

Debate over prison staffing continues



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A labor-administration dispute over the facts surrounding the July 1 closure of three correctional camps and the anticipated closing of half a dozen prison annexes on Oct. 1, prompted the state Department of Correctional Services commissioner to conduct a phone-in press conference last Wednesday to “set the record straight.”

DOCS Commissioner Brian Fischer discussed budget, staffing, occupancy and safety issues. He also took the opportunity to outline how the department will comply with new laws that change how it provides services for sex offenders and those with mental illness. The commissioner also talked about plans for a new centralized pharmacy.

According to DOCS spokesman Erik Kriss, there are currently 59,234 inmates in the state prison system, and after the annexes close, 63,262 beds will remain available for inmates' immediate use. These are beds in occupied housing units that are supervised by correction officers, he said.

All in all, 66,253 potentially available beds will remain open, this total includes 2,991 beds in closed housing units that will have no inmates and will not require any corrections officers for supervision.

Regarding an ongoing dispute between DOCS and the New York State Correctional Officers and Police Benevolent Association, which represents corrections officers working inside the state's prisons, Fischer touched on issues raised by the union's president two weeks ago — including the transfer of corrections officers, inmate population levels and where 53 “secretly hired” deputy superintendents came from. He said, “We're always going to agree to disagree,” and that it's “understandable that people have some concerns about changes.”

Last month, The Empire Page interviewed NYSCOPBA President Donn Rowe, quoting him as saying that “since September 2008, we have lost approximately 850 permanent correction officer items, which is almost 10 percent of our entire workforce.”

But Fischer last Wednesday said the workforce was “reduced by 484, not 850 that the union contends.” The commissioner added that DOCS worked with the union to transfer officers.

“Not a single officer has lost their job,” said Fischer. He said officers are transferred to different facilities if one closes, “or a facility of their choice.”

And with the debate over job losses, came a debate over job hires.

“NYSCOPBA recently claimed that we ‘secretly hired’ 53 deputy superintendents without budget authorization,” said Kriss. “Flatly untrue.”

Kriss explained further: “The positions NYSCOPBA referred to are deputy superintendents for security. These are the people that oversee security at each prison. These positions have been filled, with budget authorization, for many years.”

In accord with Gov. David A. Paterson's call for more transparency in government, “we moved these positions recently from the support services line in [our] budget to the supervision of inmates line,” said Kriss. “We did this to more accurately reflect the work the deputy superintendents do. It was basically an accounting change, nothing more.”

“But at first we did not move the funding out of support services. So if you looked under ‘supervision of inmates,’ you could have concluded the positions were not funded. But they always were. We have since shifted the funding to supervision of inmates to correspond with the positions being there.”

Chris Leo, legislative director for NYSCOPBA, said the 53 deputy superintendents were hired without approval under support services not security services. “When our union questioned this, they moved the positions from one column to another. If they can [budget] positions this way, why don't they do the same thing with 680 corrections officers that we're down.”

Leo said the state has budgeted for 19,736 corrections officers and currently there are 19,160 working in the state

prison system.

Kriss confirmed that any officer who has left either retired or left voluntarily and that no officers have been laid off. This accounts for positions that have not been filled.

Leo agreed, saying that "it's retirement mainly, it's also people who resign."

However, with those positions being left vacant, Leo said that more officers are working overtime.

"They have to hire from a previous shift. We have mandatory overtime, and they make the previous shift stay on and then they cover those positions," said Leo. "You have to have those positions."

Still, Kriss maintains that "the officers who have left were not replaced because we did not need to replace them given the decrease in the inmate population."

He added, "Many were in the 21 prisons where we closed down the 48 housing units last fall — and that's why we closed those particular units — so we could leave positions vacant and ensure no working officers lost their jobs."

Kriss said that since April, when DOCS announced its intention to close the annexes by Oct. 1, some annex officers retired or left — others voluntarily chose to transfer to other facilities under the provisions of the NYSCOPBA contract and Civil Service Law.

In 1999 the state prison population peaked at more than 71,000 inmates during the crack epidemic. Since then, the crime rate has dropped in New York, and, according to Fischer and Kriss, the prison population has dropped with it — by 16 percent.

The state plans to close six prison annexes located in Chautauqua, Dutchess, Livingston, Sullivan, Ulster and Washington counties.

