

The Correctional Association of New York

FOUNDED 1844

2090 ADAM CLAYTON POWELL, JR. BLVD. • SUITE 200 • NEW YORK, NY 10027
TEL. (212) 254-5700 • FAX (212) 473-2807 • www.correctionalassociation.org

Testimony of the Correctional Association of New York Public Protection Committee Budget Hearing February 6, 2013

Good afternoon, my name is Tamar Kraft-Stolar and I am the Director of the Women in Prison Project of the Correctional Association of New York (CA). We are a non-profit criminal justice policy advocacy organization with the unique legislative authority to monitor prison conditions in New York State. Under this authority, granted to the organization in 1846, we visit correctional facilities and report to the legislature and the public on our findings and recommendations for reform. We also coordinate advocacy campaigns and coalitions, including the Coalition for Women Prisoners, an alliance of more than 1,800 individuals from over 100 organizations across the state, and we run leadership training programs for formerly incarcerated women and young people.

We thank the members of the Public Protection Budget Committee and the Finance Committee for the opportunity to provide testimony regarding Governor Andrew Cuomo's Fiscal Year 2013-14 proposed budget for public protection. Our comments today are focused on Governor Cuomo's proposal to close two women's prisons, Bayview and Beacon Correctional Facilities.

The CA is concerned that closing Bayview and Beacon Correctional Facilities will eliminate some of the most effective opportunities incarcerated women have to maintain family ties and prepare for a successful reentry. This includes the opportunity to live in a prison in New York City (the area that nearly half the state's female prison population calls home), to stay connected to children and family members who live downstate, to participate in a work release program downstate, and to serve time in a minimum-security setting.

Our position is that Governor Cuomo and the New York State Legislature should develop a plan to invest a significant portion of the funds saved by the closures (a projected \$18.7 million in 2013-14 and \$62.1 million in 2014-15) into: replicating the opportunities that women and families will lose if Bayview and Beacon close, improving programs in prison (especially those that facilitate family ties and reentry), and expanding community-based alternatives to incarceration, which are more effective than prison in reducing crime, keeping families together and helping people rebuild their lives.

To be clear, the CA has a long history of supporting prison closures. We support closures because we believe that prisons generally do more harm than good. Prisons do little to help people overcome the issues that led to their incarceration, often making the issues worse instead of better, and they fail to provide meaningful ways for people to grapple with their actions or work to repair the harm they caused. Prisons damage families and devastate children by separating them from their parents. Prisons drain communities – particularly

poor communities of color from which a majority of the incarcerated population comes – of political capital and of people who, if given the right supports and opportunities, could be healthy, productive members. Finally, prisons cost billions of dollars yet fail to adequately prepare people for a smooth, crime-free return home.

Closing prisons is particularly warranted now, as the state's prison population has dropped significantly over the past decade and a half, leaving many empty prison beds. The number of incarcerated women has decreased by 38% in the past 15 years (from about 3,700 to about 2,300) and the number of incarcerated people overall has decreased by 22% in the past 13 years (from about 71,600 to about 56,000). The closures of seven prisons in 2011 eliminated only about half (3,800) of the system's 8,000 empty prison beds. The proposed closures would eliminate only 432 more.

The concerns we share with you today are related to the particular prisons currently slated for closure. What follows is an explanation of why the opportunities provided by Bayview and Beacon are so important for women, families and communities in New York, and why they should be replicated if those facilities shut their doors.

(1) Bayview is the only women's prison located in New York City.

New York City and its suburbs were home to nearly half (48%) of the state's female prison population and more than two-thirds of Bayview's population before Hurricane Sandy forced an evacuation. Being incarcerated close to home can make or break a family's ability to stay connected. For example, while a grandmother might be able to take her grandson to visit his mother every month if that visit is a \$5, 20-minute subway-ride to Bayview, it is unlikely that she will have either the time or the funds to make a monthly visit if the trip is a \$40, 2 hour train-ride to Taconic Correctional Facility in Westchester or a \$160, 8-hour bus-ride to Albion Correctional Facility in Orleans County, which houses more than a third (37%) of incarcerated women and is the largest women's prison in New York.

