Cuomo Could Shrink the Prison System His Father Built

by David King
Monday, November 22, 2010 12:00 AM - Last Updated Thursday, May 30, 2013 12:47 PM

Photo by Rupert Ganzer In one of his first acts as governor, Mario Cuomo helped negotiate an end to a hostage crisis at Sing Sing prison. Recently his son Andrew went to the prison to make a statement on criminal justice issues.

Gov. Mario Cuomo oversaw the largest expansion of the prison system in the state's history. It is a legacy that Cuomo has said that he regrets. Now prison beds sit empty, as New York State, which faces a $9 billion budget deficit , continues to spend millions of dollars a year to staff and operate half-vacant human warehouses.

Enter the son, Andrew Cuomo . One of his first acts after winning election was to tour Sing Sing Prison , the site of his father's first crisis as governor. Shortly after he was elected, Mario Cuomo faced a riot during which 17 guards were held hostage.

Confronting Cuomo

This is one in an occasional series about the challenges that will face the Cuomo administration when it takes office Jan. 1.</>

Previously:

Endangered Agency? The deep cuts at the state environment department have crippled the agency, some activists charge. They hope Cuomo will turn things around, but the governor-elect has sent out mixed signals.

The elder Cuomo was deeply involved in the negotiations, and the hostages were eventually released unharmed. Robert Gangi, head of the Correctional Association of New York , a progressive group that advocates criminal justice reform, said he thinks Sing Sing may turn out to be the site of Andrew Cuomo's defining moments, too, and could offer the son a chance to redeem his father.

At Sing Sing earlier this month, the governor-elect delivered a statement that was measured but firm.

"We are locking up fewer people. But then you need fewer facilities. And the shrinkage of that system is going to be something that has to be thought through and managed," Cuomo said.

Gangi found Cuomo's message encouraging "For better or worse, that part of Mario Cuomo's legacy is that more prisons opened under him than any other governor. He has spoken out since and said that it is something he regrets. Perhaps Andrew can roll back the prisons and atone for his father's mistakes," said Gangi.

Cuomo's stance on prison closures, as well as statements in policy books prepared during the campaign and his record of opposing the state's strict Rockefeller drug laws, give hope to progressive advocates who want to see Cuomo improve the physical and mental health care provided to prisoners, increase alternative sentencing and provide treatment centers for

subtance abusers. But they have also been given pause by the makeup of the new governor's public safety transition team with its heavy representation of prosecutors and people in law enforcement.

Managing the Transition

Cuomo has appointed former Mayor Rudy Giuliani, Police Commissioner Ray Kelly, former Manhattan District Attorney Robert Morgenthau, Republican U.S. Rep. Peter King and former deputy secretary for public safety Michael Balboni, a Republican who served in the Spitzer and Paterson administrations, to his team. (The rest of the members can be found here .)

Some say transition teams are fairly symbolic -- they offer newly elected officials an opportunity to appear to give voices to their detractors as well as supporters, while their inner circles make the real policy decisions. But transition teams do have tremendous power in recommending staffers to work in important agencies. Those staffers can set the tone for an agency.

Terry O'Neill, the head of the Constantine Institute , an Albany-based organization that studies public safety issues, said he is concerned that Cuomo has tapped people from the old guard who advocate the same old strategies.

"When I look at the top of the list, I see people who have a very uninspired public safety philosophy," said O'Neill. O'Neill says the committee lacks anyone who represents "community policing, community crime prevention, correctional alternatives and inmate re-entry programs. All of these things are important to people who live in high-crime communities," said O'Neill.

O'Neill sees Giuliani and Kelly as advocates of old ideas. "They are both stuck on the statistics-driven enforcement CompStat tactic that began as a simple management and accountability tool under Bill Bratton, Rudy's first police commissioner," O'Neill said. "This concept has become entrenched and rigid in the NYPD and has begun to result in serious pressure on precinct commanders to do what they have to do to maintain the illusion of ever downward-trending crime statistics. Neither of them would be likely to promote people who would give us the kind of state-of-the-art strategies that Bratton went on to pioneer with the LAPD."

Cuomo has been praised for including detractors and critics on his transition teams. Former

state comptroller Carl McCall, the man who he ran against for governor before withdrawing in 2002, is a co-chair of the team. Giuliani has criticized Cuomo in the past and is seen as a political rival. Elinor Tatum, publisher and editor-in-chief of the Amsterdam News , who has been very critical of Cuomo's relationship with the minority community, was named to his committee on economic development and labor. In fact, her paper differed sharply with the Giuliani appointment.

