

# State of New York

## Department of Correctional Services

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**GETTING THE MOST OUT OF WHAT YOU KNOW:  
PUTTING RESEARCH INTO ACTION**

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Mario M. Cuomo  
Governor



Thomas A. Coughlin III  
Commissioner

**"Getting the Most Out of What You Know:  
Putting Research Into Action"**

Presentation by

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N.Y.S. Department of Correctional Services  
before the 123rd Congress of Correction's panel

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August 3, 1993

Nashville, Tennessee

I will present three case studies that demonstrate the real-time utility of program research and evaluation staff. With a typical data base and simple research methods, the New York State Department of Correctional Services (DOCS) research group has been able to visibly assist a creative and dynamic correctional system. While our fourteen professionals devote some effort to classic retrospective and studious inquiry, our analytical talents have been most useful to the Department's leader for the last 14 years, Commissioner Thomas A. Coughlin III.

Inmate population in New York State doubled in the past ten years, primarily due to mandatory sentencing for drug crimes and the epidemic of 'crack' cocaine in New York City. Match this with a high prevalence of HIV infection among drug users, and it is no surprise that AIDS case rates skyrocketed in New York State prisons. We have 8,500 HIV infected inmates in custody every single day. Then add some creative but politically sensitive programs to the mix, such as our Shock Incarceration Program. We have had some meaty opportunities for research staff to flaunt its talent.

I will use these three examples as cases for our discussion.

The first area is the creation of population projections. In the mid-1980's Dr. Charles Friel of the Criminal Justice Center at Sam Houston State University wrote that, "There are three basic objectives of correctional forecasts: preparation of the operating budget for the next fiscal year; planning future constructions; and policy simulation." A case history of how New York DOCS projections have been used follows. This case history might be called "How TNT caused an explosion in New York's Prison Population."

In 1983 the New York State Legislature enacted a new section of the Penal Law that required a mandatory term in state prison for all people convicted of a second felony offense within a period of ten years. It did not anticipate the upcoming popularity of crack cocaine. In 1993, Commissioner Coughlin summarized for the Fiscal Committees of the State Legislature the results of this law:

In 1985, police in New York City reported the existence of a new drug called "crack."

In 1987, drug offenses became the leading crime of commitment among inmates entering State prison. The Executive and Legislature responded with not only new construction, but by creating the Shock Incarceration Program.

In 1988, New York City inaugurated its Tactical Narcotics Team to fight "crack"... and the roof caved in.

"Tactical Narcotics Team" or TNT was a concept originated by former Mayor Ed Koch of New York City. In a 1988 letter to Governor Cuomo, Mayor Koch announced his idea to clean the New York City streets of drug pushers. Neighborhood after neighborhood in the City would have teams of narcotics officers inserted to make drug purchases and arrests. TNT was to be a highly visible way to remove the pushers from the neighborhoods.

The Mayor's letter had a couple of key phrases that permitted the forecasters to anticipate the impact of the TNT proposal. Specifically, he wrote, "We will authorize the police department to accelerate the hiring of 618 police officers" and "On an annual basis, we expect...to generate approximately 21,000 new arrests."

Within 24 hours Commissioner Coughlin provided the Governor an outline of the impact of the TNT proposal on the prison system. The Commissioner requested 6,400 more beds by March 31, 1991, above and beyond anticipated growth. At the time, the system had 42,300 beds with another 4,900 beds already approved and under construction. The Commissioner was projecting that 11,300 beds were needed in the next 30 months, to meet the demands that TNT would place on DOCS.

Was that the correct amount to satisfy the demand for bedspace? What are the costs of over - and under estimating? When you consider that a medium security cell costs over \$80,000 to build in New York State and the Department requires \$26,0000 in annual per capita operating costs, then an error that overestimates the number of beds needed is very costly to the taxpayers. On the other hand, a significant underestimate could cause the Department to have inadequate housing in the future. This would be dangerous and possibly illegal. New York prides itself on being one of the few large states in the country operating without any statewide court order or population caps.

