

1 REENTRY OPEN MEETING
2 EMPIRE STATE PLAZA
3 MEETING ROOM 2
4 ALBANY, NEW YORK
5
6 MAY 29, 2007
7 9:05 a.m. - 5:33 p.m.
8
9 Parole Board Chairman GEORGE ALEXANDER, Chair
10 DOCS Commissioner BRIAN FISCHER, Chair
11 DPCA, Executive Director ROBERT MACCARONE, Chair
12 DCJS Commissioner SEAN BYRNE, Chair
13 NYS DCJS BETH RYAN,
14 Deputy Commissioner
15 MICHAEL BARRETT,
16 Executive Counsel
17 JOHN NUTTALL,
18 Deputy Commissioner
19 NYS Division of Parole FELIX ROSA,
20 Executive Director
21 LYNN GOODMAN,
22 Statewide Director of Reentry
23 PATRICIA FITZMAURICE,
24 Director of Upstate Reentry
ANGELA JIMINEZ,
Director of Parole Operations
LAI SUN YEE,
Asst. Deputy Secretary

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1 P R O C E E D I N G S

2 DEP. COMMISSIONER BYRNE: Since we have an
3 extremely ambitious schedule today, we're going
4 to try and keep speakers going at each table. So
5 while Speaker 1 is speaking at this table, it
6 would be helpful if Speaker 2 could position him
7 or herself at the other table. And throughout
8 the day, we're going to try and do that. So that
9 as each speaker finishes, the next in line would
10 replace him or her. So if we could please have
11 Eddie Ellis and Ann Jacobs at the two lead
12 tables, that would help us and we'd be ready to
13 get going.

14 Again, thank you for coming. Good morning.
15 My name is Sean Byrne. I'm the Executive Deputy
16 Commissioner of the Division of Criminal Justice
17 Services. I'm here on behalf of Commissioner
18 Denise O'Donnell who unfortunately was unable to
19 make it this morning due to a personal matter.
20 She asked me to extend her regards and to thank
21 you all for coming.

22 Over the past three or four months, various
23 members of the Spitzer Administration have been
24 contacted by many people in this room and others

1 about the Administration's reentry agenda. As
2 you can see, in an effort to see everyone, it
3 would have taken the respective Commissioners and
4 Secretary Balboni weeks, if not months, to meet
5 with everybody in this room.

6 So as an alternative strategy, the
7 Commissioners and the Secretary resolved to hold
8 this public meeting on reentry, give everyone an
9 invitation to come and speak and an opportunity
10 to be heard on the matters of interest to them.

11 As you can see, the feedback has been
12 overwhelming. There's literally the entire day
13 filled on this agenda with speakers every 10
14 minutes throughout the day and we turned away
15 more speakers than is on this list. It's just
16 been breathtaking the amount of attention.

17 The way that the Commissioners arranged for
18 the day is that the day is going to start out
19 with Parole Chairman George Alexander, the Chair
20 of the Division of Parole, serving as the
21 moderator for the first two hours of
22 presentations. And then he will be succeeded by
23 DOCS Commissioner Brian Fischer through to
24 12:00 o'clock. And then Executive Director Bob

1 Maccarone, the Chair of the Division of Probation
2 and Correctional Alternatives, will do the first
3 segment in the afternoon. And then at the end of
4 the day, I will stand in for Commissioner Denise
5 O'Donnell.

6 Again, we'll ask that each of you take the
7 self-initiative to come and replace the last
8 speaker that finished with yourselves as you go
9 through the agenda. During the day, we'll remind
10 you. We're also asking people to try as much as
11 possible to stick to the 10 minutes allotted. I
12 know that that's going to be extremely difficult.
13 It's almost an unreasonably short period of time,
14 but we had to do that to get as many people in as
15 we possibly could.

16 So with that, I'm going to turn the floor
17 over to Chairman George Alexander from the
18 Division of Parole.

19 CHAIRMAN ALEXANDER: Sean, thank you.

20 Just by another word of housekeeping, if you
21 keep your eye on the young lady at the end,
22 she'll show you a one minute warning when you
23 start to get to your time. We ask that you try
24 to keep to the time. We want to hear from as

1 many people as we possibly can.

2 This reentry strategy that we're trying to
3 formalize certainly is going to be dependent upon
4 a lot of you and a lot of what you bring to the
5 table. So we're interested in hearing as much as
6 you have to say, but again, we have that small
7 allocation of time.

8 So if we can start with Mr. Eddie Ellis from
9 Nuleadership on Urban Solutions. Good morning,
10 sir.

11 MR. ELLIS: Good morning. Thank you very
12 much for inviting us here this morning to
13 present. My name is Eddie Ellis and I'm here
14 with Dr. Divine Prior. I'm the Executive
15 Director of the Center for Nuleadership on Urban
16 Solutions in the School of Business at Medgar
17 Evers College in the City University of New York
18 and Dr. Prior's the Deputy Executive Director.

19 The Center for Nuleadership is an academic
20 research and public policy center for leadership
21 development whose uniqueness is that our entire
22 faculty, which is adjunct teaching faculty in the
23 City University of New York, is comprised of
24 people who are all formerly incarcerated

1 professionals at the academic and research level.
2 And much of what we do is grounded in our
3 personal experience having undergone the
4 experience of being in prison and having made a
5 successful transition from prison to community to
6 profession.

7 We believe that that experience brings added
8 value to much of what we do and much of what we
9 say. And we're hoping that as a result of us
10 being able to share that experience or some of
11 that experience with you today, we will be able
12 to add to another perspective to the work that
13 you do and the policy that you formulate.

14 We're especially pleased that we've been
15 invited to present this morning, because we've
16 been thinking of some -- part of what the Center
17 for Nuleadership has been doing is to try to
18 devise very innovative ways in which to begin to
19 deal with some of the problems that evolve from
20 criminal justice. And one of the things that
21 we've been thinking about is the whole
22 relationship between the unemployment, between
23 poverty, between crime and prisons and how they
24 converge at a certain point and, certainly, one

1 influences and impacts the other. And as a
2 result of that, we have evolved a series of
3 strategies that we think are viable in terms of
4 dealing with three primary questions.

5 The first question is: How do we reduce
6 prison populations while, at the same time,
7 protecting and improving public safety?

8 The second question is: How do we translate
9 prison population reduction into more
10 cost-effective management and accumulate actual
11 cost savings both to the criminal justice
12 agencies as well as to the state?

13 And, finally, and perhaps equally and
14 perhaps even more importantly: How do we begin
15 to address the capacity issue that faces State of
16 New York as it currently stands with
17 approximately 22,000 to 25,000 people a year
18 coming out of the prisons back into urban
19 communities?

20 As a result of much of our work and many of
21 the things that we do, it seems to us that the
22 nexus between employment and poverty and crime
23 and reentry is one that has not been explored to
24 the degree that it should be explored and

1 connecting the dots, it seems to us, is the
2 logical extension of where we should be going.

3 Consequently, what we propose and what we've
4 been talking about is an approach to prison
5 depopulation and reentry that unites -- excuse
6 me -- that initiates community economic
7 development and employment in such a way as to
8 deal with the capacity issue of thousands of
9 people coming out of the prison systems.

10 One of our research studies noted, for
11 instance, that if you were able to take all of
12 the agencies, service-providing agencies, in New
13 York City and add them all up in terms of the
14 numbers of people that they're able to
15 accommodate on an annual basis, it probably
16 equals about 14 percent of the total capacity of
17 people coming back into the city. So the
18 capacity issue, it seems to us, is an issue that
19 is paramount in terms of public safety but also
20 in terms of cost savings and in terms of
21 management.

22 We make three recommendations in terms of
23 the way in which we deal with the reduction of
24 prison populations. First is that we think that

1 there needs to be a parole risk assessment tool.
2 We think that the way in which parole release
3 decisions are currently made, the kind of
4 arbitrariness of the decision-making process,
5 leaves a lot to be desired and, as a result,
6 there is a disjunct between what takes place in
7 the prison system in terms of program
8 participation and what to expect from the parole
9 board in terms of decision-making which, up until
10 very recently, has not been essentially based on
11 the performance of people in prison but, rather,
12 on some other immutable factors.

13 We think that much of the parole
14 decision-making, not just in New York but around
15 the country, is still using models that are not
16 scientific and that are not designed to solicit
17 the best possible results. As a result, we've
18 developed what we call a parole risk assessment
19 tool. We did it in conjunction with several
20 university professors around the country and it
21 establishes a definitive parole release criteria
22 and allows for the measuring of accountability
23 and, in turn, proposes a universal discharge
24 planning system that begins at the beginning of a

1 person's sentence.

2 We believe that using this parole risk
3 assessment tool, that the population in state
4 prisons here in New York can be reduced anywhere
5 from 12 to 20 percent and that the accumulated
6 cost savings that will be very measurable and
7 very real savings can then begin to be translated
8 and can begin to be allocated in the communities,
9 at least some portion of them, in the communities
10 to which the overwhelming majority of people
11 coming out of the prison system will be going.

12 In terms of translating cost savings into
13 community-based programming and community-based
14 needs, we suggest that there be a utilization of
15 some population simulation models. And we've
16 developed a population simulation model that
17 allows us to begin to do cost estimates in terms
18 of population reduction and exactly what that
19 translates into in dollars and cents figures.

20 We also believe that the existing technology
21 that is found in the geomapping systems are
22 systems that could be employed with tremendous
23 effect. We note, for instance, not too long ago,
24 about a year or so ago, we were requested by

1 United States Congressional Representative Clark
2 to do a survey of her then city council district.
3 And using a geomapping system, we were able to
4 identify all of the people in her city council
5 district who are in the State of New York and in
6 the prison system. And using the population
7 simulation model, we were able to determine that
8 in that one city council district in New York
9 City, the State of New York was spending over
10 \$50 million a year to incarcerate 486 or 496
11 people. I forget what the exact number was.

12 And it seemed to us in terms of the
13 allocation of resources that if the state could
14 afford to spend \$50 million in one city council
15 district in New York City and Brooklyn, then
16 certainly, the allocation or the way in which
17 that money was allocated could probably be better
18 spent.

19 When we took a closer look at the people who
20 were being incarcerated in the State of New York,
21 we found out that 79 percent of them were people
22 who were arrested and who were convicted of
23 crimes that did not involve any victims and that
24 were essentially driven by use or abuse of

1 controlled substances and that that population,
2 79 percent of that total figure could probably
3 have been diverted into treatment programs as
4 opposed to incarceration with an enormous cost
5 savings.

6 I don't have to begin to tell you what
7 \$50 million -- what half of \$50 million in one
8 city council district on an annual basis would
9 mean.

10 Finally, in terms of addressing the capacity
11 issue which is, I think, the major issue
12 certainly in terms of public safety and certainly
13 in terms of the way in which we begin to deal
14 with people coming out of the prisons, we
15 recommend that a community economic development
16 plan be -- and part of our thinking, you have to
17 understand, is outside of what would normally be
18 considered the traditional criminal justice box,
19 criminal justice thinking. And our feeling is
20 that criminal justice has gotten to be so
21 expensive and so pervasive, particularly in urban
22 communities, that there is a direct relationship
23 and a direct connection between the criminal
24 justice system in the state and those

1 communities. And that direct relationship goes
2 far beyond mere law enforcement and does include
3 social and cultural and political and, certainly,
4 economic considerations.

5 Up until now, those other considerations
6 have not factored into the decision-making
7 process. And we believe at the economic level,
8 at least, it's time for us to begin to start
9 thinking about criminal justice in a more
10 expansive context, a context that includes
11 economic development in such a way as to begin to
12 build capacity and create more jobs for people
13 who are coming out of prison, create affordable
14 housing for people coming out of prison.

15 We note, for instance, that in the next 10
16 years, the City of New York will be spending
17 upwards of \$50 billion in a whole range of
18 construction trades, building all over the City
19 of New York, and that the jobs that will be
20 created as a result of that are jobs that we
21 think that many of whom can be and should be
22 allocated for hard-to-employ populations as well
23 as for formerly incarcerated populations.

24 Lastly, we developed what we call the New

1 Urban Marshal Plan for the deployment of
2 resources. It takes into account all of the
3 things that we've been mentioning here, the
4 population simulation model, the geomapping
5 systems, parole risk assessment tools. And in
6 the utilization of what we call the New Urban
7 Marshal Plan, we begin to reallocate some of the
8 cost savings that we can have as a result of
9 depopulating the prisons and begin to allocate
10 that money to community-based organizations who
11 provide the services to entrepreneurs and others
12 who create jobs.

13 But last, and certainly not least, it begins
14 a massive public works project that begins to
15 look at urban communities, particularly those
16 communities that are in disrepair, and begins a
17 project very similar to what was constructed
18 during the Great Depression, the WPA and the CCA
19 model. We think that the kind of cost savings
20 that will accrue as a result of all the things
21 that we mentioned can then be used to address
22 public safety in a way in which we have not up
23 until this point been able to do.

24 We think that using this model and employing

1 an urban marshal plan, we will be able to
2 accommodate the kind of capacity that is
3 necessary in order for us to ensure public safety
4 at the same time that we provide jobs, housing
5 and training for people coming out of prisons.

6 That's the abbreviated version, of course,
7 and we're open to any questions that you may
8 have. And we would like some further opportunity
9 to be able to talk at greater length and to be
10 able to share some of our research with you.
11 Thank you very much for this opportunity.

12 CHAIRMAN ALEXANDER: Mr. Ellis, do you have
13 a paper copy of your presentation you'd like to
14 leave with us?

15 MR. ELLIS: No, I don't, but I can get you
16 one.

17 CHAIRMAN ALEXANDER: Please. Let me back up
18 and do some other housekeeping here. First of
19 all, let me recognize the Deputy Secretary for
20 Homeland Security and Public Safety, Michael
21 Balboni.

22 DEP. SECRETARY BALBONI: Good morning.

23 CHAIRMAN ALEXANDER: And if I could start
24 from my right here and introduce everybody here

1 at the front table so that you know who's who.

2 DEP. COMMISSIONER RYAN: My name is Beth
3 Ryan. I'm Deputy Commissioner for Strategic
4 Planning at DCJS.

5 MR. BARRETT: My name is Michael Barrett,
6 Executive Counsel for DCJS.

7 ASST. COMMISSIONER DELMONTE: Mary Delmonte,
8 Assistant Commissioner for Program Services,
9 Department of Corrections.

10 COMMISSIONER NUTTALL: John Nuttall, Deputy
11 Commissioner, DCJS.

12 DEP. COMMISSIONER BYRNE: Sean Byrne,
13 Executive Deputy Commissioner at DCJS.

14 CHAIRMAN ALEXANDER: Bob Maccarone just
15 stepped out. He'll be back momentarily.

16 George Alexander, the Division of Parole
17 Chair.

18 COMMISSIONER FISCHER: Brian Fischer,
19 Commissioner of Department of Corrections.

20 MS. GOODMAN: Lynn Goodman. I'm with the
21 Division of Parole as the statewide director of
22 reentry services.

23 MS. FITZMAURICE: I'm Pat Fitzmaurice and
24 I am director of upstate reentry.

1 MS. YEE: Lai Sun Yee, Assistant Deputy
2 Secretary for Criminal Justice.

3 CHAIRMAN ALEXANDER: Does anyone have any
4 questions for Mr. Ellis?

5 COMMISSIONER FISCHER: Eddie, do you have a
6 copy of your parole risk assessment tool? Can
7 you get us one?

8 MR. ELLIS: Certainly can, absolutely.

9 CHAIRMAN ALEXANDER: Any other questions?
10 (No affirmative response.)

11 CHAIRMAN ALEXANDER: Thank you very much.

12 As you can see, 10 minutes evaporates very
13 quickly. We're trying to get everybody on. We
14 certainly apologize. I know some of you traveled
15 some great distances, but we want to try and get
16 as much information as we can so we can go
17 forward and start putting together an effective
18 reentry strategy that's going to involve many, if
19 not all of you.

20 Let me go to Ann Jacobs from Women's Prison
21 Association. Good morning.

22 MS. JACOBS: Good morning. I'm Ann Jacobs.
23 I'm the Executive Director of the Women's Prison
24 Association and I'm joined by Georgia Lerner who

1 is the Associate Executive Director who oversees
2 all of our program services.

3 We are really delighted to be here this
4 morning and appreciate the time that all of you
5 are taking to do this. We have a few, you know,
6 objectives in our short remarks this morning that
7 I'll just be up-front with you about. We hope
8 that we can convince you that the community
9 contains a number of networks of services that
10 have been delivering reentry services long before
11 the term was coined, you know, in terms of the
12 National Reentry Movement.

13 We are your partners. We'd like to be able
14 to work more closely with you in terms of
15 figuring out where the rubber hits the road, what
16 kinds of things could be different and improve
17 the outcomes for people who are coming out of
18 prison.

19 Frankly, we'd like to see more of an
20 investment in the front end also. The work of
21 alternatives to incarceration and reentry is, in
22 our experience, pretty much the same kind of
23 work. There's been a good experience of doing
24 this kind of collaborative partnership between

1 government players and the not-for-profit service
2 providers in the City of New York and the state
3 could benefit from that kind of work.

4 We do an amazing job of piecing together
5 non-criminal justice funding, HIV and AIDS
6 funding streams, child welfare, homelessness and
7 the criminal justice monies that we do get from
8 many of the agencies that are represented here
9 today. But there's a huge opportunity for the
10 state to do something different by creating a
11 funding stream that funds those kinds of common
12 sense services that support the likelihood of
13 someone succeeding in the community.

14 In addition to speaking for WPA today, we
15 didn't bring anywhere near enough packets -- I'm
16 thrilled to see how many people are up there --
17 so we will follow up with the packets. And they
18 will include the work that's been done over a
19 number of years by a group of formerly
20 incarcerated women known as the Women's Advocacy
21 Project who are really drawing from their own
22 experience and seeking to be helpful to
23 policymakers and make some recommendations that
24 we hope will be useful to you.

1 So briefly about WPA, WPA is a 163-year-old
2 organization that works to enable women who've
3 been criminal justice involved to live
4 self-sufficient, law-abiding and rewarding lives
5 in the community and to take care of their
6 families.

7 Last year, we served about 3,300 women at
8 all stages of the criminal justice process. We
9 have an Alternative to Incarceration Program
10 which is residential and allows us to draw women
11 who are predicates and facing a certain prison
12 sentence into an alternative to incarceration.

13 We are funded to do a great deal of
14 discharge planning in the jail and to do
15 discharge planning for women who are HIV-positive
16 in the prison system. We do transitional
17 services in case management in the community. We
18 have a Supportive Housing Program for women who
19 are homeless and re-unifying with their children.
20 We focus a lot on re-unification with the
21 children, which Georgia will talk about briefly.

22 We are lucky enough to be funded through
23 Parole to do a mentoring program which is
24 amazing. We make extensive use of peers for

1 whom, you know, this is a tremendous opportunity,
2 you know, to get into the job market and they are
3 a tremendous asset to their colleagues who feel a
4 lot more confident going on appointments in the
5 community when they're accompanied by someone who
6 knows how to use a subway card, for instance.

7 As I said, because of the absence of common
8 sense funding to do what's needed, we're piecing
9 together our funding to do this with 20 different
10 government contracts, all of whom have very
11 different expectations, very different
12 measurables, very different ways of measuring
13 outcomes. And, yet, the goal for us is the same;
14 we're seeking and helping people through the
15 crisis that's associated with the transitions of
16 being involved in the criminal justice system,
17 trying to help them stabilize their lives and
18 trying to support them in moving to greater and
19 greater self-sufficiency. This is the essence of
20 reentry. It's also the essence of ATI.

21 A point I'd like to make briefly, but I'm
22 glad that some of you have expressed interest in
23 following up on, is that women really are worth
24 giving some distinct attention to. We all know

1 that women are still a relatively small portion
2 of the people in the criminal justice system;
3 however, they've been the fastest-growing
4 segment. And just to share with you the graph,
5 which comes from a national policy report that
6 our Institute on Women and Criminal Justice
7 issued last year, this is the New York State
8 increase in women in prison in the period 1977 to
9 2004. So that's the bad news.

10 The good news is that New York has had like
11 a 23 percent decrease in the number of women in
12 prison in the period of 1999 to 2004. So as we
13 ponder why, why the increase, why the decrease, a
14 lot of people go to talking about the war on
15 drugs and that's clearly a part of it, but it's
16 not the only part of it.

17 The analyses that we're doing subsequent to
18 this first national report really show that the
19 nation and New York are also increasingly
20 punitive toward women convicted of property
21 crimes. So we know that women are different in
22 some other ways, too. The age of women who are
23 incarcerated is older than their male
24 counterparts; a higher percentage of them are in

1 on nonviolent offenses, and a very high
2 percentage of them were caregivers to children
3 before they were arrested.

4 If you probe deeper, you find out that
5 they're overwhelmingly survivors of domestic
6 violence and earlier childhood sexual abuse.
7 That has everything to do with their substance
8 abuse problems, the bad choices they make and the
9 need that they've got for ongoing trauma-related
10 services long after they get sober. If they just
11 get sober and the underlying trauma is not dealt
12 with, it's a formula for relapse.

13 So all of these things are reasons to see
14 that there's a particular opportunity to do more
15 in the community at less cost and with greater
16 effectiveness, not just for the women but for
17 their families and for their communities.

18 We enjoy an ongoing relationship with the
19 National Institute of Corrections, which allows
20 us to share what we're learning from the work
21 that we do and benefit from the learning of other
22 jurisdictions and would recommend to you a look
23 at the Transition From Prison to Community
24 Initiative work that they did specifically around

1 what it would mean to be gender-responsive in
2 that regard. And it clearly points to the
3 importance of one of the things that Eddie was
4 talking about which is dynamic risk assessment
5 instrument that begins to be applied to people at
6 the very front end of the system and that
7 periodically re-evaluates people based on what
8 they do, not just the static variables of what
9 their crime was or their record is, but what
10 they're doing for themselves that really has a
11 lot more to do with indicating how they're likely
12 to do in the community.

13 With that, I just want to turn it over to my
14 colleague, Georgia.

15 MS. LERNER: Good morning. I'm Georgia
16 Lerner. Thank you, Ann. Thank you,
17 Commissioners and Directors, for this opportunity
18 to share our ideas about critical issues
19 affecting reentry.

20 Women who seek our help at WPA tell us that
21 it's important that they have a safe place to
22 live, that they can re-connect with their
23 children and other family members, that they have
24 a legal way to support themselves and their

1 families, that they can stay sober and healthy
2 and stay out of prison.

3 Women face barriers to housing, employment,
4 child custody and access to care and at WPA, we
5 have found ways to help individual women address
6 these barriers. Perhaps, the most important
7 message -- the thing I really wanted to leave you
8 with was that women are most engaged and
9 successful when they're working simultaneously on
10 a number of fronts to achieve the goals that they
11 identify as important.

12 And our public funding streams often
13 unwittingly create barriers to women being able
14 to do this. So a combined funding stream that
15 would promote successful transitions to a
16 law-abiding life in the community would make it a
17 lot easier for service provider agencies and
18 clients to achieve and report on their successes.

19 We are going to give you folders. I just
20 want to ask you when you have a chance to take a
21 look at a matrix that we've created called
22 "Success in the Community" that illustrates WPA's
23 approach to helping women identify a range of
24 needs and to address them simultaneously.

1 The framework recognizes that some needs
2 present as urgent, like where a woman is going to
3 sleep the night after she gets out of prison, and
4 some have to do with longer term stability, like
5 having a job that pays a living wage and health
6 insurance benefits. In any case, the most
7 important thing is to start with the things that
8 a woman tells us are important to her. Thank
9 you.

10 COMMISSIONER FISCHER: I've got a question
11 for you. You do a good job, we all know that,
12 and everybody talks about a funding stream, which
13 is logical. My question for you really is: What
14 does it cost you -- or, rather, to put it another
15 way: How much money do you need to assist one
16 female ex-offender for 90 days?

17 MS. JACOBS: Well, it obviously depends on
18 whether she has housing when she gets out or
19 you're providing that, too. I mean, our services
20 can be very inexpensive if it's the case
21 management that needs to be provided. But if
22 it's more of a day program or the housing, then
23 it obviously goes up. The least expensive
24 programs that we run are --

1 MS. LERNER: Case management. It's about
2 \$2,500 over the course of a year per woman.

3 COMMISSIONER FISCHER: I'm not trying to
4 push you into a corner. The reality is that at
5 some point, everybody wants money and we have
6 certain amounts of money. The question then
7 becomes: How much money should you get? And the
8 equation has to be: What do you need to service
9 a hundred women?

10 You don't have to say it today, but that's
11 what we have to come back to you with. What do
12 you need -- how many people can you service for
13 X-number of months or years or whatever you want?
14 That's the only way we're going to be able to
15 decide how much do you get, how much does Eddie
16 get, how much does somebody else get? How many
17 people are you gonna service; what's it cost and
18 what's your success rate?

19 MS. JACOBS: The opportunity we hope with
20 this state administration is to really look at it
21 systemically, to not do it the way ATIs have been
22 funded for a while, which is basically who has
23 the most compelling proposals, which is
24 important. I mean, we all do good work, but it's

1 been a while since there's been a step back and
2 look at something systemically; like, what's the
3 flow of people through the system? What's the
4 risk classification for these people? What are
5 their needs? And how do you design a system that
6 makes sense?

7 I mean, we've gone to a lot of neighborhood
8 based work, because we think that makes sense.
9 However, we do it with some DCJS money that comes
10 through the Legislature that we're extremely
11 grateful for and a lot of child welfare money.
12 So that there are more resources out there than
13 just the Criminal Justice resources that you're
14 sitting on, but the real opportunity here is to
15 look at the big picture. We just hope -- I mean,
16 I don't want to be coy. I mean, many of us were
17 very concerned that the state over the last eight
18 years basically had a reentry conversation that
19 did not invite in those of us who were doing the
20 on-the-ground reentry services.

21 When the City did that, we were able to
22 point to a lot of things that -- the City
23 convened a Discharge Planning Task Force that
24 included government and the nonprofit providers

1 who knew that it was things like leaving with a
2 birth certificate, you know, better systems of
3 having people leave with identification, driving
4 them off the island, using -- you know, we have
5 greater access at Rikers than we ever had before.
6 There are some things that have some costs
7 associated with them but aren't only the kind of
8 funding that you're, you know, for very good
9 reasons, concerned about.

10 So that's our hope, is that this is a new
11 era in terms of collaboratively figuring out how
12 to make the best out of what we know are scarce
13 resources.

14 CHAIRMAN ALEXANDER: Let me add one other
15 thing. The concern we have is the degree of
16 follow-up each program has and the success
17 involved in the program. In the past, we've
18 dealt with many organizations where they get the
19 person in the program, the person's out and six
20 months later, the person's nowhere.

21 So the degree of follow-up, that goes to
22 every program we're talking about; that's one of
23 the factors that we'll be looking at and one of
24 the things taken into consideration, is: What

1 happens after they complete the program in six
2 months?

3 MS. JACOBS: I'm very happy to hear that.
4 The problem is that as everybody's jumped on the
5 band wagon and been very excited about
6 performance-based contracting and outcome
7 funding, very seldom is aftercare or that kind of
8 follow-up one of the milestones for which you get
9 paid. So we agree that that's important.

10 Unfortunately, right now, we have to do it
11 on, you know, kind of an affiliation model.
12 People who feel the most connected to us will
13 call us back for services. But we're not really
14 funded to have that case manager out in the field
15 like helping to find people before they really
16 crash and burn.

17 DEP. COMMISSIONER NUTTALL: What's one thing
18 that we could do better inside the facilities
19 programmatically?

20 MS. JACOBS: The thing that I'd like to see
21 is greater collaboration between the major
22 players from beginning to end, some sort of
23 integration of the risk and needs assessment that
24 goes on at the front end that's related to

1 pretrial decision-making, that's related to
2 sentencing, that's related to classification,
3 that's related to what kind of programs are
4 developed for people inside and against which
5 they're measured in making parole decisions that
6 then guides what kind of parole release someone
7 qualifies for and what kinds of services are out
8 there.

9 And that would involve, you know, besides
10 aligning the system and collaboration with the
11 community partners, a different kind of
12 contracting with the person, with the inmate,
13 too, where they felt that what they did did make
14 a difference.

15 One of the worst things that we've got going
16 for us right now is that there really does feel
17 like a disconnect to men and women in prison
18 between the good work that they try to do on
19 themselves and what's the basis for parole
20 decisions. And it's just so debilitating.

21 CHAIRMAN ALEXANDER: Thank you very much,
22 Ms. Jacobs. I will ask Alison Coleman if she
23 would replace Ms. Jacobs and Ms. Lerner at that
24 table.

1 Let me also introduce the newest member of
2 the parole staff coming on board, a project
3 manager dealing with reentry services, and that's
4 Elizabeth Wilkes.

5 Mr. LaCourt, good morning.

6 MR. LACOURT: Good morning. First of all, I
7 just want to thank all the Directors and
8 Commissioners for having this process. I think
9 it's very important to hear all the input and
10 suggestions and feedback from people that are
11 involved in reentry issues. And I especially
12 want to recognize and thank Pat Fitzmaurice who's
13 been very, very supportive of reentry issues in
14 the Capital District area, not only in her work
15 but in her passion.

16 ROOTS is an acronym that stands for Reentry
17 Opportunities and Orientations Toward Success and
18 we're a group of ex-offenders who in 1997 got
19 together and we were like really committed to
20 doing something different and not going back to
21 the old life-style and the old behaviors. And we
22 just got together and said -- you know, we were
23 all doing well and we said, "What is it about us
24 that maybe we can duplicate for other men and

1 women coming out of prison?"

2 So we created ROOTS. And our mission is
3 just generally to help ex-offenders make a
4 positive reentry back into the community; also,
5 developing community awareness about reentry
6 issues. It's amazing how -- we talk about
7 reentry here in this room and different arenas,
8 but sometimes communities don't have an idea of
9 what reentry is about or even understand it. And
10 I think that's very important to espouse that
11 awareness of reentry.

12 We also don't want to work, you know, on one
13 end of the spectrum. We believe that this is our
14 responsibility to do something for young people,
15 you know, create programs and projects so that
16 they don't get into behaviors that will get them
17 into the criminal justice system. So we decided
18 to work on both ends of the spectrum, not only
19 with ex-offenders but, you know, preventing young
20 people from getting into the system; and also
21 just providing technical assistance to any
22 organization that wanted to get into reentry
23 issues, and we do that a lot. Not only are some
24 communities not aware of reentry and what that

1 means, but a lot of union services providers who
2 provide services are not aware and we also meet
3 that role.

4 Like I said, we do this on a very informal
5 basis, but we've been very -- you know, we've got
6 a lot of recognition for what we've done. I
7 think it's very unique when helping ex-offenders
8 hearing -- when they hear from other ex-offenders
9 serving as models that is successful, that it can
10 happen. Many times, we share our, you know,
11 accomplishments and to a lot of the people we
12 work with, like, it's unbelievable that
13 ex-offenders can do certain things. And we show
14 that on a daily basis in everything we do. We
15 serve as models of that reentry as a possibility
16 that change is possible and that there's
17 something new, a new process that you can take on
18 in your life.

19 We've developed like the six points of
20 success that we always present and we use as a
21 format for working with ex-offenders. And you
22 know, the top one is -- you know, there's six
23 points of success. One is like staying in
24 recovery, substance abuse treatment and recovery.

1 We're all in recovery and we've been crime- and
2 drug-free -- there's about eight of us, ROOTS
3 members -- like twelve to sixteen years.

4 I myself have been crime- and drug-free for
5 12 years and, you know we share that. We think
6 that's very important with such a high incidence
7 of substance abuse and addiction and alcoholism
8 among people coming out of reentry and in the
9 prison system. I mean, we kind of say that
10 there's no way that you can do reentry and not
11 deal with that. It's crucial. And even for
12 people who don't believe in it, we tell them, you
13 know, smoking marijuana, using drugs doesn't mix
14 with parole. It's not a good match.

15 So, you know, in any way that we can, we
16 espouse that. And we talk about, you know,
17 employment. Employment is very important and we
18 talk about it as a process. You know, we use our
19 own examples. We say it's okay to start at
20 McDonald's flipping hamburgers. You know, that's
21 just a step to the process. That's not going to
22 be your final position in your job. And the
23 value system -- we espouse the value system of
24 employment, you know, and we share our stories

1 and the processes that we went through and we
2 provide support for people who are dealing with
3 that. You know, it's not just the actual job.
4 It's the value system behind keeping that job and
5 I think that that's something that we really work
6 on.

7 Also, you know, we talk about having a
8 productive relationship with your parole officer.
9 And for ex-offenders to hear that from other
10 ex-offenders, they cringe, but we explain why.
11 You know, parole officers love to hear that, too.
12 But we tell ex-offenders and people on parole
13 that hold your parole officer accountable for
14 helping you. This is a relationship. And we
15 talk about how a parole officer is not the enemy
16 but could be a resource if you use it correctly.

17 And so that's one of our six points of
18 success is, you know, establishing and
19 maintaining a productive relationship and
20 trusting relationship with your parole officer.

21 And we talk about housing. You know, we
22 talk about like it's very important where you
23 live, how you live and with who you live and what
24 neighborhood you live. And if you do live in a

1 certain neighborhood, this is what works and what
2 doesn't work. We really get down to the really
3 like nitty-gritty about how to do that.

4 And we talk about, you know, family
5 reintegration and building and, you know, fixing
6 harms that we've done. We all share our stories
7 on that, whether with your partner, with your
8 children and taking responsibility, civic
9 responsibility. We talk about doing volunteer
10 work in your communities, you know, attending
11 your PTA meetings, really taking an active
12 participatory role in your family and the people
13 that you have harmed by your incarceration.

14 We work closely with Alison Coleman and
15 Prison Family Services; that's their specialty.
16 And a lot of times, we utilize them in our
17 projects. And, also, we talk about, you know,
18 reestablishing your financial independence. It's
19 amazing when we tell them that, hey, I just
20 arranged a trip to Puerto Rico through my
21 Internet. For an ex-offender to do that, it's
22 amazing. And we show them how the process is,
23 you know, how to repair your credit, how to save
24 your money, how to do certain things.

1 One of our ROOTS members came out and came
2 to -- when he first came out of prison in 1995,
3 he came out to a halfway house and, today, he
4 owns his own home. So we use that as an example,
5 how that is possible, not only for him but for
6 any ex-offender who applies a lot of these points
7 of success.

8 And the way we present our services is, you
9 know, through different projects. And the reason
10 that I'm mentioning this, I think it's very
11 important as we talk about reentry that we don't
12 lose scope of this grassroots support using
13 ex-offenders that have come through the process.
14 There's a lot of agencies out there that are
15 policymakers and have big administrative supports
16 and history, but I don't think we could lose
17 grasp of using models and mentors of ex-offenders
18 who have made it and who are doing a positive
19 process in their lives and showing that and
20 utilizing that with all those other programs,
21 with case management, with job training, you
22 know, and not to lose scope of that value system.
23 I think that's the most important thing.

24 You know, people can maintain jobs, look for

1 jobs, look for housing, but how do they let go of
2 that value system that's been instilled with them
3 through their history and incarceration? And we
4 really define what reentry is. We say reentry is
5 not just not staying out of prison. That's just
6 the first part. Reentry is staying out of prison
7 and becoming a contributing resource in your
8 community and we show that through what we do.

9 And today's funding environment, everybody's
10 interested in like performance and outcomes and
11 that's important. I mean, you have to have a way
12 of measuring your outcomes and your success and
13 the cost effectiveness of how you spend funding,
14 but I also think that it's very important to
15 introduce that value system and that's hard to
16 measure. You know, how do you measure that? But
17 we can't like get away from that. I think that's
18 part of the formula. That's part of what works
19 and it's crucial. Many times, it's crucial.

20 So, you know, I'm here to say that it's very
21 important that we maintain that input into this
22 whole reentry process of those people -- we hear
23 a lot of people that don't make it and that fail
24 and sometimes we don't hear often enough of all

1 those that do make it and contribute and are
2 models for positive reentry.

3 And some of the projects, we're all -- by
4 the way, we're all full-time employed in other
5 areas. By coincidence, we're all involved in
6 human services field. What ROOTS does is we do
7 certain projects, we do things in the reentry
8 field.

9 For example -- and I'm not saying these
10 things to espouse just ROOTS, but I think the
11 idea of organizations doing this type of work is
12 very important to the reentry process. For
13 example, we took 16 young people who were like
14 high-risk youth, most who had a parent in
15 incarceration. And we took them on a fishing
16 trip. We did a collaboration with the Department
17 of DEC and we had fishing rods donated and we
18 took 16 young people and we used Alison Coleman's
19 program to do a project and that only cost us
20 \$500. We were able to take out 16 young people
21 and take pictures and send them back to their
22 parents and their fathers to model like good
23 fathering when they come out.

24 We did a project with Parole just last year

1 for 12 months in which we did an orientation for
2 all the men coming out every month that came out
3 that month to, like, share our experience and our
4 stories and our six points of success. And we
5 hope to re-do that again for the coming year and
6 add a support group component to it dealing with
7 employment.

8 And we also did a life-size model of a
9 prison cell and we use it at different community
10 events and a lot of people are amazed how real it
11 looks and we just said that we did it from
12 memory, you know, but we show them a graphic
13 example of how incarceration can work and not
14 work and for young people, this is the result
15 and consequences of certain decisions.

16 So if anything, I just wanted to leave you
17 with the idea that it's very important to have
18 this perspective in the reentry process of men
19 and women who have made it, who are doing it and
20 that could provide that credibility with
21 ex-offenders and give them some hope and serve as
22 a living model as we talk about reentry. Thank
23 you.

24 CHAIRMAN ALEXANDER: Mr. LaCourt, if you

1 could just clear up one thing for us. You were
2 talking about value systems and maintaining value
3 systems. I want to make sure that I don't leave
4 here with the wrong impression, because many of
5 us come from the standpoint that we need to
6 change certain values in order to give the
7 releasee some degree of hope of success by
8 changing it as opposed to maintaining value
9 systems. So if you can kind of clear that up for
10 me, please.

11 MR. LACOURT: Sure. I mean, we use
12 ourselves as examples of values that we used to
13 have and that we held on to and how we thought
14 that that was the only value that was available
15 to us and how change provided us with, you know,
16 changing that value system; you know, like,
17 instead of taking from your community, giving
18 back; instead of always finding a shortcut, you
19 know, working for something; you know, how to
20 have a process, how to start off small; how not
21 to, when you come out, try to like be Big Willy
22 so to speak or try to leave off where you left
23 off; that it's okay -- we use ourselves as
24 examples.

1 Each of us had the example of how we went
2 through those processes where it helped us change
3 our value system. So that's what I mean by
4 changing the value system.

5 CHAIRMAN ALEXANDER: Any other questions
6 from the panel?

7 DIRECTOR FITZMAURICE: Charles, what would
8 you say from your experience would be the one or
9 two things that would serve folks re-entering the
10 community from prison the most in that transition
11 period?

12 MR. LACOURT: I think it's a process. The
13 process doesn't start when somebody comes out or
14 after, post release. And the Deputy Commissioner
15 of Corrections talked about what could
16 Corrections do?

17 For example, you know, I have three state
18 bids in my story. In one of them, I was a
19 pre-release counselor at Downstate Correctional
20 Facility and we did a great job of preparing
21 people to be released. And we really like -- you
22 know, people were coming out with their driver's
23 abstract, with their identification, with their
24 social security card, you know, and they were

1 like ready to -- more prepared.

2 And I see like a gap today. You know, I
3 just want to be honest with you. A lot of men
4 coming out don't have those very basic
5 necessities. So I think that the pre-release
6 part is very, very important. You know, reentry
7 doesn't have to start when you leave out the
8 gate. It could start before you do, you know.

9 And, also, all those six points of success,
10 I think, is like having a way that that's
11 enmeshed in whatever services the ex-offenders
12 are getting, whether they're getting case
13 management services, housing services; you know,
14 hearing that message from other ex-offenders who
15 have made it, you know, this is not no pie in the
16 sky stuff. This is real; "Look, we did it. You
17 can do it." I think that's important.

18 But, you know, also having those job
19 opportunities, those training opportunities,
20 those supports for substance abuse treatment and
21 recovery and relapse prevention and talking about
22 that, I think all those things are crucial to
23 people having a successful reentry.

24 CHAIRMAN ALEXANDER: Thank you, Mr. LaCourt.

1 As he's leaving, if Jonathan Pollack can replace
2 him. And before we go to Ms. Coleman, we're
3 joined at the table with Felix Rosa who is
4 Executive Director of the Division of Parole.

5 I also want to take this opportunity to
6 recognize Assemblyman Alivert. Thank you for
7 joining us this morning.

8 Ms. Coleman from Prison Families of New
9 York, good morning.

10 MS. COLEMAN: Thank you. Commissioners,
11 Chairman and colleagues, as you may know, I have
12 spent about three decades being a New York State
13 prison family member, building services for and
14 with prison families and the professionals who
15 serve them, collating information about prison
16 families and being a voice for those who are
17 afraid to speak about or do not fully understand
18 the effects of prison on families and children.

19 For those of us working in the area of
20 prison or reentry, the phrase "Reentry should
21 begin on day one of incarceration" is very
22 familiar. What does it really mean for families?

23 At best, it means information and support
24 upon sentencing in the halls of county courts so

1 that when families are most available, we can get
2 to them with a menu of resources. If not then,
3 it may never happen. All too often, I get calls
4 from families who say they've been looking for
5 our services for years.

6 It means statewide resources to strengthen
7 families in every arena so they can be present
8 upon their loved one's release. That does not
9 mean we contact them 60 or 90 days or even a year
10 before homecoming. By then, many families who
11 wanted to do prison with their loved one are long
12 gone, beaten down by the overwhelming demands of
13 New York State, community, family and life in
14 general.

15 I recently began counting the areas of New
16 York State government where the issues of prison
17 families should be included: DOCS, Parole, DCJS,
18 DPCA, OCFS, the Office of the Aging, Health,
19 Mental Health, OASAS, Housing, Education, OMRDD
20 and the Office of Court Administration. I
21 stopped counting right there.

22 Our broad issues historically have fallen
23 down a blackhole. For truly successful reentry,
24 every relevant area of state government must at

1 least be aware of its part in prison families'
2 survival and then successful reentry.

3 I think that the most useful thing I can say
4 today and, certainly, the briefest thing I can
5 suggest is that New York State create an Office
6 of Prison Family Affairs. Thank you.

7 CHAIRMAN ALEXANDER: Thank you. Any
8 questions of Ms. Coleman?

9 I have one. Alison, if I may -- and you've
10 been in the community for quite some time in the
11 issue of prison reentry or community reentry, I
12 should say -- such issues of housing, how
13 relevant of a problem is that for people
14 returning to the community?

15 MS. COLEMAN: Of course, it's huge. If we
16 did better by families all along, they would heal
17 to an extent and more would be available to
18 welcome somebody home. I had the wonderful
19 experience, thanks to John Nuttall, of being able
20 to facilitate some family counseling sessions
21 with my husband before he was released after 25
22 years. I'm not saying that our home wouldn't
23 have been available to him had we not had those
24 counseling sessions, but it made reentry smoother

1 and some of the bumps we faced were less like
2 this and more like this (Indicating) because of
3 those counseling sessions. That was a pretty
4 unusual occurrence in DOCS history, I think.

