



## ON THE CHOPPING BLOCK: STATE PRISON CLOSINGS

### **Introduction**

As a result of recent policy changes and pressures brought on by the fiscal crisis, state lawmakers are closing prisons after 40 years of record prison expansion. Declining prison populations in a number of states have resulted in excess prison capacity. During 2010, the Bureau of Justice Statistics reported the first decline in the overall state prison population since 1977 and found 24 states had reduced prison populations during 2009.

In 2011 at least thirteen states have closed prison institutions or are contemplating doing so, potentially reducing prison capacity by over 13,900 beds. Since 2002, Michigan has led the nation in this regard. The state has closed 21 facilities, including prison camps, as a result of sentencing and parole reforms. Overall, the state has reduced capacity by over 12,000 beds for a total cost savings of \$339 million.<sup>1</sup> Other states, including New Jersey and Kansas, have also closed prisons in recent years amid changes in sentencing policy and parole decision making that have resulted in a decline in state prison populations. Maryland also reduced prison capacity when it closed the Maryland House of Corrections in 2007 by transferring 850 prisoners to other prisons.<sup>2</sup>

### **States Closing or Considering Closing Correctional Facilities in 2011**

State	Correctional Facility	Operational Capacity
Colorado	Fort Lyon Correctional Facility	500 beds <sup>3</sup>
Connecticut	Bergin Correctional Institution, Enfield Correctional Institute	1,327 beds <sup>4,5</sup>
Georgia	Blakely Regional Youth Detention Center, Griffin Regional Youth Detention Center	60 beds <sup>6</sup>
Michigan	Florence Crane Correctional Facility	1,056 beds <sup>7</sup>
Florida	Brevard Correctional Facility, Tallahassee Road Prison Hillsborough Correctional Institution	1,497 beds <sup>8,9</sup>
Nevada	Nevada State Prison	841 beds <sup>10</sup>
New York	Buffalo Work Release, Camp Georgetown, Summit Shock, Fulton Work Release, Arthur Kill Medium Security Prison, Mid-Orange Medium Security Prison, and Oneida Medium Security Prison	3,800 beds <sup>11</sup>
North Carolina	Cabarrus Correctional Facility	198 beds <sup>12</sup>
Oregon	Oregon State Penitentiary – Minimum Security, MacLaren Units (Dunbar, Kincaid and McBride), Hillcrest Units (Chi and Kappa), Oak Creek Unit (Young Women’s Transition Program)	326 beds <sup>13,14</sup>
Rhode Island	Donald Price Medium Security Facility	324 beds <sup>15</sup>
Texas	Central Unit, Burnett County Jail, Al Price State Juvenile Correctional Facility, Crockett State School, and Ron Jackson State Juvenile Correctional Complex Unit II	2,139 beds <sup>16,17,18</sup>
Washington	McNeil Island Corrections Center	1,200 beds <sup>19,20</sup>
Wisconsin	Ethan Allen School and Southern Oaks Girls School	647 <sup>21</sup>
<b>Total Beds</b>		<b>13,915 beds</b>

### **State Budget Crisis**

Current fiscal pressures have encouraged lawmakers to look at corrections policies in an effort to identify cost effective approaches to reduce state expenditures on expensive prison operations without compromising public safety. The National Conference of State Legislatures recently reported that corrections and public safety spending were above budgeted levels in seven states, including Alaska, where corrections spending exceed the state's \$258 million corrections budget<sup>22</sup> by \$9 million.<sup>23</sup> While the prison population has declined significantly in Michigan, state lawmakers are still continuing work to contain costs where one out of three state employees works in the criminal justice system and the corrections budget represents 23% of state general funds.

Not all states that have reduced their prison populations have closed prisons. For example, New York, which lowered its prison population from about 71,600 in 1999 to about 59,300 by 2009 struggled to closed facilities. Opposition from the correction officers' union and politicians representing the areas where most of the state's correctional facilities are located resulted in a slow process to close prisons. However, lawmakers confronted with the fiscal crisis were ultimately able to reach an agreement resulting in the announcement of prison closures.

