

# UNLOCKING BILLIONS

**A Fiscal Analysis  
of Pending  
Justice Reforms in  
New York State**

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# EXECUTIVE SUMMARY

The massive uprising against racism and state violence has fueled a reckoning with the policing and incarceration systems, and spurred on calls specifically around defunding the police and more generally around abolishing the incarceration system. At the same time, the economic fall-out of the COVID-19 pandemic has led to massive budget shortfalls and significant funding cuts to essential services at the exact time that such services are needed most. New York State, the country, and the world, need a deeper reckoning with how our collective wealth and government resources are used, particularly in moving away from criminalizing and incarcerating people toward human services and supports that actually help people and communities thrive. In the current moment, there is pending legislation in New York State with significant support in the legislature that would shift resources away from the carceral state when such resources are needed now more than ever. This report analyzes the fiscal implications of some of these critical measures, finding that implementing them would **collectively save and/or generate an estimated \$1.52 billion for the state annually.**\*

## SUMMARY Annual Savings from Initiatives Reducing the Carceral State

<i>Savings from Elder Parole and Fair &amp; Timely Parole</i>	<b>\$522 Million</b>
<i>Savings from HALT Solitary</i>	<b>\$132 Million</b>
<i>Savings from Closing Additional Prisons</i>	<b>\$493.38 Million</b>
<i>Savings from Restoring TAP College Access</i>	<b>\$22-27.5 Million</b>
<i>Revenue from Marijuana Legalization</i>	<b>\$350 Million</b>
<b><i>Overall Savings from Pending Decarceration Measures</i></b>	<b>\$1.52 Billion</b>

\* The data in this report are taken from publicly available sources and reports, as cited in this report. The estimated savings and revenue are projected estimates based on that data.

## EXECUTIVE SUMMARY

Passing Elder Parole and Fair and Timely Parole will save the state \$522 million annually by significantly increasing the number of people released from prison and thus decreasing the number of people in prison. Passing the HALT Solitary Confinement Act will save over \$132 million annually by allowing the closure of prisons and solitary units, reducing the number of people in solitary and alternatives, reducing violence and medical costs both in prisons and jails and in outside communities, increasing parole releases, decreasing the number of people who return to jail or prison, and decreasing lawsuit expenses. Apart from solitary confinement, given the state system's current excess capacity of over 23,000 beds, the state could close additional prisons and save another \$493.38 million annually. Restoring Tuition Assistance Program (TAP) eligibility for people in prison to attend college will save \$22 to 27 million annually by reducing the number of people who return to prison and jail after release. Legalizing marijuana in New York will generate over \$350 million in annual revenue for the state; importantly, pending legislation would ensure that revenue is used to support the people, families, and communities most harmed by the war on drugs, and not simply deposited in the state's general fund.

**These initiatives would collectively save \$1.52 billion annually.**

All of these measures are lifesaving measures, in and of themselves, and the moral and human rights imperatives for their implementation are plain (and not the subject of this report). At a time when New York is facing a multi-billion dollar budget shortfall, has already made drastic cuts to essential services, and is considering even more drastic cuts to the most basic programs and services, it is necessary for New York to take these small steps at shrinking, and reallocating resources away from the incarceration system, and towards supports and services New Yorkers need most.

# INTRODUCTION

The incarceration system in New York State causes devastating harm to people, families and communities. Black people, Latinx people, and other people of color are predominantly targeted by this system, as are transgender people, gender non-conforming people, and other members of the LGBTI community. From the war on drugs, deadly policing, draconian prison sentences, brutality and torture behind prison and jail walls, denials of release, and people languishing and dying behind bars, these racist systems of punishment and oppression continue to wreak havoc on communities and inflict generations of trauma and abuse. They also are violent and create more violence, rather than help keep people and communities safe.

Predominantly poor, Black and Brown New Yorkers continue to be targeted by the war on drugs, criminalized for having an addiction or mental health need, or for behavior that more wealthy white people are not policed for. Then when people are in prisons, the state subjects them to the torture of solitary confinement and rampant racist brutality, and denies people the opportunity to access higher education. Further, people are left to languish and die in prison, either never given a chance to go before a Parole Board for consideration of release or repeatedly denied release based on the nature of their original conviction rather than on who the person is today.

