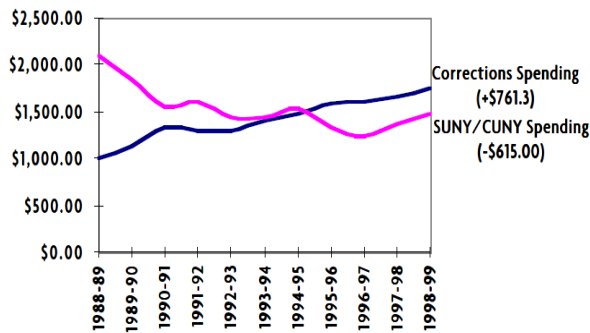


Education and Incarceration in NYS *Recalculating the fate of New York’s Youth, from Cuomo to Cuomo*

William Martin and Andrew Pragacz

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State Spending: Education or Incarceration?

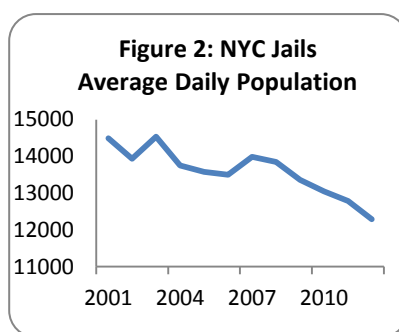
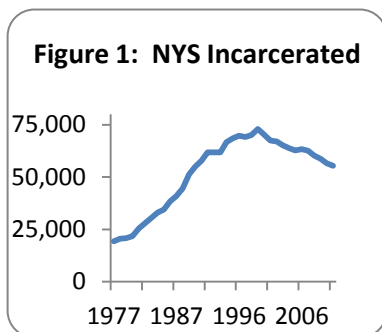


Almost fifteen years ago the Correctional Association of New York documented how New York’s governors and politicians had rapidly increased prison funding while cutting funding to higher education.¹ Charting that gap revealed a stark outcome: as state funding for SUNY/CUNY fell throughout the 1990s, prison spending rapidly advanced to overtake spending on higher education. The recommendation was clear: irrational prison spending should be cut and higher education funding restored. This did not happen: in the following ten years state

expenditures on prisons continued to grow, leading many to predict a perpetual prison complex.

Current political announcements and media coverage suggest that these long-term trends may be faltering, and that a brighter future may await New York’s youth. In this report we examine this larger landscape for New York State’s youth. Looking at long-term trends, we highlight hopes for the future—and worries about the present. Among our most critical finding is the likely continuation of the inheritance of the past: a growing disparity, despite changes in mass imprisonment and higher education, in the life chances of poor, Black, and Latino youth across the state.²

The Good News: Falling Rates of Incarceration and Juvenile Detention



Contrary to many scholars and pundits who despaired of ever turning back the rising tide of mass incarceration, the number of persons incarcerated in New York *is* falling. As figures 1 and 2 demonstrate, this is the case both within adult prisons across the state and in New York City’s exceedingly large jail system. Modification of racially-defined drug crimes and laws, a continuation of the decades-long decline in the

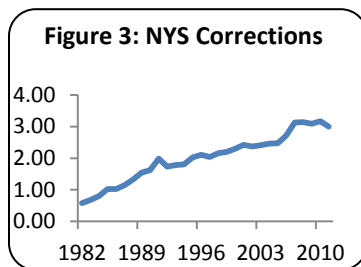
official crime rate, and greater community self-policing have all, among other factors, supported this tentative turnaround.

This trend line is even sharper in the juvenile justice system. Following state and federal investigations of abuse at juvenile facilities, the Office of Children and Family Services under a new commissioner, Gladys Carrión, moved to close upstate detention centers and locate detained youth, facilities and treatment centers “closer to home.”³

These changes have altered New York State's carceral geography. Under Governor Mario Cuomo (1983-1994) more than 29 new adult prisons and over a dozen juvenile detention facilities were constructed. Under Governor Andrew Cuomo nine prisons have closed, with two more closings proposed in the 2013-14 budget. Twenty-eight juvenile centers have closed since 2009 as well; between 2011 and 2012 youth committed to detention facilities dropped by over 30%.⁴

The savings are potentially momentous: it costs \$60,000 annually to keep a person in prison in New York State, and well over \$200,000 to keep a youth in a state juvenile detention center for a year.⁵

State Spending: Education *and* Incarceration?



