

DEPARTMENT OF CORRECTIONAL SERVICES

MISSION

The Department of Correctional Services is responsible for the safe and secure confinement of convicted felons, and the preparation of these individuals for successful reintegration into the community upon release.

ORGANIZATION AND STAFFING

The Department oversees the nation's fourth largest state prison system, currently operating 70 institutions, grouped within nine regional hubs. Each of the 69 correctional facilities is managed by a Superintendent, who reports to the Commissioner. More than 20,200 – or 67 percent – of the Department's staff are security personnel, with remaining staff primarily dedicated to the delivery of inmate programs, health services or facility operations. The Department also operates the Willard Drug Treatment Campus in Seneca County, in cooperation with the Division of Parole and the Office of Alcoholism and Substance Abuse Services.

BUDGET HIGHLIGHTS

The Executive Budget recommends **\$3.0 billion All Funds** (\$2.5 billion General Fund; \$37 million Federal Funds; \$36 million Other Funds; \$78 million Internal Service Funds; \$43 million Enterprise Funds; \$320 million in Capital Projects Funds) for the Department of Correctional Services. A decrease of **\$100 million General Fund** primarily reflects the closure of four camps and several annexes and other measures in response to the decrease in the inmate population. An increase of **\$15 million Other Funds** primarily reflects the introduction of an option to house inmates from other jurisdictions.

The Executive Budget recommends a staffing level of **30,331 FTEs** for the Department of Correctional Services, a **decrease of 1,342** from the 2008-09 budget, reflecting the planned consolidation of the system.

Major budget actions include:

- **Elimination of Excess Capacity:** Since 1999, the Department's under-custody population has fallen by over 10,500 inmates, particularly in minimum security facilities, and has resulted in significant areas of unused prison capacity. Under current New York State law, the Commissioner is required to issue notification one year prior to closing a prison and to explore the potential for reuse. The Budget includes new legislation that would permit the Commissioner to eliminate excess prison capacity with only a 90-day notice in times of financial crisis. It is estimated that the closure announcement will be made in March 2009 with closure of the camps and annexes in June 2009. Staff at these facilities will be offered positions at other correctional facilities or can accept openings in other State agencies if they prefer.
- **Implementing Commission on Sentencing Reform Proposals:** The Commission on Sentencing Reform, established by Executive Order to review New York's complicated sentencing structure, is in the process of finalizing recommendations to simplify existing statute and to ensure that punishment is aligned with the nature of the offense. Even though the final report of the Commission is scheduled to be released after the Executive Budget, the

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Commission Members identified certain proposals upon which they had agreed that would immediately begin to produce savings if enacted expeditiously. These proposals are advanced in Article VII legislation accompanying the Budget.

The Commission recommends the creation of a limited credit time allowance to provide for a six-month merit time allowance to certain violent felony offenders if the inmate displays good behavior during their term of incarceration and completes enhanced program requirements. The Commission also supports expanding eligibility to the Shock Incarceration program by increasing the age limit from 40 to 50 years of age and allowing for the selection of general confinement inmates once they are within three years of the earliest release date. Additionally, the Commission supports the implementation of graduated sanctions, utilizing a risk and needs assessment tool by parole officers for violations and the Board of Parole for releases, and removing re-entry barriers that could reduce the number of violations without negatively impacting public safety. Altogether, the proposals would reduce the prison population by approximately 1,600 inmates, allowing the Department to close an equivalent number of beds by January 2010.

- **Evaluation of Mental Health Programs:** In 2008, the Legislature enacted the Special Housing Unit (SHU) Exclusion bill, imposing requirements for the housing of inmates with mental illness. While nearly all of the provisions of this bill are proposed to be delayed until July 1, 2014, the Department will remain in compliance with a Private Settlement Agreement that DOCS and the Office of Mental Health reached with Disability Advocates, Inc. in April 2007. Delaying the effective date of the bill will allow for an evaluation of the effectiveness of the new Residential Mental Health Unit, located on the grounds of the Marcy Correctional Facility, as well the magnitude of any additional capacity needs to fully implement this new program. It is also recommended that the provisions be limited to facilities that house inmates with the greatest mental health needs and the training requirements for the Department's staff be amended.
- **Elimination of Board of Prisoner Payments:** The Board of Prisoner payments made by DOCS were originally established at a time when DOCS correctional facilities were significantly overcrowded. Over the last ten years the prison population has fallen and the number of "State-ready" inmates incarcerated in county jails fell as well – from a high of 4,425 in 1999 to the current level of only 300 inmates. In recognition of this decline, payments to local jails for housing "State-ready" inmates are eliminated. The Department will be required to provide a bed in a reception center for all "State ready" inmates within ten business days, except in instances where there are circumstances outside of the Department's control. In cases where the ten-day requirement is not met, the Department will reimburse the county for housing that "State ready" inmate in their jail.