Taken all together, there is a system that rips people from their families, homes, and communities, locks them in cages and then further entombs them and abuses them, and then holds them for decades until they die or lose hope. There is an urgent need to dismantle these systems in order to save lives, stop abuse, and support people and communities. At the same time, moving away from these systems will divest state resources away from destructive and deadly institutions and toward human services that actually help people to thrive and be healthy, well, and safe.

This report examines several key pieces of pending legislation and initiatives in New York State, all of which already have significant support: Elder Parole, Fair and Timely Parole, the HALT Solitary Confinement Act, prison closures, restoring TAP eligibility for college access, and marijuana legalization. The initiatives examined here cover issues faced by people throughout the criminalization and incarceration experience. The report moves in reverse chronological order for what a person experiences, starting with release from prison, moving back to the experience in prison, then to criminalization and the point of incarceration, demonstrating how much money - in addition to human lives and potential - can be saved by even taking these first steps toward divesting from the incarceration system.

# PAROLE RELEASE MECHANISMS

Expanding opportunities for more people, including more older people, to be released from prison will create hundreds of millions of dollars in savings by decreasing the number of people in prison in New York.

## 01 Elder Parole

The Elder Parole bill allows people in prison who are over the age of 55 and who have already served 15 years in prison an opportunity to appear before the Parole Board for consideration of whether or not they can be released on parole. There are [more than 1,100 people<sup>1</sup>](#) over the age of 55 who have served 15 years in prison and are not yet eligible for release. Because of the additional medical costs and other costs for incarcerated older people, it costs [between \\$100,000 and \\$240,000<sup>2</sup>](#) to incarcerate older people. According to the Vera Institute of Justice, Elder Parole will result in [nearly 2,000 fewer people](#) in New York prisons by 2030.<sup>3</sup> Utilizing an average cost per person per year of \$170,000, the state would **save an average of \$189 million annually** with the passage of Elder Parole.\* Of important relevance to how such savings will remain and accumulate over time, people who are elderly and people convicted of the most serious crimes have some of the [the lowest rates of recidivism<sup>4</sup>](#), meaning that people who are released under Elder Parole are likely to remain out of prison. In addition, having elders back in the community also reduces violence and additional incarceration in the wider community, making communities safer and further reducing incarceration costs. Moreover, if people are able to be released under Elder Parole earlier than they otherwise would have, they are more likely to still have the ability to work and contribute taxes and economic benefits.

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\*This projected cost savings is derived from utilizing an average number of people released each year, an average cost saved per person, and an annual average of accumulated savings over the nine year period. More specifically, if an estimated 2,000 people are to be released by 2030 under Elder Parole, that is an average of 222 people per year. At an average cost of \$170,000 per person per year, that would translate into a savings of \$37.8 million for a single year. In the second year, the annual savings for the people released in the first year will continue to be saved since those individuals still will not be incarcerated (ie \$37.8 million), in addition to the annual savings for the people released in the second year (ie another \$37.8 million). The same will hold for each subsequent year, such that in the ninth year there will be annual savings from the total number of people who are no longer incarcerated. The projected average annual savings was thus derived by adding up each of these nine years of savings and dividing by the nine years. Of note, the number of people released each year is likely to be higher than the average in the first year and early years because, as noted, there are roughly 1,100 people who are already eligible for Elder Parole (ie they are over the age of 55 and have served 15 years in prison), although as time goes on more people will also reach the age and time served requirements for Elder Parole. At the same time, the accumulated savings will be higher in later years because the savings are accumulated. Utilizing the average savings over this nine year period helps balance these factors.