To answer the question of was the projection on target, the projections were less than the actual increase in demand for bedspace. Chart #1 reflects the response of the Governor and the Legislature. By March 31, 1990, a year earlier than the Commissioner anticipated, the Department had 11,000 more beds than it did the day Mayor Koch wrote his letter.

Why? There were two reasons for the underestimation. First, the TNT plans went into effect much faster than anyone could reasonably expect from a governmental entity. Second, refers back to the 1983 Second Felony Offender Law. TNT created a pool of first time low level felony offenders. Many of them plead guilty, received a sentence of probation and then were released back to their streets of origin. But they became first felony offenders who would be required to serve a term of at least 18 months if convicted again. Only eight months after Mayor Koch's letter, an analysis in June 1989 showed that of all new second felony drug offenders whose first felony conviction was also a drug crime, one-quarter were re-arrested within only 13 DAYS of their completing their first sentence.

As Dr. Friel wrote, "developing accurate forecasts is a complex and ongoing activity requiring not only technical expertise, but a thorough understanding of the workings of the criminal justice system." The TNT experience taught the researchers an important lesson about population projections.

TNT was phased out by 1990. It was replaced by a new concept, "Community Policing," that was introduced by then Police Commissioner Lee Brown. The effect of community policing was a profound reduction in felony drug arrests as the police concentrated more on deterring violent crimes. However, the criminal courts are just now digging out from the backlog TNT created. Finally, demand for DOCS bedspace has begun to level off.

This has provided a period of stability for the researchers to tinker with and refine the projection model. While researchers consider themselves scientists, predicting demand for prison bedspace is much more an art than it is a science. The mix is constantly changing.

New York's prison population has been growing at an annual rate of just over 8% for the last 10 years. In fiscal year 1987 alone, the prison population in New York grew by almost 8,000 inmates. That was a 17% growth in one year. In comparison, current projections call for continued growth, but the rate of growth is anticipated to be about 2% or 1,300 inmates annually for the remainder of the century, barring any fundamental change. A fundamental change can come in many forms, however. It can be a law change, like repealing parts of the sweeping Second Felony Offender Law, or it could be by electing a new administration in New York City with a more aggressive method of controlling crime. The DOCS researchers will continue to watch for signs of change.

In the meantime though, the levelling off of demand places more attention on the Department's ability to project the population of particular subgroups, such as inmates with HIV who are symptomatic or AIDS patients. Chart #2 depicts inmate deaths in DOCS since 1980. This chart clearly illustrates the impact of AIDS in driving the sharp increase in inmate deaths from 54 in 1983 to 250 in 1988. The Department needed to know how many inmates with AIDS would be undercustody to plan and deploy health service resources in the future. By December 1989, the Research group developed a model to estimate the number of inmates who would develop AIDS in the next three years. This initial model used data from two sources, a blind anonymous HIV prevalence study in early 1988 and a database of inmates with AIDS maintained on a personal computer in DOCS main office.

Since the first set of projections, DOCS and the Department of Health have conducted two more studies. The most recent one studied over 3,400 inmates who entered the prisons during a five month period in 1992-93. A paper based on this study presented at the Ninth Annual World Conference on AIDS held in Berlin announced to the conference that 12% of the males tested were HIV positive and over 20% of the females entering DOCS tested positive for HIV.

Information on race, gender, and county of commitment is now used to improve the accuracy of the model.

Chart #3 provides a graphic display of the actual number of inmates who were undercustody with full blown AIDS since 1989. For the end of 1992 the model predicted 1,483 AIDS cases. How close did this projection match reality? The Department counted 1,491 inmates undercustody with AIDS symptoms as of that date.

The model is also used to predict the number of HIV positive inmates in the prison system. Without mandatory testing, the approximately 8,500 HIV positive inmates estimated by the model has become essential for predicting needed resources. With the cost of drugs, hospitalization and testing continuing to climb, the Department relies on the model to project the size of this subpopulation annually for budget requests and for program innovations. The data were helpful in recent capital appropriations exceeding \$200 million for health services.