5 There's so many ways that we can interact
6 with families to bring up the percentage of those
7 who are there and healthy and ready to be present
8 and offer housing to their loved ones. Of
9 course, with public housing, that's always a
10 problem with many, many issues to be addressed
11 there, but we can serve families better in every
12 area.

13 DEP. COMMISSIONER NUTTALL: Alison, if I
14 may, what are some specific things -- I know
15 you're reluctant to make suggestions. What are
16 some specific things that we might do?

17 MS. ALISON: Well, John, some of them, DOCS
18 has already done and each of you does a piece
19 or should do a piece, but I believe it's a coming
20 together of all the areas. I went to see the
21 Deputy Secretary for Education, Manny Rivera,
22 recently and I don't think he's done a tremendous
23 amount of thinking on the issues of prisoners'
24 children and what that whole thing does to

1 families and to people in prison. We need to
2 pull them into the mix. We really need to cover
3 the state with broad services and well-integrated
4 services so we can all talk together about this.

5 CHAIRMAN ALEXANDER: Thank you.

6 If Glen Martin would take Alison's place
7 over here.

8 Good morning, Mr. Pollack.

9 MR. POLLACK: Good morning. Thank you all
10 for allowing me to speak this morning. I'm here
11 to speak about veterans services for reentry and
12 I am the Upstate New York veterans coordinator
13 for reentry. And Upstate New York actually
14 encompasses, for our purposes, anything north of
15 Dutchess County all the way up to the Canadian
16 border all the way up to Buffalo, so I'm doing a
17 lot of traveling.

18 Basically, I'm going to just talk a little
19 bit about the services. Consistent with the
20 Veterans Health Administration's Mental Health
21 Strategic Plan as well as national and state
22 prisoner reentry initiatives, the VA has launched
23 a new program called Health Care for Reentry
24 Veterans, which is designed to address the

1 community reentry needs of incarcerated veterans.

2 Significant numbers of incarcerated veterans
3 are at the time of release and for a period of
4 time thereafter at risk for homelessness,
5 substance abuse, mental illness, unemployment,
6 chronic illness and infectious disease. These
7 veterans often need multiple post-incarceration
8 services, including medical services, psychiatric
9 care, substance abuse treatment, vocational and
10 employment assistance, transitional housing and
11 veterans benefit services. Many are not even
12 sure that they are considered veterans or that
13 they are eligible for any type of service.

14 The Health Care for Reentry Veterans
15 Program, in conjunction with the New York State
16 Department of Corrections and the Division of
17 Parole, aims to prevent homelessness, to reduce
18 the impact of medical, psychiatric and substance
19 abuse problems upon release and to decrease the
20 likelihood of re-incarceration for those leaving
21 prisons by providing the following services.

22 One: Training for New York State
23 correctional and parole staff who work with
24 veterans as to what services the VA can provide

1 for the veterans.

2 Two: Outreach and pre-release assessment
3 services for incarcerated veterans.

4 Three: Referrals and linkages to
5 psychiatric, social and health services,
6 including employment services.

7 And, four: Short-term case management
8 assistance.

9 The VA has allocated to each veterans
10 integrated service network -- and there's 22 in
11 this country -- and incarcerated veterans reentry
12 coordinator; in this case, myself serving the
13 Upstate New York area, who will be the VA's
14 regional point of contact and also provide
15 outreach and assessment services to incarcerated
16 veterans.

17 What we're looking to do, basically, is to
18 educate all the veterans that are incarcerated,
19 but basically, we're looking to provide those
20 specific services to veterans who are going to be
21 released within six to twelve months. And that's
22 pretty much -- I just wanted to share that
23 information out loud there and the services are
24 available.

1 COMMISSIONER FISCHER: Do you have people
2 available to come into the prisons and start
3 talking to the prisoners six months, twelve
4 months, whatever number of months, day one for
5 veterans?

6 MR. POLLACK: Actually, we've been doing
7 that already.

8 COMMISSIONER FISCHER: You're the
9 coordinator, obviously. Where's your main
10 office?

11 MR. POLLACK: Our main office is in Albany,
12 Ontario Street. And we're working with Maria
13 Garcia and the Veterans Guidance Department and
14 we've been going into the veterans' hubs; for
15 instance, Mid-State hub, the Wende hub. And,
16 eventually, we'll go to every single hub and
17 we're hoping to visit each hub twice a year in
18 Upstate New York.

19 Then, we have a different person who covers
20 the New York City area -- his name is Taylor
21 Holliman -- and he covers New York City,
22 Westchester County, Long Island, that area.

23 CHAIRMAN ALEXANDER: A couple of issues.
24 One is that whole issue asked of Alison Coleman

1 in terms of housing, how you deal with your
2 population with regards to housing. Also, the
3 situation I brought up earlier with regards to
4 follow-up; what type of follow-up do you maintain
5 with veterans that are receiving some type of
6 reentry services?

7 MR. POLLACK: Okay. We have -- as you may
8 or may not know, the VA does not have emergency
9 housing except if somebody would go into what
10 they call a domiciliary, which is a long-term
11 treatment facility and there is one in Montrose,
12 New York that does accept veterans right from
13 incarceration. That is the only one that I know
14 of in New York State.

15 We work very closely with Division of Parole
16 for people that maybe need to go in New York
17 State veterans' homes, but we do have in every
18 single VA really in the country, and especially
19 in Upstate New York, we have transitional housing
20 programs. So we work specifically with, like,
21 Altamont program in Albany, the Albany Housing
22 Coalition, which is a vet house. So we have a
23 number of beds throughout New York State for
24 transitional housing and they're called grant per

1 diem residences, which basically means that the
2 VA will actually pay the housing providers for
3 the veterans' care. The veterans, if they do not
4 have any income, they do not have to pay
5 anything.

6 Basically, what they then try to do is to
7 try to help them -- assist them with vocational
8 services or, you know, any type of disability
9 benefits that they might be entitled to and then
10 the veteran would pay one-third of their income
11 at such time as they have an income with the
12 maximum being about \$300. So that really gives
13 the person a chance to really save money toward
14 permanent housing.

15 CHAIRMAN ALEXANDER: One of the other issues
16 is that when folks are coming out and they're in
17 need of treatment services, be it counseling or
18 otherwise, there's sometimes a cost. Does the VA
19 provide any assistance in that area?

20 MR. POLLACK: In terms of?

21 CHAIRMAN ALEXANDER: In terms of cost for
22 treatment; they go into different treatment
23 programs, substance abuse treatment, alcohol
24 treatment. For those programs where they're not

1 able to get into one where it's free, where they
2 need a higher level of care, does VA offer any
3 assistance in that area?

4 MR. POLLACK: VA pays for all those costs as
5 long as the veteran is eligible for health care
6 services.

7 DIRECTOR MACCARONE: How do you screen for
8 veterans within the prison system? How do you
9 identify them early on in the prison process?

10 MR. POLLACK: That's a great question. I
11 mentioned before that some veterans don't know
12 that they're veterans and so the way we screen is
13 we don't ask if they're a veteran, because
14 sometimes they think they didn't have enough time
15 in service or they had bad paper so they're not
16 eligible for services. In fact, they may be, and
17 usually are, eligible for some type of service,
18 especially housing services.

19 So what we ask is: Did you serve any time
20 in the military? And then we assess whether or
21 not we can provide some type of service. So we
22 don't want the veterans to self-screen out when
23 they might generally be entitled to services.
24 That's how we ask.

1 DIRECTOR FITZMAURICE: Mr. Pollack, how do
2 you define a veteran? Is someone who has an
3 other than honorable discharge eligible for
4 services?

5 MR. POLLACK: Yes, they are, actually, and
6 that's the surprising thing. If somebody has an
7 other than honorable discharge, in many cases, we
8 can get upgrades on that and we can also provide
9 linkages to other housing providers that work
10 with veterans that accept veterans with other
11 than honorable discharges.

12 If they have a less than honorable
13 discharge, the VA will provide housing services.
14 If it's other than honorable, again, we try for
15 the upgrade and we work with other veterans'
16 organizations to try to provide housing.

17 DIRECTOR FITZMAURICE: And are there county
18 organizations or community organizations where
19 someone can get their DD-214 if they don't have
20 it?

21 MR. POLLACK: Well, that's the thing that we
22 do in outreach, is we try to assist veterans in
23 getting DD-214s, but we have many Department of
24 Corrections workers, transitional counselors,

1 helping the veterans within the facilities to get
2 their DD-214s. It's working out pretty well.
3 There's about 90 percent now of the veterans who
4 have their DD-214s. And if they don't, we work
5 very quickly to try to get them for them.

6 DIRECTOR FITZMAURICE: Is there any
7 particular group of veterans that you have a
8 difficulty serving? You know, are there services
9 that you don't have; any of your own impediments
10 within your own system that would preclude
11 certain people from getting services?

12 MR. POLLACK: Not really. I mean, I think
13 we're pretty comprehensive.

14 CHAIRMAN ALEXANDER: Any other questions?

15 (No affirmative response.)

16 CHAIRMAN ALEXANDER: Thank you, Mr. Pollack.

17 As he's leaving, we have Marsha Weissman.

18 Good morning, Mr. Martin.

19 MR. MARTIN: Good morning and thank you for
20 the opportunity to present at today's forum and
21 for your willingness to engage advocates and
22 providers who help New York State to reduce
23 crime, the prison population and recidivism.

24 My name is Glen Martin. I'm the co-director

1 of the National H.I.R.E. Network at the Legal
2 Action Center. I usually don't lead with this,
3 but I'm also formerly incarcerated. I did six
4 years in a New York State prison for a violent
5 crime. I also got an associate's degree while I
6 was in a New York State prison and I think that's
7 really important.

8 I'm going to skip past this pitch for Legal
9 Action Center and I'm going to jump right into
10 the details here.

11 New York's use of Alternatives to
12 Incarceration Programs and probation has been a
13 smart and effective investment of resources and a
14 key component of New York's unique success in
15 reducing crime while cutting back on its reliance
16 on incarceration. It is not a coincidence that
17 New York State has the largest network of ATI
18 programs in the country and the state, unlike
19 other large states such as California and Texas,
20 has seen crime and incarceration rates plummet
21 simultaneously, improving public safety and
22 saving lots of money.

23 While the crime index has dropped in New
24 York, California and Texas, New York's

1 incarceration rate has also dropped while the
2 incarceration rates in California and Texas have
3 steadily risen. New York has also begun to take
4 small steps to reform its sentencing laws and
5 examine ways to improve the reentry of
6 individuals returning to their communities from
7 the justice system.

8 Now is the time to bring all of these
9 successful approaches to scale and to change laws
10 and policies that impede greater utilization of
11 these programs and diminish public safety by
12 creating barriers to successful reentry. Now is
13 the time to reinvest in what works.

14 This approach will reap both immediate and
15 long-term savings, not just in dollars but in
16 human lives, families and communities as well.
17 Crime can be further reduced and criminal costs
18 can be cut when incarceration is viewed as the
19 last, not the first, resort. Any discussion
20 about increasing the use of commuted corrections
21 and making a greater range of individuals
22 eligible for intermediate sanctions must also
23 include a discussion about sentencing reform.

24 Given the time constraints, I know that now

1 is not the time for a detailed discussion about
2 sentencing reform. We hope we will have an
3 opportunity to share our specific recommendations
4 with the Sentencing Commission.

5 I would, however, like to briefly note that
6 despite the fact that an astonishing 70, 80
7 percent of individuals involved in the criminal
8 justice system have a drug or alcohol problem,
9 the drug law reforms already enacted do not
10 enable even one addicted individual to be sent to
11 community-based treatment instead of prison. Nor
12 do these reforms give judges any discretion to
13 send people convicted of any other second felony
14 sentences to a non-incarceratory sentence.

15 Our drug laws have had a particularly
16 onerous impact on communities of color. Although
17 our rates of drug use are no greater than those
18 of Whites, African-Americans and Latinos comprise
19 over 91 percent of the individuals convicted of
20 drug offenses in New York State prisons.

21 Numerous studies have proven that mandatory
22 drug and alcohol treatment is cost-effective,
23 reduces recidivism and enhances public safety.
24 We hope that our sentencing laws will be reformed

1 so that judges and prosecutors have expanded
2 opportunities to send appropriate individuals to
3 community-based programs instead of prison.

4 Now, I'll just jump into the bulleted
5 recommendations rather than read the rest of
6 this, because I have copies of the presentation
7 for you.

8 Programs already operating in New York that
9 have proven successful in diverting individuals
10 and protecting public safety should be expanded
11 to scale and replicated and new programs should
12 be developed.

13 New York State should better prepare
14 individuals who are incarcerated for returning
15 home by redesigning and expanding prison-based
16 programs, developing comprehensive discharge
17 plans with the involvement of family and
18 community-based organizations and putting
19 mechanisms in place to implement those discharge
20 plans, including working with DMV and Vital
21 Statistics to ensure that people are leaving
22 prison with identification cards and legitimate
23 birth certificates.

24 New York State should initiate a strategic

1 planning process within DOCS to redesign
2 vocational programs, to increase
3 industry-specific levels during incarceration and
4 create training opportunities that are more
5 relevant to the modern workplace.

6 DOCS should develop comprehensive discharge
7 plans that identify the principal challenges
8 released individuals will face in re-entering the
9 community and the steps required to overcome
10 those challenges.

11 The development of such plans should be
12 undertaken with the involvement of the family and
13 community-based organizations.

14 DOCS should remove a person's name and
15 incarceration information from the inmate look-up
16 website once they are released from prison.

17 Increasingly, we find that employers and
18 landlords are utilizing the website as a way to
19 conduct a free background check. Because the
20 website is name-based and lacks full
21 incarceration, supervision and parole
22 information, it often paints a misleading picture
23 for decision-makers.

24 New York State Division of Parole should

1 revamp and re-incentivize the parole system so
2 that parole officers are performing less
3 administrative duties and are, instead, focused
4 on working more closely with community-based
5 organizations to assist people under supervision
6 with improving their education, obtaining
7 vocational and technical training, finding
8 suitable employment.

9 Parole officers should all at the least have
10 an understanding of the work force development
11 system in New York State and the unique
12 challenges faced by job-seekers with criminal
13 records. Parole officers should be educated on
14 the efficacy of assisting qualified people under
15 their supervision with applying for certificates
16 of relief and certificates of good conduct.
17 These certificates serve as rehabilitation for
18 licensure, employment and applying for public
19 housing.

20 Parole should recognize and encourage
21 enrollment in accredited post-secondary
22 institutions as part of the terms and conditions
23 of parole release and ongoing supervision.

24 Parole should reallocate resources and

1 front-load services. Most individuals who
2 violate parole do so in the first few months
3 after they're released from prison. Services
4 should be front-loaded to help people during the
5 difficult and stressful period as they adjust to
6 life in the community.

7 Parole should utilize graduated sanctions to
8 respond to technical violations and use the most
9 extreme sanction of prison and jail only as a
10 last resort.

11 In 2004-2005, an astonishing 80 percent of
12 parolees who returned to prison were incarcerated
13 for technical violations, not committing new
14 crimes.

15 The New York State Parole Board should
16 discontinue the denial of parole based on the
17 serious nature of the crime. This policy is
18 contrary to the spirit of the law, undermines the
19 Court's discretion and sends an inconsistent
20 message to people in prison who are working to
21 change their lives. The nature of the crime is
22 something a person can never change.

23 Individuals who complete parole are eligible
24 to register and vote in New York State. The New

1 York State Division of Parole should ensure that
2 New Yorkers with felony convictions are informed
3 of their voting rights upon discharge.

4 I'll skip the legislation part. New York
5 should ensure that probation has sufficient
6 resources to provide effective services and
7 supervision. Probation supervises greater
8 numbers of people than are incarcerated in the
9 entire prison system and provides specialized
10 services for targeted populations in order to
11 ensure public safety.

12 Because 70 percent of the people who end up
13 in state prison were formerly on probation, we
14 should put more emphasis and attention on
15 probation as a way to reduce recidivism. People
16 who are sentenced to probation never lose their
17 right to vote. DPCA should continue to expand
18 its efforts educating probation officers and
19 people on probation about their voting rights.

20 New York State should ensure that all SUNY
21 and private universities remove absolute bars to
22 admission based solely on a criminal record.

23 New York State should restore eligibility to
24 the Tuition Assistance Program and other public

1 resources to people in prison.

2 New York State should reinstate the systemic
3 use of educational release by DOCS.

4 New York State should suspend rather than
5 terminate Medicaid benefits of individuals who
6 enter jail or prison.

7 New York State should revise child support
8 and enforcement regulations to provide for the
9 setting aside or downward modification of child
10 support arrears that accrue during incarceration.
11 Holding non-custodial parents responsible for
12 insurmountable child support arrears which accrue
13 during incarceration is not being tough on
14 deadbeats; it's being myopic on public safety.

15 The fact of the matter is that barriers
16 created by these arrears, including loss of
17 driver and professional licenses, garnishment of
18 wages at 65 percent post tax and liens against
19 bank accounts, only serve to drive people into
20 the underground labor market.

21 New York State should create a wage subsidy
22 program specifically targeted to job seekers with
23 criminal records. Second to mitigating against
24 liability concerns, employers cite wage subsidies

1 as a way New York State can incentivize the
2 consideration of job seekers with criminal
3 records.

4 New York State should follow Florida's
5 former governor's example of directing all state
6 agencies to conduct a comprehensive inventory of
7 their criminal record-based employment and
8 licensure restrictions. Agencies should be
9 required to specify the restricted occupation or
10 license and the substance and nature of the
11 restriction.

12 We currently have over 100 different
13 licensing and certification agencies in New York
14 State, each with its own set of criminal record
15 barriers and mechanisms for overcoming those
16 barriers. Because these restrictions were
17 created haphazardly during the tough-on-crime
18 era, there's no continuity in the weighing of
19 evidence or rehabilitation or in the definition
20 of good moral character.

21 A comprehensive inventory will reveal
22 unnecessary legal and policy barriers as well as
23 over-burdensome processes facing qualified and
24 rehabilitated job seekers. And I'll end there

1 and hand in my presentation, if you will.

2 (Applause.)

3 CHAIRMAN ALEXANDER: Mr. Martin, one
4 question. When you talked about the parole board
5 and not considering the nature of the offense,
6 how do you not consider that? When you're
7 releasing a person, his or her treatment program
8 is based primarily on that crime of conviction or
9 the offenses that they've committed over a period
10 of time.

11 MR. MARTIN: Yeah. To be quite frank, what
12 I'm referring to there is that folks who have
13 violent crimes, such as myself, essentially are
14 finding it very difficult to be granted parole
15 release, because what they're facing is that
16 they're being denied release based solely on the
17 nature of the crime and not what they did while
18 they were incarcerated.

19 I could have been released after three
20 years, but I got 18 months at my first board and
21 then 24 at the second board, but no change in the
22 institutional circumstances, no tickets. In
23 fact, I completed my college degree by the time I
24 got to my second board.

1 The point is that I couldn't change the
2 crime. The crime was done. It was a violent
3 crime. It was robbery. No one got hurt, but it
4 was still a violent crime. But I changed
5 everything else. I mean, I became educated. I
6 took every program that was available to me. I
7 mean, I ran out of programs to take. I started
8 serving on the Inmate Liaison Committee. I just
9 essentially ran out of things to do. But the
10 board only looked at the nature of the crime.

11 CHAIRMAN ALEXANDER: What about in those
12 instances where a person isn't like you, isn't as
13 motivated as you are and you don't take the crime
14 into consideration?

15 MR. MARTIN: Well, then, you take the
16 institutional record into consideration also.
17 I'm just saying when it's solely the nature of
18 the crime, that's where I feel like folks have a
19 hard time making that hurdle. If you look at the
20 nature of the crime and look at what the person
21 has done since sentencing and there's nothing
22 there to lend itself to releasing this person,
23 fine. But when it's just the nature of the
24 crime, everything else the person has done -- it

1 sends the wrong message. It really does send the
2 wrong message to people that are incarcerated
3 that are trying their best to take the programs
4 that they need to get their lives back together.

5 The sort of institutional feeling about this
6 amongst people who are incarcerated is "No matter
7 what I do, they're not gonna let me go, because
8 they're just going to look only at the crime."

9 CHAIRMAN ALEXANDER: And you weigh that
10 against the fact that there are victims and
11 victims' families out there that have to weigh
12 into that equation as well.

13 MR. MARTIN: I agree with you. That's why
14 I'm not saying that we should not look at the
15 nature of the crime at all. I'm just saying that
16 that's not the sole focus during a parole
17 hearing -- that shouldn't be the sole focus.

18 CHAIRMAN ALEXANDER: Thank you. Any
19 questions or comments?

20 DIRECTOR FITZMAURICE: Mr. Martin, I know
21 that you made a lot of statements about the
22 responsibilities of New York State government
23 and, certainly, we're all going to look at that
24 very thoughtfully. But I am curious as to, from

1 your perspective, what you think some of the
2 responsibilities are at the community level.
3 What can be done there by folks that actually
4 live in the community, maybe not
5 non-governmental, nonprofit, whatever, that could
6 really assist us in that?

7 MR. MARTIN: So the focus today was
8 specifically because I was addressing you folks.
9 You're right; the community needs to be more
10 involved in reentry and reintegration and even
11 understanding. As someone said earlier, the
12 community doesn't even understand what reentry
13 is. I think the community can play a critical
14 role. I think that government and nonprofit
15 alike hasn't done a good job of reaching out both
16 in the community and utilizing resources in the
17 community so that these communities can embrace
18 folks who are coming back.

19 I think folks at Justice Mapping and other
20 folks, like Eddie Ellis, have done great jobs of
21 identifying the communities where people come
22 from who end up in prison and I don't believe
23 that these folks are just going to turn their
24 backs on their sons, brothers, husbands, fathers

1 and so on.

2 So I actually believe we need to do more,
3 government and nonprofits, to engage folks in
4 these communities; I agree.

5 CHAIRMAN ALEXANDER: Anyone else?

6 (No affirmative response.)

7 CHAIRMAN ALEXANDER: Mr. Martin, thank you
8 very much.

9 If we can have Sharon DeRusha replace Mr.
10 Martin at this table here.

11 Good morning, Marsha. How are you?

12 MS. WEISSMAN: Good. Good morning. My name
13 is Marsha Weissman and I am the director of the
14 Center for Community Alternatives, which runs
15 programs in New York City and Syracuse, New York
16 and we are just introducing some new services in
17 Albany and Rochester as well. Joining me today
18 is Jackson Davis who's the director of the
19 Recovery Network of New York and we're going to
20 be sharing the 10 minutes. And he's going to
21 poke me at some point in time.

22 This is incredibly exciting to be here this
23 morning. I think CCA has worked with a number of
24 the other organizations in this room in what's

1 come to be known as the ATI Coalition. And I
2 think we're all invigorated by the prospect of a
3 new direction and a new commitment and new
4 understanding on the part of state leaders.

5 I'm going to make -- I think it's great that
6 I followed Glen as well, because I'm going to
7 sort of intuitively sum up some of the details of
8 the recommendations that he made in terms of how
9 we view what we call community reintegration.
10 And I think that's my first point; that New York
11 should focus on a community reintegration
12 perspective which is broader than reentry.

13 The second is the sentencing phase is
14 critical.

15 The third is reentry planning begins at the
16 time of sentencing and, certainly, at the time of
17 incarceration.

18 Parole decision-making should value the
19 achievements made during incarceration.

20 Five: Pre-release preparation should be
21 strengthened.

22 Six: The lifetime consequences of a
23 criminal conviction merits significant attention
24 and policy change.

1 Seven: Public-private partnerships are
2 essential to successful reintegration.

3 And I'm going to briefly elaborate on each
4 point.

5 When we say the state should move to a
6 community reintegration framework, we're not
7 dismissing reentry but we're challenging the
8 notion that we should wait until the back end,
9 until someone is released, to begin attending to
10 the multiple problems and multiple issues in the
11 multiple domains.

12 At CCA, we think if we really described it
13 as reintegration, we could really be doing more
14 at the front end to avert incarceration to begin
15 with. And that brings me to my second point.

16 The sentencing phase is critical to
17 community reintegration. There are
18 opportunities -- and I could sit here and tell
19 you story after story of work that my
20 organization does with people who would otherwise
21 be incarcerated save for the fact that they have
22 CCA with them at the time of sentencing,
23 presenting the judge and the prosecutor
24 additional information about the person and a

1 very clear and specific alternative to
2 incarceration.

3 And I'm literally underscoring that we don't
4 net-widen; we identify people who would otherwise
5 be incarcerated.

6 CCA was New York's first demonstration
7 alternative funded in 1981. We are still
8 demonstrating and what we are still demonstrating
9 is the efficacy of sentencing advocacy. And I
10 hope this is a moment in time that the state can
11 take a look at that work and really re-value it
12 as well. And I think that there's some great
13 opportunities, both through the Governor's
14 Sentencing Commission and, secondly, an
15 incredible but sort of somewhat overlooked law,
16 change in the penal law that took place last year
17 where Penal Law Section 1.056 was amended to add
18 a new sentencing goal, that a judge has to
19 consider what type of sentence best promotes not
20 just reentry but reintegration.

21 My third point is reentry begins at the time
22 of sentence and incarceration. So even where
23 there's advocacy to expand the use of ATI
24 programs, we know people are going to go in. But

1 even at time of sentence, there can be a
2 rudimentary reentry plan, a road map of sorts to
3 help the individual think about and plan for and
4 the family guide how they're going to serve their
5 sentence. And I think it can be of critical
6 importance to the Department of Corrections.

7 I think it will help underscore the kinds of
8 programming that need to go on in prisons when
9 people are incarcerated. And I would just
10 underscore one of Glen's points about the
11 critical value of reintroducing higher education
12 in New York State prisons.

13 If there's real programming that goes on in
14 prison, that should be valued at the time of
15 parole. Again, echoing what Glen said, it
16 doesn't mean it's the only thing that's valued,
17 but right now, someone's achievements, what they
18 have attended to, what they have done, is really
19 given short shrift when someone goes before the
20 parole board. And it only goes back to what they
21 did three years ago, five years ago, ten years
22 ago, twenty-five years ago.

23 There's an expression that people use when
24 they're serving a prison sentence and it goes

1 something like "I'm going to do the time. I'm
2 not going to let the time do me." And so for the
3 people who are doing that and taking advantage of
4 programs, that really deserves serious
5 consideration at time of parole.

6 My fifth point is that pre-release
7 preparation should be strengthened. An
8 individual release plan should be put into place.
9 Real resources. Real places to live. That is
10 the time to continue and I don't think it's the
11 time to begin. I think it's the time to work
12 with the prisoner's natural support system to see
13 what services are available.

14 I know that we do that in doing our parole
15 release work. There's also a really wonderful
16 model that the state can take a look at that's
17 funded by the Department of Health called The
18 Criminal Justice Initiative that has
19 community-based organizations like CCA going into
20 prisons across the state to deliver a range of
21 HIV-related services, including what essentially
22 is a reentry plan, but it's limited to inmates
23 who are HIV-positive.

24 My sixth point is that the lifetime

1 consequences of a criminal conviction merit
2 serious attention. We've stopped using the term
3 collateral consequences. We have started to call
4 it lifetime consequences, because the barriers to
5 employment, the barriers to higher education,
6 with increasing access to criminal records, the
7 barriers to housing, are enormous and certainly
8 stand in the way of someone re-integrating into
9 the community. Those are not secondary issues;
10 they're primary, and they really make the
11 difference in someone living a successful life in
12 the community.

13 And, finally, I'm going to close and turn it
14 over to Jackson to underscore that public-private
15 partnerships are essential. Those of us who have
16 been doing this work for 20, 30 years, this is
17 more than a vocation for us, frankly. It is our
18 avocation. It is our passion. We really know
19 the work that we're doing and we really would
20 greatly appreciate and, I think, can make a
21 wonderful contribution to sit at at least certain
22 tables with you and share our knowledge and share
23 our experience.

24 Those of us from community-based

1 organizations are more than willing to go into
2 prisons to help do the preparation. We're in
3 courts every day making the case for an ATI
4 sentence. We can do a lot more and we can do it
5 systematically if we can partner with you.

6 I'm going to turn it to Jackson.

7 MR. DAVIS: Good morning. Thank you,
8 Chairman, and all of the commissioners for
9 allowing us to come here today and share our
10 experience on re-entry and reintegration. I'm
11 told I have one minute, so I'll keep it brief.

12 I'm one of these people that Marsha was
13 describing. I re-offended -- I mean, I offended
14 initially in 1989 and I have been crime- and
15 drug-free since 1990. I'm 17 years clean and I
16 have been gainfully employed at the Center for
17 Community Alternatives for the last 14 years.

18 I was one of these people that was fortunate
19 to be on the front end of that ATI, if not for
20 the strong advocacy of a community-based program,
21 my attorney and other agencies such as CCA that
22 advocated for me not to go to state prison
23 because that's truly where I was on my way to.

24 I was given an opportunity to not go to

1 state prison. I'm clearly grateful for that.
2 And since that time, I mean, I think that I speak
3 to people can and they do change. Seventeen
4 years clean; haven't re-offended since 1989.

5 Currently, I'm the director of the Recovery
6 Network of New York, a CSAP-funded initiative.
7 We were initially funded to provide peer-to-peer
8 services in 2001. Because of the work that we
9 did, we were re-funded in 2006 for another four
10 years. And, ironically, we have been funded to
11 replicate the services that we provided in
12 Syracuse and two other cities in New York, one
13 being Albany.

14 We will be bringing the Recovery Network of
15 New York to Albany and also in Rochester, New
16 York. The program is a service support group for
17 formerly incarcerated individuals with a history
18 of addiction, and that's what our primary group
19 is.

20 Our mission is to improve delivery of
21 substance abuse treatment and help to reduce some
22 of the stigma associated with addiction and
23 formerly our criminal justice status. So with
24 that, I'll close.

1 COMMISSIONER FISCHER: Marsha, you and
2 others have always talked about reentry should
3 start from day one when they enter prison, and I
4 don't have any problem with that, but I
5 thought -- what, I guess, I need from you and
6 others is: What is it that we're not doing?

7 We're doing a needs assessment; every
8 inmate who needs education, some need drug
9 addiction, some sex therapy. Whatever it is, we
10 try to reach all of them.

11 Are we missing the boat in terms of what
12 else should we be doing to basically respond to
13 your criticism that reentry should start from day
14 one?

15 MS. WEISSMAN: I think it's almost conveying
16 a philosophy, if you will, that someone has been
17 punished by virtue of the sentence that has been
18 imposed and that their time in prison is to
19 prepare for release. I think needs
20 assessments -- and I can't speak exactly to what
21 Corrections does. I can speak to what we do.

22 Sometimes needs assessments don't hear the
23 client well enough about what they identify not
24 only as their needs but also as their strengths.

1 And then I think with programming, there can
2 be -- both planning and sequencing of
3 programming, I think there can be more
4 opportunity for community-based organizations to
5 do programming in prison that can help bridge
6 that inside-outside gap. And I think along the
7 way, people who are incarcerated should know that
8 what they are doing in that programming is also
9 going to be valued when they come up for parole.

10 CHAIRMAN ALEXANDER: Mr. Davis, you talked
11 about addiction. Let me ask both you and Ms.
12 Weissman this question: With regards to a person
13 coming out that has some addiction problems, how
14 are you dealing with that in the context of the
15 family that they're returning to that may also
16 have some addiction problems?

17 MR. DAVIS: I think we view addiction from
18 the lens that it is a family disease and everyone
19 in that family should receive some type of
20 treatment. Just taking an individual and putting
21 them in a treatment program without affording
22 their loved ones some family education is going
23 to be counter-productive to what they need to do.

24 The last thing they need to hear when

1 they're trying to get their life back together is
2 what they did back in 1937. We need the family
3 educated. We need the individual educated. We
4 need the community educated on what addiction is
5 and the support vis-a-vis enabling a person, but
6 being there to support that person with their
7 sustained ongoing recovery. So that's critical
8 also.

9 DIRECTOR MACCARONE: Marsha, the CCA is one
10 of 14 defender-based advocacy programs that DPCA
11 funds, but it seems to me -- and I'm looking
12 across all the programs -- that CCA is the most
13 successful in dealing with some of the most
14 serious offenders. And I know that goes to the
15 extensive nature of the services you provide.

16 Could you go into some detail on that?

17 MS. WEISSMAN: Well, it starts with having a
18 very clear mission; that our program is not to
19 net-widen; that we do target people who would
20 otherwise be incarcerated and we do that by
21 looking at data as to what a typical sentence
22 would be and, also, what the plea offer is or
23 where the negotiations are going vis-a-vis
24 information from the defense attorney.

1 We then do a needs and strengths assessment
2 and we do a social history background. We find
3 out: What are the factors that contributed to
4 the criminal behavior? It is not to excuse the
5 behavior, but it's to understand the behavior.
6 We actually frequently reach out to victims and
7 the victims know who we are. They know that
8 we're working on behalf of the defendant. And we
9 ask the victims if they would meet with us to
10 hear our recommendation for sentencing and to
11 give input. And those conversations, more often
12 than not, go very well with the victim often
13 supporting the kind of recommendation that we
14 make.

15 And I think it's that one-on-one approach.
16 And the victims then will have questions about
17 who did this to them and what the circumstances
18 are. And I think victims are not just looking
19 for punishment; they're looking to have a sense
20 that this is not going to happen again to someone
21 else. And they understand that there are
22 rehabilitation programs that are more likely to
23 achieve public safety, frankly, than just locking
24 someone up.

1 We write it up for a judge. We have
2 documentation so every piece of the plan that
3 we're saying is available is verified and
4 documented. And then we're available in court to
5 answer questions.

6 So it's really the individual approach,
7 knowing the life of the defendant who we are
8 representing, knowing the circumstances of the
9 crime and understanding what the support systems
10 are in the community that could be available as
11 an alternative sentence, including accountability
12 measures.

13 CHAIRMAN ALEXANDER: Are you able to provide
14 the same representation for those technical
15 violators of parole?

16 MS. WEISSMAN: Yes. Well, we were until a
17 couple of months ago when the funding that
18 supported that service ended. But the answer to
19 that is yes and, in fact, with technical
20 violators of parole, it's often more clear-cut,
21 if you will, and it's often around helping people
22 to get back into treatment.

23 CHAIRMAN ALEXANDER: Anything else?

24 (No affirmative response.)

1 CHAIRMAN ALEXANDER: Thank you, Ms.
2 Weissman and Mr. Davis. If Mr. King would take
3 that table.

4 I also would ask -- and she's here
5 representing Parole as well -- Angela Jiminez,
6 director of operations, Angela, if you would join
7 us at the table.

8 And while Angie is making her way up, we
9 have Ms. DeRusha from Every Person Influences
10 Children, EPIC. Good morning.

11 MS. DERUSHA: Good morning. Thank you for
12 inviting me on behalf of EPIC. We're a
13 nonprofit, started in 1980 and our mission is to
14 help parents, teachers and community members
15 raise children to become responsible adults. We
16 have nothing to do -- we're not part of the
17 pharmaceutical drug program for senior citizens.
18 We get those calls every day and it's wonderful
19 that people are so polite and we just give them
20 the information. My office is in Auburn, New
21 York and I'm the Central New York regional
22 director.

23 All parents love and worry about their
24 children, especially when they're away from their

1 children. So it's extremely important for the
2 inmate to stay connected with their family during
3 their time of incarceration. And all children
4 also love their parents probably even more when
5 they're missing, because problems just cause all
6 that stress in children and it's important to
7 keep people connected.

8 According to Jim -- or John Irwin in his
9 paper "The Felon" in 1970, he stated: "Existing
10 research provides strong evidence that the family
11 of a returning inmate has a significant impact on
12 post release success or failure. The family
13 often serves as a buffering agent for the newly
14 released prisoner."

15 And in 2004, Nancy Lavignubret (phonetic)
16 put in her paper "Chicago Prisoners' Experiences
17 Returning Home": "The type and level of support
18 offered by family after release, whether
19 emotional, financial or tangible support, such as
20 housing and transportation, is likely to
21 influence the former prisoner's success or
22 failure after release."

23 At EPIC, we have a history of helping
24 children and parents and families stay connected

1 even during incarceration. EPIC programs help
2 parents to be more confident in their role as a
3 parent. We provide workshops by training
4 individuals to facilitate groups in a manner that
5 is non-judgmental and non-threatening.

6 While specific topics are covered and
7 information is shared, the EPIC facilitators
8 enable this to happen without simply lecturing to
9 the participants. Facilitators guide
10 participants through specific discussions so the
11 participant arrives at positive suggestions for
12 child-rearing and being an effective parent.

13 An inmate's love of his or her child
14 provides a common bond with the other inmates.
15 Ultimately, each of the inmates feels safe to
16 share about their families when they're in the
17 workshops and they share their concerns with
18 others. Inmates learn through communication in
19 the group different ways to look at problems and
20 inmates will be able to use their newly learned
21 skills with their children whether it's through
22 the mail, the telephone or upon visitation.

23 Most importantly, the inmate is able to more
24 easily return to the role of a parent at his or

1 her release.

2 In 1995, the New York State Ed Department
3 validated EPIC's curriculum "Pathways to
4 Parenting Workshops for Parenting Young Children"
5 as an exemplary program. We would like to
6 greatly enhance the outcomes for inmates upon
7 reentry by using our curriculum in the New York
8 State prison system.

9 The best proposal would be to have the
10 workshops for the inmate as well as their
11 supportive partner while they are incarcerated on
12 visitation days or other times, if it's
13 available. If the spouse can't make it to
14 visitation days, there is the option of the
15 spouse attending workshops at their home -- close
16 to their home.

17 One of the great things about EPIC is we're
18 all across the state. We offer workshops in
19 schools, churches, EPIC offices and many other
20 sites at the request of agencies or parents.

21 Last fall, Julie Jackson from Central New
22 York, who's a deputy superintendent for the
23 central region for program, and I started talking
24 about holding workshops in the prisons. An

1 outcome of that is we recently held model
2 workshops at Willard Correctional Facility in
3 Romulus, New York and Five Points Correctional
4 Facility.

5 EPIC facilitators ran the workshops and
6 prison employees observed the workshops, their
7 professional staff. I have five short comments
8 to share from the inmates themselves of these two
9 model workshops.

10 "I learned today how important we are in our
11 children's life and the best way to raise them to
12 become a good human being."

13 "I truly felt that EPIC will be very helpful
14 and enlightening to the parents who are in
15 prison. I am also interested in a way to become
16 a better parent."

17 "I feel I can put in motion some of the
18 suggestions."

19 "I felt that I could let my guard down and
20 show that I care about my family without
21 repercussions later from other inmates."

22 "I would really like to have workshops so I
23 could talk about my family."

24 As a result of these two workshops, 29

1 employees from Willard and 10 employees from Five
2 Points have been trained as EPIC facilitators,
3 and the training was just completed in the end of
4 February, I believe.

5 The teaching staff at Willard is including
6 EPIC workshops in their teaching schedule. Also,
7 at Willard, there are plans to hold workshops to
8 be held on visitation days before the parolee is
9 let go.

10 Five Points Correctional is proposing EPIC
11 to be included at their facility as well and they
12 are investigating funding opportunities and
13 scheduling proposals.

14 We've been holding workshops at the Erie
15 County Holding Center near Buffalo and they've
16 been running Parenting Young Children workshops.
17 Evaluation reports show they help parents to
18 understand how they can positively promote growth
19 and development in their children and themselves
20 as parents even while incarcerated.

21 Our research-based Parenting Young Children
22 covers a variety of topics that promote change in
23 parental confidence, stress management and
24 communication skills.

1 On the outside evaluator's report that was
2 taken from the inmates, on average, 73 percent of
3 the participants stated a positive change in
4 their ability to communicate. Most participants
5 articulated they valued the workshops either by
6 reporting a positive change in parental
7 confidence, stress management or communication
8 skills. Almost a hundred percent reported they
9 would recommend the series to another parent or
10 another inmate. And I have that evaluation in my
11 packets for you.

12 There are many challenges to overcome when
13 an inmate is ready to re-enter the community, as
14 everyone has said here today. Some of these are
15 housing which if the families stay in connection
16 with each other, hopefully, that can be addressed
17 before they're released from prison.

18 The others are employment, substance abuse
19 and mental health. But the most important
20 component of reentry is family support provided
21 during incarceration and at the time of reentry.

22 While there's not one specific solution to
23 every family's problems, EPIC program is focused
24 on communication, stress management and building

1 parental confidence helping families to succeed
2 at a time that is critical for their success.
3 And we help them find a solution for their
4 specific family. And I have packets for you.
5 Thank you very much. Any questions?

6 COMMISSIONER FISCHER: When a spouse and an
7 inmate gets together and does the program, when
8 he's released, is there a follow-up with the
9 family from EPIC people?

10 MS. DERUSHA: The workshops are held all
11 over, so it will be highly recommended that they
12 continue the workshops once they're out.

13 COMMISSIONER FISCHER: But what's your
14 experience in terms of them --

15 MS. DERUSHA: These are the first two that
16 I've been involved in are the ones at Willard and
17 Five Points. But we certainly are planning for
18 the future. We always have evaluations on our
19 programs. We've had character education grants
20 from DCJS that we really have evaluated very
21 well.

22 CHAIRMAN ALEXANDER: Any other comments or
23 questions?

24 MS. DERUSHA: Any suggestions?

1 COMMISSIONER FISCHER: Give us the packets.

2 CHAIRMAN ALEXANDER: Ms. DeRusha, thank you
3 very much.

4 COMMISSIONER FISCHER: Jonathan Gradess is
5 not here. Dr. David Deitch.

6 We're about a half hour late. So I don't
7 want to rush everybody, but if you could keep
8 your comments to about the 10 minutes, because
9 obviously, we have some questions to follow so
10 it's taking more time but, please, we are kind
11 of running a little late.

12 Reverend King, please.

13 REV. KING: Good morning. I'm Reverend
14 Terry King, Executive Director of Saving Grace
15 Ministries, Grace House Transitional Residence
16 Program, Buffalo, New York, soon to be in Erie,
17 Pennsylvania, Rochester, New York and plans are
18 underway to develop a site on Flatbush Avenue in
19 Brooklyn.

20 I am that individual who was released from
21 prison on parole with \$40, a set of clothes and
22 an opportunity with a new life and I want to
23 thank everyone on this panel for that
24 opportunity. Some say going to prison is a bad

1 experience. For me, it was a new life. Today,
2 my life is to serve humanity. In prison, I saw
3 men leave and come back, leave and come back, and
4 I knew there had to be a better way. And I kept
5 hearing the story of men that didn't have a place
6 to go. They didn't have an understanding of what
7 they expected to do with parole and how to change
8 their life.

9 When I was released, the Lord got a hold of
10 me, changed my life and I dedicated my life to
11 serving mankind. Grace House was started in 1999
12 with \$250 in an area of Buffalo that was
13 drug-infested, gang-infested and everybody looked
14 at me and said, "This can never happen. You'll
15 never house 20-some parolees in a single house in
16 this environment."

17 Today, looking back, we've invested over
18 \$500,000 in a 22-bed facility that today -- I
19 want to just share this: Grace House is a
20 transitional residence with accountability for
21 men from prison. We don't just take men from
22 prison. We take men that present with FO cases,
23 VFO cases, violent felony offenders, domestic
24 violence, mental health, schizophrenic, bipolar,

1 on medication. We built a dedicated staff to
2 serve that population and, last year, at a 22-bed
3 facility, we had 159 entries, 19 no-shows, 21
4 absconded, 113 completed program, 21 remained at
5 the end of the year; 81 percent graduated program
6 within six months, went on into independent
7 living in community that were destined to go back
8 to prison.