For children, frequent visiting and strong family connections can reduce the trauma of having an incarcerated parent and provide the support they need to become healthy adults. For mothers, not receiving visits means not only the devastation of losing touch with their children but also sometimes losing their parental rights to their children forever.

Approximately 70% of women in New York's prisons are mothers, and many were the primary caretakers of their children before prison. An estimated 4,000 children have a mother in a New York State prison, nearly 2,000 of those children are likely living in the New York City area. Of the women at Albion, more than one-third (37%) are from downstate. Visiting far away prisons has become even more difficult since the Department of Corrections and Community Supervision (DOCCS) eliminated its free community bus program in 2011.

As one woman from Albion wrote us just a few weeks ago: "I live in Brooklyn and my daughter is not able to come here. The distance is destroying family bonding. The hardships our kids are put through is like death... We parents committed this crime but it's our kids that are being punished. I have seen my daughter three times [in the two years] I have been here at Albion."

Maintaining positive family connections also makes prisons safer, by providing incarcerated people with hope, comfort and incentive for good behavior, and communities safer, by providing people with the supports they need to stay out of prison once they are released.

To be sure, Bayview has had its share of problems throughout the years, including seriously deficient medical and mental health care and high rates of staff sexual misconduct. Should the facility re-open, these problems should be addressed and resolved. These problems, however, should not cloud the power of Bayview's ability to keep incarcerated people, especially mothers, close to home.

Closing the only women's prison in New York City is even more concerning in light of the fact that two of the seven prisons Governor Cuomo closed in 2011 (Arthur Kill and Fulton Correctional Facilities) were also in the five boroughs. Nearly 60% of the state's total prison population is from the New York City area.

- (2) Bayview is one of only two women's prisons with a work release program, and the only women's prison with work release and a specialized reentry program downstate.

One of DOCCS' most effective reentry programs, work release functions best when participants can find jobs and build relationships with employers in the communities to which they will return. In 2011, there were 63 women participating in work release at Bayview. The only other women's prison aside from Bayview with a work release program is Albion in upstate New York.

In addition to building relationships with employers, work release participants can earn the ability to live in the community, either full or part-time. This aspect of the program is key to helping people acclimate to life on the outside and establish the community connections necessary for a successful reentry. To live in the community, however, work release participants either must find an apartment or stay with family or friends – shelters and halfway houses are not allowed. It would be very difficult for a person to find this type of housing, and therefore take full advantage of the program, in an unfamiliar community.

We are also concerned that the closing of Bayview's program seems to be part of a pattern of decreasing work release across the state. Two of the seven prisons closed in 2011 were work release facilities, Fulton and Buffalo; Fulton hosted one of only three men's work release programs in the downstate area. Overall, the number of people accepted into work release has dropped by 95% over the past 17 years, from about 24,000 in 1994 to about 1,300 in 2011. Reducing work release is both penny-foolish and pound-foolish: the program costs significantly less than traditional imprisonment and saves New York millions by reducing recidivism and allowing participants to contribute to the local economy and pay taxes. For example, in 2011, work release participants paid over \$1 million in taxes.

Bayview is also the only women's facility with a specialized reentry unit. Similar to work release, a reentry unit located in New York City is particularly important for the many women transitioning back to their families and communities in the area.

- (3) Beacon is the only women's non-specialized minimum security facility and the only women's minimum near the downstate area.

Minimum-security prisons allow incarcerated people with a lower security status to serve their time in a more humane setting that facilitates better preparation for reentry. For example, unlike medium and maximum security prisons, minimums commonly have no fences, no Special Housing Units (SHUs, 23-hour lockdown) and no cells. People in minimum security prisons live in dorms or multiple occupancy rooms and have more freedom to move within the facility.

The atmosphere in minimum-security prisons, including Beacon, is usually less tense and stressful than at prisons with higher security levels. Minimums are also safer settings for incarcerated people and staff alike. For example, while Bedford Hills, the state's only maximum-security prison for women, had 293 officer Uses of Force between 2005 and 2009, Beacon had zero.

Living in a minimum-security environment can help incarcerated people stay focused on completing their time and getting ready for their return to the community. This is likely the reason that DOCCS often transfers people from maximum and medium-security facilities to minimums as they near their release date. Closing Beacon will remove this important step-down environment for women preparing to come home.