These changes have impacted state prison expenditures: they leveled off and then fell after 2009, as Figure three shows.⁶ Yet state spending for CUNY and SUNY, calculated on a per-student basis, fell steadily in the first decade of the 21st century.⁷ Higher education spending under Andrew Cuomo has not improved: between 2007 and 2013 state spending per student has fallen by 15%, while tuition has increased 18%.⁸ “*Schools vs. Prisons*” is not apparently an equation recognized by either the governor or state legislators.

A first conclusion is straightforward: closing prisons has not opened the doors to education.

Heading to 1%? Higher Education as an Engine of Inequality?

More worrisome for most of New York's youth are the details behind these aggregates, which show a narrowing of access to higher education for poor, Black, and Latino youth. This process spans right across the states' high schools, community colleges, top senior colleges, and public research universities.

As media reports and legal challenges have highlighted,⁹ Black and Latino youth enrollment in New York City's eight elite public high schools has radically declined since the imposition in 2000 of a single, multiple-choice test for admission decisions. Ten years late—in a city where over 70% of the public school students are Black or Latino—the most elite schools now report Black and Latino enrollments in the low single digits. Stuyvesant, the most selective school, reports a black enrollment of 1%—a drop from 4% a decade earlier. Admissions offers for the fall 2014 entering class marked a new low: among the 963 Stuyvesant offers only 9 were to Black students and 24 to Latino students. For all eight elite schools the figures were better but not by much: of the 5,229 students accepted, only 618 were Black or Latino.

This closing of access to the state's better and more richly funded schools has marched right up the higher education ladder. The ending of open admissions and reliance upon test scores after 2000 has had a knock-on effect at CUNY's elite senior colleges—Baruch, Brooklyn, City, Hunter, and Queens—where Black freshmen enrollments have fallen from 30 to 10 percent.¹⁰ Black and Latino enrollments at SUNY's four research universities have been more steady—but have hovered at very low levels, around 6% over the last two decades, in stark contrast to the 36 percent of the state population that is Black or Latino.¹¹ In New York, as elsewhere,¹² higher education, once considered a public good and an engine of equal opportunity, is steadily reproducing higher levels of social and economic inequality. If the number of Latino and Black youth headed to upstate prisons is falling, the number going to upstate research universities is not correspondingly increasing. It is difficult to avoid a second conclusion:

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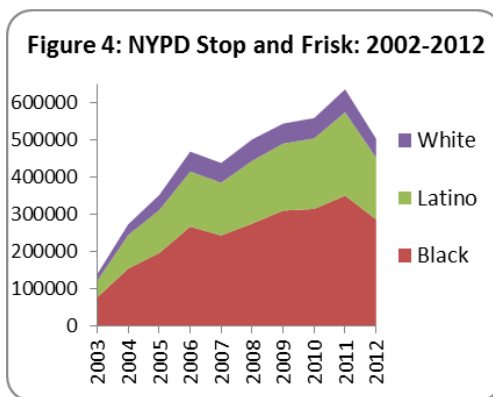
In the wake of declining support, New York State's elite schools and universities have become less and less representative of the state's population.

Even when disadvantaged students make into higher education they are likely to encounter poorly funded community colleges,¹³ which have seen their share of state appropriations shrink faster, and cuts deeper than elite SUNY institutions. Coupled with rising tuition rates, the Tuition Assistance Program (TAP) has been slashed over the past several years,¹⁴ pushing up levels of debt for poor, Black, and Latino students. In short, while every student in New York State is getting less and paying more, this conclusion stands out:

Poor, Black, and Latino students are getting even less and paying even more for higher education, producing yet another reinforcement to the barrier to equality.

Education and Incarceration Revisited

Increasing educational inequality and *decreasing* incarceration rates were not the outcomes expected or hoped for by public policy analysts and advocates at the beginning of this new century. Indeed they mark a signal failure for poor, Black, and Latino youth. Pressed by fiscal shortfalls and pressure from below, the state may shutter prisons and detention centers. There is little sign as yet, however, that this will lead to increasing assistance to poor, Black, and Latino youth and communities across the state.