9 This took a collaborated effort of all of
10 our stakeholders. We're a contract provider to
11 Erie County Department of Social Services, City
12 of Buffalo, Federal HUD provider for emergency
13 shelter for the parolee population. We're a
14 contract provider to the Department of Parole,
15 contract for CBRP and RSP. More importantly,
16 we've started an aftercare housing program where
17 every one of our graduates, 100 percent placement
18 in the community, will be housed in independent
19 living.

20 We've taken a model program of taking
21 parolees that present with mental health and
22 having them house together. Some thought that
23 this would be a crazy notion; it wouldn't work;
24 it was dangerous. And here we are in a community

1 where these men are actually thriving and moving
2 on into their own home environments that are safe
3 and supported.

4 Some of the barriers that we're facing right
5 now that we would like to see this panel work on:
6 Personal records. We still remain -- with those
7 large numbers, we're still seeing men come from
8 prison without the proper records, coming to
9 parole and their papers don't follow, birth
10 certificates and vital records, that they
11 desperately need for benefits.

12 Medications, especially with the mental
13 health; medication changes six to eight weeks
14 prior to release from prison and those that come
15 from prison don't either have medication or
16 medication cards that haven't been active.

17 Holiday and Friday releases. For this
18 population that are high profile that present
19 with these types of FO cases or VFO that come on
20 a Friday night, 2:00 o'clock in the morning to a
21 bus stop, we need to really take a look at how we
22 can better plan for those releases that need to
23 have help when they get to a bus station in
24 Buffalo and can't find their way to the facility

1 and it's a weekend or holiday and they're
2 expected to report to parole.

3 But I want to share also with you that,
4 today, Grace House isn't just Grace House 1.
5 It's Grace House 1 through 5. We have today five
6 facilities in Buffalo that service 48 parolees.
7 We have 40 approved on the backlog list and the
8 services are just -- it's exciting that this is
9 working as a program.

10 Parole has an office in our facility.
11 There's always a presence of parole case
12 managers. We've also recently been approved by
13 OTDA, HHAP, for a housing discharge coordinator.
14 One of the biggest obstacles that we faced as a
15 program was we were able to take some of these
16 high cases, these intense cases, stabilize,
17 program, get benefits in place and have parole
18 mandates being met and then have the barrier
19 again: Where do we place them with housing?

20 We appealed to HHAP and OTDA and we were
21 awarded a contract to hire a discharge housing
22 coordinator. We recently were approved for a
23 youth advocate for the parolee population 18 to
24 25.

1 So, today, our programming inside Grace
2 House is life skills, parenting, family
3 restoration, job placement. If you can breathe,
4 you can work and you're on parole, you're going
5 to get a job at Grace House. We're going to find
6 you employment. It may not be the job you want,
7 but it's a career opportunity as a stepping
8 stone. If you need a house to live in, we'll
9 find that. Coming to Grace House is clothing,
10 food, shelter and love. Love isn't just giving
11 these parolees something; it's about holding them
12 accountable to the standards of society.

13 And through this process, we're appealing to
14 this panel that we have a unique situation on our
15 campus that's being developed in Buffalo. We've
16 recently applied for a \$2 million grant through
17 OTDA to build the stage for a special needs
18 parolee facility. Through a lot of work with
19 community leaders, through our mayor, our
20 councilmen, we have an opportunity to build a
21 31-bed, state-of-the-art, fully-secured, medical
22 facility for men that are aged, men to die with
23 dignity and for those violent felony offenders
24 that need to have strict supervision in the

1 community.

2 And it's exciting, because for the first
3 time, we have all the plans done, engineering,
4 architecture, the property is secured and last
5 Thursday, the City of Buffalo Zoning Board of
6 Appeals voted unanimously to approve this
7 project. Oftentimes, people say "Not in my
8 backyard." We've integrated the work of Grace
9 House into our backyard, into a community where
10 leaders are now saying, "You can't close down.
11 You can't close, because we know that these men
12 are being held accountable daily."

13 There's a parole presence. Crime has been
14 reduced. The community is being restored.
15 Property values have increased and we're watching
16 graduates of Grace House purchase and buy homes,
17 not in other sections of Western New York but
18 two, three and four blocks within the scope of
19 Grace House and that's really exciting.

20 And while that was going on, we're also
21 appealing to the panel that we have been working
22 with the Erie County Reentry Task Force, with the
23 mayor, with the police commissioner, to develop a
24 strategic plan to deal with sex offenders. The

1 Civil Confinement Law and the sex offender issue
2 isn't going away.

3 We have before us an opportunity to build a
4 30-bed facility at North Buffalo called the
5 Tonawondo Street Project. It has the
6 endorsement and the support of the community
7 leaders in a brownfield section of an
8 industrialized area of Buffalo that for less than
9 \$250,000 of brick and mortar re-funding can build
10 a facility and remodel a facility strategically
11 placed to provide secure, safe, stable,
12 appropriate housing for Level 3 sex offenders
13 that accesses public transportation to all of
14 their various program needs and is further
15 within 4,000 feet from any known residential
16 facility.

17 I just thank every one of you for the
18 opportunity to serve, but I also realize that
19 serving a parolee population isn't going to be
20 solved just today. The Reentry Task Force has
21 been commissioned to work with stakeholders and
22 community leaders. I applaud, but I also
23 challenge, that the Reentry Task Force not
24 recreate a system of case management that's

1 currently being done by vital community service
2 organizations today such as ourselves but that
3 continues to link and enhance and encourage
4 others to rise up with housing opportunities as a
5 teaching collaboration of community resources
6 that funnels down to the stakeholders for funding
7 opportunities and that engages them, encourages
8 them and supports them in their mission to serve
9 men from prison.

10 I thank you and I look forward to many more
11 years of working with parolees and seeing crime
12 reduced, recidivism reduced and men have hope to
13 change their lives. Prison's not the answer.
14 For some, prison will be the answer by choice,
15 but for others, the struggle in that revolving
16 door of prison and the recycling, there are other
17 opportunities and we're here to help them on that
18 path. Thank you.

19 COMMISSIONER FISCHER: Thank you. Any
20 questions?

21 CHAIRMAN ALEXANDER: Reverend King, with
22 regards to your employment opportunity, your
23 ability to provide employment, is it
24 self-sustaining employment, employment that a

1 person can base a career on, or is it just
2 make-due jobs?

3 And secondly, with regards to the employment
4 accuracy of programs, what kinds of funnels does
5 your program employ?

6 REV. KING: The first is employment. We do
7 an assessment on every individual that comes
8 through program from day one and some of the jobs
9 are entry-level and some of the jobs are
10 life-sustaining, career-sustaining. It depends
11 on the skill set.

12 And so what we try to do is plug people in
13 the jobs that are appropriate for where they are
14 at the time and parole mandates at the time deal
15 with the population we serve. Often times, men
16 that are FO cases, VFO cases, violent felony
17 offenders, they may be in program three or four
18 days a week. So integrating and working around
19 those parameters is a priority and we're limited
20 on job opportunities.

21 But we've also had job opportunities from
22 employers in the Western New York District that
23 are very, very good pay, life-sustaining and
24 family-raising opportunities.

1 Our staff at Grace House consists of
2 professional case management social worker with
3 a CSW, MSW. We recently hired a retiring New
4 York State parole officer and we have a youth
5 advocate and employment case manager.

6 CHAIRMAN ALEXANDER: Follow-up question. In
7 terms of follow-up with them, either in treatment
8 or employment, 30, 60, 90, 120 days after their
9 being seen by your organization, do you have
10 anything like that in place?

11 REV. KING: Yes. Prior to being discharged
12 from our program, we do a discharge planning. We
13 meet with them and we find out information such
14 as their discharge plan of where they're living,
15 where they're working, so they can stay in
16 contact.

17 Then, we ask them to voluntarily come back
18 in 30, 60 and 90 days so we can continue to do
19 assessments. Part of this process is to get the
20 outcomes, to know how successful these men have
21 been and, also, if they're running into other
22 barriers, obstacles or if they need to, perhaps,
23 make a change in their transitional plan.

24 We do have a program in place that works

1 with them after the program of Grace House.

2 CHAIRMAN ALEXANDER: Thank you.

3 COMMISSIONER FISCHER: Any other questions
4 or comments?

5 DIRECTOR FITZMAURICE: I have a question.
6 I'm curious about what you were talking about
7 regarding transitional housing where you provide
8 the program and then, after that, folks are able
9 to move into some sort of subsidized housing when
10 they're employed. How do you fund that?

11 REV. KING: That's generally through the DSS
12 and through their self-pay. We've developed a
13 network of many, many housing providers that will
14 rent to the parolee population that graduates
15 Grace House 1, because they understand they're at
16 a different place in their life mentally,
17 emotionally and with their parole mandates, they
18 know there's a stiff consequence if they act out.

19 And so we have contracts in place, a process
20 of transition through DSS that will pay the rent.
21 And, also, they understand that if they are
22 employed and they go above the threshold, that
23 they're self-pay. And, also, many of the housing
24 providers have reduced rent on a sliding scale

1 for many of the men that we serve.

2 COMMISSIONER FISCHER: Thank you very much,
3 Reverend.

4 Would Mindy Tarlow step up?

5 Dr. Deitch from Phoenix House.

6 DR. DEITCH: Good morning and thank you very
7 much for the opportunity. I recognize that we
8 are all here grappling with probably the most
9 significant current problem. We at Phoenix
10 thought of this meeting as so important that our
11 new president and our new regional director both
12 came with me to listen to the remarks. We view
13 this as both an opportunity to share ideas and to
14 learn some more.

15 I am currently a professor of psychiatry at
16 the University of California, San Diego. I've
17 been on sabbatical for the past year serving as
18 Phoenix House's chief clinical officer. While at
19 the university, however, I directed the Center
20 for Criminality and Addiction Research, Training
21 and Application. However, I am returning full
22 time to New York, which is the place where I
23 began my career, so I'll be maintaining my career
24 back in New York.

1 My remarks are based both on research and
2 some pragmatic considerations. First, if I may,
3 I understand that there is an initiative before
4 you from the New York Association of Therapeutic
5 Communities of America principally led by the
6 organization Staying Out, which is referred to as
7 the 777 model: Seven months of work with inmates
8 pre-release; seven months of transitional care
9 post-incarceration, and then seven months of
10 outpatient service.

11 I would like to comment that there is,
12 indeed, merit in such an idea. While there may
13 not at present be research to validate the
14 particular time segments, there is certainly
15 research that would validate the concept of both
16 in-custody treatment, the necessity of
17 post-custody treatment and then recovery
18 management in whatever form is available.

19 Permit me, though, to offer two examples
20 from our California experiments with which I am
21 very closely both associated with and
22 knowledgeable about that do have strong research
23 components attached to them and some interesting
24 findings that I thought would be of value to

1 share.

2 First is a program referred to as the Mental
3 Health Services Continuum Program where our
4 university center and others worked with the
5 California Department of Corrections and
6 Rehabilitation in the development of this
7 conceptually, particularly a piece referred to as
8 the Transitional Case Management Program for
9 mentally ill offenders.

10 This whole project then is aimed at one of
11 the top re-offending, re-incarcerating
12 populations whose duration, survival duration, on
13 the street is a very short window and end up
14 costing the California Department of Corrections
15 immense amounts of money.

16 The project was essentially aimed at
17 providing casework inside the prison three months
18 pre-release, organizing all of the critical
19 records, particularly the medicine, the pharmacy
20 and then facilitating the parole outpatient
21 clinic contact.

22 The data is now in and it's startlingly
23 positive. When an assessment occurs prior to
24 release, there's a 66 percent increase in arrival

1 at the parole outpatient clinic. Having one
2 single visit at that outpatient clinic
3 immediately results in a savings of about \$5,000
4 per severely mentally ill and a little less than
5 \$3,000 for the generally mentally ill.

6 In short, the outcome of that project
7 already demonstrates savings in every 18-month
8 window of \$130 million. This is not cure. This
9 is engagement that keeps the person out of
10 custody longer and, perhaps, increases the
11 likelihood of continued success. That's one.

12 The second is another recidivism reduction
13 program that was the result of a White Paper
14 submitted to one particular county, then turned
15 into legislation referred to as Senate Bill 618.
16 It's essentially a combination of restorative
17 justice, reentry court components and community
18 corrections all folded into one. It begins at
19 the time of the plea and guilty finding. The
20 felon is assessed in the community before the
21 sentence is provided. That engages both
22 probation and the case management service.

23 All of the needs, substance abuse,
24 education, criminality, including then engagement

1 with victim group, the willingness of significant
2 others, are all organized into a package and
3 assessed. That's provided to the sentencing
4 court. The sentencing court takes that full
5 recommendation, recommends that a particular plan
6 of exposure for the inmate be provided when they
7 reach the Department of Corrections.

8 In custody, case management, a formal
9 corrections officer case manager, then follows
10 progress on those particular recommendations.
11 Three months pre-release, an external case
12 management group arrives with an inside visit,
13 assesses the project and progress, prepares the
14 community for the release, coordinates the
15 release by meeting the inmate, then case manages
16 the contact with parole and access to all the
17 critical ingredients by ensuring that the
18 medications, the Medicaid, the license, the
19 certificates. All the documents of
20 identification are arranged. The housing is then
21 arranged.

22 A word about housing here: I think this is
23 a problem that no one yet has solved across the
24 nation. Many of the inmates emanate from public

1 housing. Their families are still in public
2 housing, but they can no longer return to that
3 public housing constituting a greater risk and a
4 greater problem for solution.

5 The estimated savings so far as this is in
6 progress are \$130 million a year for one county.
7 With the benefits of those case management
8 projects in mind, I would like to propose a
9 couple of thoughts for some other case management
10 projects.

11 Perhaps, an equally important initiative
12 would be, as you have heard today, in the care
13 and engagement of the children who have parents
14 in custody settings. Clear data exists that that
15 population of youth are at high risk for multiple
16 social problems with great financial cost.

17 Phoenix House has pioneered through its
18 Center on Addiction and the Family a number of
19 very useful manuals that are provided to
20 caregivers to guide them in how to work with
21 these children and how to then, the temporary
22 caregiver, work with them relevant to visits to
23 the parents in prison or visits to the parents in
24 treatment agencies and prepare them for that.

1 We would recommend that serious thoughts go
2 into funding and underwriting a case management
3 service that would, A, visit the children of all
4 prisoners, help the caregivers understand the
5 dilemmas of those children and provide
6 appropriate contact for them and training and
7 education, assess their needs relevant to health
8 and mental health, prepare the children and the
9 offenders for re-connection upon release and then
10 do that upon the release and then monitor and
11 follow up for re-unification success over the
12 next six-month period.

13 A second initiative that I think deserves
14 your thoughtfulness is that many of the substance
15 misuse disorders that are present in every prison
16 population also have, as we recognize, an
17 increasing percentage, 30 to 40 percent, it now
18 looks like, co-occurring disorders.

19 Co-occurring disorders require additional
20 knowledge and additional competencies. We have
21 been working with John Jay to create a
22 co-occurring disorders addiction treatment
23 certification. There is no certificate for these
24 competencies in this state. We would recommend

1 or request that you think about how you might
2 fund or contribute to the development of this and
3 a master's program toward that end.

4 But finally, and most importantly, if we
5 provide folks with these additional competencies
6 to better serve, upon release or within custody,
7 individuals with co-occurring disorders, we have
8 to think about the critical work force shortage
9 that currently exists. And without considering
10 some financial incentives to remunerate this work
11 force, the other competitive marketplace issues
12 continues to leave us in serious deficiencies.

13 So, A, contribute to the development of this
14 certification course and, B, contribute to an
15 increase in the salary ranges for the
16 practitioners who are carrying out this work.
17 Thank you.

18 COMMISSIONER FISCHER: I'd be curious on the
19 California one on mental health -- we have a
20 similar system here in New York -- what was your
21 population? How many inmates processed through,
22 say, in 12 months?

23 DR. DEITCH: In 18 months, 40,000.

24 COMMISSIONER FISCHER: Excuse me. 40,000

1 inmates were given this special mental health
2 program?

3 DR. DEITCH: In 18 months, 40,000 EOP and
4 severely mentally ill and other mentally ill
5 prisoners were paroled. Our project handled half
6 the state.

7 COMMISSIONER FISCHER: Do you have research
8 that we can look at?

9 DR. DEITCH: I absolutely do and I'd be very
10 happy to provide it to you.

11 COMMISSIONER FISCHER: Thank you.

12 Questions?

13 (No affirmative response.)

14 COMMISSIONER FISCHER: Thank you, Doctor.

15 Will JoAnn Page and Barry Campbell step
16 forward?

17 Mindy, could you begin?

18 MS. TARLOW: Sure. Hi, everyone. My name
19 is Mindy Tarlow and I'm the executive director
20 and chief executive officer of the Center for
21 Employment Opportunities, or the CEO of CEO for
22 short.

23 CEO provides immediate comprehensive and
24 balanced employment services for men and women

1 returning from jail and prison to New York City.
2 But, today, I'm here as a member of the New York
3 City ATI and Reentry Coalition to testify on the
4 importance of employment services for these
5 individuals as they re-integrate into their
6 communities, and I swear that it will take five
7 minutes, if not less.

8 I think we'd all agree that it's pretty hard
9 to get a job when you don't have one. Well,
10 imagine looking for that job as a young man of
11 color just returning home from prison with few
12 work skills, limited education, no references and
13 a criminal conviction to explain to prospective
14 employers.

15 It's not surprising, given that, that while
16 finding a job is a top priority of most people
17 coming home from prison, up to 60 percent of
18 formerly incarcerated people are unemployed a
19 full year after release. This high rate of
20 unemployment contributes to the cycle of
21 incarceration.

22 In fact, in New York State, 89 percent of
23 people who violate the terms of their probation
24 or parole are unemployed at the time of

1 violation. This statistic illustrates the strong
2 link between employment and crime.

3 In addition to reducing crime, work
4 strengthens communities by creating opportunities
5 for young men to be role models for their
6 children and by adding tax-paying contributing
7 members to society.

8 So the real question is: Why has society
9 made it so hard for formerly incarcerated people
10 to find employment? Why is this basic emblem of
11 productive community life so difficult to obtain
12 and so routinely denied people with criminal
13 records? And more importantly, what can we do to
14 make it easier?

15 A few thoughts: First, we must seek to
16 remove occupational bans and other legal barriers
17 as presented in the testimony of Glen Martin from
18 the National H.I.R.E. Network and the Legal
19 Action Center. We must also support proven
20 strategies that helped formerly incarcerated
21 people find and keep jobs.

22 One proven strategy is to provide an
23 intermediary between formerly incarcerated
24 job-seekers and employers to level the playing

1 field and ensure that those who want a job can
2 get a job.

3 Several community-based organizations in the
4 ATI and reentry community, including CEO, perform
5 this function in partnership with parole and
6 other criminal justice agencies. Services
7 include job readiness training, paid transitional
8 employment, placement in permanent jobs and
9 support services, including access to housing and
10 drug and alcohol treatment.

11 We believe the continuation and enhancement
12 of these services are critical to increasing the
13 employment rates of formerly incarcerated people.
14 Further, we must work more closely with employers
15 themselves -- and I can't emphasize this enough
16 that they are a partner in this -- and we must
17 provide them with the incentives they need to
18 hire more people with criminal records. Wage
19 subsidies, tax credits and access to federal
20 bonds are but a few of the employer incentives
21 that have proven effective and that should be
22 increased.

23 We must educate employers and reduce their
24 concerns about any liability associated with

1 hiring people with criminal records. We must
2 also, as CEO does, work in partnership with
3 parole officers in the community to promote
4 engagement in work activities.

5 Finally, to promote meaningful and
6 productive reintegration for formerly
7 incarcerated people, we as a community must
8 leverage our relationships with and connections
9 to the multiple government systems with which we
10 interact. These systems, criminal justice, work
11 force development, welfare, child support, health
12 and mental health, drug and alcohol treatment,
13 housing and education, to name some, all have
14 programmatic and financial resources we must take
15 full advantage of, and government and
16 community-based organizations must work together
17 to do this.

18 One collaboration between these systems
19 occurred several years ago between DCJS, DPCA and
20 the Office of Temporary Disability Assistance.
21 For the first time, state criminal justice and
22 welfare authorities came together and used
23 welfare or TANF dollars to support programs for
24 people involved in the criminal justice system.

1 The programs funded at that time continue
2 today and are fine examples of the kinds of
3 creative partnerships we need to better serve the
4 people in communities we're trying to help.

5 We hope you will expand upon this best
6 practice and continue the state's commitment to
7 these important services. Thank you.

8 COMMISSIONER FISCHER: Questions?

9 (No affirmative response.)

10 COMMISSIONER FISCHER: You did it in record
11 time. Thank you very much.

12 As Mindy leaves, could Elizabeth Gaynes come
13 up?

14 JoAnn and Barry, please.

15 MR. CAMPBELL: Hello. My name Barry
16 Campbell and I'm currently employed with the
17 Fortune Society. I am a formerly incarcerated
18 individual and a beneficiary of an ATI program.

19 I was brought up here today by my boss,
20 JoAnn Page, because what we recognize is that too
21 often, there's not enough formerly incarcerated
22 individuals that enter in such a forum. And what
23 we want to be able to do is to show individuals
24 that we're not just something on black and white

1 paper, we're not just numbers, we're not just
2 statistics; we're human beings.

3 And the most important part about it is that
4 there are several things that are happening right
5 now in New York State that is affecting them as
6 human beings. We have this policy right now
7 where we're releasing parolees into the shelter
8 system. Well, you know, I'm not going to try to
9 talk bad about another agency, but if you ever
10 take a walk through the shelter system in New
11 York City, you're setting up a parolee to
12 recidivate immediately, because it is horrifying.

13 The other thing about it is that we need to
14 make sure that funding streams goes to housing
15 programs that have no charge exclusion and
16 require no clean time. It's a very important
17 piece, because what we recognize at the Fortune
18 Society is that if an individual doesn't have a
19 safe place to rest their head, a safe place to
20 live, how can they address the issues that led
21 them to the criminal justice system in the first
22 place?

23 These issues are very important and need to
24 be addressed and can only be done so when an

1 individual has a safe environment to live in.
2 And most of these programs that do accept
3 individuals have these charge exclusions and
4 these clean times. And for someone who's coming
5 home after doing twenty-six years, ten years,
6 three years and they're released with \$40 and a
7 bus ticket, they have no clean time. They don't
8 count your time inside.

9 The other piece is that we need to set up a
10 system so that these individuals are being
11 interviewed for housing while they're
12 incarcerated, not when they come out, while
13 they're incarcerated. And we can do that,
14 because all of the individuals to make that
15 happen are in this room.

16 I want to thank everybody for your time.
17 I'm going to turn it over to JoAnn Page.

18 MS. PAGE: I want to echo Barry's thanks to
19 begin with, because the expertise is in this
20 room. I don't think there are many people here
21 who are just starting this work. And I think --
22 and I tend to be blunt-spoken. I think that
23 there was a model of how not to do reentry work
24 set by the state where the providers weren't

1 involved. And my hope is that this is the
2 beginning, that this is a start, and that you'll
3 use the expertise that's in the community.

4 I also am part of the ATI Coalition. I want
5 to step back for a minute. I want to talk from a
6 broader perspective, if you will. I've been
7 doing this work since I started as a volunteer at
8 Green Haven when I was 18 years old and I got
9 some of my best education in Stormville.

10 Fortune's 40 years old. What we've seen in
11 those years is more people locked up for longer
12 time with less services coming back to more
13 distressed communities and, yes, we've seen
14 change, but most of it's been in the wrong
15 direction.

16 As I say that, I look at New York and I
17 compare it to a state like California and we're
18 doing better. California is choosing to invest
19 massively in incarceration and it's seeing rises
20 in crime and I don't think those things are
21 unconnected. New York has shown leadership in
22 closing down some prison cells and in seeing a
23 drop in crime.

24 I think that the work that the people in

1 this room do is part of that and I think there's
2 room to do more of it. What Fortune does is
3 serve between 3,000 and 4,000 men and women
4 coming out of prison a year. We're based in New
5 York City. We provide wrap-around services. I
6 won't go into them in detail, but what we try to
7 do is meet the needs of the people who walk in
8 our doors.

9 NIJ is very interested in what we're doing
10 and has funded an evaluation because they think
11 it has national significance for replication,
12 because we'll serve almost anybody who walks in
13 our door. Our only exclusion is that a person
14 pose a current risk of violence and we translate
15 that tightly. It means bringing in a pickaxe
16 with blood on it and you can come back the next
17 day if you don't have a pickaxe.

18 So we're very open and we also let people
19 keep coming back as many times as it takes,
20 because we believe that if it took you 10 or 15
21 or 20 or 30 years to get into the level of
22 trouble you're in, it may take you that long to
23 work your way out. There's no silver bullet; I
24 wish there were. If somebody promises it to you,

1 I would run the other way. It takes work to undo
2 damage. And part of what I'd like to see is less
3 damage done in the first place, which is the gist
4 of what I want to talk about.

5 I echo what Marsha said about demonstration
6 projects. We've got demonstration projects that
7 are decades old. How long do you need to
8 demonstrate; okay?

9 There's a blueprint that the ATI Coalition's
10 put together. It has all of the data. It has
11 all of the references to all of the research. It
12 has lots of concrete recommendations. I don't
13 want to re-invent that here, but we titled it
14 "Bringing Justice to Scale."

15 I've been doing human change work for most
16 of my life and some of it is a mystery. Anybody
17 who's ever tried to quit smoking or lose weight
18 or get out of a bad marriage knows how many times
19 you know it in your head but don't follow it
20 through. But I think human change on a broader
21 scale includes some things we really know. We
22 know some things that work. We don't do enough
23 of them. We know some things that don't work.
24 We do far too many of them.

1 I'd like to make a minor system change
2 recommendation, which is that we do a little less
3 of what doesn't work and we plow some of the
4 savings into what does. I'm not saying it big;
5 okay? I'm just saying let's experiment a little
6 bit.

7 So I want to talk about what does and
8 doesn't work that we know about that there's
9 plenty of documentation about. College works and
10 Commissioner Fischer knows that and has been an
11 advocate for it. I think that the average Pell
12 Grant was \$1,800. Nothing has shown better than
13 higher education to reduce recidivism. We choose
14 to spend \$25,000 or \$30,000 for a prison cell,
15 \$60,000 for a jail cell and not to invest in
16 college. We need to bring college back.

17 ATI works. The City spent lots of money
18 having Vera and CJA evaluate our ATI programs.
19 What we know is they save money, they don't
20 endanger community safety.

21 In fact, we looked at our programs at
22 Fortune and it cost \$10,000 to save \$30,000.
23 Sounds like a good investment. I'd like to see
24 more of it. We should bring our ATI programs to

1 scale.

2 Housing: Barry talked a little bit about
3 it. It's not a mystery. What's a mystery to me
4 is why we'll spend \$25,000 a year for a shelter
5 bed and, yet, we won't spend \$25,000 for a bed in
6 the Fortune Academy where a person gets the
7 skills they need and moves out to independent
8 living. So we're choosing to spend. I don't
9 think we're choosing to spend wisely. I want to
10 come back to housing in a minute.

11 Wrap-around services work. We know it.
12 We've got the documentation. Family services
13 work, because if a person comes home to a family,
14 their odds go up and their family's odds go up.
15 And I bless the Governor for choosing to get rid
16 of those exorbitant charges for collect phone
17 calls, which were one of the simplest ways of
18 breaking up family stability that I can think of.

19 I also applaud DPCA for the pioneering work
20 it did in using TANF funds for funding services
21 for men and women who are parents and coming out
22 of incarceration.

23 One other thing that works, and this is kind
24 of fuzzy, hope works. I've looked at a lot of

1 people and made my own little internal
2 calculations about whether they'd make it or not
3 and I've seen people who had everything lined up
4 who fell on their faces and I've seen people who
5 looked like they had every obstacle imaginable
6 against them and they made it through. And I
7 think there are things that we do that feed hope
8 and things that destroy hope, and I'd like to
9 point especially to how the criminal justice
10 system handles long-termers.

11 If people get hit over and over on the
12 parole board for things they can't change and
13 what they've accomplished while they've been
14 locked up is ignored, that damages hope. If we
15 choose to say to people with violent convictions
16 "You're not eligible for work release," even
17 though people with homicide have the highest
18 success on work release of any category of
19 people, it's a rather odd set of behaviors for us
20 if we care about community safety, because to
21 take the people we're scared of most and give
22 them the least attention and then dump them in
23 the community does not seem like a good move in
24 terms of community safety.

1 Something else about hope: We've changed
2 the laws so that people on parole for a lifetime
3 with violent convictions can never get off
4 parole. I cannot tell you how many people I've
5 seen with years of success in parole who've given
6 up, because they see no hope of ever getting out
7 of supervision.

8 What doesn't work? A couple of things,
9 right? Overuse of incarceration doesn't work.
10 We serve people who come from communities hit
11 hard by crime and hit hard by incarceration.
12 Dumping somebody with an addiction history in
13 Port Authority with \$40 in his pocket and the
14 housing plan being a bed in Bellevue doesn't
15 work.

16 Having 80 percent of the parolees who return
17 to prison coming back for technical violations
18 doesn't work.

19 And I just want, because I'm seeing the time
20 signal, to make an invitation to you. We've done
21 an experiment at Fortune. We have a facility at
22 140th and Riverside that looks like a castle that
23 houses 62 men and women just out of prison. We
24 don't do charge exclusions. We work with people

1 regardless of their history. We don't require
2 clean time. We've built a supportive community.
3 And in five years, we've seen over 500 people
4 come through.

5 We're getting studied by John Jay right now
6 and we're about to build another building in the
7 empty lot behind that will have housing for 114
8 people; 50 of them are clients and 64 of them low
9 income people from the community. And we're
10 getting community support, because we're meeting
11 community needs and we've built trust.

12 So change is possible. I would like to see
13 us looking at what works and doing more of it.
14 Thank you.

15 COMMISSIONER FISCHER: The community support
16 is a tough issue for us. What do we say to
17 everybody, the society, if you would, at least
18 the taxpayers? Why should I pay -- or why should
19 we commit so much money to prisoners when some of
20 the same services are being not afforded those
21 who have not committed crimes, such as need for
22 housing, need for rehabilitation, need for jobs?
23 Why spend \$5 on a person who's committed a crime?
24 Why not spend the \$5 on someone who has not?

1 How do you respond? You've been in the
2 community forever.

3 MS. PAGE: I actually was asked that
4 question. I was on the O'Reilly Factor, which
5 is great fun, and he asked that question about
6 college funding and I said, "If you're willing to
7 spend \$30,000 to lock a person up, why on earth
8 would you not be willing to spend \$1,800 to make
9 the community safer and save \$30,000?"

10 So I think that if you only ask that
11 question in terms of why should we put resources
12 in the hands of bad people, the answer always
13 will be no. If you ask the question in terms of
14 how do you make communities safer, use your money
15 wisely and save money that can be reallocated to
16 the things that make neighborhoods safer, I think
17 you get a different answer.

18 What we faced when we opened our building in
19 Harlem was a community that was scared to death
20 of us, because it was a neighborhood hit hard by
21 crime. And it took us years to build trust and
22 it takes what it takes to be a good neighbor.
23 You keep your promises. You run a tight
24 building. You make sure there's no violence.

1 And in the second leg of our journey, what
2 we did was we asked our community advisory board:
3 What does this community need most? And we were
4 told truly affordable housing, because it's a
5 neighborhood where affordable housing is
6 vanishing.

7 So we're going to be doing a mixed use
8 building that provides low income family housing
9 as well as housing for our folks, and we're
10 getting strong community support.

11 COMMISSIONER FISCHER: Thank you.

12 Questions?

13 (No affirmative response.)

14 COMMISSIONER FISCHER: Thank you very much.

15 (Applause.)

16 CHAIRMAN ALEXANDER: We are joined by, and I
17 want to say good morning to Senator Montgomery as
18 well.

19 (Applause.)

20 COMMISSIONER FISCHER: Would Mary Sprague
21 come up? Managed Work Services of New York.

22 Elizabeth.

23 MS. GAYNES: Commissioner. Well, it's
24 always sort of a mixed blessing to follow JoAnn

1 Page. The good news is that she said plenty of
2 things that I don't need to say now, which should
3 save me a little time. But it is an
4 extraordinary opportunity to be with four
5 agencies, agency heads, all of whom we have
6 contracts with and each of whom I can speak with
7 on an individual basis, but the kinds of issues
8 we're dealing with now cross all your agencies
9 and it is a refreshing part of this new world
10 that these agencies are really in the room
11 together and inviting us into the room.

12 I would encourage you to think of yourselves
13 as way more powerful than you think of yourselves
14 as being able to make the kinds of policy
15 changes. I feel like if the four people that
16 this Governor chose to head law enforcement in a
17 sense and corrections in this state agreed on a
18 change in policy or supported a change in
19 legislation that we would see brand-new things,
20 and so I will ask for some things.

21 I'm not going to talk about Osborne. You
22 can read the contracts. You know what we do. I
23 want to focus on work release, parole guidelines
24 and children with parents in prison.

1 First, in terms of parole guidelines, we
2 work on a long-term or lifer project that has a
3 research component that you'll be getting a
4 policy memo from Dr. Michelle Fine and Dr. Todd
5 Clear from the CUNY Graduate Center at John Jay
6 that's really looking at people charged with
7 violent offenses, long sentences and parole
8 policy and analyzing types of crime.

9 And no surprise, we will learn that the
10 re-incarceration rates for people serving
11 sentences eight years or more are very low. To
12 the extent that such people are re-arrested, the
13 vast majority are for parole violations, not new
14 crimes. And women who've served eight years or
15 longer have remarkably low re-arrest rates. Only
16 one woman out of 276 was re-arrested for a new
17 crime. And I think it really leads us to have to
18 look back at the fact that we have not revisited
19 our parole guidelines in decades.

20 And in particular, those guidelines for
21 people serving more than eight years were
22 designed only to set a minimum sentence, which is
23 no longer required of parole. That is now the
24 function of the courts. And this gives us an

1 extraordinary opportunity to re-look at the
2 weight and level the importance of guidelines.

3 I, of course, believe that public safety and
4 rehabilitation are critical and need to get more
5 weight and I hope that the state will really take
6 this on in terms of looking at those guidelines,
7 Chairman and Director.

8 It's not disconnected, however, to work
9 release, because New York has the most
10 extraordinary resource of work release facilities
11 that are the most under-utilized resource that we
12 have. We don't have a halfway house system in
13 New York. These are facilities that are not
14 nearly doing what they could do because of
15 policies and legislation that have restricted
16 their use for the people that would most benefit,
17 which are people that have served more
18 significant time. It is probably close to
19 immoral to be releasing people who have served 10
20 years or more directly from a maximum security
21 facility.

22 I appreciate the efforts that DOCS has made
23 to bringing people closer to home shortly before
24 they're released, but reentry is not a 30-day,

1 60-day or 90-day process. It's much longer than
2 that. I think there's a great opportunity for
3 Parole and DOCS working together to identify
4 people who have done long-term and life sentences
5 who appear to be closer to release, maybe
6 reinstating our one-year hits and saying those
7 people could be put into work release and to
8 begin to really look at this resource in a very
9 different way, Assemblyman Aubrey and Senator
10 Montgomery.

11 In addition to that, I would support the
12 policy to take people who are serving life
13 sentences off parole after a reasonable amount of
14 time. These people work for us and we can't even
15 send them to conferences relevant to their field,
16 because they remain under supervision for years
17 beyond what's required.

18 Moving to a completely different page,
19 children of incarcerated parents: Mass
20 incarceration, to no one's surprise, has resulted
21 in the greatest separation of families since the
22 end of chattel slavery and the greatest
23 separation of parents and children in human
24 history.

1 It's not good for the kids. It's not good
2 for the parents. We were fortunate that the
3 fathers who ran correctional services and the
4 Assembly 20 years ago believed that fathers had
5 an important role in the lives of children even
6 if they were incarcerated. And we have for over
7 20 years operated children's centers, parenting
8 programs and visitation support for men and their
9 families in a number of facilities, initially
10 just supported by DOCS and the Assembly and now
11 by OTDA and the federal government.

12 People who receive visits while incarcerated
13 are six times less likely to return to prison
14 than people who receive none and, yet, the
15 majority of parents are housed in facilities more
16 than 100 miles from home.

17 Three out of a hundred American children,
18 one out of eight African-American children will
19 go to sleep tonight with a parent behind bars.
20 We can do better.

21 There is a Bill of Rights that children of
22 incarcerated parents have created that New York
23 could adopt either as sort of a patient's bill of
24 rights as a standard, if not requirements. It

1 says: "I have the right to be kept safe and
2 informed at the time of my parent's arrest. I
3 have the right to be heard when decisions are
4 made about me. I have the right to be considered
5 when decisions are made about my parent. I have
6 the right to be well cared for in my parent's
7 absence. I have the right to speak with, see and
8 touch my parent. I have the right to support as
9 I face my parent's incarceration. I have the
10 right not to be judged, blamed or labeled because
11 my parent is incarcerated. And I have the right
12 to a lifelong relationship with my parent."

13 I would ask every New York State agency, and
14 I'd like DCJS to direct state agencies, to
15 inventory every policy that you have to see how
16 those policies square up with these rights. We
17 may want to take or punish people who commit
18 crimes, but meeting the needs of children and
19 respecting their rights supports all public
20 policy issues.

21 We're looking specifically at arrest
22 policies, what happens when a parent is arrested
23 and, also, as my partners at DOCS well know,
24 visitation policies, we could not be more

1 grateful for your change in phone policies and,
2 also, a whole range of reentry issues around when
3 we house people closer to home, farther from home
4 and access.

5 In particular, in terms of supporting
6 families, relative to the discussion about
7 housing, I would suggest -- as you know, New York
8 is ahead of many states by offering kinship
9 foster care whereas we will pay a family member
10 for foster care for a child in care even if
11 they're related.

12 We pay \$25,000 for putting people in a
13 shelter. We could have kinship foster care for
14 people we're sending home. If we want peoples'
15 families to step up to the plate and help people
16 when they get home, New York should have a policy
17 that allows us to provide financial support to
18 families to make it possible for them to welcome
19 people home.

20 You could half your housing problem very
21 quickly by helping children and families reach
22 out to family members.

23 I'm grateful that we've brought many people
24 into the room who were formerly incarcerated, but

1 I promised some of the Commissioner's guys
2 formerly from Sing Sing, now at Fishkill, that
3 I would bring them into the room. I just want to
4 add very quickly: I asked them to please
5 prioritize what they would like us to raise in
6 terms of policy issues that are of importance to
7 them and, once again, these are largely
8 long-termers and lifers who frankly have done
9 pretty much everything else other than creating
10 policy for you, and I would recommend that you
11 consider this.

12 One: Restore college prison programs.

13 Two: Establish more quality programs, such
14 as Breaking Barriers, Victim Awareness,
15 Parenting, Fatherhood and Mentoring, Domestic
16 Violence.

17 Expand merit time and work release to
18 include VFOs.

19 Job training that is current and relevant.

20 A change in parole policy, including routine
21 hits for nature of offense and limited
22 interaction with individuals regarding parole
23 preparation, housing and employment.

24 Use of more registered volunteers,

1 particularly formerly incarcerated people who are
2 now working as case managers, counselors, HIV
3 educators, professors and the like.

4 And a cost of living increase for the
5 payroll.

6 Over the past 25 years, commissary items
7 have increased considerably. The last time
8 people in prison received pay rates commensurate
9 with their work was in the mid-'80s. I support
10 that entirely. Our inmate program aides are
11 underpaid.

12 Additionally, they recommended a variety of
13 strengthening family ties, supporting family
14 programs. And I am delighted that the direction
15 that the Department is going appears to support
16 that and I look forward to working together
17 inside the room, outside the room and wherever
18 else we meet. Thank you.

19 COMMISSIONER FISCHER: I hope you're not
20 suggesting that the inmates unionize, do you?

21 MS. GAYNES: I did work at Green Haven in
22 the days of the prisoners' labor union and it was
23 a good idea then and it's a good idea now. My
24 founder, Thomas Osborne, who occupied your

1 office, Commissioner Fischer, a hundred years
2 ago, in fact, tried to create the Mutual Welfare
3 League whose motto was "Do good, make good." So
4 yes.

5 COMMISSIONER FISCHER: Any questions for
6 Elizabeth?

7 (No affirmative response.)

8 COMMISSIONER FISCHER: Thank you. Would
9 JoyAnn Savino, Citizens for Restorative Justice,
10 come forward? Thank you.

11 Please go ahead.

12 MS. SPRAGUE: Hi. My name is Mary Sprague
13 and I'm vice president of employment services at
14 VIP Community Services in the Bronx. I want to
15 thank DCJS for the invitation to speak today, but
16 much more importantly, for convening this open
17 meeting that will give us the opportunity to
18 think and learn together.

19 Out of our collective efforts, I hope, as
20 you do, that we will find creative and fresh
21 strategies to assist with re-integration issues.
22 Everyone in this audience can hold the stats, so
23 I'm not going to do that in my few minutes with
24 you. Actually, that's why we're here. We want

1 to change the numbers.

2 When people I've met hear that I work at
3 VIP, they always want to know kind of: What do
4 you do? Well, VIP has a 33-year history in the
5 Bronx of providing substance abuse treatment.
6 We have about 1,100 people a day that come to us
7 for methadone treatment; we have residential
8 men's, residential women's; absolutely incredible
9 HIV prevention and care; a woman's storefront
10 center; and last, but not least, employment and
11 that's what I head. I head employment.

12 Back in 2002, VIP started Managed Work
13 Services. They went and looked for a director
14 and came to the private sector and scooped me up.
15 So, good for VIP. But what I've learned over the
16 six years, and so many others in this room have
17 been at it for 30 years, I want to give you in my
18 five-minute summary.

19 We need to listen very carefully to the
20 people who do the work. Whether fed, state or
21 city, hear us from the community. The
22 community-based organizations know what's
23 happening, know what's needed to help people
24 succeed and not to go back into the system.

1 Then, if I may be so bold, fund it, hold us
2 accountable and support best practices to
3 replicate and build scale. That's what any
4 business would do.

5 Establish a system to disseminate best
6 practices so we don't spend a lot of time
7 re-inventing the wheel.

8 Two: Understand and acknowledge that a lot
9 of people we are incarcerating shouldn't be in
10 the system.

11 I've got a great success story and I've got
12 failures. I've got Dorian who was a substance
13 abuse graduate in recovery, homeless, came to us.
14 We call them gateway jobs, these entry-level
15 jobs. And we placed him at \$7.69 an hour. We
16 placed him with a coach and mentor. He needed a
17 heck of a lot of coaching and mentoring, because
18 we had to kind of make sure he stopped selling
19 his illegal DVDs to everybody at the workplace.

20 Later, we moved him out of there. He
21 graduated. We put him into a job that paid \$9.50
22 an hour. And he held that job for a while.
23 Then, we found him -- because he came back to see
24 us. The engagement was very strong. And we're

1 now going to go from last August to this August.
2 By the time this August comes, he will be making,
3 because he's due for another raise, 35 grand a
4 year.

