

Budgetary Effects of New York's Public Safety Reform:  
Utilizing the Cost-Savings from Reducing New York's Prison Population  
By Michael Greenblatt | May 9, 2022

Introduction

New York State has enacted changes to its criminal sentencing and incarceration policies in the past decade that have drastically reduced its prison population. New York's prison population has declined by more than half (57.9%) since its peak of 72,649 in 1999 to 30,591 today<sup>i</sup> (Figure 1). In fact, just since the start of the COVID-19 pandemic, the incarcerated population has been reduced by almost 14,000.<sup>ii</sup> In 2021, Governor Hochul followed through on plans that Governor Cuomo initiated to close six prisons, citing the declining prison population and cost-savings that would result from the closures, estimated to be around \$142 million annually.<sup>iii</sup> In total, 18 correctional facilities have closed statewide since 2011, resulting in the permanent reduction of 10,000 beds and annual savings of approximately \$300 million.<sup>iv</sup>

Several policy changes largely explain the declining prison population. Examples include the repeal of the 1970's-era Rockefeller drug laws in 2009, reductions due to social distancing and health requirements caused by the COVID-19 pandemic, and reform of New York's sentencing laws in 2017 and bail laws in 2019.<sup>v</sup> Adding to those pressures, criminal justice reformers who strongly advocate against conventional policing and incarceration policies have newfound influence as the politics of public safety have shifted in the past few years.

Despite these changes, Gov. Hochul proposed to revisit the bail and sentencing laws again in her 2023 budget by reestablishing certain crimes as eligible for arrest and bail, which could lead to an increase in the prison population and greater costs. Yet she also proposed to increase spending on diversion activities, which could lead to new long-term costs but reduce the incarcerated population. The Governor's public safety proposals, particularly the bail and sentencing proposals, are so controversial that they caused the legislature to miss the budget deadline by a week, although they were ultimately adopted.<sup>vi</sup> Even though the overall trends resulting from these policy changes could be continued reductions to the incarcerated population, the population, and the costs of caring for it, will continue to change in the coming decade. These changes present complications for budget savings created by the earlier reforms and prison closures, as well as public safety spending overall.

New York's Prison Population

The Governor's FY2023 budget allocates \$3.435 billion to the Department of Corrections and Community Supervision (DOCCS),<sup>vii</sup> making DOCCS's budget the largest share of the public safety budget for FY2023. On average, DOCCS spends about \$112,000 per inmate per year, up about 38% above its cost per inmate in 2015, when New York spent the most per inmate of any state in the country despite having less than half the inmate population of some states<sup>viii</sup> (Figure 2). At that time, New York also spent more than average per inmate per state resident, even though New York had less than the national average ratio of inmates to state residents<sup>ix</sup> (Figure 3). As the incarcerated population and the number of facilities have declined, so, too, has the number of corrections staff: since the number of DOCCS personnel similarly peaked in 1999 at 22,112, corrections staff have been reduced by 22.3%, to 17,178 today.<sup>x</sup>

While the reductions to personnel, inmates, and facilities have cut into large percentages of their peaks, costs per inmate have nonetheless increased. The incarcerated population is getting older as inmates who are at least 50 years old total 24% of the prison population, up from

12% in 2008<sup>xi</sup> (Figure 4). The New York State Comptroller found that “health care costs for each incarcerated individual have ... [risen] 29 percent higher” in FY2020-21 than in FY2012-13, when overall health care costs peaked,<sup>xii</sup> resulting primarily from the increase in the average inmate age.

### Major Cost-Drivers in Corrections Spending

According to the Vera Institute’s 2015 report, “The Price of Prisons”, personnel is the primary cost-driver of corrections spending.<sup>xiii</sup> Thus, reducing the size of the corrections workforce is more effective than reducing the prison population to produce cost-savings. Of course, reducing the security staff too much is dangerous, but the DOCCS has actually increased its staff-to-inmate ratio despite dramatic cuts to both in the past two decades<sup>xiv</sup> (Figure 5). While there have been large reductions to DOCCS staff commensurate with facility closures, corrections unions are notoriously influential politically, perhaps explaining why the Governor’s FY2022 budget proposal proclaims that the “52% drop in the prison population and the closing of 18 prisons since 2011 [was accomplished] without laying off workers.”<sup>xv</sup> Relatedly, corrections staff’s excessive use of overtime (the largest user of overtime per state agency, at 27.2% of total overtime costs) is an inefficient use of public money that has more than offset savings from some facility closures.<sup>xvi</sup> While it would appear that excessive overtime is a sign of severe understaffing, fiscal advocates argue that it’s merely a sign of corrections unions’ excessive influence.

