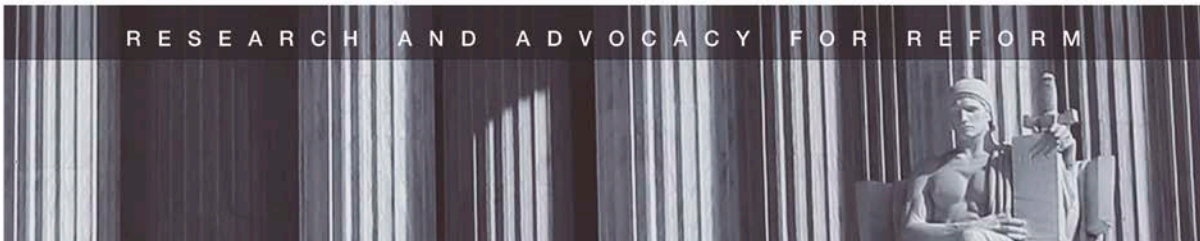




R E S E A R C H A N D A D V O C A C Y F O R R E F O R M



On the Chopping Block 2012:

State Prison Closings

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The Bureau of Justice Statistics recently reported that the overall state prison population declined for the third consecutive year in 2011. State sentencing reforms and changes in parole revocation policies have been contributing factors in these reductions. As a result, state officials are now beginning to close correctional facilities after several decades of record prison expansion. Continued declines in state prison populations advance the narrative that the nation's reliance on incarceration is largely a function of policy choices.

In 2012, at least six states have closed 20 prison institutions or are contemplating doing so, potentially reducing prison capacity by over 14,100 beds and resulting in an estimated \$337 million in savings. During 2012, Florida led the nation in prison closings with its closure of 10 correctional facilities; the state's estimated cost savings for prison closings totals over \$65 million. This year's prison closures build on closures observed in 2011 when at least 13 states reported prison closures and reduced prison capacity by an estimated 15,500 beds.

BASIS FOR CLOSURES

The ability of state lawmakers to close prisons is due to a decline in state prison populations. During 2011, the total U.S. prison population numbered 1.5 million at yearend, a decline of 1.1% during the year, the second year that a reduction in the total state and federal prison population had been observed.¹ The Bureau of Justice Statistics found that the decrease in the total prison population was due to the decline in the number of prisoners held in custody in state prisons.²

Changes in policy and practice have contributed to declines in the state prison population. From 2004 through 2009, at least 36 states enacted 97 policy and administrative reforms that ranged from codifying graduated sanctions for parole violators to relaxing mandatory minimums.³ These included reforming New York's notorious Rockefeller Drug Laws by revising the sentencing structure and eliminating mandatory minimums for certain drug offenses. Additionally, Connecticut lawmakers repealed the state's sentencing disparity for crack and powder cocaine, laying the foundation for reform at the federal level and in other states, including Ohio and South Carolina. Changes in administrative practice also

contribute to reducing state prison populations. In recent years, state officials looking to manage correctional populations have increased parole release rates and scaled back returns to prison for parole violations.

States Closing or Considering Closing Correctional Facilities in 2012

State	Correctional Facility	Operational Capacity	Est. First Year Savings
California	California Rehabilitation Center ⁴	3,900 beds	\$160,000,000
Colorado	Colorado State Penitentiary II ⁵	316 beds	\$4,500,000
Florida	Broward Correctional Institution ⁶	611 beds	\$2,523,371
Florida	Caryville Work Camp ⁷	133 beds	\$1,728,792
Florida	Demily Correctional Institution ⁸	342 beds	\$6,068,260
Florida	Gainesville Correctional Institution ⁹	507 beds	\$9,038,845
Florida	Hendry Work Camp ¹⁰	280 beds	\$4,028,832
Florida	Hillsborough Correctional Institution ¹¹	431 beds	\$8,314,653
Florida	Indian River Correctional Institution ¹²	381 beds	\$8,027,931
Florida	Levy Forestry Camp ¹³	292 beds	\$3,886,263
Florida	New River Correctional Institution ¹⁴	1,363 beds	\$17,644,740
Florida	River Junction Work Camp ¹⁵	736 beds	\$4,268,454
Illinois	Dwight Correctional Center ^{16,17}	1,212 beds	\$36,900,000
Illinois	Joliet Renaissance Center – Youth Center ¹⁸	344 beds	\$11,700,000 ¹⁹
Illinois	Murphysboro Youth Prison ²⁰	156 beds	\$6,000,000 ²¹
Illinois	Tamms Super Maximum Security Correctional Center ^{22,23}	700 beds	\$25,600,000
Kentucky	Otter Creek Correctional Center ²⁴	656 beds	\$9,450,000 ²⁵
Louisiana	C. Paul Phelps Correctional Center	942 beds	\$12,000,000
Louisiana	Forcht-Wade Correctional Center ²⁶	498 beds	\$2,700,000
Louisiana	J. Levy Dabadie Correctional Center ²⁷	300 beds	\$3,000,000
Total Beds and Project Cost Savings		14,100 beds	\$337,380,141

Reduction in State Prison Populations Offers Opportunity to Reduce Spending

The reduction in state prison populations has created an opportunity for state lawmakers to save scarce resources by closing prisons with excessive capacity. At midyear for fiscal year 2012 states reported cutting correctional expenditures by \$67.5 million.²⁸ An examination of projected budgets for fiscal year 2013 indicates that at least 12 states are planning to decrease correctional expenditures, with prison closures being one mechanism to do so.