Indeed the counterpoint to decline prison populations may be more intensive policing, probation controls, and, most particularly, school segregation—as press and research reports suggest.¹⁵ Most prominent is New York City's stop and frisk policy, heavily targeted upon the communities whose youth have been channeled into prisons on the one hand and contained in increasingly segregated and policed schools on the other as figure 4 charts.¹⁶ Activists and policy advocates alike have spoken of the "School-to-Prison-Pipeline" or even the "Cradle to Prison" pipeline,¹⁷ moving from militarized schools to juvenile court to adult prison, probation and parole. Law suits and fierce public opposition to racial profiling have moderated

the numbers in recent years, but they remain extraordinarily high. Celebration of recent decarceration efforts thus needs to be set against these more worrisome trends. This points to a third conclusion:

Downsizing prison populations need to be matched to increasing efforts to provide the health, community and educational services that all of New York State's youth need and deserve.

To do otherwise may only confirm the trends marked by emerging data on both prisons and schools: for poor, Black and Latino youth, there appears to be little sign of turning back three decades of cutting social supports while increasing inequality and social control by the expansion of policing, imprisonment, and the criminal justice system as a whole. New York can assuredly afford better—and all its youth certainly deserve better.

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References

- ¹ Robert Gangi, Vincent Schiraldi and Jason Zeidenberg, *New York State of Mind?: Higher Education vs. Prison Funding in the Empire State, 1988-1998*. Washington DC: The Justice Policy Institute, 1998. <http://www.justicepolicy.org/research/2076>, accessed March 31, 2013.
- ² Given our reliance upon state statistical sources to chart long-term trends, we use here the terms “Black” and “Latino,” rather than, for example, “people of color,” “Latino/a,” “Brown,” or self-defined and multiple national categories.
- ³ This has been a contested process; see “Shutting Upstate Jails for City Kids Has Made a Fiery Bronx Bureaucrat a Host of Enemies,” *Village Voice*, August 4, 2010, <http://www.villagevoice.com/2010-08-04/news/gladys-carrion-upstate-jails-for-city-kids-bronx/> accessed April 8, 2013; on the switch to programs close to the larger cities from which detained youths come, see OCFS, “Closer to Home Initiative,” http://www.ocfs.state.ny.us/main/rehab/close_to_home/, accessed April 8, 2013.
- ⁴ New York State Division of Criminal Justice Services, Juvenile Justice Indicators Quarterly Update Summary (4/30/13), http://www.criminaljustice.ny.gov/crimnet/ojsa/juvenile_justice_indicators.pdf, accessed May 17, 2013.
- ⁵ The Vera Institute’s calculations, which include pension and other related costs, raise the cost per adult prisoner in 2012 from \$45,000 to \$60,000. See “The Price of Prisons” (New York), January 2012, <http://www.vera.org/files/price-of-prisons-new-york-fact-sheet.pdf>, accessed April 8, 2013.
- ⁶ Source: Bureau of Justice Statistics. As a Vera Institute study (*ibid*) points out, these figures significantly underestimate corrections expenditures, excluding 20% or more of costs located outside the Department of Corrections budget.
- ⁷ Fiscal Policy Institute, “New York State’s Underinvestment in Public Higher Education,” January 15, 2009, <http://fiscalpolicy.org/new-yorks-underinvestment-in-public-higher-education>, accessed May 18, 2013.
- ⁸ Phil Oliff, Vincent Palacios, Ingrid Johnson, and Michael Leachman, “Recent Deep State Higher Education Cuts May Harm Students and the Economy for Years to Come,” Center for Budget and Policy Priorities, March 19, 2013, <http://www.cbpp.org/cms/?fa=view&id=3927>, accessed May 19, 2013, pp. 4, 9. Figures adjusted for inflation.
- ⁹ “NAACP Legal Defense Fund, LatinoJustice PRLDEF and The Center for Law and Social Justice at Medgar Evers College File Complaint Challenging Admissions Process at NYC Public Specialized High Schools,” <http://www.naacpldf.org/press-release/naACP-legal-defense-fund-latinojustice-prldef-and-center-law-and-social-justice-medgar>, accessed May 20, 2013; data and press articles are contained in the appendices.