“The Price of Prisons” report cites diversion programs, such as parole, education, and work-training programs that provide alternative means to conventional incarceration for correction and behavioral reform, as a cost-effective way to reduce prison costs on the demand-side by causing immediate reductions in the prison population that can have lasting effects.<sup>xvii</sup> New York’s current policies increase the use of diversion programs compared to historical policies, and that trend continues under the proposed budget. By reducing the demand for prisons, overall costs could decline over time, even if certain costs, like medical care, increase. The Brookings Institution backs-up these claims in a report on the benefits of education and job-training programs for current and former inmates in terms of reductions to crime, recidivism, and corrections costs by citing successes around the country, although the cost-savings that its report points to are rather small (generally up to a few million dollars annually per state).<sup>xviii</sup>

Another report by the Vera Institute notes the disparity between rates of mental illness between the incarcerated population and the general public and the insufficiency of treatment for these disorders in correctional settings: this results in higher incarceration costs because those inmates are likelier to have longer sentences and be housed in isolation. The report offers various mechanisms in all stages of the criminal justice system, including mental health crisis teams that report to incidents instead of police, diversion to mental health facilities instead of corrections facilities, and specialized courts, like drug court and veterans court, that are feasible alternatives to arrest and conventional incarceration for this population. In all, the report suggests that this shift in response to mental illness could save several thousand dollars per offender.<sup>xix</sup>

Finally, a report by Justice Strategies extols the cost-saving potential for early-release programs. The report claims that New York has lost more than \$1 billion, or more than \$100 million annually, by limiting eligibility for early-release, noting that only 7% of inmates who applied for the program were approved to participate in 2007, citing the shift to “tough on crime” policies in the 1990s and public anxiety about reoffenders who were released early as the reason why the State has severely limited eligibility for the program.<sup>xx</sup> Given the reversal in the politics

of incarceration, there is a potential that New York is now ready to embrace this type of program.

### Governor's Proposed Public Safety Budget

Some of the new changes to New York's criminal justice policies will have effects on its public safety budget, some of which will counteract the savings from the reduced prison population and the prison closures. Specifically, Gov. Hochul has proposed four major policies in her FY2023 budget, which are discussed below.

First, the Governor's budget makes substantive changes to bail reform. In 2019, New York eliminated cash-bail, a controversial and perennial policy that is part of a national trend to ease sentencing and carceral laws. Nonetheless, after a rise in crime levels since the law's passage, Gov. Hochul has proposed to reinstate bail requirements for many serious charges and repeat offenders, as well as to make certain crimes punishable by arrest that are currently punishable by citation.<sup>xxi</sup> These policy changes would likely lead to a persistent increase in the jail and prison populations as more offenders would be housed in correctional facilities than under current law. This policy could have a large budgetary effect since the offenders who it applies to are likely to have the longest sentences due to the seriousness of their crimes.

Second, the Governor proposed to revisit the minor sentencing law that changed the age of criminal responsibility to 18 ("the Raise the Age statute").<sup>xxii</sup> Once again citing the post-reform crime increase, Gov. Hochul proposed to lower the age of criminal responsibility to 16 for serious offenses to allow minors to be charged as adults. While likely fewer than 1,000 offenders would be subject to this new law,<sup>xxiii</sup> this policy change could also have an outsized effect on the budget since the applicable offenses would likewise have long sentences.

Third, the Governor proposed to expand mental health services, which are among the largest costs in the public safety budget. The Governor's plan expands eligibility for involuntary treatment to mental health services, primarily in relation to homelessness, and increases funding for mental health treatment. Specifically, the Governor's budget added \$21 million to homelessness response, plus 10,000 new supportive housing units statewide and 1,500 additional supportive and transitional housing units in New York City.<sup>xxiv</sup> Although this funding isn't inherently related to criminal justice, it will also have a direct impact on public safety.

