

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

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

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

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

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

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

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

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

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

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

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

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

19 CHAIRMAN ALEXANDER: Sean, thank you.

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

1 many people as we possibly can.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 person's sentence.

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

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

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

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

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

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

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

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

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

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

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

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

24 Lastly, we developed what we call the New

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

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

24                 We think that using this model and employing

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

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

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

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

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

22 DEP. SECRETARY BALBONI: Good morning.

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

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

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

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

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

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

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

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

16 George Alexander, the Division of Parole  
17 Chair.

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

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

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

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

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

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

8 MR. ELLIS: Certainly can, absolutely.

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

11 CHAIRMAN ALEXANDER: Thank you very much.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5           Mr. LaCourt, good morning.

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

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

1 women coming out of prison?"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24          You know, people can maintain jobs, look for

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

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

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

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

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

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

24          We did a project with Parole just last year



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

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

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

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

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

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

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

1           like ready to -- more prepared.

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

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

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

24                   CHAIRMAN ALEXANDER: Thank you, Mr. LaCourt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 CHAIRMAN ALEXANDER: Thank you.

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

8 Good morning, Mr. Pollack.

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

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

1 community reentry needs of incarcerated veterans.

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

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

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

1 for the veterans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 MR. POLLACK: In terms of?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 CHAIRMAN ALEXANDER: Any other questions?

15 (No affirmative response.)

16 CHAIRMAN ALEXANDER: Thank you, Mr. Pollack.

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

18 Good morning, Mr. Martin.

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

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

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

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

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

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

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

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

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

24          Given the time constraints, I know that now

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

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

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

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

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

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

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

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

24 New York State should initiate a strategic

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

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

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

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

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

24          New York State Division of Parole should

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

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

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

24 Parole should reallocate resources and

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

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

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

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

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

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

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

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

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

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

1 resources to people in prison.

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

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

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

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

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

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

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

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

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

1 and hand in my presentation, if you will.

2 (Applause.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and so on.

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

5 CHAIRMAN ALEXANDER: Anyone else?

6 (No affirmative response.)

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

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

11 Good morning, Marsha. How are you?

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

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

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

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

13          The second is the sentencing phase is  
14          critical.

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

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

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

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

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

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

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

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

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

1 very clear and specific alternative to  
2 incarceration.

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

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

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

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

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

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

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

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

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

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

24 My sixth point is that the lifetime

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

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

24 Those of us from community-based

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

6 I'm going to turn it to Jackson.

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

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

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

24 I was given an opportunity to not go to

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

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

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

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

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

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

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

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

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

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

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

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

24           The last thing they need to hear when

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

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

16          Could you go into some detail on that?

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

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

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

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

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

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

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

23          CHAIRMAN ALEXANDER: Anything else?

24          (No affirmative response.)

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

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

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

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

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

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

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

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

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

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

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

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

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

1 her release.

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

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

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

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

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

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

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

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

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

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

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

24 As a result of these two workshops, 29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22                   CHAIRMAN ALEXANDER: Any other comments or  
23           questions?

24                   MS. DERUSHA: Any suggestions?

1                   COMMISSIONER FISCHER: Give us the packets.

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

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

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

12                   Reverend King, please.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 community.

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

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

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

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

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

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

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

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

19 COMMISSIONER FISCHER: Thank you. Any  
20 questions?

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

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

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

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

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

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

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

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

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

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

24          We do have a program in place that works

1 with them after the program of Grace House.

2 CHAIRMAN ALEXANDER: Thank you.

3 COMMISSIONER FISCHER: Any other questions  
4 or comments?

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

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

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

1 for many of the men that we serve.

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

4 Would Mindy Tarlow step up?

5 Dr. Deitch from Phoenix House.

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

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

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

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

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

1 share.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 COMMISSIONER FISCHER: Excuse me. 40,000

1 inmates were given this special mental health  
2 program?

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

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

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

11 COMMISSIONER FISCHER: Thank you.

12 Questions?

13 (No affirmative response.)

14 COMMISSIONER FISCHER: Thank you, Doctor.

15 Will JoAnn Page and Barry Campbell step  
16 forward?

17 Mindy, could you begin?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           COMMISSIONER FISCHER: Questions?

9           (No affirmative response.)

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

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

14          JoAnn and Barry, please.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24          I think that the work that the people in

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

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

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

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

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

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

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

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

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

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

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

1 scale.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11          COMMISSIONER FISCHER: Thank you.

12          Questions?

13          (No affirmative response.)

14          COMMISSIONER FISCHER: Thank you very much.

15          (Applause.)

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

19          (Applause.)

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

22          Elizabeth.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 One: Restore college prison programs.

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

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

19 Job training that is current and relevant.

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

24 Use of more registered volunteers,

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

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

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

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

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

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

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

5 COMMISSIONER FISCHER: Any questions for  
6 Elizabeth?

7 (No affirmative response.)

