REENTRY OPEN MEETING

EMPIRE STATE PLAZA

MEETING ROOM 2

ALBANY, NEW YORK

MAY 29, 2007

9:05 a.m. - 5:33 p.m.

Parole Board Chairman
GEORGE ALEXANDER, Chair

DOCS Commissioner
BRIAN FISCHER, Chair

DPCA, Executive Director
ROBERT MACCARONE, Chair

DCJS Commissioner
SEAN BYRNE, Chair

NYS DCJS
BETH RYAN,
Deputy Commissioner

MICHAEL BARRETT,
Executive Counsel

JOHN NUTTALL,
Deputy Commissioner

NYS Division of Parole
FELIX ROSA,
Executive Director

LYNN GOODMAN,
Statewide Director of Reentry

PATRICIA FITZMAURICE,
Director of Upstate Reentry

ANGELA JIMINEZ,
Director of Parole Operations

LAI SUN YEE,
Asst. Deputy Secretary
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PROCEDINGS

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

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

Over the past three or four months, various members of the Spitzer Administration have been contacted by many people in this room and others
about the Administration's reentry agenda. As you can see, in an effort to see everyone, it would have taken the respective Commissioners and Secretary Balboni weeks, if not months, to meet with everybody in this room.

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

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

The way that the Commissioners arranged for the day is that the day is going to start out with Parole Chairman George Alexander, the Chair of the Division of Parole, serving as the moderator for the first two hours of presentations. And then he will be succeeded by DOCS Commissioner Brian Fischer through to 12:00 o'clock. And then Executive Director Bob
Maccarone, the Chair of the Division of Probation and Correctional Alternatives, will do the first segment in the afternoon. And then at the end of the day, I will stand in for Commissioner Denise O'Donnell.

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

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

CHAIRMAN ALEXANDER: Sean, thank you.

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

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

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

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

The Center for Nuleadership is an academic research and public policy center for leadership development whose uniqueness is that our entire faculty, which is adjunct teaching faculty in the City University of New York, is comprised of people who are all formerly incarcerated
professionals at the academic and research level. And much of what we do is grounded in our personal experience having undergone the experience of being in prison and having made a successful transition from prison to community to profession.

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

We're especially pleased that we've been invited to present this morning, because we've been thinking of some -- part of what the Center for Nuleadership has been doing is to try to devise very innovative ways in which to begin to deal with some of the problems that evolve from criminal justice. And one of the things that we've been thinking about is the whole relationship between the unemployment, between poverty, between crime and prisons and how they converge at a certain point and, certainly, one
influences and impacts the other. And as a result of that, we have evolved a series of strategies that we think are viable in terms of dealing with three primary questions.

The first question is: How do we reduce prison populations while, at the same time, protecting and improving public safety? The second question is: How do we translate prison population reduction into more cost-effective management and accumulate actual cost savings both to the criminal justice agencies as well as to the state? And, finally, and perhaps equally and perhaps even more importantly: How do we begin to address the capacity issue that faces State of New York as it currently stands with approximately 22,000 to 25,000 people a year coming out of the prisons back into urban communities?

As a result of much of our work and many of the things that we do, it seems to us that the nexus between employment and poverty and crime and reentry is one that has not been explored to the degree that it should be explored and
connecting the dots, it seems to us, is the logical extension of where we should be going.

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

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

We make three recommendations in terms of the way in which we deal with the reduction of prison populations. First is that we think that
there needs to be a parole risk assessment tool.

We think that the way in which parole release decisions are currently made, the kind of arbitrariness of the decision-making process, leaves a lot to be desired and, as a result, there is a disjunct between what takes place in the prison system in terms of program participation and what to expect from the parole board in terms of decision-making which, up until very recently, has not been essentially based on the performance of people in prison but, rather, on some other immovable factors.

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

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

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

We also believe that the existing technology that is found in the geomapping systems are systems that could be employed with tremendous effect. We note, for instance, not too long ago, about a year or so ago, we were requested by
United States Congressional Representative Clark to do a survey of her then city council district. And using a geomapping system, we were able to identify all of the people in her city council district who are in the State of New York and in the prison system. And using the population simulation model, we were able to determine that in that one city council district in New York City, the State of New York was spending over $50 million a year to incarcerate 486 or 496 people. I forget what the exact number was.

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

When we took a closer look at the people who were being incarcerated in the State of New York, we found out that 79 percent of them were people who were arrested and who were convicted of crimes that did not involve any victims and that were essentially driven by use or abuse of
controlled substances and that that population, 79 percent of that total figure could probably have been diverted into treatment programs as opposed to incarceration with an enormous cost savings.

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

Finally, in terms of addressing the capacity issue which is, I think, the major issue certainly in terms of public safety and certainly in terms of the way in which we begin to deal with people coming out of the prisons, we recommend that a community economic development plan be -- and part of our thinking, you have to understand, is outside of what would normally be considered the traditional criminal justice box, criminal justice thinking. And our feeling is that criminal justice has gotten to be so expensive and so pervasive, particularly in urban communities, that there is a direct relationship and a direct connection between the criminal justice system in the state and those
communities. And that direct relationship goes far beyond mere law enforcement and does include social and cultural and political and, certainly, economic considerations.

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

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

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

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

We think that using this model and employing
an urban marshal plan, we will be able to accommodate the kind of capacity that is necessary in order for us to ensure public safety at the same time that we provide jobs, housing and training for people coming out of prisons.

That's the abbreviated version, of course, and we're open to any questions that you may have. And we would like some further opportunity to be able to talk at greater length and to be able to share some of our research with you.

Thank you very much for this opportunity.

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

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

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

DEP. SECRETARY BALBONI: Good morning.

CHAIRMAN ALEXANDER: And if I could start from my right here and introduce everybody here
at the front table so that you know who's who.

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

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

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

COMMISSIONER NUTTALL: John Nuttall, Deputy Commissioner, DCJS.

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

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

George Alexander, the Division of Parole Chair.

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

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

MS. FITZMAURICE: I'm Pat Fitzmaurice and I am director of upstate reentry.
MS. YEE: Lai Sun Yee, Assistant Deputy Secretary for Criminal Justice.

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

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

MR. ELLIS: Certainly can, absolutely.

CHAIRMAN ALEXANDER: Any other questions?

(No affirmative response.)

CHAIRMAN ALEXANDER: Thank you very much.

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

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

MS. JACOBS: Good morning. I'm Ann Jacobs. I'm the Executive Director of the Women's Prison Association and I'm joined by Georgia Lerner who
is the Associate Executive Director who oversees all of our program services.

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

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

Frankly, we'd like to see more of an investment in the front end also. The work of alternatives to incarceration and reentry is, in our experience, pretty much the same kind of work. There's been a good experience of doing this kind of collaborative partnership between
government players and the not-for-profit service
providers in the City of New York and the state
could benefit from that kind of work.

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

In addition to speaking for WPA today, we
didn't bring anywhere near enough packets -- I'm
thrilled to see how many people are up there --
so we will follow up with the packets. And they
will include the work that's been done over a
number of years by a group of formerly
incarcerated women known as the Women's Advocacy
Project who are really drawing from their own
experience and seeking to be helpful to
policymakers and make some recommendations that
we hope will be useful to you.
So briefly about WPA, WPA is a 163-year-old organization that works to enable women who've been criminal justice involved to live self-sufficient, law-abiding and rewarding lives in the community and to take care of their families.

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

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

We are lucky enough to be funded through Parole to do a mentoring program which is amazing. We make extensive use of peers for
whom, you know, this is a tremendous opportunity, you know, to get into the job market and they are a tremendous asset to their colleagues who feel a lot more confident going on appointments in the community when they're accompanied by someone who knows how to use a subway card, for instance.

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

A point I'd like to make briefly, but I'm glad that some of you have expressed interest in following up on, is that women really are worth giving some distinct attention to. We all know
that women are still a relatively small portion
of the people in the criminal justice system;
however, they've been the fastest-growing
segment. And just to share with you the graph,
which comes from a national policy report that
our Institute on Women and Criminal Justice
issued last year, this is the New York State
increase in women in prison in the period 1977 to
2004. So that's the bad news.

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

The analyses that we're doing subsequent to
this first national report really show that the
nation and New York are also increasingly
punitive toward women convicted of property
crimes. So we know that women are different in
some other ways, too. The age of women who are
incarcerated is older than their male
counterparts; a higher percentage of them are in
on nonviolent offenses, and a very high percentage of them were caregivers to children before they were arrested.

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

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

We enjoy an ongoing relationship with the National Institute of Corrections, which allows us to share what we're learning from the work that we do and benefit from the learning of other jurisdictions and would recommend to you a look at the Transition From Prison to Community Initiative work that they did specifically around
what it would mean to be gender-responsive in
that regard. And it clearly points to the
importance of one of the things that Eddie was
talking about which is dynamic risk assessment
instrument that begins to be applied to people at
the very front end of the system and that
periodically re-evaluates people based on what
they do, not just the static variables of what
their crime was or their record is, but what
they're doing for themselves that really has a
lot more to do with indicating how they're likely
to do in the community.

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

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

Women who seek our help at WPA tell us that
it's important that they have a safe place to
live, that they can re-connect with their
children and other family members, that they have
a legal way to support themselves and their
families, that they can stay sober and healthy
and stay out of prison.

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

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

We are going to give you folders. I just
want to ask you when you have a chance to take a
look at a matrix that we've created called
"Success in the Community" that illustrates WPA's
approach to helping women identify a range of
needs and to address them simultaneously.
The framework recognizes that some needs present as urgent, like where a woman is going to sleep the night after she gets out of prison, and some have to do with longer term stability, like having a job that pays a living wage and health insurance benefits. In any case, the most important thing is to start with the things that a woman tells us are important to her. Thank you.

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

MS. JACOBS: Well, it obviously depends on whether she has housing when she gets out or you're providing that, too. I mean, our services can be very inexpensive if it's the case management that needs to be provided. But if it's more of a day program or the housing, then it obviously goes up. The least expensive programs that we run are --
MS. LERNER: Case management. It's about $2,500 over the course of a year per woman.

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

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

MS. JACOBS: The opportunity we hope with this state administration is to really look at it systemically, to not do it the way ATIs have been funded for a while, which is basically who has the most compelling proposals, which is important. I mean, we all do good work, but it's
been a while since there's been a step back and look at something systemically; like, what's the flow of people through the system? What's the risk classification for these people? What are their needs? And how do you design a system that makes sense?

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

When the City did that, we were able to point to a lot of things that -- the City convened a Discharge Planning Task Force that included government and the nonprofit providers
who knew that it was things like leaving with a
birth certificate, you know, better systems of
having people leave with identification, driving
them off the island, using -- you know, we have
greater access at Rikers than we ever had before.
There are some things that have some costs
associated with them but aren't only the kind of
funding that you're, you know, for very good
reasons, concerned about.

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

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

So the degree of follow-up, that goes to
every program we're talking about; that's one of
the factors that we'll be looking at and one of
the things taken into consideration, is: What
happens after they complete the program in six months?

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

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

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

MS. JACOBS: The thing that I'd like to see is greater collaboration between the major players from beginning to end, some sort of integration of the risk and needs assessment that goes on at the front end that's related to
pretrial decision-making, that's related to
sentencing, that's related to classification,
that's related to what kind of programs are
developed for people inside and against which
they're measured in making parole decisions that
then guides what kind of parole release someone
qualifies for and what kinds of services are out
there.

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

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

CHAIRMAN ALEXANDER: Thank you very much,
Ms. Jacobs. I will ask Alison Coleman if she
would replace Ms. Jacobs and Ms. Lerner at that
table.
Let me also introduce the newest member of the parole staff coming on board, a project manager dealing with reentry services, and that's Elizabeth Wilkes.

Mr. LaCourt, good morning.

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

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

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

We also don't want to work, you know, on one end of the spectrum. We believe that this is our responsibility to do something for young people, you know, create programs and projects so that they don't get into behaviors that will get them into the criminal justice system. So we decided to work on both ends of the spectrum, not only with ex-offenders but, you know, preventing young people from getting into the system; and also just providing technical assistance to any organization that wanted to get into reentry issues, and we do that a lot. Not only are some communities not aware of reentry and what that
means, but a lot of union services providers who provide services are not aware and we also meet that role.

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

We've developed like the six points of success that we always present and we use as a format for working with ex-offenders. And you know, the top one is -- you know, there's six points of success. One is like staying in recovery, substance abuse treatment and recovery.
We're all in recovery and we've been crime- and drug-free -- there's about eight of us, ROOTS members -- like twelve to sixteen years.

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

So, you know, in any way that we can, we espouse that. And we talk about, you know, employment. Employment is very important and we talk about it as a process. You know, we use our own examples. We say it's okay to start at McDonald's flipping hamburgers. You know, that's just a step to the process. That's not going to be your final position in your job. And the value system -- we espouse the value system of employment, you know, and we share our stories
and the processes that we went through and we provide support for people who are dealing with that. You know, it's not just the actual job. It's the value system behind keeping that job and I think that that's something that we really work on.

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

And so that's one of our six points of success is, you know, establishing and maintaining a productive relationship and trusting relationship with your parole officer. And we talk about housing. You know, we talk about like it's very important where you live, how you live and with who you live and what neighborhood you live. And if you do live in a
certain neighborhood, this is what works and what
doesn't work. We really get down to the really
like nitty-gritty about how to do that.

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

We work closely with Alison Coleman and
Prison Family Services; that's their specialty.
And a lot of times, we utilize them in our
projects. And, also, we talk about, you know,
reestablishing your financial independence. It's
amazing when we tell them that, hey, I just
arranged a trip to Puerto Rico through my
Internet. For an ex-offender to do that, it's
amazing. And we show them how the process is,
you know, how to repair your credit, how to save
your money, how to do certain things.
One of our ROOTS members came out and came to -- when he first came out of prison in 1995, he came out to a halfway house and, today, he owns his own home. So we use that as an example, how that is possible, not only for him but for any ex-offender who applies a lot of these points of success.

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

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

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

So, you know, I'm here to say that it's very
important that we maintain that input into this
whole reentry process of those people -- we hear
a lot of people that don't make it and that fail
and sometimes we don't hear often enough of all
those that do make it and contribute and are models for positive reentry.

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

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

We did a project with Parole just last year
for 12 months in which we did an orientation for
all the men coming out every month that came out
that month to, like, share our experience and our
stories and our six points of success. And we
hope to re-do that again for the coming year and
add a support group component to it dealing with
employment.

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

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

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

MR. LACOURT: Sure. I mean, we use ourselves as examples of values that we used to have and that we held on to and how we thought that that was the only value that was available to us and how change provided us with, you know, changing that value system; you know, like, instead of taking from your community, giving back; instead of always finding a shortcut, you know, working for something; you know, how to have a process, how to start off small; how not to, when you come out, try to like be Big Willy so to speak or try to leave off where you left off; that it's okay -- we use ourselves as examples.
Each of us had the example of how we went through those processes where it helped us change our value system. So that's what I mean by changing the value system.

CHAIRMAN ALEXANDER: Any other questions from the panel?

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

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

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

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

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

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

CHAIRMAN ALEXANDER: Thank you, Mr. LaCourt.
As he's leaving, if Jonathan Pollack can replace him. And before we go to Ms. Coleman, we're joined at the table with Felix Rosa who is Executive Director of the Division of Parole.

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

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

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

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

At best, it means information and support upon sentencing in the halls of county courts so
that when families are most available, we can get to them with a menu of resources. If not then, it may never happen. All too often, I get calls from families who say they've been looking for our services for years.

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

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

Our broad issues historically have fallen down a blackhole. For truly successful reentry, every relevant area of state government must at
least be aware of its part in prison families'

survival and then successful reentry.

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

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

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

MS. COLEMAN: Of course, it's huge. If we
did better by families all along, they would heal
to an extent and more would be available to
welcome somebody home. I had the wonderful
experience, thanks to John Nuttall, of being able
to facilitate some family counseling sessions
with my husband before he was released after 25
years. I'm not saying that our home wouldn't
have been available to him had we not had those
counseling sessions, but it made reentry smoother
and some of the bumps we faced were less like this and more like this (Indicating) because of those counseling sessions. That was a pretty unusual occurrence in DOCS history, I think.

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

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

MS. ALISON: Well, John, some of them, DOCS has already done and each of you does a piece or should do a piece, but I believe it's a coming together of all the areas. I went to see the Deputy Secretary for Education, Manny Rivera, recently and I don't think he's done a tremendous amount of thinking on the issues of prisoners' children and what that whole thing does to
families and to people in prison. We need to
pull them into the mix. We really need to cover
the state with broad services and well-integrated
services so we can all talk together about this.

CHAIRMAN ALEXANDER: Thank you.

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

Good morning, Mr. Pollack.

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

Basically, I'm going to just talk a little
bit about the services. Consistent with the
Veterans Health Administration's Mental Health
Strategic Plan as well as national and state
prisoner reentry initiatives, the VA has launched
a new program called Health Care for Reentry
Veterans, which is designed to address the
community reentry needs of incarcerated veterans.

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

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

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

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

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

And, four: Short-term case management assistance.

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

What we're looking to do, basically, is to educate all the veterans that are incarcerated, but basically, we're looking to provide those specific services to veterans who are going to be released within six to twelve months. And that's pretty much -- I just wanted to share that information out loud there and the services are available.
COMMISSIONER FISCHER: Do you have people available to come into the prisons and start talking to the prisoners six months, twelve months, whatever number of months, day one for veterans?

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

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

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

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

CHAIRMAN ALEXANDER: A couple of issues. One is that whole issue asked of Alison Coleman
in terms of housing, how you deal with your
population with regards to housing. Also, the
situation I brought up earlier with regards to
follow-up; what type of follow-up do you maintain
with veterans that are receiving some type of
reentry services?

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

We work very closely with Division of Parole
for people that maybe need to go in New York
State veterans' homes, but we do have in every
single VA really in the country, and especially
in Upstate New York, we have transitional housing
programs. So we work specifically with, like,
Altamont program in Albany, the Albany Housing
Coalition, which is a vet house. So we have a
number of beds throughout New York State for
transitional housing and they're called grant per
diem residences, which basically means that the VA will actually pay the housing providers for the veterans' care. The veterans, if they do not have any income, they do not have to pay anything.

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

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

MR. POLLACK: In terms of?

CHAIRMAN ALEXANDER: In terms of cost for treatment; they go into different treatment programs, substance abuse treatment, alcohol treatment. For those programs where they're not
able to get into one where it's free, where they
need a higher level of care, does VA offer any
assistance in that area?

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

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

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

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

That's how we ask.
DIRECTOR FITZMAURICE: Mr. Pollack, how do you define a veteran? Is someone who has an other than honorable discharge eligible for services?

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

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

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

MR. POLLACK: Well, that's the thing that we do in outreach, is we try to assist veterans in getting DD-214s, but we have many Department of Corrections workers, transitional counselors,
helping the veterans within the facilities to get their DD-214s. It's working out pretty well. There's about 90 percent now of the veterans who have their DD-214s. And if they don't, we work very quickly to try to get them for them.

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

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

CHAIRMAN ALEXANDER: Any other questions?

(No affirmative response.)

CHAIRMAN ALEXANDER: Thank you, Mr. Pollack. As he's leaving, we have Marsha Weissman.

Good morning, Mr. Martin.

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

My name is Glen Martin. I'm the co-director
of the National H.I.R.E. Network at the Legal
Action Center. I usually don't lead with this,
but I'm also formerly incarcerated. I did six
years in a New York State prison for a violent
crime. I also got an associate's degree while I
was in a New York State prison and I think that's
really important.

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

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

While the crime index has dropped in New
York, California and Texas, New York's
incarceration rate has also dropped while the incarceration rates in California and Texas have steadily risen. New York has also begun to take small steps to reform its sentencing laws and examine ways to improve the reentry of individuals returning to their communities from the justice system.

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

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

Given the time constraints, I know that now
is not the time for a detailed discussion about sentencing reform. We hope we will have an opportunity to share our specific recommendations with the Sentencing Commission.

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

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

Numerous studies have proven that mandatory drug and alcohol treatment is cost-effective, reduces recidivism and enhances public safety. We hope that our sentencing laws will be reformed.
so that judges and prosecutors have expanded opportunities to send appropriate individuals to community-based programs instead of prison.

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

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

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

New York State should initiate a strategic
planning process within DOCS to redesign vocational programs, to increase industry-specific levels during incarceration and create training opportunities that are more relevant to the modern workplace.

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

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

DOCS should remove a person's name and incarceration information from the inmate look-up website once they are released from prison. Increasingly, we find that employers and landlords are utilizing the website as a way to conduct a free background check. Because the website is name-based and lacks full incarceration, supervision and parole information, it often paints a misleading picture for decision-makers.

New York State Division of Parole should
revamp and re-incentivize the parole system so
that parole officers are performing less
administrative duties and are, instead, focused
on working more closely with community-based
organizations to assist people under supervision
with improving their education, obtaining
vocational and technical training, finding
suitable employment.

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

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

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

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

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

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

Individuals who complete parole are eligible to register and vote in New York State. The New
York State Division of Parole should ensure that New Yorkers with felony convictions are informed of their voting rights upon discharge.

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

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

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

New York State should restore eligibility to the Tuition Assistance Program and other public
resources to people in prison.

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

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

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

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

New York State should create a wage subsidy program specifically targeted to job seekers with criminal records. Second to mitigating against liability concerns, employers cite wage subsidies
as a way New York State can incentivize the
c consideration of job seekers with criminal
records.

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

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

A comprehensive inventory will reveal
unnecessary legal and policy barriers as well as
over-burdensome processes facing qualified and
rehabilitated job seekers. And I'll end there
and hand in my presentation, if you will.

(Applause.)

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

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

I could have been released after three years, but I got 18 months at my first board and then 24 at the second board, but no change in the institutional circumstances, no tickets. In fact, I completed my college degree by the time I got to my second board.
The point is that I couldn't change the crime. The crime was done. It was a violent crime. It was robbery. No one got hurt, but it was still a violent crime. But I changed everything else. I mean, I became educated. I took every program that was available to me. I mean, I ran out of programs to take. I started serving on the Inmate Liaison Committee. I just essentially ran out of things to do. But the board only looked at the nature of the crime.

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

MR. MARTIN: Well, then, you take the institutional record into consideration also. I'm just saying when it's solely the nature of the crime, that's where I feel like folks have a hard time making that hurdle. If you look at the nature of the crime and look at what the person has done since sentencing and there's nothing there to lend itself to releasing this person, fine. But when it's just the nature of the crime, everything else the person has done -- it
sends the wrong message. It really does send the
wrong message to people that are incarcerated
that are trying their best to take the programs
that they need to get their lives back together.

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

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

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

CHAIRMAN ALEXANDER: Thank you. Any
questions or comments?

DIRECTOR FITZMAURICE: Mr. Martin, I know
that you made a lot of statements about the
responsibilities of New York State government
and, certainly, we're all going to look at that
very thoughtfully. But I am curious as to, from
your perspective, what you think some of the responsibilities are at the community level. What can be done there by folks that actually live in the community, maybe not non-governmental, nonprofit, whatever, that could really assist us in that?

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

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

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

CHAIRMAN ALEXANDER: Anyone else?

(No affirmative response.)

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

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

Good morning, Marsha. How are you?

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

This is incredibly exciting to be here this morning. I think CCA has worked with a number of the other organizations in this room in what's
come to be known as the ATI Coalition. And I think we're all invigorated by the prospect of a new direction and a new commitment and new understanding on the part of state leaders.

I'm going to make -- I think it's great that I followed Glen as well, because I'm going to sort of intuitively sum up some of the details of the recommendations that he made in terms of how we view what we call community reintegration.

And I think that's my first point; that New York should focus on a community reintegration perspective which is broader than reentry.

The second is the sentencing phase is critical.

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

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

Five: Pre-release preparation should be strengthened.

Six: The lifetime consequences of a criminal conviction merits significant attention and policy change.
Seven: Public-private partnerships are essential to successful reintegration. And I'm going to briefly elaborate on each point.

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

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

The sentencing phase is critical to community reintegration. There are opportunities -- and I could sit here and tell you story after story of work that my organization does with people who would otherwise be incarcerated save for the fact that they have CCA with them at the time of sentencing, presenting the judge and the prosecutor additional information about the person and a
very clear and specific alternative to incarceration.

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

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

My third point is reentry begins at the time of sentence and incarceration. So even where there's advocacy to expand the use of ATI programs, we know people are going to go in. But
even at time of sentence, there can be a
rudimentary reentry plan, a road map of sorts to
help the individual think about and plan for and
the family guide how they're going to serve their
sentence. And I think it can be of critical
importance to the Department of Corrections.

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

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

There's an expression that people use when
they're serving a prison sentence and it goes
something like "I'm going to do the time. I'm not going to let the time do me." And so for the people who are doing that and taking advantage of programs, that really deserves serious consideration at time of parole.

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

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

My sixth point is that the lifetime
consequences of a criminal conviction merit serious attention. We've stopped using the term collateral consequences. We have started to call it lifetime consequences, because the barriers to employment, the barriers to higher education, with increasing access to criminal records, the barriers to housing, are enormous and certainly stand in the way of someone re-integrating into the community. Those are not secondary issues; they're primary, and they really make the difference in someone living a successful life in the community.

