



**Statement of
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**Public Forum of the New York State
Minority Task Force on Criminal Justice Reform
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Good morning. I am Elizabeth Lynam, a Senior Research Associate of the Citizens Budget Commission. The Commission is a private, nonprofit civic organization founded in 1932 and committed to promoting better financial management and service delivery by the State of New York and the City of New York.

Thank you, Senators Duane and Montgomery and members of the task force, for giving me this opportunity to make a statement on criminal justice reform in New York State. As you may know, the Commission published a study of the Department of Correctional Services entitled, *Making More Effective Use of New York State's Prisons*, last May. I have extra copies of the report here with me today.

The general conclusion of our analysis is that the State of New York could save nearly \$100 million annually by avoiding unnecessary and sometimes counterproductive imprisonment. While fundamental social and political changes would be required to reduce significantly the crime rate and the number of people sent to prisons each year, more direct and practicable policy actions can prevent those confined from staying too long. By reducing the length of incarceration for some prisoners and substituting alternative forms of punishment for the latter part of their sentence, New Yorkers could save millions while maintaining or improving their level of public safety. Let me explain our conclusions more fully.

I'll begin by briefly presenting some context-setting background information with which I'm sure you're familiar.

In fiscal year 2000, the State of New York spent \$2.3 billion to house and supervise about 70,000 people at facilities throughout the State. The size of the budget required to support the Department of Correctional Services is determined by two distinct factors—the number of people it is required to supervise and the average daily cost of caring for them.

The first, the number of prisoners they are required to supervise, is largely a function of policy choices. This set of choices is what I would like to speak about today.

In the 1970s New York State was a leader in the movement toward harsh penalties as a deterrent to drug sales and use, adopting the Rockefeller drug laws in 1973. The Rockefeller laws had their greatest impact in the 1980s when law enforcement officials began to prosecute drug offenses more vigorously. From 1980 to 1990 the statewide annual number of felony drug arrests rose from 11,880 to 59,049 and the resulting number of annual prison commitments rose from 886 to 10,784. As a consequence, from 1980 to 1990, the number of inmates in New York State prisons due to drug offenses increased from less than 2,000 or 9 percent of the population to 18,459 or 34 percent. In 1998 the drug offense population was 22,386 or nearly one-third. If the number of people in prison for drug offenses had been the same in 1998 as in 1980, then the total prison population in 1998 would have been 49,598 rather than 70,031 and the Department of Correctional Services budget would have been \$659 million lower.

Legislation passed in 1978 applied the stiff penalties associated with the drug offenses to several types of violent crime. In 1995 the State eliminated parole for repeat violent offenders and increased the mandatory minimum sentence for first-time violent offenders. At current expenditure levels of over \$2 billion annually, the 1995 sentencing laws have an annual price tag of over \$200 million. Then in 1998, Jenna's law was enacted, eliminating parole for first-time violent offenders.

The political pressure that led to longer mandated sentences and the elimination of parole has influenced the behavior of parole boards and officers too. In 1998 about one of every five people entering prison was a parole violator. Release rates at appearances before the parole board have also declined—from 1990 to 1998 the percent of persons granted parole at their first hearing fell from 67 to 50 percent, and the rate for those at the subsequent appearance fell from 73 to 51 percent.

The combined effect of the changes in policy is huge growth in the prison population. Between 1973 and 1999, New York State's prison population grew fivefold—from 13,832 to 70,000.

The Department of Correctional Services and the State of New York have responded to growing inmate populations in two basic ways. First, prison capacity has been expanded, mainly through construction—between 1981 and 1998, 27 facilities have been added at a capital cost of over \$2 billion. Second, some alternatives to incarceration were initiated as a way to handle the bulging population. The four recommendations in our report focus on further reducing the inmate population by developing and extending alternative programs.

Let me describe them briefly.

First, the reach and effectiveness of tested alternatives should be extended. Two of the alternatives we reviewed were proven to be cost-effective, generating savings without diminishing public safety. We recommend that both be applied more broadly.

