

Church Leaders Press State for Prison Reform

An organization of civic and religious groups has urged Gov. Mario Cuomo to call a special legislative session to address the problem of prison overcrowding.

The organization counts among its members Father Charles Mulligan, director of the diocesan Division of Social Ministries, Rabbi Judea Miller and Episcopal Bishop Robert R. Spears Jr.

In addition, the organization, The Citizens' Committee on Prison Overcrowding, was joined at a recent press conference by representatives of the New York State Catholic Conference, the lobbying arm of the state's bishops.

At the press conference, held July 13 in New York City, a statement was released which urged the governor to call a special session of the legislature and to seek the cooperation of legislative leaders in developing a broad range of measures to address the current prison crisis.

"On March 5, 1981, New York's prison population reached 100.2 percent of capacity. Over the last two years overcrowding has steadily grown worse, with the system now operating at 116 percent



of capacity," the statement said.

"The urgency of the problem was underscored this past May by a major disturbance at Clinton prison, leaving 15 guards and 15 inmates injured, and last January by the inmate takeover of B Block at the Ossining Correctional Facility, a disturbance brought about by substandard conditions, idleness, and heightened

tension, all directly attributable to overcrowding in the system.

"In the aftermath of the Ossining outbreak, successfully handled by the governor and Department of Correctional Services Commissioner Thomas Coughlin, there was widespread hope that the state's leadership would implement a comprehensive program to relieve significantly the overcrowd-

ing problem caused in large part by public policies adopted in the 1970s including mandatory sentencing laws and a decline in the staffing of probation and in the utilization of parole.

"Unfortunately, other than to approve an extensive and expensive prison construction program and several measures affecting a relatively small number of inmates, the state's policymakers have demonstrated little leadership in facing the crisis."

"There was no apparent effort in the recent legislative session to develop an overall plan to provide the immediate relief that is needed," the statement said.

Concerning prison construction, the organization's statement said:

"Under present criminal justice policies, with their imbalanced funding approach, the more cells the state builds, the more it will fill them — and not always with persons who need to be there for reasons of public safety. At his press conference following the resolution of the Ossining crisis, the governor stated: 'There are people in prison who ought not to be there. It's expensive to put everyone who commits

a crime behind bars. We need other measures.' Nonetheless, the current state budget increases to only \$4.5 million the appropriation for special alternative programs to incarceration — a minuscule amount compared to that allocated to prison expansion."

The organization is specifically pushing for legislative action in several areas. The actions recommended include:

- Reforming the parole system so that an inmate is presumed eligible for release to parole supervision at the end of his court-set minimum term, absent good reason for non-release. There are several thousand inmates currently eligible for parole who are still in prison, many, if not most, of whom have acceptable institutional records.

- Creating a standby release mechanism, giving the governor the authority to release carefully screened inmates 30 to 90 days early whenever the prison system has been over capacity for an extended period.

- Revising the mandatory sentencing laws, particularly the Second Felony Offender Law that requires prison sentences even for non-violent offenders. In 1981 alone, the courts had to send 1,630 non-violent offenders to state prison because of this law.

- Strengthening probation services and expanding structured community service and victim restitution programs. Current budget policies have not been suffi-

cient to permit adequate supervision of probationers; in New York City, for example, the average caseload is more than doubled the recommended standard. It is noted that every year more than 2,000 probation-eligible offenders are sentenced to the state prison system for non-violent property and drug-related offenses.

- Expanding and making permanent the state's work release programs. In its present temporary form, this program can accommodate less than four percent of the state's inmates.

- Amending the good-time law so that credit earned by inmates for good behavior can be deducted from their minimum sentences. Such a practice would provide corrections administrators with a useful behavior-control tool and inmates with an incentive to participate in constructive programs, while reducing population pressures by advancing release dates of those prisoners who do earn good time.

Q & A on Prison Reform

Following are questions and answers on prison overcrowding prepared by The Correctional Association of New York.

What is New York Spending on Corrections?

During the recently concluded legislative session, Governor Cuomo and the state legislature authorized the expenditure of just under \$1.25 billion to operate and expand the prison system.

The state budget for fiscal year 1983/84 designates \$546 million to go to operations, a \$55 million increase over last year, and more than a fivefold increase from 1972/73, when the Department of Correctional Services budget was \$101 million.

Another \$320 million was appropriated in the state budget for capital construction projects. Furthermore, the legislature approved bills permitting the Urban Development Corporation to issue \$380 million in bonds to finance additional prison construction. These monies will go toward the effort to create 8,800 new prison cells over the next three years.

Has Prison Expansion Worked to Control Crime or Relieve Overcrowding?

During the last 10 years the number of prison personnel has grown from 6,500 to over 16,000, and over 20 additional facilities have opened or reopened.