While AIDS and demand for bedspace both relate to projections, let's shift to an evaluation. Our third topic is the evaluation of the Shock Incarceration Program. In 1987 the Legislature of the State of New York established the Shock Incarceration Program. The legislation called for the program to treat and release selected state prisoners earlier than their court determined minimum period of incarceration without compromising the communities to which they return. In response DOCS created a rigorous program that emphasizes discipline, academic education, and substance abuse treatment, all within a military-type operating model.

Chart #4 illustrates the incremental steps the Department and the Legislature have taken to make New York Shock Incarceration the largest Boot Camp Program in the country. The Legislature relaxed the restriction on the maximum age for Shock participants three times in the first five years of the program's existence relying on data which DOCS research staff provided. Each expansion saves taxpayers dollars. The initial legislation restricted participants to under 24 years of age when they enter prison. As the Chart shows, by April 1992 the Department had inmates in the Program up to the age of 35 years old.

The role of the Research staff in this program has far exceeded the classic definition of research. On a daily basis for the last six years, Research staff have notified the four Reception facilities of all new possible candidates who have entered DOCS. Research has tracked each of those individuals' experiences with the Shock program, categorizing them as graduate; non-completer; or offered Shock but did not start. Additionally, Research has developed another comparison group of individuals who entered prison prior to Shock being available. This category includes inmates who were too old for the program when they entered DOCS, but were still incarcerated when the law changed to include their age.

These categories were then used to conduct follow-up or recidivism studies. In the "Fifth Annual Legislative Report" the Shock graduates and the comparison groups were tracked for one year and two year follow-up periods. Chart #5 summarizes the findings presented. Note that over 6,600 inmates in the comparison group were monitored for a full year. When tests for statistical significance were applied, Shock graduates returned to prison at a significantly lower rate than did the members of the comparison group. The significance was due primarily to the size of the samples.

While this was an extremely important finding, it only highlighted that the successful completion of Shock Incarceration is the only way New York State prison inmates can be released prior to their court mandated minimum sentence. By law an inmate can reduce his or her stay in DOCS by up to 30 months. Actually, on average, Shock graduates have been released 11 months before their Parole eligibility date.

This results in operational savings to DOCS. DOCS Research staff have reported the savings to the Department attributable to the Shock Program. As of June 1993, the Department had released almost 8,200 Shock graduates. The early release of these graduates has saved the Department over \$280 million in operational costs and avoided construction costs. Commissioner Coughlin used this analysis extensively to convince the State Legislature that expanding the Shock Program was cost effective while the Shock Program was working to habilitate non-violent offenders.

In conclusion, it is possible for a corrections research group to get into the action. New York State has proved it.

This role requires forward thinking people. If a research group has people who can take their knowledge of their own criminal justice system, project the future in light of actual or proposed policy changes, then the research group will be sought out by management to help shape policy.

However, if a research group believes its only function is to do retrospective studios inquiries, then the researchers will be forced to watch the action from the sidelines.



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Koch, Edward, 1988, Letter to Governor Mario M. Cuomo

