

The Correctional Association of New York

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TIME'S UP FOR NEW YORK PRISONS

**Proposals to Close Prisons, Cut Costs,
and Build Communities**



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TIME'S UP FOR NEW YORK PRISONS

Over the past decade, New York has seen a dramatic decrease in crime and incarceration rates, and is now uniquely positioned to implement sweeping criminal justice reforms, creating a model for other states to rethink and replace antiquated, ineffective and costly punishment practices. *Time's Up for New York Prisons* presents the statewide advocacy agenda of the Correctional Association of New York's Drop the Rock Campaign. This policy paper outlines six major strategies for reducing incarceration, saving critically needed tax dollars and reinvesting constructively in our disadvantaged communities.

CLOSE UNDERUTILIZED PRISONS

Context

While in 1999, New York State's prison population peaked at over 71,500 (71,538), it has dropped today to under 57,000 (56,242), a decline of over 15,000 individuals. The state's Department of Correctional Services (DOCS) now oversees over 8,000 empty beds throughout the state's 67 correctional facilities. Maintaining these empty beds costs New York State hundreds of millions of dollars annually – a highly questionable expenditure during the current fiscal crisis.

Despite the \$35 billion deficit that New York faces in the next three years and the potential savings that could be achieved, proposals to close underutilized prisons have been met with strong opposition from the correction officers' union and the legislators who represent communities that reap political and economic benefits from the prisons located in their districts. For example, former Governor Eliot Spitzer included the closure of four adult prisons in his 2009 budget proposal. Funding was restored for each facility in final budget negotiations. In 2010, Governor David Paterson included the closure of four prisons in his proposed budget. However, in the final state budget, only two of these facilities were approved for closing: the minimum security 162-bed Lyon Mountain and the 288-bed Butler Correctional Facilities. These closures, though a small step in the right direction, will result in the reduction of only 450 empty beds.

The impact of these closures on correctional staff is minimal. DOCS is expected to offer all uniformed staff other positions within the Department, and "is making an effort to identify fillable vacancies for all affected civilian employees".

Recommendation/Potential Savings

Reduce the number of empty beds in the state prison system through closing, or significantly downsizing, 8-10 correctional facilities. Such a step will save approximately \$220 million this year and will mark a major advance towards efficiently shrinking the system

without leading to overcrowding or additional double bunking.

The Correctional Association also urges policymakers to revise the current state law which requires that the communities and labor unions affected by prison closures be given 12 months notice. Reducing this period to three months will allow the state to realize urgently needed savings sooner, within the same fiscal year, while still providing communities time to prepare for the potential impacts of closures.

INCREASE WORK RELEASE ELIGIBILITY AND ENROLLMENT

Context

Although work release helps people in prison gain critical employment skills and prepare for a smooth transition back to the community, the number of participants in New York's programs has dropped by over 25,000 over the course of 12 years. In 1994 New York State had nearly 28,000* inmates participating in work release programs; by 2007, that number had dwindled to about 2,500.** In part, this dramatic decrease is due to former Governor George Pataki's 1995 Executive Order which prohibited people convicted of violent offenses from participating in temporary release programs, including work release.

Recommendation/Potential Savings

Substantially increase the work release population by bolstering the participation of people currently eligible and re-opening eligibility to people convicted of violent offenses. In 2006, work release participants paid \$243,369.55 in federal, state and local taxes. According to DOCS, work release cost \$7,500 per participant per year, as compared to the \$55,000 cost of incarcerating one person for one year. If New York increased the work release population to 5,000 individuals, still far lower than the number of participants in 1994, the state could save over \$84 million per year.

REPEAL THE ROCKEFELLER DRUG LAWS

Context

In 2009, after years of advocacy by a broad coalition of concerned organizations and individuals, New York reformed the notorious Rockefeller Drug Laws to give judges the discretion to divert some individuals convicted of low-level drug offenses into alternative treatment and education programs. This change represented a major victory for New York.

Though an advance, these reforms fell short of full repeal. Many harsh mandatory sentencing provisions remain on the books. They are still the driving force behind New York's racially biased war on drugs - causing the current, unnecessary imprisonment of over 8,700 people* for the possession and sale of relatively small amounts of drugs.

Confining people with drug offenses costs New York almost \$500 million each year. Research shows that alternative to incarceration programs are more effective at reducing drug-related crime and far less expensive than imprisonment.

* The exact figure in 1994 was 27,937.

** The exact figure in 2007 was 2,498.

* As of November 27, 2010, 8,738 individuals were locked up for drug offenses in New York State prisons.

Recommendation/Potential Savings

Repeal the Rockefeller Drug Laws by restoring full judicial discretion in sentencing drug offenders, providing retroactivity to all current inmates convicted of drug offenses, and allocating sufficient funding for alternative to incarceration programs. Repeal can save New York over \$155 million per year.

REFORM PAROLE PRACTICES

I. Increase diversion for technical parole violators

Context

Last year alone, the Division of Parole sent 8,254 individuals back to state prison for technical violations, such as missing a meeting with a parole officer or breaking curfew, not for committing a new crime. Most experts agree that alternative graduated sanctions would be a more appropriate response to many of these individuals. Such measures would save money at no risk to public safety.

Recommendation/Potential Savings

Use re-incarceration only as a last resort, and make broader use of graduated non-incarceratory sanctions for people who violate parole stipulations. Applying the conservative estimate that 50% of technical parole violators could be diverted and assuming that the average term for violators is three months (another conservative estimate), then New York would realize over \$45 million in savings annually.

II. Reform parole release decision-making

Context

Current parole board practices fail to appropriately consider the institutional record of people in prison, and instead focus, at times exclusively, on the nature of a person's original crime. This standard has delayed the release of thousands of people who have served their minimum sentences and beyond and who have completed appropriate in-prison programs.

Recommendation/Potential Savings

Restore fair and rational standards to parole release decision-making by focusing on the institutional record of people in prison as opposed to the nature of the offense for which they were incarcerated. As a result, more people will leave prison earlier, reducing confinement costs and allowing selected individuals to reenter society and become taxpaying members of the workforce.

EXPAND MERIT TIME ELIGIBILITY

Context

Currently, all people convicted of violent offenses, including domestic violence survivors, are not eligible to earn merit time. This one size fits all policy ignores important indicators of an individual's progress and preparedness for reentry including his/her institutional record, educational and treatment achievements, and community connections.

Recommendation/Potential Savings

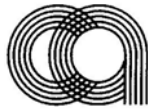
Extend merit time eligibility to all incarcerated people. Increasing the number of people who are eligible for merit time will lead to savings in the cost of confinement; enhance prison safety by providing incentives for good behavior and personal growth; and,

assist individuals convicted of violent offenses in making a successful return to their community.

REINVEST IN COMMUNITIES

State policymakers should invest savings from criminal justice reforms into alternative to incarceration programs and community-based prevention programs which have proven more effective in improving public safety and less expensive than incarceration. Properly funding these programs can provide individuals and families with opportunities and services to help them lead safe and productive lives.

Now is the time for state policymakers to exercise wise and courageous leadership to overhaul our criminal justice system, discard failed imprisonment policies, and put people before prisons. Enacting these recommendations would benefit all citizens of our state by creating a more fair and humane prison system and a more safe and just society.



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Through education, organizing and advocacy, Drop the Rock aims to decrease the number of people who are incarcerated in New York and reduce the bed capacity of the state prison system. The Drop the Rock Campaign is coordinated by the Public Policy Project of the Correctional Association of New York.