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A Review of the "Multi-Year Master Plan of the
Department of Correctional Services"

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Introduction

The Department of Correctional Services has prepared a report entitled, "Multi-Year Master Plan of the Department of Correctional Services." This Plan was developed pursuant to Chapter 338 of the Laws of 1972 which required the Department to submit to the Governor and Legislature by January 1, 1973 a Master Plan, "setting forth its correctional facility capital requirements."

The need for this Plan stemmed from the Legislature's increased awareness that additional attention must be given to the criminal justice system in general, and the correctional system in particular. The causes of this increased awareness are well known: (a) reports issued by national blue ribbon commissions, subsequent to the riots in American cities in the early and mid 1960's^{1/}; (b) statistics issued by the FBI during the late 1960's

^{1/} See the report issued by President Nixon's National Commission on the Causes and Prevention of Violence, Washington, 1969; and the reports of the National Advisory Commission on Criminal Justice Standards and Goals, on Police, Courts, Criminal Justice System, Community Crime Prevention, A National Strategy to Reduce Crime, and especially the report on Corrections, Washington, 1973. These six reports formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the State and local levels. One of the main priorities of the volume on Corrections is to encourage and facilitate cooperation among the elements of the criminal justice system and with the communities they serve.

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and early 1970's which indicated that crime incidents were rising substantially faster than population growth^{2/}; and (c) the 1971 riot at the Attica Correctional Facility^{3/}.

This paper reviews the Master Plan in terms of its major recommendations and fiscal impact. In addition, problems with the Plan are discussed and recommendations made on the need for integrated planning in the "criminal justice system."

^{2/} F.B.I., Uniform Crime Reports, Washington, 1969-72. These reports give a nationwide view of crime based on police statistics voluntarily contributed by local law enforcement agencies.

^{3/} For a good account of the Attica incident see, ATTICA, The Official Report of the New York State Special Commission on Attica, New York, 1972. This Commission was asked to reconstruct the events of September 9-13, 1971 during which time 43 people were killed and 80 people were wounded at the Attica Correctional Facility, and to determine why this happened.

Summary

Major Recommendations of the Plan:

While the Plan was formulated pursuant to a legislative directive that only dealt with the Department of Correctional Services' correctional facility capital requirements, the Department felt that it was necessary that the Plan also contain the Department's programmatic philosophy to place the physical requirements in the proper perspective. Indeed, programmatic objectives must be developed before any rational long-range capital requirements can be determined.

The Plan states that it is the Department's purpose to protect the public by aiding in the prevention of crime through effective and efficient correctional programs. The general objectives that must be accomplished in order to attain this purpose are as follows:

1. Administer the sentence of the courts by control of the committed offender in the institutions and on parole.
2. Prepare committed offenders for return to the community as useful persons through changes in attitude and behavior.
3. Utilize inmate manpower and correctional facilities for the public benefit.
4. Continue to ascertain the causes of criminal behavior and formulate approaches for its prevention and treatment.
5. Conduct the business of the Department of Correctional Services in the most effective and economical way.

The Plan proposes to operationalize the Department's objectives through programs that would:

1. Humanize environment
2. Avoid critical mass
3. Diversify programs and facilities
4. Develop community involvement
5. Provide a continuum of correctional services

It is contended by the Plan that the effective implementation of such programs can only be carried out in correctional institutions that are substantially different from the facilities that are being used today. Some pertinent facts discussed in the Plan appear to support this contention and delineate the current problems of the existing correctional system.

For example, as of March 31, 1973 the State's correctional facilities contained approximately 13,000 inmates and the Department supervised an additional 15,000 parolees. Under the existing system of correctional services, virtually all of the 13,000 inmates are confined in correctional facilities that date from the late nineteenth and early twentieth century. With the exception of the camps at Georgetown, Monterey, Pharsalia and Summit and the Wallkill and Coxsackie facilities, most of the facilities were built as maximum security institutions. Therefore, regardless of his particular profile, his behavior, character and sentence, most inmates are assigned to a maximum security facility. This

makes differentiation among offenders for program purposes a practical impossibility.

