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New York has fewer inmates as numbers increase in other states

Incarceration rate declines for 8th year

By Tom Precious - NEWS ALBANY BUREAU

ALBANY — As other states see an increase in prison inmate populations, New York State has been bucking that trend for the past eight years thanks to falling crime rates and new laws that have kept an increasing number of nonviolent offenders out of jail.

“It is a success. When you look at the other major states, and states all over the country, we haven’t gone in a direction that they have,” said Assemblyman Jeffrion Aubry, a Queens Democrat and chairman of the Assembly’s corrections committee.

In a report Thursday that captured national attention, the Pew Center for the States said that for the first time in history 1 of every 99.1 adult Americans is behind bars, in federal, state or local prisons, in a nation that leads the world in incarcerating people.

But in New York, the rate is about half that, according to a review Friday of state and local prison inmate statistics. New York’s inmate population has fallen each year since December 1999, when the number of prisoners just in state-owned facilities hit 71,472. Local jails statewide have about 30,000 inmates, state records show.

According to the Division of Criminal Justice Services, the state’s crime rate has fallen 58 percent between 1990 and 2006. New York is now the safest big state in the country, according to the FBI.

While violent crime is up in Erie County and other upstate communities, overall crime fell downstate.

Also, until the past year, the downstate economy had been healthy.

“Historically, there has been a connection between high crime rates and unemployment and recession,” said state Corrections Commissioner Brian Fischer, who watches economic statistics and crime reports to assess the future population of his 69-facility system.

With 482 inmates per 100,000 population, according to the Pew report, New York ranks in the second lowest category of all states, compared with the overall population. The

state's inmate population dropped 1.1 percent last year compared with Kentucky, which saw a 12 percent increase, the highest in the nation. The nearly \$3 billion to fund New York's prisons amounts to 5.1 percent of the state's general fund, compared with 8.6 percent in California and Texas.

The number of inmates in state prisons in New York is expected to total 62,800 by the end of the year, a decline of 9,000 in eight years. As a result, Gov. Eliot L. Spitzer is seeking to close four prisons, in Franklin, Chenango, Saratoga and Columbia counties.

There are other reasons for the state's drop in inmate population. The Legislature and governors over the past 20 years have turned to less traditional settings to house offenders, and pushed policies to make it easier for nonviolent offenders to get released early or avoid prison altogether.

State prison officials note the 1987 shock incarceration program, which offers boot camp-like facilities, was one of the earliest alternatives. In later years, drug-treatment facilities were offered to help nonviolent offenders stay out of prison.

Liberal sentencing structures were enacted, such as being able to shave prison time for good behavior and drug and alcohol counseling, and enrolling in education and work programs.

In 2004, the state also relaxed Rockefeller-era drug sentencing laws, which led to longtime felons being released.

The changes resulted in the average time drug offenders were in prison going from 36 months between 2003 and 2005 to 30 months last year.

Erik Kriss, a prison system spokesman, said the various sentencing changes and alternative programs resulted in 87,500 more inmates being released early between 1995 and 2007 — an average of 8.4 months sooner than if the Legislature had not enacted the changes. That resulted in 5,000 fewer prison beds needed.

Also, people going to prison for drug crimes dropped from a peak of 11,225 in 1992 to 6,148 in 2007, the agency said.

Meanwhile, longer sentences have been imposed on violent felons.

State budget documents show the percentage of violent inmates behind bars has risen from 51 percent in 1996 to 58 percent today, while the nonviolent prison population has gone from 35 percent in 1994 to 21 percent today.

"Because of legislative action over the last 10 years, it's done a lot to clean the system in terms of taking a look at who's in it," Fischer said.

Meanwhile, he said, recidivism has not increased, as some might have expected from the changes. “That’s saying we’re releasing the right kind of person and holding in the right kind of person,” he said. “It’s all come together rather nicely.”

The drop in inmate population has not come without controversy.

In Spitzer’s first year in office, the number of violent felons being released from prison spiked. Senate Republicans point to an increase in the number of inmates who are serving indeterminate sentences — say 20 years to life — getting out at the minimum of the sentence.

Among a certain classification of felons — those in prison for crimes like murder and kidnapping — 18 percent of those interviewed last year by the state parole board were released, compared with about 5 percent during the last couple years of the Pataki administration.

The situation led Senate Majority Leader Joseph Bruno to brand Spitzer “soft on criminals.”

The Spitzer administration has defended the moves, made by Pataki-era parole board members, and that the releases were made by following parole laws written by the Legislature and there has been no change in the release policies.

The Pew report showed other states facing big new spending requirements as their prison populations rise.

“I think we got smart compared to other states,” the prison chief said.

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