



Testimony of Anthony J. Annucci

**Acting Commissioner NYS Department of Corrections and Community
Supervision**

Before the NYS Assembly Standing Committee on Correction

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Good morning. Chairman O'Donnell, I am Anthony J. Annucci, the Acting Commissioner for the Department of Corrections and Community Supervision and have served in this capacity since May 1st of this year. I have worked for the Department for over 29 years in numerous capacities including as general counsel and executive deputy commissioner. I am pleased to be here together with Tina Stanford, the Chairwoman of the Board of Parole, to provide testimony to the Assembly Standing Committee on Correction regarding procedures and statutory requirements of the New York State Board of Parole.

Before discussing the Parole Board, I believe it would be useful to first reaffirm certain key Department tenets that are applied to all offenders – both those who are eligible for parole and those who are not. The Department's mission is to improve public safety by providing a continuity of appropriate treatment services in safe and secure facilities where offenders' needs are addressed and where they are prepared for release, followed by supportive services under community supervision to facilitate a successful completion of their sentence. We must provide programs of treatment that are designed to assist sentenced persons to live as law abiding citizens. In pursuit of our mission to provide impactful treatment, we have adopted evidence based practices, we follow the latest research, and we continually reassess and reevaluate the entire array of programs within our network, making changes where warranted.

With respect to the Parole Board, unquestionably, a number of key functions, as well as the scope of their responsibilities, have changed dramatically over the past twenty-five years and were the result of sweeping changes in the state's sentencing and correction laws, as well as the merger of the former Division of Parole with the former Department of Correctional Services in 2011. By the same token, a number of core functions and responsibilities that are performed by the Board have remained substantially in place and continue to be performed as originally envisioned.

One of the major legislative changes includes the enactment of the Earned Eligibility Program, which increases an eligible inmate's chance of parole by successfully participating in programs. In addition, determinate sentencing, first enacted for violent felons, was extended to virtually all drug offenders with the Drug Law Reform Act of 2004. Lastly, determinate sentencing was extended to almost all felony sex offenders with the enactment of the Sex Offender Management and Treatment Act of 2007.

The cumulative effect of these changes has not only significantly reduced the raw number of cases seen by the Board, but also, the types of cases it sees. For example, low-level drug offenders with indeterminate sentences have been removed entirely from the picture.

Perhaps the most significant change occurred in 2011 with the merger of the two former agencies into the Department of Corrections and Community Supervision, in fulfillment of Governor Cuomo's pledge to make state government more efficient and more responsive.

One of the guiding principles in the merger was to retain the Board's independent judgment.

Language, for example, was added to the correction law to emphasize the duty of the Commissioner to provide all resources necessary to enable the Board to continue in its independent decision making.

As a result, one of my primary duties as Acting Commissioner is to ensure that the Parole Board Commissioners have unhampered access to all relevant information, and are provided with sufficient resources to enable them to fulfill all of their statutory responsibilities, including their independent decision making authority, in a thoroughly capable and competent manner.

The results to date of the merger have been impressive. Since we are now all part of the same agency, our ability to share information and ideas, to facilitate joint training sessions, and to adopt improvements, have increased substantially. For example, Department staff who are responsible for case preparations can learn directly from Board Commissioners what they consider most relevant and why, and Board Commissioners in turn can learn about the nature and content of various Department programs, which include firsthand observation. This reciprocal learning process is ongoing and dynamic and will only further enhance the interests of public protection in our state.

Another result of the merger was the requirement for a risk and needs instrument that had to be empirically validated and administered to inmates upon reception into a correctional facility and throughout their incarceration and release to community supervision, in order to facilitate appropriate programming both during an inmate's incarceration and community supervision, and designed to facilitate the successful integration of inmates into the community.

Furthermore, a new provision called the Transitional Accountability Plan was added, whereby a comprehensive, dynamic and individualized case management plan based on the programming and treatment needs of the inmate would be developed.

As a consequence, the Department adopted the COMPAS risk and needs assessment instrument, which stands for Correctional Offender Management Profiling for Alternative Sanctions. The COMPAS instrument is used to inform decision-making throughout the various phases of incarceration and community supervision. It starts at a reception center where an Offender Rehabilitation Coordinator, or ORC, will complete the Reception COMPAS for each new commitment. Upon the inmate's transfer to a general confinement facility, the ORC will review the Reception COMPAS to develop the inmate's Case Plan, which is the same thing as the Transitional Accountability Plan. The COMPAS Case Plan will be reviewed quarterly for every inmate. Ultimately, an

ORC will complete the COMPAS Re-Entry Assessment Instrument at the time of the pre-Parole Board interview, or when an inmate is interviewed for a release investigation. Finally, the field Parole Officer is required to supervise the releasee according to a Supervision Status as well as criminogenic needs identified by the instrument. Once an inmate is released, the field Parole Officer will continue to review the Case Plan with the releasee and update the Plan when needed.

There are many other improvements that are the direct result of the merger. For example, once each month, Chairwoman Tina Stanford attends an Executive Team Meeting where she can exchange information with my entire executive team. In addition the Chairwoman now works closely with the Department's Program Services to provide training to the Board on the COMPAS instrument and to develop the Parole Board History Report on each inmate eligible for parole. The more knowledge and understanding by a Parole Commissioner of the institutional setting and an inmate's programmatic and behavioral record, the more informed the decision-making process will be.

Finally, in order for the Board to better understand the role of the Department's health services staff in submitting cases for medical parole, both those that are considered terminal and those that are considered severely debilitated, the Department's Deputy Commissioner and Chief Medical Officer, together with several key staff who are involved in preparing the cases and also securing medical placements upon release, such as with nursing homes, addressed the Commissioners at a full Board meeting.

The aforementioned collaborative efforts are only some of the ways in which the merger has led to more efficiencies, greater information sharing, increased reliance on evidence-based practices, and ultimately, a more informed decision-making process.

Chairwoman Stanford and I intend to continue to work closely together in the months ahead in further fulfillment of Governor Cuomo's vision and mandate to do everything reasonably possible to protect all New Yorkers, and to reduce recidivism in a safe, effective and cost-efficient manner.

Thank you.