"The closures also follow costly new mandates from the Legislature and courts to provide additional services to sex offenders and inmates with mental illness, which have required the department to redirect limited taxpayer resources," according to a DOCS press release.

Fischer noted that the "Sex Offender Management and Treatment Act requires that any offender who comes to us with a sex offense is mandated to be placed in a program of treatment."

The legislation and a 2007 court-approved private settlement agreement between the state and Disability Advocates Inc. mandated that 308 positions were to be created.

Out of the 308 positions, Kriss said, 187 are for corrections officers and other security staff, such as sergeants or lieutenants. The 187 security staff employees will supervise the new programs required by SOMTA and the settlement — programs that will have a higher ratio of security staff to inmates than in most other instances in the prison system.

Kris said "not all 308 positions have been filled, but they will be when all the programs and new units required under SOMTA and the settlement are ready."

"Also, above and beyond SOMTA and the settlement, DOCS faces additional mandates under the Special Housing Unit Exclusion Law, which the Legislature enacted last year," said Kriss. "This law essentially prohibits inmates with mental illness from being housed in SHUs for more than 30 days."

"SMIs (those with serious mental illness) could be removed from disciplinary special housing units and placed in mental health treatment centers," said Fischer. "We'll open up one on Dec. 15, actually."

He added that there are some exceptions for "security reasons" but that "the law will require additional expenses to create appropriate alternative housing, such as additional regional mental health units, and to hire additional employees to staff those units and deliver additional treatment and activities mandated by the law for those inmates.

"Eight thousand of them receive mental health treatment," said Fischer. "Many become victims, if you would, inside the prison."

Fischer said intensive care programs are designed to give the mentally ill the special attention they need. However, the treatment is not from DOCS personnel, but from Office of Mental Health staff who "incorporate their training and treatment."

"We know how to run prisons and security," said Kriss. "They know how to do that."

Kriss said although DOCS does not pay for them to be there, the agency does have to “provide security to mental health care professionals.”

“Bottom line, said Kriss. “It’s all state tax money.”

Currently, DOCS is operating a central pharmacy which occupies 32,000 square feet at Oneida Correctional Facility in Oneida County that Kriss said “is really a medication warehouse. It is on the second floor of the food production center at Oneida Correctional Facility.”

The plan, according to Kriss, is to move it from Oneida Correctional Facility to Marcy, also in Oneida County. There it will be located at Marcy and Mid-State Correctional Facilities under Marcy Correctional Facility’s supervision.

Kriss explained, “The new central pharmacy will be 63,000 square feet and will include the current warehouse, plus a new registered automated pharmacy and administrative offices. The automated pharmacy will supply unit dosages of medicine to all 68 state correctional institutions DOCS operates.”

The current warehouse does not fill prescriptions, instead, said Kriss, “it supplies bulk medication to approximately two-thirds of our correctional facilities — those that have access to in-prison pharmacies with pharmacists that can dispense medication.”

“The other prisons currently receive pre-packaged unit dosages from two different private vendors,” said Kriss. “We estimate \$1.5 million to \$2 million in annual savings from the new expanded and automated pharmacy.”

Kriss said the state Office of General Services anticipates awarding a construction bid in November for the new facility, which will be outside the prison perimeter fences at Marcy, with an estimated 18-month construction schedule.

As of now, 27 full-time-equivalent employees work at the existing central pharmacy.

“We anticipate adding 21 health services positions, 4.1 full-time-equivalent security positions and 2 in support jobs for the expanded pharmacy,” said Kriss.

The goal, Kriss said, “is to supply each facility with individual prescriptions in a more cost-effective manner. The idea is to generate additional savings through volume purchase discounts and the ability to ship unit dose prescription packages throughout the prison system, obviating the need to purchase from vendors. The expanded operation will be large enough to serve other state agencies and county jails,” he said.

Still, while the idea of the new pharmacy is to improve upon the old system and save money, Kriss said DOCS existing central pharmacy “has already used its purchasing power and improved software to achieve millions of dollars in savings recently through volume buying, contracting directly with manufacturers, special offers from vendors, an improved return goods system and targeting specific treatments and drugs for Hepatitis B and C,” noted Kriss. “Staff was also authorized to identify generic alternatives to brand-name drugs and save additional money.”

Kriss said that he doesn’t have an “up-to-date number on total estimated savings” from the current pharmacy “but in late 2008 we were estimating \$3.5 million in savings over the prior year and a half.”
