

# The Sentencing Project

## Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/publications/on-the-chopping-block-2013-state-prison-closures/>

## Policy Issue Resources

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The continued trend of prison closures was led by North Carolina in 2013; officials reduced correctional capacity by 1,986 beds and estimated the reduction would result in \$40 million in cost savings. Other states that closed prisons include Georgia, Kentucky, New York, Pennsylvania and Texas. Declines in state prison populations have created an opportunity to downsize prison bed space for a range of reasons, including excess capacity and the management of older facilities. The U.S. prison population numbered 1.5 million at yearend 2012 a reduction of 1.7 percent since 2011, and the third year that the nations prison population had declined.<sup>1)</sup>Bureau of Justice Statistics. (2013). [Prisoners in 2012: Advance Counts](#). Washington, D.C.

Since 2004, The Sentencing Project has documented changes in policy and practice undertaken by lawmakers to address growth in state prison populations. Legislative and administrative reforms have included scaling back mandatory sentencing laws, increasing parole release rates, and authorizing earned release from community supervision. In 2013, at least three states Kansas, Oregon, and South Dakota authorized earned discharge for persons who successfully comply with the conditions of their parole supervision. Colorado lawmakers also authorized alternatives to incarceration for persons convicted of certain felony drug offenses. In addition to changes impacting the adult prison population, significant reforms have impacted juvenile corrections, resulting in a nearly 40 percent decline in the number of incarcerated youth since 2000.<sup>2)</sup>Staff (2013). [The Comeback States: Reducing Youth Incarceration in the United States](#). National Juvenile Justice Network and Texas Public Policy Foundation. Recently, Nebraska enacted comprehensive juvenile justice measures that expanded alternatives to detention.

State officials continue to modify sentencing policy in an attempt to address correctional populations. At least 31 states adopted 46 criminal justice reforms to potentially reduce state prison populations in 2013. Georgia authorized judges, in some circumstances, to depart from mandatory minimum sentences for certain drug offenses.<sup>3)</sup>[Georgia House Bill 349](#) (2013).

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In recent years, changes in California have contributed to the most significant declines in state prison populations. In 2009, a three-judge special panel ruled that widespread overcrowding in California prisons was unconstitutional and resulted in *cruel and unusual punishment*. The U.S. Supreme Court upheld that ruling in 2011 and ordered the state to address capacity issues. Under the states Realignment policy, thousands of individuals convicted of non-serious, non-violent, and non-sexual felony offenses have been sentenced to county jails rather than state prisons.

Lawmakers proposing prison closures have sometimes attracted significant opposition. Over the last few years, several prisons have closed in New York and additional closures are expected for 2014. The reduction in capacity has drawn opposition from local political and labor interests concerned about the loss of jobs and economic consequences, often in rural areas.<sup>22)</sup>Willard, Lucas. [Lawmakers, Union Hope to Prevent Closure of Saratoga County Prison](#). WAMC Public Northeast Radio. In New York, lawmakers announced plans to introduce legislation to require the legislature to debate and vote on any prison closures.<sup>23)</sup>[Statement by Assemblyman Jim Tedisco](#) on September 24, 2013. The move would shift the dynamics in New York away from the governors office, which has shouldered the political risks of closures in recent years. A similar climate has impacted the closure conversation in Pennsylvania.<sup>24)</sup>Staff, [Lawmakers: Cresson Prison to Close](#). *The Altoona Mirror*, January 9, 2013.

Prison closures offer a challenge to communities that have relied on correctional facilities as an economic strategy. As officials have undertaken efforts to downscale prison capacity, addressing the potential community impact is a salient concern. Illinois lawmakers recently considered a proposal offering tax breaks to companies taking over closed state facilities, including prisons. The measure would allow private investors to receive a state income tax credit equal to 30 percent of the cost of refurbishing a former state facility.<sup>25)</sup>Erickson, Kurt. [Proposal aims to help shuttered stated facilities](#). *Pantagraph.com*. November 10, 2013.