5 Now, he's not homeless anymore and he's not
6 doing anything illegal, but he's a real success
7 for us.

8 But then I've got Kenneth, and Kenneth is a
9 real failure for us. Kenneth came to us out of
10 Rikers and we spent some real time and energy
11 getting Kenneth ready to go to work. Kenneth
12 shoplifted his interview outfit the day before he
13 was going on his interview. Therefore, Kenneth
14 was re-arrested.

15 Kenneth has severe mental illness. I looked
16 Kenneth up last night on the DOCS website and
17 Kenneth's in Oneida, I think. He shouldn't be
18 there. What good is that gonna do? He's going
19 to spend a year there and he's gonna come on
20 back. We need to look at those things and say,
21 "No more. That's just darn stupid."

22 Then, we need to provide a system that funds
23 providers who can wrap the returning ex-offenders
24 with all the services they need. Why is anyone

1 released from the system without food stamps,
2 without Medicaid? That's just plain wrong. We
3 need to get this done consistently prior to
4 release. People need ID to be able to go to
5 work.

6 Then, we need to link the agencies on the
7 outside with those that provide the services on
8 the inside and push consumer choice
9 pre-enrollment. Let me expect you and welcome
10 you when you're released.

11 For Managed Work Services, we place 90
12 percent of our ex-offenders who complete our
13 readiness, which we had to take from two weeks to
14 one week because they're not very patient people,
15 and 87 percent are still free five years later.

16 Treatment, employment, family support
17 services, access to housing. Look to
18 organizations that provide, understand all the
19 needs and really have the linkages to help people
20 re-enter successfully.

21 Another request: Make wage subsidy dollars
22 available to providers of services to
23 ex-offenders as a carve-out. Whatever we spend
24 on the outside is gonna cost less than you're

1 gonna pay on the inside.

2 In my last minute, those of us who deal with
3 released ex-offenders see folks who never want to
4 go back, are committed to re-unifying with family
5 and becoming a part of the community. We are
6 willing to do the work. We need you to provide
7 the support.

8 VIP has a very well thought out idea for a
9 comprehensive reentry program. I've left a copy
10 with Tina Taylor. I urge you to look at the
11 value, both for the ex-offender and for the
12 state. We have the opportunity for so many
13 win-wins. Let's not lose the momentum. Thank
14 you.

15 Oh, and by the way, unlike my other fellow
16 people, none of you fund us.

17 COMMISSIONER FISCHER: That makes you
18 unique. Thank you very much.

19 Any questions?

20 DIRECTOR MACCARONE: Where do you get your
21 funding from?

22 MS. SPRAGUE: We cobble together funding.
23 Robinhood Foundation has funded us for a couple
24 of years. And we use some TANF dollars and some

1 Safety Net dollars. They're tiny, tiny
2 contracts. And then we have a whole subscriber
3 network that we work with and bill for our
4 services. In terms of doing placements for temp
5 work, we have a contract, for instance, with
6 Columbia University that provides money. It's
7 our internal Robinhood. We steal from Columbia
8 to help the ex-offenders. Thank you.

9 COMMISSIONER FISCHER: Thank you.

10 Will Richard Langone come forward?

11 JoyAnn, please.

12 MS. SAVINO-PUJALS: Well, I want to thank
13 you first for having us and inviting us. This is
14 a pleasure and I've certainly been before some of
15 you for many years. But you have so many experts
16 here that really spoke about the changes that
17 should be or need to be made and I'm going to
18 keep mine real short and sweet -- well, maybe not
19 that sweet but pretty short.

20 I'm going to be talking about -- I'm from
21 the Citizens for Restorative Justice. I was
22 co-founder of the Coalition for Parole
23 Restoration and I'm with PURE, New York. So
24 we're focusing right now on the needs of

1 long-termers and lifers also and their needs are
2 special and exaggerated.

3 When we're talking about them, we're
4 researching programs. I have a loved one
5 incarcerated. I also have a member of my family
6 that was murdered by a serial killer. So I've
7 been in the system for a long time and have been
8 researching for a long time. And we were looking
9 at different models from around the country, all
10 over the world, and one model we came across was
11 the Canadian Lifeline Line, a model that
12 incorporates lifers to be hired by the state to
13 go in and do these programs, do the transitional
14 programs, come out and work with anybody who's
15 come out on parole and work with them.

16 We've seen that the success rate where
17 they're working with people is astonishing.
18 They're very well respected. And, also, what I
19 heard is a lot of people saying, well, they
20 should volunteer, do this mentoring, do that.
21 But how many people on this committee have
22 minimum wage jobs and really volunteer their
23 time?

24 Are we looking -- is that an exaggeration?

1 Are we setting everybody up to fail?

2 So providing jobs, New York State providing
3 jobs for lifers, DOCS providing jobs for our
4 lifers to go back inside and work; work with
5 people coming out, work with parolees on the
6 streets, work with community members educating,
7 educating and also earning their own living,
8 showing respect to the community and proving that
9 they can live in a community and be safe.

10 The Canadian model works with their DOCS and
11 works with Parole and works with all these
12 community agencies as in one.

13 Also, we're looking at programs. We know
14 that there's programs in prison. We've heard
15 about them. We've talked about them. But
16 there's certainly not enough. There's not enough
17 programs.

18 Educational, bringing higher education back
19 into the system; of course, that's needed. We've
20 seen success on that.

21 As far as the regular programs, the
22 vocational programs, your plumbers, your
23 electricians, all those programs are so much
24 needed; yet, there's a lack of them. There are

1 excellent programs inside. Once you've gotten
2 one degree -- okay, I'm certified for plumbing --
3 you cannot get another one. So 10 years down the
4 line, where am I? Well, I want to be an
5 electrician. Well, you can't, because you
6 satisfied DOCS's needs here and you can't get
7 several certificates in different vocational
8 aspects. So put that back, bring that back. You
9 can get as many as you want.

10 If you're looking to close prisons, well, we
11 need to close prisons. It's ridiculous what
12 we're seeing today. But of course, we're facing
13 the CO's union who's going to fight it every way.
14 Train the CO's. Train them to be vocational
15 teachers. Train people coming out of prison to
16 be our vocational prisons. Bring them all back
17 in. You have all these SHU's that are used for
18 what? Their purpose of being used, what were
19 they for? To hold violent offenders that
20 committed violent acts inside prison. That's not
21 what it's used for and that's not what it's
22 filled with and we know that. We know what it's
23 filled with.

24 So start changing our SHU's, our boxes.

1 Change them into drug treatment centers. Change
2 them into halfway houses. Change them into
3 colleges. Be productive. Transform something
4 negative into something positive. Utilize your
5 CO's who will be out of a job. Utilize your
6 people coming out on parole to go back in with a
7 pay that could be a livable wage. So that's some
8 of the programs that we are looking at from other
9 models in other areas and other countries that
10 they had success with.

11 Your box time is way too high. You can't
12 provide a person with hope when they have three
13 years in the box. There's no hope. All that is
14 doing is creating another damaged person here
15 that needs more treatment.

16 We're looking at post-incarceration
17 syndromes and when people come out of prison,
18 there's nobody trained. When we look for
19 people -- okay, we have these five guys that have
20 come out and they need some type of treatment --
21 there's no therapists around that we could find
22 that deal with post-incarceration syndrome. That
23 needs to be handled. That needs to be looked at
24 if we want success. Do we want success or do we

1 want failure? What do we want here in New York
2 State?

3 As far as your family programs, we know
4 families are number one to succeed outside; yet,
5 a long-termer comes to parole, say, within five
6 years of his parole date, he goes to a medium.
7 What's in a medium? There's only visits two days
8 on the week -- a weekend day. Some mediums only
9 have one day. I just came from a visit. I had
10 to drive five hours, a one-day visit, drive
11 back. A lot of mediums lack that. There's no
12 family reunion programs in the majority of
13 mediums. And you expect families to stay and
14 help and nurture when they can't be close, when
15 you've taken away one successful program that can
16 be successful and encouraging with their reentry
17 and you take their family away the last five
18 years?

19 And if you're talking about parole, then
20 you're talking about they were hit by the board
21 two, three, four times. So, now, they're in a
22 medium for 10 years, 12 years without family
23 contact. Are we asking for success? Do we want
24 success? What do we want here?

1 You're asking for the funds. You have
2 Corcraft. I'm not going to say anymore. You
3 all know about Corcraft. You know what it
4 generates. You know how that money could -- you
5 know how you can transform that corporation into
6 something else and something positive and utilize
7 that money for some of these programs inside and
8 outside.

9 I said I was going to keep this short and
10 sweet, but you know, restorative justice programs
11 on the outside, I run a mediation center. I've
12 run it for 20 years. I do victim center
13 mediations. There's nothing on the outside. If
14 somebody's coming home from prison, they're out
15 in the outside, they walk into Wal-Mart and they
16 see one of their victims. That creates havoc.
17 That creates calling the police, creating a
18 circumstance that's not needed if there was
19 restorative justice programs set in place on the
20 outside.

21 The restorative justice programs deal with
22 conflict. It deals with alternatives to
23 violence. It deals with healing the harm that
24 was done, taking responsibility and turning that

1 into your community, doing something for your
2 community and your community feeling safe while
3 you're out there.

4 You have great programs. You have a puppy
5 program, a great program. Why isn't it in more
6 prisons? You have one of the best programs
7 around, the Merrill (phonetic) Cooper program.
8 Where is it? One prison? How come?

9 You have so many great programs that you can
10 utilize in each and every single prison. They're
11 not utilized. And you have the success rates
12 from them. Do we want this to be better? Do we
13 want to transform it into something better and
14 positive and safer? You have the tools to do it.
15 You have the monies there to do it if you sit and
16 you work on it.

17 Merit time. Of course, merit time --
18 long-termers need to be included in the merit
19 time bill. Lifers need to be included in merit
20 time. They need to be in work release. You
21 can't say, "No, no, you can't have work release,
22 because you committed a violent crime," then go
23 to the parole board and, hopefully, them saying,
24 "Oh, yes, you can get out."

1 The next day, they're out on the street.
2 The day before, they weren't allowed to be out on
3 the street. Bring back merit time. Bring back
4 work release for violent offenders.

5 You know, you have all the tools. You have
6 all the tools. You have a great resource of
7 people here, organizations that you could put
8 together. Don't brush us aside. Don't say yes,
9 yes, yes. Don't give us that treatment anymore.

10 There is this old joke, you know, what does
11 a fish say when he runs into a wall? Dam. We've
12 been up against that dam many, many years, these
13 last twelve years. It is time that we break down
14 that wall.

15 New York State created victims inside that
16 place, inside these prisons. They created
17 victims with their families. Each and every one
18 of those families are a victim of Corrections and
19 New York State. Our parole board shouldn't be
20 just assigned -- the parole commissioner
21 shouldn't be assigned just by our Governor.
22 There should be a variety of people on that
23 parole board besides appointees. It should be a
24 fair parole practice and not an abusive one like

1 it was.

2 Since we created these victims, how are we
3 going to heal it? How are we going to heal the
4 harm? How are we going to take accountability
5 that we ask them to? How are we going to do
6 that? It's up to you guys. Thanks.

7 (Applause.)

8 COMMISSIONER FISCHER: Questions?

9 (No affirmative response.)

10 COMMISSIONER FISCHER: Thank you.

11 Mr. Langone.

12 MR. LANGONE: Yes, sir. Good afternoon. As
13 a segue to what the lady was just speaking about,
14 I'd invite the board to look at what Indiana is
15 doing with restorative justice. I spoke with
16 Nancy Vaidik, Judge Nancy Vaidik, on the Court of
17 Appeals for that state, who was instrumental in
18 implementing a restorative justice system. At
19 this point, it is mostly a diversionary system
20 whereby it applies to people before they go into
21 prison and is a way to get people out instead of
22 sending them to prison as an alternative. But
23 her and I have discussed the use of restorative
24 justice as a healing mechanism for offenders and

1 victims of people that are incarcerated.

2 Some of you old-timers may know me. I'm
3 Richard Langone. Many years ago, I won the right
4 of persons serving life sentences to marry. That
5 was in the '80s. That was during a time when
6 rehabilitation was en vogue. I recently spoke to
7 Former Chief Judge Wocker and I told him I was
8 coming up here and he started laughing. He says,
9 "Yeah, you know, the rehabilitation thing, it's
10 kind of like believing in religion. If you say
11 you pray, you're a good person. But if you say
12 God spoke to you, you're crazy."

13 And until we, as a society, really believe
14 in the possibility of the change, it's very
15 difficult to enact laws that are gonna have force
16 and effect. I stand here -- I was admitted to
17 the Bar in the State of New York a couple years
18 ago. I think I'm the first person in New York
19 State history with a second degree murder
20 conviction ever to be admitted to the Bar. It's
21 been a long journey, a lot of emotional feelings.

22 I thank God for the courts, because they
23 applied the rule of law. It's the rule of law
24 that we need. We need a certificate of relief

1 for civil disabilities that has force and effect
2 that can't be used to discriminate against
3 people. People need to be able to come out and
4 have a right to work.

5 The State Bar of New York, there's a
6 sub-committee, the Association Special Committee
7 on Collateral Consequences of Criminal
8 Proceedings chaired by Peter Sherwin. They come
9 up with a bunch of proposals that they've
10 adopted. The Bar has adopted this. The
11 committee adopted it. I'd like to read it into
12 the record. These are just the highlights.

13 "Require judges to inform criminal
14 defendants of all civil consequences prior to
15 accepting a guilty plea and incorporate the
16 collateral consequences of criminal conviction
17 into the sentence or judgment imposed by the
18 Court so that the persons pleading guilty
19 understand the true ramifications of post --"
20 everybody thinks, unlike you people, obviously,
21 but most -- even attorneys, they believe their
22 job is up until the sentencing process. But for
23 the offender, the journey's just beginning at the
24 time of sentencing. And people don't realize the

1 consequences of this.

2 There was a case in the law journal the
3 other day, the matter of VW. A man who was on
4 parole, his wife becomes incompetent. He's asked
5 to be appointed a guardian. Well, because the
6 certificate of relief for civil disabilities is
7 only temporary until you're terminated from
8 parole, the Court denies him the certificate.

9 The Court says, "In any event, you're not
10 entitled. The law precludes you from being
11 granted a guardianship. You're precluded from
12 being a trustee. You're precluded from being a
13 notary public."

14 Funny. As a matter of law, being an
15 attorney in the State of New York, I am entitled
16 to be a notary. I don't want to be a notary.

17 Another one of my great icons, former judge
18 and deceased Vito told me, "Don't ever be a
19 notary." So I don't want it, okay, but that
20 would be an issue here.

21 Again, I have a license now to practice law
22 and I can't be a notary public. I can't hold
23 public office. It's incongruous.

24 Let me just go on here. "Close current

1 loopholes concerning sealed records." People get
2 arrested as children, they get in trouble,
3 whatever. District attorneys in many situations
4 can go back and open those records. It shouldn't
5 be. It shouldn't be. And that's what the New
6 York State Bar is proposing.

7 "Create an affirmative defense to negligent
8 hiring claims." That's a big issue. You hire
9 somebody that's on parole. He hurts someone. It
10 comes out. There's a lawsuit. Now, the
11 employer's going to get sued. That shouldn't be.

12 The purpose behind the certificate of relief
13 for civil disabilities is that the fact of the
14 conviction itself cannot be a basis to bar
15 employment. However, if the crime committed is
16 somehow related to the type of employment you're
17 seeking, then -- should I be allowed to be a
18 police officer and hold a gun? No. I have a
19 murder conviction; all right? I was a kid, high
20 on drugs, messed up, in a fight, but whatever.
21 That's the crime. My crime is closely related to
22 that type of activity. So it's understandable.

23 But the way the courts have construed it,
24 the statute has no bite. They can deny you

1 employment for any reason and employers will do
2 that now, because they're afraid of being sued.
3 That's got to be changed.

4 Educational programs. I went to prison.
5 Phillip Cume (phonetic), David Miller, they were
6 giants. Nap-a-nack (phonetic), he was in a
7 correctional facility in the '80s. It was a
8 place of learning. I was in a master's degree
9 program there. I came out. I finished the
10 master's degree program. That program -- I
11 believe the education I got in prison -- I mean,
12 I was on Law Review. I was in moot court
13 national competitions. I went back and got an
14 LLM degree after I graduated law school.

15 I believe it was all a result of the
16 education I got while incarcerated. Those days,
17 I don't know where they went. I spoke to
18 Governor Spitzer. He said he thought it was an
19 abomination that they took education out of the
20 prison systems. I think it's a double
21 abomination. I think in a society today where we
22 are no longer an industrial society, that we are
23 a skilled society and our value is in our
24 knowledge, to not have education in prison

1 systems is absolutely absurd. So one of the
2 things they recommend is increased college
3 programs, of course.

4 Permit those on parole to vote. Restorative
5 justice. The right to vote. The reintegration
6 of a person into society. I'm not here -- when I
7 committed this crime that I was convicted of -- I
8 shot a boy, high on drugs, over a girl, ran home,
9 told my family what happened. My grandmother
10 died in my arms; okay? That was a point for me.
11 That was what made me want to change my life, not
12 the fact that I killed somebody but the fact that
13 it was so much in my own life. And as a result
14 of that, I took on all of the feelings of shame
15 and guilt and sadness for the person I killed.

16 The idea of restorative justice is that you
17 make the offender see the pain, make them
18 understand what they've done, make the offender
19 pay back even if it's working in some way,
20 because in that way, the offender heals himself
21 or herself. And that way, the victim can maybe
22 forgive, maybe not, but that's the victim's
23 choice. But the offender then -- when we go to
24 prison, it's us and them as if there's an enemy

1 and we're separate and distinct. I couldn't do
2 that, because I took on all the guilt of what I
3 did in my own family; okay? And it was that, I
4 believe, that was so important for me to want to
5 change.

6 And I think that if we can make people see
7 the pain that they've caused to other people,
8 truly understand the pain, that you make people
9 change themselves. And I think that's the idea
10 behind restorative justice.

11 And for my own life experiences, I say I
12 believe it's truthful. It's based on sorrow and
13 love and you gotta find that in the people. And
14 the individuals, the offenders, have to be sorry
15 and feel a compassion, a love. That's the
16 change.

17 What else do I have here? Again,
18 discrimination for housing. If a person's mother
19 is in an apartment building, the offender can't
20 live with the mother. That's ridiculous. These
21 laws have to be changed. Again, you have to
22 believe in the possibility of rehabilitation.

23 I read another case recently of a person
24 with a barber's license returned to prison. He

1 comes out and the State Department of Education
2 denies him a barber's license.

3 It's time to make a change. Thank you.

4 COMMISSIONER FISCHER: Questions? Comments?

5 (No affirmative response.)

6 COMMISSIONER FISCHER: We're about 15 after
7 12:00. We need an hour for lunch. If everyone
8 can come back at 1:15, we can get started
9 immediately.

10 (WHEREUPON, at 12:15 o'clock, p.m., a lunch
11 break was taken.)

12 * * *

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1 me is Ann Gram who is our coordinator and I
2 understand that protocol allows the coordinator
3 to come up with me. She's not my attorney, so
4 I'm not concerned about anything.

5 I just came in from Rochester and I do have
6 to leave and I apologize for that. And in the
7 vehicle, I was trying to reduce my remarks to
8 reach that 10 minutes and it looks like you're
9 very serious about it. So I'll skip all the
10 pleasantries and get right to some very brief
11 remarks.

12 It's very nice to see everybody, some former
13 colleagues. My former colleague, George
14 Alexander, just a few months ago, we had a
15 reversal of roles. I was on the task force on
16 the future of probation and you testified and
17 that's the last I think I saw you. And I
18 remember at the time thinking "That Alexander kid
19 is going to go somewhere some day." So it's
20 worked out very well. Congratulations.

21 Good afternoon and thank you for the
22 opportunity to offer comments regarding critical
23 issues facing the reentry process. As Bob
24 indicated, I'm the probation director in Monroe

1 County but also the chair of our task force.

2 The Governor has stated that reentry is a
3 high state priority and the fact that the
4 executive branch's most influential public safety
5 and corrections leaders have taken time to hold
6 this session certainly lends credibility to that
7 declaration.

8 Since New York State officials have
9 repeatedly proclaimed a commitment to allow local
10 communities to plan their own effective reentry
11 processes, your desire to meet with those of us
12 from counties and local not-for-profits is also
13 commendable.

14 I'm tempted to spend my entire 10 minutes
15 telling you about the wonderful things we've done
16 in Monroe County. I realize that's not the
17 focus, but I would like to say a few things
18 before mentioning two or three challenges that we
19 still have.

20 I'm a local probation director struggling
21 with my own mandated challenges, thousands of
22 adults and juveniles on probation and few
23 officers to supervise them, helping local judges
24 with their sentencing decisions, trying to

1 balance competing arguments and community
2 demands, both to be smart about using our money
3 and keep people out of juvenile placement and out
4 of incarceration but, at the same time, demands
5 that we be forceful and quick in removing
6 probationers from the street because of the high
7 rate of violence and homicides in our City of
8 Rochester.

9 I spent considerable time meeting with
10 police officials in Monroe County and my
11 probation officers, like so many other probation
12 and parole officers in New York State, spend
13 considerable hours searching their offenders,
14 checking curfews, taking urine samples, sharing
15 intelligence with police, traveling with police
16 officers and, yes, making arrests.

17 But I know only too well that a probation
18 officer's job extends beyond these risk
19 management tasks and that if probation and parole
20 officers cannot effectively disrupt behavioral
21 patterns and deal with the issues of housing,
22 employment, sobriety and mental illness, the
23 public would be better served by simply deploying
24 more police officers to our communities to

1 supervise offenders.

2 Reentry, in my view, is a sophisticated
3 process that mimics what every probation and
4 parole officer swore an oath to achieve. If
5 anyone has ever heard a parole officer or
6 probation officer state in a scoffing sort of way
7 that "Reentry is exactly what I do," they'd be
8 right factually, but they'd be wrong with regard
9 to really true comprehensive reentry planning.

10 The poor rate of successful reentry of our
11 offenders and the increased threat to our
12 citizens are inescapable facts. When New York
13 State invited local commitment to the reentry
14 process, I knew that the entire community
15 corrections field, including probation agencies,
16 needed to step up and renew our commitment to the
17 risk reduction aspect of our charge and to accept
18 the communities' and the State of New York's help
19 in turning around these recidivism rates.

20 Probation is each locality's primary
21 community corrections resource and belongs at the
22 center of the reentry discussion and planning.

23 In Monroe County, we've created a tremendous
24 task force more than 44 members strong. And I'm

1 proud of the partnership that has developed among
2 the potentially conflicting agency groups and
3 community members. The team meets regularly and
4 we've experienced some wonderful community
5 dialogue through media coverage, legislative
6 breakfasts and numerous guest presentations.

7 In Monroe County, we chose to place our
8 trust in a community agency to both facilitate
9 development of our strategic plan and begin the
10 process of building a more robust reentry
11 protocol and service delivery system.

12 Catholic Family Center had already
13 established itself as a leader in providing
14 housing, treatment and other services to
15 offenders and we've been elated with the level of
16 commitment by our reentry coordinator, Ann Gram,
17 to my left and your right.

18 Ann has both a sensitive and relentless
19 approach to dealing with reentry issues. Both
20 Ann and Catholic Family Center's vice president,
21 Carl Hatch, who's seated behind me, have brought
22 that dedication to reentry to a higher level by
23 forming and becoming leaders within the New York
24 State Reentry Association.

1 Monroe County has a very rich history of
2 collaboration. My public defender talks to my
3 district attorney all the time. My police chiefs
4 meet every month and the probation and parole
5 colleagues are invited to all of those meetings.
6 Police chiefs, judges, DAs, probation, parole
7 meet twice a month to talk about court processing
8 and the like. And substance abuse agencies meet
9 similarly and never forget to invite their
10 probation and parole colleagues.

11 But the Reentry Task Force brought new
12 challenges. Reentry collaboration brought
13 together such potentially disparate groups as the
14 DA's victim advocate and offender advocacy groups
15 who have, for years, felt that public funds
16 should be redirected to greater services for
17 offenders and have criticized both prosecution
18 and policing activities.

19 Rather than compete or ignore these
20 dedicated citizens who have been talking about
21 reentry for decades, we've included them on the
22 task force and we stand with them as they
23 continue to press legislative leaders for more
24 funding for offender services.

1 Rather than think of reentry as the
2 alternative to Operation Impact, we acknowledge
3 that the two initiatives have a common desired
4 state, that of reduced crime, and we share many
5 of the same planners, myself, the Rochester
6 police chief, our sheriff, our district attorney
7 and so on.

8 We have been honored to accept an award from
9 DCJS and we're just beginning now to provide the
10 one-stop services that I know we're reporting on
11 on a regular basis to DCJS. Since August of
12 2006, we have received more than 100 referrals
13 from parole and about 100 requests for service
14 from other entities, from DOCS directly, from
15 inmates, from clergy, from family members and
16 community agencies.

17 Up until recently, Ann herself has provided
18 all of that service, all of the housing
19 placement, all of the fast access to public
20 assistant benefits that we can muster. And Ann
21 has done all of the appointments for substance
22 abuse, mental health, domestic violence, anger
23 management, intervention, vocational and
24 employment opportunities. There is no doubt that

1 the demand for assistance far outstrips our
2 ability to meet the need.

3 We forged a great working relationship with
4 DOCS staff and that has led to new opportunities
5 for successful reentry, giving training to
6 transitional staff, speaking to inmate class
7 groups, working with DOCS volunteer coordinators
8 and deputy superintendents, and increasing the
9 resources available to the men and women who are
10 being released to our community.

11 Similarly, we have enjoyed a very healthy
12 relationship with our Rochester area parole
13 office.

14 Let me comment very briefly on a few
15 challenges and I would imagine they will mimic
16 some of the comments you heard this morning.
17 I'll start with housing. Sufficient housing,
18 both temporary and permanent, simply does not
19 exist. Each day, probation and parole officers,
20 DOCS staff, case managers compete to find beds in
21 halfway houses and emergency housing programs
22 trying to stretch emergency housing resources
23 that are already meager.

24 Many of these housing programs are not

1 equipped to deal with the needs or difficulties
2 of people with criminal justice issues and,
3 often, have their own rules and standards which
4 may vary greatly from the Division of Parole or
5 the reentry's goals and operating procedures.

6 Many programs refuse to take offenders with
7 violent felony convictions or sexual offenses and
8 parole and probation often resorts to placing
9 these individuals in the city mission, an
10 inappropriate environment for parolees and
11 probationers for several reasons, particularly
12 because residents leave the facility all day.

13 Secondly, Medicaid and Safety Net services,
14 the 45-day waiting period that we work with,
15 while we've made some significant strides in
16 reducing some of the time that is required and
17 we've worked very closely with our local social
18 services agency and are now able to expedite
19 applications even while the offender is
20 incarcerated, we still have significant delays in
21 both the required face-to-face interview with a
22 CASAC assessment and other intervention, which
23 should occur prior to release and when the
24 offender is still incarcerated.

1 I do have some written remarks and since I
2 have the one-minute warning, I'm going to send
3 them to Beth, I believe, but let me just finish
4 with one final comment. It's important that we
5 stay true to the model that was discussed a year
6 ago when many of us spent countless days and
7 hours with DCJS here in Albany.

8 The opportunity for reentry staff to work
9 collaboratively with parole, to have full access
10 to data, to be part of the reentry planning
11 process prior to release and upon release, it is
12 absolutely imperative that we stay true to that
13 model. And we're very pleased to hear that
14 Commissioner, George, you have appointed several
15 people in leadership positions who will
16 concentrate on reentry issues. We know that's
17 extremely important.

18 I worked through the 1980's when, in the
19 probation system, alternative to incarceration
20 programs were built and developed at the local
21 level and that was a real plus for trying to
22 reduce recidivism, but at the time, they were
23 built separate from traditional probation. There
24 was a great deal of distrust and lack of

1 knowledge as between the ATI programs and
2 probation and probation funding began to dwindle
3 as ATI programs survived.

4 So I would simply urge state officials to
5 keep the probation and parole systems financially
6 robust while we also add and enhance our reentry
7 programs.

8 This is a challenging and exciting time for
9 those of us involved in shaping public policy
10 involving crime reduction and corrections. The
11 current state local partnership in this area is
12 better and more energetic than I have seen in my
13 30 years.

14 Enhanced Operation Impact support for law
15 enforcement, Chief Judge Kaye's recent call for
16 renewed state fiscal support for local probation
17 financing and the tremendous state support that
18 we have seen for smart local reentry planning all
19 will ultimately contribute to an effective
20 balanced criminal justice system.

21 I'm proud to be a partner in that effort
22 with all of you and I again thank you for
23 allowing us to make some comments.

24 DIRECTOR MACCARONE: Thank you, Bob.

1 Questions for Director Burns?

2 CHAIRMAN ALEXANDER: Bob, good afternoon.
3 There's a lot of innovative things and Monroe
4 County certainly has been ahead of the curve on
5 many things and much of it is due to your
6 leadership there. One thing that affects all of
7 us, though, is the issue of sex offenders and you
8 talked about housing.

9 How is Monroe County dealing with the issue
10 of sex offenders and housing for sex offenders?

11 MR. BURNS: Well, we are struggling. I
12 don't want to speak for my colleagues in parole,
13 but I think they would agree that we continue to
14 struggle. While the numbers are not as large as,
15 I think, the public sometimes fears, we have
16 considerable difficulty finding suitable housing.

17 We wince at every new restriction as far as
18 where offenders can reside. We understand why
19 communities balk at or absolutely refuse to allow
20 a sex offender to live in their community. We
21 carefully track our day-care programs and our
22 child care agencies and do our best to place
23 people in safe locations.

24 We are lucky that we have a few providers

1 who will allow sex offenders to be settled there,
2 but they are few and far between and we continue
3 to struggle. We've had some interest from some
4 faith-based groups to help us in that area, but
5 that's a constant struggle. And, Ann, I believe
6 you'd agree with that.

7 MS. GRAM: We've used some of our
8 enhancement money. We're planning to secure a
9 couple of beds in one very small housing program,
10 but it's not near enough. I get referrals from
11 parole every week requesting beds, beds, beds for
12 sex offenders and there just -- there are none.

13 DIRECTOR MACCARONE: Other questions?

14 (No affirmative response.)

15 DIRECTOR MACCARONE: Bob and Ann, I want to
16 thank you both for coming this distance and
17 providing expert testimony that certainly is
18 helpful to the panel and congratulate you on the
19 fine job you do for Monroe County. Thank you
20 very much.

21 At this time, I'll call on Amy
22 James'Oliveras, Citizens for Restored Justice.
23 And, at the same time, Dominic Mattina of Daytop
24 Village, if you could take the other seat so we

1 can be ready to go. Welcome.

2 MS. JAMES'OLIVERAS: Good afternoon.

3 DIRECTOR MACCARONE: If you'd just identify
4 both --

5 MS. JAMES'OLIVERAS: Yes. I'm Amy
6 James'Oliveras and I'm here representing the
7 Coalition of the CURE New York, Citizens for
8 Restored Justice, local support group in Dutchess
9 County and the Coalition for Parole Restoration.
10 Dutchess County happens to lie midway between New
11 York City and Albany and we're in a special
12 situation of not being able to access services
13 from either end.

14 I've had to modify everything here, because
15 all my material was used this morning. So I
16 brought George who is twenty-seven years
17 incarcerated, five years on parole now, so he's
18 Exhibit A, poster child. And if you have any
19 questions, you can direct to him at the end of
20 this, that would be great.

21 I want to thank you for providing this.
22 A special thanks to Mr. Alexander. I saw your
23 memorandum to the board members encouraging them
24 to consider all the criteria in 259(i) when

1 considering people for parole and not just the
2 nature of the crime. That was a wonderful thing.
3 I'm hoping and I'm sure that this meeting today
4 will help establish policy and how it's executed
5 in New York State.

6 We've already heard from some of the major
7 players in the reentry arena today and they've
8 spoken about the factors determining the success
9 or failure of a person leaving prison. The
10 recognized problems that many politicians,
11 service providers and advocacy groups are
12 currently addressing both within the prison and
13 in the streets are limited in response and
14 include housing, employment, health care, higher
15 education, vocational training, family
16 connections, voting rights and racial inequities.

17 The four areas of reentry that the Citizens
18 for Restored Justice is focusing on: Work
19 release, merit time, Executive Law 259(i) and
20 Executive Law 259(j) are all specifically with
21 respect to those with long-term and life
22 sentences with convictions that include violence
23 and homicide.

24 These are people that are being excluded in

1 their participation in programs specifically
2 designed to help with the transition of reentry.
3 A key to developing reentry policy is a
4 commitment to being tough on crime, not as a
5 campaign slogan but as a practice with a vision
6 for a significant, long-term benefit to our state
7 and not just in terms of community safety and
8 significant and financial savings but in terms of
9 real healing of individuals and communities.

10 In a speech that former Commissioner
11 Chauncey Parker gave down in Dutchess County last
12 year, he addressed a gathering of several hundred
13 local businessmen in the Chamber of Commerce.
14 And he said that "One of the smartest things a
15 community can do to reduce recidivism would be to
16 make a conscious effort to seek out and hire
17 people that were formerly incarcerated and are in
18 the job market."

19 There are even financial incentives in
20 Dutchess County. The Chamber of Commerce has
21 financial incentives that are used by the local
22 businessmen to help encourage this practice.

23 A police detective in Dutchess County who
24 also owns several small businesses, Marty

1 Novick -- and I have all these documented in my
2 packages -- has hired several persons released
3 from prison, even those with life sentences. He
4 stated that "Arresting people --" and I'm quoting
5 him here. "Arresting people and helping to send
6 them to prison is just one step in the whole
7 scheme of the criminal justice system. Helping
8 to rehabilitate these same people while working
9 to help them once again become productive members
10 of society is the rest of the job. These are
11 jobs that never end and I'm prepared to do my
12 part to ensure the safety and well-being of my
13 community."

14 Billy Bostwick is another small business
15 owner in Dutchess County. He's hired formerly
16 convicted men also, one with a murder conviction.
17 What neither Mr. Bostwick nor Mr. Novick did,
18 however, was to let their clientele know that
19 these men had criminal pasts. These two
20 businessmen, like many others and like many
21 elected officials, know that their futures in the
22 community would suffer if they appeared to be
23 soft on crime.

24 Why is being part of the solution to crime

1 and recidivism seen as being soft on crime rather
2 than tough on crime?

3 As Commissioner Fischer asked in a public
4 forum at the New School on February 14th of this
5 year: "And what I'm wondering is what kind of
6 support is a community willing to give the inmate
7 upon his return? I'm willing to believe if they
8 knew the truth of the situation, the community
9 would rise to the challenge."

10 So how do we encourage people to support
11 reentry efforts in their communities when, even
12 as advocates of these policies, employers are
13 afraid to come out? How do we encourage people
14 to share their positive encounters with
15 incarcerated and families of incarcerated people?

16 With an honest and conscious effort to
17 expose and educate the public to the evidence on
18 the long-term effects of incarceration, the
19 factors that contribute to recidivism and rates
20 of recidivism by crime of conviction, the public
21 could become educated voters that would vote with
22 an understanding of the statistics instead of
23 voting in response to isolated sensationalized
24 stories, an example of which is seen in the Daily

1 News story about Lawrence Fowler convicted in
2 1996 of a murder while he was participating in a
3 work release program.

4 Last August, it was confirmed that Fowler
5 had not committed the murder, but in the
6 meantime, his case was one that was used as,
7 quote -- and this is New York City Police
8 Commissioner Safer's quote, "Just another example
9 of the need for criminals to serve their entire
10 sentence as imposed by the Court."

11 Knowledge and understanding of the facts
12 could replace fear as the motivating factor in
13 voting for a candidate that supports real tough
14 on crime policies, and I'm encouraging others to
15 do the same.

16 It was disheartening to me when Governor
17 Spitzer issued Executive Order 9 that, in part,
18 continues the practice of disallowing
19 participation in the work release program by
20 persons convicted of homicide or most violent
21 felony offenses. This is a continuation of a
22 misguided mission that then Governor Pataki
23 started to keep more people in prison for more
24 time.

1 This ineligibility for participation in the
2 work release program has prevented those that
3 stand to benefit the most from accessing a
4 program that provides, as stated in the Executive
5 Order, "An important opportunity for inmates
6 committed to state prison to transition back into
7 their home communities under supervision and to
8 assume responsibilities that will facilitate
9 their ability to lead law-abiding lives."

10 It continues, "Temporary release programs
11 should be focused on those inmates who are most
12 likely to live and work within the local
13 community in a law-abiding manner."

14 The group eliminated by this Order has the
15 lowest recidivism rate of any group, bar none,
16 for parole rule violations or new felony
17 convictions. And that's reflected in the report
18 issued by the Office of Policy Analysis. The
19 report's prepared using statistics provided by
20 the New York State Division of Parole.

21 The reasons given for this Order are at
22 least much more humane and intelligent than the
23 reasons given by Governor Pataki when he
24 initially issued it, but they do reflect the

1 problem of under-reporting the facts as reflected
2 in the statement included in the Order:

3 "Whereas, the positive acceptance of temporary
4 release programs within the surrounding community
5 is vital for overall success of such programs."
6 This is our job to foster such an atmosphere.

7 Not reporting the facts that could help
8 solve the crisis of our communities is
9 self-imposed censorship by our representatives in
10 Albany and our media. It allows ideology to be
11 favored over the evidence which, in turn, allows
12 minimally effective policies to continue, because
13 the real job of being tough on crime has turned
14 out to be a job that's too tough for us to do
15 until now.

16 The execution of some of these policies so
17 flies in the face of reason as to be perceived as
18 arbitrary and capricious, a term that most of us
19 in this room are very familiar with.

20 I use as an example the case of Jay Bableen
21 (phonetic), a man that was serving 25 to life for
22 a homicide. As a model prisoner, he was eligible
23 for and granted work release two months prior to
24 the Executive Order issued by then Governor

1 Pataki eliminating it for people convicted of
2 homicide.

3 Jay was on work release for seven years. He
4 was living at home with his wife. He became
5 eligible for parole and was denied parole. The
6 reason given by the board was that they were not
7 satisfied that he could live and remain at
8 liberty without violating the law or that his
9 release was compatible with the welfare of
10 society. It would not so deprecate the
11 seriousness of his crime as to undermine respect
12 for the law.

13 So even after serving seven years in the
14 community, returning to prison two nights a week,
15 he was still deemed a threat to society. These
16 are the kinds of things that go on and on and we
17 don't question it. It's just like okay, it's
18 just business as usual.

19 This is another case that included not
20 coming out. Had his neighbors known of his past
21 and his parole situation, I am sure they would
22 have been outraged and insulted by the decision
23 of the parole board and demanded more
24 accountability.

1 I've given you a few personal stories,
2 because the evidence and statistics are
3 reflections of many personal stories. The logic
4 that supports reinstating work release
5 eligibility for the incarcerated that CRJ focuses
6 on supports merit time allowance for this same
7 group. We're not asking that these programs be
8 mandated for these men and women, but simply make
9 them eligible to apply for consideration to
10 participate should they meet the criteria.

11 In 1998, discharge from parole was
12 discontinued for those with life sentences. That
13 means that, now, people that come out with life
14 sentences unless it's for a drug conviction have
15 a lifetime relationship, meaning that their
16 families also are going to have a lifetime
17 relationship, with parole.

18 My friend Sue has a 20-year-old son that was
19 convicted of a murder at age 14 and given a life
20 sentence. Although he's been denied parole twice
21 despite a spotless record, he will eventually be
22 released to parole supervision barring, of
23 course, any unforeseen situation that could arise
24 in prison and we all know how that can happen.

1 When released, he will be expected to assume
2 all the responsibilities of citizenship while, at
3 the same time, he will continue to be punished
4 for the remainder of his life. He will not be
5 allowed to vote ever. He will be subject to
6 urine testing curfews forever. He will need
7 permission to go see a show in New York City or
8 attend a college graduation, an out-of-town
9 wedding or take a camping trip with his son in
10 the Boy Scouts.

11 Do his children tell the scout master that
12 dad will have to check with his PO before he can
13 commit to a camping trip? When does the
14 punishment phase end?

15 A goal of parole is to assist with the
16 successful completion of parole. How can those
17 with life sentences ever attain that goal? How
18 is community safety enhanced by directing the
19 resources of parole to supervising forever those
20 that are the most likely to succeed to the point
21 that they are allowed as opposed to increasing
22 supervision for those that are at high risk for
23 violating?

24 As an extension to the list, I would like to

1 add the post-incarceration syndrome, known as
2 PICS, whose operational definition is this:
3 "PICS is a set of symptoms that are present in
4 many currently incarcerated and recently released
5 prisoners that are caused by being subjected to
6 prolonged incarceration in environments of
7 punishment with few opportunities for education,
8 job training or rehabilitation."

9 I think this issue should be seen on its own
10 and taken into consideration in all the other
11 issues I've mentioned that it's a contributing
12 factor to difficulties in all those.

13 DIRECTOR MACCARONE: Thank you. Questions
14 for Ms. Oliveras at this time?

15 DIRECTOR FITZMAURICE: I have a question.
16 Amy, someone else has talked about the
17 post-incarceration syndrome. I'm not sure what
18 the symptoms of that are.

19 MS. JAMES'OLIVERAS: Okay. I have those and
20 I have them in the packets that I had. Let's
21 see. No, I don't have them here. I have them in
22 the packet. There's a cluster of symptoms.

23 DIRECTOR MACCARONE: Could I ask that you
24 just provide those to us?

1 MS. JAMES'OLIVERAS: Sure.

2 DIRECTOR MACCARONE: I know you'll provide
3 us the packets and we'll take note of that in the
4 interest of time. And I appreciate that.

5 CHAIRMAN ALEXANDER: The gentleman that's
6 accompanied you -- Jordan?

7 MR. OLIVERAS: George Oliveras.

8 CHAIRMAN ALEXANDER: When we talk about
9 reentry, and having come from the inside, what
10 was it that was there to help you and what should
11 be there now that's gonna help others?

12 MR. OLIVERAS: I was fortunate. I had my
13 family support me and that's what made it easier
14 for me to take me places that I needed to go to,
15 whether it was getting identification,
16 employment agencies and, also, my family was able
17 to get through it.

18 I think what needs to be in place, even with
19 having a family in place, is knowing the
20 expectations, some sort of meeting with the
21 families and knowing what they expect from us and
22 what we expect from them when we get out.
23 Employment agencies, any place that they know
24 there's no work history won't want to hire us.

1 So even having the credentials for the job, you
2 will not be hired, because you don't have the
3 history and background and, oftentimes, I was
4 told that off the record, it's my background,
5 they won't hire me because I've done time in
6 prison.

7 I think that there should be like a Fortune
8 Society, some place where there's a transition,
9 or work release help, because with work release,
10 you're simulating back into society and learning
11 the different ways of communicating, getting
12 along with people. It's entirely different going
13 from a hostile, violent environment into the
14 present world, try and simulate back in there.
15 So that learning process, that would have helped
16 from inside.

17 CHAIRMAN ALEXANDER: How can we structure an
18 effective strategy to meet the demands of some
19 folks that are coming out now?

