

To: Chairman Stewart J. Greenleaf
Judiciary Committee, Pennsylvania Senate
Copy: Secretary John Wetzel, Pennsylvania Department of
Corrections
From: Carl Reynolds, CSG Justice Center
Re: Prison Closings

Chairman Greenleaf, I appreciate the invitation from Pat Cawley and regret that I am unable to join the hearing on January 23rd. During the week I was able to gather a bit of contextual information that I hope is of some use in framing the discussion.

Volume

Most states have experienced prison closures in the recent past. From 1995 to September 2015, 252 prisons closed in the U.S. About one-third (81) of the closures occurred between 1995 and 2005, and in the following decade there were 171 closures. The peak occurred in 2009, with 25,000 beds closed. Most closures have been in the South and Midwest.¹

Factors

Corrections administrators have a variety of factors to consider in determining which facilities should be closed, starting from the premise that population reduction allows for reduction of the overall system capacity. Local and current circumstances would obviously dictate which considerations deserve the greatest weight at a given decision point:

- Prison Capacity – “right sizing” the closure to the population loss
- Security Level – maintaining the right system mix of security levels
- Programming & Industry – e.g., prisons with more limited opportunities
- Age of Prison – accounting for more expensive operational and maintenance cost that is typical for older prisons
- Employment – accounting for regional opportunities and impact on staff and local community
- Location – e.g., other prisons in the region where existing staff can transfer; transportation costs that favor closing a remote prison
- Private/public – prioritizing private contract cancellation for faster cost recovery
- Reuse opportunities – e.g., closing an older prison that is now on valuable property for development

Mitigation

Two impacts of prison closure invariably weigh heavily in the decision and require mitigation: the continued employment of existing staff, and maintaining appropriate capacity for the remaining prison population. Such efforts are clearly underway in Pennsylvania, and here are additional examples.

- New York addressed the first issue by establishing the Economic Transformation and Facility Redevelopment Program to support the economies of communities affected by the closure of certain correctional and juvenile justice facilities in 2011.²
- Michigan brought in a mobile workforce development office to help those that were not going to stay with the MDOC find other employment. MDOC also made multiple visits to the affect area with legislators, so they could conduct constituent services.
- Maintaining appropriate prison capacity in Texas is governed by a statutory procedure that requires a thorough evaluation of all the dimensions of capacity.³

Resources

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Yes, In My Backyard is a web-based clearinghouse of information on closing and reusing prisons in the United States.

<http://www.yesinmybackyard.org/about/>

Repurposing: New Beginnings for Old Prisons, by Nicole S. Porter, The Sentencing Project (Dec. 2016).

<http://www.sentencingproject.org/publications/repurposing-new-beginnings-closed-prisons/>

¹ Jarred Williams, (Thesis Excerpt).

² (Chapter 61, Laws of 2011).

<https://cdn.esd.ny.gov/Reports/ECONOMICTRANSFORMATIONPROGRAMREPORT.pdf>

³ Texas Government Code Section 499.102 et seq., enumerates the following factors:

- (1) proper inmate classification and housing within the unit that is consistent with the classification system;
- (2) housing flexibility to allow necessary repairs and routine and preventive maintenance to be performed without compromising the classification system;
- (3) adequate space in dayrooms;

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- (4) all meals within a reasonable time, allowing each inmate a reasonable time within which to eat;
 - (5) operable hygiene facilities that ensure the availability of a sufficient number of fixtures to serve the inmate population;
 - (6) adequate laundry services;
 - (7) sufficient staff to:
 - (A) meet operational and security needs;
 - (B) meet health care needs, including the needs of inmates requiring psychiatric care, mentally retarded inmates, and physically handicapped inmates;
 - (C) provide a safe environment for inmates and staff; and
 - (D) provide adequate internal affairs investigation and review;
 - (8) medical, dental, and psychiatric care adequate to ensure:
 - (A) minimal delays in delivery of service from the time sick call requests are made until the service is performed;
 - (B) access to regional medical facilities;
 - (C) access to the institutional division hospital at Galveston or contract facilities performing the same services;
 - (D) access to specialty clinics; and
 - (E) a sufficient number of psychiatric inpatient beds and sheltered beds for mentally retarded inmates;
 - (9) a fair disciplinary system that ensures due process and is adequate to ensure safety and order in the unit;
 - (10) work, vocational, academic, and on-the-job training programs that afford all eligible inmates with an opportunity to learn job skills or work habits that can be applied on release, appropriately staffed and of sufficient quality;
 - (11) a sufficient number and quality of nonprogrammatic and recreational activities for all eligible inmates who choose to participate;
 - (12) adequate assistance from persons trained in the law or a law library with a collection containing necessary materials and space adequate for inmates to use the law library for study related to legal matters;
 - (13) adequate space and staffing to permit contact and noncontact visitation of all eligible inmates;
 - (14) adequate maintenance programs to repair and prevent breakdowns caused by increased use of facilities and fixtures; and
 - (15) space and staff sufficient to provide all the services and facilities required by this section.