

# The Sentencing Project

## Criminal Justice Issues and Prisoners' Rights

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

## Campaign and Advocacy

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The U.S. prison population numbered 1,508,636 at yearend 2014 a reduction of approximately 1% since 2013. Thirty-nine states have experienced a decline since reaching their peak prison populations within the past 15 years; in most states this reduction has been relatively modest. Four states New Jersey, New York, Rhode Island, and California have reduced their prison populations by over 20%. Southern states like Mississippi and South Carolina have reduced their prison populations by 18% and 11% respectively.<sup>3)</sup>Nazgol Ghandnoosh. [U.S. Prison Population Trends 1999-2014: Broad Variation Among States in Recent Years](#) (The Sentencing Project 2016). The political environment shaping criminal justice policy has been moving in a direction emphasizing evidence-based approaches to public safety for more than a decade. This has involved efforts to address the unprecedented growth and correctional costs resulting from several decades of policy initiatives.

In recent years, 29 states adopted reforms that scaled back the scope and severity of their mandatory sentencing policies.<sup>4)</sup>Ram Subramanian and Ruth Delaney. [Playbook for Change? States Reconsider Mandatory Sentences](#). (Vera Institute of Justice 2014). Voters in California approved ballot initiatives in 2012 and 2016; the former curbed the states notoriously broad three strikes and youre out law and the latter expanded parole eligibility and limits the process governing juveniles tried as adults. California and Oklahoma voters also authorized reclassifying certain felonies as misdemeanors. In other states, policymakers have become increasingly supportive of initiatives that reduce parole revocations, establish treatment courts, and divert prison bound defendants through alternatives to incarceration.

Declines in state prison populations and the shifting politics underlying incarceration have created an opportunity to downsize prison bed space for a range of reasons, including excess capacity and the challenge of managing older facilities.

The previous 40 years of growth of the penal system increased rates of incarceration have resulted from changes in policy and practice intent upon increasing the severity of sanctions for criminal offending. The punitive nature of these criminal justice policies was influenced by social, political, economic and institutional forces that helped to explain why elected officials and prosecutors successfully pursued such initiatives.

Several factors made the United States vulnerable to the politicization of criminal justice policies. These included social and political unrest in the 1960s; a major electoral realignment as the Democratic Party divided over civil rights and other issues and as the Republican Party became competitive in the South for the first time since Reconstruction; rising crime rates beginning in the mid-1960s; and major transformations in urban economies that included the disappearance of many well-paid jobs for low skilled workers. Distinct characteristics of U.S. society deepened the politicization of criminal justice policy. These included the election and partisan political appointment of judges and prosecutors, a winner-take-all two-party electoral system, and the use of state ballot initiatives and referenda as a mechanism for policy change.<sup>5)</sup>Supra, National Research Council.

While rising crime rates in the early years of prison building contributed in part to increasing rates of imprisonment, it is only by understanding those trends in their social, political, institutional and historical context that it is clear the nations prison population increase was not primarily due to rising crime. While most other Western democracies also experienced rising crime rates beginning in the 1960s, none embarked on a prison expansion program remotely like that of the U.S.

Prison closures offer a challenge to officials and the communities that are impacted, particularly in rural areas with limited employment opportunities. In recent years, entrepreneurs, elected officials and community leaders in a handful of states have reimagined sites that once incarcerated prisoners for new uses. In Manhattan, the Osborne Association, a nonprofit organization, is working to convert a closed womens prison into a space that provides services to women leaving incarceration. An entrepreneur in California purchased a

closed correctional facility and plans to repurpose it as a medical marijuana cultivation center. At least four states Missouri, Ohio, Pennsylvania, and West Virginia have converted closed prisons into tourist destinations open to visitors and host Halloween events.<sup>6)</sup>Jen Fiffield, Shuttered State Prisons Spring Back to Life, Pew Stateline November 3, 2016.

Other new purposes for closed prisons include a small farm incubator, homeless shelter, museum and special events venue, and a distillery.