PROGRAM HIGHLIGHTS

The under-custody prison population has declined by over 10,500 inmates since peaking at nearly 71,600 in 1999. This decline can be attributed to the increased number of scheduled releases of offenders who received longer determinate sentences under the Truth-In-Sentencing Law of 1995 and Jenna's Law of 1998, as well as the release of low level drug offenders, who are completing determinate sentences under the Felony Drug

Reform Act of 2004. Additionally, offenders who had been denied release by the Parole Board will reach two-thirds of their maximum sentence during 2009-10 and will be eligible to be conditionally released back to the community.

As soon as an inmate enters prison, an assessment is conducted to determine their need for rehabilitative programs. The Department offers educational programming, where the minimum goal is to assist inmates who do not have a high school diploma to receive a General Equivalency Diploma. An inmate can receive vocational training where a certificate is awarded upon learning the basic skills of one of the several trades that is offered. In some trades, they can continue on to a four-year apprenticeship program where the inmate receives certification from the Department of Labor. The inmate can also be placed in one of the Department's substance abuse treatment programs or an Aggression Replacement Training Program which focuses on anger management therapy. The Department's Program Services component also operates the sex offender treatment program which was expanded under the Sex Offender Management and Treatment Act of 2007.

Meeting the critical need of providing appropriate levels of medical services is important to the safety of the prison system and to the general public when an inmate is released. Often, inmates enter prison with significant health care needs which can include tuberculosis, hepatitis, or many other infectious conditions. The Department acts quickly to diagnose and begin treatment, if necessary, when an inmate enters prison and provides the greatest degree of services possible to seek a cure. The Health Services Program ensures that inmates receive a community level of care during their term of incarceration.

The safety and security of the Department's correctional institutions and the surrounding communities is maintained by the Supervision of Inmates Program while the Support Services Program provides all resources necessary for the operation of a correctional institution. This includes inmate food and transportation services, maintenance of the physical plant of the prisons and operating the business offices that provide administrative support for the facilities.

**ALL FUNDS
APPROPRIATIONS
(dollars)**

Category	Available 2008-09	Appropriations Recommended 2009-10	Change	Reappropriations Recommended 2009-10
State Operations	2,738,943,000	2,660,066,000	(78,877,000)	65,437,000
Aid To Localities	6,276,000	200,000	(6,076,000)	6,091,000
Capital Projects	320,000,000	320,000,000	0	568,129,000
Total	3,065,219,000	2,980,266,000	(84,953,000)	639,657,000

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ALL FUND TYPES PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM FILLED ANNUAL SALARIED POSITIONS

Full-Time Equivalent Positions (FTE)			
Program	2008-09 Estimated FTEs 03/31/09	2009-10 Estimated FTEs 03/31/10	FTE Change
Administration			
General Fund	243	243	0
Special Revenue Funds - Federal	671	653	(18)
Enterprise Funds	11	11	0
Correctional Industries			
Internal Service Funds	357	367	10
Facilities Planning and Development			
Capital Projects Funds - Other	32	32	0
Health Services			
General Fund	1,971	1,976	5
Program Services			
General Fund	3,480	3,340	(140)
Supervision of Inmates			
General Fund	21,296	20,208	(1,088)
Support Services			
General Fund	3,572	3,461	(111)
Special Revenue Funds - Other	40	40	0
Total	<u>31,673</u>	<u>30,331</u>	<u>(1,342)</u>

STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE APPROPRIATIONS (dollars)

Fund Type	Available 2008-09	Recommended 2009-10	Change
General Fund	2,559,722,000	2,465,697,000	(94,025,000)
Special Revenue Funds - Federal	38,520,000	37,300,000	(1,220,000)
Special Revenue Funds - Other	19,950,000	35,750,000	15,800,000
Enterprise Funds	44,366,000	43,343,000	(1,023,000)
Internal Service Funds	76,385,000	77,976,000	1,591,000
Total	<u>2,738,943,000</u>	<u>2,660,066,000</u>	<u>(78,877,000)</u>

Adjustments:

Transfer(s) From

Special Pay Bill	
General Fund	(41,085,000)
Special Revenue Funds - Federal	(220,000)
Enterprise Funds	(19,000)
Internal Service Funds	(2,177,000)
Appropriated 2008-09	<u>2,695,442,000</u>

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STATE OPERATIONS ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM APPROPRIATIONS (dollars)

Program	Available 2008-09	Recommended 2009-10	Change
Administration			
General Fund	27,106,000	27,106,000	0
Special Revenue Funds - Federal	38,520,000	37,300,000	(1,220,000)
Special Revenue Funds - Other	250,000	25,250,000	25,000,000
Enterprise Funds	2,701,000	2,701,000	0
Correctional Industries			
Internal Service Funds	76,385,000	77,976,000	1,591,000
Health Services			
General Fund	363,910,000	366,472,000	2,562,000
Program Services			
General Fund	259,153,000	245,097,000	(14,056,000)
Special Revenue Funds - Other	100,000	100,000	0
Enterprise Funds	39,900,000	39,900,000	0
Supervision of Inmates			
General Fund	1,408,397,000	1,340,601,000	(67,796,000)
Support Services			
General Fund	501,156,000	486,421,000	(14,735,000)
Special Revenue Funds - Other	19,600,000	10,400,000	(9,200,000)
Enterprise Funds	1,765,000	742,000	(1,023,000)
Total	<u>2,738,943,000</u>	<u>2,660,066,000</u>	<u>(78,877,000)</u>

