,000 staff.

The budget for this agency is driven in large part by the overall criminal justice picture for the state. New York continues to be the safest large state in the country, as both crime rates and incarceration rates continue to decline. In accordance with the Budget that was approved in Fiscal Year 14/15, on July 26, 2014, four correctional facilities were closed, three of which were medium security, while the other was minimum security. Altogether, 13 facilities have closed during the first term of Governor Cuomo, eliminating 5,500 unneeded prison beds.

In the wake of the four closures last year, the Department reinvested funding into the system for 275 correction officer positions, and we were able to successfully transition nearly all security staff that were impacted. Combined with civilian staff, we placed 94% of those impacted. We continue to

process new correction officer recruits through our Training Academy at a rate that is keeping pace with our attrition rates.

In January of this year, for the first time since 1990, our in-prison population has fallen below 53,000. Based on current population projections, we anticipate that the decline will continue, but it will be very gradual. Nevertheless, it will allow the Department to consolidate some medium security dorms, and thus, free the security staff to perform other duties. Additionally, we have continued to gradually dismantle those double-cells in our maximum security facilities, which originally were built as single occupancy cells. To date we have dismantled 576 double-cells at 11 male, maximum security facilities, and we have recently started the process at Attica, where to date, 22 double-cells have been dismantled. The Department plans to gradually continue this process.

As we move forward, facility safety and security will remain a top priority. As a result of the fiscal year 14-15 budget, we have entered into a Memorandum of Understanding with NYSCOPBA and Council 82 to conduct a review of the security staffing at each facility, and to develop a three-year plan to enhance safety in our institutions. These agreements represent an historic partnership between management and the two unions representing security staff, whereby they are afforded an opportunity to provide valuable input, both at the local and at the statewide level. We have now completed one-third of the facility reviews and are awaiting additional feedback from the unions.

In July of 2014, a memorandum was issued establishing criteria for facility superintendents to consider prior to closing a security post. As a direct result of these criteria, we have seen an overall reduction in the average number of daily post closures.

Also, in September of 2014, and as required by the budget, we established four graduated categories of employee and inmate injuries to better reflect the types of injuries sustained in our facilities from assaults. The prior three categories of minor, moderate and serious were reconfigured, and a new category of severe was added. Our first quarterly report, covering October through December of

2014, was issued last month, indicating that there were no severe injuries, and seven serious injuries on staff.

For our inmate population, the underlying conviction trends have changed, due in part to legislative initiatives such as the Rockefeller Drug Law amendments, leaving 65% of the population as violent felony offenders, and nearly ten thousand offenders with maximum terms of life. The Department has assembled a workgroup of agency staff to examine the rise in assaults and develop recommendations for short-term and long-term remediation. The workgroup, which is called the Security Management Assessment Review Team, or SMART, reviews and analyzes facility operations, population management strategies and a host of available data. This will be an ongoing endeavor, in partnership with the unions, and to better inform decision making, it will include the receipt of intelligence information from outside sources such as the New York City Police Department.

We have also recently launched a special training module for all facility employees to safely and effectively handle difficult situations with inmates. It is called "Awareness, Understanding and Prevention of Aggressive Behavior" and it reviews verbal and non-verbal techniques to safely diffuse a situation. This training, coupled with our SMART initiative, reinforces our commitment to take all reasonable steps to reduce violence in our institutions.

Turning now to re-entry, the areas of focus will continue to be housing, employment, education and health care. We again will prioritize the delivery of evidence-based programs that will reduce recidivism by reliance upon the risk, needs and responsivity model. With the assistance of our partners from the Division of Criminal Justice Services, this year we will build on the assessments provided by our risk and needs instrument, in order to adopt a Results First Model into our inmate program assignments, ensuring that the right inmate is receiving the right program, to better prepare him or her for release to the community. The Results First analysis has provided valuable evidence

that our academic and vocational education programs deliver a good return on our investment by reducing recidivism and victimization. They will continue to play a key role in the upcoming year.

Another important re-entry related initiative is the enrollment of our inmate population into Medicaid. The Department continues to collaborate with the Department of Health and has expanded its focus upon those inmates who will soon be releasing to the community and those inmates with high rates of admission to an outside hospital. It is our goal to enroll every eligible inmate that is under custody to facilitate a continuity of care upon release to the community, and ensure that they have access to needed mental health services, substance abuse treatment and appropriate health care, including prescription medications.