## ANNUAL SAVINGS FROM PASSAGE OF ELDER PAROLE

**2,000**

*Estimated Number of Additional People Released by 2030 Under Elder Parole*

**\$170,000**

*Average Cost to Incarcerate an Older Person*

**222**

*Average Number of Additional People Released Per Year Under Elder Parole*

<i>Savings in Year 1 if Avg Number Released Each Year</i>	<b>\$37.8 Million</b>
<i>Savings in Year 2 from Total People Released in Years 1 &amp; 2</i>	<b>\$75.6 Million</b>
<i>Savings in Year 3 from Total People Released in Years 1 through 3</i>	<b>\$113.3 Million</b>
<i>Savings in Year 4 from Total People Released in Years 1 through 4</i>	<b>\$151.1 Million</b>
<i>Savings in Year 5 from Total People Released in Years 1 through 5</i>	<b>\$188.9 Million</b>
<i>Savings in Year 6 from Total People Released in Years 1 through 6</i>	<b>\$226.7 Million</b>
<i>Savings in Year 7 from Total People Released in Years 1 through 7</i>	<b>\$264.4 Million</b>
<i>Savings in Year 8 from Total People Released in Years 1 through 8</i>	<b>\$302.2 Million</b>
<i>Savings in Year 9 from Total People Released in Years 1 through 9</i>	<b>\$340 Million</b>

### TOTAL SAVINGS OVER 9 YEARS

**\$1.7 Billion**

### AVG \$ SAVED ANNUALLY FOR PEOPLE RELEASED VIA ELDER PAROLE

**\$189 Million**

# 02 Fair + Timely Parole

The Fair and Timely Parole bill will change the criteria that form the basis of Parole Board decision-making, increasing the focus on who applicants are today and their current risk. Every year, the Board conducts 10,000 interviews.<sup>5</sup> Over the last two years, the average of roughly 40% of people who go before the Board each year are released. According to the Vera Institute of Justice, if Fair and Timely Parole increased release rates up to even 70%<sup>6</sup>, roughly 10,000 more people a year would be released under Fair and Timely by 2030. Using the average cost of \$60,000 per year to incarcerate one person\*, the state would **save an average of \$333 million annually** if Fair and Timely Parole was implemented.†

## ANNUAL SAVINGS FROM PASSAGE OF FAIR + TIMELY PAROLE



<i>Savings in Year 1 if Avg Number Released Each Year</i>	<b>\$66.7 Million</b>
<i>Savings in Year 2 from Total People Released in Years 1 &amp; 2</i>	<b>\$133.3 Million</b>
<i>Savings in Year 3 from Total People Released in Years 1 through 3</i>	<b>\$200 Million</b>
<i>Savings in Year 4 from Total People Released in Years 1 through 4</i>	<b>\$266.7 Million</b>
<i>Savings in Year 5 from Total People Released in Years 1 through 5</i>	<b>\$333.3 Million</b>
<i>Savings in Year 6 from Total People Released in Years 1 through 6</i>	<b>\$400 Million</b>
<i>Savings in Year 7 from Total People Released in Years 1 through 7</i>	<b>\$466.7 Million</b>
<i>Savings in Year 8 from Total People Released in Years 1 through 8</i>	<b>\$533.3 Million</b>
<i>Savings in Year 9 from Total People Released in Years 1 through 9</i>	<b>\$600 Million</b>



## TOTAL SAVINGS OVER 9 YEARS

# \$3 Billion

## AVG \$ SAVED ANNUALLY FOR PEOPLE RELEASED VIA FAIR + TIMELY PAROLE

# \$333 Million

Taken together, if Elder Parole and Fair and Timely Parole were implemented, these parole release bills will **save the state an estimated \$522 million annually**.



\* If one were to divide the total DOCCS annual budget of \$3.2 billion by the number of people incarcerated of just over 35,000 people, there would be an average cost of over \$90,000 per person. This analysis is using a more conservative estimate of \$60,000 per person per year saved, based on the itemized costs in the DOCCS 2020-21 budget for items related to health services, program services, supervision of incarcerated people, and support services. To note, while using the \$90,000 cost per person may in some ways overestimate the savings because one person released does not necessarily translate into that exact amount of savings, when there are large numbers of people released in the way predicted the \$90,000 per-person cost may be a more accurate predictor of savings, and in fact using that per-person costs in some ways underestimates the savings because it doesn't include the savings that will be able to be accrued through the closure of additional prisons with the drop in the number of people incarcerated. All of that is to say that the \$60,000 per person cost is likely an underestimate of the savings accrued in this instance.