1. Shock Incarceration. The Shock Incarceration program has demonstrated its effectiveness. Evaluations show that those who complete the Shock program are less likely to return to prison (10 percent after one year versus 15 percent; 28 percent after 2 years versus 33 percent). And there are fiscal savings because Shock participants spend significantly less time in prison before being released on parole (222 days versus 582 days).
2. CASAT. The Comprehensive Alcohol and Substance Abuse Treatment has also proven effective. Follow-up studies indicate that prisoners who complete CASAT are less likely to return to prison (7 percent after one year versus 14 percent; 19 percent after 2 years versus 30 percent). And there are related cost savings because CASAT reduces the time that participants spend in prison—with net savings of \$32,000 per participant.

Second, new alternatives should be developed for additional inmate groups. The alternatives currently in use focus on nonviolent drug offenders; however, the strategy of substituting effective alternatives to incarceration for the latter part of prison sentences could be safely applied to some of those convicted of other offenses, including property crimes and violent offenses. In that connection, there should be an effort to develop less expensive options for these groups without diminishing public safety. Older inmates are also a group with significant potential for alternatives to incarceration.

New technologies offer promising possibilities for making home confinement, combined with day reporting for counseling or work assignments, a practical option. Wrist or ankle bracelets that transmit to receivers that enter telephone signals to central monitors have made home confinement much more effective, and continued advancements using satellite positioning systems will only increase their potential. Already, several states are successfully using satellite systems to closely monitor violent offenders.

Third, the parole system should be reengineered. The public's limited confidence in parole is largely a function of the way parole is now administered, rather than intrinsic to the concept. Parole officers in New York State have large caseloads, limited access to supportive services, and few options for parolees they find in violation. Nevertheless, parole remains the principal route out of prison. (In 1998, two out of three people released from prison were granted parole.) And, as a program, it requires improvement, not neglect.

Here new technologies offer potential for replacing routine functions and enhancing regular monitoring and reporting. The tasks of a parole officer could then be shifted to following-up on problems and helping with access to supportive services for those more recently released.

Finally, the research and development unit of the Department of Correctional Services should be enhanced. The Department needs greater capacity to design and implement alternatives to incarceration that substitute for prison terms. The Department currently has a Division of Program Planning Research and Evaluation, but its scale and scope are too small for an agency with an annual budget of more than \$2 billion. The division employs about 20 people and has an annual budget of less than one percent of the \$2 billion total.

An effective R&D unit requires more than additional staff. Its budget should include resources to support testing of enhanced services for programs and development of new options. Its legal mandate should permit testing of new programs without special legislative approval, and it should be able to modify programs from their legislative constraints on a “demonstration” basis. An effective unit will also require persistent support from political leaders like you, as it tries innovative approaches.

The estimated savings from these measures is \$96 million annually based on three assumptions about their effect. First, half of all the inmates released were serving time for a nonviolent drug offense and they typically served 24 months. If they were eligible for prison alternatives after 12 months, the net savings from this alone would be \$65 million. Second, fifteen percent of those released were convicted of a nonviolent property crime, typically serving just under 24 months. If new forms of house arrest or other alternatives were substituted for the last six months, nearly \$20 million could be saved. Third, twenty-five percent of inmates released were convicted of violent crimes, and this group is generally released to parole with very limited supervision. For them, it may be better for public safety and more cost effective to replace the final two months of prison with electronically monitored house arrest and more intensive parole supervision—saving nearly \$11 million.

In summary, incarceration is a costly form of punishment and is perhaps not always the most effective one. Lengthy prison terms for nonviolent drug offenders in particular seem an unnecessarily burdensome public expense. But calls for reform must be balanced with legitimate concern for public safety. Public perception about such matters is not always the best guide as well-publicized cases of ex-offenders who go on to commit heinous crimes after their release skew public perception of the level of risk such programs carry. Rather, political leadership is the key to rational policy-making in an area that is consuming an increasing share of taxpayer dollars. We urge you on the committee to support the reform measures described in this statement and any others that prove to have the dual benefit of freeing resources for other purposes and improving public safety.

Thank you very much, Senators Duane and Montgomery and members of the task force, for the chance to make a statement today and I’ll be happy to answer any questions you might have.