Opened in 1976, the prison housed 931 male inmates and closed in 2011. The former prison sits on 69 acres of waterfront property along Staten Islands West Shore and is surrounded by commercial, recreational, and industrial properties. The site was previously operated by the states Office of Drug Abuse Services as a drug rehabilitation center prior to its transfer to the New York Department of Correctional Services.<sup>7)</sup>Staff, [Prison is Opposed on Staten Island](#), The New York Times April 21, 1976.

The Empire State Development agency announced in early 2014 that Brooklyns Broadway Stages planned to buy the facility for use as a movie studio. The studio purchased the prison for \$7 million and plans to invest at least \$20 million. Expectations for the project include the creation of 800 jobs over a two-year period with as many as 1,500 over the next five years.

First established in Manhattan in 1931 as the Seamans House Y.M.C.A., a place for merchant sailors to stay while their ships were docked at the nearby Chelsea Piers it later became a state-run drug treatment center in 1967. The state converted the center to a prison in the early 1970s following an increase in New Yorks prison population due in part to a change in policy that required lengthy prison terms for prison bound drug defendants.

The NoVo Foundation, a private foundation in collaboration with the womens real-estate development company the Goren Group, will convert the closed prison to an office building known as the Womens Building. Officials plan to contract out with nonprofit organizations that provide services to women. The buildings development team is also collaborating with groups like the Coalition for Women Prisoners and the Women and Justice Project to involve formerly incarcerated women in the prisons repurposing. Plans for the prisons redevelopment include landscaped areas and an art gallery that may double as an event space.

Tennessee opened the maximum security prison in 1896 in the remote, southern part of the Appalachian Plateau. The prison had a capacity of 584 and was used as the states reception/classification and diagnostic center before closing in 2009.

Efforts are underway to repurpose the closed prison into a distillery and tourist attraction. Brushy Mountain Group, a private developer entity, approached the local economic development council and county officials to discuss plans for the prisons reuse. Voters approved the prisons conversion by a 2-1 margin in a referendum during the 2013 local election cycle. The private consortium has moved to transform the site into a tourist attraction, including a moonshine distillery, restaurant, horse trails, and campgrounds.

Opened in 1997, the Dawson State Jail (DSJ) was a co-gender facility with a capacity of over 2,200 beds located near Dallas. Reports of inadequate medical care, including multiple inmate deaths, and unsafe staffing levels at the facility led a coalition of state and national groups to mobilize in support of the prisons closing. Texas state lawmakers in 2013 decided not to renew the contract for the prison operated by the for-profit CoreCivic (Corrections Corporation for America), but owned by the Texas Department of Criminal Justice. DSJ was located in an area targeted for economic development; modest declines in the states prison population resulted in shuttering the prison rather than a transfer to public control. The prison was a co-gender facility with a capacity of over 2,200 beds. The closure of the DSJ was supported by local officials.

The closed prison opened up an opportunity for the Trinity River Corridor Project a plan for urban development around a 20-mile area that would include houses, waterfront condominiums, office buildings and shops and restaurants. DSJ was long viewed as an impediment to moving the development plan forward. As of 2016, plans to demolish the existing jail or repurpose the shuttered correctional facility have yet to be decided.<sup>8)</sup>See Catherine Arnold, [Healing Dallas by Repurposing its Abandoned Jails](#), The Texas Observer (2014).

The Fulton Correctional Facility in the Bronx, New York was converted to a medium security prison in 1975. The building opened as an Episcopal Church in 1906 and since its construction at various times had housed a nursing home, drug rehabilitation center, and Jewish community center. The shuttered prison was among 13 state prisons closed in 2011. While used as a prison, the facility housed up to 900 inmates on work release.

During 2015, New York City transferred the facilitys deed to the Osborne Association, a criminal justice reform group. Osborne is managing the complete reconfiguration of the building from a prison to a community reentry hub for formerly incarcerated individuals that includes temporary housing and job training. Resources to support the buildings conversion include a \$6 million grant from the Empire State Development Corporation, a state fund established to support economic development in communities experiencing prison closures.

