



New York State Department of Correctional Services: Executive Summary

**Presented to
The Citizens Budget Commission**

by

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Executive Summary

Between 1973 and 1998, prison populations in the United States increased sixfold, from 204,000 to more than 1.2 million. These prisoners are currently housed in more than 1,500 state and federal prisons. An additional 500,000 prisoners are confined to more than 3,000 local jails across America.

New York has not been exempt from the prison explosion. Over the last quarter-century, the number of state prisoners grew by just under 400 percent, from 13,800 in 1973 to 68,011 in 1998. In response, the state built many thousands of prison cells. State spending on corrections also increased as a share of overall state spending. Between 1982 and 1998, the percentage of General Fund disbursements for correctional services doubled from 2.5 percent to 5 percent. Despite these actions, the system continues to operate at approximately 130 percent of capacity.

The dramatic growth in prisoner population and the cost of incarceration raise serious public policy questions which need to be examined. For example:

- Why are we incarcerating so many people?
- Who are we incarcerating?
- Do imprisonment decisions reflect differential handling or differential sentencing for racial or ethnic minorities?
- Do prison populations reflect the proper mix of offenders in terms of seriousness of offense and extent of criminal background?
- What is the effect of using imprisonment to respond to problems that overlap the mental health and public health arenas -- alcoholism, drug-addiction, and mental illness?
- What standard should be used to gauge the adequacy of housing conditions for prisoners?
- What types of programs and under what conditions are programs most likely to have a positive impact on inmates and for which type of inmates?
- Are New York's per capita imprisonment rates too high relative to other jurisdictions and even other nations?
- What are the opportunity costs of spending so much money on prisons?

These questions are difficult to answer. Yet they face federal and state policymakers on a continuing basis. Diverse public expectations, heated emotions, and complex policy controversies create a complicated organizational environment in which corrections officers and senior management must operate the state's prison system.

To help shed some light on how the state has managed these challenges, the Citizen's Budget Commission asked Weiskopf Consulting Services to assess how New York State has responded to the growth in the prison system and managed the corresponding challenges. This report summarizes the study's findings. It provides information on system growth; arrests and prosecution; prison admissions; prison population; management response to growth; system cost and staffing; and future prospects. Detailed information on each of the areas can be found in the full report.

System Growth

New York's prisons now hold approximately 68,000 inmates. This is up 392 percent from 1973. Prison population grew by:

- 124 percent between 1973 and 1983.
- 99 percent between 1983 and 1992.
- 10 percent between 1992 and 1998.
- Between 1997 and 1998 the population declined by almost two percent.

While New York's population has remained relatively stable over the last two decades, its incarceration rate has Quintupled.

- New York's incarceration rate grew from 73 to 386/100,000 residents (1973-1998)

While this is significantly lower than the incarceration rate for the United States (445/100,000), it is higher than the Northeast average rate of 317.

Arrests

In 1996 there were more than 1 million arrests in NYS. For most of the past two decades the number of arrests in New York has fluctuated but remained fairly stable.

- Of those arrested, whites account for approximately 50 percent, blacks make up one-third, and Hispanics make up 17%.
- NYC accounted for 55% of statewide arrests in 1996.
 - 42% were at the Felony Level.
 - Upstate and Long Island had 27% of Arrests at the Felony Level.

Between 1995 and 1996, total arrests declined 6.6%. However, in 1996, 567,689 adults were arrested for more serious fingerprintable felony and misdemeanor offenses. This was the highest number ever reported. The increase in arrests for fingerprintable offenses is primarily a byproduct of New York City's focus on quality of life crimes. Between 1993 and 1997, NYS misdemeanor arrests increased 30 percent while felony arrests only increased by 6%.

Criminal Prosecution

Approximately 2/3 of arrests in NYS result in conviction on some charge. 47% of those convicted in NY receive prison sentences. While this rate has been fairly steady for the past decade, the number of convictions was 31% higher in 1996 than 1986. A major reason for the increase has been the growth in drug convictions.

- In 1996, drug convictions represented 48% of prison sentences compared with 21% in 1986.
- Drug convictions surpassed convictions for violent felonies in 1989.

Prison Admissions

In recent years, annual admissions to New York’s state prisons have quadrupled. Between 1973 and 1980, annual admissions fluctuated between 8,140 and 10,661. Between 1980 and 1993, the number of new annual admissions increased rapidly, rising from 10,661 in 1980 to 15,569 in 1985 to 35,830 in 1993. Since 1993, the number of new admissions have decreased slightly, dropping to 29,868 in 1997.

