



# PRISON CLOSURE

## Overview

New York's prison population has dropped by about 13 percent in the last eight years. From a peak of nearly 71,600 in 1999, the number of inmates has decreased to below 62,500 – a drop of more than 9,000. The trend is expected to continue. By the end of the next fiscal year, March 31, 2009, the inmate population is projected to be 300 lower than it is today.

The population decline has resulted from a steady drop in crime and the implementation of appropriate early release programs mandated by the State Legislature.

Given the declining prison population and the State's projected budget deficits, Governor Eliot Spitzer in January 2007 called for a review of New York's 69 prison facilities and consideration of possible closures. Although the State Legislature rejected the Governor's proposal to create a prison closure commission, the Department of Correctional Services (DOCS) undertook an internal review of the issue. Based on that review, DOCS intends to close three correctional facilities and a portion of a fourth in January 2009: **Hudson**, a medium-security prison in Columbia County; the minimum-security camps **Pharsalia** (Chenango County) and **Gabriels** (Franklin County); and **Camp McGregor**, the minimum security camp portion of Mt. McGregor Correctional Facility (Saratoga County). Hudson's Work Release component will remain open.

## Competing Priorities

While the overall number of inmates has declined in recent years, a new set of costly mandates took effect in April 2007. The courts required extensive new treatment programs for mentally ill inmates by approving settlement of a lawsuit brought by the public interest and advocacy organization Disability Advocates Inc. And

the State Legislature required expanded treatment programs for incarcerated sex offenders as part of the Sex Offender Management and Treatment Act (SOMTA). Those mandates require DOCS to hire 375 new employees at an annual cost of approximately \$20.6 million and to spend \$70 million for associated capital projects over two years. Coupled with the ever-increasing costs to provide medical services to inmates, these new required expenditures demand cost-effective management decisions.

## Changes in the Law

From the late 1980s and throughout the 1990s, the State Legislature approved the appropriate early release of non-violent offenders through the Shock Incarceration, Work Release, Comprehensive Alcohol and Substance Abuse Treatment (CASAT) and Willard Drug Treatment programs, as well as Merit Time.

In 2004, the State Legislature modified the Rockefeller Drug Laws to:

- Create Supplemental Merit Time, which allows drug offenders serving indeterminate sentences to earn an extra 1/6 credit off their minimum sentences for good behavior and the achievement of certain milestones involving treatment, educational, training and work programs.
- Allow A-1 and A-2 drug offenders to apply to the courts to be re-sentenced.
- Require determinate (fixed) sentences for new drug offenders.

From 1995 through 2007, Rockefeller Drug Law reform and the earlier statutory changes resulted in the appropriate early release of 87,528 offenders, on average 8.4 months earlier than had the laws remained unchanged. That resulted in the need for 5,064 fewer DOCS beds during that time.

In addition, drug commitments peaked in 1992, when DOCS received 11,225 drug offenders from the courts. That number dropped to 9,810 by 1997 and to 6,148 by 2007.

Average time served for drug crimes also dropped. Drug offenders served 36 months on average from 2003 through 2005, only 30 months in 2007.

## Changing Demographics, Changing Configurations

The early releases triggered by changes in the law plus longer determinate sentences for violent felons resulted in a larger proportion of violent offenders in the inmate population.

While the number of inmates housed at maximum security prisons increased by 18 percent from 1996 through 2007, the number of inmates at medium security prisons decreased by 18 percent and the number at minimum security facilities dropped by 47 percent. In 1996, violent felony offenders accounted for 51.3 percent of the system. By the end of 2007, they made up 57.9 percent. Conversely, drug offenders made up 35 percent of the prison population at the end of 1994 and only 21 percent by the end of 2007.