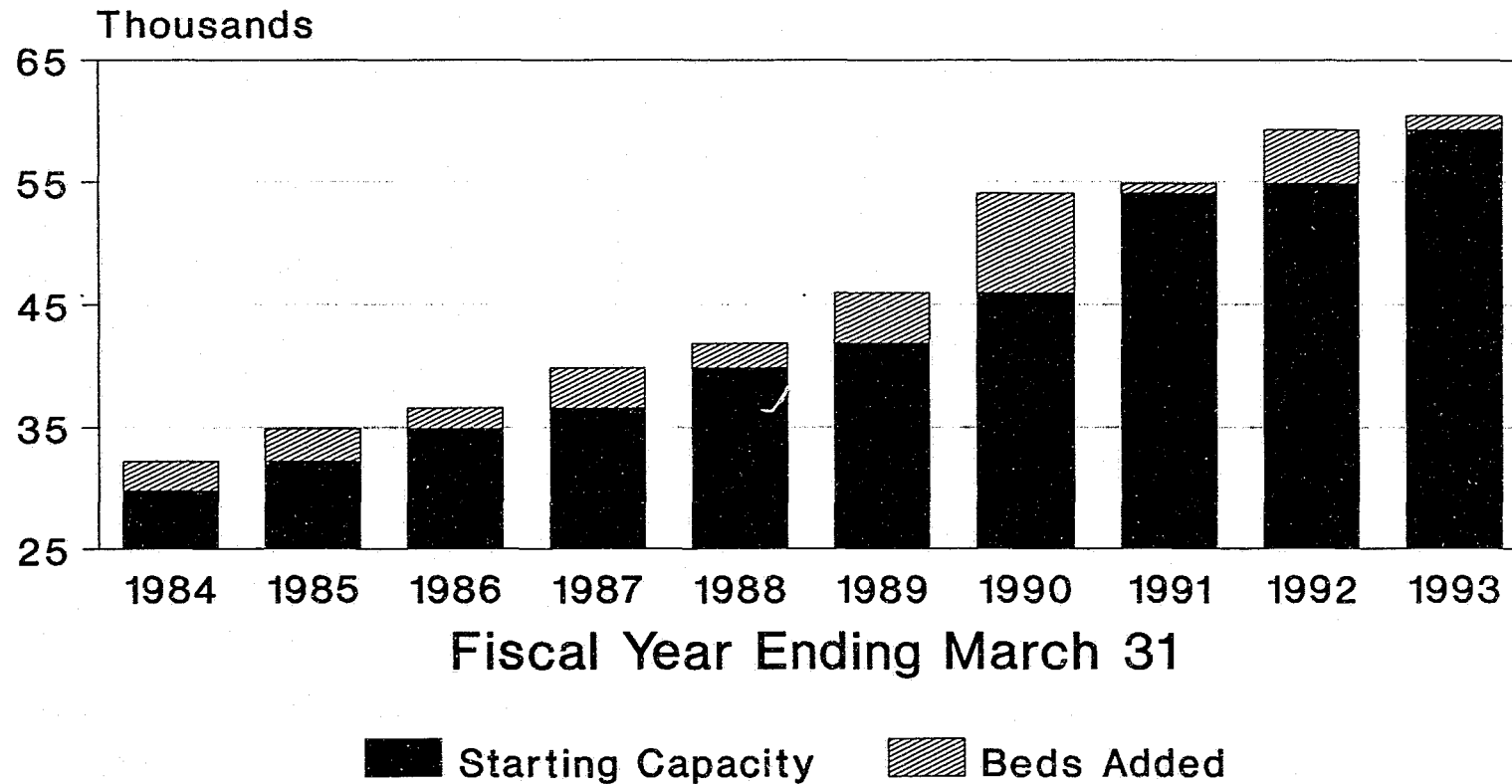
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# DOCS Capacity

