

# Editorial: New York leading way on prison reform

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When Attorney General Eric Holder endorsed a proposal yesterday to reduce federal prison sentences for nonviolent drug offenders, he was following a trail blazed by New York. The state has been in the vanguard of such smart-on-crime reforms for a decade.

Dialing back harsh mandatory minimum prison time, as the U.S. Sentencing Commission has proposed, would salvage lives, save money and make the federal criminal justice system fairer and more effective. That's been demonstrated in New York.

The state led the charge to long mandatory sentences in 1973 when the Rockefeller drug laws were enacted. So when it reversed course in stages under Republican Gov. George Pataki in 2004 and 2005, and Democratic Gov. David A. Paterson in 2009, and embraced drug treatment as a cost-effective alternative to incarceration, New York became an early test of that new approach.

Largely as a result of those reforms, the number of people in prison in the state has plunged from a budget-busting 72,600 in 1999 to the current 54,200. That has allowed officials to close nine prisons in recent years, with another four slated to close this year, for a combined savings of \$162 million a year -- with no uptick in crime.

New York took the lead on another important front last month when its prison system became the largest in the nation to prohibit disciplinary solitary confinement for inmates younger than 18.

That reform was part of an agreement that settled a lawsuit by the New York Civil Liberties Union. The deal also required the state to remove pregnant women and developmentally disabled prisoners from solitary confinement, a spirit-crushing form of emotional torture that can leave inmates depressed, disoriented and out of touch with reality.

Until now, 3,800 inmates a day on average have been isolated in cells in special housing units where they were locked up 23 hours a day and received meals through a slot in the door. The



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average duration of isolation is 150 days, but some sentences have stretched for years. And far from being limited to the worst-of-the-worst offenses, solitary has been used to punish infractions such as failing to obey an order or to return a meal tray. That's no way to prepare inmates for the world outside prison.

Maintaining order and safety in prisons is essential. So there can be an appropriate, limited role for solitary confinement -- for instance, to segregate violent prisoners. But it has been overused in New York. Now, as a result of the NYCLU suit, for the first time, state officials will adopt guidelines to limit the infractions punishable by solitary confinement, and the maximum amount of time an inmate can be isolated.

By agreeing to these solid reforms, Gov. Andrew M. Cuomo has seized the opportunity presented by the dramatic drop in crime rates that has provided a window for rethinking other practices as well.

His proposal to expand the opportunity to earn a college degree behind bars would cut recidivism and save taxpayer dollars. And his plan to stop incarcerating 16- and 17-year-olds in adult prisons, where they are at increased risk of sexual assault and psychiatric problems, is just common sense. Both ought to be implemented.

That would keep New York on a course that has reduced ruinous levels of incarceration, saved money and given inmates a better shot at productive lives after prison, all while improving public safety.

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