While funds to manage expensive prison systems have lessened, so too have resources for services such as treatment for substance abuse and mental health. For example, Minnesota lawmakers recently considered a significant reduction of funding for a model in-prison treatment program that has been shown to reduce recidivism by 25 percent.<sup>24</sup> Thus, the viability of alternatives to incarceration programs and reentry services may be compromised in the current environment

### **Momentum for State Sentencing Reform**

In recent years a number of states have been engaged in sentencing reforms that have contributed to declines in prison populations. Lawmakers in Kansas, Michigan, New Jersey, and New York enacted a mix of administrative and legislative policies that contributed to sustained prison population reductions of 5-20%. In each of these states a range of policy changes were adopted, including sentencing reforms, alternatives for "prison bound" people, reducing time served in prison, addressing parole release rates, and reducing revocations. The ability of these four states to control prison growth shows that policymakers and practitioners can collaborate to reduce the reliance on incarceration while maintaining public safety.

States are continuing to implement policy responses that change approaches to corrections. During 2010, state legislatures in at least 23 states and the District of Columbia adopted 35 criminal justice polices that may contribute to reductions in the prison population and eliminate barriers to reentry.<sup>25</sup> Colorado, which announced plans to close a prison, modified its probation revocation policy to reduce the number of technical parole violators entering prison. Michigan's ability to close prisons since 2002 is the result of a mix of reforms that included the repeal of almost all of the state's mandatory minimum drug sentences, replacing them with sentencing guidelines.

Additional state policy reforms included: bipartisan support in South Carolina for equalizing penalties for crack and powder cocaine offenses, modifying mandatory sentencing law that

applies to convictions in “drug free school zones” in New Jersey, and authorizing judges to sentence below the mandatory minimum in appropriate cases.

In 2011 states have continued efforts to adopt reforms that control prison growth. Delaware’s Governor Markell signed legislation that significantly restructures drug sentencing by making important distinctions between drug users and drug dealers, and streamlines the charging process so that defendants face a single charge with possible aggravators rather than multiple charges for the same offenses. Lawmakers in Maryland modified the parole process by requiring consideration of risk assessment and streamlining the approval process for release of certain prisoners.

### **Dilemmas of Privatization**

Trends to reduce corrections spending have focused on viable alternatives to incarceration and reduced prison terms for certain segments of the prison population. However, a few states, including Louisiana, Florida, and Ohio, have explored the option of privatizing their prison systems in an effort to reduce costs. Proponents of this approach contend that private companies can manage correctional systems at less cost than state managed agencies. Yet, a recent analysis in Arizona found that the state paid more per inmate in private prisons than for equivalent services in state facilities.<sup>26</sup>

The interests of private prison companies may conflict with efforts to reform sentencing policies and reduce a state’s reliance on incarceration. For-profit prison operators have a financial incentive to detain prisoners for longer periods of time. Efforts to reduce sentence lengths for certain offenses would counter that approach. In some instances, private companies have built prisons on speculation, anticipating potential contracts from state or federal agencies.

### **Reducing the Reliance on Incarceration**

Efforts to reduce juvenile incarceration have resulted in prison closings as well. The Texas Youth Commission (TYC) closed three facilities in 2011 – over 590 beds. The closures were made possible following several years of declines; today there are less than half as many youth in TYC institutions as in 2006.<sup>27</sup> California also experienced declines in secure placements for juveniles; the number of committed youth in the Division of Juvenile Justice declined by 35% from 1997 to 2007.<sup>28</sup>

Despite declines in the juvenile population, California continues to face overcrowding in the adult system that was recently addressed by the Supreme Court’s order to reduce the prison population by 46,000. Additionally, there continue to be new reports of prison expansion in states like Virginia<sup>29</sup> and even Texas,<sup>30</sup> which reduced its adult prison population in recent years. So while some states are seriously looking at closing prisons the national scope of mass incarceration continues to pose a serious challenge. It remains to be seen whether the decisions of policymakers in a number of states to close correctional facilities can contribute to an evolving framework that shifts away from the reliance on incarceration.

*This briefing paper was authored by Nicole D. Porter, State Advocacy Coordinator of The Sentencing Project with research assistance from Cody Mason, Program Associate (August 2011).*

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