

# LEGISLATIVE GAZETTE

## Drop the Rock Group Also Wants to Drop Some Prisons

By Faith Burkins-Gimzek  
March 22, 2010

Criminal justice crusaders from the "Drop the Rock" campaign preached reform of the state prison system from the pulpit of a church near the Capitol during an annual advocacy day event March 16.

The rally in the church preceded the lobbying of legislators to support the closure of three minimum- and one medium-security men's prisons proposed in the 2010-2011 Executive Budget.

"In the last 10 years, the prison population of New York State has declined by over 13,000 people. At the same time the crime rate has continued to go down," said Robert Gangi, executive director of the Correctional Association of New York, the nonprofit criminal justice organization encompassing the "Drop the Rock" campaign to repeal the state's Rockefeller-era drug sentencing laws.

"So what we have learned from that experience is that you don't need to lock up more and more people in order to effectively reduce crime," Gangi said.

More than 400 citizen advocates, including middle school students from the Bronx, chanted: "Educate don't incarcerate," and "Books not bars," asking the state to close more underutilized prisons, fully repeal the Rockefeller-era drug laws and increase the use of and eligibility for early release programs such as the Merit Time program, parole and work release.



**Inmates' rights groups are urging legislators to support the closure of four prisons proposed in the 2010-2011 Executive Budget, while NYSCOPBA argues that prisons are already overcrowded and understaffed. Photo by AP.**

The Merit Time Program, according to the state Department of Correctional Services, allows inmates convicted of nonviolent crimes to earn time off their sentences by completing prison-based programs and avoiding disciplinary infractions. The program is only available to non-violent offenders, and advocates argue that the eligibility should be expanded to include anyone with a positive institutional record, regardless of the crime.

Slated for closure in 2011 under Gov. David A. Paterson's Executive Budget are the Lyon Mountain, Ogdensburg, Moriah Shock Incarceration and the minimum-security portion of Butler correctional facilities. The closings are expected to result in the termination or reassignment of approximately 572 staff members.

Projected declines in the inmate population of 1,100 this year and 1,000 next fiscal year are used to justify the closures.

The total number of general confinement beds at the four facilities was 1,362, but the prisons housed 851 inmates total, according to the Department of Correctional Services. New York currently has a total of 69 prisons, making it the fourth-largest state prison system in the country.

The closures, in combination with other proposed housing unit consolidations, are estimated in the Executive Budget briefing book to save the state \$7 million in 2010-2011 and another \$52 million in 2011-2012.

DOCS estimates the combined cost savings to the state from just the facility closings to be \$3 million in operating costs in 2010-2011 and \$45.8 million in 2011-2012.

Additionally, the division projects another \$13.8 million will be saved over the next five years by avoiding needed capital construction projects at the four facilities, such as replacing retaining walls and constructing a hot water heater house, which is estimated to cost almost \$9.5 million. The savings, according to DOCS, will help cover the costs of enhanced mental health and sex offender programs.

Chris Leo, legislative director of the New York State Correctional Officers and Police Benevolent Association, disagrees with the projected costs of the construction projects, and said that the numbers may be skewed in favor of closing the prisons. "Each year when they propose the budget ... capital improvements costs are greatly inflated to make that point," he said.

Gangi said it costs the state \$55,000 a year per prison bed, regardless of whether it is occupied, and with 6,300 empty beds statewide, it means New York is pointlessly shelling out \$346.5 million.

However, DOCS spokesman Eric Kriss said there is some discrepancy in the exact figure, and the number is closer to 5,400 empty beds, including general confinement, segregated confinement and infirmary beds.

Leo argues that it is a misperception that there are empty beds, saying that the prisons are actually overcrowded and operating at 101 percent capacity.

"If there's all these extra beds that they claim, why are 7,000 inmates in double-bunked cells?" he asked.

"We're not set up to be a warehousing system like other states, like in California where every one of those cells are double bunked," said Leo. "Our inmates are out all day, not in their cells. They're out walking around."

In addition to the prison closings, the prison reform advocates are also encouraging lawmakers to continue making changes to the state's sentencing requirements for those found guilty of drug-related crimes.

Gangi said significant progress was made when the budget passed last year included reforms to the Rockefeller-era drug laws that gave judges more leeway to sentence people to substance abuse treatment programs rather than incarceration. Although that change is helping to reduce the total prison population, Gangi said people are still being incarcerated for nonviolent low-level drug offenses.

State Office of Alcoholism and Substance Abuse Services Commissioner Karen Carpenter-Palumbo also spoke in favor of the closings. She said, "80 percent of the people that are in prison today are there because of a drug or alcohol addiction. Should they be there? No, they should be in treatment," she said. "So we're building beds, we're making sure that the outpatient services are available. The treatment works."

Caitlin Dunklee, coordinator of the Drop the Rock campaign, said, "New York can no longer use prisons as an economic stimulus plan. Warehousing low-income people of color to create jobs in upstate communities is unconscionable. State leaders must develop alternative and sustainable economic development in communities which have grown dependent on incarceration."

Senate Health Committee Chairman Thomas Duane, D-Manhattan, said it's also important to continue creating programs and regulations that benefit people still on the inside.

He gave the example of legislation he introduced last year (S.3842/A.903) that was signed into law in September. The law authorized the state Department of Health to review DOCS' health care policies and practices regarding the prevention and treatment of inmates infected with HIV/AIDS and hepatitis C, of which there are 4,000 and 10,000, respectively.

Duane said the law has helped to slow the spread of the diseases among inmates. He also said the state should invest in education in communities with high crime rates to deter crime and reduce recidivism. "To fight crime, you need to deter crime and to deter crime you need more education," he said.

"Now, using correctional facilities as an economic engine around the state was always bad policy, right?" he asked. "So we also have to fight to make more real economic development throughout the entire state. It's good for New York State, and it'll be a way to show that building and filling prisons is not sustainable economic development."