20 MR. OLIVERAS: I think it starts when a
21 person goes inside the programs that are set in
22 place for them to go on. A little while ago, I
23 spoke with someone; you take one vocational
24 training, you can't take others. In 1976 -- I

1 took auto mechanic and several other vocational
2 training in 1976. When I was coming out, it
3 was obsolete and there was some computer courses
4 that I took that were obsolete when I came out.

5 So when I came back, I needed to go to
6 Dutchess Works is a program where they started
7 re-learning the computers and a lot of the
8 programs that were in place. Then, I was
9 bookkeeping -- I took bookkeeping, but they're
10 using Quicken Books. So I learned the
11 old-fashioned way how to do accounting and I had
12 to get re-trained in these areas.

13 So amazingly, though, even though that I
14 took this training, even when I got out, my least
15 training was in cooking, which I did in the
16 military. I got a job as a chef running a
17 kitchen.

18 The training, everything is obsolete, I
19 feel, what's inside. It's not really helpful
20 when we get outside. And I think that there
21 should be someone to mentor or take the person
22 around to learn how to travel in the subways or
23 even -- I was born and raised in New York City
24 and still difficulty traveling to get around with

1 the maps and everything else.

2 CHAIRMAN ALEXANDER: Thank you.

3 DIRECTOR MACCARONE: Other questions?

4 (No affirmative response.)

5 DIRECTOR MACCARONE: Thank you.

6 I would just ask Debbie Mukamal from John
7 Jay to take the other chair at this time.

8 And Mr. Mattina from Daytop Village,
9 welcome.

10 MR. MATTINA: Good afternoon. My name is
11 Dominic Mattina and I'm the administrator for
12 outpatient services at Daytop Village. I'm also
13 the co-chair of the New York State Association of
14 Substance Abuse Providers, Criminal Justice
15 Sub-Committee in the Downstate area. So in some
16 ways, I feel like I'm representing a large
17 coalition of providers who I both have had direct
18 contracts with parole over the years as well as
19 receiving referrals from parole officers in a
20 less formal way.

21 Daytop Village treats -- actually, admits
22 about 900 parolees a year. We've had a
23 contractual agreement with Parole since 1993. So
24 doing the math, that's many thousands of

1 individual parolees who have come through our
2 doors and, certainly, the collective programs
3 that Parole has contracted with has treated many
4 thousands more.

5 So, basically, the system of substance abuse
6 delivery treatment in New York City for parolees
7 is outpatient. It is not comprehensive services.
8 So, you know, we rely essentially on other human
9 services organizations to supply the kind of
10 wrap-around services. All the organizations that
11 are represented here today provide those
12 additional services that's being recognized here
13 today as necessary to help parolees re-integrate
14 into society.

15 Now, the part that we do in terms of the
16 substance abuse treatment provider coalition, if
17 you could call it that, is really to try to
18 change the culture for the individual coming out
19 of prison. We know that it's a very negative
20 culture. They're coming from a negative street
21 culture, coming out of reinforced in prison and
22 now coming back out into the community where they
23 now have to readjust to society.

24 And so the whole goal of the therapeutic

1 community program is to create a new culture of
2 recovery, as it were. And I think that if I
3 could -- I was hoping, perhaps, to be responsive
4 that the panel had asked other members and just
5 kind of make some suggestions in regards to, you
6 know, what it would be that we would need or what
7 we'd like to see in terms of best practices in
8 regards to parolees that are being released and
9 coming into our programs.

10 I think starting with in prison, you know,
11 we like the Willard model. We get a lot of
12 referrals in our contract programs from Willard
13 and, you know, what is the emphasis in the
14 Willard program? It's education. They get an
15 introduction to drug treatment and the principles
16 of drug treatment. And there's a linkage between
17 the parolee and an outpatient or residential
18 program in the community where there's no street
19 time. That person comes directly from the
20 institution into a program. They have an
21 employment, you know, for the same day or the
22 next day or actually are transported to a
23 program.

24 So that kind of linkage is very helpful

1 where there's no time in between for an
2 individual to get back into the negative street
3 culture from which they will so easily be
4 absorbed without intervention.

5 In terms of our work with the Division of
6 Parole and parole officers, we applaud the
7 tremendous shift towards the service provision
8 that the Division of Parole has adopted and we
9 encourage the continued expansion of the
10 contractual agreements which has occurred in this
11 last contracting period, but there's still many
12 more parolees than there are contract slots. So
13 we encourage the expansion of contractual
14 agreements directly with Parole. I think that
15 really sets up, you know, a best practices model
16 for the treatment of a parolee when there is a
17 contractual agreement that outlines the
18 parameters of what the treatment process should
19 be. And the parole officers also are educated
20 about the process of drug treatment through their
21 interaction with the contracted programs.

22 I think that in the training of parole
23 officers, you know, what could be emphasized,
24 perhaps, is to encourage and support the

1 training, vocational training. Oftentimes,
2 there's kind of a push to get jobs and jobs are
3 important. We want people to be employed,
4 obviously, for the benefit of recovery. But
5 often times, if they lack skills, they're going
6 to -- there needs to be time to develop skills
7 within vocational training programs. So if
8 officers could support treatment recommendations
9 for organizations like VESID training, et cetera,
10 that would be helpful.

11 Also, encouraging parolees to seek
12 entitlements such as Medicaid, which the benefit
13 is pretty obvious that they're able to access
14 medical treatment that would otherwise not be
15 available to them. So if that's something that
16 could be done and that echoes some of the other
17 folks's comments, that if that can be done while
18 they're still incarcerated, that would be
19 helpful, identification, et cetera, to ensure
20 that we can get them on entitlements as quickly
21 as possible post-incarceration. Without that,
22 it's more difficult to secure medication and
23 other things that they may need within the
24 context of the program.

1 If we're looking at funding ideas, not that
2 I suggest how we should spend the taxpayers'
3 money, I think the field in general would love to
4 see increased funding for staff, essentially.
5 Any funds that could support the reduction in
6 caseload so that more intensive case management
7 could be realized is going to be helpful to the
8 field.

9 Also, the specific money for training, I
10 mean, we're trying to adopt within all of our
11 programs best practice models, such as
12 motivational interviewing and cognitive
13 behavioral therapy and, in that light, we do need
14 training. We need to train our counselors on an
15 ongoing and regular basis, because you know, we
16 do have some staff turnover and the ongoing
17 training of counseling staff and we need a large
18 work force to provide these services given the
19 demand. Then, we're going to need additional
20 training dollars to support those best practice
21 models.

22 Then, finally, I just want to suggest that
23 anything that we can do to assist programs in
24 creating that culture of recovery, anything that

1 will raise the level of confidence and a feeling
2 of dignity that the individual has is going to be
3 helpful to us.

4 Just to comment that if someone is in
5 recovery, we like to see them fast-track or a
6 simplified method for individuals to be able to
7 get some relief on some of these issues, such as
8 housing, public housing, you know, that there be
9 a process, a simplified process -- there is a
10 process in place now by which people can get
11 relief for these things, but it's a very complex
12 and difficult process.

13 So I think that if we can say -- if an
14 individual is part of that culture of recovery,
15 is engaging, doing the right thing, that we
16 simplify the process for things like housing,
17 getting the right to vote back, serving on a
18 jury, you know, all these things that would
19 really help people restore their self-confidence
20 and the feeling that they're part of the
21 community, part of society again, because those
22 people who do engage in the recovery process are
23 trying to do the right thing and they should be
24 supported in that. Thank you.

1 DIRECTOR MACCARONE: Thank you. Questions?

2 COMMISSIONER FISCHER: I think everybody
3 agrees that relapse is part of recovery, but
4 there are limited resources. I'd like your
5 opinion on -- we sometimes see the same person
6 come back two, three times. The question I have
7 for you is: Should we maybe make a
8 philosophical, maybe a hard decision about who
9 should be getting the treatment, the guy who gets
10 it two or three times or the guy who's not had it
11 at all?

12 MR. MATTINA: Well, our system really is
13 already fronted-loaded in the sense that we're
14 looking to assess as many clients as possible on
15 the front end of treatment by -- and you know, we
16 actually don't keep them in treatment for
17 extended periods of time, because we are trying
18 to front-load to see if we can assist as many
19 people as possible in that process.

20 But I think we have the capability of
21 treating both groups. I mean, I think there is a
22 limit to the -- I think you can prescribe a
23 higher level of care to the point where someone
24 who's had maybe two or three chances at

1 outpatient, they probably should go directly into
2 a more intensive long-term residential program.
3 But there is a limit to the number of times that
4 an individual really should optimally would
5 benefit from another round of treatment and,
6 perhaps, just -- you know, I would certainly
7 think that there is an end point to that and
8 that, you know, the consequences of their
9 behavior should then take precedence.

10 DIRECTOR MACCARONE: Any other questions?

11 DIRECTOR FITZMAURICE: Dominic, I'm curious.
12 When you spoke about the Willard model, which I
13 happen to like a lot myself, do you have any
14 internal statistics with respect to Daytop that
15 talk about folks who come to your facilities from
16 Willard who may go to outpatient versus
17 residential and the success rates for either
18 group if you're looking at similarly situated men
19 and women?

20 MR. MATTINA: I could get you those
21 statistics, but I don't have them offhand right
22 now, but that would be an interesting thing to
23 look at. You know, I think we get a lot of sort
24 of bang for the buck from our outpatient services

1 and we always have the option of escalating the
2 amount of treatment that we're going to provide.
3 So I think it very much is a closed system,
4 though, and if, at first, we're not successful,
5 then we can go to another level. So I think we
6 have that flexibility in our working relationship
7 with parole. So I think that's been a positive
8 thing.

9 DIRECTOR FITZMAURICE: Do you have any
10 suggestions -- you mentioned the wrap-around
11 services, but do you have any suggestions for us
12 as to how that could be incorporated into your
13 industry from the other parts of the community,
14 the mental health, the job training, any of those
15 kind of services?

16 MR. MATTINA: I would say that, you know,
17 there's -- I've heard that there's interest at
18 the Commissioner level to really begin to bridge
19 the gaps between agencies in regards to, you
20 know, more co-located comprehensive services at a
21 particular program. But I think that's -- you
22 know, those discussions really have to focus on
23 creating in a sense a model that hasn't
24 previously existed.

1 The co-located mental health and substance
2 abuse treatment facility, for example, it's very
3 limited right now and I think that for it to be
4 done well, you really are going to have to create
5 a new model with a very different kind of funding
6 stream or funding model, let's call it, for that
7 kind of program, which is going to be different
8 from the traditional therapeutic community model
9 that we have now. But I think that discussion
10 really has to happen at a very high level.

11 DEP. COMMISSIONER NUTTALL: What would you
12 like to see us do in terms of our in-house
13 substance abuse programs? How can we improve
14 them?

15 MR. MATTINA: I would think that the goal of
16 any in-house treatment program should be
17 motivating someone to continue in their
18 aftercare. I would look at the motivational
19 interviewing model of intervention to really try
20 to tap into the positive thing that that person
21 would like to try to accomplish once they're
22 released, because until -- you know, all the
23 statistics suggest that aftercare is critical to
24 the success and the reduction in recidivism

1 rates.

2 So, really, what can be done inside the
3 walls is really a preparation to say, "This is
4 what treatment's going to be like. This is what
5 the expectations of treatment will be. This is
6 what you're going to have to do to really be
7 successful in this process of recovery."

8 And it's really trying to tap into the inner
9 resources of the individual, because the external
10 environment is not going to be so conducive to
11 recovery. They really are going to need to draw
12 on those inner resources to be able to overcome
13 all the obstacles that they have once they're
14 released.

15 So I really think the focus should be on
16 motivating the individuals and preparing them for
17 what is going to come once they get back into the
18 community and have that linkage established.
19 What program are you going to go to? And to the
20 extent that you can describe to them, you know,
21 that particular program or what's going to go on
22 within that program and ease some of those
23 concerns and fears they may have about engaging,
24 what they've heard about a therapeutic community,

1 for example, then that's going to give them the
2 best chance to be successful.

3 DEP. COMMISSIONER NUTTALL: When you say the
4 environment's not conducive to recovery, could
5 you elaborate on that a little bit?

6 MR. MATTINA: You're talking about in prison
7 or on the street?

8 DEP. COMMISSIONER NUTTALL: In prison.

9 MR. MATTINA: In prison. Well, individuals
10 in recovery -- the whole perspective of culture
11 recovery is basically to act with independent
12 decision-making, you know, that they have to make
13 life choices for themselves that are going to be
14 consistent with a positive life-style. And just
15 by, you know, being incarcerated, those life
16 decisions are taken away and that has to be part
17 of the prison environment. So you can't really
18 get around that.

19 So the individual just on that basis alone,
20 you know, there's a limit to how therapeutic the
21 environment can be and they're not testing
22 themselves against real-life situations. You
23 know, to the extent that you can, of course, you
24 can create a therapeutic environment within the

1 prison system, you know, and you can get them
2 thinking about that. But just by its very
3 nature, it's going to be difficult to really test
4 those ways of interacting.

5 MS. YEE: I just had another question. In
6 terms of the criteria, when you review or
7 interview an applicant, how do you determine
8 whether this applicant is appropriate for your
9 program and will not necessarily relapse?
10 Because, obviously, you have limited resources
11 and you want to use those resources on people
12 that are going to be successful after completion
13 of your program and rather than people who are
14 going to relapse and not ever get better.

15 MR. MATTINA: We actually attempt treatment
16 with everybody that comes to us. We almost never
17 refuse a parolee. I think we try to find a way
18 to engage them no matter how difficult that task
19 may seem. We can't predict who's going to be
20 successful and who's not going to be successful.
21 So I would say that we're definitely going to try
22 to make an attempt to find what is going to reach
23 that person.

24 So we're not going to eliminate somebody

1 based on a historical perspective or how many
2 treatment episodes they've had previously or how
3 successful or unsuccessful they've been
4 previously. I think we're going to try to build
5 on whatever strengths -- I mean, if somebody's
6 presenting themselves for treatment, that's an
7 indication that that person is at least
8 ambivalent about their previous life-style and
9 want to be convinced that they need to change.
10 So we're going to try to work with everybody.

11 DIRECTOR MACCARONE: Thank you very much.

12 At this time, I'm going to call upon Debbie
13 Mukamal. And Richard Cho from the Center for
14 Supportive Housing, if you could step up.

15 Debbie Mukamal is with the John Jay School
16 of Criminal Justice in New York City.

17 MS. MUKAMAL: Thank you. I direct the
18 Prisoner Reentry Institute at John Jay College of
19 Criminal Justice and its mission is to spur
20 invocation and improve practice in the field of
21 reentry by fostering partnerships between
22 criminal justice and non-criminal justice
23 disciplines by advancing knowledge and
24 translating research into effective policy and

1 practice.

2 In my short time, I want to focus on three
3 suggestions. First, I want to encourage you and
4 all of us to continue to be bold and test new
5 ideas in the area of reentry. Despite a decade
6 of attention focused on reentry nationally, we
7 still know very little about what works and so we
8 have to be willing to test new ideas and be
9 creative.

10 So ideas like the New York City Justice
11 Corps, which is a project that we recently were
12 able to meet with Commissioner Fischer and Chair
13 Alexander about, is a new project that is being
14 started in New York City. The Justice Corps will
15 place youth who are coming from New York City
16 probation, from Rikers Island and off parole in
17 six-month paid transitional employment
18 opportunities and the opportunity to participate
19 in civic improvement projects in their home
20 communities.

21 This initial project is going to be tested
22 in three target areas in New York City: In
23 Bed-Sty, in Jamaica-Queens and in South Bronx.
24 And when it's up and running later this year, it

1 will serve 360 young participants a year. This
2 is an idea that's been tested in other places but
3 has never been tested in a big large jurisdiction
4 like New York City. And so there's going to be a
5 random assignment evaluation as a component of
6 the project.

7 And while we think it probably works and we
8 like the idea because it shifts some of the
9 responsibility of reentry to the community where
10 people are returning, we're not completely sure.
11 But we need to be willing to test ideas like
12 this.

13 Second, I want to encourage the state to
14 think expansively about how we define reentry and
15 reintegration success. And while recidivism data
16 is very important, it is only one measure of how
17 successful our efforts are when we think about
18 helping people coming home from prison and jail.

19 In fact, criminologists like Joan Peter
20 Silya (phonetic) who look at long-term desistance
21 literature, would probably tell us that there are
22 other outcomes that we should be looking at if
23 we're trying to stop criminal behavior.

24 We should be looking at whether or not

1 people connect to social networks. We should be
2 looking at whether or not individuals obtain and
3 retain employment. We should be looking at
4 family stability. These are all factors that
5 would predict whether or not somebody will
6 refrain from criminal activity when they're
7 released from prison or jail.

8 Measures that we could be looking at include
9 whether or not our programs increase sobriety,
10 whether or not they decrease poverty rates,
11 whether or not they encourage individuals to
12 contribute back to their communities. We could
13 be asking and evaluating our programs on whether
14 or not they help individuals obtain employment,
15 what kind of employment. Is it part-time
16 employment, full-time employment? Is it
17 employment that helps people earn a living wage?
18 Do individuals pay child support as a result of
19 our programs? Do they become better parents as a
20 result of the programs that we're working on? Do
21 individuals leave prison with medication? And
22 are they connected to community health networks
23 when they get home?

24 These are different ways we could be

1 thinking about and expanding the way we think
2 about success in the programs that we invest
3 state dollars in. I think the Occasional Series
4 on Reentry Research, which I'm really delighted
5 that so many of you have come to and have sent
6 your staff to, is one way that at John Jay, we're
7 trying to expand thinking around reentry to make
8 sure that it's not just around criminal justice
9 factors but that we're looking at reentry through
10 the lens of public health, through employment,
11 through housing, through gender and lots of other
12 different things.

13 And then, finally, I want to urge the state
14 to continue partnering with colleges and
15 universities around the state. Universities can
16 and should be sharing in the responsibility of
17 addressing the challenges of reentry by offering
18 research expertise and capacity, by having access
19 to cutting edge program design and by serving as
20 a bridge from prison to the community.

21 And I want to offer, just really quickly, a
22 few examples of how we've been using the
23 university and how other universities around the
24 state can be helping to facilitate your goals.

1 I know that my colleague, Elizabeth Gaynes,
2 spoke a little bit about the research that we're
3 doing on long-termers; that is, individuals who
4 are serving longer terms in prison for mostly
5 violent crimes. We're engaged -- Michelle Fine
6 and Todd Clear, two distinguished professors at
7 CUNY, are engaged in both qualitative and
8 quantitative analysis looking at the
9 reintegration outcomes of people who serve longer
10 prison sentences.

11 And what's been really amazing and fun and I
12 think really differentiates New York from other
13 jurisdictions is that when we went to our
14 partners at the Department of Correctional
15 Services and said, "We want to do this research,"
16 the research team sat down, rolled up their
17 sleeves and said, "We want to not only help you
18 facilitate getting the data, but we want to work
19 with you collaboratively to write this report and
20 make sure that it's better."

21 And I can tell you that in working with DOCS
22 to come up with the research design, it was a
23 conversation with John Nuttall who said, "Why
24 don't we not only look at reintegration outcomes

1 and recidivism rates but why don't we expand it
2 to look at employment outcomes? And let's look
3 at: How are people who have served longer prison
4 sentences doing in terms of their employment
5 rates?"

6 And so now, as a result of that
7 conversation, we're actually going to the
8 Department of Labor and we've initiated
9 conversations about getting unemployment
10 insurance data so that we'll be able to evaluate:
11 How do people who serve longer prison sentences
12 do in terms of their ability to obtain
13 employment?

14 And I'm also thrilled to say that DCJS has
15 come on board as part of this collaboration and
16 is going to be helping us get the data that we
17 need to really make this study more expansive.

18 A second example of how universities can be
19 working collaboratively with the state is I know
20 that the state has invested quite a bit in the
21 state county task forces and I know that a couple
22 of the people who spoke today talked about that
23 work.

24 We've been having conversations with the

1 Westchester County Task Force about ways that
2 John Jay can be working to really sort of expand
3 and enhance the goals of the task force by doing
4 some analysis on where people come home to, what
5 the reentry trends are in Westchester to do a
6 mapping analysis to see where are the services
7 that are located, where are the individuals going
8 home, and doing matching to make sure that
9 services are actually available to those
10 individuals returning to Westchester.

11 A third example is a partnership that we
12 just developed with the Education Department at
13 the Department of Correctional Services. It was
14 at a visit at a prison a number of months ago
15 where I was speaking to vocational counselors who
16 provide some really good vocational training
17 programs in upholstery design and plumbing and I
18 said to them, "How many people who finish these
19 programs go on and use these skills when they're
20 back out in the community?"

21 And the vocational staff rightfully didn't
22 know. It wasn't something that they keep track
23 of. And I said, "Well, many of these are
24 occupations for which people would actually

1 probably start their own businesses when they
2 returned home. And is there any part of the
3 curriculum that's devoted to self-employment or
4 how you start your own business?"

5 So we teach someone how to plumb, but we
6 don't necessarily teach them how they, you know,
7 initiate that business when they're back out in
8 the community.

9 And so I'm really excited to say that the
10 head of the Education Department at DOCS, Linda
11 Holman, has been working collaboratively with us
12 and with the Field Center for Entrepreneurship at
13 Baruch College to enhance existing curriculum
14 with just the addition of some modules on
15 self-employment.

16 So we're taking what already exists and just
17 trying to enhance it a little bit so that when
18 people actually participate in those programs,
19 hopefully, it can lead to valuable employment
20 when they get out.

21 The last point I want to make in terms of
22 examples is that I think that colleges can be a
23 really useful resource for both education release
24 and for community-based education. As you may

1 know, education release was widely used in New
2 York State in the 1970's. We stopped using it,
3 though, it still exists on the books and so it
4 requires no change in administrative policy.
5 There are jurisdictions around the country who
6 are using education release as a bridge from
7 prison to the community; jurisdictions like North
8 Carolina, Indiana, Washington and the federal
9 prison system.

10 And it's a way for us to really sort of make
11 sure that universities, specifically public
12 universities who are getting public dollars, are
13 sharing in the responsibility of prison reentry.

14 And then just my last point is that there's
15 also a role that colleges can play once
16 individuals are already returned home in
17 providing education as a vehicle for supporting
18 reentry and there are programs like College and
19 Community Fellowship and The College Initiative
20 that are excellent examples of that.

21 DIRECTOR MACCARONE: Thank you. Questions
22 from the panel?

23 CHAIRMAN ALEXANDER: I just support what you
24 say about the association and collaboration with

1 the universities and Parole in particular. I
2 mean, it does a lot for us in determining what
3 our population is, what our needs are and how we
4 go about addressing those particular needs.

5 MS. MUKAMAL: We want to continue to be
6 helpful.

7 DIRECTOR MACCARONE: Other comments? I just
8 want to compliment John Jay on the Occasional
9 Series, which has been really terrific for New
10 York State, very, very inspiring. I think you do
11 a great job. Thank you.

12 Vivian Nixon from the College & Community
13 Fellowship, Project Reentry Grace, if you could
14 come up.

15 At this time, Richard Cho from the Center
16 for Supportive Housing.

17 MR. CHO: Good afternoon. Thank you very
18 much for this opportunity to speak. I'm Richard
19 Cho and I'm with the Corporation for Supportive
20 Housing, although Center for Supportive Housing
21 has a better ring to it, I guess.

22 I'm joined by my colleague, Ryan Mozer, who
23 is also from our staff. I'm going to provide a
24 brief introduction about who we are and what

1 we've done in working with the state and then
2 talk about one aspect of the reentry problem that
3 we want to call your attention to. Then, I'll
4 turn it over to Ryan to talk a little bit more
5 about solutions.

6 We are a national organization. We have
7 offices in eight state offices. I'm the
8 associate director of the New York office. We've
9 been around for about 16 years and our mission is
10 to help communities prevent and end homelessness
11 through the creation of supportive housing, which
12 is permanent affordable housing linked to social
13 services.

14 And consistent with that mission, we
15 basically follow the homelessness problem as it
16 changes and over the past decade or so, more and
17 more homeless people are people who have recently
18 been released from correctional settings and,
19 therefore, we've been focused a lot on the
20 reentry problem.

21 We generally work through three different
22 areas. We do work directly with the nonprofit
23 sector and develop housing. We help finance and
24 provide expertise around developing housing. We

1 also provide capacity building to help
2 organizations. We work with many of the groups
3 that are in the room today. And then we also
4 work with government and provide expertise to
5 craft cost-effective public policies.

6 Just to give you a sense of what we've done
7 over the years, we've worked very closely with
8 the State Office of Mental Health, OTDA, a number
9 of state agencies on creating supportive housing
10 for a variety of populations. We've also worked
11 closely with the previous administration around
12 trying to understand the housing problem of
13 people returning from prisons and jails a little
14 more closely and helped the Division of Parole
15 develop a housing directory of all the parolees
16 in New York City.

17 We've also mediated conversations between
18 DCJS and the state Medicaid office with the
19 previous administration as well.

20 So the first thing I want to leave with you
21 is that we extend the offer to provide any kind
22 of assistance that you might need in helping to
23 convene conversations with your colleagues in
24 other parts of New York State government and

1 whatever assistance we can provide to you.

2 I wanted to call your attention to one
3 aspect of the reentry problem. You've heard a
4 lot today about various needs that you've seen
5 and we're not going to repeat a lot of what has
6 already been said, but people do need employment
7 services, drug treatment, health care and
8 housing. But I think the important thing I want
9 to emphasize is that the solutions that are
10 crafted need to be really tailored to the
11 specific needs that people have and that the
12 reentry problem does need to be broken down and
13 disaggregated to better understand that.

14 The aspect that we want to talk about are
15 the subset of people who are leaving prisons and
16 jails in New York State who are customers of not
17 only Corrections but also multiple institutions
18 and who basically spend their entire lives
19 cycling in and out of Corrections, homeless
20 services, drug treatment and other programs and
21 where those systems don't seem to be working for
22 them, people we consider to be on what we call an
23 institutional circuit.

24 We want to focus on that population for

1 three reasons; first of all, because they
2 represent the highest levels of need among people
3 who are leaving prisons and jails and, second,
4 because those high needs are evidenced by the
5 amount of costs that they use. These are people
6 who drive up millions and millions of dollars
7 worth of public service utilization over the
8 course of many years and then are frequent
9 customers of your systems as well and, third, I
10 think, because we do have policy solutions and
11 programmatic solutions that can work to break
12 that cycle of homelessness, incarceration and
13 public system usage.

14 The first group that I want to talk about
15 are people that are ultimately frequent customers
16 of local corrections, people who we generally
17 refer to, for lack of a better term, as frequent
18 flyers of jails and other public systems. These
19 are people who basically are in and out of jails
20 and other systems and commit low-level crimes,
21 misdemeanors, quality of life offenses, that are
22 basically in and out of correctional systems
23 because of their homelessness and other kinds of
24 chronic health challenges, such as mental health

1 issues, HIV, AIDS, chronic substance abuse.

2 In New York City, we've worked with the New
3 York City Department of Corrections and New York
4 City Department of Homeless Services to identify
5 a group of people who are frequent flyers of both
6 the jails and the homeless system in New York
7 City. We found about 1,100 people who basically
8 live their entire lives in and out of jails and
9 shelters as well as other programs such as detox
10 and drug treatment.

11 Throughout our work around the country,
12 we've also identified that this sort of
13 phenomenon of cycling in and out of jails and
14 other systems is happening in various other
15 jurisdictions around the country and as a result
16 of that, we've done some work that Ryan will talk
17 about in a minute.

18 I guess the best description of this
19 phenomenon has been written by Malcolm Gladwell
20 in the New Yorker in an article called "Million
21 Dollar Murray", which describes an individual who
22 racked up a million dollars worth of costs in and
23 out of jails, emergency rooms, as well as detox
24 programs.

1 And sort of the one message that was written
2 about in that story was that when he was placed
3 into a residential program linked to services, he
4 was able to stop drinking, maintain employment
5 and put money in the bank but that program was
6 time-limited. When he left that, he went right
7 back to his cycle of jail and shelter
8 utilization.

9 The second group of people that I think
10 might be more relevant to this conversation are
11 people who are essentially people released from
12 state prison on parole and who are almost
13 directly released into the shelter system. JoAnn
14 Page and Barry Campbell mentioned that earlier
15 today.

16 These are individuals who leave prison, go
17 right to the shelter system and spend a short
18 time there and then most likely will violate the
19 terms of their release and will end up right back
20 in prison. And I think if you look closely at
21 that population, you'd find that they'd been on
22 this sort of prison to parole to homeless shelter
23 back to prison cycle multiple times.

24 Some studies around the country have

1 estimated that about 10 percent of parolees are
2 people who basically are on this sort of long
3 circuit from prison to shelter and back to prison
4 again. And we found some of the risk factors
5 that lead to this cycle are both being homeless
6 as well as being chronic substance users as well
7 as mentally ill.

8 Actually, we've been able to document this.
9 The New York State Division of Parole has been
10 working with the City Department of Homeless
11 Services and found that about nine percent of the
12 single adult shelter census in New York City --
13 it's about 700 people on any given day -- are
14 parolees who are currently living in the shelter
15 system and that number remains consistent even
16 though about 200 to 300 individuals leave shelter
17 every month.

18 So I think if you look closely at where
19 those parolees are going, I bet a large subset of
20 them are violating the terms of their parole and
21 are being sent back to prison. So I think if you
22 again looked at this problem more closely, you'd
23 find that it's probably the homelessness that's
24 driving their re-incarcerations and that, really,

1 this is an example of how current systems aren't
2 working for this population.

3 So I'm going to turn it over to Ryan now to
4 talk about what solutions we have.

5 MR. MOZER: Again, thank you for having us.
6 It's really a great opportunity to be here and to
7 talk to you. You know, it's a dawn of a
8 different sort of approach, I think, and the
9 evidence of this growing collaboration and sense
10 of a shared responsibility, a shared solution for
11 a shared problem is really extraordinary and
12 promising and hopeful.

13 So the frequent users of jail and shelter
14 initiatives that Richard mentioned was an attempt
15 to address, in large part, this cycle of people
16 that move back and forth between institutions.
17 So we identified this core group of four and four
18 jail and shelter stays and that does not exclude
19 prison stays, although they are few and far
20 between a lot of times historically before the
21 period in which we looked, which is the last five
22 years.

23 The people that hit this program are exactly
24 the nexus of all these services that we're

1 talking about. Huge rates of substance abuse
2 disorder and long-term chronic substance abuse
3 disorder, an average of 14 or so stays in some
4 sort of drug treatment over their lifetime.
5 Homeless, of course, as well. And then we're
6 looking at high rates of mental illness and
7 serious mental illness that's diagnosable. And
8 we see a lot of co-occurrence, the MICA and the
9 chemi clients that are hitting. And they're
10 people that are also just a little bit tough to
11 track and they move around a lot and they have
12 sort of clinical needs that are tough to put your
13 finger on.

14 So the intervention was then: Let's take a
15 hundred folks and let's try and put them into
16 housing with services on-site that can really
17 support them. So we received support from NYCHA
18 and the Housing Authority was able to waive some
19 of their restrictions to look at this population
20 and say, "We'll make some headway here. We'll
21 give you a little bit of room to wiggle, because
22 we think the service is enhanced. We'll give you
23 a chance at helping people improve their lives."
24 And then, of course, the Department of Health and

1 Mental Hygiene and New York, New York supportive
2 beds.

3 So what we've seen so far is that we have
4 about 86 people in housing right now and out of
5 that group, we have about a 92 percent retention
6 rate in housing -- let me make sure I get these
7 numbers right -- a hundred percent avoidance of
8 shelter and 80 percent avoidance of jail.

9 It's sort of on a floating scale, so we'll
10 have more information as the time goes forward,
11 but really exceptionally promising and we think
12 is something that not only applies to that
13 population but applies very well to prison
14 populations in looking at the collaboration of
15 the same issues, the same mental health issues,
16 the same supportive needs.

17 In addition to that, what we're looking at
18 is expanding and continuing that program in
19 collaboration with the City's Office of Managing
20 the Budget. And what we would like to encourage
21 in the next 30 seconds for you to do is to think
22 about really reaching out to the City and working
23 with non-traditional partners and expanding the
24 relationships with Office of Mental Health, HHAP,

1 Housing Divisions, which is sort of to take the
2 model that's been provided through supportive
3 housing agreements and really targeting and
4 focusing on reentry-specific populations that
5 have the same needs and should be entitled to the
6 same services. Thank you.

7 DIRECTOR MACCARONE: Questions from the
8 panel?

9 DIRECTOR FITZMAURICE: You really struck a
10 cord with me, because this particular population
11 that you call the frequent flyers, we call them
12 the full service customers in Parole, because we
13 deal with them all the time. And they are, as
14 you said, tremendously difficult, because they
15 have such a myriad of needs.

16 One thing that I'm curious about, and I
17 would be really interested in your suggestions,
18 would be that outside of New York City, we have
19 put out several times various RFPs for housing
20 and in various areas of the state, no one has
21 bid, no one, and I'm also curious as to why that
22 would be.

23 Do you have any ideas on that?

24 MR. CHO: And this is housing specific for

1 this full service customer?

2 DIRECTOR FITZMAURICE: For them or for
3 almost anyone on parole who's on domicile.

4 MR. CHO: I think the issue -- was this
5 money for capital or --

6 DIRECTOR FITZMAURICE: To provide the
7 housing and case management, those kinds of
8 things.

9 MR. CHO: I think what we've generally found
10 over the years is that the community of
11 nonprofits out there have been able to do
12 supportive housing successfully for other
13 homeless populations, because New York State and
14 City have a track record of providing a kind of
15 one-stop shopping system for funding. And so
16 through the New York, New York 1, 2 and, now, New
17 York, New York 3 agreement, the city and state
18 have offered capital, operating and services
19 dollars that make it very easy for nonprofits to
20 go up and streamline that financing to develop
21 and provide that kind of housing.

22 I think there's probably a couple of reasons
23 why people are reluctant to bid on this kind of a
24 proposal and one is the challenges that we

1 already talked about with community support in
2 trying to site a project that's solely targeted
3 towards people who are formerly incarcerated.

4 I think generally what we're seeing is the
5 trend towards trying to do mixed populations so
6 that you provide housing to other homeless,
7 special needs populations along with the reentry
8 population as well as other low income
9 individuals and families as a more integrated
10 approach. And the communities, I think, also
11 feel like they're getting something out of it as
12 well in the form of affordable housing.

13 The second thing, I think, is providing
14 funding that is not comprehensive, it doesn't
15 provide the bricks and mortar as well as the
16 money to pay the utilities as well as to pay for
17 social services staff. If that doesn't happen, I
18 think it's very difficult for organizations to
19 really figure out how to use a small stream of
20 funding to create a project.

21 DEP. COMMISSIONER BYRNE: Do you have a per
22 capita per year cost for serving these people and
23 can you share it with us?

24 MR. CHO: Yeah. I think the last cost

1 estimate that was done found that supportive
2 housing on average costs around \$17,000 a year.
3 That includes both debt service for capital as
4 well as operating and services cost, and that's
5 an average. The funding that's provided through
6 the New York, New York 3 agreement does provide
7 about that amount of funding. So it's roughly
8 \$17,000 per year.

9 COMMISSIONER FISCHER: That speaks also very
10 much to the importance of the careful targeting
11 and selecting of people that represent those high
12 costs that use the system at high rates.

13 MR. CHO: I just want to add one thing. The
14 New York, New York 3 agreement is the latest and
15 probably the nation's largest investment by any
16 jurisdiction and state in the creation of
17 supportive housing. And I think it provides this
18 model, as Ryan said, of how you can cobble
19 together funding from a variety of different
20 public systems at the state level to make money
21 available to create this.

22 And I think while New York, New York 3
23 doesn't necessarily serve the needs of the
24 reentry population well, it provides a nice model

1 to replicate. So that's something to take a look
2 at.

3 DIRECTOR MACCARONE: What are your
4 recommendations for creating the housing for the
5 reentry model population and what does the state
6 need to do to do that upstate?

7 MR. CHO: Well, you know, there's already
8 conversations at the city level that's interested
9 in trying to see how we can build upon New York,
10 New York 3 to create that and I assume the city
11 government folks will want to reach out to all of
12 you at the state level.

13 I think the first step would be to talk to
14 your colleagues at the State Office of Mental
15 Health who's really been leading supportive
16 housing development in this state as well as
17 OASAS and OTDA who also are involved in the
18 creation of supportive housing.

19 And just in the last year's state budget,
20 Governor Spitzer put in another \$200 million to
21 create supportive housing statewide and so I know
22 there's a lot of interest in trying to really
23 take this kind of model to scale.

24 DIRECTOR MACCARONE: Other questions?

1 (No affirmative response.)

2 DIRECTOR MACCARONE: I want to thank you
3 both.

4 At this time, we're going to call Lance
5 Ogiste to take the next station. And we're going
6 to call upon Vivian Nixon from the College &
7 Community Fellowship, Project Reentry Grace.

8 MS. NIXON: Hello. I'd like to first thank
9 this very distinguished panel and the Chair for
10 having me here today to discuss these important
11 issues and to commend you for paying attention to
12 these issues and for bringing it to the floor at
13 this level.

14 My name is Vivian Nixon. I'm the executive
15 director of the College & Community Fellowship.
16 The College & Community Fellowship was founded in
17 the Year 2000. It's an organization that
18 supports college education for women coming out
19 of prison. We serve women in the Greater New
20 York Metropolitan area. We do have some men in
21 our program, but the goal of our program is to
22 serve women.

23 In New York State, many of you probably know
24 that the recidivism rate for people coming out of

1 prison within three years after release is around
2 44 percent. We've been in operation for seven
3 years as of June 30th this year. We've had over
4 250 applicants into our program. We've received
5 134 official students into the program. As of
6 June 15th, 70 people will have graduated with
7 college degrees, 14 associates, 34 bachelors,
8 25 master's, one Ph.D. As of today, not one of
9 those people, not one of those 134 full students,
10 has returned to prison in the seven years we've
11 operated. And we know where they all are. So
12 that is a certified recidivism rate of zero.

13 So we feel that we at least have some
14 solution for this problem we call recidivism and
15 we think that it's higher education. But we also
16 recognize that we could not do what we do if all
17 of the other organizations that we've heard from
18 today didn't do what they do; that if they didn't
19 provide opportunities for housing and for
20 entry-level employment and transitional
21 employment and for health care and drug
22 treatment, we know that those services are
23 necessary in order for us to do what we do, which
24 is provide the next level for people to aspire

1 to.

2 I want to talk a little bit about why we
3 emphasize -- or why we focus on women. You may
4 know that women, especially African-American
5 women and Latino women, are the fastest-growing
6 prison population in the United States. Here in
7 New York, while women may only represent seven
8 percent of the prison population, the population
9 of women in prison has grown 445 percent since
10 the 1970's. That's tremendous growth and needs
11 to be addressed.

12 These women are often the primary caretakers
13 of children. So for every woman you have in
14 prison, you're talking about children that are
15 without a custodial parent. So that's an
16 additional need that we want to address.

17 So we exist in order to provide a deeper
18 level of social reintegration for these women who
19 have children in the community and we think that
20 completing a higher education degree achieves
21 this goal.

22 The way we do this is by offering academic
23 counseling, minimal tuition assistance, and I
24 want to emphasize minimal tuition assistance,

1 because our students are not looking for a free
2 ride. What we do is counsel them as to how they
3 can fund a college education, where the
4 scholarships are, what tuition assistance they
5 may be eligible for, how to save or how to
6 finance their own college education.

7 What we end up paying for is maybe
8 transportation or books or some minimal
9 assistance, but many people don't know how to
10 access resources that are already there for them
11 and that's what we provide, the financial aid
12 counseling, the academic counseling that people
13 don't always have access to.

14 We also provide access to volunteer mentors
15 and tutors and opportunities to form a community
16 of other people with similar backgrounds, other
17 women with criminal histories, other women with
18 substance abuse histories, who are working toward
19 a similar goal. That's hard to find. It's hard
20 to find somebody you can talk to not only about
21 the fact that you're having a problem with
22 Statistics but that you're having a problem
23 living in a world where you have to live down the
24 stigma of a criminal conviction. You know, those

1 two worlds don't often meet.

2 So we provide that community environment
3 where our students can talk about both of those
4 things at the same time. It's a unique community
5 and this community has grown over the past seven
6 years.

7 We also encourage our students to develop
8 leadership skills and one of the ways we do that
9 is through my connection -- I'm also an ordained
10 minister in the African Methodist Episcopal
11 Church. One of the ways we develop leadership
12 skills is through Project Reenter Grace. And
13 Project Reenter Grace is a speakers bureau where
14 our students who have an interest in public
15 speaking take what they've learned in school and
16 what they've learned in their experiences in
17 reentry and in prison about how to transform a
18 life and go into community-based organizations
19 and local churches to talk about what's going on
20 in the criminal justice system and how it affects
21 our local communities and how churches can get
22 involved in being part of the solution in their
23 local communities.

24 And so because of their outreach, we have

1 more and more local churches getting involved in
2 the reentry process. And so in that way, our
3 students are giving back.

4 More than 70 percent of our students go into
5 majors that put them in the human services field
6 and they end up working often as social workers
7 or vocational rehab counselors or in other direct
8 service fields.

9 Our goals are, one, to help our students
10 achieve economic independence for themselves and
11 their families; two, to provide role models for
12 their families and their communities; and, three,
13 to engage them in leadership opportunities and in
14 public service within their communities.

15 We can't deny, any of us, that in today's
16 competitive labor market, educational attainment
17 is not divorced from successful employment
18 outcomes, especially when the job-seeker has the
19 stigma of a criminal conviction.

20 According to the U.S. Bureau of Labor
21 Statistics, employers view ability to earn an
22 academic credential as an indicator of assets.
23 They think if you have a degree that you have
24 other assets, such as organizational skills or

1 other aptitudes.

2 Higher education has also been documented as
3 a way to assess a person's strength to have a
4 conscience as they confront moral dilemmas. In
5 general, education leads to stronger family life,
6 better health, the development of better social
7 skills, all of which contribute to reduced
8 recidivism and stronger, healthier communities.

9 The return on the investment of higher
10 education includes many things: Increased tax
11 revenues, greater workplace productivity,
12 increased consumption, increased work force
13 flexibility and decreased reliance on government
14 financial support.

15 Higher education increases earning power,
16 reduces recidivism and has a positive correlation
17 with good health and overall quality of life and
18 deep social integration for both adults and their
19 children.

20 The positive effects of educational
21 attainment and its ability to reduce recidivism,
22 thereby saving taxpayer dollars and shape
23 productive and law-abiding citizens, has been
24 documented over and over again. But while

1 studies show that with every year of education,
2 recidivism rates decline -- Michelle Fine once
3 did a study that shows that rates declined as low
4 as seven percent in New York State for women with
5 a college degree -- the 1998 reauthorization of
6 the Higher Education Act continue to limit access
7 to higher education for people in prison and also
8 limit access to higher education for some people
9 after prison.

10 This limits programs to vocational training,
11 transitional employment, limiting people to
12 minimum wage jobs which often fail to lift them
13 out of poverty. And given the enormous financial
14 and societal costs incurred by limiting access to
15 higher education for people with criminal
16 records, it is my hope that the current
17 Administration will focus attention on ways to
18 increase higher education opportunities for this
19 population.

20 In that regard, I have a couple of
21 recommendations. We have to understand that
22 while many people believe that our future is
23 measured by our success in keeping young people
24 out of prison, and that is partially true, it is

1 also measured by helping the people who are
2 already in prison achieve a level of success that
3 will model educational attainment for their
4 children, because we know that the children of
5 prisoners are sometimes more likely to go to
6 prison. The data shows that.