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

Those of us from community-based
organizations are more than willing to go into prisons to help do the preparation. We're in courts every day making the case for an ATI sentence. We can do a lot more and we can do it systematically if we can partner with you.

I'm going to turn it to Jackson.

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

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

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

I was given an opportunity to not go to
state prison. I'm clearly grateful for that.

And since that time, I mean, I think that I speak to people can and they do change. Seventeen years clean; haven't re-offended since 1989.

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

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

Our mission is to improve delivery of substance abuse treatment and help to reduce some of the stigma associated with addiction and formerly our criminal justice status. So with that, I'll close.
COMMISSIONER FISCHER: Marsha, you and others have always talked about reentry should start from day one when they enter prison, and I don't have any problem with that, but I thought -- what, I guess, I need from you and others is: What is it that we're not doing? We're doing a needs assessment; every inmate who needs education, some need drug addiction, some sex therapy. Whatever it is, we try to reach all of them.

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

MS. WEISSMAN: I think it's almost conveying a philosophy, if you will, that someone has been punished by virtue of the sentence that has been imposed and that their time in prison is to prepare for release. I think needs assessments -- and I can't speak exactly to what Corrections does. I can speak to what we do. Sometimes needs assessments don't hear the client well enough about what they identify not only as their needs but also as their strengths.
And then I think with programming, there can be -- both planning and sequencing of programming, I think there can be more opportunity for community-based organizations to do programming in prison that can help bridge that inside-outside gap. And I think along the way, people who are incarcerated should know that what they are doing in that programming is also going to be valued when they come up for parole.

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

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

The last thing they need to hear when
they're trying to get their life back together is what they did back in 1937. We need the family educated. We need the individual educated. We need the community educated on what addiction is and the support vis-a-vis enabling a person, but being there to support that person with their sustained ongoing recovery. So that's critical also.

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

Could you go into some detail on that?

MS. WEISSMAN: Well, it starts with having a very clear mission; that our program is not to net-widen; that we do target people who would otherwise be incarcerated and we do that by looking at data as to what a typical sentence would be and, also, what the plea offer is or where the negotiations are going vis-a-vis information from the defense attorney.
We then do a needs and strengths assessment and we do a social history background. We find out: What are the factors that contributed to the criminal behavior? It is not to excuse the behavior, but it's to understand the behavior. We actually frequently reach out to victims and the victims know who we are. They know that we're working on behalf of the defendant. And we ask the victims if they would meet with us to hear our recommendation for sentencing and to give input. And those conversations, more often than not, go very well with the victim often supporting the kind of recommendation that we make.

And I think it's that one-on-one approach. And the victims then will have questions about who did this to them and what the circumstances are. And I think victims are not just looking for punishment; they're looking to have a sense that this is not going to happen again to someone else. And they understand that there are rehabilitation programs that are more likely to achieve public safety, frankly, than just locking someone up.
We write it up for a judge. We have documentation so every piece of the plan that we're saying is available is verified and documented. And then we're available in court to answer questions.

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

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

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

CHAIRMAN ALEXANDER: Anything else?

(No affirmative response.)
CHAIRMAN ALEXANDER: Thank you, Ms. Weissman and Mr. Davis. If Mr. King would take that table.

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

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

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

All parents love and worry about their children, especially when they're away from their
children. So it's extremely important for the
inmate to stay connected with their family during
their time of incarceration. And all children
also love their parents probably even more when
they're missing, because problems just cause all
that stress in children and it's important to
keep people connected.

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

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

At EPIC, we have a history of helping
children and parents and families stay connected
even during incarceration. EPIC programs help parents to be more confident in their role as a parent. We provide workshops by training individuals to facilitate groups in a manner that is non-judgmental and non-threatening.

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

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

Most importantly, the inmate is able to more easily return to the role of a parent at his or
her release.

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

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

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

Last fall, Julie Jackson from Central New York, who's a deputy superintendent for the central region for program, and I started talking about holding workshops in the prisons. An
outcome of that is we recently held model workshops at Willard Correctional Facility in Romulus, New York and Five Points Correctional Facility.

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

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

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

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

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

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

As a result of these two workshops, 29
employees from Willard and 10 employees from Five Points have been trained as EPIC facilitators, and the training was just completed in the end of February, I believe.

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

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

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

Our research-based Parenting Young Children covers a variety of topics that promote change in parental confidence, stress management and communication skills.
On the outside evaluator's report that was taken from the inmates, on average, 73 percent of the participants stated a positive change in their ability to communicate. Most participants articulated they valued the workshops either by reporting a positive change in parental confidence, stress management or communication skills. Almost a hundred percent reported they would recommend the series to another parent or another inmate. And I have that evaluation in my packets for you.

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

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

While there's not one specific solution to every family's problems, EPIC program is focused on communication, stress management and building...
parental confidence helping families to succeed at a time that is critical for their success. And we help them find a solution for their specific family. And I have packets for you. Thank you very much. Any questions?

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

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

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

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

CHAIRMAN ALEXANDER: Any other comments or questions?

MS. DERUSHA: Any suggestions?
COMMISSIONER FISCHER: Give us the packets.

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

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

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

Reverend King, please.

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

I am that individual who was released from prison on parole with $40, a set of clothes and an opportunity with a new life and I want to thank everyone on this panel for that opportunity. Some say going to prison is a bad
experience. For me, it was a new life. Today, my life is to serve humanity. In prison, I saw men leave and come back, leave and come back, and I knew there had to be a better way. And I kept hearing the story of men that didn't have a place to go. They didn't have an understanding of what they expected to do with parole and how to change their life.

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

Today, looking back, we've invested over $500,000 in a 22-bed facility that today -- I want to just share this: Grace House is a transitional residence with accountability for men from prison. We don't just take men from prison. We take men that present with FO cases, VFO cases, violent felony offenders, domestic violence, mental health, schizophrenic, bipolar,
on medication. We built a dedicated staff to
serve that population and, last year, at a 22-bed
facility, we had 159 entries, 19 no-shows, 21
absconded, 113 completed program, 21 remained at
the end of the year; 81 percent graduated program
within six months, went on into independent
living in community that were destined to go back
to prison.

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

We've taken a model program of taking
parolees that present with mental health and
having them house together. Some thought that
this would be a crazy notion; it wouldn't work;
it was dangerous. And here we are in a community
where these men are actually thriving and moving on into their own home environments that are safe and supported.

Some of the barriers that we're facing right now that we would like to see this panel work on:

- Personal records. We still remain -- with those large numbers, we're still seeing men come from prison without the proper records, coming to parole and their papers don't follow, birth certificates and vital records, that they desperately need for benefits.

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

- Holiday and Friday releases. For this population that are high profile that present with these types of FO cases or VFO that come on a Friday night, 2:00 o'clock in the morning to a bus stop, we need to really take a look at how we can better plan for those releases that need to have help when they get to a bus station in Buffalo and can't find their way to the facility
and it's a weekend or holiday and they're expected to report to parole.

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

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

We appealed to HHAP and OTDA and we were awarded a contract to hire a discharge housing coordinator. We recently were approved for a youth advocate for the parolee population 18 to 25.
So, today, our programming inside Grace House is life skills, parenting, family restoration, job placement. If you can breathe, you can work and you're on parole, you're going to get a job at Grace House. We're going to find you employment. It may not be the job you want, but it's a career opportunity as a stepping stone. If you need a house to live in, we'll find that. Coming to Grace House is clothing, food, shelter and love. Love isn't just giving these parolees something; it's about holding them accountable to the standards of society.

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

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

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

And while that was going on, we're also appealing to the panel that we have been working with the Erie County Reentry Task Force, with the mayor, with the police commissioner, to develop a strategic plan to deal with sex offenders. The
Civil Confinement Law and the sex offender issue isn't going away.

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

I just thank every one of you for the opportunity to serve, but I also realize that serving a parolee population isn't going to be solved just today. The Reentry Task Force has been commissioned to work with stakeholders and community leaders. I applaud, but I also challenge, that the Reentry Task Force not recreate a system of case management that's
currently being done by vital community service
organizations today such as ourselves but that
continues to link and enhance and encourage
others to rise up with housing opportunities as a
teaching collaboration of community resources
that funnels down to the stakeholders for funding
opportunities and that engages them, encourages
them and supports them in their mission to serve
men from prison.

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

COMMISSIONER FISCHER: Thank you. Any
questions?

CHAIRMAN ALEXANDER: Reverend King, with
regards to your employment opportunity, your
ability to provide employment, is it
self-sustaining employment, employment that a
person can base a career on, or is it just make-due jobs?

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

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

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

But we've also had job opportunities from employers in the Western New York District that are very, very good pay, life-sustaining and family-raising opportunities.
Our staff at Grace House consists of professional case management social worker with a CSW, MSW. We recently hired a retiring New York State parole officer and we have a youth advocate and employment case manager.

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

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

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

We do have a program in place that works...
with them after the program of Grace House.

CHAIRMAN ALEXANDER: Thank you.

COMMISSIONER FISCHER: Any other questions or comments?

DIRECTOR FITZMAURICE: I have a question.

I'm curious about what you were talking about regarding transitional housing where you provide the program and then, after that, folks are able to move into some sort of subsidized housing when they're employed. How do you fund that?

REV. KING: That's generally through the DSS and through their self-pay. We've developed a network of many, many housing providers that will rent to the parolee population that graduates Grace House 1, because they understand they're at a different place in their life mentally, emotionally and with their parole mandates, they know there's a stiff consequence if they act out. And so we have contracts in place, a process of transition through DSS that will pay the rent. And, also, they understand that if they are employed and they go above the threshold, that they're self-pay. And, also, many of the housing providers have reduced rent on a sliding scale
for many of the men that we serve.

COMMISSIONER FISCHER: Thank you very much,
Reverend.

Would Mindy Tarlow step up?

Dr. Deitch from Phoenix House.

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

I am currently a professor of psychiatry at the University of California, San Diego. I've been on sabbatical for the past year serving as Phoenix House's chief clinical officer. While at the university, however, I directed the Center for Criminality and Addiction Research, Training and Application. However, I am returning full time to New York, which is the place where I began my career, so I'll be maintaining my career back in New York.
My remarks are based both on research and some pragmatic considerations. First, if I may, I understand that there is an initiative before you from the New York Association of Therapeutic Communities of America principally led by the organization Staying Out, which is referred to as the 777 model: Seven months of work with inmates pre-release; seven months of transitional care post-incarceration, and then seven months of outpatient service.

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

Permit me, though, to offer two examples from our California experiments with which I am very closely both associated with and knowledgeable about that do have strong research components attached to them and some interesting findings that I thought would be of value to
First is a program referred to as the Mental Health Services Continuum Program where our university center and others worked with the California Department of Corrections and Rehabilitation in the development of this conceptually, particularly a piece referred to as the Transitional Case Management Program for mentally ill offenders.

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

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

The data is now in and it's startlingly positive. When an assessment occurs prior to release, there's a 66 percent increase in arrival
at the parole outpatient clinic. Having one
single visit at that outpatient clinic
immediately results in a savings of about $5,000
per severely mentally ill and a little less than
$3,000 for the generally mentally ill.

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

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

All of the needs, substance abuse,
education, criminality, including then engagement
with victim group, the willingness of significant others, are all organized into a package and assessed. That's provided to the sentencing court. The sentencing court takes that full recommendation, recommends that a particular plan of exposure for the inmate be provided when they reach the Department of Corrections.

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

A word about housing here: I think this is a problem that no one yet has solved across the nation. Many of the inmates emanate from public
housing. Their families are still in public housing, but they can no longer return to that public housing constituting a greater risk and a greater problem for solution.

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

Perhaps, an equally important initiative would be, as you have heard today, in the care and engagement of the children who have parents in custody settings. Clear data exists that that population of youth are at high risk for multiple social problems with great financial cost. Phoenix House has pioneered through its Center on Addiction and the Family a number of very useful manuals that are provided to caregivers to guide them in how to work with these children and how to then, the temporary caregiver, work with them relevant to visits to the parents in prison or visits to the parents in treatment agencies and prepare them for that.
We would recommend that serious thoughts go into funding and underwriting a case management service that would, A, visit the children of all prisoners, help the caregivers understand the dilemmas of those children and provide appropriate contact for them and training and education, assess their needs relevant to health and mental health, prepare the children and the offenders for re-connection upon release and then do that upon the release and then monitor and follow up for re-unification success over the next six-month period.

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

Co-occurring disorders require additional knowledge and additional competencies. We have been working with John Jay to create a co-occurring disorders addiction treatment certification. There is no certificate for these competencies in this state. We would recommend
or request that you think about how you might fund or contribute to the development of this and a master's program toward that end.

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

So, A, contribute to the development of this certification course and, B, contribute to an increase in the salary ranges for the practitioners who are carrying out this work.

Thank you.

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

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

COMMISSIONER FISCHER: Excuse me. 40,000
inmates were given this special mental health program?

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

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

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

COMMISSIONER FISCHER: Thank you.

Questions?

(No affirmative response.)

COMMISSIONER FISCHER: Thank you, Doctor.

Will JoAnn Page and Barry Campbell step forward?

Mindy, could you begin?

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

CEO provides immediate comprehensive and 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
violation. This statistic illustrates the strong link between employment and crime.

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

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

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

One proven strategy is to provide an intermediary between formerly incarcerated job-seekers and employers to level the playing
field and ensure that those who want a job can
get a job.

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

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

We must educate employers and reduce their
concerns about any liability associated with
hiring people with criminal records. We must also, as CEO does, work in partnership with parole officers in the community to promote engagement in work activities.

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

One collaboration between these systems occurred several years ago between DCJS, DPCA and the Office of Temporary Disability Assistance. For the first time, state criminal justice and welfare authorities came together and used welfare or TANF dollars to support programs for people involved in the criminal justice system.
The programs funded at that time continue today and are fine examples of the kinds of creative partnerships we need to better serve the people in communities we're trying to help. We hope you will expand upon this best practice and continue the state's commitment to these important services. Thank you.

COMMISSIONER FISCHER: Questions?

(No affirmative response.)

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

As Mindy leaves, could Elizabeth Gaynes come up?

JoAnn and Barry, please.

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

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

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

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

These issues are very important and need to
be addressed and can only be done so when an
individual has a safe environment to live in. 
And most of these programs that do accept 
individuals have these charge exclusions and 
these clean times. And for someone who's coming 
home after doing twenty-six years, ten years, 
three years and they're released with $40 and a 
bush ticket, they have no clean time. They don't 
count your time inside. 
The other piece is that we need to set up a 
system so that these individuals are being 
interviewed for housing while they're 
incarcerated, not when they come out, while 
they're incarcerated. And we can do that, 
because all of the individuals to make that 
happen are in this room. 
I want to thank everybody for your time. 
I'm going to turn it over to JoAnn Page. 
MS. PAGE: I want to echo Barry's thanks to 
begin with, because the expertise is in this 
room. I don't think there are many people here 
who are just starting this work. And I think -- 
and I tend to be blunt-spoken. I think that 
there was a model of how not to do reentry work 
set by the state where the providers weren't
involved. And my hope is that this is the beginning, that this is a start, and that you'll use the expertise that's in the community.

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

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

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

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

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

So we're very open and we also let people
keep coming back as many times as it takes,
because we believe that if it took you 10 or 15
or 20 or 30 years to get into the level of
trouble you're in, it may take you that long to
work your way out. There's no silver bullet; I
wish there were. If somebody promises it to you,
I would run the other way. It takes work to undo damage. And part of what I'd like to see is less damage done in the first place, which is the gist of what I want to talk about.

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

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

I've been doing human change work for most of my life and some of it is a mystery. Anybody who's ever tried to quit smoking or lose weight or get out of a bad marriage knows how many times you know it in your head but don't follow it through. But I think human change on a broader scale includes some things we really know. We know some things that work. We don't do enough of them. We know some things that don't work. We do far too many of them.
I'd like to make a minor system change recommendation, which is that we do a little less of what doesn't work and we plow some of the savings into what does. I'm not saying it big; okay? I'm just saying let's experiment a little bit.

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

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

In fact, we looked at our programs at Fortune and it cost $10,000 to save $30,000. Sounds like a good investment. I'd like to see more of it. We should bring our ATI programs to
Housing: Barry talked a little bit about it. It's not a mystery. What's a mystery to me is why we'll spend $25,000 a year for a shelter bed and, yet, we won't spend $25,000 for a bed in the Fortune Academy where a person gets the skills they need and moves out to independent living. So we're choosing to spend. I don't think we're choosing to spend wisely. I want to come back to housing in a minute.

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

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

One other thing that works, and this is kind of fuzzy, hope works. I've looked at a lot of
people and made my own little internal calculations about whether they'd make it or not and I've seen people who had everything lined up who fell on their faces and I've seen people who looked like they had every obstacle imaginable against them and they made it through. And I think there are things that we do that feed hope and things that destroy hope, and I'd like to point especially to how the criminal justice system handles long-termers.

If people get hit over and over on the parole board for things they can't change and what they've accomplished while they've been locked up is ignored, that damages hope. If we choose to say to people with violent convictions "You're not eligible for work release," even though people with homicide have the highest success on work release of any category of people, it's a rather odd set of behaviors for us if we care about community safety, because to take the people we're scared of most and give them the least attention and then dump them in the community does not seem like a good move in terms of community safety.
Something else about hope: We've changed the laws so that people on parole for a lifetime with violent convictions can never get off parole. I cannot tell you how many people I've seen with years of success in parole who've given up, because they see no hope of ever getting out of supervision.

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

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

And I just want, because I'm seeing the time signal, to make an invitation to you. We've done an experiment at Fortune. We have a facility at 140th and Riverside that looks like a castle that houses 62 men and women just out of prison. We don't do charge exclusions. We work with people
regardless of their history. We don't require clean time. We've built a supportive community. And in five years, we've seen over 500 people come through.

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

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

Thank you.

COMMISSIONER FISCHER: The community support is a tough issue for us. What do we say to everybody, the society, if you would, at least the taxpayers? Why should I pay -- or why should we commit so much money to prisoners when some of the same services are being not afforded those who have not committed crimes, such as need for housing, need for rehabilitation, need for jobs? Why spend $5 on a person who's committed a crime? Why not spend the $5 on someone who has not?
How do you respond? You've been in the community forever.

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

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

What we faced when we opened our building in Harlem was a community that was scared to death of us, because it was a neighborhood hit hard by crime. And it took us years to build trust and it takes what it takes to be a good neighbor. You keep your promises. You run a tight building. You make sure there's no violence.
And in the second leg of our journey, what we did was we asked our community advisory board: What does this community need most? And we were told truly affordable housing, because it's a neighborhood where affordable housing is vanishing.

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

COMMISSIONER FISCHER: Thank you. Questions?
(No affirmative response.)

COMMISSIONER FISCHER: Thank you very much.
(Applause.)

CHAIRMAN ALEXANDER: We are joined by, and I want to say good morning to Senator Montgomery as well.
(Applause.)

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

MS. GAYNES: Commissioner. Well, it's always sort of a mixed blessing to follow JoAnn
Page. The good news is that she said plenty of things that I don't need to say now, which should save me a little time. But it is an extraordinary opportunity to be with four agencies, agency heads, all of whom we have contracts with and each of whom I can speak with on an individual basis, but the kinds of issues we're dealing with now cross all your agencies and it is a refreshing part of this new world that these agencies are really in the room together and inviting us into the room.

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

I'm not going to talk about Osborne. You can read the contracts. You know what we do. I want to focus on work release, parole guidelines and children with parents in prison.
First, in terms of parole guidelines, we work on a long-term or lifer project that has a research component that you'll be getting a policy memo from Dr. Michelle Fine and Dr. Todd Clear from the CUNY Graduate Center at John Jay that's really looking at people charged with violent offenses, long sentences and parole policy and analyzing types of crime.

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

And in particular, those guidelines for people serving more than eight years were designed only to set a minimum sentence, which is no longer required of parole. That is now the function of the courts. And this gives us an
extraordinary opportunity to re-look at the
weight and level the importance of guidelines.

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

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

I appreciate the efforts that DOCS has made
to bringing people closer to home shortly before
they're released, but reentry is not a 30-day,
60-day or 90-day process. It's much longer than that. I think there's a great opportunity for Parole and DOCS working together to identify people who have done long-term and life sentences who appear to be closer to release, maybe reinstating our one-year hits and saying those people could be put into work release and to begin to really look at this resource in a very different way, Assemblyman Aubrey and Senator Montgomery.

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

Moving to a completely different page, children of incarcerated parents: Mass incarceration, to no one's surprise, has resulted in the greatest separation of families since the end of chattel slavery and the greatest separation of parents and children in human history.
It's not good for the kids. It's not good for the parents. We were fortunate that the fathers who ran correctional services and the Assembly 20 years ago believed that fathers had an important role in the lives of children even if they were incarcerated. And we have for over 20 years operated children's centers, parenting programs and visitation support for men and their families in a number of facilities, initially just supported by DOCS and the Assembly and now by OTDA and the federal government.

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

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

There is a Bill of Rights that children of incarcerated parents have created that New York could adopt either as sort of a patient's bill of rights as a standard, if not requirements. It
says: "I have the right to be kept safe and informed at the time of my parent's arrest. I have the right to be heard when decisions are made about me. I have the right to be considered when decisions are made about my parent. I have the right to be well cared for in my parent's absence. I have the right to speak with, see and touch my parent. I have the right to support as I face my parent's incarceration. I have the right not to be judged, blamed or labeled because my parent is incarcerated. And I have the right to a lifelong relationship with my parent."

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

We're looking specifically at arrest policies, what happens when a parent is arrested and, also, as my partners at DOCS well know, visitation policies, we could not be more
grateful for your change in phone policies and, also, a whole range of reentry issues around when we house people closer to home, farther from home and access.

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

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

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

I'm grateful that we've brought many people into the room who were formerly incarcerated, but
I promised some of the Commissioner's guys formerly from Sing Sing, now at Fishkill, that I would bring them into the room. I just want to add very quickly: I asked them to please prioritize what they would like us to raise in terms of policy issues that are of importance to them and, once again, these are largely long-termers and lifers who frankly have done pretty much everything else other than creating policy for you, and I would recommend that you consider this.

One: Restore college prison programs.

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

Expand merit time and work release to include VFOs.

Job training that is current and relevant.

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

Use of more registered volunteers,
particularly formerly incarcerated people who are
now working as case managers, counselors, HIV
educators, professors and the like.

And a cost of living increase for the
payroll.

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

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

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

MS. GAYNES: I did work at Green Haven in
the days of the prisoners' labor union and it was
a good idea then and it's a good idea now. My
founder, Thomas Osborne, who occupied your
office, Commissioner Fischer, a hundred years ago, in fact, tried to create the Mutual Welfare League whose motto was "Do good, make good." So yes.

COMMISSIONER FISCHER: Any questions for Elizabeth?

(No affirmative response.)


Please go ahead.

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

Out of our collective efforts, I hope, as you do, that we will find creative and fresh strategies to assist with re-integration issues. Everyone in this audience can hold the stats, so I'm not going to do that in my few minutes with you. Actually, that's why we're here. We want
When people I've met hear that I work at VIP, they always want to know kind of: What do you do? Well, VIP has a 33-year history in the Bronx of providing substance abuse treatment. We have about 1,100 people a day that come to us for methadone treatment; we have residential men's, residential women's; absolutely incredible HIV prevention and care; a woman's storefront center; and last, but not least, employment and that's what I head. I head employment.

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

We need to listen very carefully to the people who do the work. Whether fed, state or city, hear us from the community. The community-based organizations know what's happening, know what's needed to help people succeed and not to go back into the system.
Then, if I may be so bold, fund it, hold us accountable and support best practices to replicate and build scale. That's what any business would do.

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

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

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

Later, we moved him out of there. He graduated. We put him into a job that paid $9.50 an hour. And he held that job for a while. Then, we found him -- because he came back to see us. The engagement was very strong. And we're
now going to go from last August to this August.  
By the time this August comes, he will be making,  
because he's due for another raise, 35 grand a  
year.  

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

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

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

Then, we need to provide a system that funds  
providers who can wrap the returning ex-offenders  
with all the services they need. Why is anyone
released from the system without food stamps,
without Medicaid? That's just plain wrong. We
need to get this done consistently prior to
release. People need ID to be able to go to
work.

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

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

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

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

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

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

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

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

Any questions?

DIRECTOR MACCARONE: Where do you get your funding from?

MS. SPRAGUE: We cobble together funding. Robinhood Foundation has funded us for a couple of years. And we use some TANF dollars and some
Safety Net dollars. They're tiny, tiny contracts. And then we have a whole subscriber network that we work with and bill for our services. In terms of doing placements for temp work, we have a contract, for instance, with Columbia University that provides money. It's our internal Robinhood. We steal from Columbia to help the ex-offenders. Thank you.

COMMISSIONER FISCHER: Thank you.

Will Richard Langone come forward?

JoyAnn, please.