## Fiscal Years 1984-1993

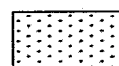
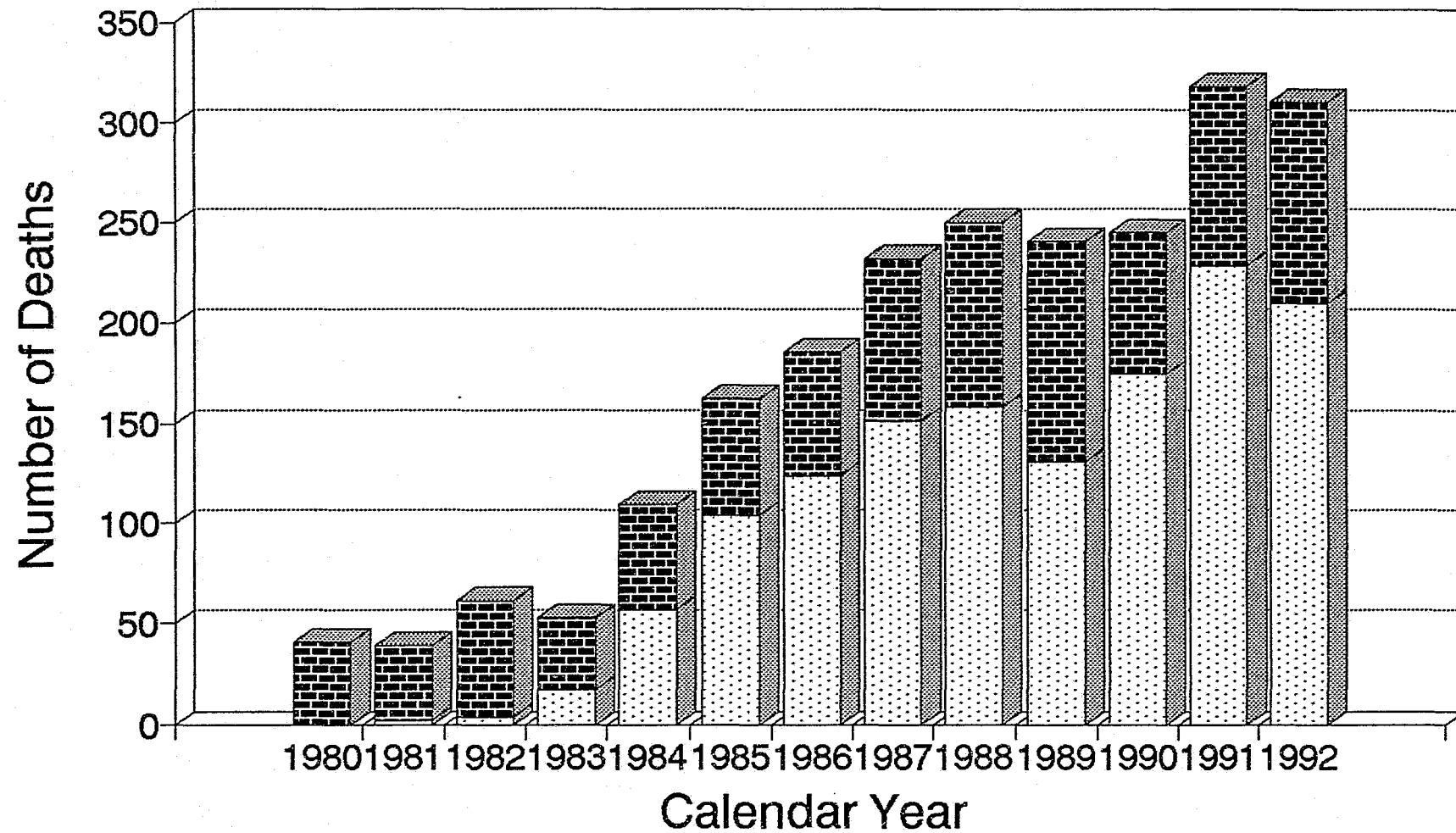
The capacity increased 29,499 or 99%