7 New York State should do the following:
8 Return meaningful higher education opportunities
9 to people in prison and upon their release.
10 Fostering such access should be an integral
11 aspect of the state's education policy and part
12 of a continuum joining Corrections, Parole and
13 Reentry.

14 This can be done in a few ways: One,
15 support higher education and educational
16 opportunities in prison using the following
17 options. You might restore eligibility for New
18 York State Tuition Assistance Program. That can
19 be done within the state and it can be done
20 without legislation.

21 Establish a limited fund administered by a
22 gubernatorial commission to support educational
23 programs in prison. There are educational
24 programs that exist in prison. They're privately

1 funded. They're far and few between. But with
2 more support from the state, there could be more
3 of them and they could be used more broadly, the
4 ones that are currently existing.

5 Establish a limited fund to expand existing
6 opportunities, especially those programs that
7 have persisted in the past decade. There are
8 programs such as the Bard Prison Initiative, the
9 Hudson Link program at Sing Sing, the Marymount
10 Manhattan program at Bedford. Those programs
11 could and should be supported.

12 DOCS could also provide appropriate space
13 and security and technology classification holds
14 and other reasonable resources necessary to
15 operate successful post-secondary initiatives
16 within the system.

17 In other words, those programs that are
18 already operating, even with private funding and
19 no money from the state, if you're not going to
20 give them financial resources to operate, at
21 least give them the physical things that they
22 need. Give them the space that they need. Give
23 them the holds that they need in order to keep
24 their students in one place.

1 The third thing that can be done is the
2 expansion of access to higher education for those
3 in the community and this is, you know, what the
4 College & Community Fellowship does; to consider
5 higher education as a means for successful
6 reentry. This could be done by reinstating
7 educational release, as Debbie Mukamal mentioned,
8 and it could be done by establishing a fund to
9 support the programs that are already existing
10 providing higher education in the community.

11 And just a brief conclusion: We are only
12 able to serve about 45 to 50 students a year.
13 Hopefully, we'll be moving to 75 to 80 students a
14 year, because we've been fortunate enough to
15 recently get a grant from the Robinhood
16 Foundation. We get no state funding at all for
17 our program and I have no qualm saying that I
18 think we should.

19 As a person who directly benefited from the
20 transformative effect of a quality liberal arts
21 education in a program designed to help women get
22 a college degree after release from prison, I am
23 compelled to inspire others to take advantage of
24 higher education by continually expressing to

1 audiences how education became a catalyst for
2 change in my own life.

3 I represent CCF without reservation, because
4 its mission is the embodiment of many of my
5 personal core beliefs about higher education. I
6 am not presenting theories that I learned on
7 paper or statistics that I learned from reading a
8 study. I'm telling you about what I know about
9 real people who live real lives, who walk the
10 walk of arrest and conviction and incarceration
11 and reentry, some who recycled in and out of the
12 system time and time again until one day, they
13 were presented with the opportunity to transform
14 their lives through higher education.

15 Some say, and I heard it said this morning
16 when Glen Martin was speaking, that such people
17 are exceptional people, that they're special,
18 that they're extraordinary, that they can't be
19 compared to the general population of people in
20 prison or the general population of people in
21 reentry. But I can say with certainty that these
22 are not extraordinary people.

23 I can say with certainty that when I
24 enrolled in the College & Community Fellowship as

1 a student two weeks after I walked out of Albion
2 Correctional Facility, I was not an exceptional
3 person. I was just an ordinary person facing the
4 ordinary challenges of reentry, but I was given
5 an extraordinary opportunity and I took that
6 extraordinary opportunity and turned it into an
7 extraordinary hope.

8 And I'm hoping that we can cooperate somehow
9 together to offer that same hope to many more
10 people. Thank you for giving me over my 10
11 minutes.

12 DIRECTOR MACCARONE: Thank you very much.

13 (Applause.)

14 COMMISSIONER FISCHER: Vivian, when you said
15 Tuition Assistance Program, you're talking about
16 TAP?

17 MS. NIXON: Yes.

18 COMMISSIONER FISCHER: You said we did not
19 need legislation? Please explain that.

20 MS. NIXON: From the research we've done,
21 and I would like to give credit to the people
22 I've been working with for the past year or so,
23 and that's Correctional Association of New York,
24 Bard Prison Initiative and Prison Reentry

1 Institute at John Jay, we've been working on this
2 issue for the past year, researching it and we
3 believe that since it was taken away with the
4 stroke of the Governor's pen that it can also be
5 restored the same way.

6 ASST. COMMISSIONER DELMONTE: I have a
7 question about your program model. Do the women
8 that have participated in that program, is there
9 another aspect of mentoring or re-involvement in
10 the prison system for those women that have gone
11 through the program, participated and are
12 successful?

13 MS. NIXON: I'm not sure I understand the
14 question.

15 ASST. COMMISSIONER DELMONTE: The people
16 involved in the program or have completed it,
17 through their education, is there a mentoring
18 aspect involved where they would be involved with
19 other programs for women who are incarcerated?

20 MS. NIXON: Oh, many of our graduates serve
21 as mentors for our new students coming in and
22 those -- at least 70 percent of our graduates, we
23 know, work in service agencies throughout New
24 York City. Many of them work for some of the

1 agencies that were represented here today.

2 So, yes, they do work with the population in
3 that way.

4 ASST. COMMISSIONER DELMONTE: I'm curious.
5 Within those two weeks in your own experience,
6 how did you find out about this program?

7 MS. NIXON: I didn't find out within those
8 two weeks. I found out before I ever left
9 Albion. It was a new program at the time and
10 they were doing recruiting at all of the women's
11 prisons. So I happened to get a brochure before
12 I was released. We stopped doing recruiting in
13 2003, because we didn't have the capacity to
14 serve the number of women that were demanding our
15 services. We're going to start recruiting again
16 over the summer, because thank God, we got a
17 grant from Robinhood that's going to allow us to
18 accept more students in the fall. But we stopped
19 recruiting for a while, because we couldn't
20 handle the demand.

21 CHAIRMAN ALEXANDER: I agree with you
22 wholeheartedly that education can help reduce
23 recidivism. In fact, I'll go so far as to say
24 education can help reduce criminality. Many of

1 the folks in our system are in our system because
2 they couldn't conquer the educational system.

3 How do you reach out and address those
4 individuals that don't have the wherewithal
5 academically to succeed in higher education?

6 MS. NIXON: I'm going to ask you to repeat
7 the question, because I need to understand what
8 you mean when you say don't have the wherewithal
9 academically to --

10 CHAIRMAN ALEXANDER: They've been a product
11 of a failing school system, first of all. So,
12 therefore, they can't succeed, because the school
13 system primarily has failed them and so they
14 don't have the wherewithal to make it in higher
15 levels of education.

16 So how do you prepare them? How do you
17 reach out and get them so that they become
18 successful in higher education?

19 MS. NIXON: Let me just say that we did a
20 three-year evaluation of our program funded by
21 the 42nd Street Fund and 66 percent of our
22 students never got a high school diploma. They
23 got their GEDs in prison. So these were not the
24 cream of the crop. These were not extraordinary

1 people. These were very motivated people who
2 just got an extraordinary opportunity. And some
3 of them started out with remedial courses. Some
4 of them, they didn't go to the best schools.
5 They didn't go to Columbia or NYU. They went to
6 community colleges. They went where they could,
7 but they got a degree.

8 CHAIRMAN ALEXANDER: And what do we do with
9 the other 44 percent?

10 MS. NIXON: I'm sorry?

11 CHAIRMAN ALEXANDER: What do we do with the
12 other 44 percent? You said 66 percent were
13 successful.

14 MS. NIXON: No, I didn't say 66 percent were
15 successful. I said 66 percent never got a high
16 school diploma. They only got a GED. The other
17 44 percent were high school graduates.

18 DIRECTOR MACCARONE: What did Abraham
19 Lincoln say? "The most powerful outcome in life
20 is the power to succeed."

21 MS. NIXON: That's correct. I just want to
22 give -- Glen Martin just gave me a note that's
23 very important, because I don't want to leave you
24 with the wrong impression. Apparently, we did

1 find out it does require a legislative fix to
2 restore TAP. I'm sorry. I didn't want to
3 mislead you.

4 DIRECTOR MACCARONE: Thank you very much.

5 Would you introduce yourself? I know you're
6 from the Kings County District Attorney's Office,
7 the office of Charles Hynes.

8 MS. SEAWOOD: Yes. Good afternoon. My name
9 is Vonda Seawood. I'm from the Kings County
10 District Attorney's Office ComAlert Program.

11 First, let me say I think this is an
12 extraordinary event just to have everyone here to
13 address the reentry process that is really an
14 intricate part of the reentry process, because a
15 lot of the CBOs have been doing this for years
16 and having once worked at a CBO, I know how
17 important this is.

18 Today, I would like to talk to you about
19 ComAlert, which stands for the Community and Law
20 Enforcement Resources Together, and how its
21 strategy of collective integration amongst our
22 agencies can have a beneficial impact upon our
23 program's short- and long-term goals.

24 Our reentry program, created by Kings County

1 District Attorney Charles J. Hynes, aims to
2 ensure that individuals being released from
3 prison successfully transition back to their
4 Brooklyn communities and attain the goals of
5 self-sufficiency, sobriety and civic
6 responsibility.

7 The successful reintegration of these
8 parolees, many of whom have children, is
9 absolutely vital for the social well-being of our
10 neighborhoods. If parolees return to the
11 communities without appropriate supports in
12 place, the rates of drug use, criminal recidivism
13 rise. The physical and mental health of parolees
14 deteriorate and the parolees' families and
15 communities suffer.

16 In 2000, District Attorney Hynes launched
17 ComAlert, the nation's first prosecution-ran
18 reentry program to provide substance abuse
19 treatment as well as employment, health care and
20 educational assistance to Brooklyn's formerly
21 incarcerated individuals.

22 Over the years, the program expanded and in
23 2004, it moved to its present location at 210
24 Jerolomen Street in Brooklyn. ComAlert has

1 demonstrated that when law enforcement and social
2 service providers collaborate to monitor a
3 parolee's reentry into his or her community and
4 coordinate to deliver critical social services,
5 especially substance abuse treatment and
6 employment assistance, criminal recidivism rates
7 drop and employment rates increase.

8 Primarily, research has shown in reference
9 to ComAlert that 21 percent of the program
10 graduates are re-arrested within two years of
11 their release from prison as compared to 59
12 percent nationally. Additionally, approximately
13 50 percent of ComAlert clients are unemployed
14 when they enter the program; 26 percent are in
15 transitional employment, and only 19 percent have
16 full-time non-traditional employment. Upon
17 graduation, the employment status of these
18 individuals change dramatically: 18 percent
19 unemployed; 32 percent have transitional
20 employment and 37 now have full-time position
21 that is not in the transitional phase.

22 The ComAlert staff and out-service provider
23 partners represent a vast array of experience in
24 both administrative and direct entry services and

1 are exceptionally well-informed of many of the
2 practical applications of relevant policies and
3 procedures utilized by most of the agencies
4 represented here today. This experience has been
5 a valuable and has identified certain
6 administrative and procedural service barriers
7 that, once removed, will enhance the programmatic
8 success that we have thusfar enjoyed and allow
9 our counselors to more fully address and recently
10 released consumers who certainly wish to have a
11 positive difference in their life.

12 Three important areas that we wish to
13 highlight for your consideration are as follows:
14 First, reentry preparation must begin from the
15 moment individuals enter the penal institution.
16 During a recent teleconference and a recent
17 attendance at the Fishkill Correctional Facility
18 Resource Fair, our staff spoke to inmates who
19 expressed that they thought that reentry should
20 take place immediately upon their entering into
21 the prison system, not late into the
22 incarceration period and sometimes not addressed
23 until 90 days before the release.

24 As we all know, repetition facilitates

1 change for each person. If a cognitive behavior
2 method can be implemented in regular programming
3 early on during an inmate's incarceration period,
4 it will greatly enhance the internalization
5 process of essential learning skills, including
6 proper decision-making. Upon release, the
7 parolee will then be better prepared to come into
8 the mainstream with a more comfortable attitude
9 in applying these traits.

10 ComAlert ensures that parolees receive
11 services rapidly often within the first few weeks
12 or less upon their release. As we all know,
13 parolees are required to report to parole 24 to
14 48 hours and at that time, in Brooklyn, we have
15 our pre-release assessment process take place
16 alongside of parole's access center staff.
17 There's a ComAlert counselor there ready to
18 interview. They develop a psychosocial
19 assessment which provides the basis for any
20 future reentry planning and treatment.

21 ComAlert can then build upon the ingrained
22 positive behavior patterns acquired during
23 incarceration by immediately exposing the parolee
24 to key components of a service plan that will

1 soon become second nature and lead to more
2 successful reentry results.

3 Second: Studies have shown that recidivism
4 is reduced when inmates receive a higher
5 education while incarcerated. As a result of
6 having received a college degree, ex-offenders
7 released into the community will have more
8 employment prospects and will be less likely to
9 need financial assistance from the government.

10 From a law enforcement perspective, we know
11 that a parolee who concentrates on improving his
12 or her education and vocational marketability is
13 more likely to become a community asset rather
14 than a recidivism statistic. Free higher
15 education programs involve credit-bearing
16 courses. Coursework has been removed from most
17 of the New York State correctional facilities.
18 There is an immediate need to access college
19 education alternatives for eligible parolees who
20 wish to enter the education arena. The state
21 must fund that aggressively targeting the parole
22 reentry population. This is a sound future
23 investment not only for the parole individual but
24 the community at large.

1 Many of the inmates participate in hands-on
2 vocational training that are sanctioned by New
3 York State Department of Labor while
4 incarcerated. These programs allow them to
5 substantially increase their marketability in a
6 number of vocational areas. Upon completion,
7 they use and receive a certificate issued by the
8 correctional facility. In order to utilize these
9 certificates more effectively, the certificate
10 should read New York State Department of Labor as
11 opposed to New York State Department of
12 Corrections.

13 Attempting to re-enter the work force with a
14 criminal record is challenging unto itself.
15 Certificates saying New York State Department of
16 Correctional Services just raise more questions
17 for the parolee to have to answer instead of
18 winning over the prospective employer.
19 Certificates certified and/or issued by the
20 Department of Labor will greatly assist in the
21 necessary reinforcement of the rehabilitation
22 effort.

23 Finally, ComAlert's wrap-around services
24 involve understanding the needs and efforts that

1 family play in the reentry process. ComAlert
2 aggressively targets local community-based
3 organizations and churches in Brooklyn who assist
4 families and incarcerated individuals with social
5 services. This includes our counselors assisting
6 ComAlert consumers in dealing with family-related
7 issues, such as child support, child custody and
8 we intend to expand our services to family
9 therapy. This process should begin in the
10 correctional facility. Perhaps, a counselor
11 could be provided to meet with family members on
12 visiting day. Also, an information table could
13 be set up providing literature and contact
14 information for family members who have issues
15 with substance abuse, housing, mental health and
16 other concerns to help begin to build the process
17 of a solid family support system for the inmate
18 upon his or her release.

19 It is important to note that ComAlert is a
20 prosecution-ran program whose first and foremost
21 goal is public safety of the citizens of Kings
22 County. A district attorney's office has a
23 vested interest in successful reentry of
24 parolees, because a reduction in criminal

1 recidivism means a reduction in crime resulting
2 in increased public safety, the ultimate goal of
3 all law enforcement agencies.

4 A district attorney's office is uniquely
5 positioned to act as a lead agency for reentry
6 programs as the office already has strong ties to
7 its fellow law enforcement agencies. This is why
8 it's so important for our agency to take full
9 opportunity to learn more about each organization
10 who has presented here this afternoon and this
11 morning so that we can share strategies resulting
12 in productive and more effective collaboration.

13 It would be extremely difficult to suggest a
14 better, more cost-effective investment of
15 taxpayer dollars than to use our combined
16 resources in giving citizens a second chance at
17 building productive lives while spontaneously
18 setting the foundation for increased safety in
19 our communities. Thank you.

20 DIRECTOR MACCARONE: Thank you. Panel
21 members? Questions?

22 Could you just comment on that certificate
23 again, the distinction between the Department of
24 Labor and the Department of Correctional

1 Services?

2 MS. SEAWOOD: Yes. Currently, a lot of
3 individuals who are incarcerated do participate
4 in vocational training. Most of the vocational
5 training, upon completion, they will give them a
6 certificate that indicates that they have
7 participated in X, Y and Z program and one of the
8 things that I know for a fact having worked for
9 the Department of Corrections as an ASAT
10 counselor is that these particular certificates
11 are very good to show employers, but a lot of
12 times, you may have an individual, for example,
13 who may have been to five or six different
14 correctional facilities and have participated in
15 various vocational programs. So, now, every
16 facility that he or she's been at will have the
17 name of that facility on the certificate, whereas
18 most of the programs, to my understanding, have
19 been reviewed and approved by Department of Labor
20 to make sure that they're getting the adequate
21 skills in order to actually put that program in
22 place.

23 So in order to improve the rates of people
24 being employed, if it's already approved by

1 Department of Labor, why not have the certificate
2 say Department of Labor? The vocational and job
3 readiness world, we do a three-minute pitch; we
4 don't want to do three minutes of training on why
5 the certificate says Fishkill, Auburn and
6 everything else. How about what did we do when
7 we participated in that program and what did we
8 learn?

9 DIRECTOR MACCARONE: Thank you. Comments?

10 DIRECTOR FITZMAURICE: Just one. In terms
11 of that certificate again, I'm curious, because
12 if Corrections is actually running the program,
13 it would seem to me that it should be Corrections
14 on the certificate. I'm wondering: Is there a
15 legal reason why it can't be Department of Labor
16 on the certificate or not?

17 MS. SEAWOOD: I'm not sure what the legal
18 reason is, but I do know that most of the
19 programs, unless something has changed, that it
20 is under the umbrella of Department of Labor and
21 it usually has had some kind of overview or seal
22 of approval so to speak by the Department of
23 Labor or some sort of educational institute, not
24 primarily just DOCS.

1 DEP. COMMISSIONER NUTTALL: I need to
2 clarify something. We no longer give
3 certificates, so it's not an issue anymore and
4 the programs are not overseen by the Department
5 of Labor. We have some Department of Labor
6 accredited programs, very, very lengthy, very
7 complicated, very difficult and a very small
8 number of inmates involved in the program, 400 in
9 any one time. We have 10,000 inmates involved in
10 our regular vocational training programs. So we
11 stopped giving the certificates for the very
12 reason that you mention we don't want on it.

13 What we give to the inmate before he or she
14 walks out the door is a list of all of the
15 dictionary of occupational titles that that
16 person has successfully learned while
17 incarcerated. So it's a different kind of
18 situation.

19 MS. SEAWOOD: Just to comment: So you have
20 given a long list, but once again, when we think
21 about reentry, people need to be able to show an
22 employer what have they been doing for the last
23 X-amount of years that they've been incarcerated.
24 So some sort of recognition -- I'm not sure

1 exactly how this document actually looks that
2 you're referring to, but there needs to be
3 something, because as an employer, you know, you
4 want to know what have you been doing while
5 you've been incarcerated because, unfortunately,
6 we live in a society that the average Joe will
7 refer to Oz and Wire and all kinds of things to
8 think about where our people are coming from.
9 They don't have any idea exactly what's going on
10 by way of rehabilitative services. So we need to
11 try to help with removing that stigma that it's
12 either Club Med or it's the O.K. Corral.

13 DEP. COMMISSIONER NUTTALL: Again, you need
14 to understand what the inmate gets when he or she
15 walks out the door is a list that specifically
16 indicates what vocational training skills they
17 have learned while the individual was
18 incarcerated. The fact is learning in the
19 Department of Correctional Services, I'm sorry,
20 but I think we'd have a little trouble convincing
21 the Commissioner of the Department of Labor to
22 just rubber stamp every vocational training
23 program that we have.

24 So, you know, I think we've addressed that

1 and I think the inmate can walk out the door and
2 say, "Here's what I've learned," and it's stated
3 using a federal dictionary of occupational titles
4 that "These are the skills I've demonstrated.
5 This is the level of work I can do." That's what
6 we give every inmate who walks out the door.

7 DIRECTOR MACCARONE: I want to thank you
8 very much for your testimony here today. We
9 appreciate it.

10 I am advised Patricia Aikens will not be
11 presenting this afternoon. So at this point, I'm
12 going to pass the baton over to Executive Deputy
13 Commissioner Sean Byrne.

14 DEP. COMMISSIONER BYRNE: Good afternoon.
15 Could Kenneth Duszynski please come to the
16 microphone and prepare his testimony? And could
17 Seep Varma take the opposite table?

18 Mr. Duszynski, we're ready when you are.

19 MR. DUSZYNSKI: Good afternoon. I'm Ken
20 Duszynski, the director of Adult Forensic
21 Services for Mid-Erie Counseling & Treatment in
22 Buffalo. I'd like to thank you all for the
23 opportunity to speak this afternoon on the topic
24 of reentry.

1 Before I speak on where I believe we are
2 right now and what I believe are some important
3 elements for the future, I'd like to speak
4 briefly about the history of the way in which
5 we've treated incarcerated individuals in New
6 York.

7 The first prison in New York was Newgate.
8 Unlike Auburn or Sing Sing, it planted no seeds
9 for the correctional future nor did it last very
10 long. It opened in 1797 and closed 31 years
11 later when the new Sing Sing prison was ready to
12 take prisoners sentenced out of New York City.
13 Newgate, though, did represent a rejection to the
14 approach of crime and punishment that had
15 prevailed in the American colonies. Crime in
16 colonial times was seen as sin. It had always
17 been with us and always would be.

18 Since the criminal's depravity was
19 considered as natural and as ineradicable as a
20 leopard's spots, reformation was not the aim of
21 punishment. Punishment was to deter the offender
22 as well as to the crowds that gathered to watch.
23 Loss of liberty was seldom used as punishment.
24 Mere confinement was for paupers, orphans,

1 debtors, the debilitated and the insane.
2 Confinement was also used to hold suspected
3 wrong-doers pending trial.

4 Once there was a finding of guilt, it was
5 the duty of the community to either shame the
6 offender into acceptable behavior through
7 branding, the stocks, the pilary, carting them
8 through the streets to scare them and the
9 spectators straight or to eliminate them through
10 exile or death.

11 Newgate was ill-designed to manage special
12 classes of offenders. Female prisoners were
13 housed separately but not separately enough.
14 When a Swedish nobleman visited Newgate in 1819,
15 he was told that 40 women caused more problems
16 than the rest of the male inmates put together.
17 Considered an economic drain, they were
18 carelessly governed and fearless of discipline.

19 The insane and the deranged were another
20 group that plagued Newgate, one man thinking he
21 had the throne of Napoleon. Newgate would
22 gradually come to look and feel and even smell
23 like an old-style jail. Visitors brought
24 troubles, whiskey, tools, money and unauthorized

1 messages. Contractors for prison industries also
2 smuggled alcohol and other contrabands to induce
3 the convicts to work.

4 Sundays were especially characterized by
5 obscene singing, rowdy horseplay and gambling.
6 Insolence and idleness, filthiness and possession
7 of shives were commonplace. And with respect
8 to the reparation of offenders, the common
9 perception was that Newgate, like jails of old,
10 had become the school for crime.

11 The preceding comments written describing
12 Newgate's functioning through the 1820's, if we
13 correct for language and update some of the
14 terms, we find that, unfortunately, not a lot has
15 changed. The simple fact is that prisons have
16 not really worked to rehabilitate anyone.
17 Prisons serve to remove individuals from society
18 for a period of time as a result of their
19 aberrant behavior.

20 The challenge today, very much like in the
21 1820's, rests in developing a system of care that
22 deters the individual from criminal behavior and
23 reinforces law-abiding behavior in the community.
24 We could conceptualize this as constructing an

1 appropriate societal structure similar to that of
2 the family, to teach and reinforce positive
3 values of appropriate behavior.

4 As you might imagine, this is not an easy
5 task. What we are asked to do in looking at
6 reentry is to bring an individual with a
7 documented history of multiple problems back into
8 the community in a safe and productive manner.
9 The creation of this type of structure requires
10 contributions from a variety of community
11 organizations and systems.

12 Dealing with the re-entering individual
13 requires us not only to act in a rehabilitative
14 manner but also to safeguard the rights of others
15 in the community. This has always been a
16 challenge in that the rights of the individual
17 must be weighed against the rights of the overall
18 community members.

19 That having been said, traditional social
20 science, mental health and chemical dependency
21 agencies as well as faith-based organizations
22 must combine with supervising law enforcement
23 agencies as well as family members to provide a
24 safe and appropriate environment for the

1 re-entering individual.

2 We have had success in this area in a
3 variety of models which we refer to as cognitive
4 behavioral treatment. Simply put, we attempt to
5 assist the individual in making appropriate,
6 healthy judgments that will positively affect
7 both themselves and other members of the
8 community.

9 Because we are dealing in most cases with
10 longstanding behavioral problems, these types of
11 changes take time and must be started well prior
12 to release. This brings the final portion of the
13 picture together in that we must begin for
14 planning for the release of the individual from
15 the time they enter the correctional system.
16 Detractors to this approach have traditionally
17 criticized it as being soft on crime, a threat to
18 the community in general and a dangerous liberal
19 philosophy.

20 If done correctly, on the contrary, it
21 represents the safest way in which to balance the
22 rights of the re-entering individual with those
23 of the community. It does stress, however, the
24 need for everybody to be on the same page.

1 Communities must work together in task forces
2 toward the single goal of providing the most
3 humane system of care within the guidelines of
4 overall community safety. It's a dynamic
5 process. It really never is over. As long as
6 the individuals are in service, ongoing
7 assessments must be made regarding their
8 cooperation with treatment, supervision and their
9 families as well as the communities in which they
10 live.

11 That brings me to my next point. The
12 process of reentry that starts at the point of
13 incarceration continues throughout the period of
14 supervision in the community. Some re-entering
15 individuals will need lifelong treatment and
16 support. Therefore, traditional behavioral
17 treatment governed by concepts such as managed
18 care and the rationing of services must be looked
19 at as outmoded concepts. We need to look at the
20 types of these services individuals need.

21 By the time a person is incarcerated to a
22 prison term in New York, a number of things will
23 have happened. It can be assumed that the
24 individual suffered from a number of

1 environmental deficits, has been exposed to
2 violence, has been exposed to and may be
3 experiencing some type of drug-related difficulty
4 and has suffered deficits in the educational
5 system. Overall, the health of many of these
6 individuals is also compromised.

7 Given all of these factors, individuals
8 re-entering the community need to have
9 comprehensive health assessments performed.
10 Problems which have been discovered prior to and
11 during the period of incarceration must be
12 treated appropriately. This requires individuals
13 to be able to access appropriate health services
14 as well as mental health, drug and alcohol
15 treatment and counseling service as close to
16 their date of release as is possible.

17 Also, and most challenging, is the
18 individual's need for a safe and secure place to
19 live. If these things are appropriately
20 constructed, the individual successfully
21 negotiates initial release, long-term goals such
22 as education, work and other gainful activities
23 can then be addressed.

24 One of the challenges of uniting our systems

1 is the sharing of information. Another paradox
2 of attempting to do comprehensive assessment
3 questions the rights of individuals to privacy.
4 Comprehensive treatment planning, however,
5 requires the availability of systems to make
6 available to all the necessary documents in terms
7 of assessing their current functioning as well as
8 their past history. This also reflects the need
9 for timely completion of paperwork for benefits
10 and medical insurance ensuring that the
11 individual can access services immediately upon
12 their release.

13 In the past decade, we have seen political
14 systems act to restrict access to means-tested
15 indigent programs in an attempt to decrease
16 governmental costs. Historically, these programs
17 were put into place to assist individuals to get
18 back up on their feet and work toward becoming
19 independent people who positively contribute to
20 their community. One can look at this as
21 investment.

22 If we correctly construct reentry programs
23 and refer individuals to necessary services and
24 make available payment for those services to

1 community providers, we construct an overall
2 environment conducive to success and positive
3 change.

4 In conclusion then, what does the future
5 hold? Clearly, we can go down two paths. The
6 first is to continue doing business the way we
7 have been doing it right now. This provides the
8 community with the illusion of safety under the
9 guise that we have unlimited resources to
10 indeterminately incarcerate huge number of
11 individuals.

12 The second path is a challenge. It
13 challenges us to question traditional values in
14 ways of doing business. It questions the status
15 quo. It asks large and transient institutions to
16 attempt wholesale change. It challenges us as
17 individuals to learn different skills. It
18 challenges us to act differently so as to
19 ascertain different outcomes.

20 Reentry, if done properly, helps individuals
21 to return to and become productive members of the
22 community. In the long haul, it is both the most
23 humane as well as the single most cost-effective
24 way in which to deal with individuals leaving the

1 correctional system.

2 No matter which side of this argument you
3 fall on, whether it is for human dignity or cold
4 hard economics, reentry is a process that works.
5 Thank you very much.

6 DEP. COMMISSIONER BYRNE: Questions for Mr.
7 Duszynski?

8 DIRECTOR FITZMAURICE: Ken, I was just
9 curious: You are from Erie County and I know you
10 also sit on the Reentry Task Force there. Can
11 you name maybe the two or three biggest
12 impediments that you see in your particular
13 county to successful reentry? And if you have
14 any suggestions to how we can address that.

15 MR. DUSZYNSKI: I think the first thing that
16 we saw and a lot of people see is just getting
17 everybody into the same room to talk about these
18 things. A lot of communities have a lot of
19 different resources, but often times, we end up
20 silent and we don't talk to each other. I think
21 the first thing is really communication and
22 getting everybody to drop traditional ways of
23 doing business and looking at things.

24 The other more traditional things I think

1 you'd find are simply issues like housing and
2 work. Both the science of behavioral health care
3 as well as addictions tells us we can get
4 somebody clean. We can get somebody in a way
5 that they're going to do well, but then they
6 have to have a life and that's where I think
7 we've fallen short in the long haul. We have to
8 have the next piece. You can't just be sober.
9 You have to have a life and do something.

10 DEP. COMMISSIONER BYRNE: Any other
11 questions?

12 (No affirmative response.)

13 DEP. COMMISSIONER BYRNE: Thank you very
14 much. If Felipe Vargas could please take the
15 seat here and we'll now turn to Seep Varma.

16 MR. VARMA: Good afternoon. Thank you for
17 giving me the opportunity to be here. My name is
18 Seep Varma and I'm the executive vice president
19 of New York Therapeutic Communities, Inc., and
20 also the co-chairperson of the Criminal Justice
21 Committee of the State Association of Alcoholism
22 and Substance Abuse Providers.

23 NYTC is a not-for-profit agency that
24 operates substance abuse treatment programs for

1 men and women in the criminal justice system.
2 Our programs operate both within the prison
3 system and in community-based settings. The
4 therapeutic community, or TC, treatment model
5 that we use has been shown to be particularly
6 effective in reducing substance use relapse and
7 recidivism among criminal justice clients.

8 As executive vice president of our agency, I
9 have direct oversight responsibility for
10 day-to-day operation of these programs. The
11 success of our program graduates in re-entering
12 society as productive citizens is a great source
13 of personal satisfaction for me and all the
14 members of our organization.

15 The link between substance use and crime is
16 well-established and drug and alcohol abuse and
17 addiction are implicated in crimes and
18 incarceration of 81 percent or some 1.6 million
19 of the two million men and women behind bars in
20 America. In New York State, the estimate has
21 been higher affecting approximately 85 percent of
22 the state's nearly 63,000 inmates. This number
23 does not factor in many of the City inmates, some
24 14,000, who without proper discharge planning,

1 perhaps, could be more likely to re-offend and
2 eventually end up as state inmates.

3 It's for this reason that expansion of
4 critical programs that provide inmates with
5 meaningful substance abuse treatment and reentry
6 opportunities be continued. We now have over 40
7 years of research to demonstrate that treatment
8 works, whether it's voluntary or involuntary.
9 Contact with the criminal justice system is an
10 opportunity to get substance abusing offenders
11 into treatment. Not only does treatment
12 dramatically reduce drug use and improve the
13 health, legal status and employability and social
14 functioning of those that receive services, but
15 it also provides significant economic benefits to
16 taxpayers in the form of reduced expenditures for
17 criminal justice health and social welfare
18 expenses.

19 Treatment also results in improved public
20 safety by reducing the incidents of crime related
21 to substance abuse. When Ron Williams, who's
22 sitting behind me, first initiated the Staying
23 Out Program in 1977, the concept of providing
24 treatment for substance abuse in prison was

1 greeted with some skepticism.

2 Today, in-prison treat in general and the
3 use of a therapeutic community model in
4 particular is a widely recognized method of
5 combatting substance abuse. The Staying Out
6 Program is acknowledged as having been the model
7 for many programs within the country, including
8 the New York State CASAC and ASAC programs,
9 that now offers substance abuse treatment to
10 thousands of inmates each year.

11 Staying Out has been widely emulated in
12 other correctional settings nationally and
13 internationally. Since it's inception in 1977,
14 the program has successfully treated thousands of
15 men and women. Staying Out continues to operate
16 at present under a contract with New York State
17 DOCS. It is located at the Arthur Kill
18 Correctional Facility and the Bayview
19 Correctional Facility, which are both medium
20 security facilities, 60 beds and 40 beds
21 respectively. And both Staying Out programs are
22 licensed and monitored by the Office of
23 Alcoholism and Substance Abuse Services.

24 In addition, NYTC operates our serendipity

1 programs, which is a 50-bed and 40-bed, male and
2 female, respectively, residential program in
3 Bedford-Styvesant, Brooklyn which provides a
4 continuity of care for our in-prison program
5 graduates when they return to the community and
6 also serve as an alternative to incarceration for
7 people that are referred from various criminal
8 justice sources within New York City, including
9 Division of Parole and New York City Department
10 of Probation. Serendipity programs are licensed
11 and funded by the State Office of Alcoholism and
12 Substance Abuse Services as well.

13 Additionally, our organization operates
14 intensive outpatient treatment services for
15 probationers in New York City who are at high
16 risk of violation of their probation due to
17 substance use. We operate on-site drug programs
18 in two high risk reporting centers in downtown
19 Brooklyn and in Jamaica-Queens that just in the
20 second year of operation are showing very
21 promising results and, together, those programs
22 service about 250 clients on a daily basis.

23 It is the model of providing substance abuse
24 treatment to inmates while in custody and then

1 having the necessary infrastructure in place to
2 continue these services when an inmate is
3 released that makes our program effective. The
4 combination has proven itself over time and it
5 has been emulated in other states serving as a
6 national model for effective substance abuse
7 treatment for inmates.

8 It is for this reason, among others
9 mentioned, that it is even more critical to
10 continue such programs that provide substance
11 abuse treatment and reentry services. As we
12 know, the relationship between criminal behavior,
13 substance abuse and mental health are all
14 interconnected. The consideration of the role of
15 community-based treatment providers is critical.

16 While Staying Out was instrumental in
17 demonstrating both the value and viability of
18 prison-based treatment, subsequent experience has
19 taught us that treatment for substance-abusing
20 offenders is most effective when it's part of a
21 broader continuum of care starting in a custody
22 setting and then continuing, perhaps, to a
23 residential setting and then on to an outpatient
24 setting.

1 As an organization with nearly three decades
2 of experience in providing substance abuse
3 treatment to the criminal justice system in New
4 York State, we have a number of recommendations
5 that we would like to ask the panel for
6 consideration.

7 One: We'd like to ask for expansion of
8 programs such as Staying Out which provide
9 coordinated services from a prison-based setting
10 to a community-based setting.

11 Two: Mandate the coordination of benefits
12 such as Medicaid, SSI and others prior to a
13 person's release from incarceration.

14 Three: Establish a system through the use
15 of community-based providers to evaluate and
16 develop a continuing care plan for each
17 substance-abusing inmate who is scheduled for
18 release.

19 Four: Dedicate one or more correctional
20 facilities specifically for the purpose of either
21 providing substance abuse treatment or evaluating
22 soon-to-be-released substance-abusing inmates.

23 Five: Provide funding to community-based
24 service providers for programs related to

1 reentry. And I think many of those programs were
2 others that were mentioned here today, whether
3 that's housing, job placement, et cetera.

4 Six: Develop a broad range of services that
5 could, perhaps, be funded through a statewide
6 reentry initiative that would include all ranges
7 of treatment from outpatient to residential to
8 methadone and others.

9 Seven: Funding should be applied equally to
10 all populations. Special populations, including
11 women, women with children, mentally ill, should
12 also be part of any statewide initiative.

13 Eight: Encourage the expansion of
14 sentencing reforms that could, perhaps, include a
15 larger number of drug offenders be diverted from
16 incarceration in the first place and be serviced
17 in community-based settings.

18 And, lastly, we would like to ask that -- it
19 is our understanding that there is a statewide
20 reentry planning initiative, a planning council,
21 folks that are made up from the panel here and
22 other interested parties, and we would ask that
23 that panel be mandated to either continue forums
24 such as like what we have here today, but in

1 addition, include community-based service
2 providers from throughout the state that provide
3 the services such as substance abuse treatment,
4 job placement, housing and others that were
5 mentioned here today.

6 We believe that programs like ours are an
7 effective use of state resources as they allow
8 for long-term cost savings through reduced
9 expenditures in many ways.

10 I'd like to just add two comments. It was
11 asked of one of my colleagues, Dominic Mattina
12 from Daytop earlier today, what we could do
13 perhaps to improve some of the in-house substance
14 abuse treatment that exists. And I think that
15 there are a number of things that we could start
16 with doing, one of which would be to mandate the
17 licensing of all of those programs by the State
18 Office of Alcohol and Substance Abuse Services.
19 We think that that's a valuable tool in our
20 experience. Having that monitoring, that
21 training, that technical assistance is helpful to
22 our staff.

23 Secondly, to encourage the licensing and
24 credentialing of all the staff that work in those

1 programs, it also keeps our staff abreast of best
2 practices, latest trends, et cetera. And
3 perhaps, lastly, there could be more substance
4 abuse treatment in-house than currently exists,
5 both more contracted opportunities and more
6 Department of Corrections-run programs. Thank
7 you.

8 DEP. COMMISSIONER BYRNE: Questions for Mr.
9 Varma?

10 COMMISSIONER FISCHER: If you had your
11 druthers and I gave you a facility
12 concentrating on drug addiction and reentry, what
13 would be the time frame you think would be
14 optimal? How long should they be there prior to
15 their release to the community or parole?

16 MR. VARMA: I think somewhere between six to
17 twelve months, and that's a very broad range.
18 Depending on what services were being offered,
19 that number could be fine-tuned.

20 DIRECTOR FITZMAURICE: You mentioned before
21 the issue of the number of folks who have mental
22 health problems as well and I know this is an
23 age-old kind of argument, which came first. I'm
24 always curious whether it makes a difference

1 whether someone has a mental health problem that
2 is primary or a substance abuse problem that is
3 primary. Does that make a difference in terms of
4 the joining of those two treatment services
5 together?

6 MR. VARMA: Not in my opinion, and I'm not a
7 mental health expert. But as a social worker and
8 someone who tends to view problems holistically,
9 I would say that, certainly, a mental health
10 problem in our experience has to be stabilized
11 either through treatment or the use of
12 psychotropic medication first and foremost so
13 that there's a certain safety and cognitive
14 awareness that's in place and then substance
15 abuse treatment has the opportunity to be
16 effective at that point. But, really,
17 simultaneous treatment is what's required. I
18 don't know to me anyway that it makes a
19 difference what came first.

20 We certainly have co-occurring and dually
21 diagnosed people throughout all of our programs,
22 and our primary concern is to get one stable, get
23 the mental health problem stable and substance
24 abuse problem, for that matter, stable and then

1 provide simultaneous treatment.

2 DIRECTOR MACCARONE: Typically, how long do
3 these offenders remain in treatment in the
4 community once they leave the prison system?

5 MR. VARMA: If someone participates in our
6 Staying Out program in the prison system where
7 they remain for about nine months or so and were
8 to go into our serendipity program, they would
9 remain there for about the same amount of time,
10 approximately nine months. And then they would
11 be followed up with outpatient treatment after
12 that, which generally lasts a minimum of six
13 months. So some of the time frames can be
14 tweaked, you know, seven months. Seven months
15 was mentioned earlier today.

16 DIRECTOR MACCARONE: We've heard a lot of
17 needs of offenders today, housing and substance
18 abuse treatment, certainly, and employment and,
19 you know, the way those types of primary needs --
20 and they are primary, I think, in terms of
21 success and future success of offenders -- relate
22 to each other, however, is the interest that I
23 have. And I would like you to, if you would,
24 help us unpack those needs. How do they relate

1 to each other?

2 If we had an offender who re-entered the
3 community after having been in drug treatment
4 within the Staying Out program within the
5 correctional facility but then had stable housing
6 and employment -- I don't mean to suggest they
7 wouldn't then participate in treatment, but
8 wouldn't the need for treatment be somewhat less?

9 MR. VARMA: Not in our opinion. I mean,
10 those folks that participate in our prison-based
11 program, we find that them going into residential
12 or intensive outpatient immediately upon release
13 access sort of a triage system. They can get
14 there and our case management staff and other
15 folks that are involved in the treatment program
16 can assess the whole range of needs. It's very
17 few people that we find that have stable housing,
18 stable family, employment and other things
19 already in place, not that some folks in a very
20 short amount of time couldn't get there. But
21 when they get to our doors, we find that they --
22 you know, that assessment evaluation and
23 providing all the services in a short amount of
24 time is helpful.

1 DIRECTOR MACCARONE: This may be an unfair
2 question, because you are a treatment provider,
3 but at the same time, I wonder about the net
4 effect of self-medicating on the individual's
5 part leaving the correctional facility,
6 re-entering the community, when there is no
7 stable housing for that individual or employment.

8 So it becomes clearly a question of chicken
9 and egg and how those primary needs interrelate.
10 But it seems to me the more we go down the path
11 of treating one individual need without treating
12 all three, perhaps, at the same time, I think
13 we're not going to be well served by that.

14 Do you want to say anything about that?

15 MR. VARMA: I would definitely agree with
16 that. I think that's why our approach, we
17 believe, is an effective one, because when
18 someone enters into residential substance abuse
19 treatment upon their release, they have a fair
20 amount of time for all of those things to be
21 sequenced, both appropriately from a treatment
22 perspective and just from a logical perspective,
23 you know, housing, re-unification with their
24 family, drug treatment, solidifying relations

1 with parole, other things that were mentioned
2 earlier here today by individuals who spoke,
3 riding the train, going to the ATM machine,
4 learning about a computer, learning how to use
5 the Internet.

6 There are lots of different things that
7 folks, regardless of how good some of the
8 services are in a custody setting, will still
9 need to learn when they leave.

10 DIRECTOR MACCARONE: Lastly, do you have any
11 evaluation data on outcomes?

12 MR. VARMA: Yes, we do. I'd be glad to send
13 you a package. I'll send a package to several of
14 the panel members.

15 DIRECTOR MACCARONE: Do you know offhand
16 what that looks like?

17 MR. VARMA: Well, different studies have
18 been done over time. Unfortunately, our most
19 recent study is probably eight or nine years old
20 at this point, but showed fairly good success
21 results. It was an average of about 75 percent
22 of people who completed the in-prison program
23 followed by residential treatment in the
24 community stayed drug-free, arrest-free and

1 crime-free after a period of five years. And
2 there are lots of different sub-sets of
3 populations in there. Women, for example, had a
4 lower recidivism rate. The men was slightly
5 worse. And there was some stratification of
6 people depending on how long they participated in
7 treatment, but I'd be glad to send you that
8 information.