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

I'm going to be talking about -- I'm from the Citizens for Restorative Justice. I was co-founder of the Coalition for Parole Restoration and I'm with PURE, New York. So we're focusing right now on the needs of
long-termers and lifers also and their needs are special and exaggerated.

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

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

Are we looking -- is that an exaggeration?
Are we setting everybody up to fail?

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

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

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

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

As far as the regular programs, the vocational programs, your plumbers, your electricians, all those programs are so much needed; yet, there's a lack of them. There are
excellent programs inside. Once you've gotten
one degree -- okay, I'm certified for plumbing --
you cannot get another one. So 10 years down the
line, where am I? Well, I want to be an
electrician. Well, you can't, because you
satisfied DOCS's needs here and you can't get
several certificates in different vocational
aspects. So put that back, bring that back. You
can get as many as you want.

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

So start changing our SHU's, our boxes.
Change them into drug treatment centers. Change
them into halfway houses. Change them into
colleges. Be productive. Transform something
negative into something positive. Utilize your
CO's who will be out of a job. Utilize your
people coming out on parole to go back in with a
pay that could be a livable wage. So that's some
of the programs that we are looking at from other
models in other areas and other countries that
they had success with.

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

We're looking at post-incarceration
syndromes and when people come out of prison,
there's nobody trained. When we look for
people -- okay, we have these five guys that have
come out and they need some type of treatment --
there's no therapists around that we could find
that deal with post-incarceration syndrome. That
needs to be handled. That needs to be looked at
if we want success. Do we want success or do we
want failure? What do we want here in New York State?

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

And if you're talking about parole, then you're talking about they were hit by the board two, three, four times. So, now, they're in a medium for 10 years, 12 years without family contact. Are we asking for success? Do we want success? What do we want here?
You're asking for the funds. You have Corcraft. I'm not going to say anymore. You all know about Corcraft. You know what it generates. You know how that money could -- you know how you can transform that corporation into something else and something positive and utilize that money for some of these programs inside and outside.

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

The restorative justice programs deal with conflict. It deals with alternatives to violence. It deals with healing the harm that was done, taking responsibility and turning that
into your community, doing something for your community and your community feeling safe while you're out there.

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

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

Merit time. Of course, merit time -- long-termers need to be included in the merit time bill. Lifers need to be included in merit time. They need to be in work release. You can't say, "No, no, you can't have work release, because you committed a violent crime," then go to the parole board and, hopefully, them saying, "Oh, yes, you can get out."
The next day, they're out on the street.

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

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

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

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

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

(Appause.)

COMMISSIONER FISCHER: Questions?

(No affirmative response.)

COMMISSIONER FISCHER: Thank you.

Mr. Langone.

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

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

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

I thank God for the courts, because they applied the rule of law. It's the rule of law that we need. We need a certificate of relief
for civil disabilities that has force and effect
that can't be used to discriminate against
people. People need to be able to come out and
have a right to work.

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

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

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

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

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

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

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

Let me just go on here. "Close current
loopholes concerning sealed records." People get arrested as children, they get in trouble, whatever. District attorneys in many situations can go back and open those records. It shouldn't be. It shouldn't be. And that's what the New York State Bar is proposing.

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

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

But the way the courts have construed it, the statute has no bite. They can deny you
employment for any reason and employers will do
that now, because they're afraid of being sued.
That's got to be changed.

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

I believe it was all a result of the
education I got while incarcerated. Those days,
I don't know where they went. I spoke to
Governor Spitzer. He said he thought it was an
abomination that they took education out of the
prison systems. I think it's a double
abomination. I think in a society today where we
are no longer an industrial society, that we are
a skilled society and our value is in our
knowledge, to not have education in prison
systems is absolutely absurd. So one of the
things they recommend is increased college
programs, of course.

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

The idea of restorative justice is that you
make the offender see the pain, make them
understand what they've done, make the offender
pay back even if it's working in some way,
because in that way, the offender heals himself
or herself. And that way, the victim can maybe
forgive, maybe not, but that's the victim's
choice. But the offender then -- when we go to
prison, it's us and them as if there's an enemy
and we're separate and distinct. I couldn't do that, because I took on all the guilt of what I did in my own family; okay? And it was that, I believe, that was so important for me to want to change.

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

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

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

I read another case recently of a person with a barber's license returned to prison. He
comes out and the State Department of Education
denies him a barber's license.

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

COMMISSIONER FISCHER: Questions? Comments?

(No affirmative response.)

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

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

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Afternoon Session

(WHEREUPON, at 1:18 o'clock, p.m., the following proceedings were had:)

DIRECTOR MACCARONE: Good afternoon. We're going to begin now and some of you may not have been present for the morning session. And the mechanics of this, the way we did it is we have two desks and we asked for each speaker to be posed as you are and ready so in the interest of time, we can move right along.

I'm Robert Maccarone. I'm the state director for probation and correctional alternatives.

I'm going to call upon Robert Burns who is the administrator for the Monroe County Office of Probation and Public Safety Services. And, Bob, I know that you have a prominent role also in the reentry group in Monroe County, so we welcome you.

MR. BURNS: Thank you.

DIRECTOR MACCARONE: Beth Ryan has got the red card, the one-minute warning, if you will, and we do have a busy agenda today.

MR. BURNS: And I do understand that. With
me is Ann Gram who is our coordinator and I understand that protocol allows the coordinator to come up with me. She's not my attorney, so I'm not concerned about anything.

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

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

Good afternoon and thank you for the opportunity to offer comments regarding critical issues facing the reentry process. As Bob indicated, I'm the probation director in Monroe
County but also the chair of our task force.

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

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

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

I'm a local probation director struggling with my own mandated challenges, thousands of adults and juveniles on probation and few officers to supervise them, helping local judges with their sentencing decisions, trying to
balance competing arguments and community

demands, both to be smart about using our money

and keep people out of juvenile placement and out

of incarceration but, at the same time, demands

that we be forceful and quick in removing

probationers from the street because of the high

rate of violence and homicides in our City of

Rochester.

I spent considerable time meeting with

police officials in Monroe County and my

probation officers, like so many other probation

and parole officers in New York State, spend

considerable hours searching their offenders,

checking curfews, taking urine samples, sharing

intelligence with police, traveling with police

officers and, yes, making arrests.

But I know only too well that a probation

officer's job extends beyond these risk

management tasks and that if probation and parole

officers cannot effectively disrupt behavioral

patterns and deal with the issues of housing,

employment, sobriety and mental illness, the

public would be better served by simply deploying

more police officers to our communities to
supervise offenders.

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

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

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

In Monroe County, we've created a tremendous task force more than 44 members strong. And I'm
proud of the partnership that has developed among
the potentially conflicting agency groups and
community members. The team meets regularly and
we've experienced some wonderful community
dialogue through media coverage, legislative
breakfasts and numerous guest presentations.

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

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

Ann has both a sensitive and relentless
approach to dealing with reentry issues. Both
Ann and Catholic Family Center's vice president,
Carl Hatch, who's seated behind me, have brought
that dedication to reentry to a higher level by
forming and becoming leaders within the New York
State Reentry Association.
Monroe County has a very rich history of collaboration. My public defender talks to my district attorney all the time. My police chiefs meet every month and the probation and parole colleagues are invited to all of those meetings. Police chiefs, judges, DAs, probation, parole meet twice a month to talk about court processing and the like. And substance abuse agencies meet similarly and never forget to invite their probation and parole colleagues.

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

Rather than compete or ignore these dedicated citizens who have been talking about reentry for decades, we've included them on the task force and we stand with them as they continue to press legislative leaders for more funding for offender services.
Rather than think of reentry as the alternative to Operation Impact, we acknowledge that the two initiatives have a common desired state, that of reduced crime, and we share many of the same planners, myself, the Rochester police chief, our sheriff, our district attorney and so on.

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

Up until recently, Ann herself has provided all of that service, all of the housing placement, all of the fast access to public assistant benefits that we can muster. And Ann has done all of the appointments for substance abuse, mental health, domestic violence, anger management, intervention, vocational and employment opportunities. There is no doubt that
the demand for assistance far outstrips our
ability to meet the need.

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

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

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

Many of these housing programs are not
equipped to deal with the needs or difficulties of people with criminal justice issues and, often, have their own rules and standards which may vary greatly from the Division of Parole or the reentry's goals and operating procedures.

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

Secondly, Medicaid and Safety Net services, the 45-day waiting period that we work with, while we've made some significant strides in reducing some of the time that is required and we've worked very closely with our local social services agency and are now able to expedite applications even while the offender is incarcerated, we still have significant delays in both the required face-to-face interview with a CASAC assessment and other intervention, which should occur prior to release and when the offender is still incarcerated.
I do have some written remarks and since I have the one-minute warning, I'm going to send them to Beth, I believe, but let me just finish with one final comment. It's important that we stay true to the model that was discussed a year ago when many of us spent countless days and hours with DCJS here in Albany.

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

I worked through the 1980's when, in the probation system, alternative to incarceration programs were built and developed at the local level and that was a real plus for trying to reduce recidivism, but at the time, they were built separate from traditional probation. There was a great deal of distrust and lack of
knowledge as between the ATI programs and
probation and probation funding began to dwindle
as ATI programs survived.

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

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

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

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

DIRECTOR MACCARONE: Thank you, Bob.
Questions for Director Burns?

CHAIRMAN ALEXANDER: Bob, good afternoon.

There's a lot of innovative things and Monroe County certainly has been ahead of the curve on many things and much of it is due to your leadership there. One thing that affects all of us, though, is the issue of sex offenders and you talked about housing.

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

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

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

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

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

DIRECTOR MACCARONE: Other questions?
(No affirmative response.)

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

At this time, I'll call on Amy
James'Oliveras, Citizens for Restored Justice.
And, at the same time, Dominic Mattina of Daytop
Village, if you could take the other seat so we
can be ready to go. Welcome.

MS. JAMES'OLIVERAS: Good afternoon.

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

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

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

I want to thank you for providing this. A special thanks to Mr. Alexander. I saw your memorandum to the board members encouraging them to consider all the criteria in 259(i) when
considering people for parole and not just the
type of the crime. That was a wonderful thing.
I'm hoping and I'm sure that this meeting today
will help establish policy and how it's executed
in New York State.

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

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

These are people that are being excluded in
their participation in programs specifically
designed to help with the transition of reentry.
A key to developing reentry policy is a
commitment to being tough on crime, not as a
campaign slogan but as a practice with a vision
for a significant, long-term benefit to our state
and not just in terms of community safety and
significant and financial savings but in terms of
real healing of individuals and communities.

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

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

A police detective in Dutchess County who
also owns several small businesses, Marty
Novick -- and I have all these documented in my packages -- has hired several persons released from prison, even those with life sentences. He stated that "Arresting people --" and I'm quoting him here. "Arresting people and helping to send them to prison is just one step in the whole scheme of the criminal justice system. Helping to rehabilitate these same people while working to help them once again become productive members of society is the rest of the job. These are jobs that never end and I'm prepared to do my part to ensure the safety and well-being of my community."

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

Why is being part of the solution to crime
and recidivism seen as being soft on crime rather
than tough on crime?

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

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

With an honest and conscious effort to
expose and educate the public to the evidence on
the long-term effects of incarceration, the
factors that contribute to recidivism and rates
of recidivism by crime of conviction, the public
could become educated voters that would vote with
an understanding of the statistics instead of
voting in response to isolated sensationalized
stories, an example of which is seen in the Daily
News story about Lawrence Fowler convicted in
1996 of a murder while he was participating in a
work release program.

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

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

It was disheartening to me when Governor
Spitzer issued Executive Order 9 that, in part,
continues the practice of disallowing
participation in the work release program by
persons convicted of homicide or most violent
felony offenses. This is a continuation of a
misguided mission that then Governor Pataki
started to keep more people in prison for more
time.
This ineligibility for participation in the work release program has prevented those that stand to benefit the most from accessing a program that provides, as stated in the Executive Order, "An important opportunity for inmates committed to state prison to transition back into their home communities under supervision and to assume responsibilities that will facilitate their ability to lead law-abiding lives."

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

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

The reasons given for this Order are at least much more humane and intelligent than the reasons given by Governor Pataki when he initially issued it, but they do reflect the
problem of under-reporting the facts as reflected
in the statement included in the Order:
"Whereas, the positive acceptance of temporary
release programs within the surrounding community
is vital for overall success of such programs."
This is our job to foster such an atmosphere.
Not reporting the facts that could help
solve the crisis of our communities is
self-imposed censorship by our representatives in
Albany and our media. It allows ideology to be
favored over the evidence which, in turn, allows
minimally effective policies to continue, because
the real job of being tough on crime has turned
out to be a job that's too tough for us to do
until now.
The execution of some of these policies so
flies in the face of reason as to be perceived as
arbitrary and capricious, a term that most of us
in this room are very familiar with.
I use as an example the case of Jay Bableen
(phonetic), a man that was serving 25 to life for
a homicide. As a model prisoner, he was eligible
for and granted work release two months prior to
the Executive Order issued by then Governor
Pataki eliminating it for people convicted of homicide.

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

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

This is another case that included not coming out. Had his neighbors known of his past and his parole situation, I am sure they would have been outraged and insulted by the decision of the parole board and demanded more accountability.
I've given you a few personal stories, because the evidence and statistics are reflections of many personal stories. The logic that supports reinstating work release eligibility for the incarcerated that CRJ focuses on supports merit time allowance for this same group. We're not asking that these programs be mandated for these men and women, but simply make them eligible to apply for consideration to participate should they meet the criteria.

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

My friend Sue has a 20-year-old son that was convicted of a murder at age 14 and given a life sentence. Although he's been denied parole twice despite a spotless record, he will eventually be released to parole supervision barring, of course, any unforeseen situation that could arise in prison and we all know how that can happen.
When released, he will be expected to assume all the responsibilities of citizenship while, at the same time, he will continue to be punished for the remainder of his life. He will not be allowed to vote ever. He will be subject to urine testing curfews forever. He will need permission to go see a show in New York City or attend a college graduation, an out-of-town wedding or take a camping trip with his son in the Boy Scouts.

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

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

As an extension to the list, I would like to
add the post-incarceration syndrome, known as PICS, whose operational definition is this: "PICS is a set of symptoms that are present in many currently incarcerated and recently released prisoners that are caused by being subjected to prolonged incarceration in environments of punishment with few opportunities for education, job training or rehabilitation."

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

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

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

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

DIRECTOR MACCARONE: Could I ask that you just provide those to us?
MS. JAMES'OLIVERAS: Sure.

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

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

MR. OLIVERAS: George Oliveras.

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

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

I think what needs to be in place, even with having a family in place, is knowing the expectations, some sort of meeting with the families and knowing what they expect from us and what we expect from them when we get out. Employment agencies, any place that they know there's no work history won't want to hire us.
So even having the credentials for the job, you will not be hired, because you don't have the history and background and, oftentimes, I was told that off the record, it's my background, they won't hire me because I've done time in prison.

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

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

MR. OLIVERAS: I think it starts when a person goes inside the programs that are set in place for them to go on. A little while ago, I spoke with someone; you take one vocational training, you can't take others. In 1976 -- I
took auto mechanic and several other vocational training in 1976. When I was coming out, it was obsolete and there was some computer courses that I took that were obsolete when I came out.

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

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

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

CHAIRMAN ALEXANDER: Thank you.

DIRECTOR MACCARONE: Other questions?

(No affirmative response.)

DIRECTOR MACCARONE: Thank you.

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

And Mr. Mattina from Daytop Village, welcome.

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

Daytop Village treats -- actually, admits about 900 parolees a year. We've had a contractual agreement with Parole since 1993. So doing the math, that's many thousands of
individual parolees who have come through our
doors and, certainly, the collective programs
that Parole has contracted with has treated many
thousands more.

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

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

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

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

So that kind of linkage is very helpful
where there's no time in between for an
individual to get back into the negative street
culture from which they will so easily be
absorbed without intervention.

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

I think that in the training of parole
officers, you know, what could be emphasized,
perhaps, is to encourage and support the
training, vocational training. Oftentimes, there's kind of a push to get jobs and jobs are important. We want people to be employed, obviously, for the benefit of recovery. But often times, if they lack skills, they're going to -- there needs to be time to develop skills within vocational training programs. So if officers could support treatment recommendations for organizations like VESID training, et cetera, that would be helpful.

Also, encouraging parolees to seek entitlements such as Medicaid, which the benefit is pretty obvious that they're able to access medical treatment that would otherwise not be available to them. So if that's something that could be done and that echoes some of the other folks's comments, that if that can be done while they're still incarcerated, that would be helpful, identification, et cetera, to ensure that we can get them on entitlements as quickly as possible post-incarceration. Without that, it's more difficult to secure medication and other things that they may need within the context of the program.
If we're looking at funding ideas, not that I suggest how we should spend the taxpayers' money, I think the field in general would love to see increased funding for staff, essentially. Any funds that could support the reduction in caseload so that more intensive case management could be realized is going to be helpful to the field.

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

Then, finally, I just want to suggest that anything that we can do to assist programs in creating that culture of recovery, anything that
will raise the level of confidence and a feeling of dignity that the individual has is going to be helpful to us.

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

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

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

MR. MATTINA: Well, our system really is already fronted-loaded in the sense that we're looking to assess as many clients as possible on the front end of treatment by -- and you know, we actually don't keep them in treatment for extended periods of time, because we are trying to front-load to see if we can assist as many people as possible in that process. But I think we have the capability of treating both groups. I mean, I think there is a limit to the -- I think you can prescribe a higher level of care to the point where someone who's had maybe two or three chances at
outpatient, they probably should go directly into
a more intensive long-term residential program.
But there is a limit to the number of times that
an individual really should optimally would
benefit from another round of treatment and,
perhaps, just -- you know, I would certainly
think that there is an end point to that and
that, you know, the consequences of their
behavior should then take precedence.

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

MR. MATTINA: I could get you those
statistics, but I don't have them offhand right
now, but that would be an interesting thing to
look at. You know, I think we get a lot of sort
of bang for the buck from our outpatient services
and we always have the option of escalating the amount of treatment that we're going to provide. So I think it very much is a closed system, though, and if, at first, we're not successful, then we can go to another level. So I think we have that flexibility in our working relationship with parole. So I think that's been a positive thing.

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

MR. MATTINA: I would say that, you know, there's -- I've heard that there's interest at the Commissioner level to really begin to bridge the gaps between agencies in regards to, you know, more co-located comprehensive services at a particular program. But I think that's -- you know, those discussions really have to focus on creating in a sense a model that hasn't previously existed.
The co-located mental health and substance abuse treatment facility, for example, it's very limited right now and I think that for it to be done well, you really are going to have to create a new model with a very different kind of funding stream or funding model, let's call it, for that kind of program, which is going to be different from the traditional therapeutic community model that we have now. But I think that discussion really has to happen at a very high level.

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

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

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

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

So I really think the focus should be on motivating the individuals and preparing them for what is going to come once they get back into the community and have that linkage established. What program are you going to go to? And to the extent that you can describe to them, you know, that particular program or what's going to go on within that program and ease some of those concerns and fears they may have about engaging, what they've heard about a therapeutic community,
for example, then that's going to give them the
best chance to be successful.

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

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

DEP. COMMISSIONER NUTTALL:  In prison.

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

So the individual just on that basis alone,
you know, there's a limit to how therapeutic the
environment can be and they're not testing
themselves against real-life situations. You
know, to the extent that you can, of course, you
can create a therapeutic environment within the
prison system, you know, and you can get them thinking about that. But just by its very nature, it's going to be difficult to really test those ways of interacting.

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

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

So we're not going to eliminate somebody
based on a historical perspective or how many
treatment episodes they've had previously or how
successful or unsuccessful they've been
previously. I think we're going to try to build
on whatever strengths -- I mean, if somebody's
presenting themselves for treatment, that's an
indication that that person is at least
ambivalent about their previous life-style and
want to be convinced that they need to change.
So we're going to try to work with everybody.

DIRECTOR MACCARONE: Thank you very much.
At this time, I'm going to call upon Debbie
Mukamal. And Richard Cho from the Center for
Supportive Housing, if you could step up.

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

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

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

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

This initial project is going to be tested in three target areas in New York City: In Bed-Sty, in Jamaica-Queens and in South Bronx. And when it's up and running later this year, it
will serve 360 young participants a year. This is an idea that's been tested in other places but has never been tested in a big large jurisdiction like New York City. And so there's going to be a random assignment evaluation as a component of the project.

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

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

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

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

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

These are different ways we could be
thinking about and expanding the way we think 
about success in the programs that we invest 
state dollars in. I think the Occasional Series 
on Reentry Research, which I’m really delighted 
that so many of you have come to and have sent 
your staff to, is one way that at John Jay, we’re 
trying to expand thinking around reentry to make 
sure that it's not just around criminal justice 
factors but that we’re looking at reentry through 
the lens of public health, through employment, 
through housing, through gender and lots of other 
different things.

And then, finally, I want to urge the state 
to continue partnering with colleges and 
universities around the state. Universities can 
and should be sharing in the responsibility of 
addressing the challenges of reentry by offering 
research expertise and capacity, by having access 
to cutting edge program design and by serving as 
a bridge from prison to the community.

And I want to offer, just really quickly, a 
few examples of how we've been using the 
university and how other universities around the 
state can be helping to facilitate your goals.
I know that my colleague, Elizabeth Gaynes, spoke a little bit about the research that we're doing on long-termers; that is, individuals who are serving longer terms in prison for mostly violent crimes. We're engaged -- Michelle Fine and Todd Clear, two distinguished professors at CUNY, are engaged in both qualitative and quantitative analysis looking at the reintegration outcomes of people who serve longer prison sentences.

And what's been really amazing and fun and I think really differentiates New York from other jurisdictions is that when we went to our partners at the Department of Correctional Services and said, "We want to do this research," the research team sat down, rolled up their sleeves and said, "We want to not only help you facilitate getting the data, but we want to work with you collaboratively to write this report and make sure that it's better."

And I can tell you that in working with DOCS to come up with the research design, it was a conversation with John Nuttall who said, "Why don't we not only look at reintegration outcomes
and recidivism rates but why don't we expand it to look at employment outcomes? And let's look at: How are people who have served longer prison sentences doing in terms of their employment rates?"

And so now, as a result of that conversation, we're actually going to the Department of Labor and we've initiated conversations about getting unemployment insurance data so that we'll be able to evaluate: How do people who serve longer prison sentences do in terms of their ability to obtain employment?

And I'm also thrilled to say that DCJS has come on board as part of this collaboration and is going to be helping us get the data that we need to really make this study more expansive.

A second example of how universities can be working collaboratively with the state is I know that the state has invested quite a bit in the state county task forces and I know that a couple of the people who spoke today talked about that work.

We've been having conversations with the
Westchester County Task Force about ways that John Jay can be working to really sort of expand and enhance the goals of the task force by doing some analysis on where people come home to, what the reentry trends are in Westchester to do a mapping analysis to see where are the services that are located, where are the individuals going home, and doing matching to make sure that services are actually available to those individuals returning to Westchester.

A third example is a partnership that we just developed with the Education Department at the Department of Correctional Services. It was at a visit at a prison a number of months ago where I was speaking to vocational counselors who provide some really good vocational training programs in upholstery design and plumbing and I said to them, "How many people who finish these programs go on and use these skills when they're back out in the community?"

And the vocational staff rightfully didn't know. It wasn't something that they keep track of. And I said, "Well, many of these are occupations for which people would actually
probably start their own businesses when they
returned home. And is there any part of the
curriculum that's devoted to self-employment or
how you start your own business?"

So we teach someone how to plumb, but we
don't necessarily teach them how they, you know,
iinitiate that business when they're back out in
the community.

And so I'm really excited to say that the
head of the Education Department at DOCS, Linda
Holman, has been working collaboratively with us
and with the Field Center for Entrepreneurship at
Baruch College to enhance existing curriculum
with just the addition of some modules on
self-employment.

So we're taking what already exists and just
trying to enhance it a little bit so that when
people actually participate in those programs,
hopefully, it can lead to valuable employment
when they get out.

The last point I want to make in terms of
examples is that I think that colleges can be a
really useful resource for both education release
and for community-based education. As you may
know, education release was widely used in New York State in the 1970's. We stopped using it, though, it still exists on the books and so it requires no change in administrative policy. There are jurisdictions around the country who are using education release as a bridge from prison to the community; jurisdictions like North Carolina, Indiana, Washington and the federal prison system.

And it's a way for us to really sort of make sure that universities, specifically public universities who are getting public dollars, are sharing in the responsibility of prison reentry. And then just my last point is that there's also a role that colleges can play once individuals are already returned home in providing education as a vehicle for supporting reentry and there are programs like College and Community Fellowship and The College Initiative that are excellent examples of that.

DIRECTOR MACCARONE: Thank you. Questions from the panel?

CHAIRMAN ALEXANDER: I just support what you say about the association and collaboration with
the universities and Parole in particular. I mean, it does a lot for us in determining what our population is, what our needs are and how we go about addressing those particular needs.

MS. MUKAMAL: We want to continue to be helpful.

DIRECTOR MACCARONE: Other comments? I just want to compliment John Jay on the Occasional Series, which has been really terrific for New York State, very, very inspiring. I think you do a great job. Thank you.

