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LEGISLATIVE GAZETTE

Prison closure plan draws concern for local economies

Union opposes Gov.'s proposal

By Emily Claire Atkin
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Gov. David A. Paterson's Executive Budget calls for the elimination and consolidation of four New York correctional facilities and the elimination of 572 positions, moves he says will save New York \$59 million over two years.

While the state Department of Correctional Services and the Correctional Association of New York say the plan will save millions and improve programs, state lawmakers whose districts contain these prisons and the New York State Correctional Officers and Police Benevolent Association (NYSCOPBA) say the bill will be extremely hard on inmates and local economies.

Under the governor's plan, two prisons would be closed in January 2011: Lyon Mountain minimum security prison in Clinton County and Butler minimum security facility in Wayne County. The medium security portion of Butler would remain open. In April 2011, the Moriah Shock Correctional Facility in Essex County and the Ogdensburg medium security facility in St. Lawrence County would close.

The Department of Correctional Services estimates additional savings of \$14.1 million over the next five years by avoiding construction that would inevitably be needed at the facilities. The savings would partially go toward the state prison system's enhanced mental health and sex offender programs.

"This is a step in the right direction," said Robert Gangi, executive director of the Correctional Association of New York. "We fully support the downsizing of the state prison system. We see that there are a lot of unused beds and underutilized facilities." The association is a nonprofit inmates' rights organization empowered by lawmakers to inspect prisons and report their findings to the Legislature.

According to Gangi, inmate population is on a steady decline. The governor's office estimates the prison population will decline by 1,100 inmates in the current fiscal year and by another 1,000 inmates in 2010-2011.

New York's prison population has dropped by nearly 8 percent in the last three years, from 63,304 at the beginning of 2007 to 58,378 at the end of 2009, and has dropped by 19 percent since its peak of 71,538 on Dec. 12, 1999, according to DOCS. The department attributes the decline in inmates to a steady drop in crime and the implementation of appropriate early release programs enacted by the Legislature.

According to DOCS, the facilities slated for closure next year contain 1,362 beds, only 851 of which were occupied at the end of 2009.

But NYSCOPBA Legislative Director Chris Leo said the figures from DOCS are not presented correctly.

"[Prisons are] now operating at 102.2 percent capacity statewide," said Leo. "What they failed to say in the press releases is that in 1999 prisons were operating at 130 percent. So yes, we've lost inmates. But we're still operating over capacity."

"I think that they've created this illusion that there are 10,000 empty cells," added Leo.

"You always need excess beds in the infirmaries in the event of a health issue, where let's say you had a rapidly rising tuberculosis problem or a riot or a disturbance — you need those extra cells to place these inmates in should these events arise."

Leo added that despite the public perception of extra space, New York prisons still have 4,000 inmates who sleep in double bunked cells — something he says causes security, privacy and health issues.

Double bunking refers to the practice of placing two people in a cell designed to hold a single inmate.

Leo said he was also unhappy about the staff cuts, mainly because there were very few managerial cuts compared to regular staff cuts.

"They continue to cut at the bottom to maintain the top," said Leo. "And as far as the workforce, we're already understaffed." Leo said that in state prisons, the ratio of inmates to employees is 60 to one.

Assembly Minority Leader Brian Kolb, R-Canandaigua, said he was curious about the reasons why the governor chose those particular facilities for closure.

"What's the background? What's the rationale besides saving money?" asked Kolb. "I think they owe those answers to the communities that would be affected."

Those DOCS workers who lose their jobs if the 572 staff positions were eliminated should, according to DOCS, expect to be placed into a new position as soon as possible. The department estimates that each month 84 positions open because of employees retiring or leaving to pursue other opportunities. Attrition, according to DOCS, should create vacancies within the prison system for a majority of affected staff.

"This is going to cripple the town of Moriah," said Teresa R. Sayward, R-Willsboro, a member of the Assembly Correction Committee whose district includes parts of Essex County.

Sayward said that even though jobs would potentially not be lost, the Moriah shock facility is one of her community's best job providers, and a huge factor in fueling the local economy. Without the prison, she argued, people would have to move out of the area to find better jobs.

"When [the prison is] not in Essex County, then our families are gone," said Sayward. "They're not shopping at our grocery stores; they're not filling up at our gas stations; they're not helping our economy."

"I don't think there's any doubt that we as a state should try to assist these local communities," said Assembly Correction Committee Chairman Jeffrion Aubry, D-Corona, who is supporting the prison-reduction plan. "[The Correction Committee] tried to implement prison closing procedures that would allow for an economic development view of what should happen, but that sometimes involves local planning."

Aubry said he would be proposing this year a change in the implementation of prison closing procedures. Under his plan, economic development agencies — rather than DOCS, which currently does it — would make prison closure decisions while figuring out the best way to rebuild local economies and reuse closed facilities.

Gangi also agrees that something has to be done about local economic consequences.

"It will be important for the state to develop other economic development plans for local economies that will be set back by the prison closings," said Gangi. "But job development and economic development should focus on providing services of value that people want and need, rather than the warehousing of human beings."

"[Consolidation is] not only cost effective and efficient, but also more humane," said Gangi. "The more we shut down facilities, the more we save money, and the more resources the state will have for programs and services that represent a more effective and humane response to deal with people who get in trouble."

Maximum security facilities, facilities that provide court and legislatively authorized drug treatment programs, sex offender counseling services and enhanced mental health or medical services would not be closed under the governor's Executive Budget.