The Plan projects that the inmate population will be 16,575 by the end of 1978. This projected workload was derived from the following factors:

1. State population growth
2. Social and economic conditions
3. Crimes committed
4. Arrests made
5. Prosecution, conviction and sentence
6. Correctional programs
7. Parole board decisions
8. Parole supervision
9. Narcotic Addiction Control Commission (now DACC) Program
10. Penal and correctional law changes

The following table illustrates the projected annual workload for the Department for the period 1973 through 1978.

Table 1
5-Year Projection of Inmates

<u>Year Ending</u>	<u>Inmate</u>		<u>Total</u>
	<u>State</u>	<u>City</u>	
1973	12,719	1,800	14,519
1974	13,106	1,800	14,906
1975	13,505	1,800	15,305
1976	13,916	1,800	15,716
1977	14,339	1,800	16,139
1978	14,775	1,800	16,575

The City (New York City) inmate population is projected as a constant based on the continuance of contractual agreements between New York City and the State. Therefore, if these projections are statistically valid (and this question will be discussed more fully in the next section) under current conditions, the majority of inmates can look forward to a maximum security sentence regardless of their offense. The Department has undertaken surveys which indicate that only 20% of its inmates need to be incarcerated in a maximum security level with the remaining 80% incarcerated at medium and minimum security levels.

As a response to the shortcomings of the existing correctional facilities and programs, the major recommendation

in the Plan calls for the diversification of both programs and facilities. Such diversification is a recognition of and a response to the diverse characteristics of inmates in the correctional system. Diversification aims to turn the differences among offenders to social advantages by creating a more effective correctional experience. Through the diversification concept, various offender profiles are identified and linked with a variety of new program thrusts. Briefly, these thrusts are:

--Basic Services - includes nutritious food, appropriate clothing, routine and emergency medical care, freedom of worship and guidance, work opportunities, recreation, visiting, reading matter and legal counseling. While these services will be operative at all levels, their relative intensity will vary according to the needs and desires of the offender.

--General Services - directed toward three-fourths of the inmate population. In terms of program and control, this group represents the offender with multiple basic disadvantages in terms of lack of a high school education, training in a skilled trade, and exposure to a work discipline in conjunction with counseling.

--Specialized Programs - directed toward the smaller groups of offenders who are educationally advanced; emotionally impaired, in need of medical or surgical care, elderly and physically handicapped, mentally ill, parolees in detention, short-term New York City inmates, high risk offenders in need of a highly structured program.

These thrusts become the integral features in the development of a continuum of corrections. In essence, such a continuum represents an integrated and comprehensive system of diversified programs starting with reception and classification and ending with discharge. As the inmate enters the continuum, he will be diagnosed and classified based on an initial assessment. Continual feedback and update on his progress throughout the various program stages will then be provided in the institutional phase as well as into the community phase. The Department plans to monitor progress through the continuum to test the validity of the initial classification.

In other words, the concept of diversification has the following positive features which are currently only in the developmental stages at the Department's reception centers at Adirondack and Elmira:

--On the programmatic level the policy of diversification creates a range of offender types, each with specific characteristics relative to factors such as: age, education, personal history, previous sentences, emotional stability and security risks. This range of typologies makes it easier for program resources to be targeted and increases the probability of impact and success. Security is not compromised since high risk offenders will be programmed appropriately.

--Diversification in effect makes the staff's job more manageable. By establishing security groupings and by clearly identifying the group's characteristics, the staff member is able to program more effectively. Staff may thereafter be recruited and, even more importantly, trained for service with a target group.

--Diversification takes place on three levels: security, program and congregate size. Large groupings would be avoided even among the lesser security levels. New programs would avoid exceeding the "critical mass"^{4/} of offenders. Smaller, more manageable numbers in the living, eating, working and recreational areas will decrease the risk of widespread disturbances, while the prospects of a more humane scale are increased.

In addition, the Plan purports to entail the concept of multi-year planning (and this will also be discussed more fully in the next section) as a continual process based on past experience and future goals. Input into the planning process would identify projected Departmental needs in terms of estimated population, staffing patterns and budget allocations.

Multi-year planning would constantly update the various aspects of the correctional system, so that all new planning would benefit from knowledge of past performance and effectiveness while at the same time identify new conditions and unexpected problems.

^{4/} In correctional facilities critical mass occurs when the inmate population has increased to the point where the facility, due to physical limitation, cannot continue many of its programs geared to the needs of the inmate.