STATE OPERATIONS - GENERAL FUND SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES 2009-10 RECOMMENDED (dollars)

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Administration	17,455,000	0	17,336,000	0
Health Services	134,080,000	(1,092,000)	120,981,000	(818,000)
Program Services	198,812,000	(8,716,000)	182,933,000	(6,731,000)
Supervision of Inmates	1,316,256,000	(62,841,000)	1,218,157,000	(62,672,000)
Support Services	180,821,000	(4,406,000)	170,069,000	(4,406,000)
Total	<u>1,847,424,000</u>	<u>(77,055,000)</u>	<u>1,709,476,000</u>	<u>(74,627,000)</u>

Program	Temporary Service (Nonannual Salaried)		Holiday/Overtime Pay	
	Amount	Change	Amount	Change
Administration	0	0	119,000	0
Health Services	4,910,000	(274,000)	8,189,000	0
Program Services	11,405,000	(1,985,000)	4,474,000	0
Supervision of Inmates	15,126,000	(169,000)	82,973,000	0
Support Services	459,000	0	10,293,000	0
Total	<u>31,900,000</u>	<u>(2,428,000)</u>	<u>106,048,000</u>	<u>0</u>

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STATE OPERATIONS - GENERAL FUND SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED APPROPRIATIONS AND CHANGES 2009-10 RECOMMENDED (dollars)

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Administration	9,651,000	0	399,000	0
Health Services	232,392,000	3,654,000	89,581,000	3,100,000
Program Services	46,285,000	(5,340,000)	12,446,000	552,000
Supervision of Inmates	24,345,000	(4,955,000)	11,902,000	(2,075,000)
Support Services	305,600,000	(10,329,000)	145,206,000	1,232,000
Total	618,273,000	(16,970,000)	259,534,000	2,809,000

Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Administration	354,000	0	6,218,000	0
Health Services	699,000	15,000	139,792,000	1,613,000
Program Services	1,048,000	14,000	29,313,000	(5,754,000)
Supervision of Inmates	3,966,000	(85,000)	6,679,000	(1,866,000)
Support Services	760,000	22,000	140,071,000	(5,162,000)
Total	6,827,000	(34,000)	322,073,000	(11,169,000)

Program	Equipment		Maintenance Undistributed	
	Amount	Change	Amount	Change
Administration	680,000	0	2,000,000	0
Health Services	2,320,000	(874,000)	0	(200,000)
Program Services	3,478,000	(152,000)	0	0
Supervision of Inmates	1,798,000	(929,000)	0	0
Support Services	19,563,000	(6,421,000)	0	0
Total	27,839,000	(8,376,000)	2,000,000	(200,000)

STATE OPERATIONS - OTHER THAN GENERAL FUND SUMMARY OF APPROPRIATIONS AND CHANGES 2009-10 RECOMMENDED (dollars)

Program	Total		Personal Service	
	Amount	Change	Amount	Change
Administration	65,251,000	23,780,000	34,840,000	(220,000)
Correctional Industries	77,976,000	1,591,000	21,336,000	(1,313,000)
Program Services	40,000,000	0	0	0
Support Services	11,142,000	(10,223,000)	1,700,000	0
Total	194,369,000	15,148,000	57,876,000	(1,533,000)

Program	Nonpersonal Service		Maintenance Undistributed	
	Amount	Change	Amount	Change
Administration	2,111,000	0	28,300,000	24,000,000
Correctional Industries	56,640,000	2,904,000	0	0
Program Services	40,000,000	0	0	0
Support Services	9,442,000	(10,223,000)	0	0
Total	108,193,000	(7,319,000)	28,300,000	24,000,000

AID TO LOCALITIES ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE APPROPRIATIONS (dollars)

Fund Type	Available 2008-09	Recommended 2009-10	Change
General Fund	6,276,000	200,000	(6,076,000)
Total	6,276,000	200,000	(6,076,000)

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AID TO LOCALITIES ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM APPROPRIATIONS (dollars)

Program	Available 2008-09	Recommended 2009-10	Change
Program Services			
General Fund	396,000	0	(396,000)
Support Services			
General Fund	5,880,000	200,000	(5,680,000)
Total	<u>6,276,000</u>	<u>200,000</u>	<u>(6,076,000)</u>

CAPITAL PROJECTS ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM APPROPRIATIONS (dollars)

Comprehensive Construction Program	Available 2008-09	Recommended 2009-10	Change	Reappropriations 2009-10
Maintenance and Improvement of Existing Facilities				
Special Conservation Activities Account	0	0	0	3,000,000
Correctional Facilities Capital Improvement Fund	320,000,000	320,000,000	0	565,129,000
Total	<u>320,000,000</u>	<u>320,000,000</u>	<u>0</u>	<u>568,129,000</u>