New York State DOCS

# New York Inmate Deaths

## AIDS and Other Causes



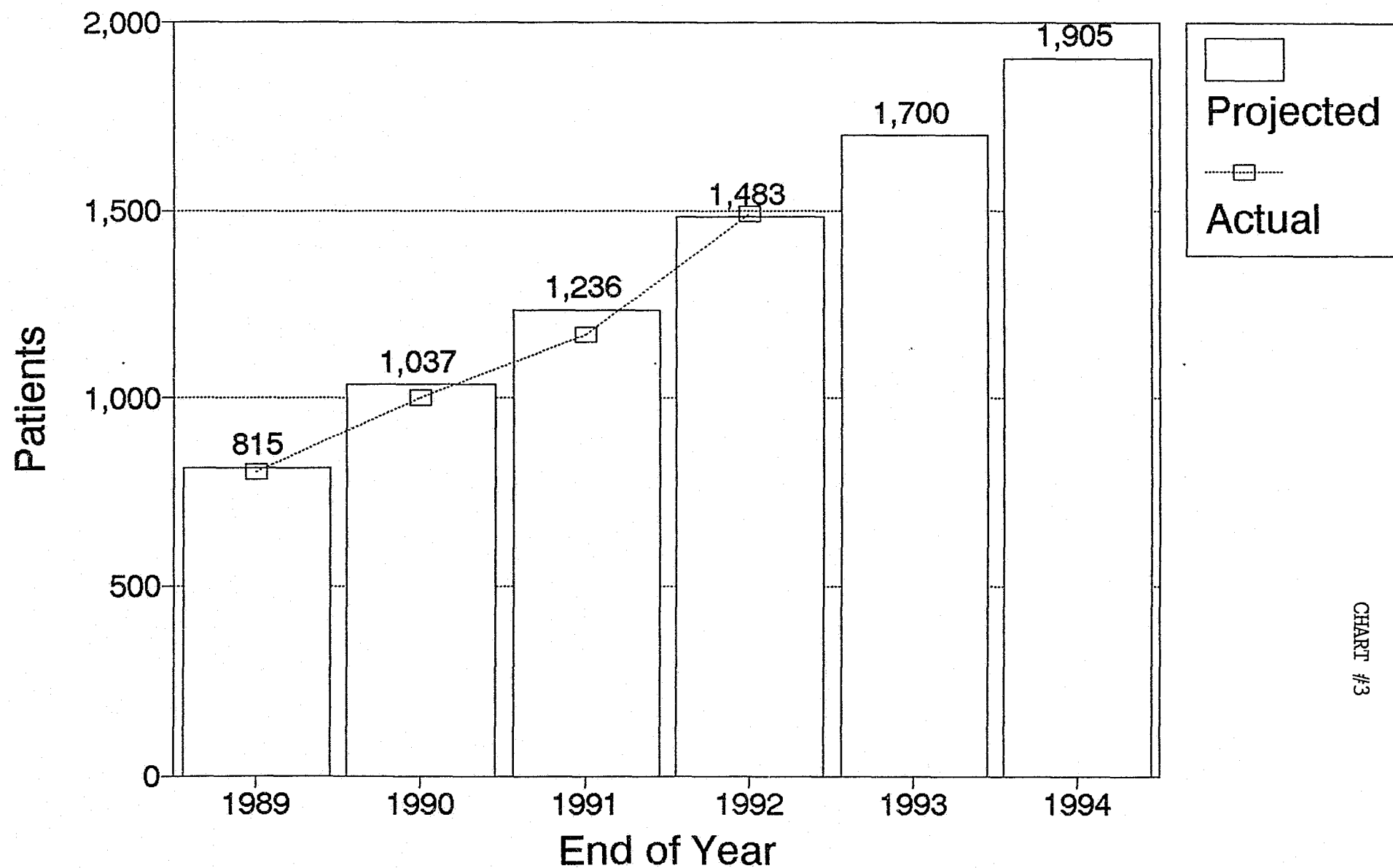
AIDS



Other Causes

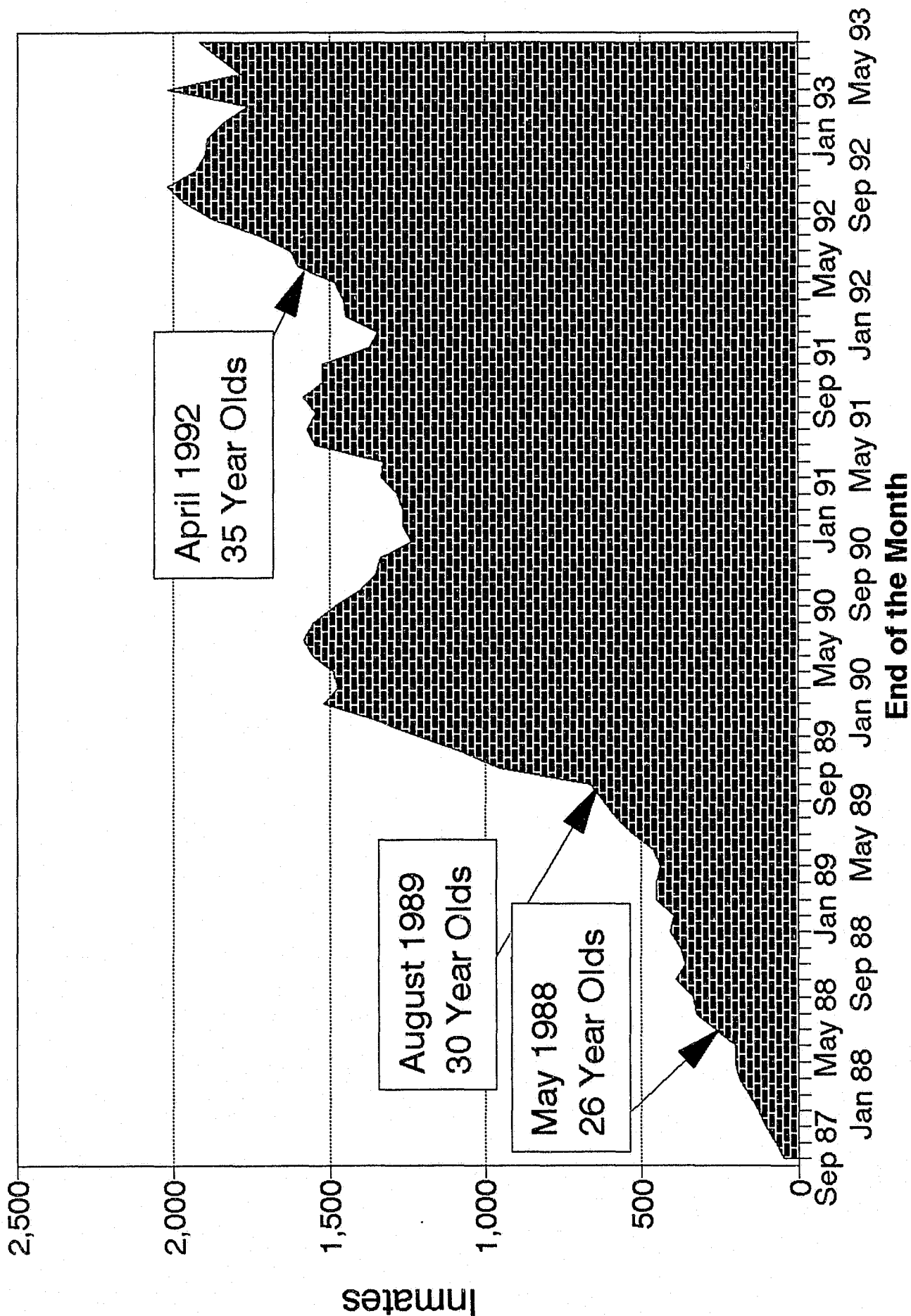