2012 State Sentencing Reforms

Reducing corrections spending continues to be a salient motivation for enacting state level sentencing reforms, as does recognizing that the reliance on incarceration is subject to diminishing returns. The focus on deterring drug market participation through prison that reached a peak in the 1990s has resulted in a record number of persons incarcerated for drug offenses. This expansion has had little effect on public safety due to the easy replacement of low-level drug sellers in the community.

In some states, policymakers continue to implement changes in policy that may result in reducing the numbers of incarcerated individuals while expanding capacity for treatment and other alternatives. During 2012, two states modified certain criminal penalties. In Missouri, for example, policymakers reduced the nation's most severe sentencing disparity for crack and powder cocaine when they changed the drug quantities that triggered a mandatory minimum prison sentence.²⁹ Louisiana lawmakers authorized judges to depart from statutory penalties for certain persons who cooperate with law enforcement officials.³⁰

OPPORTUNITIES CREATED BY EXCESS CAPACITY

In recent years the closure of correctional facilities has created an emerging social policy concern that challenges communities and officials. A range of options has been instituted for closed prison facilities that include selling them to other agencies for continued correctional purposes, managing empty prisons in anticipation of future population increases, and repurposing facilities for new uses.

Selling Extra Capacity

Selling state prisons to other agencies for continued correctional purposes is a strategy that some state lawmakers have employed. Closing prisons has been a salient part of state budget negotiations in Illinois during 2012. Governor Pat Quinn's request to close two prisons has garnered opposition from state lawmakers who represent districts where the facilities are located and resistance from city and county officials who believe their local economies depend on the prisons.³¹ Since 2009, the governor has attempted to sell the prisons to the federal government to address the concerns of various stakeholders.³² Gov. Quinn announced in the fall of 2012, that Illinois will sell the Thomson Correctional Center to the federal Bureau of Prisons (BOP) for \$165 million to house persons convicted of federal offenses.³³

Repurposing Prisons

Other state lawmakers have worked to repurpose closed prisons for other uses. New York Governor Andrew Cuomo stated in his 2011 address to the state Legislature that "an incarceration program is not an employment program."³⁴ Last year, New York closed seven of 67 correctional facilities, taking 3,800 beds off line. Discussions were under way this year to use some of the closed facilities for new retail development, wildlife sanctuary, and manufacturing facilities.³⁵

Other states offer examples, too. In Pennsylvania, the shuttered Eastern State Penitentiary was reopened in 1992 as a museum that offers programs related to the prison's history. Texas also repurposed a prison that had been vacant for 40 years in 2009. The old Central State Farm in Sugar Land closed in 1969 and was recently transformed into a satellite facility for the Houston Museum of Natural Science that hosts exhibits focused on the local eco-systems of the surrounding county.³⁶

Challenges in Closing Prisons

However, there are states, like Michigan, that continue to manage previously closed prisons. In 2012, Michigan officials reopened the Muskegon Correctional Facility which had closed in 2010. The facility housed Pennsylvania prisoners during 2011.³⁷ The decision of lawmakers to close prisons has garnered opposition from various interests in states like Illinois where the prison employees' union, the American

Federation of State, County and Municipal Employees, organized opposition to announced prison closures that garnered support of several Democratic lawmakers and candidates for office.³⁸ As of the publication of this report, the final decision to close two Illinois state prisons was still being litigated.³⁹

CONTINUED EFFORTS TO EXPAND CAPACITY

Despite recent declines in state prison populations, 25 states and the federal government had stable or increasing prison populations in 2010. At the federal level, the BOP inmate population increased by 0.8%, or 1,653 prisoners, in 2010 for a total of 209,771 prisoners; currently, BOP facilities are operating at 38% above capacity.⁴⁰ To address capacity issues at the federal level some federal officials are looking to closed state prisons. A federal prison spokesperson recently stated that “the [BOP] agency often tries to buy state facilities when they are adequate and there is available money.”⁴¹

States which have not realized efforts to control their state prison populations are adding capacity too. Pennsylvania officials are moving forward with plans to construct two new prisons that will incarcerate up to 4,100 inmates despite recent legislation that may divert certain prison bound individuals into alternative programs.⁴² Also, officials in Massachusetts moved forward this year with plans to expand medium security cells for incarcerated women.⁴³

CREATING OPPORTUNITY BY REDUCING INCARCERATION

State lawmakers make hard decisions when choosing to close prisons. However, this emerging framework in criminal justice policy offers an opening to adopt strategies that emphasize opportunity instead of punishment as a guiding theme in public safety. Prior to the recent fiscal crisis, lawmakers and correctional officials had become increasingly interested in evidence-based policies targeted at effective public safety outcomes. In some states, this new political environment has focused on diverting from prison persons charged with lower-level drug offenses, developing graduated sanction for people on probation and parole who violate conditions of supervision, and enhancing reentry strategies.