Vivian Nixon from the College & Community Fellowship, Project Reentry Grace, if you could come up.

At this time, Richard Cho from the Center for Supportive Housing.

MR. CHO: Good afternoon. Thank you very much for this opportunity to speak. I'm Richard Cho and I'm with the Corporation for Supportive Housing, although Center for Supportive Housing has a better ring to it, I guess.

I'm joined by my colleague, Ryan Mozer, who is also from our staff. I'm going to provide a brief introduction about who we are and what
we've done in working with the state and then talk about one aspect of the reentry problem that we want to call your attention to. Then, I'll turn it over to Ryan to talk a little bit more about solutions.

We are a national organization. We have offices in eight state offices. I'm the associate director of the New York office. We've been around for about 16 years and our mission is to help communities prevent and end homelessness through the creation of supportive housing, which is permanent affordable housing linked to social services.

And consistent with that mission, we basically follow the homelessness problem as it changes and over the past decade or so, more and more homeless people are people who have recently been released from correctional settings and, therefore, we've been focused a lot on the reentry problem.

We generally work through three different areas. We do work directly with the nonprofit sector and develop housing. We help finance and provide expertise around developing housing. We
also provide capacity building to help organizations. We work with many of the groups that are in the room today. And then we also work with government and provide expertise to craft cost-effective public policies.

Just to give you a sense of what we've done over the years, we've worked very closely with the State Office of Mental Health, OTDA, a number of state agencies on creating supportive housing for a variety of populations. We've also worked closely with the previous administration around trying to understand the housing problem of people returning from prisons and jails a little more closely and helped the Division of Parole develop a housing directory of all the parolees in New York City.

We've also mediated conversations between DCJS and the state Medicaid office with the previous administration as well.

So the first thing I want to leave with you is that we extend the offer to provide any kind of assistance that you might need in helping to convene conversations with your colleagues in other parts of New York State government and
whatever assistance we can provide to you.

I wanted to call your attention to one aspect of the reentry problem. You've heard a lot today about various needs that you've seen and we're not going to repeat a lot of what has already been said, but people do need employment services, drug treatment, health care and housing. But I think the important thing I want to emphasize is that the solutions that are crafted need to be really tailored to the specific needs that people have and that the reentry problem does need to be broken down and disaggregated to better understand that.

The aspect that we want to talk about are the subset of people who are leaving prisons and jails in New York State who are customers of not only Corrections but also multiple institutions and who basically spend their entire lives cycling in and out of Corrections, homeless services, drug treatment and other programs and where those systems don't seem to be working for them, people we consider to be on what we call an institutional circuit.

We want to focus on that population for
three reasons; first of all, because they represent the highest levels of need among people who are leaving prisons and jails and, second, because those high needs are evidenced by the amount of costs that they use. These are people who drive up millions and millions of dollars worth of public service utilization over the course of many years and then are frequent customers of your systems as well and, third, I think, because we do have policy solutions and programmatic solutions that can work to break that cycle of homelessness, incarceration and public system usage.

The first group that I want to talk about are people that are ultimately frequent customers of local corrections, people who we generally refer to, for lack of a better term, as frequent flyers of jails and other public systems. These are people who basically are in and out of jails and other systems and commit low-level crimes, misdemeanors, quality of life offenses, that are basically in and out of correctional systems because of their homelessness and other kinds of chronic health challenges, such as mental health
issues, HIV, AIDS, chronic substance abuse.

In New York City, we've worked with the New York City Department of Corrections and New York City Department of Homeless Services to identify a group of people who are frequent flyers of both the jails and the homeless system in New York City. We found about 1,100 people who basically live their entire lives in and out of jails and shelters as well as other programs such as detox and drug treatment.

Throughout our work around the country, we've also identified that this sort of phenomenon of cycling in and out of jails and other systems is happening in various other jurisdictions around the country and as a result of that, we've done some work that Ryan will talk about in a minute.

I guess the best description of this phenomenon has been written by Malcolm Gladwell in the New Yorker in an article called "Million Dollar Murray", which describes an individual who racked up a million dollars worth of costs in and out of jails, emergency rooms, as well as detox programs.
And sort of the one message that was written about in that story was that when he was placed into a residential program linked to services, he was able to stop drinking, maintain employment and put money in the bank but that program was time-limited. When he left that, he went right back to his cycle of jail and shelter utilization.

The second group of people that I think might be more relevant to this conversation are people who are essentially people released from state prison on parole and who are almost directly released into the shelter system. JoAnn Page and Barry Campbell mentioned that earlier today.

These are individuals who leave prison, go right to the shelter system and spend a short time there and then most likely will violate the terms of their release and will end up right back in prison. And I think if you look closely at that population, you'd find that they'd been on this sort of prison to parole to homeless shelter back to prison cycle multiple times.

Some studies around the country have
estimated that about 10 percent of parolees are people who basically are on this sort of long circuit from prison to shelter and back to prison again. And we found some of the risk factors that lead to this cycle are both being homeless as well as being chronic substance users as well as mentally ill.

Actually, we've been able to document this. The New York State Division of Parole has been working with the City Department of Homeless Services and found that about nine percent of the single adult shelter census in New York City -- it's about 700 people on any given day -- are parolees who are currently living in the shelter system and that number remains consistent even though about 200 to 300 individuals leave shelter every month.

So I think if you look closely at where those parolees are going, I bet a large subset of them are violating the terms of their parole and are being sent back to prison. So I think if you again looked at this problem more closely, you'd find that it's probably the homelessness that's driving their re-incarcerations and that, really,
this is an example of how current systems aren't working for this population.

So I'm going to turn it over to Ryan now to talk about what solutions we have.

MR. MOZER: Again, thank you for having us. It's really a great opportunity to be here and to talk to you. You know, it's a dawn of a different sort of approach, I think, and the evidence of this growing collaboration and sense of a shared responsibility, a shared solution for a shared problem is really extraordinary and promising and hopeful.

So the frequent users of jail and shelter initiatives that Richard mentioned was an attempt to address, in large part, this cycle of people that move back and forth between institutions. So we identified this core group of four and four jail and shelter stays and that does not exclude prison stays, although they are few and far between a lot of times historically before the period in which we looked, which is the last five years.

The people that hit this program are exactly the nexus of all these services that we're
talking about. Huge rates of substance abuse disorder and long-term chronic substance abuse disorder, an average of 14 or so stays in some sort of drug treatment over their lifetime. Homeless, of course, as well. And then we're looking at high rates of mental illness and serious mental illness that's diagnosable. And we see a lot of co-occurrence, the MICA and the chemi clients that are hitting. And they're people that are also just a little bit tough to track and they move around a lot and they have sort of clinical needs that are tough to put your finger on.

So the intervention was then: Let's take a hundred folks and let's try and put them into housing with services on-site that can really support them. So we received support from NYCHA and the Housing Authority was able to waive some of their restrictions to look at this population and say, "We'll make some headway here. We'll give you a little bit of room to wiggle, because we think the service is enhanced. We'll give you a chance at helping people improve their lives." And then, of course, the Department of Health and
Mental Hygiene and New York, New York supportive beds.

So what we've seen so far is that we have about 86 people in housing right now and out of that group, we have about a 92 percent retention rate in housing -- let me make sure I get these numbers right -- a hundred percent avoidance of shelter and 80 percent avoidance of jail.

It's sort of on a floating scale, so we'll have more information as the time goes forward, but really exceptionally promising and we think is something that not only applies to that population but applies very well to prison populations in looking at the collaboration of the same issues, the same mental health issues, the same supportive needs.

In addition to that, what we're looking at is expanding and continuing that program in collaboration with the City's Office of Managing the Budget. And what we would like to encourage in the next 30 seconds for you to do is to think about really reaching out to the City and working with non-traditional partners and expanding the relationships with Office of Mental Health, HHAP,
Housing Divisions, which is sort of to take the model that's been provided through supportive housing agreements and really targeting and focusing on reentry-specific populations that have the same needs and should be entitled to the same services. Thank you.

DIRECTOR MACCARONE: Questions from the panel?

DIRECTOR FITZMAURICE: You really struck a cord with me, because this particular population that you call the frequent flyers, we call them the full service customers in Parole, because we deal with them all the time. And they are, as you said, tremendously difficult, because they have such a myriad of needs.

One thing that I'm curious about, and I would be really interested in your suggestions, would be that outside of New York City, we have put out several times various RFPs for housing and in various areas of the state, no one has bid, no one, and I'm also curious as to why that would be.

Do you have any ideas on that?

MR. CHO: And this is housing specific for
this full service customer?

DIRECTOR FITZMAURICE: For them or for
almost anyone on parole who's on domicile.

MR. CHO: I think the issue -- was this
money for capital or --

DIRECTOR FITZMAURICE: To provide the
housing and case management, those kinds of
things.

MR. CHO: I think what we've generally found
over the years is that the community of
nonprofits out there have been able to do
supportive housing successfully for other
homeless populations, because New York State and
City have a track record of providing a kind of
one-stop shopping system for funding. And so
through the New York, New York 1, 2 and, now, New
York, New York 3 agreement, the city and state
have offered capital, operating and services
dollars that make it very easy for nonprofits to
go up and streamline that financing to develop
and provide that kind of housing.

I think there's probably a couple of reasons
why people are reluctant to bid on this kind of a
proposal and one is the challenges that we
already talked about with community support in trying to site a project that's solely targeted towards people who are formerly incarcerated.

I think generally what we're seeing is the trend towards trying to do mixed populations so that you provide housing to other homeless, special needs populations along with the reentry population as well as other low income individuals and families as a more integrated approach. And the communities, I think, also feel like they're getting something out of it as well in the form of affordable housing.

The second thing, I think, is providing funding that is not comprehensive, it doesn't provide the bricks and mortar as well as the money to pay the utilities as well as to pay for social services staff. If that doesn't happen, I think it's very difficult for organizations to really figure out how to use a small stream of funding to create a project.

DEP. COMMISSIONER BYRNE: Do you have a per capita per year cost for serving these people and can you share it with us?

MR. CHO: Yeah. I think the last cost
estimate that was done found that supportive
housing on average costs around $17,000 a year.
That includes both debt service for capital as
well as operating and services cost, and that's
an average. The funding that's provided through
the New York, New York 3 agreement does provide
about that amount of funding. So it's roughly
$17,000 per year.

COMMISSIONER FISCHER: That speaks also very
much to the importance of the careful targeting
and selecting of people that represent those high
costs that use the system at high rates.

MR. CHO: I just want to add one thing. The
New York, New York 3 agreement is the latest and
probably the nation's largest investment by any
jurisdiction and state in the creation of
supportive housing. And I think it provides this
model, as Ryan said, of how you can cobble
together funding from a variety of different
public systems at the state level to make money
available to create this.

And I think while New York, New York 3
doesn't necessarily serve the needs of the
reentry population well, it provides a nice model
to replicate. So that's something to take a look at.

DIRECTOR MACCARONE: What are your recommendations for creating the housing for the reentry model population and what does the state need to do to do that upstate?

MR. CHO: Well, you know, there's already conversations at the city level that's interested in trying to see how we can build upon New York, New York 3 to create that and I assume the city government folks will want to reach out to all of you at the state level.

I think the first step would be to talk to your colleagues at the State Office of Mental Health who's really been leading supportive housing development in this state as well as OASAS and OTDA who also are involved in the creation of supportive housing.

And just in the last year's state budget, Governor Spitzer put in another $200 million to create supportive housing statewide and so I know there's a lot of interest in trying to really take this kind of model to scale.

DIRECTOR MACCARONE: Other questions?
DIRECTOR MACCARONE: I want to thank you both.

At this time, we're going to call Lance Ogiste to take the next station. And we're going to call upon Vivian Nixon from the College & Community Fellowship, Project Reentry Grace.

MS. NIXON: Hello. I'd like to first thank this very distinguished panel and the Chair for having me here today to discuss these important issues and to commend you for paying attention to these issues and for bringing it to the floor at this level.

My name is Vivian Nixon. I'm the executive director of the College & Community Fellowship. The College & Community Fellowship was founded in the Year 2000. It's an organization that supports college education for women coming out of prison. We serve women in the Greater New York Metropolitan area. We do have some men in our program, but the goal of our program is to serve women.

In New York State, many of you probably know that the recidivism rate for people coming out of
prison within three years after release is around 44 percent. We've been in operation for seven years as of June 30th this year. We've had over 250 applicants into our program. We've received 134 official students into the program. As of June 15th, 70 people will have graduated with college degrees, 14 associates, 34 bachelors, 25 master's, one Ph.D. As of today, not one of those people, not one of those 134 full students, has returned to prison in the seven years we've operated. And we know where they all are. So that is a certified recidivism rate of zero. So we feel that we at least have some solution for this problem we call recidivism and we think that it's higher education. But we also recognize that we could not do what we do if all of the other organizations that we've heard from today didn't do what they do; that if they didn't provide opportunities for housing and for entry-level employment and transitional employment and for health care and drug treatment, we know that those services are necessary in order for us to do what we do, which is provide the next level for people to aspire
I want to talk a little bit about why we emphasize -- or why we focus on women. You may know that women, especially African-American women and Latino women, are the fastest-growing prison population in the United States. Here in New York, while women may only represent seven percent of the prison population, the population of women in prison has grown 445 percent since the 1970's. That's tremendous growth and needs to be addressed.

These women are often the primary caretakers of children. So for every woman you have in prison, you're talking about children that are without a custodial parent. So that's an additional need that we want to address.

So we exist in order to provide a deeper level of social reintegration for these women who have children in the community and we think that completing a higher education degree achieves this goal.

The way we do this is by offering academic counseling, minimal tuition assistance, and I want to emphasize minimal tuition assistance,
because our students are not looking for a free ride. What we do is counsel them as to how they can fund a college education, where the scholarships are, what tuition assistance they may be eligible for, how to save or how to finance their own college education.

What we end up paying for is maybe transportation or books or some minimal assistance, but many people don't know how to access resources that are already there for them and that's what we provide, the financial aid counseling, the academic counseling that people don't always have access to.

We also provide access to volunteer mentors and tutors and opportunities to form a community of other people with similar backgrounds, other women with criminal histories, other women with substance abuse histories, who are working toward a similar goal. That's hard to find. It's hard to find somebody you can talk to not only about the fact that you're having a problem with Statistics but that you're having a problem living in a world where you have to live down the stigma of a criminal conviction. You know, those
two worlds don't often meet.

So we provide that community environment where our students can talk about both of those things at the same time. It's a unique community and this community has grown over the past seven years.

We also encourage our students to develop leadership skills and one of the ways we do that is through my connection -- I'm also an ordained minister in the African Methodist Episcopal Church. One of the ways we develop leadership skills is through Project Reenter Grace. And Project Reenter Grace is a speakers bureau where our students who have an interest in public speaking take what they've learned in school and what they've learned in their experiences in reentry and in prison about how to transform a life and go into community-based organizations and local churches to talk about what's going on in the criminal justice system and how it affects our local communities and how churches can get involved in being part of the solution in their local communities.

And so because of their outreach, we have
more and more local churches getting involved in
the reentry process. And so in that way, our
students are giving back.

More than 70 percent of our students go into
majors that put them in the human services field
and they end up working often as social workers
or vocational rehab counselors or in other direct
service fields.

Our goals are, one, to help our students
achieve economic independence for themselves and
their families; two, to provide role models for
their families and their communities; and, three,
to engage them in leadership opportunities and in
public service within their communities.

We can't deny, any of us, that in today's
competitive labor market, educational attainment
is not divorced from successful employment
outcomes, especially when the job-seeker has the
stigma of a criminal conviction.

According to the U.S. Bureau of Labor
Statistics, employers view ability to earn an
academic credential as an indicator of assets.
They think if you have a degree that you have
other assets, such as organizational skills or
other aptitudes.

Higher education has also been documented as a way to assess a person's strength to have a conscience as they confront moral dilemmas. In general, education leads to stronger family life, better health, the development of better social skills, all of which contribute to reduced recidivism and stronger, healthier communities.

The return on the investment of higher education includes many things: Increased tax revenues, greater workplace productivity, increased consumption, increased work force flexibility and decreased reliance on government financial support.

Higher education increases earning power, reduces recidivism and has a positive correlation with good health and overall quality of life and deep social integration for both adults and their children.

The positive effects of educational attainment and its ability to reduce recidivism, thereby saving taxpayer dollars and shape productive and law-abiding citizens, has been documented over and over again. But while
studies show that with every year of education, recidivism rates decline -- Michelle Fine once did a study that shows that rates declined as low as seven percent in New York State for women with a college degree -- the 1998 reauthorization of the Higher Education Act continue to limit access to higher education for people in prison and also limit access to higher education for some people after prison.

This limits programs to vocational training, transitional employment, limiting people to minimum wage jobs which often fail to lift them out of poverty. And given the enormous financial and societal costs incurred by limiting access to higher education for people with criminal records, it is my hope that the current Administration will focus attention on ways to increase higher education opportunities for this population.

In that regard, I have a couple of recommendations. We have to understand that while many people believe that our future is measured by our success in keeping young people out of prison, and that is partially true, it is
also measured by helping the people who are
already in prison achieve a level of success that
will model educational attainment for their
children, because we know that the children of
prisoners are sometimes more likely to go to
prison. The data shows that.

New York State should do the following:
Return meaningful higher education opportunities
to people in prison and upon their release.
Fostering such access should be an integral
aspect of the state's education policy and part
of a continuum joining Corrections, Parole and
Reentry.

This can be done in a few ways: One,
support higher education and educational
opportunities in prison using the following
options. You might restore eligibility for New
York State Tuition Assistance Program. That can
be done within the state and it can be done
without legislation.

Establish a limited fund administered by a
gubernatorial commission to support educational
programs in prison. There are educational
programs that exist in prison. They're privately
funded. They're far and few between. But with
more support from the state, there could be more
of them and they could be used more broadly, the
ones that are currently existing.

Establish a limited fund to expand existing
opportunities, especially those programs that
have persisted in the past decade. There are
programs such as the Bard Prison Initiative, the
Hudson Link program at Sing Sing, the Marymount
Manhattan program at Bedford. Those programs
could and should be supported.

DOCS could also provide appropriate space
and security and technology classification holds
and other reasonable resources necessary to
operate successful post-secondary initiatives
within the system.

In other words, those programs that are
already operating, even with private funding and
no money from the state, if you're not going to
give them financial resources to operate, at
least give them the physical things that they
need. Give them the space that they need. Give
them the holds that they need in order to keep
their students in one place.
The third thing that can be done is the expansion of access to higher education for those in the community and this is, you know, what the College & Community Fellowship does; to consider higher education as a means for successful reentry. This could be done by reinstating educational release, as Debbie Mukamal mentioned, and it could be done by establishing a fund to support the programs that are already existing providing higher education in the community.

And just a brief conclusion: We are only able to serve about 45 to 50 students a year. Hopefully, we'll be moving to 75 to 80 students a year, because we've been fortunate enough to recently get a grant from the Robinhood Foundation. We get no state funding at all for our program and I have no qualm saying that I think we should.

As a person who directly benefited from the transformative effect of a quality liberal arts education in a program designed to help women get a college degree after release from prison, I am compelled to inspire others to take advantage of higher education by continually expressing to
audiences how education became a catalyst for change in my own life.

I represent CCF without reservation, because its mission is the embodiment of many of my personal core beliefs about higher education. I am not presenting theories that I learned on paper or statistics that I learned from reading a study. I'm telling you about what I know about real people who live real lives, who walk the walk of arrest and conviction and incarceration and reentry, some who recycled in and out of the system time and time again until one day, they were presented with the opportunity to transform their lives through higher education.

Some say, and I heard it said this morning when Glen Martin was speaking, that such people are exceptional people, that they're special, that they're extraordinary, that they can't be compared to the general population of people in prison or the general population of people in reentry. But I can say with certainty that these are not extraordinary people.

I can say with certainty that when I enrolled in the College & Community Fellowship as
a student two weeks after I walked out of Albion Correctional Facility, I was not an exceptional person. I was just an ordinary person facing the ordinary challenges of reentry, but I was given an extraordinary opportunity and I took that extraordinary opportunity and turned it into an extraordinary hope.

And I'm hoping that we can cooperate somehow together to offer that same hope to many more people. Thank you for giving me over my 10 minutes.

DIRECTOR MACCARONE: Thank you very much.

(Appause.)

COMMISSIONER FISCHER: Vivian, when you said Tuition Assistance Program, you're talking about TAP?

MS. NIXON: Yes.

COMMISSIONER FISCHER: You said we did not need legislation? Please explain that.

MS. NIXON: From the research we've done, and I would like to give credit to the people I've been working with for the past year or so, and that's Correctional Association of New York, Bard Prison Initiative and Prison Reentry
Institute at John Jay, we've been working on this issue for the past year, researching it and we believe that since it was taken away with the stroke of the Governor's pen that it can also be restored the same way.

ASST. COMMISSIONER DELMONTE: I have a question about your program model. Do the women that have participated in that program, is there another aspect of mentoring or re-involvement in the prison system for those women that have gone through the program, participated and are successful?

MS. NIXON: I'm not sure I understand the question.

ASST. COMMISSIONER DELMONTE: The people involved in the program or have completed it, through their education, is there a mentoring aspect involved where they would be involved with other programs for women who are incarcerated?

MS. NIXON: Oh, many of our graduates serve as mentors for our new students coming in and those -- at least 70 percent of our graduates, we know, work in service agencies throughout New York City. Many of them work for some of the
agencies that were represented here today.

So, yes, they do work with the population in
that way.

ASST. COMMISSIONER DELMONTE: I'm curious.

Within those two weeks in your own experience,
how did you find out about this program?

MS. NIXON: I didn't find out within those
two weeks. I found out before I ever left
Albion. It was a new program at the time and
they were doing recruiting at all of the women's
prisons. So I happened to get a brochure before
I was released. We stopped doing recruiting in
2003, because we didn't have the capacity to
serve the number of women that were demanding our
services. We're going to start recruiting again
over the summer, because thank God, we got a
grant from Robinhood that's going to allow us to
accept more students in the fall. But we stopped
recruiting for a while, because we couldn't
handle the demand.

CHAIRMAN ALEXANDER: I agree with you
wholeheartedly that education can help reduce
recidivism. In fact, I'll go so far as to say
education can help reduce criminality. Many of
the folks in our system are in our system because
they couldn't conquer the educational system.

How do you reach out and address those
individuals that don't have the wherewithal
academically to succeed in higher education?

MS. NIXON: I'm going to ask you to repeat
the question, because I need to understand what
you mean when you say don't have the wherewithal
academically to --

CHAIRMAN ALEXANDER: They've been a product
of a failing school system, first of all. So,
therefore, they can't succeed, because the school
system primarily has failed them and so they
don't have the wherewithal to make it in higher
levels of education.

So how do you prepare them? How do you
reach out and get them so that they become
successful in higher education?

MS. NIXON: Let me just say that we did a
three-year evaluation of our program funded by
the 42nd Street Fund and 66 percent of our
students never got a high school diploma. They
got their GEDs in prison. So these were not the
cream of the crop. These were not extraordinary
people. These were very motivated people who just got an extraordinary opportunity. And some of them started out with remedial courses. Some of them, they didn't go to the best schools. They didn't go to Columbia or NYU. They went to community colleges. They went where they could, but they got a degree.

CHAIRMAN ALEXANDER: And what do we do with the other 44 percent?

MS. NIXON: I'm sorry?

CHAIRMAN ALEXANDER: What do we do with the other 44 percent? You said 66 percent were successful.

MS. NIXON: No, I didn't say 66 percent were successful. I said 66 percent never got a high school diploma. They only got a GED. The other 44 percent were high school graduates.

DIRECTOR MACCARONE: What did Abraham Lincoln say? "The most powerful outcome in life is the power to succeed."

MS. NIXON: That's correct. I just want to give -- Glen Martin just gave me a note that's very important, because I don't want to leave you with the wrong impression. Apparently, we did
find out it does require a legislative fix to
restore TAP. I'm sorry. I didn't want to
mislead you.

DIRECTOR MACCARONE: Thank you very much.

Would you introduce yourself? I know you're
from the Kings County District Attorney's Office,
the office of Charles Hynes.

MS. SEAWOOD: Yes. Good afternoon. My name
is Vonda Seawood. I'm from the Kings County
District Attorney's Office ComAlert Program.

First, let me say I think this is an
extraordinary event just to have everyone here to
address the reentry process that is really an
intricate part of the reentry process, because a
lot of the CBOs have been doing this for years
and having once worked at a CBO, I know how
important this is.

Today, I would like to talk to you about
ComAlert, which stands for the Community and Law
Enforcement Resources Together, and how its
strategy of collective integration amongst our
agencies can have a beneficial impact upon our
program's short- and long-term goals.

Our reentry program, created by Kings County
District Attorney Charles J. Hynes, aims to ensure that individuals being released from prison successfully transition back to their Brooklyn communities and attain the goals of self-sufficiency, sobriety and civic responsibility.

The successful reintegration of these parolees, many of whom have children, is absolutely vital for the social well-being of our neighborhoods. If parolees return to the communities without appropriate supports in place, the rates of drug use, criminal recidivism rise. The physical and mental health of parolees deteriorate and the parolees' families and communities suffer.