In a few states, including Texas and New York, there are plans to sell closed prisons for non-correctional uses. For example, Texas shuttered Dawson State Jail has created an opportunity for the Trinity River Corridor Project, a redevelopment effort. The project involves a 20-mile span of urban development that would include the current Dawson State Jail site, with plans for houses, waterfront condominiums, and shops and restaurants.<sup>26)</sup>Grisson, Brandi. [In Two Cities, Opposite Reactions to the Closing of State Jails](#). *The New York Times*. August 1, 2013. In New York, officials sold Camp Georgetown, a minimum security prison closed in 2011, for more than \$240,000 in 2013.<sup>27)</sup>Karlin, Rick. [Empty upstate prison is sold](#). *Times Union*. May 9, 2013. The prison was bought by a wealthy investor with plans to repurpose it into a summer science and technology camp for high school students.<sup>28)</sup>Teri Weaver [New Camp Georgetown owner wants to open summer science camp there](#). *The Post Standard*. May 13, 2013. In addition, the closure of the Bayview Correctional Facility in Manhattan may lead to a repurposing of the closed facility. The prison is surrounded by upscale restaurants, luxury condos, and high-end shops and is considered desirable real estate.<sup>29)</sup>Staff, [New York City hotspot for sale: A Sandy-damaged former womens prison](#). *Associated Press in The Patriot News Central PA*. October 19, 2013.

Although many states have been closing prisons in recent years, some states have continued to open new correctional facilities. In Pennsylvania, construction has begun on a \$400 million prison project in Skippack Township. The prisons Phoenix East and Phoenix West will have a combined capacity of 4,000 beds. There are also plans to build a new 200-bed facility to hold women transitioning back to the community at the end of their prison term.<sup>30)</sup>[Idaho Senate Bill 1151](#) (2013).

In California, officials opened a new prison that holds more than 1,700 inmates. The California Health Facility in Stockton reportedly cost \$839 million to construct and is designed to address the medical and mental health needs of incarcerated persons. The state opened this prison while accounting for the largest share in population declines in 2012. During a 2013 press conference, Governor Jerry Brown estimated that the prison expansion plan would cost \$315 million in the short term and total \$715 million by 2015.<sup>31)</sup>Staff (2013). [California Governor requests more time to reduce prison overcrowding](#). *World News Views*. Additionally, to deal with continued overcrowding, Governor Brown has proposed sending approximately 12,000 incarcerated persons to private prisons out of state.

Other states Maine, New Hampshire, and Washington are also exploring building new prisons. In Maine, officials are reportedly assessing whether a new, more efficient prison at a cost of \$100 million would be a good use of taxpayer resources. The proposed construction would replace the current prison at the site of the Maine Correctional Center and erect a new correctional facility in its place.<sup>32)</sup>Hartill, Daniel. [Planned \\$100 million prison in Windham Controversial](#). *The Bangor Daily News*. September 2, 2013. In New Hampshire, the states Executive Council recently approved a \$2.4 million contract to build a new womens prison. The current New Hampshire State Prison for Women has been the subject of litigation; four incarcerated women filed a lawsuit claiming that the state does not provide female inmates with services and programs comparable to those for incarcerated men.<sup>33)</sup>Authur, Audrey. [SMRT Inc. Selected to Design New Hampshire Womens Prison](#). *Correctional News*. September 25, 2013.

Officials in Washington state have begun discussing expanding prison capacity despite closing the McNeil Island Corrections Center in 2011. Prison administrators claim that overcrowded conditions in womens facilities are posing risks for increased violence. Recent overcrowding follows a period of modest population decline that led the state to close three prisons in recent years in an effort to reduce correctional expenditures.<sup>34)</sup>Staff (2013). [Washington State Prisons Seek Expansion Funding](#). *Correctional News*.

Reopening previously shuttered prisons is also being proposed by some state officials. In 2013, Florida lawmakers discussed plans to reopen closed prisons because of projected growth in the prison population. Corrections officials submitted an appropriations request to the Legislature for \$59 million to open nine closed prisons. The request was met by some resistance from fiscally conservative lawmakers, and the discussion may lead to an opportunity to modify sentencing policies.<sup>35)</sup>[Georgia House Bill 349](#) (2013). Lawmakers closed 10 prisons in 2012 and projected an estimated \$65 million in cost savings due to the closures.<sup>36)</sup>Porter, Nicole D. (2012). [On the Chopping Block 2012: State Prison Closings](#). Washington, D.C.: The Sentencing Project.

While trends since 2011 may indicate that state officials are growing more comfortable closing correctional facilities, closure efforts continue to generate political opposition. Continued efforts to shutter prisons should also include intentional discussion of ways to reuse correctional facilities for non-carceral purposes. And, as encouraging as these discussions may be, the needs of high-incarceration communities should also be considered as stakeholders prioritize state resources to maintain public safety.

Footnotes[+]

Increase in number of women incarcerated in the U.S. since 1980

Incarceration

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