Opened in 1991 with a capacity of 507 beds, the prison was closed in 2012 due to budget cuts, and the site was acquired by the city of Gainesville. The shuttered prison is surrounded by a wooded area about a mile from the regional airport. City commissioners repurposed the former prison into, Grace Marketplace, a nonprofit one-stop homeless center that provides job training as well as programs for the broader community like organizational meeting space. Stakeholders are working to remodel the facility so that it looks less like a prison; the renovated mess hall has new tiling and there is a raised-bed garden on the grounds. The center is funded by a combination of resources from the city of Gainesville and the surrounding county for its first year of operation.

Plans to convert the closed prison also involve leasing building space to other nonprofit agencies to increase the level of services available on the site.

The site of the Hanna City Work Camp in Peoria, Illinois was not always used for a prison. The United States Air Force once used the former work camp site for radar tracking; that ended in 1968 due to budget cuts, and was soon repurposed as a state correctional facility. The prison closed in 2002 for budgetary reasons, and the state signed over the prison camp to Peoria County in 2008. The property transfer came with conditions including a requirement that its repurposing be for public use.

The Peoria County Board has convened discussions to repurpose the shuttered facility. Community consensus has focused on using the site as a small farm incubator that includes training and marketing; the site will also serve as a distribution center for locally grown food. According to the University of Illinois, transforming the former prison into a re-imagined agricultural development center will produce an estimated \$124 million in new farm income for the region.

The Haywood Correctional Center was opened more than 70 years ago with a capacity of 128 beds. It was closed in 2011 as part of a cost-saving measure. The repurposing of the prison was developed by Sheriff Greg Christopher, who collaborated with area churches, and business and community stakeholders to attract funding to underwrite the project. County Commissioners purchased it from the state and anticipated continuing to use it for correctional purposes as an overflow jail for the areas local justice population. Those plans shifted in recent years, with a focus now on converting the closed prison to a multi-use site that includes a halfway house, homeless shelter and soup kitchen.

Conversion to a homeless shelter was done as a part of television personality Ty Pennington's nationwide contest, the Ultimate Give Back Challenge, and received broad support among fans who were invited to vote on which project the initiative would select.

Prison closures provide an opening to reimagine economic challenges in impacted communities. Closures typically animate resistance due to a perceived loss of jobs, tax revenue and other factors. To address this, New York State requires a one-year notice of correctional facilities closures.<sup>15)</sup>New York Correction Law Section 79-a.

But, these developments are not uniform across the country. In contrast to this trend, some states have announced since 2013 that they may open new correctional facilities, add new beds to existing facilities, or reopen facilities that had previously been shuttered.

In other states, closure announcements have faced opposition. In Illinois for example, the American Federation of State, County and Municipal Employees, the union representing correctional officers, unsuccessfully opposed efforts to close down two state prisons in recent years through legislative strategies, litigation, and a public campaign.<sup>16)</sup>James Ridgeway and Jean Casella, *Solidarity and Solitary: When Unions Clash With Prison Reform*, Solitary Watch. February 21, 2013. In Texas, local political leadership opposed that states decision to not renew a private prison contract for the Mineral Wells Pre-Parole Transfer Facility owned and operated by CCA.<sup>17)</sup>Chris Agee, [Mineral Wells pre-parole transfer prison set to close](#), The Weatherford Democrat. June 14, 2013.

Many local officials embraced prison construction as an economic development strategy. But the research shows that the benefits are not clear.<sup>18)</sup>See Ryan S. King, Marc Mauer and Tracy Huling, *Big Prisons, Small Towns: Prison Economics in Rural America*, The Sentencing Project, 2003. Generally, prison closure proponents counter that prisons are not a source of economic opportunity. Yet, those rejoinders ignore the history of prison development particularly on communities impacted by declines in agriculture.

High-incarceration communities, the neighborhoods that send many individuals to prison, also suffer economic loss. These neighborhoods experience substantial disadvantage due to economic divestment, political disenfranchisement, and downward mobility caused by the cycling of residents to and from prison.<sup>19)</sup>Jim Austin et. al, [Ending Mass Incarceration Charting a New Justice Reinvestment](#), 2013.