In 2000, District Attorney Hynes launched ComAlert, the nation's first prosecution-ran reentry program to provide substance abuse treatment as well as employment, health care and educational assistance to Brooklyn's formerly incarcerated individuals.

Over the years, the program expanded and in 2004, it moved to its present location at 210 Jerolomen Street in Brooklyn. ComAlert has
demonstrated that when law enforcement and social
service providers collaborate to monitor a
parolee's reentry into his or her community and
coordinate to deliver critical social services,
especially substance abuse treatment and
employment assistance, criminal recidivism rates
drop and employment rates increase.

Primarily, research has shown in reference
to ComAlert that 21 percent of the program
graduates are re-arrested within two years of
their release from prison as compared to 59
percent nationally. Additionally, approximately
50 percent of ComAlert clients are unemployed
when they enter the program; 26 percent are in
transitional employment, and only 19 percent have
full-time non-traditional employment. Upon
graduation, the employment status of these
individuals change dramatically: 18 percent
unemployed; 32 percent have transitional
employment and 37 now have full-time position
that is not in the transitional phase.

The ComAlert staff and out-service provider
partners represent a vast array of experience in
both administrative and direct entry services and
are exceptionally well-informed of many of the practical applications of relevant policies and procedures utilized by most of the agencies represented here today. This experience has been a valuable and has identified certain administrative and procedural service barriers that, once removed, will enhance the programmatic success that we have thusfar enjoyed and allow our counselors to more fully address and recently released consumers who certainly wish to have a positive difference in their life.

Three important areas that we wish to highlight for your consideration are as follows:

First, reentry preparation must begin from the moment individuals enter the penal institution. During a recent teleconference and a recent attendance at the Fishkill Correctional Facility Resource Fair, our staff spoke to inmates who expressed that they thought that reentry should take place immediately upon their entering into the prison system, not late into the incarceration period and sometimes not addressed until 90 days before the release.

As we all know, repetition facilitates
change for each person. If a cognitive behavior method can be implemented in regular programming early on during an inmate's incarceration period, it will greatly enhance the internalization process of essential learning skills, including proper decision-making. Upon release, the parolee will then be better prepared to come into the mainstream with a more comfortable attitude in applying these traits.

ComAlert ensures that parolees receive services rapidly often within the first few weeks or less upon their release. As we all know, parolees are required to report to parole 24 to 48 hours and at that time, in Brooklyn, we have our pre-release assessment process take place alongside of parole's access center staff. There's a ComAlert counselor there ready to interview. They develop a psychosocial assessment which provides the basis for any future reentry planning and treatment.

ComAlert can then build upon the ingrained positive behavior patterns acquired during incarceration by immediately exposing the parolee to key components of a service plan that will
soon become second nature and lead to more successful reentry results.

Second: Studies have shown that recidivism is reduced when inmates receive a higher education while incarcerated. As a result of having received a college degree, ex-offenders released into the community will have more employment prospects and will be less likely to need financial assistance from the government.

From a law enforcement perspective, we know that a parolee who concentrates on improving his or her education and vocational marketability is more likely to become a community asset rather than a recidivism statistic. Free higher education programs involve credit-bearing courses. Coursework has been removed from most of the New York State correctional facilities.

There is an immediate need to access college education alternatives for eligible parolees who wish to enter the education arena. The state must fund that aggressively targeting the parole reentry population. This is a sound future investment not only for the parole individual but the community at large.
Many of the inmates participate in hands-on vocational training that are sanctioned by New York State Department of Labor while incarcerated. These programs allow them to substantially increase their marketability in a number of vocational areas. Upon completion, they use and receive a certificate issued by the correctional facility. In order to utilize these certificates more effectively, the certificate should read New York State Department of Labor as opposed to New York State Department of Corrections.

Attempting to re-enter the work force with a criminal record is challenging unto itself. Certificates saying New York State Department of Correctional Services just raise more questions for the parolee to have to answer instead of winning over the prospective employer. Certificates certified and/or issued by the Department of Labor will greatly assist in the necessary reinforcement of the rehabilitation effort.

Finally, ComAlert's wrap-around services involve understanding the needs and efforts that
family play in the reentry process. ComAlert aggressively targets local community-based organizations and churches in Brooklyn who assist families and incarcerated individuals with social services. This includes our counselors assisting ComAlert consumers in dealing with family-related issues, such as child support, child custody and we intend to expand our services to family therapy. This process should begin in the correctional facility. Perhaps, a counselor could be provided to meet with family members on visiting day. Also, an information table could be set up providing literature and contact information for family members who have issues with substance abuse, housing, mental health and other concerns to help begin to build the process of a solid family support system for the inmate upon his or her release.

It is important to note that ComAlert is a prosecution-ran program whose first and foremost goal is public safety of the citizens of Kings County. A district attorney's office has a vested interest in successful reentry of parolees, because a reduction in criminal
recidivism means a reduction in crime resulting in increased public safety, the ultimate goal of all law enforcement agencies.

A district attorney's office is uniquely positioned to act as a lead agency for reentry programs as the office already has strong ties to its fellow law enforcement agencies. This is why it's so important for our agency to take full opportunity to learn more about each organization who has presented here this afternoon and this morning so that we can share strategies resulting in productive and more effective collaboration.

It would be extremely difficult to suggest a better, more cost-effective investment of taxpayer dollars than to use our combined resources in giving citizens a second chance at building productive lives while spontaneously setting the foundation for increased safety in our communities. Thank you.

DIRECTOR MACCARONE: Thank you. Panel members? Questions?

Could you just comment on that certificate again, the distinction between the Department of Labor and the Department of Correctional
Services?

MS. SEAWOOD: Yes. Currently, a lot of individuals who are incarcerated do participate in vocational training. Most of the vocational training, upon completion, they will give them a certificate that indicates that they have participated in X, Y and Z program and one of the things that I know for a fact having worked for the Department of Corrections as an ASAT counselor is that these particular certificates are very good to show employers, but a lot of times, you may have an individual, for example, who may have been to five or six different correctional facilities and have participated in various vocational programs. So, now, every facility that he or she's been at will have the name of that facility on the certificate, whereas most of the programs, to my understanding, have been reviewed and approved by Department of Labor to make sure that they're getting the adequate skills in order to actually put that program in place.

So in order to improve the rates of people being employed, if it's already approved by
Department of Labor, why not have the certificate say Department of Labor? The vocational and job readiness world, we do a three-minute pitch; we don't want to do three minutes of training on why the certificate says Fishkill, Auburn and everything else. How about what did we do when we participated in that program and what did we learn?

DIRECTOR MACCARONE: Thank you. Comments?

DIRECTOR FITZMAURICE: Just one. In terms of that certificate again, I'm curious, because if Corrections is actually running the program, it would seem to me that it should be Corrections on the certificate. I'm wondering: Is there a legal reason why it can't be Department of Labor on the certificate or not?

MS. SEAWOOD: I'm not sure what the legal reason is, but I do know that most of the programs, unless something has changed, that it is under the umbrella of Department of Labor and it usually has had some kind of overview or seal of approval so to speak by the Department of Labor or some sort of educational institute, not primarily just DOCS.
DEP. COMMISSIONER NUTTALL: I need to clarify something. We no longer give certificates, so it's not an issue anymore and the programs are not overseen by the Department of Labor. We have some Department of Labor accredited programs, very, very lengthy, very complicated, very difficult and a very small number of inmates involved in the program, 400 in any one time. We have 10,000 inmates involved in our regular vocational training programs. So we stopped giving the certificates for the very reason that you mention we don't want on it.

What we give to the inmate before he or she walks out the door is a list of all of the dictionary of occupational titles that that person has successfully learned while incarcerated. So it's a different kind of situation.

MS. SEAWOOD: Just to comment: So you have given a long list, but once again, when we think about reentry, people need to be able to show an employer what have they been doing for the last X-amount of years that they've been incarcerated. So some sort of recognition -- I'm not sure
exactly how this document actually looks that
you're referring to, but there needs to be
something, because as an employer, you know, you
want to know what have you been doing while
you've been incarcerated because, unfortunately,
we live in a society that the average Joe will
refer to Oz and Wire and all kinds of things to
think about where our people are coming from.
They don't have any idea exactly what's going on
by way of rehabilitative services. So we need to
try to help with removing that stigma that it's
either Club Med or it's the O.K. Corral.

DEP. COMMISSIONER NUTTALL: Again, you need
to understand what the inmate gets when he or she
walks out the door is a list that specifically
indicates what vocational training skills they
have learned while the individual was
incarcerated. The fact is learning in the
Department of Correctional Services, I'm sorry,
but I think we'd have a little trouble convincing
the Commissioner of the Department of Labor to
just rubber stamp every vocational training
program that we have.

So, you know, I think we've addressed that
and I think the inmate can walk out the door and say, "Here's what I've learned," and it's stated using a federal dictionary of occupational titles that "These are the skills I've demonstrated. This is the level of work I can do." That's what we give every inmate who walks out the door.

DIRECTOR MACCARONE: I want to thank you very much for your testimony here today. We appreciate it.

I am advised Patricia Aikens will not be presenting this afternoon. So at this point, I'm going to pass the baton over to Executive Deputy Commissioner Sean Byrne.

DEP. COMMISSIONER BYRNE: Good afternoon. Could Kenneth Duszynski please come to the microphone and prepare his testimony? And could Seep Varma take the opposite table?

Mr. Duszynski, we're ready when you are.

MR. DUSZYNSKI: Good afternoon. I'm Ken Duszynski, the director of Adult Forensic Services for Mid-Erie Counseling & Treatment in Buffalo. I'd like to thank you all for the opportunity to speak this afternoon on the topic of reentry.
Before I speak on where I believe we are right now and what I believe are some important elements for the future, I'd like to speak briefly about the history of the way in which we've treated incarcerated individuals in New York.

The first prison in New York was Newgate. Unlike Auburn or Sing Sing, it planted no seeds for the correctional future nor did it last very long. It opened in 1797 and closed 31 years later when the new Sing Sing prison was ready to take prisoners sentenced out of New York City. Newgate, though, did represent a rejection to the approach of crime and punishment that had prevailed in the American colonies. Crime in colonial times was seen as sin. It had always been with us and always would be.

Since the criminal's depravity was considered as natural and as inerasable as a leopard's spots, reformation was not the aim of punishment. Punishment was to deter the offender as well as to the crowds that gathered to watch. Loss of liberty was seldom used as punishment. Mere confinement was for paupers, orphans,
debtor, the debilitated and the insane.

Confinement was also used to hold suspected wrong-doers pending trial.

Once there was a finding of guilt, it was the duty of the community to either shame the offender into acceptable behavior through branding, the stocks, the pilary, carting them through the streets to scare them and the spectators straight or to eliminate them through exile or death.

Newgate was ill-designed to manage special classes of offenders. Female prisoners were housed separately but not separately enough. When a Swedish nobleman visited Newgate in 1819, he was told that 40 women caused more problems than the rest of the male inmates put together. Considered an economic drain, they were carelessly governed and fearless of discipline.

The insane and the deranged were another group that plagued Newgate, one man thinking he had the throne of Napoleon. Newgate would gradually come to look and feel and even smell like an old-style jail. Visitors brought troubles, whiskey, tools, money and unauthorized
messages. Contractors for prison industries also smuggled alcohol and other contrabands to induce the convicts to work.

Sundays were especially characterized by obscene singing, rowdy horseplay and gambling. Insolence and idleness, filthiness and possession of shives were commonplace. And with respect to the reparation of offenders, the common perception was that Newgate, like jails of old, had become the school for crime.

The preceding comments written describing Newgate's functioning through the 1820's, if we correct for language and update some of the terms, we find that, unfortunately, not a lot has changed. The simple fact is that prisons have not really worked to rehabilitate anyone. Prisons serve to remove individuals from society for a period of time as a result of their aberrant behavior.

The challenge today, very much like in the 1820's, rests in developing a system of care that deters the individual from criminal behavior and reinforces law-abiding behavior in the community. We could conceptualize this as constructing an
appropriate societal structure similar to that of the family, to teach and reinforce positive values of appropriate behavior.

As you might imagine, this is not an easy task. What we are asked to do in looking at reentry is to bring an individual with a documented history of multiple problems back into the community in a safe and productive manner. The creation of this type of structure requires contributions from a variety of community organizations and systems.

Dealing with the re-entering individual requires us not only to act in a rehabilitative manner but also to safeguard the rights of others in the community. This has always been a challenge in that the rights of the individual must be weighed against the rights of the overall community members.

That having been said, traditional social science, mental health and chemical dependency agencies as well as faith-based organizations must combine with supervising law enforcement agencies as well as family members to provide a safe and appropriate environment for the
re-entering individual.

We have had success in this area in a variety of models which we refer to as cognitive behavioral treatment. Simply put, we attempt to assist the individual in making appropriate, healthy judgments that will positively affect both themselves and other members of the community.

Because we are dealing in most cases with longstanding behavioral problems, these types of changes take time and must be started well prior to release. This brings the final portion of the picture together in that we must begin for planning for the release of the individual from the time they enter the correctional system.

Detractors to this approach have traditionally criticized it as being soft on crime, a threat to the community in general and a dangerous liberal philosophy.

If done correctly, on the contrary, it represents the safest way in which to balance the rights of the re-entering individual with those of the community. It does stress, however, the need for everybody to be on the same page.
Communities must work together in task forces toward the single goal of providing the most humane system of care within the guidelines of overall community safety. It's a dynamic process. It really never is over. As long as the individuals are in service, ongoing assessments must be made regarding their cooperation with treatment, supervision and their families as well as the communities in which they live.

That brings me to my next point. The process of reentry that starts at the point of incarceration continues throughout the period of supervision in the community. Some re-entering individuals will need lifelong treatment and support. Therefore, traditional behavioral treatment governed by concepts such as managed care and the rationing of services must be looked at as outmoded concepts. We need to look at the types of these services individuals need.

By the time a person is incarcerated to a prison term in New York, a number of things will have happened. It can be assumed that the individual suffered from a number of
environmental deficits, has been exposed to violence, has been exposed to and may be experiencing some type of drug-related difficulty and has suffered deficits in the educational system. Overall, the health of many of these individuals is also compromised.

Given all of these factors, individuals re-entering the community need to have comprehensive health assessments performed. Problems which have been discovered prior to and during the period of incarceration must be treated appropriately. This requires individuals to be able to access appropriate health services as well as mental health, drug and alcohol treatment and counseling service as close to their date of release as is possible.

Also, and most challenging, is the individual's need for a safe and secure place to live. If these things are appropriately constructed, the individual successfully negotiates initial release, long-term goals such as education, work and other gainful activities can then be addressed.

One of the challenges of uniting our systems
is the sharing of information. Another paradox of attempting to do comprehensive assessment questions the rights of individuals to privacy. Comprehensive treatment planning, however, requires the availability of systems to make available to all the necessary documents in terms of assessing their current functioning as well as their past history. This also reflects the need for timely completion of paperwork for benefits and medical insurance ensuring that the individual can access services immediately upon their release.

In the past decade, we have seen political systems act to restrict access to means-tested indigent programs in an attempt to decrease governmental costs. Historically, these programs were put into place to assist individuals to get back up on their feet and work toward becoming independent people who positively contribute to their community. One can look at this as investment.

If we correctly construct reentry programs and refer individuals to necessary services and make available payment for those services to
community providers, we construct an overall environment conducive to success and positive change.

In conclusion then, what does the future hold? Clearly, we can go down two paths. The first is to continue doing business the way we have been doing it right now. This provides the community with the illusion of safety under the guise that we have unlimited resources to indeterminately incarcerate huge number of individuals.

The second path is a challenge. It challenges us to question traditional values in ways of doing business. It questions the status quo. It asks large and transient institutions to attempt wholesale change. It challenges us as individuals to learn different skills. It challenges us to act differently so as to ascertain different outcomes.

Reentry, if done properly, helps individuals to return to and become productive members of the community. In the long haul, it is both the most humane as well as the single most cost-effective way in which to deal with individuals leaving the
correctional system.

No matter which side of this argument you fall on, whether it is for human dignity or cold hard economics, reentry is a process that works.

Thank you very much.

DEP. COMMISSIONER BYRNE: Questions for Mr. Duszynski?

DIRECTOR FITZMAURICE: Ken, I was just curious: You are from Erie County and I know you also sit on the Reentry Task Force there. Can you name maybe the two or three biggest impediments that you see in your particular county to successful reentry? And if you have any suggestions to how we can address that.

MR. DUSZYNSKI: I think the first thing that we saw and a lot of people see is just getting everybody into the same room to talk about these things. A lot of communities have a lot of different resources, but often times, we end up silent and we don't talk to each other. I think the first thing is really communication and getting everybody to drop traditional ways of doing business and looking at things.

The other more traditional things I think
you'd find are simply issues like housing and work. Both the science of behavioral health care as well as addictions tells us we can get somebody clean. We can get somebody in a way that they're going to do well, but then they have to have a life and that's where I think we've fallen short in the long haul. We have to have the next piece. You can't just be sober. You have to have a life and do something.

DEP. COMMISSIONER BYRNE: Any other questions?

(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you very much. If Felipe Vargas could please take the seat here and we'll now turn to Seep Varma.

MR. VARMA: Good afternoon. Thank you for giving me the opportunity to be here. My name is Seep Varma and I'm the executive vice president of New York Therapeutic Communities, Inc., and also the co-chairperson of the Criminal Justice Committee of the State Association of Alcoholism and Substance Abuse Providers.

NYTC is a not-for-profit agency that operates substance abuse treatment programs for
men and women in the criminal justice system. Our programs operate both within the prison system and in community-based settings. The therapeutic community, or TC, treatment model that we use has been shown to be particularly effective in reducing substance use relapse and recidivism among criminal justice clients.

As executive vice president of our agency, I have direct oversight responsibility for day-to-day operation of these programs. The success of our program graduates in re-entering society as productive citizens is a great source of personal satisfaction for me and all the members of our organization.

The link between substance use and crime is well-established and drug and alcohol abuse and addiction are implicated in crimes and incarceration of 81 percent or some 1.6 million of the two million men and women behind bars in America. In New York State, the estimate has been higher affecting approximately 85 percent of the state's nearly 63,000 inmates. This number does not factor in many of the City inmates, some 14,000, who without proper discharge planning,
perhaps, could be more likely to re-offend and eventually end up as state inmates.

It's for this reason that expansion of critical programs that provide inmates with meaningful substance abuse treatment and reentry opportunities be continued. We now have over 40 years of research to demonstrate that treatment works, whether it's voluntary or involuntary. Contact with the criminal justice system is an opportunity to get substance abusing offenders into treatment. Not only does treatment dramatically reduce drug use and improve the health, legal status and employability and social functioning of those that receive services, but it also provides significant economic benefits to taxpayers in the form of reduced expenditures for criminal justice health and social welfare expenses.

Treatment also results in improved public safety by reducing the incidents of crime related to substance abuse. When Ron Williams, who's sitting behind me, first initiated the Staying Out Program in 1977, the concept of providing treatment for substance abuse in prison was
greeted with some skepticism.

Today, in-prison treat in general and the use of a therapeutic community model in particular is a widely recognized method of combatting substance abuse. The Staying Out Program is acknowledged as having been the model for many programs within the country, including the New York State CASAC and ASAC programs, that now offers substance abuse treatment to thousands of inmates each year.

Staying Out has been widely emulated in other correctional settings nationally and internationally. Since its inception in 1977, the program has successfully treated thousands of men and women. Staying Out continues to operate at present under a contract with New York State DOCS. It is located at the Arthur Kill Correctional Facility and the Bayview Correctional Facility, which are both medium security facilities, 60 beds and 40 beds respectively. And both Staying Out programs are licensed and monitored by the Office of Alcoholism and Substance Abuse Services.

In addition, NYTC operates our serendipity
programs, which is a 50-bed and 40-bed, male and female, respectively, residential program in Bedford-Stuyvesant, Brooklyn which provides a continuity of care for our in-prison program graduates when they return to the community and also serve as an alternative to incarceration for people that are referred from various criminal justice sources within New York City, including Division of Parole and New York City Department of Probation. Serendipity programs are licensed and funded by the State Office of Alcoholism and Substance Abuse Services as well.

Additionally, our organization operates intensive outpatient treatment services for probationers in New York City who are at high risk of violation of their probation due to substance use. We operate on-site drug programs in two high risk reporting centers in downtown Brooklyn and in Jamaica-Queens that just in the second year of operation are showing very promising results and, together, those programs service about 250 clients on a daily basis.

It is the model of providing substance abuse treatment to inmates while in custody and then
having the necessary infrastructure in place to
continue these services when an inmate is
released that makes our program effective. The
combination has proven itself over time and it
has been emulated in other states serving as a
national model for effective substance abuse
treatment for inmates.

It is for this reason, among others
mentioned, that it is even more critical to
continue such programs that provide substance
abuse treatment and reentry services. As we
know, the relationship between criminal behavior,
substance abuse and mental health are all
interconnected. The consideration of the role of
community-based treatment providers is critical.

While Staying Out was instrumental in
demonstrating both the value and viability of
prison-based treatment, subsequent experience has
taught us that treatment for substance-abusing
offenders is most effective when it's part of a
broader continuum of care starting in a custody
setting and then continuing, perhaps, to a
residential setting and then on to an outpatient
setting.
As an organization with nearly three decades of experience in providing substance abuse treatment to the criminal justice system in New York State, we have a number of recommendations that we would like to ask the panel for consideration.

One: We'd like to ask for expansion of programs such as Staying Out which provide coordinated services from a prison-based setting to a community-based setting.

Two: Mandate the coordination of benefits such as Medicaid, SSI and others prior to a person's release from incarceration.

Three: Establish a system through the use of community-based providers to evaluate and develop a continuing care plan for each substance-abusing inmate who is scheduled for release.

Four: Dedicate one or more correctional facilities specifically for the purpose of either providing substance abuse treatment or evaluating soon-to-be-released substance-abusing inmates.

Five: Provide funding to community-based service providers for programs related to
reentry. And I think many of those programs were others that were mentioned here today, whether that's housing, job placement, et cetera.

Six: Develop a broad range of services that could, perhaps, be funded through a statewide reentry initiative that would include all ranges of treatment from outpatient to residential to methadone and others.

Seven: Funding should be applied equally to all populations. Special populations, including women, women with children, mentally ill, should also be part of any statewide initiative.

Eight: Encourage the expansion of sentencing reforms that could, perhaps, include a larger number of drug offenders be diverted from incarceration in the first place and be serviced in community-based settings.

And, lastly, we would like to ask that -- it is our understanding that there is a statewide reentry planning initiative, a planning council, folks that are made up from the panel here and other interested parties, and we would ask that that panel be mandated to either continue forums such as like what we have here today, but in
addition, include community-based service
providers from throughout the state that provide
the services such as substance abuse treatment,
job placement, housing and others that were
mentioned here today.

We believe that programs like ours are an
effective use of state resources as they allow
for long-term cost savings through reduced
expenditures in many ways.

I’d like to just add two comments. It was
asked of one of my colleagues, Dominic Mattina
from Daytop earlier today, what we could do
perhaps to improve some of the in-house substance
abuse treatment that exists. And I think that
there are a number of things that we could start
with doing, one of which would be to mandate the
licensing of all of those programs by the State
Office of Alcohol and Substance Abuse Services.
We think that that's a valuable tool in our
experience. Having that monitoring, that
training, that technical assistance is helpful to
our staff.

Secondly, to encourage the licensing and
credentialing of all the staff that work in those
programs, it also keeps our staff abreast of best practices, latest trends, et cetera. And perhaps, lastly, there could be more substance abuse treatment in-house than currently exists, both more contracted opportunities and more Department of Corrections-run programs. Thank you.

DEP. COMMISSIONER BYRNE: Questions for Mr. Varma?

COMMISSIONER FISCHER: If you had your druthers and I gave you a facility concentrating on drug addiction and reentry, what would be the time frame you think would be optimal? How long should they be there prior to their release to the community or parole?

MR. VARMA: I think somewhere between six to twelve months, and that's a very broad range. Depending on what services were being offered, that number could be fine-tuned.

DIRECTOR FITZMAURICE: You mentioned before the issue of the number of folks who have mental health problems as well and I know this is an age-old kind of argument, which came first. I'm always curious whether it makes a difference
whether someone has a mental health problem that
is primary or a substance abuse problem that is
primary. Does that make a difference in terms of
the joining of those two treatment services
together?

MR. VARMA: Not in my opinion, and I'm not a
mental health expert. But as a social worker and
someone who tends to view problems holistically,
I would say that, certainly, a mental health
problem in our experience has to be stabilized
either through treatment or the use of
psychotropic medication first and foremost so
that there's a certain safety and cognitive
awareness that's in place and then substance
abuse treatment has the opportunity to be
effective at that point. But, really,
simultaneous treatment is what's required. I
don't know to me anyway that it makes a
difference what came first.

We certainly have co-occurring and dually
diagnosed people throughout all of our programs,
and our primary concern is to get one stable, get
the mental health problem stable and substance
abuse problem, for that matter, stable and then
provide simultaneous treatment.