9 DIRECTOR MACCARONE: Thank you.

10 DEP. COMMISSIONER BYRNE: Any other further
11 questions?

12 DIRECTOR FITZMAURICE: I just have one more.
13 Do you think that the co-location of services at
14 one site is more beneficial than not? The reason
15 I ask is because we have put up a significant
16 amount of money, all of our agencies have, for a
17 very long time now for substance abuse, for
18 housing, for employment, for a lot of other
19 things. And I'm not clear myself that the
20 statistics on success are any better. And I
21 don't know if that's because we need to think
22 about putting those services in one spot so that,
23 you know, there's like a one-stop shopping or do
24 you think that makes any difference from your

1 experience?

2 MR. VARMA: From our experience, and I'm
3 sure most treatment providers would share in the
4 perspective, that it's probably better to have
5 the maximum number of services available at one
6 location. We see in, for example, our probation
7 programs where we have substance abuse treatment
8 services on-site to where folks report to
9 probation and they have also some medical
10 services and some housing referrals and other
11 things there at one location, that that increases
12 the likelihood that folks participate in
13 treatment, that they continue to attend, that
14 they stay drug-free while they're in the program.

15 So we see those results on the spot. What
16 the long-term effect is is something that I don't
17 know that we've studied necessarily, but I think
18 it's a general belief that the more you have
19 on-site in one location, that that's an
20 elimination of some possible barrier to that
21 person getting that treatment at another
22 location.

23 DIRECTOR MACCARONE: Thanks.

24 DEP. COMMISSIONER BYRNE: Further questions?

1 (No affirmative response.)

2 DEP. COMMISSIONER BYRNE: Thank you very
3 much. If Kevin O'Connor could please come up and
4 replace Mr. Varma and we'll now turn to Felipe
5 Vargas.

6 MR. VARGAS: Good afternoon. My name is
7 Felipe Vargas. I thank you for having me here to
8 speak on this important issue, the issue of
9 reentry. I'm from the Doe Fund. We provide paid
10 transitional employment for people on parole and
11 probation.

12 The issue of reentry, and particularly the
13 issue of reentry and employment, is an issue
14 close to the heart of the Doe Fund. About two
15 years ago, in 2005, the then director of DCJS
16 asked our founder and president, Mr. George
17 McDonald, to chair an independent committee on
18 reentry and employment. And the reason that was
19 asked is because there was a clear recognition on
20 government that there's a direct relationship
21 between unemployment and recidivating or going
22 back to prison.

23 In fact, 89 percent of the people on parole
24 and probation who violate the terms of their

1 release are unemployed at the time it happens.
2 So this committee was put together and it was
3 composed of interested parties, community-based
4 organizations and interest groups. And they met
5 for over a year. They had focus groups. They
6 did surveys. They interviewed employers and they
7 came up with this report. I brought copies of it
8 today.

9 The report was put together under a
10 different administration at the request of a
11 different administration, but we feel the issues
12 identified in there are current and we feel the
13 recommendations should be implemented. I'd like
14 to briefly go over them, not to belabor the point
15 because most of these things have been spoken
16 about here today, but I just want to emphasize
17 these points.

18 The first recommendation was that we amend
19 public policies and laws in regard to those that
20 serve as barriers for employment of the formerly
21 incarcerated. This is extremely important.

22 One of the examples that was brought here
23 today was you get individuals that are trained in
24 barbering skills in prison. They learn how to

1 cut hair. They do it quite well. They make
2 plans based on that. Then, they come out in the
3 community and they find that they cannot be
4 licensed as a barber, because the licensing board
5 requires that they have good moral character and,
6 therefore, they can't cut hair and this is what
7 they do. So we feel this needs to be addressed.
8 These laws need to be amended.

9 The second recommendation is that a wage
10 subsidy program be created on a state level.
11 Now, those of us that do this kind of work know
12 that this program exists on a federal level.
13 However, we at the Doe Fund have tried to get
14 employers to benefit from this program and many
15 of them say it is extremely paper-heavy and
16 they're not willing to go through the burden of
17 having to complete all the paperwork that is
18 required. And we're talking about employers that
19 are willing to hire the formerly incarcerated.

20 Now, this program was created as an economic
21 incentive to people that wouldn't be willing to
22 hire the formerly incarcerated. So if people who
23 are willing to hire the formerly incarcerated
24 don't want to use it because of the paperwork

1 required, how are we going to provide an
2 incentive to someone who wouldn't hire the
3 formerly incarcerated?

4 The third recommendation is that while
5 people are in prison, they receive skills which
6 are marketable that they can utilize when they
7 get out. I've heard a lot of stuff here today
8 about the skills that are taught in prison and
9 how we give them a listing of the occupational
10 titles and things of that sort, but we know from
11 experience, the people that do this work, that
12 often times, these skills, individuals are not
13 able to use them.

14 We heard a gentleman talk today about the
15 fact he spent many years in prison, learned a lot
16 of different trades and skills and what he was
17 able to get employment in was what he learned in
18 the military, how to cook and be a chef. So that
19 doesn't say much for what is learned in prison.

20 There are meaningful programs, however. One
21 that I know of is the optical training program.
22 We've had experience where the individuals that
23 come out of there can go right into employment.
24 They can be employed as opticians. There are no

1 bars to being licensed as an optician either. So
2 trades of that sort are things that need to be
3 looked into and need to be enhanced.

4 The fourth recommendation was that
5 comprehensive discharge planning be done for
6 individuals and discharge should begin at point
7 of incarceration. But more importantly, the
8 discharge planning that is done needs to be
9 followed up on once the individual is released
10 and the person, while they're in prison, needs to
11 be tied in with the service providers in the
12 community.

13 What exactly do we mean by that? Well, what
14 was recommended in the report is that whatever's
15 done on a state level kind of resembles what was
16 done on Rikers Island and, very briefly, the
17 problem was that individuals in Rikers Island
18 would be released at 2:00, 3:00 and 4:00 o'clock
19 in the morning into Queens Plaza. What was at
20 Queens Plaza? Basically, that area was
21 drug-infested, prostitution and many
22 opportunities to get involved with criminal
23 behavior.

24 So the New York City Department of

1 Corrections, the Department of Homeless Services
2 and community service providers got together and
3 began to engage in comprehensive discharge
4 planning. The result of that is it has had a
5 tremendous impact on those individuals
6 recidivating and having a revolving door effect.

7 The fifth recommendation is that we
8 streamline and enhance parole policies and
9 procedures. Now, we have certain parole offices
10 and parole officers that provide excellent
11 services to people coming out of prison. As soon
12 as they come out, they identify their needs.
13 They refer them to resources. They follow up to
14 make sure that person gets there. But then
15 there's other parole officers who provide very
16 little in terms of information about the
17 resources that are available out there. And then
18 we have some -- sorry to say -- that provide
19 absolutely none at all.

20 Now, we're not knocking parole. We work
21 collaboratively with parole. The Doe Fund is a
22 friend of parole. However, we need to ensure
23 that the same quality services that certain
24 parole officers offer, that they're offered

1 across the board.

2 Also, you go into some parole offices and
3 you have a resource table. You have all sorts of
4 literature there about the resources available in
5 the community. You go into other offices that
6 have no resource table.

7 I was in a conversation last week with some
8 individuals from parole who told me that now in
9 their Manhattan offices, they have a digital
10 screen that advertises the programs and the
11 resources available in the community for
12 ex-offenders. Well, that's wonderful, but we
13 think something like that should be available
14 across the state in all the parole offices.

15 The sixth recommendation is that we offer
16 training programs to employers out there. There
17 are many employers that are not aware that it's
18 illegal to discriminate against people who have
19 been convicted of a felony unless it's related to
20 the job that's open or the job they're going to
21 do.

22 There are also many people who are not aware
23 that there are wage subsidies, tax credits and,
24 lastly, many of them don't think that any

1 ex-offender can be a good employee. So education
2 programs are needed in order to do that.

3 And then the last recommendation, the
4 seventh recommendation, is that certainly forums
5 like this and collaborative efforts are
6 important, but we feel that reentry and the
7 issues around reentry are so complex and this is
8 so critical that what is required is a commission
9 of reentry and that a position be created,
10 commission of reentry, and that that commission
11 report directly to the Governor and that it has
12 its own agenda.

13 And that is basically what I have to say. I
14 have copies of the report I brought here. I will
15 give you. I don't have enough to go around, but
16 it can be downloaded from our web site,
17 www.Doe.org. Thank you.

18 DEP. COMMISSIONER BYRNE: Questions for Mr.
19 Vargas?

20 COMMISSIONER FISCHER: One point. I like
21 your idea of training employers. Whose job do
22 you think that is? Ours or yours?

23 MR. VARGAS: It's the community's job,
24 including everyone here today. I think that the

1 reason why we're here is basically to improve the
2 chances of someone succeeding once they're
3 released from incarceration. So we say whose
4 responsibility it is, I think it's everyone's
5 responsibility.

6 COMMISSIONER FISCHER: I'll take exception
7 and tell you it's yours, not mine, and the reason
8 I'm saying that is I have no problem going to a
9 place, but you're there, you're in the community.
10 You represent the community. You have your
11 contacts. If you can't convince employers, the
12 last person that's going to convince them is me.

13 MR. VARGAS: Well, my organization, the Doe
14 Fund, we do do education. We do job development.
15 We engage many employers. In fact, we have a
16 very high success rate in terms of placing people
17 in employment, in gainful employment also, jobs
18 which lead to living wages.

19 So what I meant to say is that we all share
20 the responsibility of educating people in the
21 community. Certainly, we all have our
22 specialties.

23 DIRECTOR FITZMAURICE: Mr. Vargas, I'm
24 curious. The wage subsidy program, is that

1 different from the targeted tax credit program or
2 are they the same thing?

3 MR. VARGAS: No. They're different. The
4 person's wages while they're working for the
5 employer are actually subsidized. So an example
6 would be: Someone's making, let's say, \$30,000
7 and \$28,000 of that is paid by one of the subsidy
8 programs that I know of that the Osborne
9 Association uses.

10 But, again, I've heard that they call and
11 call and call employers, particularly social
12 service employers that employ individuals who
13 have obtained degrees and things like that in
14 prison and the human resource departments a lot
15 of times don't call back because of the amount of
16 paperwork that's involved to actually take
17 advantage of the wage subsidy program.

18 DIRECTOR MACCARONE: Mr. Vargas, could I ask
19 you to comment on the way the Doe Fund combines
20 employment and housing services?

21 MR. VARGAS: Sure. For the formerly
22 incarcerated, we have -- there's two ways,
23 actually. We have a house called Styvesant House
24 in which we have approximately 40 beds. We

1 receive people directly from Queensboro
2 Correctional Facility. We do that
3 collaboratively with Parole and DOCS.

4 We do what I mentioned here before, the
5 comprehensive discharge plan. Those individuals
6 are placed in transitional employment. They're
7 evaluated in terms of what their educational and
8 vocational needs are. And then they are put into
9 the community to work and also engage vocation
10 and education.

11 Also, we work collaboratively with ComAlert
12 in the event that they need substance abuse
13 treatment services, and the goal is always to
14 place the person in independent employment. Once
15 they're placed in independent employment, we
16 follow them several months thereafter and we
17 provide an incentive for them by paying them.

18 So we pay for transitional employment and
19 then once they get the job, we pay them as long
20 as they remain clean and we substantiate that by
21 taking toxicologies from them, taking urine
22 samples. We have them submit a copy of their pay
23 stub and we make sure that their housing has
24 remained stable.

1 DIRECTOR MACCARONE: Do you have other
2 residential treatment facilities in addition to
3 Styvesant House?

4 MR. VARGAS: We have various different
5 facilities that work with DHS, Department of
6 Homeless Services. The Doe Fund has
7 traditionally served the homeless population and
8 most of our facilities -- we have the facilities,
9 but the beds are actually operated by the
10 Department of Homeless Services. And we have our
11 program ready, willing and able there. I'm sure
12 many of you have seen the men in blue cleaning
13 the streets. That's the type of transitional
14 employment that we do. And most of our programs
15 are for homeless populations. This is a new
16 initiative for us.

17 DIRECTOR MACCARONE: The Sharp facility in
18 Brooklyn, what's the capacity there?

19 MR. VARGAS: We have 500 people there, 400
20 people in residence, and 110 people in what we
21 call the day program. And the distinction
22 between the day program and our residential
23 program is that those individuals have stable
24 housing. So they may live with a relative. They

1 may rent a room. They may be in some
2 transitional housing. And they come to us for
3 transitional employment and training and
4 education.

5 MS. YEE: I have two questions. How many
6 applicants go through your -- job-seekers go
7 through your program on a yearly basis? And how
8 many do you place of that group?

9 MR. VARGAS: On a yearly basis, we don't --
10 our reentry work, we've been doing that about 13
11 months. We're currently in the process of
12 working with DCJS and Parole to submit NYSID
13 numbers to actually find out how many people
14 recidivate, people that complete our services,
15 and how many people have gone through and things
16 of that nature.

17 Again, our reentry initiative is a new
18 initiative. However, we've been serving this
19 population from the beginning, from the inception
20 of the Doe Fund by extension, because most of the
21 people who are homeless happen to also be
22 formerly incarcerated people.

23 MS. YEE: Also, you had said it's very hard
24 to find employers who want to participate because

1 of the paperwork that's involved?

2 MR. VARGAS: The wage subsidy, that is
3 correct.

4 MS. YEE: But, currently, how many employers
5 do you have in your program?

6 MR. VARGAS: Employers that hire our people?

7 MS. YEE: Yes.

8 MR. VARGAS: I couldn't count them; that's
9 how many there are. I couldn't count them.
10 There are people here at this table, I'm sure,
11 that are familiar with our program. We place a
12 lot of people in employment.

13 MS. YEE: Thank you.

14 DIRECTOR MACCARONE: One answer to that is I
15 went to the graduation of the Doe Fund last month
16 and there were over 200, 300 graduates. Every
17 one of those individuals was matched with an
18 employer on the opposite page of the program. So
19 the Doe Fund's pretty successful in getting
20 permanent jobs for the folks who go through the
21 ready, willing and able regimen of employment,
22 job training.

23 MR. VARGAS: And there are three
24 requirements for graduating. One is that a

1 person has a job, that they have savings and that
2 they remain drug-free. So those individuals also
3 have to have savings in order to graduate. So
4 not only do they have to have a job, but in case
5 they lose that job, they have savings.

6 DEP. COMMISSIONER BYRNE: Further questions
7 for Mr. Vargas?

8 (No affirmative response.)

9 DEP. COMMISSIONER BYRNE: Thank you very
10 much. If we can have Father Brett Crompton to
11 replace Mr. Vargas. We'll now turn to Kevin
12 O'Connor.

13 MR. O'CONNOR: I'm Kevin O'Connor of
14 Joseph's House. It's a shelter that's located
15 across the river and about 10 miles north of here
16 in Troy, New York. We service about a thousand
17 men, women and children a year.

18 I'm also a member of the Reentry Task Force
19 in Rensselaer County and I'm a psychiatric social
20 worker that's been involved with the homeless for
21 about the last 21 years in various capacities.

22 Business is booming in homeless shelters.
23 In the Capital District, there are 11 shelters
24 and all of us have been running over 90 percent

1 capacity since April of 2001. This year, five
2 months nearly completed, our shelter's running
3 over 98 percent capacity for single adults. A
4 lot of that is driven by institutionally
5 discharged clients to our programs, psychiatric
6 discharges, discharges from rehabs and criminal
7 justice facilities.

8 We have become major players, homeless
9 shelters have in this state, in reentry and,
10 frankly, it's a business we don't want to be in.
11 We don't want to be in it, because we don't have
12 the capacity to serve the need. Homelessness
13 should be prevented by institutions rather than
14 created by them. And shelter placement,
15 placement from an institution, the criminal
16 justice facility, into a shelter is an added and
17 unnecessary transitional step for young men and
18 women trying to enter into the community.

19 How did we become so involved in reentry?
20 Well, at Joseph's House -- we've been around
21 since '83 -- and a number of men, usually young
22 men, sometimes women, would show up with a
23 reasonable assurance letter and a release letter
24 that listed parole conditions.

1 We didn't know a lot about these guys. We
2 didn't know a lot about the circumstances and we
3 didn't really play a strong role in collaborating
4 with the parole officers about what their
5 realistic plans should be about entitlements,
6 treatment or housing.

7 When we started getting full like the other
8 shelters up here, increasingly, we didn't have
9 room for these folks. And compassionately and
10 realistically, we thought it more important to
11 collaborate with local parole officers to, one,
12 have a say in the screening of who came into our
13 shelter, who would be in our shelter and,
14 secondly, to collaborate realistically on the
15 housing, treatment and entitlement options that
16 were available.

17 It's kind of backfired. We've been very
18 successful. Last year, 18 percent of our guests
19 who came from state correctional facilities were
20 reentry guests. So far this year, 27 percent of
21 those that we've sheltered, one out of every four
22 became homeless while they were incarcerated.
23 Most of them never had a history of homelessness
24 before their incarceration.

1 There were some, as Richard Cho mentioned,
2 that cycle in and out. A lot had special needs,
3 layers of services, but most of them had never
4 been sheltered and never had a homeless episode
5 before they came into us.

6 What it's doing is it's driving us to be
7 full. It's preventing us from servicing the most
8 needy, the chronically homeless, those on the
9 street for a year or more or having four or more
10 homeless episodes over the past three years.
11 It's preventing us from really doing what our
12 missions were designed to do.

13 There are recommendations that we can
14 have -- I think we're fairly successful even
15 though I'm saying we want to be out of the
16 business and we don't treat guests any
17 differently. We had 70 individuals stay at our
18 shelter that classified as reentry referred by
19 the Division of Parole, parole officers, to us
20 and stayed with us. We had more than that.
21 Several didn't make it. But of the 70 who made
22 it, 60 percent of them moved on to identified
23 permanent housing or residential treatment or
24 treatment-related housing. And 26 of them moved

1 to families or friends, some of which was
2 approved by the parole officer, some of which
3 wasn't. And that mirrors closely what our
4 success rate is with the general population we
5 serve.

6 In total, about 75 percent of our guests, we
7 end up getting into housing of some sort or
8 other. And it's not rocket science. We treat
9 people with dignity and respect. We focus on
10 tasks. We focus on housing first. The average
11 stay for guests coming for reentry is 21 days.
12 The shortest was three days. The longest was 79
13 days.

14 Recommendations. A lot of times, you don't
15 need homeless shelters. You shouldn't need
16 homeless shelters. These guys have been in your
17 facilities for a year-plus. You know what they
18 need. You know how they're gonna get it. It's
19 just that there are a lot of systems that block
20 it.

21 The first is the parole officers need more
22 time to do background checks for reasonable
23 assurance, for finding family and friends that
24 are available. A number of our guests stay just

1 a week and end up moving into family and friends
2 once the parole officer has some time to
3 investigate that residence. Those are folks that
4 didn't need to come to us if the parole officer
5 had enough lead time and information about
6 options, alternative residences in the community.

7 Secondly, you need to collaborate with your
8 own state agencies. The Office of Temporary
9 Disability Assistance has this face-to-face
10 requirement for applications that you all know
11 about. A lot of folks come to our program and
12 stay in the homeless shelter taking up a bed as a
13 weigh station for them to get entitlements.

14 There are a number of individuals that will
15 be going to Father Young's program, 820 River
16 Street and such like that, and they end up going
17 to those places but they have to go through the
18 hurdles of public assistance first. And that has
19 to be face to face for some reason. The reason
20 I've been told is to avoid identity fraud. And I
21 guess you guys can reassure OTDA that the folks
22 that you have incarcerated are, indeed, the
23 people that they say they are. Otherwise, why
24 would they be there?

1 So I think if you can collaborate across
2 systems that way, you can cut off a lot of time
3 for eligibility.

4 I think there needs to be greater
5 professional input with special needs clients.
6 We heard about a guy in our task force in
7 December and he was going to be released in
8 February -- that's good lead time, a couple
9 months, we thought -- and we heard the story, you
10 know, said "This guy's got a lot of stuff going
11 on. Let's get a mental status evaluation, see
12 what's going on, psychosocial assessment and,
13 perhaps, look at it, make referrals, refer this
14 guy into community residences and treatment, get
15 those things established while he's there so the
16 wait time will be less or he can avoid coming to
17 a homeless shelter all together."

18 Seventy days, sixty-nine days into his stay,
19 we finally get a mental status evaluation. On
20 the day he came to us, we had a script for
21 Zyprexa, so we can guess this is a psychotic
22 disorder, and an evaluation to an outpatient
23 clinic that none of us thought was adequate. We
24 thought based on what we heard, a day program was

1 appropriate.

2 What we heard later is that there was a
3 whole comedy of errors with this individual,
4 although we requested the information in
5 December. He had been transferred from an
6 upstate facility down to Arthur Kill. He had
7 been involved with DOCS as well as OMH and there
8 were records here and records there and
9 communication broke down.

10 If you can make one recommendation from
11 today is when somebody's getting ready for
12 release, if you could not transfer him to another
13 facility, so if there are questions we have on
14 the reentry task force about what's going on with
15 this guy, what's his track history, what level of
16 community involvement is going to work, we can
17 have people at the facility who know the guy long
18 enough to make recommendations.

19 If you can have folks placed in facilities
20 closer to where they're going to be re-entering,
21 that will facilitate us going, perhaps, and
22 screening the individuals, mental health agencies
23 going to those places.

24 We know about a lot of housing restrictions

1 that have happened and I can't tell you the
2 number of men, typically young men, who are
3 homeless because they can't go home. There is a
4 home. Their wife and children are living in
5 public housing, but many public housing programs
6 follow federal regulations that they can exercise
7 that prevent somebody with a felony or
8 misdemeanor, drugs, weapons or violence charges
9 from living in that residence.

10 So there are a number of men, fathers of
11 these families, who can't live with their
12 families. The families are faced with two
13 choices: Stay and sneak the father in or leave
14 affordable housing so the family can be reunited.

15 The other thing that's going on which is
16 really juicing us up a great deal is these
17 boundary restrictions for sex offenders. For
18 years, with the help of special services, parole,
19 we'd be able to screen the folks that weren't
20 dangerous. We felt safe with them. We treat
21 them with dignity and respect, with dozens over
22 the years until last October, we'd be able to
23 service. And we were able to get them
24 successfully in the community.

1 And I have to tell you everyone I worked
2 with, as far as I know, has not re-offended a
3 sexual offense. However, we can't serve them
4 anymore, because our localities have decided that
5 people are predisposed to re-offending and are a
6 danger to society and elected officials are
7 pandering to that fear and that we have a bunch
8 of people out in rural Rensselaer County in a
9 motel, not on a bus line, not close to jobs, not
10 close to treatment, not close to where parole
11 officers can keep an eye on them.

12 Transitional housing -- you listened to
13 JoAnn earlier today; she's one of my heros from
14 Fortune Society -- can be an answer for some of
15 that. They can provide safety. But none of
16 these places can be sited without your voices at
17 this table.

18 I don't know if any of you guys have been to
19 a planning committee or a board, a planning board
20 or a zoning board, it's not fun. It's not fun
21 trying to site programs. We've sited three
22 programs. It resembles more like Jerry Springer
23 than it does a policy review of your application.
24 It's mean. It's not informed. It's mob

1 mentality.

2 I think if we did a good job talking about
3 reentry, talking about capacities of individuals,
4 not labeling people for the rest of their lives
5 because of a mistake they made previously,
6 providing appropriate treatment, appropriate
7 assessment of safety, I think that we can avoid
8 using homeless shelters or having people out in
9 the streets.

10 So we need your voice. We need your voice
11 to promote mentoring, transitional housing,
12 fixing the system so people can avoid using
13 homeless shelters.

14 DEP. COMMISSIONER BYRNE: Questions for Mr.
15 O'Connor?

16 CHAIRMAN ALEXANDER: A couple comments.
17 First of all, I certainly agree with you that
18 when different municipalities place boundary
19 restrictions on sex offenders, it certainly puts
20 everybody's back up against the wall and it's a
21 very challenging situation. We don't know a way
22 around that. We don't control the local folks.
23 In fact, you probably have a better voice with
24 your local government than we do. Maybe that's

1 something you should talk to your local
2 councilman, your alderman or whatever they're
3 called.

4 MR. O'CONNOR: Respectfully, I think you do
5 all have a role. It's very lonely being up
6 there. We're not hearing from the state. We're
7 not hearing from regional providers.

8 CHAIRMAN ALEXANDER: But we're there and
9 we're having those conversations and they're
10 falling on deaf ears.

11 MR. O'CONNOR: I don't know where they're
12 falling. I read the paper. I watch the news.
13 We're not hearing the values of reentry. We're
14 not hearing that people succeed in reentry with
15 community involvement. We're not hearing the
16 balanced discussion about sex offenders and
17 safety and danger.

18 CHAIRMAN ALEXANDER: There are more of you
19 as voters than there are of us as administrators.

20 MR. O'CONNOR: You're a voter, too.

21 CHAIRMAN ALEXANDER: Well, maybe not in your
22 locality and certainly not to the numbers that
23 you are. But my other point goes to the fact you
24 talked about early notification or giving parole

1 officers more time to do investigation. That's
2 very difficult to do. There are time parameters
3 associated with each type of release that we're
4 doing. For instance, if it's a discretionary
5 release, that person goes to the board as an
6 initial applicant about two months prior to his
7 release. We don't do an investigation before
8 that, because who knows if that person's going --
9 okay? The only ones where we know for certain
10 that a person's actually going is on conditional
11 release. I agree with you there that we should
12 do as early as possible on that group, but that's
13 a much smaller population.

14 On the other population, the regular
15 discretionary release population, we really have
16 no advanced notice or no way of knowing in
17 advance actually when that person is going to go,
18 particularly on the initial applicant. That's
19 the struggles we continue to have. Don't know of
20 a way around that, because if you send out an
21 investigation beforehand, the parole officer's
22 overburdened by doing it and if that person's not
23 coming out, that's that much time that he could
24 have devoted towards supervision.

1 MR. O'CONNOR: Reduce caseloads of parole
2 officers so they could do it in more time,
3 perhaps.

4 CHAIRMAN ALEXANDER: Well, that's where you
5 call your legislators.

6 DEP. COMMISSIONER NUTTALL: I was interested
7 to hear you say such a high percentage of
8 homeless ex-offenders were not homeless prior to
9 incarceration. What's that all about?

10 MR. O'CONNOR: Well, I think a lot of them
11 are situationally homeless, because they had
12 housing whether they were living with their
13 family or they were living in housing or private
14 housing. They lost their income during
15 incarceration, so they lose their housing.

16 And now with the mood the way it is with a
17 lot of places, it's a pretty harsh mood out there
18 right now for parolees and a lot of people aren't
19 welcome back into the communities. A lot of
20 landlords are not gonna welcome back somebody
21 sleeping on a couch until they establish a
22 residence. So I think that has some part of it.
23 Families aren't willing to take the people in as
24 readily as before.

1 DIRECTOR FITZMAURICE: I have a question.
2 Kevin, I've worked with you guys for a very long
3 time so I probably know the answer to this, but
4 what would you say are maybe the one or two
5 really significant barriers right now that if we
6 could address those would really at least
7 alleviate some of the difficulty in your county?

8 MR. O'CONNOR: Affordable housing and access
9 to entitlements are the two big issues. There
10 are a lot of special needs that flow out from
11 those two, but affordable housing and access to
12 entitlements to pay for housing.

13 DEP. COMMISSIONER BYRNE: Any further
14 questions?

15 (No affirmative response.)

16 DEP. COMMISSIONER BYRNE: Thank you very
17 much, Mr. O'Connor. If Susan Porter could please
18 come up and replace Mr. O'Connor. And we'll now
19 turn to Father Crompton.

20 FATHER CROMPTON: I'd like to thank you for
21 inviting us to this open forum. My name is
22 Father Brett Crompton. I'm the executive
23 director for Bridges of Greater New York. With
24 me is Keith Libald (phonetic). He's on the

1 executive board for Bridges.

2 Bridges is a transitional housing program
3 where we provide housing as well as case
4 management for all the various services that were
5 mentioned here today for those individuals coming
6 back from incarceration. We also offer other
7 beds for probation, those coming out of detox or
8 28-day programs. So we have various different
9 kinds of clients that we receive into our
10 housing.

11 I was trained in Bridges of America in the
12 State of Florida that has very innovative
13 programs, 2,000 beds currently, where they have
14 alternative sentencing as well as work release as
15 well as transitional housing and, basically,
16 everything we talked about today, we recognize
17 that there are different levels of care that we
18 need to provide.

19 And what I was trained and brought the model
20 back to New York was that within that model, the
21 relationships stay concurrent where you receive
22 the first part of your treatment. And the reason
23 that it works so successfully is that because
24 they receive all the treatment, occupational

1 training, counseling services, you know,
2 everything that they need in one location. As a
3 result of that, they get a continuum of care and
4 it just has a higher success rate for doing so.

5 We know it's more cost-effective to open up
6 a hundred bed facility than it is 10, 15 or 20;
7 that when we open up facilities like that for
8 transitional housing, we start off under-staffed
9 and unable to provide the services that we want
10 to provide for them.

11 So we have to network with the local
12 agencies that are provided for us and it's a lot
13 of work. And it's worthy of doing, which I enjoy
14 doing, and I do believe that it's on a
15 neighborhood level, a community level, that we
16 put a face to who we are, that we network with
17 those agencies and communities to help make a
18 difference in each person that we receive life.

19 It helps when we get people who are being
20 pulled back to our community. Lots of times, we
21 see that they're just kind of placed or referred
22 to us and then we want to do job training and get
23 them a job and do all these things, but their
24 family lives elsewhere, not in their community.

1 So we have a harder time helping them make that
2 successful reentry.

3 One of the things I wanted to talk about was
4 one of the programs that have really worked is
5 this alternative sentencing, which are about a
6 hundred bed facilities, and the alternative
7 sentencing is at a probation level. So we attack
8 the problem prior to parole. So before you
9 become a professional criminal, you're making
10 those mistakes early on, and they can be young or
11 old, doesn't matter the age, but we recognize at
12 a county level that they're making those mistakes
13 and they need a firmer structure to help them
14 begin to reestablish who they are, life
15 management skills, the treatment that they need.

16 We know the treatment's one of the biggest
17 aspects; that probably 80 percent or more of the
18 crimes committed are drug- and alcohol-related.
19 So that has to be one of the most important
20 things we do as well as the job placement. But
21 if we can create facilities as a catchment to
22 help the guys kind of change their thinking, life
23 management skills and do those things prior to
24 becoming a professional criminal, we could reduce

1 the amount of recidivism we have and we could
2 begin to address those problems sooner than
3 later, because it's harder when times goes on and
4 more problems have happened and a longer rap
5 sheet occurs. So we've seen the success in that
6 program and that helps reduce recidivism within
7 the State of Florida.

8 Obviously, the second level, which we've
9 heard about today, is a pre-release program
10 that's networked back to those communities that
11 are receiving those individual parolees. So if
12 we have pre-release programs that they're
13 beginning their treatment, that case management
14 is happening, that we're better networking with,
15 so that when a guy is upstate and is making his
16 way back and he is coming to Nassau County or the
17 five boroughs or Orange County, or one of the
18 other counties, that somehow we've got them
19 starting the process sooner so that their case
20 file is started and that we can begin to
21 understand the needs that they're going to have
22 prior to that release and then we can better get
23 them situated in transitional housing, because
24 that's just one phase.

1 As you know, lots of times when guys are
2 paroled, they're on the street, we gotta help
3 them get in and there's a host of issues that
4 come with that and a host of agencies that we
5 have to network with.

6 The three things that are probably most
7 important in a parolee's life to make a change in
8 their life overall -- there's been a study that
9 was done in the State of Florida through
10 Department of Corrections that there are three
11 areas. The first area is family. We talked
12 about they become homeless or they lose contact
13 with their family based on the bad things they've
14 done or the hurt and pain they've caused.

15 Well, somewhere along the line, we have to
16 begin to restore that relationship, whether it's
17 with a child, a loved one, a parent, a girlfriend
18 or a spouse or husband. We have to begin to
19 restore those relationships sooner than later so
20 that they can make a better reentry when the time
21 comes so we can get them back with their
22 families, because we know every one guy
23 incarcerated affects seven to ten people on the
24 outside. So that's a lot of people.

1 And we know that if we can deal with family
2 issues, we can begin to help not just him but the
3 other seven or ten people that are in our
4 community per parolee.

5 The second issue we all know is occupational
6 training, which we do. We network in the local
7 community. Within my church, several business
8 owners hire parolees and give them an
9 opportunity. They do job training. And then in
10 other churches and other business owners that
11 have supported our efforts of what we do, they
12 get behind us and they give us that shop, but we
13 know there's not enough jobs.

14 So, obviously, if I was better understanding
15 where some of these tax reliefs were or places I
16 could plug into that would help benefit us as
17 well as the client to offer occupational training
18 and do those things, networking with preexisting
19 programs that already exist would be to my
20 benefit or to know about them.

21 The third thing that is really important is
22 spirituality. That happens while you're
23 incarcerated. But we use a holistic model. We
24 use the 12 steps as a model for them to achieve

1 recovery and live a life sober back to,
2 quote-unquote, normal. I don't know what that
3 is exactly, but we get there. And spirituality
4 is really important and in there, it talks about
5 a higher power and it's important for them to get
6 back to the roots of what they believe, what
7 their parents believe, what their family
8 believed, you know.

9 One of the things that's ongoing is that we
10 recognize that the parolees and clients we see,
11 their complex is they think they're God and
12 they're not God. They think they're invincible
13 and they think it's never gonna happen to them.
14 The reality is they need to find that higher
15 power and surrender to their issues in life. And
16 as they surrender and get in touch with their
17 roots of what they believe, that community can
18 begin to support them in that spiritual growth
19 and those efforts. So we spend a lot of time
20 networking to make these things happen.

21 But family, occupational training and
22 spirituality are three major issues that will
23 help reduce the amount of recidivism that's
24 happening in the State of New York.

1 Everything that I wanted to talk about was
2 spoken here today, so I'll just leave it up if
3 there's any questions that you might have for us.

4 DEP. COMMISSIONER BYRNE: Questions for
5 Father Crompton?

6 (No affirmative response.)

7 DEP. COMMISSIONER BYRNE: Thank you very
8 much, Father. Mr. Chinlund, if you could replace
9 Father Crompton.

10 Ms. Porter and Mr. Hogue.

11 MS. PORTER: My name is Sue Porter. I'm
12 with the Judicial Process Commission and we're a
13 35-year-old grassroots community organization in
14 Rochester, New York. And for the last 11 years,
15 we've been helping parolees and probationers
16 become successful tax-paying citizens. We do
17 this through case management, mentoring and
18 life skills as well as a support group, an
19 evening support group that we run.

20 The other day, we saw about 24 individuals
21 before noon and I think the reason for this is
22 that there's an incredible need for the kinds of
23 services that we offer. And Jason is going to be
24 talking more in-depth about the services that we

1 offer, helping people get rap sheets and
2 certificates of relief in good conduct. But as
3 we all know and we've heard a lot about today,
4 there's a lot of employment discrimination that
5 goes on and the certificate is a way to counter
6 that. And Jason's project has only been around
7 for about a year, but it has really, I think,
8 empowered and energized the community to come
9 forward and want these services. So anyways,
10 that's a little bit about what we do.

11 I have only two brief recommendations and
12 then I will be just turning it over to Jason, but
13 I believe that New York State is really at a
14 tipping point on reentry. We have a new governor
15 and the Governor has already stepped up to the
16 plate and reduced the prison phone costs for
17 families, which I think was a very important
18 first step.

19 Plus, I think there's a huge amount of
20 community interest in New York State evidenced
21 by the presence of so many people at these
22 hearings and really throughout the U.S. in
23 reentry. But I really believe that our criminal
24 justice system, the patient is in bad shape and I

1 would even say critical condition. So I want to
2 point to two measures which could begin a healing
3 process.

4 One comment is on a macro level and the
5 other is on a micro level. But on the macro
6 level, I believe that New York State needs to
7 begin to keep nonviolent offenders, drug
8 offenders out of state prisons. Specifically, we
9 need to rely on mandated drug and alcohol
10 counseling much more, enhance intermediate
11 sanctions, including electronic bracelets, expand
12 the existing drug courts that are run on the
13 county level -- why not make them state level as
14 well? -- expand specialized supportive housing
15 for the mentally ill persons with addiction and
16 criminal justice system involvement.

17 I think that's a really important piece.
18 New York State could finance these measures by
19 closing four or five medium security prisons and
20 use the savings from the closures to finance new
21 intermediate sanctions and reentry services.

22 In Michigan, prison officials projected a
23 savings of \$35 million in annual operating
24 expenses for the closure of just one state

1 prison.

2 On the micro level, a policy change that
3 could radically enhance the excellent reentry
4 efforts already underway with the Monroe County
5 Reentry Task Force is to automatically grant
6 non-driver's IDs or driver's licenses to all who
7 leave our state prison systems. This is really a
8 bureaucratic fix. I don't believe it requires
9 legislation. It is a no-brainer, but it could
10 make a huge difference.

11 The Governor should immediately bring
12 together the various elements of the state and
13 county bureaucracies to make the driver's
14 licenses or non-driver's ID available to all who
15 leave the state prison system. This has been
16 done in Pennsylvania. Because, obviously,
17 without proper identification, men and women
18 exiting the system cannot become employed.
19 You've got to have photo ID.

20 In Monroe County, there's a 45-day wait for
21 your benefit card with your photo on it. For 45
22 days, there's people drifting around our
23 community with no ID, no place to live, no place
24 to work. All of us know that without legitimate

1 work, many men and women go back to illegal
2 activity.

3 And, finally, I believe that there are no
4 great individuals but there are great challenges
5 that average people banding together can solve.
6 This open meeting is a solid first step toward
7 making the criminal justice system a little more
8 equitable and reducing recidivism. So thank you
9 for this opportunity.

10 MR. HOGUE: Thank you, Sue, and good
11 afternoon. It's my honor to speak to this
12 esteemed panel today. As Sue said, my name is
13 Jason Hogue. I'm an attorney with Monroe County
14 Legal Assistance Center. Monroe County Legal
15 Assistance Center, or MCLAC, is a state and
16 federally funded, not-for-profit, legal service
17 provider to the indigent.

18 What I do is I'm lead counsel to the reentry
19 project. The reentry project is this: We
20 represent individuals who are formerly
21 incarcerated re-entering into society or those
22 individuals that simply have criminal records and
23 what we do is we assist those individuals to
24 address and overcome the barriers and obstacles

1 that have already been spoken about in terms of
2 employment, housing, services and also address,
3 very important and has been stated before, the
4 unlawful discrimination that is rampant in our
5 state in terms of how people are treated with
6 criminal records. And this is unlawful
7 discrimination, simply illegal. It is my job to
8 address that, to both inform employers and to
9 litigate against individuals, agencies that are
10 recalcitrant in understanding this is New York
11 State law.

12 The reason Sue asked me to come here to
13 speak, I believe, is that we believe that in the
14 past year, we've hit on a successful model, one
15 successful model, in terms of addressing these
16 issues. Mainly, my practice involves employment
17 law. In terms of employment law, I'll speak
18 about first what the service is; the
19 collaboration between the Monroe County Legal
20 Services, a legal aid and a community-based
21 organization. And the services that we provide
22 is this: We assist individuals -- first, we
23 advise our clients. We advise employers, job
24 developers, drug treatment centers, service

1 providers of the legal rights and limitations of
2 persons formerly convicted of crimes.

3 Specifically, when I'm talking about rights,
4 I'm talking about Corrections Law, Article 23-A
5 and the Human Rights Law that reflects that,
6 which states it's unlawful discrimination -- and
7 notice that term, unlawful discrimination.
8 That's exactly the same term that's used in
9 racial discrimination, gender discrimination,
10 disability discrimination. It is equally
11 insidious when employers and agencies deny people
12 employment based solely on a criminal record and
13 no other reason without regard to those two
14 exceptions.

15 So we advise individuals of their legal
16 rights. We let them know this is illegal. And
17 if you are told that you simply are denied a job
18 basically because you have a criminal record
19 without exception, that's illegal and you should
20 report that, just like they report racial
21 discrimination, housing discrimination and any
22 other form of discrimination.

23 Then, we advise clients what are their legal
24 rights in terms of limitations; what can they

1 expect with that criminal record; how does that
2 limit them and how can they address that?

3 Next, what we do is we assist eligible
4 individuals to obtain their DCJS records. We do
5 that through setting up our own fingerprint
6 process so those individuals do not have to pay
7 for their own fingerprinting, because most places
8 that provide fingerprinting are going to be law
9 enforcement and, generally, my clients, once they
10 are free of law enforcement don't like to
11 volunteer going back there and also paying for
12 that service. So we do that for free.

13 Then, what we do is we assist eligible
14 individuals who are indigent in terms of
15 verifying that information and then getting the
16 fees waived that DCJS would afford them. So they
17 get their own DCJS record for free. And what's
18 the purpose of that?

19 I tell my clients, "I don't want you to get
20 your record for fun," but there's four very
21 simple reasons. One: There's a difference
22 between the client thinking they know their
23 criminal record and, in fact, knowing. Because
24 believe it or not, most individuals have very

1 little understanding of their own criminal
2 record. Therefore, I've had individuals tell me
3 with absolute certainty that they felonies, they
4 have misdemeanors. I've had individuals tell me
5 they have misdemeanors, but they have felonies.
6 I've had individuals tell me they have felonies
7 and misdemeanors and they have no criminal record
8 whatsoever.

9 And so that information is important. They
10 must be able to accurately report it in terms of
11 employment. They must know it, because they must
12 know their own limitations.

13 The next reason why this is important is
14 because they need an authoritative record. If
15 you just simply Google "criminal records", there
16 are thousands of sources of criminal records.
17 Most of these are private. Most of these are not
18 concerned with accuracy. They're concerned about
19 making money. Therefore, individuals need an
20 authoritative criminal record that they can fight
21 inconsistencies.

22 Thirdly is the errors. DCJS tries very hard
23 to correct records; however, it's a massive job.
24 We assist in correcting these records. We do not

1 ask for any reimbursement for that. We assist
2 DCJS in having correct records so that Parole has
3 correct records, so that DOCS has correct
4 records, so law enforcement has correct records
5 and so that information is not used against -- in
6 terms of erroneous information is not used to
7 deny people employment.

8 Next, we assist people in applying for
9 certificates of relief from disability which are
10 of the utmost importance when in today's business
11 field, criminal records are everywhere. So
12 individuals need something that will mitigate the
13 effect of their criminal record.

14 Next, we assist the eligible individuals in
15 applying and obtaining certificates of relief
16 from disability. Also, we represent individuals
17 in licensing hearing cases, in background checks
18 and in unlawful discrimination cases. We have,
19 in fact, in the past year filed and settled
20 employment discrimination cases based on criminal
21 records where the employer basically put up a
22 sign that said, "If you have a criminal record,
23 you need not apply here. Don't even bother
24 coming in the door"; also, against state agencies

1 that were denying people on an arbitrary and
2 capricious nature in terms of their criminal
3 records.