It recently ran an article titled "Giulani and Cuomo: Diversity With Lack of Respect" that questioned Cuomo's commitment to diversity, given his choice of Giuliani to co-chair the public safety committee. Giuliani, the paper wrote, "was infamous for his lack of diversity in his administration and for failing to meet with black leadership."

Gangi said that he is unsure how to take the makeup of Cuomo's public safety transition team, adding, "It could be that part of the group could focus on terrorism issues, not on prisons and law enforcement."

Policy Statements

Greg Berman of the Center for Court Innovation said he isn't concerned by the transition team. "I would focus less on who is on the team and more on what he has written in his policy books," said Berman. In those volumes, Cuomo has said that he is committed to investing in programs for recently released prisoners, combating gun violence across New York and reorganizing the juvenile justice system.

A part of his " Plan to Revitalize Cities Across New York " focuses on reentry programs for offenders.

It would require state agencies to establish a unified set of goals and tools to assess progress toward training prison inmates for jobs and on matching inmates with stable housing prior to release. The state, the plan continues, should have programs to ensure inmates have all the tools they need to make a successful transition into regular life.

Cuomo has also promised to combat gun violence across the state by "making microstamping mandatory." Microstamping is a technology that can be installed on handguns that leaves

individual markings on each bullet fired to make it easier to trace shells back to the gun that fired them. Gun rights advocates say the technology is unproven and the cost would be prohibitive for gun owners.

Cuomo also backs the " Ceasefire " initiative a program that has law enforcement officials, community representatives and social service providers work directly with gangs to reduce violence.

Beyond that, Gangi said, Cuomo's stop at Sing Sing sent a powerful message that he is considering how to transform the prison system. “He spoke about downsizing the prison system, closing institutions that no longer serve a function, and he sent a message to unions that have pressed so hard against governors who have tried to close prisons in the past,” Gangi said.

On top of that, Gangi points out that Cuomo was integral in advocating the reform of the Rockefeller drug laws.

"He took a very progressive position and displayed a nuanced view of the justice system and the particular injustices caused by these mandatory sentences," said Gangi.

The Cuomo administration also will have its hands full sorting out the state’s juvenile justice system. A federal report found New York’s juvenile justice system to be violent and dysfunctional . Studies have found that guards routinely use violence to punish and control youth and that detainees do not receive adequate therapy.

The head of the Office of Children and Family Services , Gladys Carrion, has been working on alternative sentencing for juveniles and keeping youthful offenders in their own communities.Advocates for young offenders support her efforts. Carrion’s work has reduced the number of juveniles detained in the state system and has closed 13 facilities.

Cuomo will have to decide whether to continue to support Carrion’s strategy without her when her term ends in December. Meanwhile, public employee unions have pushed back against the

changes -- saying that it is unsafe to keep some of the more violent offenders in their communities and that upstate communities rely on jobs provided by the centers.

Steve Madarasz of the Civil Service Employees Unions says he and his union can't wait for Cuomo to replace Carrion. "This situation is just a mess," said Madarasz. "Carrion has burned all her bridges. She has just gone about dismantling this system and is sending these youth back to their communities with no protections. In our opinion she can't be replaced fast enough."

One particularly notorious facility, the Tryon Residential Center in Johnstown, is empty , and yet about 60 of the staff still report to work because of the law that requires one-year notification before closure.

Gangi said he would like to see that requirement reduced from 12 months to 3 months so prisons and detention facilities can be closed more quickly, thereby allowing the state to benefit from the savings much sooner.

Cuomo's "Plan to Revitalize Cities Across New York" calls for the state to "establish an Innovation Accountability Board to oversee the state's juvenile system and look for alternatives to detention, imprison only those juveniles who are a risk to public safety, improve the conditions of confinement, and look to merge and reorganize juvenile justice detention centers."

When asked what he expected from Cuomo, who has vowed to battle unions on cuts and has expressed interest in trimming understaffed prisons, Madarasz was uncertain. "We have no idea what to expect until he is actually in office," he said.

The legislature and governor also will confront the question of whether to expand the New York's DNA database. Outgoing Gov. David Paterson has pressed to expand the scope of the database to include all penal code violations -- not just felonies and more serious misdemeanors. There have been concerns about the reliability of DNA evidence and how it is used in solving crimes. Republican attorney general candidate Dan Donovan and Cuomo's purported favorite Democratic attorney general hopeful, Kathleen Rice, both supported Paterson's bill.

When asked earlier this year which legislation he supported a spokesman for attorney general-elect Eric Schneiderman said , "The senator supports both pieces of the puzzle."