This process of monitoring and evaluation would extend to all programs, personnel, offender behavior and building performance.

This programmatic philosophy set the framework for the capital needs of the Department. In preparing the Plan, the Department surveyed the present conditions of correctional facilities and matched the potential of each existing facility to the needs of the projected population. This process enabled the Department to make recommendations regarding the future status of each facility as well as recommendations regarding the need for new construction.

The Plan used the following criteria for construction action: age, type of structure and mechanical systems, location and size and suitability for new programs. The costs of renovations are contrasted against the completion time and disruption; new construction costs are measured against its speed of building. Cost, completion time, disruption of on-going programs are then used as criteria in weighing renovation against new construction.

The Plan concluded from the architectural surveys that most existing facilities are serviceable with renovations. The scope of renovations varies from facility to facility. The following table summarizes the proposed capacity, custody level, and capital costs of modifying and adding to the Department's physical facilities:

Table 2
Summary Overview of Existing and Proposed Facilities

Existing Facilities	Planned Capacity	Custody Level			Capital Costs (millions)
		Min.	Med.	Max.	
Adirondack Corr. Treat. and Evaluation Center	410	150	160	100	\$ 9.8
Albion	300	300	-	-	3.1
Attica	1,250	300	650	300	13.0
Auburn	900	200	600	100	7.8
Beacon	1,900	600	600	700	18.2
Bedford Hills (Female)	450	150	250	50	4.0
Bedford Hills (Male)	300	-	300	-	6.0
Clinton	1,220	195	475	550	13.0
Coxsackie	700	250	450	-	8.0
Eastern	800	200	500	100	8.5
Elmira	750	300	300	150	10.0
Elmira Reception Center	200	-	100	100	1.0
Great Meadow	820	100	320	400	9.9
Green Haven	1,245	120	725	400	7.5
Ossining	900	400	300	200	37.0
Wallkill	500	400	100	-	8.4
Camp Adirondack	100	100	-	-	1.0
Camp Georgetown	150	150	-	-	1.0
Camp Monterey	150	150	-	-	1.0
Camp Pharsalia	150	150	-	-	1.0
Camp Summit	150	150	-	-	1.3
	13,345	4,365	5,830	3,150	\$170.5
<u>Being Established</u>					
Rochester Community Center	50	50	-	-	1.2
Rivington Community Center	50	50	-	-	1.2
<u>Proposed to be Established</u>					
Western Adult Camp	100	100	-	-	2.0
Central Adult Camp	100	100	-	-	2.0
Downstate Adult Camp #1	100	100	-	-	2.0
Downstate Adult Camp #2	100	100	-	-	2.0
Downstate Adult Camp #3	100	100	-	-	2.0
Wallkill Correctional Facility #2	650	150	475	25	14.0
N.Y. In-Town Community Prep. Center	230	150	80	-	5.0
Multi-Purpose Parole Facility	200	-	100	100	18.0
3 Upstate Comm. Corr. Centers (50 each)	150	150	-	-	3.6
2 N.Y. City Comm. Corr. Centers (50 each)	100	100	-	-	4.4
Downstate Corr. Facility #1	650	140	490	20	24.0
Downstate Corr. Facility #2	650	145	485	20	25.0
	3,230	1,435	1,630	165	\$106.4
Total	16,575	5,800	7,460	3,315	\$276.9

Fiscal Impact:

While giving much attention and detail to program philosophy and goals, the Plan does not give consideration to the anticipated operating costs of both the existing and new facilities. In this respect, it adhered rather strictly to the language of Chapter 338 of the Laws of 1972. In essence, the Plan provides fiscal data solely covering the capital requirements. This fiscal data only indicates the long-range fiscal implications over a nine-year period. There are neither annual breakdowns of the projected capital costs, nor a priority listing of the construction requirements.

The total capital request appears relatively ambitious in that it requires some \$276.9 million by 1982. The Plan argues that by increasing the percentage of offenders in minimum and medium facilities, the cost of the State's correctional facilities in terms of renovation, construction and maintenance will be substantially less than for maximum security housing.

Observations

The most positive aspect of the Plan for public policy purposes is really the fact that a multi-year Master Plan has actually been prepared. The Legislature for the first time received a definitive statement from the Department of Correctional Services on both its programmatic philosophy and capital needs over the next five to nine years.