4 I'd just quickly like to give my
5 recommendations in terms of that; is that access
6 of records, employers and state agencies will
7 send out a notice saying five days, give us a
8 response to why this record is not accurately
9 reporting. You're asking a layperson to
10 basically do a job of an attorney within five
11 days, which I can't even do. So there needs to
12 be a speeded access in terms of criminal records,
13 in terms of the OCA on-line records and the DCJS
14 e-justice New York record.

15 Legal service providers could get these
16 records and, with all security in terms of client
17 confidentiality, obtain those records and help
18 those individuals who will be denied jobs based
19 solely on an error, fix those records and help
20 people that are qualified to get jobs.

21 Next, accuracy of records. We must ensure
22 the records that are used in terms of terms and
23 conditions of confinement, which costs money. If
24 a person doesn't need to be under very secure

1 lockdown, then they should be in a less secured
2 facility. And if that decision is made on an
3 erroneous record, well, that costs the taxpayers
4 money for nothing, for errors.

5 If individuals are denied jobs based on
6 errors that are on DCJS records -- and this is
7 going on; I see it every day -- that's taxpayer
8 money going out the window. It's a waste.

9 Next, the importance of certificates. Law
10 enforcement in terms of parole and probation must
11 see the importance of certificates in mitigating
12 the effects of individuals' criminal records and
13 they must advise individuals on their right and
14 entitlement to apply for a certificate and assist
15 them with that.

16 Next, I suggest -- my suggestion is
17 collaborate with legal services. These are our
18 clients. Eighty percent of the people that go
19 through the criminal justice system are indigent.
20 These are our clients. These are legal aid,
21 these are public defender clients. Reach out to
22 legal services and bring us into the fold and
23 say, "We want to work with you. We want you to
24 help us. We will help you." Thank you.

1 DEP. COMMISSIONER BYRNE: Questions for Mr.
2 Hogue and Ms. Porter?

3 CHAIRMAN ALEXANDER: Just a brief comment.
4 Ms. Porter, when you made the suggestion on the
5 non-driver's license ID, that's one of the things
6 that we're already looking at, trying to get some
7 resolve to that.

8 MS. PORTER: That's great. That would be
9 wonderful. Boy. Congratulations.

10 DIRECTOR ROSA: Jason, do you see the
11 certificates of relief of disability helping
12 those individuals that are not seeking some form
13 of professional license, just the average
14 individual who basically wants it because they
15 have a presumption of rehabilitation? Does that
16 truly make --

17 MR. HOGUE: Absolutely. Absolutely. OMRDD,
18 Office of Mental Retardation and Developmental
19 Disabilities, Office of Mental Health, Department
20 of Health, OFSPRO -- I'm not going to try to get
21 their acronym right -- the Office of Child and
22 Family Services, all those agencies and that's
23 just to name a certain few, are all required to
24 do background checks. And if you have a criminal

1 record, they will and, in certain cases, must
2 deny people employment.

3 However, I do these background checks on a
4 daily basis with these agencies and if there's an
5 existence of a certificate, then the probability
6 of that person getting that employment -- and
7 these are not licensed jobs. We're talking about
8 janitors, cooks, certified nurse's assistants,
9 home health care aids. We're talking about
10 thousands upon thousands upon thousands of jobs
11 that are entry-level, good-paying and lead to
12 somewhere. All those jobs, if the individual has
13 the certificate, I would say the probability --
14 unless there's a direct relationship or there
15 really is an unreasonable risk applied, those two
16 exceptions, unless those two things exist, even
17 where there's direct relationship, I would say
18 where people have gotten certificates, I have
19 been successful in getting those people through
20 the background checks, and they are employed,
21 paying taxes and are doing a good job.

22 DEP. COMMISSIONER BYRNE: Further questions?

23 DIRECTOR FITZMAURICE: Jason, with the
24 certificates of relief, is there any particular

1 impediment that you see based on your work every
2 day in them getting that?

3 MR. HOGUE: Lack of knowledge. Simple lack
4 of knowledge. We're talking about a law that's
5 been on the books since the 1970's. And I'll
6 tell you a real quick kind of funny -- when I
7 first came to this job in Upstate New York, we
8 called around to all the courts, all the town and
9 village courts. I called and asked them for an
10 application. My favorite response was the clerk
11 said, "Heavens me. Why would you want to get off
12 disability?"

13 These are the places that are supposed to be
14 advising individuals that "This is how you do the
15 application." They simply don't know. The
16 courts simply don't know. And then individuals
17 certainly don't know that these exist.

18 DIRECTOR MACCARONE: Just a suggestion. You
19 should check our web site. We have 20 questions
20 and answers on certificates and application on
21 the public web site.

22 MR. HOGUE: Yes, and I do use that. And I
23 use that to advise my clients. It is very
24 helpful. But you have to remember many of my

1 clients are not going to be accessing the
2 Internet for those, but it is very helpful. I do
3 use that.

4 DIRECTOR ROSA: Parole also has the
5 application.

6 MR. HOGUE: Yes.

7 DEP. COMMISSIONER BYRNE: Any further
8 questions?

9 (No affirmative response.)

10 DEP. COMMISSIONER BYRNE: Thank you very
11 much, folks.

12 If Margaret Mayk will replace Susan Porter
13 and Jason Hogue. We'll now turn to Stephen
14 Chinlund. Welcome.

15 MR. CHINLUND: It's more than an honor to be
16 here today. It's an emotional experience for me,
17 because for 40 years, I tried to get prison and
18 parole together and here you are doing it without
19 any help from me sitting side by side and
20 actually looking happy about it. So I'm really
21 thrilled.

22 Welcome, Chairman Alexander. It's a
23 pleasure. I've been working in the prisons of
24 New York State since 1963 as superintendent of

1 the first work release prison, Taconic; as the
2 first Senate-approved chairman of the Commission
3 of Correction and, most of all, as the founder of
4 the Network Program. And though I am retired, I
5 continue to meet with individuals, visit them
6 inside, go to meetings, group meetings of
7 Network, seven upstate in the prisons and four
8 reentry meetings.

9 I'm not going to repeat testimony that has
10 been very eloquent today. I'm just going to
11 focus on a couple of points -- well, more than a
12 couple. One, I hope that the state prison system
13 could get pre-release -- pre-sentence reports
14 from the courts. I know it's a tangle, but it
15 would be helpful as you try to do pre-release
16 planning to include family and churches and
17 agencies that have been involved at the time of
18 conviction.

19 I also hope the College could be greatly
20 expanded. Others have been wonderfully eloquent
21 about that today. Official social services
22 started the Bard Prison Initiative and the
23 College Initiative for those seeking college on
24 the outside after release. It has a huge ripple

1 effect and I volunteer to help lobby for the
2 restoration of TAP and for the restoration of
3 Pell at the federal level. I really believe in
4 both and I believe both should be modified for
5 prisoners, because one of the things they shoot
6 at is the, quote, excessive amounts that were
7 spent per student. That's something that you all
8 know about and that can be corrected.

9 GED preparation would have to be expanded if
10 college is more widely offered inside, because
11 there'd be more interest and motivation for that.
12 I believe vocational training should be
13 significantly broadened even with 10,000 inside.
14 I think more can be done.

15 Super max prisons, I believe that more ways
16 of helping prisoners get back to the general
17 prison population and the public generally
18 understands, but I certainly believe that there
19 could be more visits if formerly incarcerated
20 people were trained and supervised in that job.
21 Finding mental health professionals way upstate
22 in the woods is a very, very tough job, but
23 supervision over people who would have some human
24 conversation with the men and women inside would

1 be great.

2 I also would favor, as I know others of you
3 do, the removal of the steel doors. I think it's
4 not necessary for security. Start with open bars
5 and then if they can't handle that, go to
6 plastic, but being inside a steel box is not
7 something we need to do.

8 That leads to the vast problem of mental
9 health and I'm thrilled that there seems to be in
10 the pipeline some significant new resources to
11 address that very complex problem. But I believe
12 it's a pre-release -- it's a reentry problem
13 ultimately, because they are coming back.

14 I would favor legislation that would require
15 parolees who need prescribed medication to
16 stabilize mentally on the outside, to have that
17 as a condition of parole and be returned to
18 prison if they fail to do so.

19 Family programs are so important that I hope
20 there could be a day like today that would focus
21 entirely on family.

22 And I cannot leave this list without
23 including the importance of network and other
24 self-esteem programs. Ideally, officers would be

1 more involved than they are now and that would
2 require more training for involved staff,
3 especially security staff. But I'm very happy we
4 have present a teacher of network leaders on this
5 panel and hope that the 13 percent recidivist
6 rate for network after five years is something
7 that could be acknowledged with increased
8 funding.

9 So parole for the past 45 years has been a
10 great puzzle indexation for me. I came here
11 prepared, and I'm still ready, to say that I
12 would endorse the creation of a new civil service
13 title of Reentry Specialist with the appropriate
14 senior and so on, but I also want formally to
15 acknowledge that I believe parole has very
16 unfairly been a whipping boy since I first came
17 into the system.

18 Governor Pataki was not the first to blame
19 Parole when a parolee committed crime. There has
20 to be a new way to have really tough strong
21 support for parole officers who happen to be the
22 ones in charge of somebody who commits a new
23 crime. The same is true, by the way, of
24 probation. Both should be greatly expanded. I

1 would be happy to pay more state taxes myself if
2 we could double the size of the parole staff or
3 create the Reentry Specialist, because taking
4 cheap shots is easy. Finding good new practice
5 is difficult.

6 But there is a revolution across the United
7 States looking for good effective parole and
8 probation practice, and I would hope there'd be
9 somebody on the parole and/or probation or DCJS
10 staff that wouldn't have any other job except to
11 check out what's being done across the country,
12 because there's good new work happening. And the
13 defensiveness of a demoralized staff buffeted by
14 decades of abuse is a huge challenge, but it's a
15 challenge, I believe, that can be met by the
16 resourcefulness of Chairman Alexander and
17 Executive Director Rosa. It's something we just
18 have to do; otherwise, all our talk of reentry
19 winds up going into the wind.

20 I propose that there be a new way of
21 cooperating with private agencies, many of whom
22 you've heard from today, that would make it a
23 more competitive process. I'm ready for Network
24 to compete with other agencies, get a public

1 contract. We've had a public contract with
2 Parole up til Pataki. We should have one again
3 either with Parole or DCJS or DOCS. But then let
4 us compete and let us see how we do with other
5 agencies who have a comparable cohort working
6 with them. I know it's complicated, but I think
7 it's better than the RFP system where essentially
8 contracts are awarded according to the
9 performance justifying getting the contract
10 rather than the track record. We can make it a
11 tighter kind of accountability if we frame the
12 race in a comparable way.

13 I believe in the practice of returning
14 people to prison for technical violation, but I
15 would hope very much there could be more
16 streamlining of weekend, week-long, month-long
17 returns. It's a big headache for DOCS, but there
18 just has to be a way that that can happen so that
19 we don't come anywhere near the California
20 problem of having these enormous time
21 indebtedness to the system for people guilty of
22 technical violations but it's very important to
23 do. And if there were a way of measuring parole
24 officers, it wouldn't be about technical

1 violations that I'd be interested, it would be
2 re-conviction for a new crime.

3 And if it can be helpful to avoid
4 re-conviction for a new crime to have a technical
5 violation here and there for a week or a month or
6 a year rather than do a whole more five or eight
7 years, that's something we really need to do.

8 The cruel problem of housing has been
9 mentioned many times and there have been
10 wonderful representatives here today of doing
11 excellent housing programs. The problem trumps a
12 lot of good programs. A parolee could have done
13 everything right in prison, have a wonderful PO,
14 have a job, so and so, but if he does not have a
15 fairly safe, clean place to live, all the rest
16 can be wasted.

17 So returning to a question of Patricia
18 Fitzmaurice, I believe that the reference earlier
19 to mixed use housing is a possible way out,
20 because certainly, low income housing in New York
21 increasingly horribly gentrified my home town,
22 place of my birth. We need low income housing
23 anyway. So if there could be some help for
24 parolees along the way, that would be wonderful.

1 Probation and alternatives to incarceration,
2 we all have the good fortune to live in the era
3 of Chief Judge Judith Kaye. As you know, she has
4 quietly with wisdom, diplomacy and knowledge of
5 law and access to her courts created an entire
6 alternative system of criminal justice. And I
7 hope we can hear more from Mr. Siegel in a few
8 moments about that, but I'm going to finish in my
9 minute.

10 I wish to stress the importance of the need
11 to help re-entering people believe that they are
12 worth bothering with. My experience since 1963
13 has been that people in prison view themselves
14 with despair and contempt. They need help if
15 they are to understand that they are important.
16 All the help in the world, housing, jobs,
17 families, et cetera, does not keep a person from
18 committing new crimes if he or she believes that
19 he is garbage or worse. And if you penetrate the
20 bravado, I believe that's what's underneath.

21 We're living in a racist society, a society
22 that values money above everything else, presents
23 an enormous challenge for the individuals who are
24 the subject of this hearing. Network is only one

1 of the programs designed to help people in prison
2 gain a sense of their own value. If we are to
3 reduce the rate of re-conviction for new crimes,
4 there must be an expansion of those programs.

5 I know that's a lot of money we're talking
6 about if all these things were to happen, but I
7 believe people would be ready to do it if they
8 thought it was well spent.

9 Lastly, permit me to say how sorry I am that
10 the church has failed to soften the lust for
11 revenge in our society. If the entire system
12 could focus on the mending of the torn fabric of
13 society rather than exacting pain from the one
14 who tore it, we would be a long way toward a
15 healthy criminal justice system. Thank you.

16 (Applause.)

17 CHAIRMAN ALEXANDER: Mr. Chinlund, when you
18 spoke of having a reentry person, were you
19 talking within the agency level or as a separate
20 stand-alone individual?

21 MR. CHINLUND: Oh, a reentry specialist?
22 No, I was speaking about as a new person
23 Commissioner Fischer has not asked for but would
24 be working within the Department of Corrections,

1 because it would be an augmentation of the
2 institutional parole officer since there is so
3 much acknowledged richly here today that has to
4 be done long before release.

5 CHAIRMAN ALEXANDER: Let me just indicate
6 and I'm certain we're happy to say today that
7 we've started that whole reentry process within
8 parole and we do have a statewide coordinator for
9 reentry. That's Ms. Goodman that's seated over
10 here. And we have Pat Fitzmaurice who's our
11 upstate coordinator for reentry services. We
12 have Elizabeth Wilk over here who's our project
13 manager for reentry services in Erie County and
14 that's just the start of it. We're building a
15 work force separate and distinct from the rest of
16 our work force to deal with issues relating to --

17 MR. CHINLUND: That's wonderful.

18 CHAIRMAN ALEXANDER: -- both inside the
19 institution and in the community.

20 MR. CHINLUND: Music to my ears. Thank you,
21 Mr. Chairman.

22 DEP. COMMISSIONER BYRNE: Further questions?
23 (No affirmative response.)

24 DEP. COMMISSIONER BYRNE: Thank you, Mr.

1 Chinlund. If Donna LaTour-Elefante could replace
2 Mr. Chinlund. We'll turn now to Margaret Mayk.

3 MS. MAYK: Thank you. First, I'd like to
4 begin by thanking you for the experience of this
5 open forum today, for your openness and
6 questioning of us and bringing us together. I'm
7 very grateful to be able to be here to represent
8 Step by Step of Rochester. I also am a member of
9 the Monroe County Reentry Task Force and it's
10 nice to be here with some other members.

11 I want to start with the closing remarks
12 that we just heard, exacting pain from the one
13 who tore it, rather than exacting pain from the
14 one who tore it. The one who tears has been torn
15 first. Every woman and man in prison is an
16 unhealed torn wounded individual, and I believe
17 that we all believe that.

18 The reason I wanted to start with those
19 words is that Step by Step is an organization
20 that was founded 15 years ago by myself and Dr.
21 Patricia Merle. She's got a doctorate in
22 social work. And we work with women at Albion
23 State Prison and at Monroe County Correctional
24 Facility and we're training a team of women right

1 now to work in the new county facility down in
2 Allegheny County. It's quite a ride once a week.

3 The basis of the work at Step by Step is
4 about healing, and that's why I wanted to start
5 with that quote. We run workshops that we call
6 life history workshops. There's seven different
7 eight-week sets, so it's like fifty-six weeks of
8 them. Plus, we have a parenting program that's
9 twice a week for eleven weeks, so it's a
10 twenty-two-session parenting program held out at
11 Albion only. Well, that's no longer true. We
12 only used to do it at Albion. Now, we do it in
13 the community as well.

14 We've grown from two people to a staff of
15 seven and a very dedicated, hard-working board of
16 ten members, governing board. They work Pat and
17 me to death and we drive them nuts, because
18 they're trying to get us to become administrators
19 and fund developers and that sort of thing.

20 The heart of Step by Step is that there are
21 hundreds of thousands of men and women
22 incarcerated. We work with individual women in
23 small groups or large groups, groups of 20 to 25
24 to 30, at Albion. And the model that we use is

1 life history. It's reflecting on the women's own
2 life experiences whereby they learn, first of
3 all, how to reflect; secondly, how to get in
4 touch with and admit to some of the sources of
5 pain in their life, which they don't want to
6 admit to because they don't want to be
7 vulnerable; how to see how they have perpetuated
8 those patterns in their own adult choices in
9 their lives.

10 In the process, each woman is working on her
11 own life history, not on somebody else's. And so
12 the only feedback they give to each other in the
13 group is that we give them little post-its and
14 they get to name a one-word strength about a
15 woman who has just shared her written reflection
16 from her homework on a piece of her life.

17 They are learning to break their isolation.
18 They are learning to trust. They are learning
19 that they are not alone and they are not the only
20 ones that this has happened to. They are
21 learning cause and effect. They are learning
22 what Richard Langone mentioned this morning:
23 Restorative justice means that we must make the
24 folks see what they have done, see the

1 consequences of the pain that they have caused
2 and see that they can make different decisions.
3 I don't want to spend too much time on that, but
4 that's my passion, as you can tell.

5 We also work with women after they come out.
6 We work with our own women. We have support
7 groups. We have workshops in our office space,
8 in our meeting space at work. So we continue to
9 run the life history workshops after they come
10 out.

11 We have been asked to work in the community.
12 We have been asked to work in treatment centers,
13 Catholic Family Center treatment, outpatient
14 treatment program. Thank you very much, Carl
15 Hatch. We have a contract with them and so we
16 work once a week with their women in phase one.

17 We have done work with, not currently but
18 have done work with Unity Health, and the reason
19 I mention this is to demonstrate the credibility
20 of the program. Unity Health, Daisy Marquis
21 Jones residential treatment program.

22 And we are currently working with -- we have
23 worked with Monroe County Family Treatment Court.
24 The funding was lost and they're working on

1 getting it back for us. When a mother is found
2 to be negligent and the judge finds that that
3 negligence is because of addiction, they are put
4 into family treatment court in Monroe County and
5 so we do part of that training. It's life
6 skills. They learn how to look at the storms
7 that they've weathered in their lives and they've
8 learned how to see the strength and the potential
9 that they have.

10 I think this is an enormous hole. I think
11 it's a link that is very much needed in the chain
12 of services to be offered. And the most recent
13 contract that we got kind of demonstrates that.
14 ROI, Rural Opportunities, Inc., and Temprow, a
15 local nonprofit organization, have a housing
16 program for homeless women and children. Two and
17 a half out of the first three years -- they asked
18 us to come in as a team to replace the service of
19 a single social worker, because they wanted our
20 programming, because a roof over the head and a
21 job that doesn't pay much is not going to
22 stabilize family.

23 What I would ask of you is -- well, the big
24 news is we have just found out with the help of a

1 little nudge from a conversation down here a
2 couple months ago, a month and a half ago, we
3 just found out that the state through the office
4 of Dr. Paul Crockin, the state records of the
5 recidivism rates for women after three years of
6 release is -- the normal rate is 30 percent and
7 for Step by Step graduates, it's 20 percent,
8 which means we have reduced that rate of
9 recidivism by one-third.

10 We want to work with Parole. Parole would
11 like to work with us. We don't have funding and
12 we can't give away our services anymore. We're
13 like Mary Sprague from this morning.

14 I would ask you to consider: Women affect
15 families. They determine the moral fabric in
16 their families, in their children's lives, or
17 they can. It will be torn or it will be
18 repaired. I would ask you to consider them with
19 equal high risk value as others coming from
20 prison. Thank you.

21 DEP. COMMISSIONER BYRNE: Questions for Ms.
22 Mayk?

23 (No affirmative response.)

24 DEP. COMMISSIONER BYRNE: Thank you very

1 much.

2 (Pause in the proceedings.)

3 DEP. COMMISSIONER BYRNE: Thank you all for
4 being patient and being here at the end of the
5 day to help us. We'll turn now to Donna
6 LaTour-Elefante.

7 MS. LATOUR-ELEFANTE: I also want to thank
8 you for persevering as a captive audience today.
9 It's been a long day for you as well.

10 I am the executive director and founder of
11 the Family Nuturing Center of Central New York.
12 We've been around for about 18-plus years and one
13 of our core values and our basic core value is
14 that a family systems approach is necessary for
15 positive change over time.

16 The power of transformation is a possibility
17 only when family members are empowered to grow
18 and heal together. Criminal justice-involved
19 families are served at the Family Nuturing Center
20 through case management services funded through
21 DPCA and a program called Project Step.

22 I'd like to introduce Margaret Kojak who is
23 our director of services who's also the
24 supervisor of that program to tell you more about

1 it.

2 MS. KOJAK: Project Step has two case
3 managers and myself as supervisor. And one of
4 the things that we find that is really essential
5 more and more is to work with the whole family.
6 I had a case and my case managers are still
7 working with this case. It was a mom and a dad
8 who both had some criminal involvement. We had
9 to work very intensely with them, and you'll find
10 out why in just a minute. And the goals of
11 Project Step is that we need to have them
12 employed, we have to do parent education and we
13 have to have stable housing before we can close
14 the case and get paid.

15 So we work very hard, because this is a
16 performance-based grant. So we worked very, very
17 hard with this family. This family, both mother
18 and father, now are employed. They have stable
19 housing. She is 18 years old with triplet boys.
20 We had to also work with grandma, because
21 children were in foster care and grandma did not
22 really want to do parenting the second time
23 around. So we convinced grandma that, of course,
24 you're a young grandma, I mean, this will keep

1 you young, three babies.

2 I did a home visit and it was really
3 overpowering to walk into that family room and
4 see three young babies in their walker and I
5 thought, well, I don't know, I don't know if I'd
6 put my money where my mouth is working with these
7 three, but she did; the grandmother and
8 grandfather took the grandsons. We got them out
9 of foster care, gave us time to work with the
10 parents and, now, the goal is -- and it's coming
11 very close -- that the young parents with the
12 support of family will be employed, will have
13 housing and their three sons will be living with
14 them.

15 But it took a lot of work and with very
16 little resources -- a lot of resources, but a lot
17 of money to back this up. So it is really --
18 what I'm finding is our clients that are getting
19 out of prison, they do want to either get back
20 and have a relationship with the whole family or
21 they do want to have a relationship with their
22 children.

23 So it is really important, you know, that we
24 do work with the whole family. It is also

1 important -- we want to work with Parole. We
2 have the grant. It will not cost Parole any
3 money to work with us and, somehow, I have to
4 maybe -- we have to find out how that can be
5 possible. I'm not a parole officer. I'm only
6 there to help parole officers serve their cases
7 and help ease their job, because we do the home
8 visits. We go and we go down to social security.
9 We take them to medical appointments. We
10 transport them to programs.

11 Our goal is to go in, work with them
12 intensely, empower them and step back so that
13 that they can now be in control of their own
14 life. So we have been very successful. We're
15 not having a difficult time in getting jobs.
16 That is one of our easy parts, so we're really
17 pleased about that. We have a wonderful program.
18 We're fortunate to have been able to continue
19 this year and, hopefully, for the next three
20 years, I believe, and it's been a pleasure for
21 you to listen and thank you for staying overtime.

22 MS. LATOUR-ELEFANTE: A few concerns.
23 Certainly, training for probation and parole
24 regarding the values and benefits of alternatives

1 in general but also restorative justice in
2 particular. Family Nuturing Center is in a
3 unique position where we are providers of
4 services for families involved in the criminal
5 justice system and also, fairly recently, we're a
6 victim of a crime of a dishonest employee. And
7 under the challenge of that, we chose restorative
8 justice as a way of handling that situation. We
9 were commended by many people in the community;
10 however, there were some folks in the criminal
11 justice arena who did not understand our approach
12 to that and so there's also been some comments in
13 the negative.

14 We had to consider the circumstances and we
15 did consult with the Attorney General's Office
16 and the District Attorney's Office and we chose
17 to get a contract for full restitution of funds
18 and allow the opportunity for intensive mental
19 health treatment for the individual, which was
20 very necessary, and also she was a single parent
21 with a young child. So under the circumstances,
22 we believe we did the right thing. I think down
23 the road, that will prove to have been a very
24 positive decision.

1 Also, we believe that pre-release planning
2 is very important as early as possible, as has
3 been said earlier today, and that includes prison
4 family support throughout the incarceration
5 period, including parenting education, ease of
6 child visitation and access, ongoing
7 communication and involvement in family
8 decision-making.

9 As an example of that, we were fortunate in
10 our area -- we have a four-prison hub situation
11 in Oneida County and at Marcy Prison, we were
12 able to do a pilot project using the nurturing
13 fathers program that was taught by dads for dads
14 in the prison system. It was actually funded
15 through a one-time corporation grant and allowed
16 us to invite staff from the prison to attend a
17 five-day facilitator training, parenting training
18 program, as well as a two-and-a-half-day
19 nurturing fathers program curriculum training.
20 So they had seven and a half days of training,
21 which is pretty amazing.

22 In addition to that, we offered the first
23 program in the prison facilitated by an
24 experienced staff person from the Family

1 Nurturing Center but with the prison staff
2 present and participating, sort of on-the-job
3 training. And since then, that program continues
4 in the prison without our involvement and that
5 was our goal.

6 We had 13 fathers graduate from that
7 program. The content of the program includes
8 things like age-appropriate discipline,
9 communication that is effective, understanding
10 spousal relationships in that moms and dads
11 parent differently so that they can sort of agree
12 to be on the same page in talking about that; how
13 to play with your children, because dads play
14 differently than moms do; how to get your needs
15 met, to recognize them and keep your stress
16 levels low; how to express your feelings more
17 appropriately, and just balancing work and
18 family.

19 The dads create a vision statement of the
20 father that they want to be and then the whole
21 program is designed to get them there. And the
22 children and the spouses are invited to come to a
23 play session and the ending celebration,
24 graduation ceremony. The fathers read their

1 vision statements to their children. There isn't
2 a dry eye in the house, and that includes in the
3 prison. These fathers were extremely receptive.

4 Some of their comments: "This program has
5 taken my eyes off my current situation that I'm
6 in now and on to the father I'm becoming and will
7 be into the future."

8 Another comment: "I look forward to these
9 sessions and have a chance to talk about what is
10 really important to me."

11 And the third comment: "Having gone through
12 this program opened my eyes to the importance of
13 being a real father for my children."

14 Another way that we've been able to help in
15 the prison is that there was a father in this
16 program who had not seen his child for four
17 years. The mother had real serious income
18 problems and didn't have any transportation and
19 couldn't get to the prison. So our facilitator
20 who works in Project Step has been transporting
21 this child to see his dad once a month since that
22 program.

23 And he said when he looked in the child's
24 eyes after the graduation ceremony and saw him

1 crying all the way home silently that he couldn't
2 refuse to offer access for this child. He missed
3 his dad that much.

4 So one of the things that I'd like to ask
5 for is adequate space within a prison to provide
6 this kind of programming that's welcoming to not
7 only the dads in the program but the other
8 spouse, the moms, and the children so that they
9 feel like they're comfortable and this is a place
10 for them to celebrate their family together.
11 Also, of course, training for supporting ongoing
12 aftercare services, because we also had a father
13 who came to our program who did very well, who
14 got a job, who took the nurturing fathers
15 program, who joined the fathers fellowship group
16 and got support.

17 His mother, the grandmother, had custody of
18 his two children but she passed away. And then
19 he was able with support to get custody of those
20 two children. Unfortunately, he was pretty
21 fragile emotionally and along the way, a break-up
22 with a relationship and then finally a false
23 accusation that got him involved in family court
24 and arrested and put into jail caused him to go

1 over the edge and he committed suicide in a jail
2 cell. He hung himself. And we know that more
3 intensive services could have really worked with
4 this father. We did as much as we could with the
5 limited funding and types of services that we
6 provide, but he could have been helped, I think,
7 beyond what he was and might still be here today.
8 Thank you.

9 DEP. COMMISSIONER BYRNE: Questions?

10 CHAIRMAN ALEXANDER: Just briefly, you said
11 you had some concerns or some questions as to how
12 to access parole. There are three ladies here,
13 Ms. Goodman, Ms. Fitzmaurice and Ms. Jiminez, can
14 help you out with that.

15 MS. LATOUR-ELEFANTE: Thank you.

16 DEP. COMMISSIONER BYRNE: Mr. Siegel, thank
17 you very much for your patience. If you would,
18 please.

19 MR. SIEGEL: Good afternoon or good evening,
20 as the case may be. It's nice to see so many
21 familiar faces late in the day. Last on the
22 calendar, but we hope we're first in your hearts
23 anyway.

24 I want to thank you for this opportunity to

1 discuss the important issue of offender reentry.
2 My name is Albert Siegel. I'm the deputy
3 director for the Center for Court Innovation.
4 Previously, I was the deputy commissioner for New
5 York City probation for eight and a half years.

6 I am joined today by Chris Watler, one of
7 the principal planners and the first hearing
8 officer for a juvenile reentry project we operate
9 in Harlem.

10 The Center for Court Innovation is an
11 independent, not-for-profit organization that
12 works closely with the state court system. Over
13 the past decade, as Steve Chinlund has said, with
14 the active endorsement of Chief Judge Judith S.
15 Kaye, the Center has won numerous awards for
16 developing problem-solving courts here in New
17 York State.

18 Nationally and around the world, we've been
19 working with jurisdictions to spread the
20 problem-solving way and approach.
21 Problem-solving courts are designed to address
22 chronic issues, such as substance abuse, mental
23 illness, domestic violence and offender reentry,
24 issues that fuel crime, clog our justice system

1 and diminish the quality of life in our
2 communities.

3 There are six key strategies that define
4 problem-solving courts: Engaging communities in
5 the delivery of justice; establishing
6 collaborative multi-disciplinary partnerships
7 among justice system players, law enforcement and
8 locally based organizations; providing judges and
9 other key decision-makers with more information
10 so that they can make better decisions; using
11 evidence-based assessments to identify offender
12 needs and link them to individualized sanctions;
13 monitoring compliance rigorously to ensure
14 offender accountability; and using data to
15 determine whether the projects are achieving the
16 outcomes they were designed to accomplish.

17 These strategies challenge courts and
18 related justice agencies to move beyond
19 processing cases simply like widgets in a
20 factory. There is a wealth of evidence to
21 document that these reforms have improved both
22 the fairness and the effectiveness of the justice
23 system. Researchers have documented reductions
24 in street crime, substance abuse and recidivism

1 in our projects as well as improved compliance
2 and enhanced public trust in justice.

3 Seeing these kinds of results,
4 problem-solving justice has been hailed by all 50
5 state court chief justices as well as the
6 American Bar Association. In recent years, we
7 have applied the problem-solving approach to
8 address the challenges posed by offender reentry.

9 In one of our community courts, the Harlem
10 Community Justice Center, we've been testing the
11 impact of problem-solving justice in helping
12 adult offenders on parole and juveniles in
13 aftercare return to their communities. Today, we
14 would like to discuss Harlem's approach to
15 reentry. It is a model that is every day helping
16 to transform the lives of participants, their
17 families and their neighborhoods.

18 For too long, the Harlem community has been
19 profoundly affected by crime. A recent analysis
20 by the Justice Mapping Center of a seven-block
21 area of East Harlem found that one in twenty
22 males in the area are sent to prison, the highest
23 rate in New York City.

24 In Harlem, the formerly incarcerated and

1 confined return to a community that provides few
2 opportunities to earn a living wage legitimately,
3 secure decent and affordable housing and receive
4 the education, training and assistance they need
5 to have a fighting chance at becoming productive,
6 law-abiding members of society.

7 In Harlem, we are tackling these challenges
8 head on working with our partners, the Division
9 of Parole and the Office of Children and Family
10 Services. Our Harlem reentry projects, the
11 parole reentry court and the juvenile reentry
12 network, are administrative courts serving
13 offenders returning home to East Harlem and Upper
14 Manhattan. They are the only projects of their
15 kind in New York State.

16 In these projects, reentry begins when an
17 adult or juvenile receives a scheduled release
18 date. At that point, a comprehensive
19 pre-discharge plan is prepared that focuses on
20 risk, plans for treatment and other critical
21 services like housing, work force training,
22 employment, education services and family
23 engagement. The emphasis is on ensuring a
24 seamless transition from facility to community.

1 The plans are informed by comprehensive
2 psychosocial assessments and home visits
3 conducted before the offenders are released.
4 Once released, participants appear immediately at
5 our courthouse on 121st Street. There, they must
6 appear before a legal authority who lays down the
7 law. An administrative law judge presides at
8 parole hearings and a hearing officer presides at
9 the juvenile reentry network.

10 At the initial hearing, participants sign a
11 contract agreeing to comply with the conditions
12 of release and the components of the
13 individualized service plan. A
14 multi-disciplinary team comprised of the parole
15 officers or aftercare workers, clinical social
16 workers and locally based service providers then
17 work with participants and, where relevant, their
18 families to implement the plan and to begin the
19 process of moving participants down the road to
20 re-integration and productive lives.

21 Our service partners include the Center for
22 Employment Opportunity, Paladia (phonetic), City
23 Care, the Children's Aid Society and numerous
24 smaller local and faith-based agencies that, in

1 normal circumstances, might otherwise go
2 untapped.

3 Participants must report regularly to the
4 courthouse where progress is monitored.
5 Non-compliance meets with an immediate response.
6 We also use incentives such as praise from the
7 branch and periodic public ceremonies to
8 acknowledge positive performance. Importantly,
9 all of this takes place in the community where
10 participants live, a model of service delivery
11 that greatly improves the chances of successful
12 re-integration.

13 Since its inception, the parole reentry
14 court has enrolled more than 350 parolees. Over
15 220 have graduated or are on track. The juvenile
16 reentry network has enrolled 130 young people, of
17 which 74 have graduated or are on track, a very
18 promising number given the historic failure rate
19 of 75 percent for that population.

20 I'm now going to turn it over to Chris to
21 talk about one of our Harlem reentry cases.

22 MR. WATLER: Of course, behind the numbers,
23 there are people. I want to share a recent
24 story. Kenneth S., a 28-year-old parolee served

1 15 years for second degree murder committed at
2 the age of 14. Kenneth was released in January
3 of this year. He was interviewed by our team
4 twice before his release. A case manager in
5 consultation with the assigned parole officer
6 crafted a pre-discharge service plan. The plan
7 was ambitious. It needed to be. Parolees
8 typically face multiple challenges.

9 In Kenneth's case, he was enrolled in a
10 specialized program for ex-offenders at John Jay
11 College for Criminal Justice. Transitional
12 housing was secured through a neighborhood
13 partner and he was enrolled in a mental health
14 counseling program. He was also referred to the
15 Fortune Society for a variety of employment
16 services.

17 Before release, Kenneth demonstrated his
18 motivation to succeed and a generally positive
19 attitude. The services were lined up and waiting
20 for him upon his release. On the day of his
21 release, Kenneth appeared at the reentry court to
22 sign and serve his contract. Kenneth completed
23 his job training program within three months and
24 then found a job as a telemarketer on his own.

1 He now comes to the Justice Center three days a
2 week where he gets computer training from staff.
3 There, he meets with his parole officer and
4 regularly appears before the judge who reviews
5 his compliance, adjust the plan as necessary and
6 provides encouragement.

7 Although he sometimes gets frustrated when
8 things go slowly, Kenneth is making steady
9 progress. The combination of structure and
10 support offered by the Harlem Reentry Court has
11 helped point him down the road to success. This
12 two-pronged approach, rigorous accountability and
13 a helping hand, is a hallmark of our reentry work
14 and it's what's really proven effective with
15 problem-solving courts on a range of justice
16 issues.

17 What this case underscores is the promise
18 that thoughtful, locally based problem-solving
19 can play in promoting successful reentry, even
20 in those neighborhoods where the largest numbers
21 of offenders are returning like East Harlem.

22 Through assessment, pre-discharge planning,
23 collaboration, access to readily available
24 services, aggressive monitoring and support,

1 genuine progress is being made in tackling the
2 issues so many returning offenders confront.

3 Harlem's reentry work will soon be bolstered
4 with the advent of the Upper Manhattan Reentry
5 Task Force, which will be charged with
6 formulating a community-wide approach to reentry,
7 educating the public and establishing a broad
8 base collaborative of government agencies, law
9 enforcement, faith-based and community providers
10 to enhance public safety.

11 We believe that the work going on in Harlem
12 is important and holds great promise for the
13 future. For those offenders who are confined,
14 good practice and common sense dictate an
15 increased investment in community-based reentry
16 programs like the one operating in Harlem that
17 hold returning offenders accountable to
18 aggressive supervision while linking them to
19 services.

20 Funding community-based reentry strategies
21 is both cost-effective and more likely to achieve
22 success for individual offenders. Most
23 importantly, such strategies are good public
24 policy. We thank you again for giving us this

1 opportunity to speak and look forward to
2 answering your questions.

3 DEP. COMMISSIONER BYRNE: Questions, folks?

4 MR. WATLER: I'll just add that our web site
5 has a lot of information on it. I would commend
6 it to your attention. CourtInnovation.org. You
7 can find out more about problem-solving justice
8 and the Harlem project.

9 DIRECTOR FITZMAURICE: Do you limit the
10 folks that are involved in the parole reentry
11 court? Is there a specification about the type
12 of offender that you'll deal with?

13 MR. SIEGEL: When we originated the program
14 with Parole, and because of some restrictions
15 that were established through some federal
16 funding that was helping support the program at
17 that time, we were limited to non-violent drug
18 offenders. We have since expanded the program to
19 all matter of offenders with the exceptions of
20 arsonists and sex offenders.

21 You know, we've had, as this case indicates,
22 Kenneth S., we've had people convicted of
23 homicide. The real issue for us and, I think,
24 for the Division is that these are folks coming

1 back to the neighborhood and so if they're coming
2 back to the community within the general confines
3 of the catchment area, that's the issue and there
4 are parole officers assigned at the Justice
5 Center.

6 So the notion is to make the services
7 accessible, make reporting less onerous and more
8 productive and working as closely as we can with
9 whatever support network they bring to the table,
10 be it families, employers, other relatives,
11 friends.

12 There have been situations at the Justice
13 Center -- and I know that Felix Rosa may remember
14 this. One of our first cases was a guy who had
15 been incarcerated for a number of years, was
16 reunited with his family in the courthouse and it
17 was quite emotional. And the issue for us is
18 that we like to test the impact of locally based
19 supervision rather than having people report
20 necessarily to 40th Street where it's a large
21 waiting room and scant opportunity to spend
22 quality time with a parole officer.

23 In the environment of the Justice Center,
24 things happen a little differently and there are

1 a wealth of services located on the site at the
2 Justice Center that work interchangeably with the
3 program.

4 DIRECTOR FITZMAURICE: Now, in your
5 community, because you've been doing this for a
6 long time, what would you say is the largest or
7 the major impediment that you see to a successful
8 reentry?

9 MR. SIEGEL: Well, I've been listening very
10 carefully to all of the testimony and if we had
11 to isolate one -- they're all difficult. I mean,
12 employment is difficult. Substance abuse
13 treatment -- housing is the most difficult. I
14 mean, in New York City, it's difficult for
15 anybody to afford housing or to even access
16 housing assuming they can afford it. When you're
17 talking about people coming back largely with
18 limited employment skills and with a wealth of
19 other issues, they're not the most eligible or
20 attractive tenants and I think housing is the
21 single largest challenge that we've had to
22 tackle.

23 And with the Division of Parole's assistance
24 almost from the onset, we've been working closely

1 with Paladia which has set aside beds even for
2 folks who do not have substance abuse problems as
3 a way of keeping them in the community. What we
4 wanted to do and what we've been able to tackle
5 is keeping them in the neighborhood. We want
6 them to avoid the shelter system for any number
7 of reasons but not the least of which is if they
8 enter the shelter system, they'd be moving around
9 from neighborhood to neighborhood.

10 We want them to live where the service is
11 and where the courthouse is, where their families
12 are and so housing, I think, is the biggest
13 difficulty. You know, we run a juvenile program
14 and, there, we can isolate a problem, too. It's
15 schooling. They're supposed to go back to
16 school. The schools don't want them. Those are
17 the kinds of problems we want to attack.

18 MR. WATLER: Also, the problem-solving
19 justice is designed as a strategy to increase
20 public confidence in the justice system. In a
21 neighborhood like Harlem, the confidence is very
22 low. I think what was mentioned earlier about
23 the need to kind of publicize effective reentry
24 as a real public safety strategy for a community

1 and to really shift the thinking of employers and
2 landlords and folks in the community, taxpayers,
3 that this is a good investment, that's very
4 important in kind of getting these programs
5 supported locally and helping to ease the
6 transition for offenders.

7 I really think mentoring for young people
8 is very important, getting young people connected
9 to youth development programming. The RGRN
10 network connects them to the Boys and Girls Club
11 in their community. So there's continuity even
12 beyond supervision when they're done with
13 aftercare, that they have something locally to
14 say, "I go to that clubhouse. That's part of my
15 life."

16 Those strategies are important. We need to
17 build the confidence of the community.

18 MR. SIEGEL: All of the services at the
19 Justice Center, as Chris alluded to, are
20 available to parolees and their families even
21 after they leave the program.

22 The last thing I want to say is that the
23 notice of having a judicial presence -- in the
24 case of parole, an administrative law judge -- is

1 not purely theatrical. There really is an impact
2 on offender behavior and offender compliance to
3 watch that interaction and to see how the parole
4 officers play off the ALJ. You know, it's
5 powerful to say, "If you don't do this, we're
6 going to bring you before the judge."

7 On the other hand, when the judge issues
8 statements of praise and encouragement, for many
9 of these guys, for virtually all of them, that's
10 not been an experience they've had very readily,
11 certainly in a courtroom setting, and it has a
12 very emotional impact. It's also emotional when
13 the judge reads from their journals about what
14 they've been doing and questions them and they
15 have to defend what they've written and hear from
16 family members about what's going on in their
17 lives.

18 That kind of interaction in that setting has
19 a great impact on the way people react to their
20 parole officers and to the conditions of parole.

21 DEP. COMMISSIONER BYRNE: That concludes
22 today's hearing.

23 (WHEREUPON, at 5:33 o'clock, p.m., the
24 hearing was concluded.)

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C E R T I F I C A T I O N

I, THERESA L. KLOS, Shorthand Reporter and Notary Public within and for the State of New York, do hereby CERTIFY that the foregoing record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

THERESA L. KLOS

Dated: June 25, 2007.