DIRECTOR MACCARONE: Typically, how long do these offenders remain in treatment in the community once they leave the prison system?

MR. VARMA: If someone participates in our Staying Out program in the prison system where they remain for about nine months or so and were to go into our serendipity program, they would remain there for about the same amount of time, approximately nine months. And then they would be followed up with outpatient treatment after that, which generally lasts a minimum of six months. So some of the time frames can be tweaked, you know, seven months. Seven months was mentioned earlier today.

DIRECTOR MACCARONE: We've heard a lot of needs of offenders today, housing and substance abuse treatment, certainly, and employment and, you know, the way those types of primary needs -- and they are primary, I think, in terms of success and future success of offenders -- relate to each other, however, is the interest that I have. And I would like you to, if you would, help us unpack those needs. How do they relate
to each other?

If we had an offender who re-entered the community after having been in drug treatment within the Staying Out program within the correctional facility but then had stable housing and employment -- I don't mean to suggest they wouldn't then participate in treatment, but wouldn't the need for treatment be somewhat less?

MR. VARMA: Not in our opinion. I mean, those folks that participate in our prison-based program, we find that them going into residential or intensive outpatient immediately upon release access sort of a triage system. They can get there and our case management staff and other folks that are involved in the treatment program can assess the whole range of needs. It's very few people that we find that have stable housing, stable family, employment and other things already in place, not that some folks in a very short amount of time couldn't get there. But when they get to our doors, we find that they -- you know, that assessment evaluation and providing all the services in a short amount of time is helpful.
DIRECTOR MACCARONE: This may be an unfair question, because you are a treatment provider, but at the same time, I wonder about the net effect of self-medicating on the individual's part leaving the correctional facility, re-entering the community, when there is no stable housing for that individual or employment.

So it becomes clearly a question of chicken and egg and how those primary needs interrelate. But it seems to me the more we go down the path of treating one individual need without treating all three, perhaps, at the same time, I think we're not going to be well served by that.

Do you want to say anything about that?

MR. VARMA: I would definitely agree with that. I think that's why our approach, we believe, is an effective one, because when someone enters into residential substance abuse treatment upon their release, they have a fair amount of time for all of those things to be sequenced, both appropriately from a treatment perspective and just from a logical perspective, you know, housing, re-unification with their family, drug treatment, solidifying relations
with parole, other things that were mentioned earlier here today by individuals who spoke, riding the train, going to the ATM machine, learning about a computer, learning how to use the Internet.

There are lots of different things that folks, regardless of how good some of the services are in a custody setting, will still need to learn when they leave.

DIRECTOR MACCARONE: Lastly, do you have any evaluation data on outcomes?

MR. VARMA: Yes, we do. I'd be glad to send you a package. I'll send a package to several of the panel members.

DIRECTOR MACCARONE: Do you know offhand what that looks like?

MR. VARMA: Well, different studies have been done over time. Unfortunately, our most recent study is probably eight or nine years old at this point, but showed fairly good success results. It was an average of about 75 percent of people who completed the in-prison program followed by residential treatment in the community stayed drug-free, arrest-free and
crime-free after a period of five years. And there are lots of different sub-sets of populations in there. Women, for example, had a lower recidivism rate. The men was slightly worse. And there was some stratification of people depending on how long they participated in treatment, but I'd be glad to send you that information.

DIRECTOR MACCARONE: Thank you.

DEP. COMMISSIONER BYRNE: Any other further questions?

DIRECTOR FITZMAURICE: I just have one more. Do you think that the co-location of services at one site is more beneficial than not? The reason I ask is because we have put up a significant amount of money, all of our agencies have, for a very long time now for substance abuse, for housing, for employment, for a lot of other things. And I'm not clear myself that the statistics on success are any better. And I don't know if that's because we need to think about putting those services in one spot so that, you know, there's like a one-stop shopping or do you think that makes any difference from your
MR. VARMA: From our experience, and I'm sure most treatment providers would share in the perspective, that it's probably better to have the maximum number of services available at one location. We see in, for example, our probation programs where we have substance abuse treatment services on-site to where folks report to probation and they have also some medical services and some housing referrals and other things there at one location, that that increases the likelihood that folks participate in treatment, that they continue to attend, that they stay drug-free while they're in the program. So we see those results on the spot. What the long-term effect is is something that I don't know that we've studied necessarily, but I think it's a general belief that the more you have on-site in one location, that that's an elimination of some possible barrier to that person getting that treatment at another location.

DIRECTOR MACCARONE: Thanks.

DEP. COMMISSIONER BYRNE: Further questions?
(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you very much. If Kevin O'Connell could please come up and replace Mr. Varma and we'll now turn to Felipe Vargas.

MR. VARGAS: Good afternoon. My name is Felipe Vargas. I thank you for having me here to speak on this important issue, the issue of reentry. I'm from the Doe Fund. We provide paid transitional employment for people on parole and probation.

The issue of reentry, and particularly the issue of reentry and employment, is an issue close to the heart of the Doe Fund. About two years ago, in 2005, the then director of DCJS asked our founder and president, Mr. George McDonald, to chair an independent committee on reentry and employment. And the reason that was asked is because there was a clear recognition on government that there's a direct relationship between unemployment and recidivating or going back to prison.

In fact, 89 percent of the people on parole and probation who violate the terms of their
release are unemployed at the time it happens. So this committee was put together and it was composed of interested parties, community-based organizations and interest groups. And they met for over a year. They had focus groups. They did surveys. They interviewed employers and they came up with this report. I brought copies of it today.

The report was put together under a different administration at the request of a different administration, but we feel the issues identified in there are current and we feel the recommendations should be implemented. I'd like to briefly go over them, not to belabor the point because most of these things have been spoken about here today, but I just want to emphasize these points.

The first recommendation was that we amend public policies and laws in regard to those that serve as barriers for employment of the formerly incarcerated. This is extremely important.

One of the examples that was brought here today was you get individuals that are trained in barbering skills in prison. They learn how to
cut hair. They do it quite well. They make plans based on that. Then, they come out in the community and they find that they cannot be licensed as a barber, because the licensing board requires that they have good moral character and, therefore, they can't cut hair and this is what they do. So we feel this needs to be addressed. These laws need to be amended.

The second recommendation is that a wage subsidy program be created on a state level. Now, those of us that do this kind of work know that this program exists on a federal level. However, we at the Doe Fund have tried to get employers to benefit from this program and many of them say it is extremely paper-heavy and they're not willing to go through the burden of having to complete all the paperwork that is required. And we're talking about employers that are willing to hire the formerly incarcerated.

Now, this program was created as an economic incentive to people that wouldn't be willing to hire the formerly incarcerated. So if people who are willing to hire the formerly incarcerated don't want to use it because of the paperwork
required, how are we going to provide an
incentive to someone who wouldn't hire the
formerly incarcerated?

The third recommendation is that while
people are in prison, they receive skills which
are marketable that they can utilize when they
get out. I've heard a lot of stuff here today
about the skills that are taught in prison and
how we give them a listing of the occupational
titles and things of that sort, but we know from
experience, the people that do this work, that
often times, these skills, individuals are not
able to use them.

We heard a gentleman talk today about the
fact he spent many years in prison, learned a lot
of different trades and skills and what he was
able to get employment in was what he learned in
the military, how to cook and be a chef. So that
doesn't say much for what is learned in prison.

There are meaningful programs, however. One
that I know of is the optical training program.
We've had experience where the individuals that
come out of there can go right into employment.
They can be employed as opticians. There are no
bars to being licensed as an optician either. So trades of that sort are things that need to be looked into and need to be enhanced.

The fourth recommendation was that comprehensive discharge planning be done for individuals and discharge should begin at point of incarceration. But more importantly, the discharge planning that is done needs to be followed up on once the individual is released and the person, while they're in prison, needs to be tied in with the service providers in the community.

What exactly do we mean by that? Well, what was recommended in the report is that whatever's done on a state level kind of resembles what was done on Rikers Island and, very briefly, the problem was that individuals in Rikers Island would be released at 2:00, 3:00 and 4:00 o'clock in the morning into Queens Plaza. What was at Queens Plaza? Basically, that area was drug-infested, prostitution and many opportunities to get involved with criminal behavior.

So the New York City Department of
Corrections, the Department of Homeless Services and community service providers got together and began to engage in comprehensive discharge planning. The result of that is it has had a tremendous impact on those individuals recidivating and having a revolving door effect.

The fifth recommendation is that we streamline and enhance parole policies and procedures. Now, we have certain parole offices and parole officers that provide excellent services to people coming out of prison. As soon as they come out, they identify their needs. They refer them to resources. They follow up to make sure that person gets there. But then there's other parole officers who provide very little in terms of information about the resources that are available out there. And then we have some -- sorry to say -- that provide absolutely none at all.

Now, we're not knocking parole. We work collaboratively with parole. The Doe Fund is a friend of parole. However, we need to ensure that the same quality services that certain parole officers offer, that they're offered
across the board.

Also, you go into some parole offices and you have a resource table. You have all sorts of literature there about the resources available in the community. You go into other offices that have no resource table.

I was in a conversation last week with some individuals from parole who told me that now in their Manhattan offices, they have a digital screen that advertises the programs and the resources available in the community for ex-offenders. Well, that's wonderful, but we think something like that should be available across the state in all the parole offices.

The sixth recommendation is that we offer training programs to employers out there. There are many employers that are not aware that it's illegal to discriminate against people who have been convicted of a felony unless it's related to the job that's open or the job they're going to do.

There are also many people who are not aware that there are wage subsidies, tax credits and, lastly, many of them don't think that any
ex-offender can be a good employee. So education programs are needed in order to do that. And then the last recommendation, the seventh recommendation, is that certainly forums like this and collaborative efforts are important, but we feel that reentry and the issues around reentry are so complex and this is so critical that what is required is a commission of reentry and that a position be created, commission of reentry, and that that commission report directly to the Governor and that it has its own agenda.

And that is basically what I have to say. I have copies of the report I brought here. I will give you. I don't have enough to go around, but it can be downloaded from our web site, www.Doe.org. Thank you.

DEP. COMMISSIONER BYRNE: Questions for Mr. Vargas?

COMMISSIONER FISCHER: One point. I like your idea of training employers. Whose job do you think that is? Ours or yours?

MR. VARGAS: It's the community's job, including everyone here today. I think that the
reason why we're here is basically to improve the chances of someone succeeding once they're released from incarceration. So we say whose responsibility it is, I think it's everyone's responsibility.

COMMISSIONER FISCHER: I'll take exception and tell you it's yours, not mine, and the reason I'm saying that is I have no problem going to a place, but you're there, you're in the community. You represent the community. You have your contacts. If you can't convince employers, the last person that's going to convince them is me.

MR. VARGAS: Well, my organization, the Doe Fund, we do do education. We do job development. We engage many employers. In fact, we have a very high success rate in terms of placing people in employment, in gainful employment also, jobs which lead to living wages.

So what I meant to say is that we all share the responsibility of educating people in the community. Certainly, we all have our specialties.

DIRECTOR FITZMAURICE: Mr. Vargas, I'm curious. The wage subsidy program, is that
different from the targeted tax credit program or are they the same thing?  

MR. VARGAS: No. They're different. The person's wages while they're working for the employer are actually subsidized. So an example would be: Someone's making, let's say, $30,000 and $28,000 of that is paid by one of the subsidy programs that I know of that the Osborne Association uses.

But, again, I've heard that they call and call and call employers, particularly social service employers that employ individuals who have obtained degrees and things like that in prison and the human resource departments a lot of times don't call back because of the amount of paperwork that's involved to actually take advantage of the wage subsidy program.

DIRECTOR MACCARONE: Mr. Vargas, could I ask you to comment on the way the Doe Fund combines employment and housing services?

MR. VARGAS: Sure. For the formerly incarcerated, we have -- there's two ways, actually. We have a house called Styvesant House in which we have approximately 40 beds. We
receive people directly from Queensboro Correctional Facility. We do that collaboratively with Parole and DOCS.

We do what I mentioned here before, the comprehensive discharge plan. Those individuals are placed in transitional employment. They're evaluated in terms of what their educational and vocational needs are. And then they are put into the community to work and also engage vocation and education.

Also, we work collaboratively with ComAlert in the event that they need substance abuse treatment services, and the goal is always to place the person in independent employment. Once they're placed in independent employment, we follow them several months thereafter and we provide an incentive for them by paying them.

So we pay for transitional employment and then once they get the job, we pay them as long as they remain clean and we substantiate that by taking toxicologies from them, taking urine samples. We have them submit a copy of their pay stub and we make sure that their housing has remained stable.
DIRECTOR MACCARONE: Do you have other residential treatment facilities in addition to Styvesant House?

MR. VARGAS: We have various different facilities that work with DHS, Department of Homeless Services. The Doe Fund has traditionally served the homeless population and most of our facilities -- we have the facilities, but the beds are actually operated by the Department of Homeless Services. And we have our program ready, willing and able there. I'm sure many of you have seen the men in blue cleaning the streets. That's the type of transitional employment that we do. And most of our programs are for homeless populations. This is a new initiative for us.

DIRECTOR MACCARONE: The Sharp facility in Brooklyn, what's the capacity there?

MR. VARGAS: We have 500 people there, 400 people in residence, and 110 people in what we call the day program. And the distinction between the day program and our residential program is that those individuals have stable housing. So they may live with a relative. They
may rent a room. They may be in some transitional housing. And they come to us for transitional employment and training and education.

MS. YEE: I have two questions. How many applicants go through your -- job-seekers go through your program on a yearly basis? And how many do you place of that group?

MR. VARGAS: On a yearly basis, we don't -- our reentry work, we've been doing that about 13 months. We're currently in the process of working with DCJS and Parole to submit NYSID numbers to actually find out how many people recidivate, people that complete our services, and how many people have gone through and things of that nature.

Again, our reentry initiative is a new initiative. However, we've been serving this population from the beginning, from the inception of the Doe Fund by extension, because most of the people who are homeless happen to also be formerly incarcerated people.

MS. YEE: Also, you had said it's very hard to find employers who want to participate because
of the paperwork that's involved?

MR. VARGAS: The wage subsidy, that is correct.

MS. YEE: But, currently, how many employers do you have in your program?

MR. VARGAS: Employers that hire our people?

MS. YEE: Yes.

MR. VARGAS: I couldn't count them; that's how many there are. I couldn't count them.

There are people here at this table, I'm sure, that are familiar with our program. We place a lot of people in employment.

MS. YEE: Thank you.

DIRECTOR MACCARONE: One answer to that is I went to the graduation of the Doe Fund last month and there were over 200, 300 graduates. Every one of those individuals was matched with an employer on the opposite page of the program. So the Doe Fund's pretty successful in getting permanent jobs for the folks who go through the ready, willing and able regimen of employment, job training.

MR. VARGAS: And there are three requirements for graduating. One is that a
person has a job, that they have savings and that
they remain drug-free. So those individuals also
have to have savings in order to graduate. So
not only do they have to have a job, but in case
they lose that job, they have savings.

DEP. COMMISSIONER BYRNE: Further questions
for Mr. Vargas?

(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you very
much. If we can have Father Brett Crompton to
replace Mr. Vargas. We'll now turn to Kevin
O'Connor.

MR. O'CONNOR: I'm Kevin O' Connor of
Joseph's House. It's a shelter that's located
across the river and about 10 miles north of here
in Troy, New York. We service about a thousand
men, women and children a year.

I'm also a member of the Reentry Task Force
in Rensselaer County and I'm a psychiatric social
worker that's been involved with the homeless for
about the last 21 years in various capacities.

Business is booming in homeless shelters.
In the Capital District, there are 11 shelters
and all of us have been running over 90 percent
capacity since April of 2001. This year, five
months nearly completed, our shelter's running
over 98 percent capacity for single adults. A
lot of that is driven by institutionally
discharged clients to our programs, psychiatric
discharges, discharges from rehabs and criminal
justice facilities.

We have become major players, homeless
shelters have in this state, in reentry and,
frankly, it's a business we don't want to be in.
We don't want to be in it, because we don't have
the capacity to serve the need. Homelessness
should be prevented by institutions rather than
created by them. And shelter placement,
placement from an institution, the criminal
justice facility, into a shelter is an added and
unnecessary transitional step for young men and
women trying to enter into the community.

How did we become so involved in reentry?
Well, at Joseph's House -- we've been around
since '83 -- and a number of men, usually young
men, sometimes women, would show up with a
reasonable assurance letter and a release letter
that listed parole conditions.
We didn't know a lot about these guys. We didn't know a lot about the circumstances and we didn't really play a strong role in collaborating with the parole officers about what their realistic plans should be about entitlements, treatment or housing.

When we started getting full like the other shelters up here, increasingly, we didn't have room for these folks. And compassionately and realistically, we thought it more important to collaborate with local parole officers to, one, have a say in the screening of who came into our shelter, who would be in our shelter and, secondly, to collaborate realistically on the housing, treatment and entitlement options that were available.

It's kind of backfired. We've been very successful. Last year, 18 percent of our guests who came from state correctional facilities were reentry guests. So far this year, 27 percent of those that we've sheltered, one out of every four became homeless while they were incarcerated. Most of them never had a history of homelessness before their incarceration.
There were some, as Richard Cho mentioned, that cycle in and out. A lot had special needs, layers of services, but most of them had never been sheltered and never had a homeless episode before they came into us.

What it's doing is it's driving us to be full. It's preventing us from servicing the most needy, the chronically homeless, those on the street for a year or more or having four or more homeless episodes over the past three years. It's preventing us from really doing what our missions were designed to do.

There are recommendations that we can have -- I think we're fairly successful even though I'm saying we want to be out of the business and we don't treat guests any differently. We had 70 individuals stay at our shelter that classified as reentry referred by the Division of Parole, parole officers, to us and stayed with us. We had more than that. Several didn't make it. But of the 70 who made it, 60 percent of them moved on to identified permanent housing or residential treatment or treatment-related housing. And 26 of them moved
to families or friends, some of which was
approved by the parole officer, some of which
wasn't. And that mirrors closely what our
success rate is with the general population we
serve.

In total, about 75 percent of our guests, we
end up getting into housing of some sort or
other. And it's not rocket science. We treat
people with dignity and respect. We focus on
tasks. We focus on housing first. The average
stay for guests coming for reentry is 21 days.
The shortest was three days. The longest was 79
days.

Recommendations. A lot of times, you don't
need homeless shelters. You shouldn't need
homeless shelters. These guys have been in your
facilities for a year-plus. You know what they
need. You know how they're gonna get it. It's
just that there are a lot of systems that block
it.

The first is the parole officers need more
time to do background checks for reasonable
assurance, for finding family and friends that
are available. A number of our guests stay just
a week and end up moving into family and friends
once the parole officer has some time to
investigate that residence. Those are folks that
didn't need to come to us if the parole officer
had enough lead time and information about
options, alternative residences in the community.

Secondly, you need to collaborate with your
own state agencies. The Office of Temporary
Disability Assistance has this face-to-face
requirement for applications that you all know
about. A lot of folks come to our program and
stay in the homeless shelter taking up a bed as a
weigh station for them to get entitlements.

There are a number of individuals that will
be going to Father Young's program, 820 River
Street and such like that, and they end up going
to those places but they have to go through the
hurdles of public assistance first. And that has
to be face to face for some reason. The reason
I've been told is to avoid identity fraud. And I
guess you guys can reassure OTDA that the folks
that you have incarcerated are, indeed, the
people that they say they are. Otherwise, why
would they be there?
So I think if you can collaborate across systems that way, you can cut off a lot of time for eligibility.

I think there needs to be greater professional input with special needs clients. We heard about a guy in our task force in December and he was going to be released in February -- that's good lead time, a couple months, we thought -- and we heard the story, you know, said "This guy's got a lot of stuff going on. Let's get a mental status evaluation, see what's going on, psychosocial assessment and, perhaps, look at it, make referrals, refer this guy into community residences and treatment, get those things established while he's there so the wait time will be less or he can avoid coming to a homeless shelter all together."

Seventy days, sixty-nine days into his stay, we finally get a mental status evaluation. On the day he came to us, we had a script for Zyprexa, so we can guess this is a psychotic disorder, and an evaluation to an outpatient clinic that none of us thought was adequate. We thought based on what we heard, a day program was
appropriate.

What we heard later is that there was a whole comedy of errors with this individual, although we requested the information in December. He had been transferred from an upstate facility down to Arthur Kill. He had been involved with DOCS as well as OMH and there were records here and records there and communication broke down.

If you can make one recommendation from today is when somebody's getting ready for release, if you could not transfer him to another facility, so if there are questions we have on the reentry task force about what's going on with this guy, what's his track history, what level of community involvement is going to work, we can have people at the facility who know the guy long enough to make recommendations.

If you can have folks placed in facilities closer to where they're going to be re-entering, that will facilitate us going, perhaps, and screening the individuals, mental health agencies going to those places.

We know about a lot of housing restrictions
that have happened and I can't tell you the
number of men, typically young men, who are
homeless because they can't go home. There is a
home. Their wife and children are living in
public housing, but many public housing programs
follow federal regulations that they can exercise
that prevent somebody with a felony or
misdemeanor, drugs, weapons or violence charges
from living in that residence.

So there are a number of men, fathers of
these families, who can't live with their
families. The families are faced with two
choices: Stay and sneak the father in or leave
affordable housing so the family can be reunited.

The other thing that's going on which is
really juicing us up a great deal is these
boundary restrictions for sex offenders. For
years, with the help of special services, parole,
we'd be able to screen the folks that weren't
dangerous. We felt safe with them. We treat
them with dignity and respect, with dozens over
the years until last October, we'd be able to
service. And we were able to get them
successfully in the community.
And I have to tell you everyone I worked with, as far as I know, has not re-offended a sexual offense. However, we can't serve them anymore, because our localities have decided that people are predisposed to re-offending and are a danger to society and elected officials are pandering to that fear and that we have a bunch of people out in rural Rensselaer County in a motel, not on a bus line, not close to jobs, not close to treatment, not close to where parole officers can keep an eye on them.

Transitional housing -- you listened to JoAnn earlier today; she's one of my heros from Fortune Society -- can be an answer for some of that. They can provide safety. But none of these places can be sited without your voices at this table.

I don't know if any of you guys have been to a planning committee or a board, a planning board or a zoning board, it's not fun. It's not fun trying to site programs. We've sited three programs. It resembles more like Jerry Springer than it does a policy review of your application. It's mean. It's not informed. It's mob
mentality.

I think if we did a good job talking about reentry, talking about capacities of individuals, not labeling people for the rest of their lives because of a mistake they made previously, providing appropriate treatment, appropriate assessment of safety, I think that we can avoid using homeless shelters or having people out in the streets.

So we need your voice. We need your voice to promote mentoring, transitional housing, fixing the system so people can avoid using homeless shelters.

DEP. COMMISSIONER BYRNE: Questions for Mr. O'Connor?

CHAIRMAN ALEXANDER: A couple comments. First of all, I certainly agree with you that when different municipalities place boundary restrictions on sex offenders, it certainly puts everybody's back up against the wall and it's a very challenging situation. We don't know a way around that. We don't control the local folks. In fact, you probably have a better voice with your local government than we do. Maybe that's
something you should talk to your local
councilman, your alderman or whatever they're
called.

MR. O'CONNOR: Respectfully, I think you do
all have a role. It's very lonely being up
there. We're not hearing from the state. We're
not hearing from regional providers.

CHAIRMAN ALEXANDER: But we're there and
we're having those conversations and they're
falling on deaf ears.

MR. O'CONNOR: I don't know where they're
falling. I read the paper. I watch the news.
We're not hearing the values of reentry. We're
not hearing that people succeed in reentry with
community involvement. We're not hearing the
balanced discussion about sex offenders and
safety and danger.

CHAIRMAN ALEXANDER: There are more of you
as voters than there are of us as administrators.

MR. O'CONNOR: You're a voter, too.

CHAIRMAN ALEXANDER: Well, maybe not in your
locality and certainly not to the numbers that
you are. But my other point goes to the fact you
talked about early notification or giving parole
officers more time to do investigation. That's very difficult to do. There are time parameters associated with each type of release that we're doing. For instance, if it's a discretionary release, that person goes to the board as an initial applicant about two months prior to his release. We don't do an investigation before that, because who knows if that person's going -- okay? The only ones where we know for certain that a person's actually going is on conditional release. I agree with you there that we should do as early as possible on that group, but that's a much smaller population.

On the other population, the regular discretionary release population, we really have no advanced notice or no way of knowing in advance actually when that person is going to go, particularly on the initial applicant. That's the struggles we continue to have. Don't know of a way around that, because if you send out an investigation beforehand, the parole officer's overburdened by doing it and if that person's not coming out, that's that much time that he could have devoted towards supervision.
MR. O'CONNOR: Reduce caseloads of parole officers so they could do it in more time, perhaps.

CHAIRMAN ALEXANDER: Well, that's where you call your legislators.

DEP. COMMISSIONER NUTTALL: I was interested to hear you say such a high percentage of homeless ex-offenders were not homeless prior to incarceration. What's that all about?