Such a Plan should have had a truly profound impact on public policy decisions affecting the correctional realm. However, this Plan suffers from two types of problems that limit its usefulness. The first type is internal and concerns (a) apparent philosophical inconsistencies, (b) programmatic shortcomings, (c) lack of key statistical evidence, and (d) lack of key budgetary data. The second is external, but displays the basic problem in the criminal justice area.

Internal Problems:

The first problem concerns an apparent inconsistency in Departmental Philosophy. The Plan talks extensively about classification and diversification of inmates and the need to retain only 20% of them in a maximum security setting. Yet, the Plan calls for the renovation of all existing correctional facilities and

the internment of inmates, in most of them, at all three security levels. This means that the real diversification of inmates will still be sharply limited by physical plant. Maximum security inmates would still be incarcerated with minimum security inmates at eleven of the existing facilities and three of the proposed facilities. It must be questioned whether the Plan should not have addressed itself to this problem in more detail, perhaps in terms of retaining two to three facilities for maximum security use (if one accepts their 20% figure as accurate) while utilizing the other facilities exclusively for the new types of programs and approaches. It should not be implied that these two or three maximum security facilities would be devoid of any of the new rehabilitative programs, but rather that the remaining 80% of the inmate population would now be able to have their rehabilitative programs maximized by the Department in a totally non-maximum security facility.

Second, the Plan contains only a general discussion of the Department's intent to monitor and evaluate its programs, personnel, offender behavior and building performance. It does not, in any detail, discuss proposed evaluation designs for the new treatment modes. This means that the decisions contained in the Plan with respect to treatment and rehabilitation programs may be handicapped by lack of scientific experience in terms of the evaluation of their relative effectiveness.

The Council of State Governments, among others, is very concerned about this problem. The Council developed a Model Criminal Rehabilitation Research Act^{5/} with the purpose of enabling a state to facilitate research, including controlled experiments, in rehabilitation methods in order to determine the most effective and humane means of rehabilitating criminal offenders. This type of scientific evaluative system, with modifications designed to fit New York's framework, is critical to the determination of success in the correctional area and should have received careful consideration in the Plan.

Evaluative research in corrections is not new, and has a number of significant precedents. A number of social scientists have done significant work on recidivist^{6/} rates based on the impact of type of sentence and treatment the offender gets upon conviction for his initial crime.^{7/} In general, the findings of the social scientists were that offenders who receive probation have significantly lower rates of recidivism than those who have been incarcerated; and incarcerated offenders receiving shorter sentences generally have a somewhat lower recidivism rate

^{5/} See The Council of State Governments, 1973 Suggested State Legislation, Volume XXXII, September, 1972.

^{6/} Recidivist rates can be generally measured by reconviotions.

^{7/} See Martin A. Levin, Crime and Punishment and Social Science, The Public Interest #27, Spring 1972.

than those receiving longer sentences. These findings are based on more than fifteen separate studies of recidivism involving tens of thousands of offenders in more than twenty jurisdictions.

Social science can be a helpful tool in the operation of correctional programs. These types of recidivist studies in the judicial arena can, with appropriate adjustments, be extended to the new correctional programs argued for in the Plan. It is remarkable that a Plan could be developed calling for significant departure in both the philosophical and program aspects of the Department of Correction without concurrently discussing an evaluative system to test the new concepts over time.

Third, questions must be raised concerning the ten factors used for projecting the Department's annual workload. The plan should have provided the necessary statistical evidence to answer the following questions. Have these ten factors been identified as the primary influences of inmate population? On what basis was the identification made? What statistical procedures were used to measure the correlation of these factors, individually or in concert, upon inmate population? In other words, if there is sound statistical evidence linking these variables to inmate population projections, then the Plan should have given such evidence in support of the projections. Without such information no valid use can really be made of the projections for inmate population contained in the Plan.