Lawmakers and practitioners working to scale back harsh sentencing policies while also downsizing prison capacity will need to engage in intentional discussions of the economic impact of a prison closure. New York officials engaged this conversation directly through efforts anchored by the Empire State Development office as part of the Economic Transformation and Facility Redevelopment Program. Legislators authorized the program to support the economies of communities affected by the closure of certain correctional and juvenile justice facilities. Program staff convened conversations in the affected communities for the reuse of closed correctional facilities. The program also facilitated an economic development initiative with business firms interested in relocating to affected communities through tax incentives.<sup>20)</sup>Staff, [Economic Transformation and Facility Redevelopment Program Report](#), Empire State Development. 2014.

There were 1,195 fewer juvenile facilities in 2014 than 2000, a 39 percent decline.<sup>21)</sup>[OJJDP Statistical Briefing Book](#). Online. While facilities of all sizes have closed, the greatest declines have been in the number of large juvenile facilities (those holding more than 200 juveniles). There were 100 such facilities in 2000 and 22 as of 2014. The largest facilities are expensive to maintain, but they also provide fewer tailored services than small facilities, increasing the chances of reoffending.

The dual trends of closing large juvenile facilities and declining numbers of juveniles in placement have changed the typical juvenile placement. In 2000, 34,147 juveniles (31 percent of all juveniles in placement) were held in large facilities. By 2014, 5,768 juveniles (11 percent) were held in these large facilities.

In recent years, some states that closed juvenile facilities have transferred them to the adult correctional system. For example, in Illinois a closed juvenile prison in Murphysboro is being repurposed as a reentry center that provides job training and life skills including basic finance to incarcerated persons.<sup>22)</sup>Governor Bruce Rauner. [Gov. Rauner: In name of justice, Im closing Statevilles F House](#), Chicago Sun Times (2016).

Some prisons have closed following the termination of a contract due to prison population declines or other factors. In recent years states like Colorado, Mississippi, Kentucky, and Texas have closed privately owned or managed prisons. During 2016, the Department of Justice announced plans to phase out the use of private for-profit prisons to house persons convicted of federal offenses. The Obama administration cited declines in the federal prison population as one reason for-profit contracts could be phased out. As of 2016, BOP maintained contracts with 13 private prisons.

Prison closures offer an opportunity for state officials and community leaders to reimagine spending on public safety priorities. In recent decades public safety has been viewed as monies prioritized towards law enforcement, prison construction and maintenance, and other services supporting the criminal justice system. However, growing bipartisan support among elected officials at the federal and state level has contributed to a shifting climate for criminal justice policies and practices to support interventions outside of the criminal justice system.

Justice reinvestment acknowledges the collateral impacts of mass incarceration on many urban neighborhoods. These impacts can perpetuate cycles of crime and incarceration. Billions of dollars are spent each year to imprison large numbers of people from low-income urban neighborhoods. A justice reinvestment approach would redirect some portion of the funds states now spend on prisons to rebuild the social capital and local infrastructure quality schools, community centers, and healthcare facilities in high incarceration neighborhoods.<sup>23)</sup>Susan B. Tucker and Eric Cadora, Ideas for an Open Society: Justice Reinvestment, The Open Society Institute. 2003. A salient provision of the strategy achieves cost savings by reducing prison populations through the rethinking of excessive and costly prison terms and reducing recidivism for individuals who return to high incarceration communities.

Political and public support for prison closures is often dependent on projected savings due to the shuttering of correctional facilities. Justice reinvestment offers the residents of high incarceration communities a framework to reclaim public money that has been used to support unproductive corrections spending. Kansas officials initiated an ambitious justice reinvestment experiment in 2006. Officials implemented a neighborhood revitalization strategy in a high incarceration community to strengthen recidivism reduction efforts. Following a research initiative to determine the jurisdiction with the highest rate of incarceration, correctional officials established a reentry program in Wichitas Council District 1 where persons returned to prison for probation and parole violations resulted in \$5.5 million in prison costs.<sup>24)</sup>Michael Thompson, Tony Fabelo and Eric Cadora, Building Community Capacity to Reduce Crime and Save Prison Space (Council of State Governments PowerPoint presentation to the Wichita Summit, April 18, 2005). Reentry specialists were hired to develop affordable housing under collaboration between the Department of Corrections, the Housing Resources Commission, and the Department of Social and Rehabilitation Services.<sup>25)</sup>[Kansas Department of Corrections 2009 Annual Report](#).