MR. O'CONNOR: Well, I think a lot of them are situationally homeless, because they had housing whether they were living with their family or they were living in housing or private housing. They lost their income during incarceration, so they lose their housing.

And now with the mood the way it is with a lot of places, it's a pretty harsh mood out there right now for parolees and a lot of people aren't welcome back into the communities. A lot of landlords are not gonna welcome back somebody sleeping on a couch until they establish a residence. So I think that has some part of it. Families aren't willing to take the people in as readily as before.
DIRECTOR FITZMAURICE: I have a question.

Kevin, I've worked with you guys for a very long time so I probably know the answer to this, but what would you say are maybe the one or two really significant barriers right now that if we could address those would really at least alleviate some of the difficulty in your county?

MR. O'CONNOR: Affordable housing and access to entitlements are the two big issues. There are a lot of special needs that flow out from those two, but affordable housing and access to entitlements to pay for housing.

DEP. COMMISSIONER BYRNE: Any further questions?

(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you very much, Mr. O'Connor. If Susan Porter could please come up and replace Mr. O'Connor. And we'll now turn to Father Crompton.

FATHER CROMPTON: I'd like to thank you for inviting us to this open forum. My name is Father Brett Crompton. I'm the executive director for Bridges of Greater New York. With me is Keith Libald (phonetic). He's on the
executive board for Bridges.

Bridges is a transitional housing program where we provide housing as well as case management for all the various services that were mentioned here today for those individuals coming back from incarceration. We also offer other beds for probation, those coming out of detox or 28-day programs. So we have various different kinds of clients that we receive into our housing.

I was trained in Bridges of America in the State of Florida that has very innovative programs, 2,000 beds currently, where they have alternative sentencing as well as work release as well as transitional housing and, basically, everything we talked about today, we recognize that there are different levels of care that we need to provide.

And what I was trained and brought the model back to New York was that within that model, the relationships stay concurrent where you receive the first part of your treatment. And the reason that it works so successfully is that because they receive all the treatment, occupational
training, counseling services, you know,
everything that they need in one location. As a result of that, they get a continuum of care and it just has a higher success rate for doing so.

We know it's more cost-effective to open up a hundred bed facility than it is 10, 15 or 20; that when we open up facilities like that for transitional housing, we start off under-staffed and unable to provide the services that we want to provide for them.

So we have to network with the local agencies that are provided for us and it's a lot of work. And it's worthy of doing, which I enjoy doing, and I do believe that it's on a neighborhood level, a community level, that we put a face to who we are, that we network with those agencies and communities to help make a difference in each person that we receive life.

It helps when we get people who are being pulled back to our community. Lots of times, we see that they're just kind of placed or referred to us and then we want to do job training and get them a job and do all these things, but their family lives elsewhere, not in their community.
So we have a harder time helping them make that successful reentry.

One of the things I wanted to talk about was one of the programs that have really worked is this alternative sentencing, which are about a hundred bed facilities, and the alternative sentencing is at a probation level. So we attack the problem prior to parole. So before you become a professional criminal, you're making those mistakes early on, and they can be young or old, doesn't matter the age, but we recognize at a county level that they're making those mistakes and they need a firmer structure to help them begin to reestablish who they are, life management skills, the treatment that they need.

We know the treatment's one of the biggest aspects; that probably 80 percent or more of the crimes committed are drug- and alcohol-related. So that has to be one of the most important things we do as well as the job placement. But if we can create facilities as a catchment to help the guys kind of change their thinking, life management skills and do those things prior to becoming a professional criminal, we could reduce
the amount of recidivism we have and we could
begin to address those problems sooner than
later, because it's harder when times goes on and
more problems have happened and a longer rap
sheet occurs. So we've seen the success in that
program and that helps reduce recidivism within
the State of Florida.

Obviously, the second level, which we've
heard about today, is a pre-release program
that's networked back to those communities that
are receiving those individual parolees. So if
we have pre-release programs that they're
beginning their treatment, that case management
is happening, that we're better networking with,
so that when a guy is upstate and is making his
way back and he is coming to Nassau County or the
five boroughs or Orange County, or one of the
other counties, that somehow we've got them
starting the process sooner so that their case
file is started and that we can begin to
understand the needs that they're going to have
prior to that release and then we can better get
them situated in transitional housing, because
that's just one phase.
As you know, lots of times when guys are paroled, they're on the street, we gotta help them get in and there's a host of issues that come with that and a host of agencies that we have to network with.

The three things that are probably most important in a parolee's life to make a change in their life overall -- there's been a study that was done in the State of Florida through Department of Corrections that there are three areas. The first area is family. We talked about they become homeless or they lose contact with their family based on the bad things they've done or the hurt and pain they've caused.

Well, somewhere along the line, we have to begin to restore that relationship, whether it's with a child, a loved one, a parent, a girlfriend or a spouse or husband. We have to begin to restore those relationships sooner than later so that they can make a better reentry when the time comes so we can get them back with their families, because we know every one guy incarcerated affects seven to ten people on the outside. So that's a lot of people.
And we know that if we can deal with family issues, we can begin to help not just him but the other seven or ten people that are in our community per parolee.

The second issue we all know is occupational training, which we do. We network in the local community. Within my church, several business owners hire parolees and give them an opportunity. They do job training. And then in other churches and other business owners that have supported our efforts of what we do, they get behind us and they give us that shop, but we know there's not enough jobs.

So, obviously, if I was better understanding where some of these tax reliefs were or places I could plug into that would help benefit us as well as the client to offer occupational training and do those things, networking with preexisting programs that already exist would be to my benefit or to know about them.

The third thing that is really important is spirituality. That happens while you're incarcerated. But we use a holistic model. We use the 12 steps as a model for them to achieve
recovery and live a life sober back to,
quote-unquote, normal. I don't know what that
is exactly, but we get there. And spirituality
is really important and in there, it talks about
a higher power and it's important for them to get
back to the roots of what they believe, what
their parents believe, what their family
believed, you know.

One of the things that's ongoing is that we
recognize that the parolees and clients we see,
their complex is they think they're God and
they're not God. They think they're invincible
and they think it's never gonna happen to them.
The reality is they need to find that higher
power and surrender to their issues in life. And
as they surrender and get in touch with their
roots of what they believe, that community can
begin to support them in that spiritual growth
and those efforts. So we spend a lot of time
networking to make these things happen.

But family, occupational training and
spirituality are three major issues that will
help reduce the amount of recidivism that's
happening in the State of New York.
Everything that I wanted to talk about was spoken here today, so I'll just leave it up if there's any questions that you might have for us.

DEP. COMMISSIONER BYRNE: Questions for Father Crompton?

(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you very much, Father. Mr. Chinlund, if you could replace Father Crompton.

Ms. Porter and Mr. Hogue.

MS. PORTER: My name is Sue Porter. I'm with the Judicial Process Commission and we're a 35-year-old grassroots community organization in Rochester, New York. And for the last 11 years, we've been helping parolees and probationers become successful tax-paying citizens. We do this through case management, mentoring and life skills as well as a support group, an evening support group that we run.

The other day, we saw about 24 individuals before noon and I think the reason for this is that there's an incredible need for the kinds of services that we offer. And Jason is going to be talking more in-depth about the services that we
offer, helping people get rap sheets and
certificates of relief in good conduct. But as
we all know and we’ve heard a lot about today,
there’s a lot of employment discrimination that
goes on and the certificate is a way to counter
that. And Jason’s project has only been around
for about a year, but it has really, I think,
empowered and energized the community to come
forward and want these services. So anyways,
that’s a little bit about what we do.

I have only two brief recommendations and
then I will be just turning it over to Jason, but
I believe that New York State is really at a
tipping point on reentry. We have a new governor
and the Governor has already stepped up to the
plate and reduced the prison phone costs for
families, which I think was a very important
first step.

Plus, I think there’s a huge amount of
community interest in New York State evidenced
by the presence of so many people at these
hearings and really throughout the U.S. in
reentry. But I really believe that our criminal
justice system, the patient is in bad shape and I
would even say critical condition. So I want to
point to two measures which could begin a healing
process.

One comment is on a macro level and the
other is on a micro level. But on the macro
level, I believe that New York State needs to
begin to keep nonviolent offenders, drug
offenders out of state prisons. Specifically, we
need to rely on mandated drug and alcohol
counseling much more, enhance intermediate
sanctions, including electronic bracelets, expand
the existing drug courts that are run on the
county level -- why not make them state level as
well? -- expand specialized supportive housing
for the mentally ill persons with addiction and
criminal justice system involvement.

I think that's a really important piece.
New York State could finance these measures by
closing four or five medium security prisons and
use the savings from the closures to finance new
intermediate sanctions and reentry services.

In Michigan, prison officials projected a
savings of $35 million in annual operating
costs for the closure of just one state
On the micro level, a policy change that could radically enhance the excellent reentry efforts already underway with the Monroe County Reentry Task Force is to automatically grant non-driver's IDs or driver's licenses to all who leave our state prison systems. This is really a bureaucratic fix. I don't believe it requires legislation. It is a no-brainer, but it could make a huge difference.

The Governor should immediately bring together the various elements of the state and county bureaucracies to make the driver's licenses or non-driver's ID available to all who leave the state prison system. This has been done in Pennsylvania. Because, obviously, without proper identification, men and women exiting the system cannot become employed. You've got to have photo ID.

In Monroe County, there's a 45-day wait for your benefit card with your photo on it. For 45 days, there's people drifting around our community with no ID, no place to live, no place to work. All of us know that without legitimate
work, many men and women go back to illegal
activity.

And, finally, I believe that there are no
great individuals but there are great challenges
that average people banding together can solve.
This open meeting is a solid first step toward
making the criminal justice system a little more
equitable and reducing recidivism. So thank you
for this opportunity.

MR. HOGUE: Thank you, Sue, and good
afternoon. It's my honor to speak to this
esteemed panel today. As Sue said, my name is
Jason Hogue. I'm an attorney with Monroe County
Legal Assistance Center. Monroe County Legal
Assistance Center, or MCLAC, is a state and
federally funded, not-for-profit, legal service
provider to the indigent.

What I do is I'm lead counsel to the reentry
project. The reentry project is this: We
represent individuals who are formerly
incarcerated re-entering into society or those
individuals that simply have criminal records and
what we do is we assist those individuals to
address and overcome the barriers and obstacles
that have already been spoken about in terms of
employment, housing, services and also address,
very important and has been stated before, the
unlawful discrimination that is rampant in our
state in terms of how people are treated with
criminal records. And this is unlawful
discrimination, simply illegal. It is my job to
address that, to both inform employers and to
litigate against individuals, agencies that are
recalcitrant in understanding this is New York
State law.

The reason Sue asked me to come here to
speak, I believe, is that we believe that in the
past year, we've hit on a successful model, one
successful model, in terms of addressing these
issues. Mainly, my practice involves employment
law. In terms of employment law, I'll speak
about first what the service is; the
collaboration between the Monroe County Legal
Services, a legal aid and a community-based
organization. And the services that we provide
is this: We assist individuals -- first, we
advise our clients. We advise employers, job
developers, drug treatment centers, service
providers of the legal rights and limitations of
persons formerly convicted of crimes.

Specifically, when I'm talking about rights,
I'm talking about Corrections Law, Article 23-A
and the Human Rights Law that reflects that,
which states it's unlawful discrimination -- and
notice that term, unlawful discrimination.
That's exactly the same term that's used in
racial discrimination, gender discrimination,
disability discrimination. It is equally
insidious when employers and agencies deny people
employment based solely on a criminal record and
no other reason without regard to those two
exceptions.

So we advise individuals of their legal
rights. We let them know this is illegal. And
if you are told that you simply are denied a job
basically because you have a criminal record
without exception, that's illegal and you should
report that, just like they report racial
discrimination, housing discrimination and any
other form of discrimination.

Then, we advise clients what are their legal
rights in terms of limitations; what can they
expect with that criminal record; how does that
limit them and how can they address that?

Next, what we do is we assist eligible
individuals to obtain their DCJS records. We do
that through setting up our own fingerprint
process so those individuals do not have to pay
for their own fingerprinting, because most places
that provide fingerprinting are going to be law
enforcement and, generally, my clients, once they
are free of law enforcement don't like to
volunteer going back there and also paying for
that service. So we do that for free.

Then, what we do is we assist eligible
individuals who are indigent in terms of
verifying that information and then getting the
fees waived that DCJS would afford them. So they
get their own DCJS record for free. And what's
the purpose of that?

I tell my clients, "I don't want you to get
your record for fun," but there's four very
simple reasons. One: There's a difference
between the client thinking they know their
criminal record and, in fact, knowing. Because
believe it or not, most individuals have very
little understanding of their own criminal record. Therefore, I've had individuals tell me with absolute certainty that they felonies, they have misdemeanors. I've had individuals tell me they have misdemeanors, but they have felonies. I've had individuals tell me they have felonies and misdemeanors and they have no criminal record whatsoever.

And so that information is important. They must be able to accurately report it in terms of employment. They must know it, because they must know their own limitations.

The next reason why this is important is because they need an authoritative record. If you just simply Google "criminal records", there are thousands of sources of criminal records. Most of these are private. Most of these are not concerned with accuracy. They're concerned about making money. Therefore, individuals need an authoritative criminal record that they can fight inconsistencies.

Thirdly is the errors. DCJS tries very hard to correct records; however, it's a massive job. We assist in correcting these records. We do not
ask for any reimbursement for that. We assist DCJS in having correct records so that Parole has correct records, so that DOCs has correct records, so law enforcement has correct records and so that information is not used against -- in terms of erroneous information is not used to deny people employment.

Next, we assist people in applying for certificates of relief from disability which are of the utmost importance when in today's business field, criminal records are everywhere. So individuals need something that will mitigate the effect of their criminal record.

Next, we assist the eligible individuals in applying and obtaining certificates of relief from disability. Also, we represent individuals in licensing hearing cases, in background checks and in unlawful discrimination cases. We have, in fact, in the past year filed and settled employment discrimination cases based on criminal records where the employer basically put up a sign that said, "If you have a criminal record, you need not apply here. Don't even bother coming in the door"; also, against state agencies
that were denying people on an arbitrary and capricious nature in terms of their criminal records.

I'd just quickly like to give my recommendations in terms of that; is that access of records, employers and state agencies will send out a notice saying five days, give us a response to why this record is not accurately reporting. You're asking a layperson to basically do a job of an attorney within five days, which I can't even do. So there needs to be a speeded access in terms of criminal records, in terms of the OCA on-line records and the DCJS e-justice New York record.

Legal service providers could get these records and, with all security in terms of client confidentiality, obtain those records and help those individuals who will be denied jobs based solely on an error, fix those records and help people that are qualified to get jobs.

Next, accuracy of records. We must ensure the records that are used in terms of terms and conditions of confinement, which costs money. If a person doesn't need to be under very secure
lockdown, then they should be in a less secured facility. And if that decision is made on an erroneous record, well, that costs the taxpayers money for nothing, for errors.

If individuals are denied jobs based on errors that are on DCJS records -- and this is going on; I see it every day -- that's taxpayer money going out the window. It's a waste.

Next, the importance of certificates. Law enforcement in terms of parole and probation must see the importance of certificates in mitigating the effects of individuals' criminal records and they must advise individuals on their right and entitlement to apply for a certificate and assist them with that.

Next, I suggest -- my suggestion is collaborate with legal services. These are our clients. Eighty percent of the people that go through the criminal justice system are indigent. These are our clients. These are legal aid, these are public defender clients. Reach out to legal services and bring us into the fold and say, "We want to work with you. We want you to help us. We will help you." Thank you.
DEP. COMMISSIONER BYRNE: Questions for Mr. Hogue and Ms. Porter?

CHAIRMAN ALEXANDER: Just a brief comment.

Ms. Porter, when you made the suggestion on the non-driver's license ID, that's one of the things that we're already looking at, trying to get some resolve to that.


DIRECTOR ROSA: Jason, do you see the certificates of relief of disability helping those individuals that are not seeking some form of professional license, just the average individual who basically wants it because they have a presumption of rehabilitation? Does that truly make --

MR. HOGUE: Absolutely. Absolutely. OMRDD, Office of Mental Retardation and Developmental Disabilities, Office of Mental Health, Department of Health, OFSPRO -- I'm not going to try to get their acronym right -- the Office of Child and Family Services, all those agencies and that's just to name a certain few, are all required to do background checks. And if you have a criminal
record, they will and, in certain cases, must
deny people employment.

However, I do these background checks on a
daily basis with these agencies and if there's an
existence of a certificate, then the probability
of that person getting that employment -- and
these are not licensed jobs. We're talking about
janitors, cooks, certified nurse's assistants,
home health care aids. We're talking about
thousands upon thousands upon thousands of jobs
that are entry-level, good-paying and lead to
somewhere. All those jobs, if the individual has
the certificate, I would say the probability --
unless there's a direct relationship or there
really is an unreasonable risk applied, those two
exceptions, unless those two things exist, even
where there's direct relationship, I would say
where people have gotten certificates, I have
been successful in getting those people through
the background checks, and they are employed,
paying taxes and are doing a good job.

DEP. COMMISSIONER BYRNE: Further questions?

DIRECTOR FITZMAURICE: Jason, with the
certificates of relief, is there any particular
impediment that you see based on your work every
day in them getting that?

MR. HOGUE: Lack of knowledge. Simple lack
of knowledge. We're talking about a law that's
been on the books since the 1970's. And I'll
tell you a real quick kind of funny -- when I
first came to this job in Upstate New York, we
called around to all the courts, all the town and
village courts. I called and asked them for an
application. My favorite response was the clerk
said, "Heavens me. Why would you want to get off
disability?"

These are the places that are supposed to be
advising individuals that "This is how you do the
application." They simply don't know. The
courts simply don't know. And then individuals
certainly don't know that these exist.

DIRECTOR MACCARONE: Just a suggestion. You
should check our web site. We have 20 questions
and answers on certificates and application on
the public web site.

MR. HOGUE: Yes, and I do use that. And I
use that to advise my clients. It is very
helpful. But you have to remember many of my
clients are not going to be accessing the
Internet for those, but it is very helpful. I do
use that.

DIRECTOR ROSA: Parole also has the
application.

MR. HOGUE: Yes.

DEP. COMMISSIONER BYRNE: Any further
questions?

(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you very
much, folks.

If Margaret Mayk will replace Susan Porter
and Jason Hogue. We'll now turn to Stephen
Chinlund. Welcome.

MR. CHINLUND: It's more than an honor to be
here today. It's an emotional experience for me,
because for 40 years, I tried to get prison and
parole together and here you are doing it without
any help from me sitting side by side and
actually looking happy about it. So I'm really
thrilled.

Welcome, Chairman Alexander. It's a
pleasure. I've been working in the prisons of
New York State since 1963 as superintendent of
the first work release prison, Taconic; as the
first Senate-approved chairman of the Commission
of Correction and, most of all, as the founder of
the Network Program. And though I am retired, I
continue to meet with individuals, visit them
inside, go to meetings, group meetings of
Network, seven upstate in the prisons and four
reentry meetings.

I'm not going to repeat testimony that has
been very eloquent today. I'm just going to
focus on a couple of points -- well, more than a
couple. One, I hope that the state prison system
could get pre-release -- pre-sentence reports
from the courts. I know it's a tangle, but it
would be helpful as you try to do pre-release
planning to include family and churches and
agencies that have been involved at the time of
conviction.

I also hope the College could be greatly
expanded. Others have been wonderfully eloquent
about that today. Official social services
started the Bard Prison Initiative and the
College Initiative for those seeking college on
the outside after release. It has a huge ripple
effect and I volunteer to help lobby for the
restoration of TAP and for the restoration of
Pell at the federal level. I really believe in
both and I believe both should be modified for
prisoners, because one of the things they shoot
at is the, quote, excessive amounts that were
spent per student. That's something that you all
know about and that can be corrected.

GED preparation would have to be expanded if
college is more widely offered inside, because
there'd be more interest and motivation for that.
I believe vocational training should be
significantly broadened even with 10,000 inside.
I think more can be done.

Super max prisons, I believe that more ways
of helping prisoners get back to the general
prison population and the public generally
understands, but I certainly believe that there
could be more visits if formerly incarcerated
people were trained and supervised in that job.
Finding mental health professionals way upstate
in the woods is a very, very tough job, but
supervision over people who would have some human
conversation with the men and women inside would
be great.

I also would favor, as I know others of you do, the removal of the steel doors. I think it's not necessary for security. Start with open bars and then if they can't handle that, go to plastic, but being inside a steel box is not something we need to do.

That leads to the vast problem of mental health and I'm thrilled that there seems to be in the pipeline some significant new resources to address that very complex problem. But I believe it's a pre-release -- it's a reentry problem ultimately, because they are coming back.

I would favor legislation that would require parolees who need prescribed medication to stabilize mentally on the outside, to have that as a condition of parole and be returned to prison if they fail to do so.

Family programs are so important that I hope there could be a day like today that would focus entirely on family.

And I cannot leave this list without including the importance of network and other self-esteem programs. Ideally, officers would be
more involved than they are now and that would require more training for involved staff, especially security staff. But I'm very happy we have present a teacher of network leaders on this panel and hope that the 13 percent recidivist rate for network after five years is something that could be acknowledged with increased funding.

So parole for the past 45 years has been a great puzzle indexation for me. I came here prepared, and I'm still ready, to say that I would endorse the creation of a new civil service title of Reentry Specialist with the appropriate senior and so on, but I also want formally to acknowledge that I believe parole has very unfairly been a whipping boy since I first came into the system.

Governor Pataki was not the first to blame Parole when a parolee committed crime. There has to be a new way to have really tough strong support for parole officers who happen to be the ones in charge of somebody who commits a new crime. The same is true, by the way, of probation. Both should be greatly expanded. I
would be happy to pay more state taxes myself if
we could double the size of the parole staff or
create the Reentry Specialist, because taking
cheap shots is easy. Finding good new practice
is difficult.

But there is a revolution across the United
States looking for good effective parole and
probation practice, and I would hope there'd be
somebody on the parole and/or probation or DCJS
staff that wouldn't have any other job except to
check out what's being done across the country,
because there's good new work happening. And the
defensiveness of a demoralized staff buffeted by
decades of abuse is a huge challenge, but it's a
challenge, I believe, that can be met by the
resourcefulness of Chairman Alexander and
Executive Director Rosa. It's something we just
have to do; otherwise, all our talk of reentry
winds up going into the wind.

I propose that there be a new way of
cooperating with private agencies, many of whom
you've heard from today, that would make it a
more competitive process. I'm ready for Network
to compete with other agencies, get a public
contract. We've had a public contract with Parole up til Pataki. We should have one again either with Parole or DCJS or DOCS. But then let us compete and let us see how we do with other agencies who have a comparable cohort working with them. I know it's complicated, but I think it's better than the RFP system where essentially contracts are awarded according to the performance justifying getting the contract rather than the track record. We can make it a tighter kind of accountability if we frame the race in a comparable way.

I believe in the practice of returning people to prison for technical violation, but I would hope very much there could be more streamlining of weekend, week-long, month-long returns. It's a big headache for DOCS, but there just has to be a way that that can happen so that we don't come anywhere near the California problem of having these enormous time indebtedness to the system for people guilty of technical violations but it's very important to do. And if there were a way of measuring parole officers, it wouldn't be about technical
violations that I'd be interested, it would be
re-conviction for a new crime.

And if it can be helpful to avoid
re-conviction for a new crime to have a technical
violation here and there for a week or a month or
a year rather than do a whole more five or eight
years, that's something we really need to do.

The cruel problem of housing has been
mentioned many times and there have been
wonderful representatives here today of doing
excellent housing programs. The problem trumps a
lot of good programs. A parolee could have done
everything right in prison, have a wonderful PO,
have a job, so and so, but if he does not have a
fairly safe, clean place to live, all the rest
can be wasted.

So returning to a question of Patricia
Fitzmaurice, I believe that the reference earlier
to mixed use housing is a possible way out,
because certainly, low income housing in New York
increasingly horribly gentrified my home town,
place of my birth. We need low income housing
anyway. So if there could be some help for
parolees along the way, that would be wonderful.
Probation and alternatives to incarceration, we all have the good fortune to live in the era of Chief Judge Judith Kaye. As you know, she has quietly with wisdom, diplomacy and knowledge of law and access to her courts created an entire alternative system of criminal justice. And I hope we can hear more from Mr. Siegel in a few moments about that, but I'm going to finish in my minute.

I wish to stress the importance of the need to help re-entering people believe that they are worth bothering with. My experience since 1963 has been that people in prison view themselves with despair and contempt. They need help if they are to understand that they are important. All the help in the world, housing, jobs, families, et cetera, does not keep a person from committing new crimes if he or she believes that he is garbage or worse. And if you penetrate the bravado, I believe that's what's underneath.

We're living in a racist society, a society that values money above everything else, presents an enormous challenge for the individuals who are the subject of this hearing. Network is only one
of the programs designed to help people in prison
gain a sense of their own value. If we are to
reduce the rate of re-conviction for new crimes,
there must be an expansion of those programs.

I know that’s a lot of money we’re talking
about if all these things were to happen, but I
believe people would be ready to do it if they
thought it was well spent.