Finally, there are problems with the data base used to develop the costs of the facilities. It only provides for the long-range fiscal impact, and does not address itself to the immediate and intermediate fiscal impacts. In addition, the Plan does not make it clear whether the final cost of each facility is exactly equated to completion time (which is not stated) and/or takes into account inflation. There is also no priority listing of the capital requests. The Plan evidently assumes full funding capability through the bonding mechanism although there is no data concerning the ability of the correctional industries fund to support the subsequent amortization requirements. Perhaps the most damaging omission is the lack of any budgetary data integrating the anticipated operating requirements of these facilities. The Plan should have taken the operations aspect into account and coordinated it with the capital data. This would have enabled the Legislature to study the full range of proposed changes in correctional direction. In addition, while one might intuitively agree with the contention that medium and/or minimum security settings are cheaper than maximum security settings, the Plan should have provided the necessary cost-benefit data which illustrated the anticipated savings, by facility (both existing and new), of moving increments of offenders from (a) maximum to medium security settings, (b) maximum to minimum security settings, and (c) from medium to minimum security settings.

External Problems:

The external problems are not the fault of either the Plan or the Department, but really attest to the failure of the State to develop a workable criminal justice system. The major problem in this area concerns the projected inmate population which directly affects the proposed facility requirements. Even assuming that the inmate population projections are reliable, the projections fail to relate to the larger criminal justice universe.

The Plan deals solely with Corrections and does not reflect any new or proposed trends or philosophies of the other agencies in the criminal justice system (e.g., police, courts, and probation). It is entirely possible that the projected inmate population is much too high because the police function might change emphasis from arrests to crime prevention, and/or the courts might emphasize probation rather than incarceration.

Therefore, the Plan suffers because some of its premises and projections are substantially dependent on external decisions and factors made by the other criminal justice agencies. What is, therefore, critically needed is a decisive movement toward a true criminal justice system. Under this system common goals and standards would be established at the highest decision-making levels and integration and interfacing would be effected between and among the now discrete criminal justice units. Real cooperation could evolve from the new arrangement. The Department of

Correctional Services would be in a better position to ascertain both present and future requirements under such a unified arrangement and, thus, develop the most effective programs for its own phase of the total system.

Recommendations

This Plan represents a beginning, but just a beginning, in the effort to achieve a viable criminal justice system. It is strongly urged that the Department work in conjunction with the Executive, the Legislature, the Judiciary and the other criminal justice agencies to develop a unified omnibus plan that would contain the proper operational segments for each concerned agency. The six previously mentioned reports issued by the National Advisory Commission should be used by the affected agencies as the major resource in developing the omnibus plan for the following reasons.

The report on Correction, for example, constitutes one of the few nationwide studies of corrections in the United States. Predecessors in this century number only three. In 1931, the National Commission on Law Observance and Enforcement (the Wickersham Commission) issued fourteen reports on crime and law enforcement, including the subject of corrections. In 1966, the Joint Commission on Correctional Manpower and Training undertook a three-year study to identify corrections' manpower and training needs and propose means for meeting those needs. It published fifteen reports. In 1967, President Johnson's Commission on Law Enforcement and Administration of Justice published its report, "The Challenge of Crime in a Free Society," and the reports of its several task forces, including the Corrections Task Force.

All of these studies emphasized the fact that corrections is an integral part of the criminal justice system; that police, courts and corrections must work in cooperation if the system is to function effectively. Recently, however, increased attention has been given to the systems aspect of criminal justice, recognizing that what happens in one part of the system affects all the other parts.

In light of these developments, the Advisory Commission report on Corrections goes farther than any previous study in examining the interrelationships between corrections and the other elements of the criminal justice system. The report includes, for example, discussions of jails which are traditionally a part of law enforcement rather than corrections; of the effects of sentencing on convicted offenders; of the need for judges to have continuing jurisdiction over offenders they have sentenced; and many other subjects that previously might not have been considered within the realm of corrections.

It is, therefore, recommended that a task force be set up, composed of the experts of the abovementioned agencies and coordinated by the Executive, to formulate the operational standards needed to obtain a viable criminal justice system for New York State.

The Task Force's report or reports, as the case may be, that comprise the omnibus plan should be completely formulated by December 31, 1974. This would enable the task force to submit any

required remedial legislation (e.g., changes in the Correction Law, Penal Law, etc.) to the Governor and Legislature for consideration during the 1975 Session. In addition, this timing of the task force report would facilitate the transformation of its recommendations into the appropriate fiscal year 1975-76 budgetary requests for the affected state agencies.

END