The final major piece of the public safety budget is the Governor's "Jails to Jobs" initiative, which is an education and job-training program for incarcerated and formerly incarcerated individuals.<sup>xxv</sup> Due to the relatively small investment in this program (a \$4 million increase<sup>xxvi</sup>), combined with its potential for significant preventative and off-setting effects (the Governor's office claims that "[t]axpayers save roughly \$5 for every \$1 invested in prison education, and recidivism rates decrease due to this investment"<sup>xxvii</sup>), this proposed spending increase should be treated as an adjustment of current funding and an investment for future reductions.

### Recommendations

New York should continue to seek cost reductions by closing additional excess prison facilities (there are no pending plans for additional closures<sup>xxviii</sup>) and, where possible, continuing to reduce its prison population. Given that the reversals of the bail and sentencing laws are likely to lead to slight increases in the incarcerated population, I'm ambivalent about these policies, but I caution the State from pursuing these policies more dramatically. However, it's vital that prison

closures are carefully analyzed considering future needs so that facilities don't have to be rebuilt if the prison population rises again – rebuilding would surely be a major yet unnecessary cost.

Expanding the use of diversion programs should be paramount, when appropriate. The potential cost-savings and the reduction of negative externalities associated with imprisonment could produce immediate and long-term positive budgetary outcomes. However, it would be reckless to posit a ratio of offenders that should be incarcerated instead of placed in diversion programs, but it seems appropriate for New York to at least aim to achieve costs per prisoner in line with the national average relative to state residents (Figure 3) through the use of diversion programs instead of, for instance, reducing the quality of services in correctional facilities. As above, the potential preventative benefits of these programs, especially when combined with diversion programs, can have major positive externalities for impacted populations, the budget, and society by reducing crime and recidivism. Perhaps most importantly, eligibility for early-release should be expanded and prioritized, when appropriate; DOCCS should strive for full participation among eligible inmates, which, as the Justice Strategies authors argue, could save more than \$100 million annually.

Finally, mental health systems must be improved to significantly reduce the reliance on correctional facilities as mental health facilities for non-criminal offenders. For example, the use of social workers instead of the police to respond to homelessness, when appropriate, is an overdue reform that could improve public safety by reducing the strain on law enforcement and, subsequently, corrections staff, while also leading to long-term reductions in the incarcerated population. However, doing so will be a very expensive undertaking, and it remains unclear how realistic offsets in corrections spending can be to fund these new services.

On a different but related note, I strongly recommend that New York improve its public access to budget and accounting documents and program and audit reports since it's very difficult to find adequate information to analyze its programs and make accurate recommendations.

## Conclusion

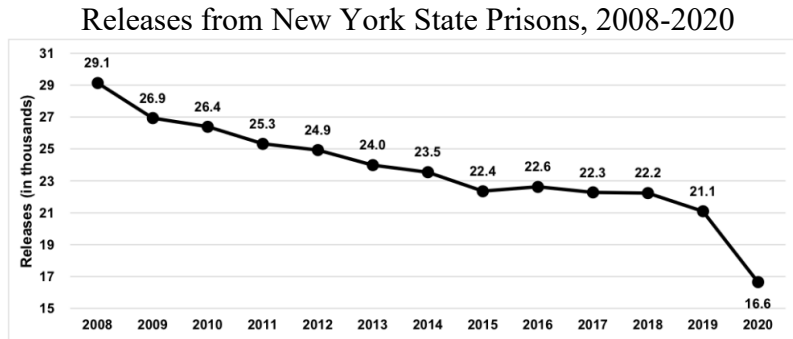
The significant reduction of New York's prison population presents excellent opportunities to rebalance public safety spending. Specifically, cost-savings from reductions in the DOCCS budget should be shifted to direct additional focus and spending toward diversion, job-training, and education programs, as well as mental health treatment. To achieve more cost-savings, New York should pursue further prison closures and reductions to its incarcerated population, as appropriate, and investigate avenues to reduce DOCCS personnel's use of overtime. It should be noted that this memo doesn't directly address costs associated with law enforcement or the use of private prisons, nor does it comment on the validity of criminal justice philosophies; this memo is specifically concerned with the fiscal implications of public safety policies.

Public safety spending must balance fiscal responsibility with the demands of public safety. Recent trends in criminal justice reform have increased pressures on government to reduce punitive criminal sentencing and shift toward diversion programs that prevent repeat offenses and disincentivize crime for at-risk populations, both of which can produce cost-savings when compared to conventional incarceration. Thus, fiscal responsibility and public safety (or, at least, contemporary liberal policies regarding public safety) can have complementary objectives.