† As with Elder Parole above, this projected cost savings is derived from utilizing an average number of people released each year, an average cost saved per person, and an annual average of accumulated savings over the nine year period. More specifically, if an estimated 10,000 people are to be released by 2030 under Fair and Timely Parole, that is an average of 1,111 people per year. At an average cost of \$60,000 per person per year, that translates into a savings of \$66.7 million for a single year. In the second year, the annual savings for the people released in the first year will continue to be saved since those individuals still will not be incarcerated (ie \$66.7 million), in addition to the annual savings for the people released in the second year (ie another \$66.7 million). The same will hold for each subsequent year, such that in the ninth year there will be annual savings from the total number of people who are no longer incarcerated. The projected average annual savings was thus derived by adding up each of these nine years of savings and dividing by the nine years.

# THE HALT SOLITARY CONFINEMENT ACT

The HALT Solitary Confinement Act will end solitary confinement beyond 15 days for all people, ban solitary altogether for certain categories of people, and create alternatives to prolonged solitary confinement that involve access to at least seven hours out-of-cell per day with congregate engagement and programming. Despite false claims to the contrary, a recent [report by Partnership for the Public Good](#)<sup>7</sup> details how **the HALT Solitary Confinement Act will create over \$132 million in annual savings for New York State and local municipalities.** Implementation of HALT will generate these savings by allowing for the closure of prisons and units dedicated to solitary, reducing the number of people in solitary and alternatives, reducing violence and medical costs both in prisons and jails and in outside communities, increasing parole releases, decreasing the number of people who return to jail or prison, and decreasing lawsuit expenses.

## ANNUAL SAVINGS IN NY PRISONS & JAILS FROM HALT SOLITARY ACT

<i>Closing SHU Prisons / Units in Prisons</i>	<b>\$80.36 Million</b>
<i>Reduction in Costs of Alternative Units in Prisons</i>	<b>\$7.4 Million</b>
<i>Reduction in In-Prison Medical Costs</i>	<b>\$743,400</b>
<i>Reduction in Lawsuit Settlements in Prisons</i>	<b>\$2.53 Million</b>
<i>Reduction in Prison Population from More Parole Releases</i>	<b>\$12.27 Million</b>
<i>Reduction in People from Prisons Being Reincarcerated</i>	<b>\$9.17 Million</b>
<i>Reduction in State Community Medical Costs from Prison Changes</i>	<b>\$731,000</b>
<i>Reduction in State Community Medical Costs from Jail Changes</i>	<b>\$932,000</b>
<i>Reduction in Lawsuit Settlements in Jails</i>	<b>\$5 Million</b>
<i>Reduction in People from Jails Being Reincarcerated</i>	<b>\$12.64 Million</b>
<i>Reduction in Local Community Medical Costs from Prison Changes</i>	<b>\$214,500</b>
<i>Reduction in Local Community Medical Costs from Jail Changes</i>	<b>\$273,500</b>

## TOTAL ANNUAL COST SAVINGS FROM THE HALT SOLITARY ACT

**\$132 Million**

# CLOSING PRISONS

As noted above, currently—even before implementation of Elder Parole, Fair and Timely Parole, or HALT—the state prison system has an excess of over 23,000 beds across the state. New York could immediately close several prisons, eliminate at least 17,000 additional beds right now, and **save an additional \$493 million annually**. Other organizations have called for prison closures to prioritize those prisons that are the most notoriously abusive, including Attica C.F., Clinton C.F., Great Meadow C.F., and Upstate C.F.