Shifting to our parolee population, there are approximately 35,900 parolees under community supervision. In November of 2014, we released a new recidivism report which shows that just nine percent of ex-offenders released in 2010 were sent back to prison based on new felony convictions within three years of their release. The figure is the lowest since monitoring started in 1985, and it validates the Governor's vision for a safer New York when he directed the merger of the former Department of Correctional Services and the former Division of Parole in 2011.

Going forward, it is our commitment to continue to rigorously pursue the transformation of public safety. To ensure that the numbers remain low, to improve outcomes, and to increase efficiency in community supervision, the Department will launch a demonstration project that will transform the way in which it supervises parolees in the community. The acronym for this initiative is RESET, which stands for Recidivism Elimination Supervision Enhancement Teams. Success will be defined as a reduction in recidivism by parolees, meaning fewer new crimes committed under supervision and fewer technical violations of release that result in returns to state prison. This will be accomplished by focusing supervision efforts on the public safety outcomes that matter most, like risk reduction and behavior change, instead of process outputs like the number of contacts a parole officer has with the

parolee. This initiative will also heavily rely on rewards for positive behavior, as well as swift, certain, uniform and fair sanctions for negative behavior, that can include brief detentions where warranted, without the necessity of a formal parole violation proceeding. Primary outcomes will include reduced recidivism, use of local jails, victimization, absconding, and unnecessary returns to state prison.

The Department will also continue to leverage technology to improve supervision outcomes. We recently launched a pilot program whereby a total of five Applio employment kiosks were installed in the Bronx, Manhattan, Brooklyn, Queens and Nassau, in full support of the interest expressed by Governor Cuomo's New York State Council on Community Re-Entry and Reintegration in improving employment opportunities for newly released individuals.

The device is a Tablet PC that has been used successfully in other jurisdictions to connect the justice-served job-seekers with potential employers. The device allows an individual to access a secure web application and to conduct an on-line job search in the geographic area where the user is looking for employment. A unique feature of the device is the ability for the user to record an on-line interview regarding their interest, skills and experience that can then be viewed by potential employers. Initial feedback is that the device is intuitive and easy to use for both staff and parolees. Earlier this week, Applio devices were also installed at two Work Release facilities, Hudson and Lincoln. We plan to study the outcomes to determine how use of the devices has improved employment prospects for parolees and work release participants.

Another challenge to be faced in the upcoming year is the need to reduce the high rates of overtime. Recognizing our dual responsibility to operate the system in a safe manner, while also operating in a cost efficient manner within the limits of the resources allotted, the Department has developed an overtime review process, which was implemented in January of 2015. For the first time, overtime targets were established for each facility and for each program area therein. On a monthly and quarterly basis, overtime hours will be compared to the targets, providing superintendents with a

barometer to immediately assess their progress in meeting their established targets and develop strategies for course correction where warranted. As part of the review, on a quarterly basis, a tele-video conference will be scheduled between the facilities that are not meeting their target, and me personally, together with members of my Executive Team. This will allow me to hear directly from facility management about their efforts to meet the targets, and any mitigation strategies they employed, while at the same time allowing the superintendent the flexibility to address the needs of the facility and its safe operations with the appropriate use of overtime.

Compliance with PREA is another important initiative in the upcoming year. We will continue to advance our PREA-related work to combat sexual abuse and harassment of all offenders in our care and to comply with the national PREA standards. This includes enhancing our staff training, introducing a new inmate education program, which we believe will be the best in the nation, implementing new screening tools, expanding the availability of community-based victim support services, and aggressively responding to reports of abuse. The Department will also conduct reviews at facilities with high rates of reported sexual abuse to identify operational changes to mitigate the potential for such incidents.

Finally, we have launched a pilot Opioid Overdose Prevention training program at Queensboro Correctional Facility to provide inmates, who are preparing for release, with education about the dangers of opioid use, as well as training in the use of Naloxone, the medication for an individual who has overdosed on opioids. Inmates who complete the training can receive an intranasal Naloxone kit upon their discharge from custody. Our ultimate goal is to expand this program to all 54 facilities. In fact, this past August, the Department became the first New York state agency to be certified as an Opiod Overdose Prevention Program. In addition to allowing the dispensing of Naloxone to releasing inmates, this certification will allow our nurses to administer the medication without the necessity of first having to obtain a doctor's order.

In conclusion, there again will be many challenges, demands and expectations in the upcoming fiscal year for the Department. Nevertheless, the Governor's proposed budget will place the Department in an advantageous position to fulfill these expectations in a fundamentally sound and fiscally prudent manner, while simultaneously developing new initiatives to increase safety, lower recidivism and achieve better outcomes. Thank you for your time and I now would be happy to answer any questions you may have.