Overall, I agree with the Governor's budget recommendations and suggest that New York continue and expand its current public safety policies.

Appendix

Figure 1.



Source: Office of the New York State Comptroller.

Figure 2.

State Prison Cost per Inmate, 2015

	Prison population	Prison expenditures	Average cost per inmate
Alabama	31,563	\$466,488,094	\$14,780
Alaska	6,010	\$316,323,123	\$52,633
Arizona	42,131	\$1,069,998,638	\$25,397
Arkansas	17,785	\$371,968,841	\$20,915
California	132,992	\$8,596,902,049	\$64,642
Colorado	18,054	\$709,581,867	\$39,303
Connecticut	16,347	\$1,016,118,399	\$62,159
Delaware	6,814	\$266,293,532	\$39,080
Florida	100,567	\$1,917,735,951	\$19,069
Georgia	46,145	\$921,844,210	\$19,977
Hawaii	6,053	\$178,406,163	\$29,425
Idaho	8,120	\$180,115,744	\$22,182
Illinois	47,622	\$1,595,647,075	\$33,507
Indiana	28,656	\$517,678,909	\$18,065
Iowa	8,195	\$310,634,762	\$37,908
Kansas	9,697	\$237,682,123	\$24,511
Kentucky	21,062	\$351,336,792	\$16,681
Louisiana	38,296	\$622,350,856	\$16,251
Maryland	24,028	\$1,071,682,231	\$44,601
Massachusetts	10,772	\$594,295,857	\$55,170
Michigan	43,375	\$1,553,213,339	\$35,809
Minnesota	9,760	\$403,729,705	\$41,366
Missouri	32,284	\$716,287,058	\$22,187
Montana	2,833	\$95,125,223	\$33,578
Nevada	13,665	\$243,935,441	\$17,851
New Jersey	21,992	\$1,354,767,292	\$61,603
New Mexico	7,167	\$263,976,999	\$36,832
New York	53,181	\$3,688,356,319	\$69,355
North Carolina	37,066	\$1,118,669,204	\$30,180
North Dakota	1,696	\$65,467,993	\$38,601
Ohio	50,452	\$1,337,453,060	\$26,509
Oklahoma	27,369	\$451,501,686	\$16,497
Oregon	14,538	\$639,974,399	\$44,021
Pennsylvania	50,366	\$2,151,980,000	\$42,727
Rhode Island	3,182	\$186,349,078	\$58,564
South Carolina	21,773	\$436,615,085	\$20,053
South Dakota	3,524	\$73,122,593	\$20,748
Tennessee	30,837	\$723,680,760	\$23,468
Texas	149,159	\$3,283,213,997	\$22,012
Utah	6,907	\$152,778,962	\$22,119
Vermont	2,026	\$116,727,820	\$57,615
Virginia	38,688	\$824,010,613	\$21,299
Washington	16,716	\$632,557,822	\$37,841
West Virginia	6,882	\$188,966,523	\$27,458
Wisconsin	22,461	\$867,991,403	\$38,644
<b>TOTAL (45 states)</b>	<b>1,286,818</b>	<b>\$42,883,537,590</b>	<b>\$33,274</b>

Source: Mai, Chris, and Ram Subramanian, p. 8.

Figure 3.

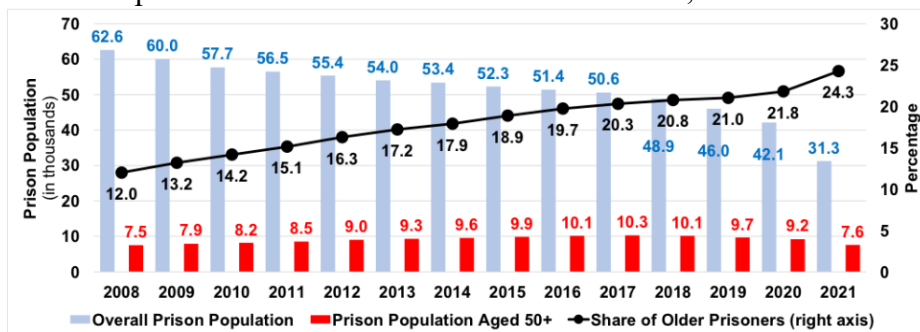
State Prison Spending per State Resident, 2015