- ¹⁰ Lazar Treschan and Apurva Mehrotra, *Unintended Impacts: Fewer Black and Latino Freshmen at CUNY Senior Colleges After the Recession*, (New York: Community Service Society, 2012), p. 2, http://www.cssny.org/page/-/images/uploads/pubs/CSS_CUNY_REPORT_Final.pdf, accessed May 20, 2013.
- ¹¹ Over the period 1994-2011 Black enrollments rose from 6% in 1994 to a peak of 7 percent in 2000, only to fall back to 6% in 2010; Latino enrollments rose for 4.5% to 6% in the same period (Source: IPEDS Data Center, <http://nces.ed.gov/ipeds/datacenter>, May 18, 2013).
- ¹² See for example “Top-Performing Low-Income Students and College Choice,” *The Chronicle of Higher Education*, October 26, 2012, <http://chronicle.com/blogs/headcount/top-performing-low-income-students-and-college-choice/32638>, accessed April 6, 2013; Century Foundation, “How Increasing College Access Is Increasing Inequality, and What to Do about It,” June 4, 2010, <http://tcf.org/work/education/detail/how-increasing-college-access-is-increasing-inequality-and-what-to-do-about/>, accessed April 6, 2013; and Danette Gerald and Kati Haycock, *Diminishing Equity in the Nation’s Premier Public Universities* (Washington DC: Education Trust, 2006), <http://www.edtrust.org/sites/edtrust.org/files/publications/files/EnginesofInequality.pdf>, accessed May 18 2013.
- ¹³ Fiscal Policy Institution (2009) demonstrates that community colleges have suffered the most from education cuts over the past 20 years.
- ¹⁴ “State budget calls for TAP cuts”, *Buffalo Law Journal*, August 12, 2010, (<http://www.lawjournalbuffalo.com/news/article/current/2010/08/12/102484/state-budget-calls-for-tap-cuts>, accessed June 1, 2013) reports how the state cut TAP spending by directly reducing aid by \$75 a year, and limiting enrollment. New York State Division of the Budget, 2011-12 Executive Budget, Higher Education Section (<http://www.budget.ny.gov/pubs/archive/fy1112archive/eBudget1112/fy1112littlebook/HigherEducation.pdf>, accessed June 6 2013) notes that in academic year 2011-2012, the second year the cuts were in place, New York State hoped to save over \$30 million. That report does note that TAP aid increased by \$19 million, but this was new aid designed to support yeshiva students (“Some Rabbinical Students to get State Tuition Aid”, *New York Times*, March 30, 2011, accessed: <http://www.nytimes.com/2011/03/31/nyregion/31tuition.html>, June 1, 2013).
- ¹⁵ E.g.: “Segregation Prominent in Schools, Study Finds,” *New York Times*, September 19, 2012, http://www.nytimes.com/2012/09/20/education/segregation-prominent-in-schools-study-finds.html?_r=0, accessed May 22, 2013, and “A System Divided: ‘Why Don’t We Have Any White Kids?’,” *New York Times*, May 11, 2012, which notes that “New York City’s public schools are among the most segregated in the country,” <http://www.nytimes.com/2012/05/13/education/at-explore-charter-school-a-portrait-of-segregated-education.html> and <http://www.nytimes.com/interactive/2012/05/11/nyregion/segregation-in-new-york-city-public-schools.html>, accessed May 22, 2013.
- ¹⁶ Source: ACLU, “Stop-and-Frisk-Data,” <http://www.nyclu.org/content/stop-and-frisk-data>, accessed May 21, 2013; see also NYPD, “The Stop, Question, and Frisk Data,” <http://www.nyclu.org/content/stop-and-frisk-data> accessed May 21, 2013. Fully half of those stopped in recent years are youth between 14 and 25.
- ¹⁷ E.g.: ACLU, “School to Prison Pipeline,” <http://www.aclu.org/racial-justice/school-prison-pipeline>, accessed May 21, 2013; NAACP Legal Defense fund, “School to Prison Pipeline,” <http://www.naacpldf.org/case/school-prison-pipeline>, accessed May 21, 2013; Tavis Smiley Reports (PBS), “Fact Sheet: How Bad Is the School-to-Prison Pipeline?,” <http://www.pbs.org/wnet/tavissmileysr/education-under-arrest/school-to-prison-pipeline-fact-sheet/>, accessed May 21, 2013; Children’s Defense Fund, “Cradle to Prison Pipeline Campaign,” <http://www.childrensdefense.org/programs-campaigns/cradle-to-prison-pipeline/>, accessed May 21, 2013.