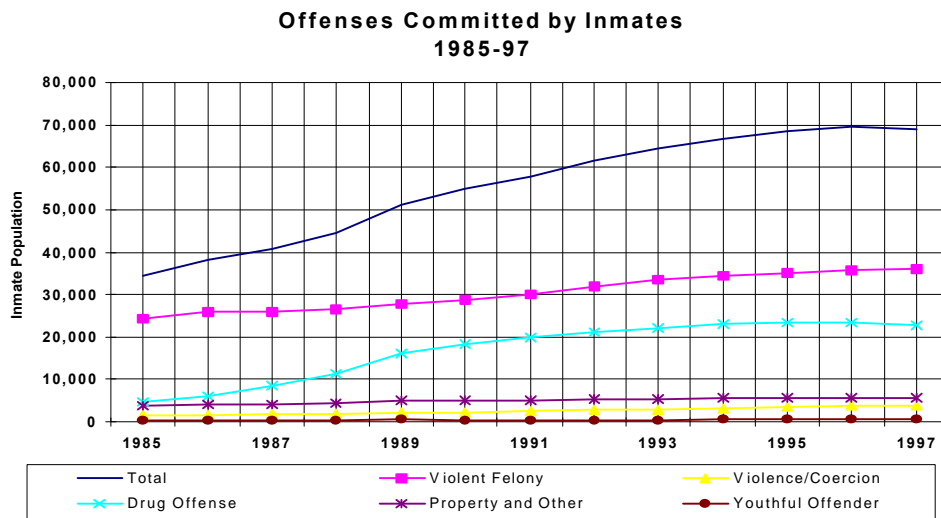
Inmates are admitted to the state prison system in a variety of ways. People can enter for violating parole, violating conditional release, or recapture after escape or other absence without leave.

- Court commitments are the largest source of admissions but declining.
 - 70% in 1997; 84% in 1983; and 77% in 1973.
- In recent years, parole violation has been a growing component of admissions.
 - 20% in 1997; 10% in the 1970s and 80s.

Prison Population

As the prison population has grown, the mix of prisoner offenses has changed. The biggest change has been in the number of prisoners incarcerated for drug offenses.

- The percent of inmates incarcerated for drug offenses rose from 13 percent to approximately 33 percent between 1985 and 1997.



- The percent of inmates incarcerated for violent felonies dropped from 70 percent to approximately 52 percent.
- Inmates incarcerated for property crimes declined from 11 percent to approximately 8 percent.

Security Level

As the prisoner population has changed, medium security prisons have replaced maximum security prisons as the largest sector of the prison system.

- While the maximum security population grew by 3,709 between 1985 and 1997, it declined from 51 percent to 31 percent of the total prison population.
- The medium security population increased by 25,293 between 1985 and 1997, rising from 41.6 percent to 57.4 percent of the total prisoner population.

Management Response to Growth

The rapid and explosive growth in prison population has created a crisis in the management of the state prison system. New York has responded to this crisis with a variety of legislative and programmatic efforts including:

- *Increasing prison capacity.* The state added capacity for 25,848 inmates between 1984 and 1998 at a cost of more than \$2.5 billion dollars (1997 dollars).

	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1998
Housing Capacity	27,269	31,639	33,316	36,270	37,082	40,774	43,009	46,692	48,400	49,606	50,279	53,117
Special Housing	771	857	876	1,184	1,175	1,355	1,386	1,932	2,118	2,153	2,168	4,163
Infirmary	475	539	536	712	733	847	834	839	911	902	910	1,154
Temporary	3,691	1,859	1,853	1,685	2,867	2,983	8,816	5,407	7,840	7,804	8,408	12,723
Total Capacity	32,206	34,894	36,581	39,851	41,857	45,959	54,045	54,870	59,269	60,465	61,765	71,157
Inmate Population	31,734	34,873	36,007	39,171	41,766	45,566	53,345	54,746	59,033	62,950	64,677	68,011
Percent Occupancy	116%	110%	1.08%	108%	112%	111%	124%	117%	122%	127%	129%	128%

- *Expediting the release of inmates.* The state implemented or expanded several early release programs targeting low-level drug sellers who inundated the prison system in the 1980's. They relieved overcrowding by releasing certain offenders more rapidly than otherwise would have occurred.
 - Programs include Earned Eligibility, Shock Incarceration, Comprehensive Alcohol and Substance Abuse Treatment Program (CASAT), and Day Reporting.
- *Improving capacity utilization and prisoner management.* DOCS instituted a number of measures to more efficiently utilize existing capacity and manage inmates in a more cost-effective manner. These measures included:

- Double celling - In March, 1997, double celling was occurring in 870 of the State's 20,000 maximum security cells. Almost 30,000 inmates had spent sometime in a double-cell.
- Double bunking - In the 1980s, most medium security prisons were constructed to house 750 inmates. As population pressures increased, these dorms were 'double Bunked' so that most medium security facilities now accommodate more than 1,300 inmates.
- Regionalization of the vocational education program. In 1990, DOCS grouped prisons into ten operational regions called Hubs. The primary objective was to improve communication and management and to set up new inmate academic and vocational program policies.

Cost, and Staffing

As New York imprisons more and more criminal offenders, state spending for corrections has grown significantly. Inflation adjusted General Fund spending more than doubled from \$678 million in 1982 to \$1.6 billion in 1998. Spending increased in all areas except administration.