# AIDS Cases : Projected versus Actual

## New York State Inmates



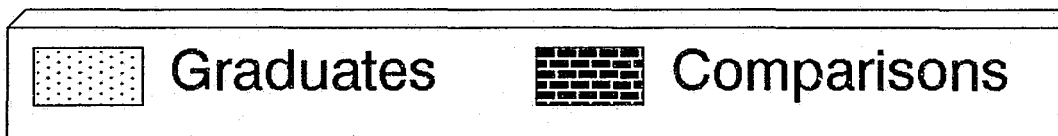
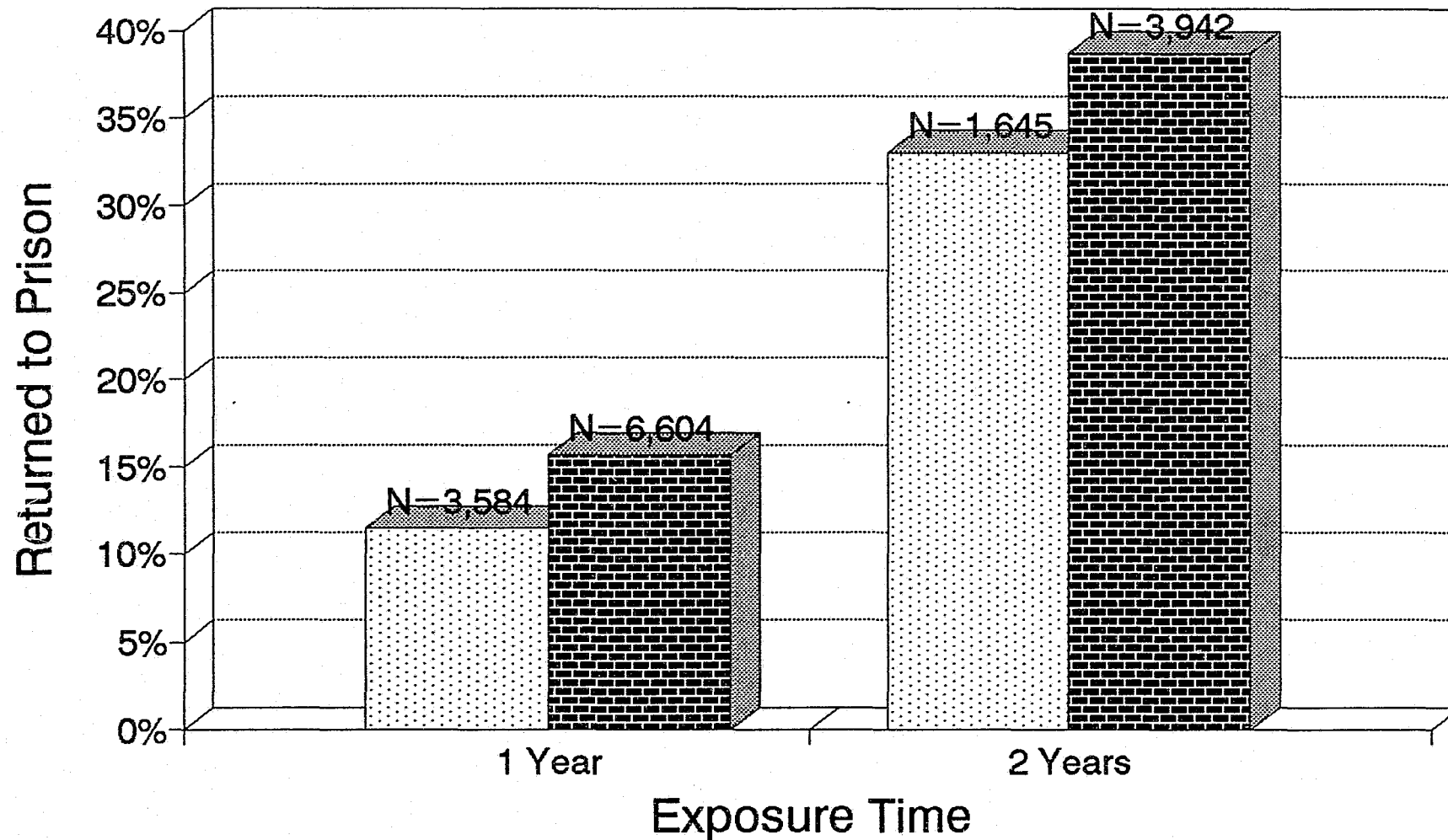
# Number of Inmates in Shock Beds

CHART #4



# Return to NYS Prison

## Shock Grads versus Comparison Group



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