	State residents	Prison expenditures	Incarceration rate (per 100,000 state residents)	Cost per state resident
Alabama	4,853,875	\$466,488,094	650	\$96
Alaska	737,709	\$316,323,123	815	\$429
Arizona	6,817,565	\$1,069,998,638	618	\$157
Arkansas	2,977,853	\$371,968,841	597	\$125
California	38,993,940	\$8,596,902,049	341	\$220
Colorado	5,448,819	\$709,581,867	331	\$130
Connecticut	3,584,730	\$1,016,118,399	456	\$283
Delaware	944,076	\$266,293,532	722	\$282
Florida	20,244,914	\$1,917,735,951	497	\$95
Georgia	10,198,398	\$921,844,210	452	\$90
Hawaii	1,425,157	\$178,405,163	425	\$125
Idaho	1,652,828	\$180,115,744	491	\$109
Illinois	12,839,047	\$1,595,647,075	371	\$124
Indiana	6,612,768	\$517,678,909	433	\$78
Iowa	3,121,997	\$310,634,762	262	\$99
Kansas	2,906,721	\$297,682,123	334	\$82
Kentucky	4,424,611	\$351,336,792	476	\$79
Louisiana	4,668,960	\$622,350,856	820	\$133
Maryland	5,994,983	\$1,071,682,231	401	\$179
Massachusetts	6,784,240	\$594,295,857	159	\$88
Michigan	9,917,715	\$1,553,213,339	437	\$157
Minnesota	5,482,435	\$403,729,705	178	\$74
Missouri	6,076,204	\$716,287,058	531	\$118
Montana	1,032,073	\$95,125,223	274	\$92
Nevada	2,883,758	\$243,935,441	474	\$85
New Jersey	8,935,421	\$1,354,767,292	245	\$152
New Mexico	2,080,328	\$263,976,999	345	\$127
New York	19,747,183	\$3,688,356,319	269	\$187
North Carolina	10,035,186	\$1,118,660,204	369	\$111
North Dakota	756,835	\$65,467,993	224	\$87
Ohio	11,605,090	\$1,337,453,060	435	\$115
Oklahoma	3,907,414	\$451,501,686	700	\$116
Oregon	4,024,634	\$639,974,399	361	\$159
Pennsylvania	12,791,904	\$2,151,980,000	394	\$168
Rhode Island	1,055,607	\$186,349,078	301	\$177
South Carolina	4,894,834	\$436,615,085	445	\$89
South Dakota	857,919	\$73,122,593	411	\$85
Tennessee	6,595,056	\$723,680,760	468	\$110
Texas	27,429,639	\$3,283,213,997	544	\$120
Utah	2,990,632	\$152,778,962	231	\$51
Vermont	626,088	\$116,727,820	324	\$186
Virginia	8,367,587	\$824,010,613	462	\$98
Washington	7,160,290	\$632,557,822	233	\$88
West Virginia	1,841,053	\$188,966,523	374	\$103
Wisconsin	5,767,891	\$867,991,403	389	\$150
<b>TOTAL (45 states)</b>	<b>312,096,967</b>	<b>\$42,883,537,590</b>	<b>413</b>	<b>\$137</b>

Source: Mai, Chris, and Ram Subramanian, p. 12.

Figure 4.

Population Trends in New York State Prisons, 2008-2021



Source: Office of the New York State Comptroller.

