

N.Y. has excess of prison beds, staff, review shows

Written by

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ALBANY — State prisons have as many as 8,000 excess beds at their 67 facilities, and the ratio of correction officers to inmates far exceeds national averages, state records show.

A review of population counts and staffing levels by Gannett's Albany Bureau shows that prisons are running about 88 percent of their capacity — with hundreds of open beds at some facilities.

The data come amid Gov. Andrew Cuomo's plans this year to lower the excess bed count by 3,700 to save the state roughly \$72 million, perhaps leading to the closing of six prisons.

Closing the prisons, however, would mean a loss of many upstate jobs, according to unions and some lawmakers. Others say that is no reason to keep them open.

"The prisons were built as a way to increase the economic capacity of upstate New York," said Sen. Ruth Hassell-Thompson, D-Mount Vernon, the former head of the Senate correction committee.

"We're saying that's not a good reason to keep people incarcerated, particularly when we've moved to a very different place in our social-justice agenda."

But the number of open prison beds can be misleading, state officials warn.

The state Department of Correctional Services said that nearly 2,500 of the open beds are considered "restricted vacancies." Those beds need to be kept open to move in prisoners who may get sick, have mental-health issues or become a security risk.

Additionally, state officials said 1,700 more beds must be retained in case of fluctuations in the prison population. That leaves the roughly 3,700 beds that Cuomo wants to close at medium- and minimum-security prisons, officials said.

The various ways to count the state's excess beds — the correction officers union has its own numbers too — shows the complexity Cuomo faces as he seeks to

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reduce the size of prisons.

"People are coming in the system all the time and people are going out of the system all the time," said Assembly Correction Committee Chairman Jeffrion Aubry, D-Queens. "So to determine that a bed is empty and how it stays empty and when it gets full" is difficult.

The plan to downsize the prisons' capacity is the largest the state has ever undertaken, experts say.

State data obtained through a Freedom of Information Law request show that the ratio of inmates to officers averages slightly less than 3-to-1. That's far below the national average of about 7.5 inmates to every officer, according to the American Correctional Association.

As of late April, the state reported about 57,000 inmates at its facilities, which includes its maximum-, medium- and minimum-security prisons, as well as work-release programs and camps. It had nearly 21,000 officers, a ratio of about three officers to every eight prisoners.

If all the prison staff — including maintenance workers, administrators and food workers — were tallied, the ratio of inmates to staff would be about 2-to-1, or about 28,000 staffers to 57,000 inmates.

Thirteen facilities had a 2-to-1 ratio of inmates to guards, even though many were medium- and minimum-security facilities — including the Taconic Correctional Facility

in Bedford Hills.

Others included Albion, Hale Creek and the Fishkill, Beacon and Downstate prisons in Dutchess County.

Cuomo's aides warn that many factors, not vacancy rates or inmate-to-guard ratios alone, will determine what facilities will be downsized or closed. The state's prisons have capacity for about 65,000 inmates, records show.

The correction officers union disputes the data. It argues that the ratio of inmates to guards is in practice much higher and vacancy rates are inflated because so many extra beds are needed to care for prisoners who are sick or have other problems.

Still, the number of excess beds and staffing at some facilities late last month was striking:

- Bayview Correctional Facility, a medium-security women's prison in New York City,

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had more staff than inmates — 155 staff members to 149 people behind bars.

- The Albion Correctional Facility, a medium-security women's prison in western New York, was running about 66 percent capacity, with 424 open beds — the most in the state.

- Hale Creek, in Johnstown in central New York, was running at 46 percent capacity, the lowest of any medium-security facility in the state. It had 225 inmates and 119 officers.

Citing security reasons, the Department of Correctional Services did not release a list of how many beds at each facility are deemed "restricted vacancies" and can't be closed. Therefore, it's unclear how many specific beds at each facility are actually viewed as excess.

Advocates for closing prisons say the state simply has too many facilities for a declining prison population and the 8,000 empty beds show that. But upstate lawmakers and unions want to keep the prisons open because they can be a main source of employment in struggling communities, some officials said.

Cuomo has said repeatedly that prisons shouldn't be used as economic-development engines. He has offered up to \$50 million in grants to communities hurt by the closings.

"If people need jobs, let's get people jobs. Don't put other people in prison to give

some people jobs," Cuomo said in his State of State address in January.

The number of prisoners peaked at 71,600 in 1999. The population has plummeted 20 percent since then as the state loosened laws on drug offenses and shifted to more alternative-to-incarceration programs.

But the New York State Correctional Officers and Police Benevolent Association, which represents 23,000 prison guards, said as many as 10,000 inmates are already housed in double bunks in cells or dormitories, a situation the union deems unsafe.

The union claims that occupancy is at 100 percent capacity and 122 percent at the maximum-security facilities, citing the restricted vacancy units.

The union also disputes the 3-to-1 ratio of inmates to officers, saying that staffing varies and the numbers don't take into account vacation, sick leave or training.

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The union puts the ratio at 5.6 inmates to each officer and says the number can be as high as 43-to-1 during midnight shifts.

The reduction of 3,700 beds would jeopardize the safety of prisons, warned Donn Rowe, the union's president.

"I think (the reduction is) going to put a great deal of pressure on the system," Rowe said. "It's going to squeeze the system enough where I think we're going to see more problems, more violence in these medium-security prisons."

Already, the union said — and state records confirm — about 1,000 staffers have been cut in the past two years, and they point to a rise in prison violence as a result of fewer officers. Since 2009, five prisons and six annexes have closed.

The state data show great variance in excess prison beds.

The maximum-security facilities are running about 95 percent capacity, while medium-security facilities — the main cost-cutting target by Cuomo — were at 86 percent capacity. Cuomo does not plan to cut the maximum-security prisons, such as Sing Sing in Ossining, Westchester County.

Peter Cutler, a spokesman for the Department of Correctional Services, said there isn't a specific policy that determines staffing or occupancy levels. It is based on a number of factors, including the dangerousness of the population.

"It's really facility to facility," Cutler said. "It's not a cookie-cutter approach."

Assemblyman Gary Finch, R-Union Springs, Cayuga County, said prison closings would devastate some upstate areas.

"Those are going to be major problems for those communities. I don't like to think that the prisons are economic issues, but they can be," he said.

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