In the last 10 years the state's prison population has increased from approximately 12,500 in December of 1972 to over 30,000 today. The system is currently operating at 116% of capacity.

Despite the enormous expansion, residents of New York are more likely to be victims of crime today than in 1972. Indeed, the largest rise in reported crime rates during the past decade came in the years 1979-81, by which time proponents of prison expansion might have expected the large increase in imprisonment to begin reducing the incidence of crime.

Studies have shown that a state's incarceration rate has little relationship to its crime rate. For instance, a recent survey of prison construction throughout the county, sponsored by the National Institute of Justice, found that the states that had recently increased their prison capacity showed no reduced levels of crime. A 1976 survey by the American Foundation's Institute for Corrections demonstrated that there is little, if any, relationship between a state's crime rate and its incarceration rate.

Building more prisons doesn't even help provide a long-term solution to the overcrowding problem because, as experience has demonstrated, there's a Parkinson Law that operates regarding prison construction: the number of inmates systematically increases to fill available space, or "the more you build, the more you fill." The recent National Institute of Justice study found that: "...looking at capacity additions between 1955 and 1976, ...additions were filled to 100 percent within two years, and 130 percent within five years."

What Are the Costs of Incarceration?

The cost of building one maximum security cell in New York State is approximately \$100,000. The cost of one modular cell is about \$40,000. One cell acquired through conversion costs about \$15,000.

The cost of maintaining one prisoner in New York State is approximately \$20,000 per year.

The cost of maintaining one offender in Intensive Supervision Probation — a program in which caseloads are limited, thus enabling probation officers to provide special services and strict supervision to selected offenders — is about \$1,000 per year.

The cost of maintaining one individual on parole for one year is approximately \$1,090.

Are Expensive Prison Resources Being Focused on Confining Serious Offenders?

There are many people currently in prison who do not need to be incarcerated for reasons of public safety.

In 1981 alone, 1,689 first-time non-violent felony offenders were sent to state prison.

In 1981, 1,630 persons were sent to state prison for a repeat non-violent felony.

Nearly 40% of the persons sentenced to state prison in 1981 were convicted of non-violent felonies.

Over 40% of the people sent to state prison in 1981 had never been locked up before.

In fiscal year 1981-81, 2,880 persons were returned to state prison for parole violations. Of this number, at least 682 individuals were reincarcerated solely for violation of technical parole rules, such as the failure to report a change of residence.

These figures indicate that there is a large pool of less serious offenders in state prison, many of whom could be considered suitable candidates for alternative sanctions which are less costly and more sensible than incarceration.

Are There Other Measures that Would Alleviate Overcrowding?

Workable options are available in New York State to relieve the immediate overcrowding crisis. In addition, these prison population management measures would provide the underpinning for more rational, cost effective, better coordinated criminal justice system.

- 1) Reform parole procedures so that inmates with acceptable institutional records are released upon completion of their court-set minimum terms. There are thousands of such inmates who are now being kept in prison beyond their initial parole eligibility dates.

- 2) Revise mandatory sentencing laws, especially those that require prison sentences for non-violent offenses.

- 3) Expand the court's sentencing options by increasing structured community service and victim restitution programs that can effectively administer punishments to offenders convicted of lesser felonies.

- 4) Strengthen probation programs so that judges have more confidence in sentencing less serious offenders to alternative punishment. Each year over 2,000 probation-eligible offenders are sentenced to a state prison.

- 5) Establish standby release authority to allow the orderly early release to parole supervision of "good risk" inmates near the end of their term whenever prison capacity has been exceeded for an extended period.

- 6) Guarantee the permanence and expand the capacity of the state's temporary work release programs for prisoners nearing their release dates. Less than 4% of New York's prisoners are now involved in work release.

- 7) Apply good-time credits to the minimum sentence rather than the maximum, so that inmates will have a true incentive to maintain good institutional records in order to become eligible for parole earlier.

Who Supports these Measures?

All or most of these proposals have been endorsed by the Citizens' Committee on Prison Overcrowding, a statewide group including leading figures from the legal, academic, religious, civic, and business communities; the Roman Catholic Bishops of New York State; the New York State Council of Churches, and the Liman Commission, appointed by Governor Carey in 1981 to examine the state's criminal justice system and make recommendations for improvements.

What Could the State Save by Implementing these Population Management Measures?

As a result of adopting the recommended prison population management measures, the state could, in one year, save from \$75 to \$83 million in operating costs, and from \$154 to \$194 million in capital construction costs.

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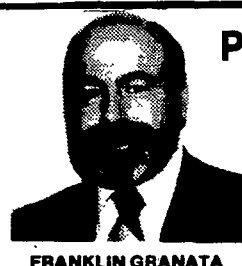
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