**Figure 5.**

**DOCCS Security Staff and Incarcerated Population**

<b>December</b>	<b>Correction Officers Sergeants Lieutenants Positions Filled</b>	<b>Numeric Change</b>	<b>Percent Change</b>	<b>Incarcerated Population (includes Willard)</b>	<b>Numeric Change</b>	<b>Percent Change</b>	<b>Staffing Ratio Incarcerated Population Versus Filled Uniform Staff Positions</b>
<b>2003</b>	20,794	-464	-2.2%	66,110	-1,549	-2.3%	3.2
<b>2004</b>	21,068	274	1.3%	64,905	-1,205	-1.8%	3.1
<b>2005</b>	21,420	352	1.7%	63,930	-975	-1.5%	3.0
<b>2006</b>	21,505	85	0.4%	64,410	480	0.8%	3.0
<b>2007</b>	21,414	-91	-0.4%	63,425	-985	-1.5%	3.0
<b>2008</b>	21,404	-10	0.0%	60,933	-2,492	-3.9%	2.8
<b>2009</b>	20,602	-802	-3.7%	59,279	-1,654	-2.7%	2.9
<b>2010</b>	20,652	50	0.2%	57,229	-2,050	-3.5%	2.8
<b>2011</b>	19,647	-1,005	-4.9%	55,979	-1,250	-2.2%	2.8
<b>2012</b>	19,192	-455	-2.3%	54,865	-1,114	-2.0%	2.9
<b>2013</b>	19,145	-47	-0.2%	54,142	-723	-1.3%	2.8
<b>2014</b>	19,002	-143	-0.7%	53,103	-1,039	-1.9%	2.8
<b>2015</b>	19,360	358	1.9%	52,344	-759	-1.4%	2.7
<b>2016</b>	19,233	-127	-0.7%	51,466	-878	-1.7%	2.7
<b>2017</b>	19,242	9	0.0%	50,271	-1,195	-2.3%	2.6
<b>2018</b>	19,295	53	0.3%	47,459	-2,812	-5.6%	2.5
<b>2019</b>	19,072	-223	-1.2%	44,334	-3,125	-6.6%	2.3
<b>2020</b>	18,541	-531	-2.8%	34,446	-9,888	-22.3%	1.9
<b>2021</b>	17,415	-1,126	-6.1%	30,746	-3,700	-10.7	1.8

Source: New York State Department of Corrections and Community Supervision, p. 3.

## Annotated Bibliography

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This article describes the FY2023 budget package and the negotiations that went into the final deal, specifically noting the controversies of the public safety budget.

Ferré-Sadurní, Luis, et al. “Governor Urges Lawmakers to Make New York's Bail Law More Restrictive.” *The New York Times*, 18 Mar. 2022, p. 18, Accessed 3 Apr. 2022.

This article describes Gov. Hochul’s support for reforming New York’s new bail law to make it more restrictive. It details how she plans to include her proposal in her FY2023 budget and how the plan faces opposition from Democrats.

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This article describes in-depth the economics of spending on corrections facilities in New York, arguing that improper fiscal management has eliminated potential gains from closing facilities despite politicians claiming massive savings.

### Endnotes

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- <sup>i</sup> New York State Department of Corrections and Community Supervision, p. 3.
  - <sup>ii</sup> “Fiscal Year 2022-23 Budget Hearing”, p. 2.
  - <sup>iii</sup> Ferré-Sadurní and A.
  - <sup>iv</sup> New York State Department of Corrections and Community Supervision, p. 2.
  - <sup>v</sup> Office of the New York State Comptroller.
  - <sup>vi</sup> Ferré-Sadurní and Ashford.
  - <sup>vii</sup> Corrections and Community Supervision, Department of.
  - <sup>viii</sup> Mai, Chris, and Ram Subramanian, p. 7-8.
  - <sup>ix</sup> *Ibid.*, p. 12.
  - <sup>x</sup> New York State Department of Corrections and Community Supervision, p. 3.
  - <sup>xi</sup> Office of the New York State Comptroller.
  - <sup>xii</sup> *Ibid.*
  - <sup>xiii</sup> Mai, Chris, and Ram Subramanian, p. 9.
  - <sup>xiv</sup> New York State Department of Corrections and Community Supervision, p. 3.
  - <sup>xv</sup> Division of the Budget, p. 122.
  - <sup>xvi</sup> Stier, Ken.
  - <sup>xvii</sup> Mai, Chris, and Ram Subramanian, p. 11.
  - <sup>xviii</sup> Duwe, Grant, and Makada Henry-Nickie.
  - <sup>xix</sup> Cloud, David, and Chelsea Davis.
  - <sup>xx</sup> Justice Strategies.
  - <sup>xxi</sup> Office of the Governor, p. 1-3.
  - <sup>xxii</sup> Ferré-Sadurní et al.
  - <sup>xxiii</sup> Office of the Governor, p. 4.
  - <sup>xxiv</sup> *Ibid.*, p. 7.
  - <sup>xxv</sup> Corrections and Community Supervision, Department of, p. 1.
  - <sup>xxvi</sup> *Ibid.*, page 1.
  - <sup>xxvii</sup> “Governor Hochul Announces ‘Jails to Jobs’”
  - <sup>xxviii</sup> “Fiscal Year 2022-2023 Budget Hearing”, p. 2.