The higher need for maximum security space prompted the construction of nearly 5,000 new maximum security beds in the last decade. That more than offset the downsizing of medium- and minimum-security facilities between 2000 and 2003 at Groveland Camp and the annexes at Wyoming and Mid-State Correctional Facilities, the closure of Parkside Correctional Facility and Tappan (the medium security section of Sing Sing Correctional Facility), and the consolidation of dormitories at six other facilities to adjust to the lower need for medium and minimum security space.

In all, DOCS has taken down or designated for emergency use 6,228 medium security and minimum security beds. But as noted, DOCS' inmate population dropped by more than 9,000.

## Closure Considerations

Maximum security facilities, shock incarceration camps and facilities that provide court- and legislatively-mandated drug treatment programs, sex offender counseling services and enhanced mental health and/or medical services are not suitable for closure at this time.

But minimum-security camps are. They no longer serve the function they did 20 years ago. By law, only inmates 24 months to release can be placed at camps, and those inmates are typically in need of the kind of reentry services such as educational, vocational, skill building and treatment programs that camps provide only on a minimal basis. Also, program requirements for Merit Time, Supplemental Merit Time and conditional release, as well as medical and mental health services, are not as available at camps. Inmates that would have been placed in camps 20 years ago are now sent to programs with proven track records of success such as CASAT and Shock. Some minimum security camps now have vacant dormitories.

The facilities that will be closed house few inmates in relation to their capacity, will have the least negative impact on the overall operation of the Department and will allow for the redeployment of staff with the opportunity for transfer to nearby facilities or other nearby state agencies. Hudson, in particular, faces costly capital investment needs.

## Cost Savings by Facility to be Closed

**Hudson** (422 general confinement beds), savings of \$15.7 million in annual operating costs and \$21,755,000 by avoiding needed five-year capital project costs. The Hudson Work Release Program will continue to operate with its current

capacity of 55. It serves inmates in the Capital District. The Work Release Building will also continue housing up to 65 inmates in the Industrial Training Program in the Department's Division of Support Operations, and Correctional Industries as part of the agency's Temporary Release and Re-entry Programs.

**Camp McGregor** (300 beds; approximately 150 inmates), savings of \$4.2 million in annual operating costs and \$310,000 in capital construction needs. The medium security portion of Mt. McGregor Correctional Facility will continue to operate.

**Camp Pharsalia** (258 beds; approximately 165 inmates), savings of \$6 million in annual operating costs and \$2,270,000 in capital-cost avoidance.

**Camp Gabriels** (336 beds; approximately 187 inmates), savings of \$9 million in annual operating costs and \$5,299,000 in capital construction needs.

Annual operating cost savings are based on the 2009-10 State fiscal year, the first full year the closures will be in effect.

Combined, the closures are expected to save about \$10.4 million in operating costs in 2008-09 and approximately \$33.5 million in 2009-10, plus more than \$29.6 million by avoiding major capital construction projects. Those savings will help cover the cost of the new mental health and sex offender programs and help DOCS manage the state prison system within its budget.

## Process

Correction Law 79-a and 79-b require DOCS to:

- Announce its intent to close any facility at least a year ahead of time to all employee labor organizations and other employees and to any local governments in which the facility is located.
- Develop strategies that attempt to minimize the impact of the closures on the State workforce in consultation with the State

Department of Civil Service, the Governor's Office of Employee Relations and any other appropriate State agencies.

- Develop strategies to minimize the impact of closure on the local and regional economies in consultation with the State Department of Economic Development and other appropriate State agencies.
- Provide a report at least six months before closure for a re-use plan for any prison facility slated for closure, developed in consultation with the above-listed agencies. That plan must consider the potential to use the facility for another State or local government purpose or to sell it to a private entity for development as a tax-generating business, residential or other purpose. DOCS also intends to consult with appropriate local officials.

## Conclusion

At a time when program and treatment needs are increasing and the prison population continues to decline, closing these four correctional facilities is the most sensible policy for the taxpayers of New York and the operation and effective management of the Department of Correctional Services.

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