Colorado offers an example as state lawmakers discussed reprioritizing scarce resources towards other social services during private prison contract discussions. One suggested proposal, offered during 2012 budget talks, would have re-appropriated \$5.4 million from private prisons to support childhood literacy, while another would have transferred \$1.5 million from private prisons to support programs that help needy and disabled individuals.⁴⁴ Despite the new territory being chartered in Colorado it remains to be seen whether a similar framework can be leveraged in other states that face comparable opportunities.

Encouraging as is the opportunity offered by reducing state prison populations, the scale of incarceration should not be forgotten. Most states continue to employ a range of mandatory sentencing policies, make drug arrests in record numbers, and frequently enact practices that extend the length of time that persons spend in prison.

The reality that states have been able to close prisons without compromising public safety offers an opening to assess the prospects for reducing the scale of incarceration. The public will benefit from a new strategy that moves beyond “tough on crime” rhetoric and towards a vision that strengthens resources and communities.

Appendix: States Closing or Considering Closing Correctional Facilities 2011-2012

State	Correctional Facility	Operational Capacity	Year ¹
California	California Rehabilitation Center	3,900 beds	2012
Colorado	Colorado State Penitentiary II	316 beds	2012
Colorado	Fort Lyon Correctional Facility	500 beds	2011
Connecticut	Bergin Correctional Institution	603 beds	2011
Connecticut	Enfield Correctional Institution	724 beds	2011
Connecticut	J.B. Gates Correctional Institution	878 beds	2011
Florida	Brevard Correctional Facility	929 beds	2011
Florida	Broward Correctional Institution	611 beds	2012
Florida	Caryville Work Camp	133 beds	2012
Florida	Demily Correctional Institution	342 beds	2012
Florida	Gainesville Correctional Institution	507 beds	2012
Florida	Hendry Work Camp	280 beds	2012
Florida	Hillsborough Correctional Institution	431 beds	2011
Florida	Indian River Correctional Institution	381 beds	2012
Florida	Levy Forestry Camp	292 beds	2012
Florida	New River Correctional Institution	1,363 beds	2012
Florida	River Junction Work Camp	736 beds	2012
Florida	Tallahassee Road prison	82 beds	2011
Georgia	Blakely Regional Youth Detention Center	30 beds	2011
Georgia	Griffin Regional Youth Detention Center	30 beds	2011
Georgia	Metro State Prison	779 beds	2011
Illinois	Dwight Correctional Center	1,212 beds	2012
Illinois	Joliet Renaissance Center – Youth Center	344 beds	2012
Illinois	Murphysboro Youth Prison	156 beds	2012
Illinois	Tamms Super Maximum Security Correctional Center	700 beds	2012
Kentucky	Otter Creek Correctional Center	656 beds	2012
Louisiana	C. Paul Phelps Correctional Center	942 beds	2012
Louisiana	Forcht-Wade Correctional Center	498 beds	2012
Louisiana	J. Levy Dabadie Correctional Center	300 beds	2012
Michigan	Florence Crane Correctional Facility	1,056 beds	2011
Nevada	Nevada State Prison	841 beds	2011
New York	Arthur Kill Medium Security Prison	900 beds	2011
New York	Buffalo Work Release	132 beds	2011
New York	Camp Georgetown	262 beds	2011
New York	Fulton Work Release	258 beds	2011
New York	Summit Shock Incarceration Correctional Facility	121 beds	2011
New York	Oneida Medium Correctional Facility	998 beds	2011

¹ This was the year the closure first announced. The actual closure date may be in subsequent years.

New York	Mid-Orange Correctional Facility	736 beds	2011
North Carolina	Cabarrus Correctional Facility	198 beds	2011
Oregon	Hillcrest Units (Chi and Kappa)	50 beds	2011
Oregon	MacLaren Units (Dunbard, Kincaid and McBride)	75 beds	2011
Oregon	Oak Creek Unit (Young Women's Transition Program)	25 beds	2011
Oregon	Oregon State Penitentiary – Minimum Security	176 beds	2011
Rhode Island	Donald Price Medium Security Facility	324 beds	2011
Texas	Al Price State Juvenile Correctional Facility	248 beds	2011
Texas	Central Unit	1,000 beds	2011
Texas	Crockett State School	232 beds	2011
Texas	Mineral Wells Facility ⁴⁵	500 beds	2011
Texas	Ron Jackson Juvenile Correctional Complex Unit II	113 beds	2011
Texas	TDCJ – Burnett County Jail	240 beds	2011
Washington	McNeil Island Corrections Center	1,200 beds	2011
Wisconsin	Ethan Allen School	167 beds	2011
Wisconsin	Southern Oaks Girls School	18 beds	2011
Total Beds		28,525 beds	

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