State officials in Connecticut and Colorado have also initiated justice reinvestment policies. Connecticut lawmakers authorized legislation in 2003 that earmarked \$7.5 million for justice reinvestment in New Haven following sentencing reforms to address prison growth. Colorado lawmakers discussed reprioritizing scarce resources towards other social services during private prison contract discussions. One 2012 budget proposal would have re-appropriated \$5.4 million from private prisons to support childhood literacy, while another would have transferred \$1.5 million from private prisons to support programs that help needy and disabled individuals.<sup>26)</sup>Ivan Moreno, Colo. House debates \$7.4 billion spending plan, The Associated Press. April 12, 2012. However, the proposals did not advance through the legislative process.

In recent years, criminal justice reform has regularly been raised at the state level. Officials working to rein in budgets have successfully explored incarceration alternatives to reduce state prison populations without compromising public safety. The circumstances surrounding prison closures vary from state to state and create challenges and opportunities. Prison population reductions have created an opening to close prisons; in some communities there have been intentional discussions about repurposing prisons for non-correctional uses. Practical examples of prison reuse projects have taken place in various jurisdictions including Illinois, New York, Florida, Tennessee, and Texas. The areas surrounding these reuse projects are also diverse and include rural, suburban, and urban communities. Planning for prison repurposing has involved the participation of a range of stakeholders including executive, legislative, and local leadership in addition to the participation of practitioners and engaged community members.

Circumstances in New York and North Carolina led officials to downsize prison capacity. Michigan<sup>27)</sup>Matt Sumner, Northern Michigan prison reopens to replace closing corrections facility, WMCU.org, October 9, 2015. and Illinois, which have previously shuttered prisons, have since taken steps to reopen closed facilities. In Illinois, officials are repurposing a closed youth prison as a reentry facility, focused on preparing incarcerated persons to return to their communities.<sup>28)</sup>Governor Bruce Rauner, [Governor Rauner Announces Significant Steps in Reforming Illinois Criminal Justice System](#). Office of the Governor. October 14, 2016.

Yet efforts to close prisons often face resistance. The closure of correctional facilities has created challenges for communities including job losses, and declines in property tax revenue. Officials have responded in various ways that include selling closed prisons to other agencies for continued correctional purposes and managing empty prisons in anticipation of future population increases. Illinois officials sold the closed Thomson Correctional Center to the overcrowded federal Bureau of Prisons for \$165 million to house persons convicted of federal offenses.<sup>29)</sup>John Presta, Governor Quinn Announces the Sale of Thomson Correctional Center to the Feds Examiner.com, October 2, 2012. States like Michigan have continued to manage previously closed prisons. In 2012, Michigan officials reopened the Muskegon Correctional Facility which had closed in 2010; Pennsylvania prisoners were incarcerated there during 2011.<sup>30)</sup>Staff, West Michigan prison closed in 2011 reopens, new inmates scheduled to arrive next week, The Associated Press. October 5, 2012.

States have also advanced efforts to add new prison capacity. Despite plans for shuttering the Jetson Center for Youth, Louisiana officials plan to open the Acadiana Center for Youth, with an operational capacity of 72 beds at a cost of more than \$20 million.<sup>31)</sup>Staff, Acadiana Center for Youth Opening Delayed, Correctional News, April 5, 2016. Other states that have publicly discussed adding new capacity in recent years include Alabama, Arkansas, Hawaii, New Hampshire, Pennsylvania, Utah, and Virginia.

Reimagining the use for a closed prison offers states and local communities opportunities to address the scale of incarceration. The public will benefit from strategic efforts that rethink the use of closed correctional facilities to advance a vision that strengthens resources and communities.

Footnotes[+]

Black men born in 2001 can expect to go to prison in their lifetime

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