- Administration spending declined 31% between 1984-96 (1997\$).
- Support services, health, programs, and supervision increased between 140% and 300% (1997\$).

Despite the growth in actual spending, corrections spending on a per capita basis has actually declined. After adjusting for inflation, operating spending per inmate (operational and fringe) declined by 16 percent between 1984 and 1996, falling from \$32,899 to \$27,491.

- Inflation adjusted per capita spending declined in all areas except health care (1984-1996).
 - Administration declined 69% - largest percentage decline.
 - Supervision declined 12% – remains largest system cost.
 - Health care grew 37%.

Over the last decade and ½, staffing at DOCS has been marked by some clear trends. The number of staff has gone way up; the number of civilians has declined; resources allocated to security have grown at the expense of other activities; and the ratio of staff to inmates has decreased across the board.

- Staffing up 67% since 1984.
 - 18,705 to 31,192 (1984 to 1998).
- Supervision percentage increased.
 - 66.7%, 1984.
 - 69%, 1998.
- Prison programs percentage declined.
 - 12.2%, 1984.

- 11.3%, 1998.
- Number of civilians in supervision declined.
 - Between 1995 and 1998, civilian workforce declined by 32%.
- Ratio of staff per thousand inmates dropped 24% From 587 to 444 (1984 to 1998).
 - Administration staff ratio dropped 70% - 13.4 to 4.
 - Support staff ratio dropped 50% - 101.9 to 54.
 - Program staff ratio dropped 30% - 71.6 to 50.2.
 - Supervision staff ratio dropped 21% - 391.7 to 309.

Outlook/Future Prospects : Two Countervailing Trends.

As we approach the end of the 1990s, public concern is shifting away from drug related crime and toward violent offenders. While parole has been eased for non-violent offenders, it is becoming severely restricted for violent offenders. In 1995, New York passed legislation authorizing the Department of Correctional Services to ban work release for any inmate convicted of committing a violent felony.

The legislature also imposed determinate sentences on repeat violent felony offenders. Before the Act, second felony offenders received a range of sentences for a crime (e.g., 12½ to 25 years). Under the 1995 law, second offenses are punished with a determinate sentence--with no possibility of parole. For example, the maximum penalty for a repeat offender committing a Class B violent felony is now 25 years, and the offender must serve at least 85 percent of that sentence before release is considered. Minimum sentences for first time violent offenders were also increased from one-third to one-half the maximum.

These changes were followed in 1998 with the elimination of parole for first time violent felony offenders (Jenna's Law). These offenders will now have to serve 85 percent of their sentence, rather than serving one-third to two-thirds as was previously common.

There is little agreement on the ultimate impact of these reforms on the correction system. Much will depend on how the district attorneys, defense attorneys and the courts respond to the reforms. However, if changes in the sentencing law are to significantly increase the number of beds required, a large percentage of the incoming inmates must be effected by the new sentencing laws. For a variety of reasons, this does not seem to be the case.

Prior to the passage of Jenna's Law, the minimum average sentence for first time violent offenders had already increased from 60 months in 1993 to 74.8 months in 1995 and 69.4 months in 1996. However, the drop in the number of commitments over time has reduced the number of beds required

to house this population of prisoners. This has occurred despite the growth in average minimum sentences resulting from changes in the sentencing laws passed by the state legislature.

For those individuals incarcerated on a first violent offense following the 95 and 98 reforms, the impact will not be felt until 2002, after their sentence would have expired under the old law. Should new commitments for these offenses continue to decline, the impact on the system due to Jenna's law could be negligible. In any case, the 1995 reforms will only begin to affect the number of beds needed in 2002, six years out from the sentencing date.

Cost Implications

System overcapacity and current growth projections make it rational to anticipate that more prison capacity will be needed unless alternatives to incarceration are aggressively pursued. Further, there is currently a mismatch between existing facilities and needed facilities.

- Most facilities constructed in the 1980s and 90s were medium security.
- Most of the population targeted by criminal justice reform laws are violent offenders in need of maximum security cells.

Assuming new capacity is required, there are three main options to achieve this.

1. Continue to expand the system's capacity through the continued use of double bunking and double celling;
2. Build additions to existing prisons; and
3. Build new prisons.

The cost to operate new facilities sufficient to meet demand could range from \$72 million to \$500 million per year. The actual cost depends on several factors including:

- The numbers of new commitments.
- Whether the State constructs facilities sufficient to meet the current over-demand for capacity.
- Whether facilities are double or single bunked.

The capital costs to build these facilities could range from \$371 million to \$3 billion. The cost would depend on the number of new facilities constructed.

- The \$3 billion cost assumes that the state will build 25,035 beds. This is the number of beds sufficient to bring the system to 100 percent of capacity single bunked and provide for prison population growth at the highest rate possible as projected by DOCS.
- The \$371 million assumes that the state will build 4,576 beds. This is a double bunking scenario designed to provide the number of beds sufficient to keep the system at its current percent of capacity. The estimate assumes a continued reduction in the arrest rate, and a continuing drop in court intakes over the next few years.