## ANNUAL SAVINGS FROM CLOSING ADDITIONAL PRISONS IMMEDIATELY

<i>Current Total Prison Capacity</i>	—————>	<b>56,246</b>
<i># of People Incarcerated on a Given Day (Feb 2021)</i>	—————>	<b>33,000</b>
<i>Excess Capacity</i>	—————>	<b>23,246</b>
<i>Drop in Prison Cells If Leave Significant Excess Capacity</i>	—————>	<b>17,000</b>

**\$29,166.67**

*Savings per bed 2019  
Prison Closures*

**\$29,022.56**

*Annual savings per bed  
from prison closures since  
2011*

**\$493.38 Million**

*Savings from Closing Additional Prisons*

# RESTORING TAP ELIGIBILITY FOR PEOPLE IN PRISON TO ACCESS COLLEGE

Restoring state-based financial aid to people incarcerated in New York state prisons will also save the state millions of dollars. The New York State Tuition Assistance Program (TAP) ban occurred in 1995, following the federal ban on Pell Grants for people who are incarcerated via the 1994 Crime Bill, ultimately gutting college-in-prison programs. In December 2020, with bipartisan support, the Federal government restored Pell funding to incarcerated people. However, state-based financial aid necessary for these programs to succeed in New York remains prohibited for people incarcerated. Participation in college programs has long been shown to improve students' lives, help narrow racial and economic equity gaps in postsecondary attainment and workforce participation, strengthen local economies and communities, and [disrupt cycles of incarceration](#)<sup>8</sup> that continue to target, harm, and limit opportunity for Black and Brown people and people from low-income backgrounds. In turn, research shows that every \$1 investment in college programming translates into \$4 to \$5 in incarceration cost savings due to the ways in which education can change one's pathway. Thus, according to an analysis by the [Turn on the Tap Campaign](#)<sup>9</sup>, restoring TAP eligibility for incarcerated people in New York would **save the state between \$22 and \$27.5 million per year** due to the increased number of people participating in college.

## ANNUAL SAVINGS FROM RESTORING TAP COLLEGE ACCESS



**Annual Savings from TAP Restoration = \$22–27.5 Million**  
**More Conservative Estimate of TAP Restoration Savings = \$22 Million**

# LEGALIZING MARIJUANA

The Governor, the Senate leadership, and the Assembly leadership have all listed the legalization of marijuana to be one of their top priorities, with the Governor including his own proposal for legalization in the state budget for three years. The legislature’s separate legalization bill, the Marijuana Regulation and Taxation Act (MRTA), has been pending in the legislature since 2013 and has broad support. It has been reported that marijuana legalization is projected to bring in [\\$350 million](#)<sup>10</sup> in tax revenue annually and generate [\\$6 billion](#)<sup>11</sup> in economic output across the state. The MRTA would ensure that a significant portion of tax revenue from cannabis sales is [directed](#)<sup>12</sup> to communities of color that have been, and continue to be, most devastated by biased enforcement of New York’s marijuana laws. most devastated by biased enforcement of New York’s marijuana laws.

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## CONCLUSION

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Taken together, implementing the measures analyzed in this report will save New York State an estimated \$1.52 billion annually, or \$15.2 billion over 10 years.

### ANNUAL SAVINGS/REVENUE FROM INITIATIVES REDUCING THE CARCERAL STATE

<i>Savings from Elder Parole and Fair &amp; Timely Parole</i>	=	<b>\$522 Million</b>
<i>Savings from HALT Solitary</i>	=	<b>\$132 Million</b>
<i>Savings from Closing Additional Prisons</i>	=	<b>\$493.38 Million</b>
<i>Savings from Restoring TAP College Access</i>	=	<b>\$22–\$27.5 Million</b>
<i>Tax Revenue from Marijuana Legalization</i>	=	<b>\$350 Million</b>
<b><i>Overall Savings from Pending Decarceration Measures</i></b>	<b>=</b>	<b>\$1.52 BILLION</b>

The savings in human lives and potential from the measures outlined in this report are immense and are more important than any fiscal impact. Still, in addition to the moral imperative to enact them, there is a fiscal mandate to implement these measures and in doing so take some critical steps in the direction of shrinking, and reallocating resources away from, the incarceration system in New York.

# ENDNOTES

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## ABOUT

### *The Center for Justice at Columbia University*

The Center for Justice is committed to ending mass incarceration and criminalization, and advancing alternative approaches to justice and safety through education, research, and policy change. Its mission is to help transform approaches to justice from being driven by punishment and retribution to being centered on prevention, healing and accountability. The Center is interdisciplinary and works in partnership with schools, departments, centers and institutes across Columbia, other universities, government agencies, community organizations, advocates and those directly affected by the criminal justice system.