Lastly, permit me to say how sorry I am that
the church has failed to soften the lust for
revenge in our society. If the entire system
could focus on the mending of the torn fabric of
society rather than exacting pain from the one
who tore it, we would be a long way toward a
healthy criminal justice system. Thank you.

(Applause.)

CHAIRMAN ALEXANDER: Mr. Chinlund, when you
spoke of having a reentry person, were you
talking within the agency level or as a separate
stand-alone individual?

MR. CHINLUND: Oh, a reentry specialist?
No, I was speaking about as a new person
Commissioner Fischer has not asked for but would
be working within the Department of Corrections,
because it would be an augmentation of the institutional parole officer since there is so much acknowledged richly here today that has to be done long before release.

CHAIRMAN ALEXANDER: Let me just indicate and I'm certain we're happy to say today that we've started that whole reentry process within parole and we do have a statewide coordinator for reentry. That's Ms. Goodman that's seated over here. And we have Pat Fitzmaurice who's our upstate coordinator for reentry services. We have Elizabeth Wilk over here who's our project manager for reentry services in Erie County and that's just the start of it. We're building a work force separate and distinct from the rest of our work force to deal with issues relating to --

MR. CHINLUND: That's wonderful.

CHAIRMAN ALEXANDER: -- both inside the institution and in the community.

MR. CHINLUND: Music to my ears. Thank you, Mr. Chairman.

DEP. COMMISSIONER BYRNE: Further questions?

(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you, Mr.
Chinlund. If Donna LaTour-Elefante could replace Mr. Chinlund. We'll turn now to Margaret Mayk.

MS. MAYK: Thank you. First, I'd like to begin by thanking you for the experience of this open forum today, for your openness and questioning of us and bringing us together. I'm very grateful to be able to be here to represent Step by Step of Rochester. I also am a member of the Monroe County Reentry Task Force and it's nice to be here with some other members.

I want to start with the closing remarks that we just heard, exacting pain from the one who tore it, rather than exacting pain from the one who tore it. The one who tears has been torn first. Every woman and man in prison is an unhealed torn wounded individual, and I believe that we all believe that.

The reason I wanted to start with those words is that Step by Step is an organization that was founded 15 years ago by myself and Dr. Patricia Merle. She's got a doctorate in social work. And we work with women at Albion State Prison and at Monroe County Correctional Facility and we're training a team of women right
now to work in the new county facility down in Allegheny County. It's quite a ride once a week.

The basis of the work at Step by Step is about healing, and that's why I wanted to start with that quote. We run workshops that we call life history workshops. There's seven different eight-week sets, so it's like fifty-six weeks of them. Plus, we have a parenting program that's twice a week for eleven weeks, so it's a twenty-two-session parenting program held out at Albion only. Well, that's no longer true. We only used to do it at Albion. Now, we do it in the community as well.

We've grown from two people to a staff of seven and a very dedicated, hard-working board of ten members, governing board. They work Pat and me to death and we drive them nuts, because they're trying to get us to become administrators and fund developers and that sort of thing.

The heart of Step by Step is that there are hundreds of thousands of men and women incarcerated. We work with individual women in small groups or large groups, groups of 20 to 25 to 30, at Albion. And the model that we use is
life history. It's reflecting on the women's own life experiences whereby they learn, first of all, how to reflect; secondly, how to get in touch with and admit to some of the sources of pain in their life, which they don't want to admit to because they don't want to be vulnerable; how to see how they have perpetuated those patterns in their own adult choices in their lives.

In the process, each woman is working on her own life history, not on somebody else's. And so the only feedback they give to each other in the group is that we give them little post-its and they get to name a one-word strength about a woman who has just shared her written reflection from her homework on a piece of her life.

They are learning to break their isolation. They are learning to trust. They are learning that they are not alone and they are not the only ones that this has happened to. They are learning cause and effect. They are learning what Richard Langone mentioned this morning:

Restorative justice means that we must make the folks see what they have done, see the
consequences of the pain that they have caused
and see that they can make different decisions.
I don't want to spend too much time on that, but
that's my passion, as you can tell.

We also work with women after they come out.
We work with our own women. We have support
groups. We have workshops in our office space,
in our meeting space at work. So we continue to
run the life history workshops after they come
out.

We have been asked to work in the community.
We have been asked to work in treatment centers,
Catholic Family Center treatment, outpatient
treatment program. Thank you very much, Carl
Hatch. We have a contract with them and so we
work once a week with their women in phase one.

We have done work with, not currently but
have done work with Unity Health, and the reason
I mention this is to demonstrate the credibility
of the program. Unity Health, Daisy Marquis
Jones residential treatment program.

And we are currently working with -- we have
worked with Monroe County Family Treatment Court.
The funding was lost and they're working on
getting it back for us. When a mother is found
to be negligent and the judge finds that that
negligence is because of addiction, they are put
into family treatment court in Monroe County and
so we do part of that training. It's life
skills. They learn how to look at the storms
that they've weathered in their lives and they've
learned how to see the strength and the potential
that they have.

I think this is an enormous hole. I think
it's a link that is very much needed in the chain
of services to be offered. And the most recent
contract that we got kind of demonstrates that.
ROI, Rural Opportunities, Inc., and Tempro, a
local nonprofit organization, have a housing
program for homeless women and children. Two and
a half out of the first three years -- they asked
us to come in as a team to replace the service of
a single social worker, because they wanted our
programming, because a roof over the head and a
job that doesn't pay much is not going to
stabilize family.

What I would ask of you is -- well, the big
news is we have just found out with the help of a
little nudge from a conversation down here a couple months ago, a month and a half ago, we just found out that the state through the office of Dr. Paul Crockin, the state records of the recidivism rates for women after three years of release is -- the normal rate is 30 percent and for Step by Step graduates, it's 20 percent, which means we have reduced that rate of recidivism by one-third.

We want to work with Parole. Parole would like to work with us. We don't have funding and we can't give away our services anymore. We're like Mary Sprague from this morning.

I would ask you to consider: Women affect families. They determine the moral fabric in their families, in their children's lives, or they can. It will be torn or it will be repaired. I would ask you to consider them with equal high risk value as others coming from prison. Thank you.

DEP. COMMISSIONER BYRNE: Questions for Ms. Mayk?

(No affirmative response.)

DEP. COMMISSIONER BYRNE: Thank you very
much.

(Pause in the proceedings.)

DEP. COMMISSIONER BYRNE: Thank you all for being patient and being here at the end of the day to help us. We'll turn now to Donna LaTour-Elefante.

MS. LATOUR-ELEFANTE: I also want to thank you for persevering as a captive audience today. It's been a long day for you as well.

I am the executive director and founder of the Family Nuturing Center of Central New York. We've been around for about 18-plus years and one of our core values and our basic core value is that a family systems approach is necessary for positive change over time.

The power of transformation is a possibility only when family members are empowered to grow and heal together. Criminal justice-involved families are served at the Family Nuturing Center through case management services funded through DPCA and a program called Project Step.

I'd like to introduce Margaret Kojak who is our director of services who's also the supervisor of that program to tell you more about
MS. KOJAK: Project Step has two case managers and myself as supervisor. And one of the things that we find that is really essential more and more is to work with the whole family. I had a case and my case managers are still working with this case. It was a mom and a dad who both had some criminal involvement. We had to work very intensely with them, and you'll find out why in just a minute. And the goals of Project Step is that we need to have them employed, we have to do parent education and we have to have stable housing before we can close the case and get paid.

So we work very hard, because this is a performance-based grant. So we worked very, very hard with this family. This family, both mother and father, now are employed. They have stable housing. She is 18 years old with triplet boys. We had to also work with grandma, because children were in foster care and grandma did not really want to do parenting the second time around. So we convinced grandma that, of course, you're a young grandma, I mean, this will keep
you young, three babies.

I did a home visit and it was really overpowering to walk into that family room and see three young babies in their walker and I thought, well, I don't know, I don't know if I'd put my money where my mouth is working with these three, but she did; the grandmother and grandfather took the grandsons. We got them out of foster care, gave us time to work with the parents and, now, the goal is -- and it's coming very close -- that the young parents with the support of family will be employed, will have housing and their three sons will be living with them.

But it took a lot of work and with very little resources -- a lot of resources, but a lot of money to back this up. So it is really -- what I'm finding is our clients that are getting out of prison, they do want to either get back and have a relationship with the whole family or they do want to have a relationship with their children.

So it is really important, you know, that we do work with the whole family. It is also
important -- we want to work with Parole. We
have the grant. It will not cost Parole any
money to work with us and, somehow, I have to
maybe -- we have to find out how that can be
possible. I'm not a parole officer. I'm only
there to help parole officers serve their cases
and help ease their job, because we do the home
visits. We go and we go down to social security.
We take them to medical appointments. We
transport them to programs.

Our goal is to go in, work with them
intensely, empower them and step back so that
that they can now be in control of their own
life. So we have been very successful. We're
not having a difficult time in getting jobs.
That is one of our easy parts, so we're really
pleased about that. We have a wonderful program.
We're fortunate to have been able to continue
this year and, hopefully, for the next three
years, I believe, and it's been a pleasure for
you to listen and thank you for staying overtime.

MS. LATOUR-ELEFANTE: A few concerns.
Certainly, training for probation and parole
regarding the values and benefits of alternatives
in general but also restorative justice in particular. Family Nurturing Center is in a unique position where we are providers of services for families involved in the criminal justice system and also, fairly recently, we're a victim of a crime of a dishonest employee. And under the challenge of that, we chose restorative justice as a way of handling that situation. We were commended by many people in the community; however, there were some folks in the criminal justice arena who did not understand our approach to that and so there's also been some comments in the negative.

We had to consider the circumstances and we did consult with the Attorney General's Office and the District Attorney's Office and we chose to get a contract for full restitution of funds and allow the opportunity for intensive mental health treatment for the individual, which was very necessary, and also she was a single parent with a young child. So under the circumstances, we believe we did the right thing. I think down the road, that will prove to have been a very positive decision.
Also, we believe that pre-release planning is very important as early as possible, as has been said earlier today, and that includes prison family support throughout the incarceration period, including parenting education, ease of child visitation and access, ongoing communication and involvement in family decision-making.

As an example of that, we were fortunate in our area -- we have a four-prison hub situation in Oneida County and at Marcy Prison, we were able to do a pilot project using the nurturing fathers program that was taught by dads for dads in the prison system. It was actually funded through a one-time corporation grant and allowed us to invite staff from the prison to attend a five-day facilitator training, parenting training program, as well as a two-and-a-half-day nurturing fathers program curriculum training. So they had seven and a half days of training, which is pretty amazing.

In addition to that, we offered the first program in the prison facilitated by an experienced staff person from the Family
Nurturing Center but with the prison staff present and participating, sort of on-the-job training. And since then, that program continues in the prison without our involvement and that was our goal.

We had 13 fathers graduate from that program. The content of the program includes things like age-appropriate discipline, communication that is effective, understanding spousal relationships in that moms and dads parent differently so that they can sort of agree to be on the same page in talking about that; how to play with your children, because dads play differently than moms do; how to get your needs met, to recognize them and keep your stress levels low; how to express your feelings more appropriately, and just balancing work and family.

The dads create a vision statement of the father that they want to be and then the whole program is designed to get them there. And the children and the spouses are invited to come to a play session and the ending celebration, graduation ceremony. The fathers read their
vision statements to their children. There isn't a dry eye in the house, and that includes in the prison. These fathers were extremely receptive.

Some of their comments: "This program has taken my eyes off my current situation that I'm in now and on to the father I'm becoming and will be into the future."

Another comment: "I look forward to these sessions and have a chance to talk about what is really important to me."

And the third comment: "Having gone through this program opened my eyes to the importance of being a real father for my children."

Another way that we've been able to help in the prison is that there was a father in this program who had not seen his child for four years. The mother had real serious income problems and didn't have any transportation and couldn't get to the prison. So our facilitator who works in Project Step has been transporting this child to see his dad once a month since that program.

And he said when he looked in the child's eyes after the graduation ceremony and saw him
crying all the way home silently that he couldn't
refuse to offer access for this child. He missed
his dad that much.

So one of the things that I'd like to ask
for is adequate space within a prison to provide
this kind of programming that's welcoming to not
only the dads in the program but the other
spouse, the moms, and the children so that they
feel like they're comfortable and this is a place
for them to celebrate their family together.

Also, of course, training for supporting ongoing
aftercare services, because we also had a father
who came to our program who did very well, who
got a job, who took the nurturing fathers
program, who joined the fathers fellowship group
and got support.

His mother, the grandmother, had custody of
his two children but she passed away. And then
he was able with support to get custody of those
two children. Unfortunately, he was pretty
fragile emotionally and along the way, a break-up
with a relationship and then finally a false
accusation that got him involved in family court
and arrested and put into jail caused him to go
over the edge and he committed suicide in a jail cell. He hung himself. And we know that more intensive services could have really worked with this father. We did as much as we could with the limited funding and types of services that we provide, but he could have been helped, I think, beyond what he was and might still be here today. Thank you.

DEP. COMMISSIONER BYRNE: Questions?

CHAIRMAN ALEXANDER: Just briefly, you said you had some concerns or some questions as to how to access parole. There are three ladies here, Ms. Goodman, Ms. Fitzmaurice and Ms. Jiminez, can help you out with that.

MS. LATOUR-ELEFANTE: Thank you.

DEP. COMMISSIONER BYRNE: Mr. Siegel, thank you very much for your patience. If you would, please.

MR. SIEGEL: Good afternoon or good evening, as the case may be. It's nice to see so many familiar faces late in the day. Last on the calendar, but we hope we're first in your hearts anyway.

I want to thank you for this opportunity to
discuss the important issue of offender reentry.

My name is Albert Siegel. I'm the deputy
director for the Center for Court Innovation.

Previously, I was the deputy commissioner for New
York City probation for eight and a half years.

I am joined today by Chris Watler, one of
the principal planners and the first hearing
officer for a juvenile reentry project we operate
in Harlem.

The Center for Court Innovation is an
independent, not-for-profit organization that
works closely with the state court system. Over
the past decade, as Steve Chinlund has said, with
the active endorsement of Chief Judge Judith S.
Kaye, the Center has won numerous awards for
developing problem-solving courts here in New
York State.

Nationally and around the world, we've been
working with jurisdictions to spread the
problem-solving way and approach.

Problem-solving courts are designed to address
chronic issues, such as substance abuse, mental
illness, domestic violence and offender reentry,
issues that fuel crime, clog our justice system.
and diminish the quality of life in our communities.

There are six key strategies that define problem-solving courts: Engaging communities in the delivery of justice; establishing collaborative multi-disciplinary partnerships among justice system players, law enforcement and locally based organizations; providing judges and other key decision-makers with more information so that they can make better decisions; using evidence-based assessments to identify offender needs and link them to individualized sanctions; monitoring compliance rigorously to ensure offender accountability; and using data to determine whether the projects are achieving the outcomes they were designed to accomplish.

These strategies challenge courts and related justice agencies to move beyond processing cases simply like widgets in a factory. There is a wealth of evidence to document that these reforms have improved both the fairness and the effectiveness of the justice system. Researchers have documented reductions in street crime, substance abuse and recidivism
in our projects as well as improved compliance
and enhanced public trust in justice.

Seeing these kinds of results, problem-solving justice has been hailed by all 50
state court chief justices as well as the American Bar Association. In recent years, we
have applied the problem-solving approach to address the challenges posed by offender reentry.

In one of our community courts, the Harlem Community Justice Center, we've been testing the
impact of problem-solving justice in helping adult offenders on parole and juveniles in aftercare return to their communities. Today, we would like to discuss Harlem's approach to reentry. It is a model that is every day helping to transform the lives of participants, their families and their neighborhoods.

For too long, the Harlem community has been profoundly affected by crime. A recent analysis by the Justice Mapping Center of a seven-block area of East Harlem found that one in twenty males in the area are sent to prison, the highest rate in New York City.

In Harlem, the formerly incarcerated and
confined return to a community that provides few opportunities to earn a living wage legitimately, secure decent and affordable housing and receive the education, training and assistance they need to have a fighting chance at becoming productive, law-abiding members of society.

In Harlem, we are tackling these challenges head on working with our partners, the Division of Parole and the Office of Children and Family Services. Our Harlem reentry projects, the parole reentry court and the juvenile reentry network, are administrative courts serving offenders returning home to East Harlem and Upper Manhattan. They are the only projects of their kind in New York State.

In these projects, reentry begins when an adult or juvenile receives a scheduled release date. At that point, a comprehensive pre-discharge plan is prepared that focuses on risk, plans for treatment and other critical services like housing, work force training, employment, education services and family engagement. The emphasis is on ensuring a seamless transition from facility to community.
The plans are informed by comprehensive psychosocial assessments and home visits conducted before the offenders are released. Once released, participants appear immediately at our courthouse on 121st Street. There, they must appear before a legal authority who lays down the law. An administrative law judge presides at parole hearings and a hearing officer presides at the juvenile reentry network.

At the initial hearing, participants sign a contract agreeing to comply with the conditions of release and the components of the individualized service plan. A multi-disciplinary team comprised of the parole officers or aftercare workers, clinical social workers and locally based service providers then work with participants and, where relevant, their families to implement the plan and to begin the process of moving participants down the road to re-integration and productive lives.

Our service partners include the Center for Employment Opportunity, Paladia (phonetic), City Care, the Children's Aid Society and numerous smaller local and faith-based agencies that, in
normal circumstances, might otherwise go untapped.

Participants must report regularly to the courthouse where progress is monitored. Non-compliance meets with an immediate response. We also use incentives such as praise from the branch and periodic public ceremonies to acknowledge positive performance. Importantly, all of this takes place in the community where participants live, a model of service delivery that greatly improves the chances of successful re-integration.

Since its inception, the parole reentry court has enrolled more than 350 parolees. Over 220 have graduated or are on track. The juvenile reentry network has enrolled 130 young people, of which 74 have graduated or are on track, a very promising number given the historic failure rate of 75 percent for that population.

I'm now going to turn it over to Chris to talk about one of our Harlem reentry cases.

MR. WATLER: Of course, behind the numbers, there are people. I want to share a recent story. Kenneth S., a 28-year-old parolee served
15 years for second degree murder committed at the age of 14. Kenneth was released in January of this year. He was interviewed by our team twice before his release. A case manager in consultation with the assigned parole officer crafted a pre-discharge service plan. The plan was ambitious. It needed to be. Parolees typically face multiple challenges.

In Kenneth's case, he was enrolled in a specialized program for ex-offenders at John Jay College for Criminal Justice. Transitional housing was secured through a neighborhood partner and he was enrolled in a mental health counseling program. He was also referred to the Fortune Society for a variety of employment services.

Before release, Kenneth demonstrated his motivation to succeed and a generally positive attitude. The services were lined up and waiting for him upon his release. On the day of his release, Kenneth appeared at the reentry court to sign and serve his contract. Kenneth completed his job training program within three months and then found a job as a telemarketer on his own.
He now comes to the Justice Center three days a week where he gets computer training from staff. There, he meets with his parole officer and regularly appears before the judge who reviews his compliance, adjust the plan as necessary and provides encouragement.

Although he sometimes gets frustrated when things go slowly, Kenneth is making steady progress. The combination of structure and support offered by the Harlem Reentry Court has helped point him down the road to success. This two-pronged approach, rigorous accountability and a helping hand, is a hallmark of our reentry work and it's what's really proven effective with problem-solving courts on a range of justice issues.

What this case underscores is the promise that thoughtful, locally based problem-solving can play in promoting successful reentry, even in those neighborhoods where the largest numbers of offenders are returning like East Harlem.

Through assessment, pre-discharge planning, collaboration, access to readily available services, aggressive monitoring and support,
genuine progress is being made in tackling the
issues so many returning offenders confront.

Harlem's reentry work will soon be bolstered
with the advent of the Upper Manhattan Reentry
Task Force, which will be charged with
formulating a community-wide approach to reentry,
educating the public and establishing a broad
base collaborative of government agencies, law
enforcement, faith-based and community providers
to enhance public safety.

We believe that the work going on in Harlem
is important and holds great promise for the
future. For those offenders who are confined,
good practice and common sense dictate an
increased investment in community-based reentry
programs like the one operating in Harlem that
hold returning offenders accountable to
aggressive supervision while linking them to
services.

Funding community-based reentry strategies
is both cost-effective and more likely to achieve
success for individual offenders. Most
importantly, such strategies are good public
policy. We thank you again for giving us this
opportunity to speak and look forward to answering your questions.

DEP. COMMISSIONER BYRNE: Questions, folks?

MR. WATLER: I'll just add that our web site has a lot of information on it. I would commend it to your attention. CourtInnovation.org. You can find out more about problem-solving justice and the Harlem project.

DIRECTOR FITZMAURICE: Do you limit the folks that are involved in the parole reentry court? Is there a specification about the type of offender that you'll deal with?

MR. SIEGEL: When we originated the program with Parole, and because of some restrictions that were established through some federal funding that was helping support the program at that time, we were limited to non-violent drug offenders. We have since expanded the program to all matter of offenders with the exceptions of arsonists and sex offenders.

You know, we've had, as this case indicates, Kenneth S., we've had people convicted of homicide. The real issue for us and, I think, for the Division is that these are folks coming
back to the neighborhood and so if they're coming
back to the community within the general confines
of the catchment area, that's the issue and there
are parole officers assigned at the Justice
Center.

So the notion is to make the services
accessible, make reporting less onerous and more
productive and working as closely as we can with
whatever support network they bring to the table,
be it families, employers, other relatives,
friends.

There have been situations at the Justice
Center -- and I know that Felix Rosa may remember
this. One of our first cases was a guy who had
been incarcerated for a number of years, was
reunited with his family in the courthouse and it
was quite emotional. And the issue for us is
that we like to test the impact of locally based
supervision rather than having people report
necessarily to 40th Street where it's a large
waiting room and scant opportunity to spend
quality time with a parole officer.

In the environment of the Justice Center,
things happen a little differently and there are
a wealth of services located on the site at the
Justice Center that work interchangeably with the
program.

DIRECTOR FITZMAURICE: Now, in your
community, because you've been doing this for a
long time, what would you say is the largest or
the major impediment that you see to a successful
reentry?

MR. SIEGEL: Well, I've been listening very
carefully to all of the testimony and if we had
to isolate one -- they're all difficult. I mean,
employment is difficult. Substance abuse
treatment -- housing is the most difficult. I
mean, in New York City, it's difficult for
anybody to afford housing or to even access
housing assuming they can afford it. When you're
talking about people coming back largely with
limited employment skills and with a wealth of
other issues, they're not the most eligible or
attractive tenants and I think housing is the
single largest challenge that we've had to
tackle.

And with the Division of Parole's assistance
almost from the onset, we've been working closely
with Paladia which has set aside beds even for folks who do not have substance abuse problems as a way of keeping them in the community. What we wanted to do and what we've been able to tackle is keeping them in the neighborhood. We want them to avoid the shelter system for any number of reasons but not the least of which is if they enter the shelter system, they'd be moving around from neighborhood to neighborhood.

We want them to live where the service is and where the courthouse is, where their families are and so housing, I think, is the biggest difficulty. You know, we run a juvenile program and, there, we can isolate a problem, too. It's schooling. They're supposed to go back to school. The schools don't want them. Those are the kinds of problems we want to attack.

MR. WATLER: Also, the problem-solving justice is designed as a strategy to increase public confidence in the justice system. In a neighborhood like Harlem, the confidence is very low. I think what was mentioned earlier about the need to kind of publicize effective reentry as a real public safety strategy for a community
and to really shift the thinking of employers and
landlords and folks in the community, taxpayers,
that this is a good investment, that's very
important in kind of getting these programs
supported locally and helping to ease the
transition for offenders.

I really think mentoring for young people
is very important, getting young people connected
to youth development programming. The RGRN
network connects them to the Boys and Girls Club
in their community. So there's continuity even
beyond supervision when they're done with
aftercare, that they have something locally to
say, "I go to that clubhouse. That's part of my
life."

Those strategies are important. We need to
build the confidence of the community.

MR. SIEGEL: All of the services at the
Justice Center, as Chris alluded to, are
available to parolees and their families even
after they leave the program.

The last thing I want to say is that the
notice of having a judicial presence -- in the
case of parole, an administrative law judge -- is
not purely theatrical. There really is an impact
on offender behavior and offender compliance to
watch that interaction and to see how the parole
officers play off the ALJ. You know, it's
powerful to say, "If you don't do this, we're
going to bring you before the judge."

On the other hand, when the judge issues
statements of praise and encouragement, for many
of these guys, for virtually all of them, that's
not been an experience they've had very readily,
certainly in a courtroom setting, and it has a
very emotional impact. It's also emotional when
the judge reads from their journals about what
they've been doing and questions them and they
have to defend what they've written and hear from
family members about what's going on in their
lives.

That kind of interaction in that setting has
a great impact on the way people react to their
parole officers and to the conditions of parole.

DEP. COMMISSIONER BYRNE: That concludes
today's hearing.

(WHEREUPON, at 5:33 o'clock, p.m., the
hearing was concluded.)
CERTIFICATION

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.

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THERESA L. KLOS