While Lakeview Shock Incarceration and Willard Drug Treatment Campus are also minimum security prisons that house women, both facilities are specialized programs: Lakeview is a six-month boot camp-style program and Willard is an intensive drug treatment center. Only a small segment of defendants are eligible for these programs and even those who are eligible may be disqualified for other reasons. In 2006, for example, more than one-third of eligible women were disqualified from Lakeview because the prison could not meet their medical or mental health needs. In addition, Lakeview and Willard are both in upstate New York – Lakeview is more than seven hours from New York City near the Canadian border and Willard is more than five hours away.

Without Beacon, most women with a minimum status will be housed either in medium or maximum security prisons. Even if a unit or wing of one of those medium or maximum-security prisons is designated on paper as a "minimum," it will be unable to fully replicate the atmosphere or structure of a setting specifically designed for people with a minimum-security status.

It is important to note that while some incarcerated women report a preference for living in maximum- or medium-security prisons, the reasons they commonly cite are attributes that, with appropriate resources, DOCCS could establish at minimum-security prisons as well. Common reasons include: more robust programming, more intensive medical and mental health services, and more frequent family visiting days (maximum prisons have visiting daily while medium and minimums have visiting only on the weekends).

We ask Governor Cuomo and the Legislature to develop a plan to create an alternative, meaningful minimum-security setting for women if Beacon closes.

In addition, the CA is concerned about the trend of focusing closures on minimum-security prisons. Of the seven prisons closed in 2011, four were minimum-security (Buffalo Work Release, Camp Georgetown, Summit Shock, Fulton Work Release) and of the three prisons closed in 2009, all were minimums (Camp Mt. McGregor, Camp Gabriels and Camp

Pharsalia). We urge that future closures not be disproportionately focused on minimum-security facilities.

On a related note, the CA believes that many women in DOCCS have a higher security status than necessary. Nearly eight in 10 women sent to state prison each year are convicted of non-violent offenses, and those who are convicted of violent offenses rarely have a history of violent or predatory behavior. For example, 85% of women convicted of violent offenses in 2011 were first-time felony offenders, and at least some of those women were convicted because they protected themselves from an abuser. Most women are in prison for crimes related to addiction, domestic violence, mental illness and economic hardship. The vast majority of women do not engage in violent acts while in prison and pose little risk to security – for example, when incarcerated women gather together, it is usually to offer each other support and a sense of community, not to plan an attack on officers or an escape. Most women also pose little risk to the public when they get out, especially when they are given the support, services and opportunities they need to rebuild their lives. The CA also believes that many men may be overclassified as well. We urge Governor Cuomo and the Legislature to work with DOCCS to re-evaluate the security classification of men and women currently in custody and to design a process moving forward that more accurately assigns security classification to individuals entering the system.

In conclusion, we urge Governor Cuomo and the Legislature to reinvest funds saved by these closures into: (1) replicating the opportunities that women and families will lose if Bayview and Beacon close; (2) improving programs inside prison; and, (3) expanding community-based alternative to incarceration (ATI) programs, including programs that are women-only and allow mothers to live with their children. Studies show higher success rates for women who participate in gender-specific programming and for mothers in residential programs who can live with their children while receiving treatment.

In addition, while New York's prison population has dropped significantly over the past decade and a half, there are still far too many people being sent to prison each year. We ask the Governor and New York State policymakers to take additional measures to further reduce the number of incarcerated people, including: (1) expanding discretion for judges to send more defendants to ATI programs; (2) enhancing opportunities for incarcerated individuals to earn parole and early release through participating in programs and maintaining a positive disciplinary record; and, (3) reducing the number of people returned to prison for technical parole violations.

As a first step, the Legislature should pass the Domestic Violence Survivors Justice Act (S.3337/A.4314), sponsored by Senator Ruth Hassell-Thompson and Assemblymember Jeffrion Aubry, which would untie judges' hands so that they are not required to dispense long, harsh prison sentences to survivors who act to protect themselves after suffering horrific violence from an abuser.

By taking these steps and continuing to close prisons, we can reduce New York's misguided overuse of incarceration, save precious taxpayer dollars and increase our state's ability to build healthy, safe and productive families and communities.