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

11 Please go ahead.

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

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

1 to change the numbers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           gonna pay on the inside.

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

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

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

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

19                    Any questions?

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

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

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

9 COMMISSIONER FISCHER: Thank you.

10 Will Richard Langone come forward?

11 JoyAnn, please.

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

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

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

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

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

24 Are we looking -- is that an exaggeration?

1           Are we setting everybody up to fail?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           it was.

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

7                       (Applause.)

8                       COMMISSIONER FISCHER: Questions?

9                       (No affirmative response.)

10                      COMMISSIONER FISCHER: Thank you.

11                      Mr. Langone.

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

1 victims of people that are incarcerated.

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

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

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

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

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

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

1 consequences of this.

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

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

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

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

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

24 Let me just go on here. "Close current

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 COMMISSIONER FISCHER: Questions? Comments?

5 (No affirmative response.)

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

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

12 \* \* \*

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

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

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

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

1 County but also the chair of our task force.

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

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

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

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

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

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

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

1 supervise offenders.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Many of these housing programs are not

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

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

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

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

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

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

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

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

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

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

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

24 DIRECTOR MACCARONE: Thank you, Bob.

1 Questions for Director Burns?

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

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

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

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

24 We are lucky that we have a few providers

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

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

13          DIRECTOR MACCARONE: Other questions?

14          (No affirmative response.)

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

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

1 can be ready to go. Welcome.

2 MS. JAMES'OLIVERAS: Good afternoon.

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

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

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

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

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

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

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

24                      These are people that are being excluded in

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

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

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

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

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

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

24                 Why is being part of the solution to crime

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           Pataki eliminating it for people convicted of  
2           homicide.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 MS. JAMES'OLIVERAS: Sure.

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

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

7 MR. OLIVERAS: George Oliveras.

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

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

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

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

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

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

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

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

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

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

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

1 the maps and everything else.

2 CHAIRMAN ALEXANDER: Thank you.

3 DIRECTOR MACCARONE: Other questions?

4 (No affirmative response.)

5 DIRECTOR MACCARONE: Thank you.

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

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

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

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

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

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

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

24 And so the whole goal of the therapeutic

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

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

24 So that kind of linkage is very helpful

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

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

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

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

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

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

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

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

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

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

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

1                   DIRECTOR MACCARONE: Thank you. Questions?

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

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

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

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

10                   DIRECTOR MACCARONE: Any other questions?

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

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

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

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

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

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

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

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

1 rates.

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

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

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

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

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

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

8           DEP. COMMISSIONER NUTTALL:  In prison.

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

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

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

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

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

24          So we're not going to eliminate somebody

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

11 DIRECTOR MACCARONE: Thank you very much.

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

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

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

1 practice.

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

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

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

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

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

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

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

24 We should be looking at whether or not

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

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

24 These are different ways we could be

1 thinking about and expanding the way we think  
2 about success in the programs that we invest  
3 state dollars in. I think the Occasional Series  
4 on Reentry Research, which I'm really delighted  
5 that so many of you have come to and have sent  
6 your staff to, is one way that at John Jay, we're  
7 trying to expand thinking around reentry to make  
8 sure that it's not just around criminal justice  
9 factors but that we're looking at reentry through  
10 the lens of public health, through employment,  
11 through housing, through gender and lots of other  
12 different things.

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

21 And I want to offer, just really quickly, a  
22 few examples of how we've been using the  
23 university and how other universities around the  
24 state can be helping to facilitate your goals.

1           I know that my colleague, Elizabeth Gaynes,  
2 spoke a little bit about the research that we're  
3 doing on long-termers; that is, individuals who  
4 are serving longer terms in prison for mostly  
5 violent crimes. We're engaged -- Michelle Fine  
6 and Todd Clear, two distinguished professors at  
7 CUNY, are engaged in both qualitative and  
8 quantitative analysis looking at the  
9 reintegration outcomes of people who serve longer  
10 prison sentences.

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

21           And I can tell you that in working with DOCS  
22 to come up with the research design, it was a  
23 conversation with John Nuttall who said, "Why  
24 don't we not only look at reintegration outcomes



1 Westchester County Task Force about ways that  
2 John Jay can be working to really sort of expand  
3 and enhance the goals of the task force by doing  
4 some analysis on where people come home to, what  
5 the reentry trends are in Westchester to do a  
6 mapping analysis to see where are the services  
7 that are located, where are the individuals going  
8 home, and doing matching to make sure that  
9 services are actually available to those  
10 individuals returning to Westchester.

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

21 And the vocational staff rightfully didn't  
22 know. It wasn't something that they keep track  
23 of. And I said, "Well, many of these are  
24 occupations for which people would actually

1           probably start their own businesses when they  
2           returned home.  And is there any part of the  
3           curriculum that's devoted to self-employment or  
4           how you start your own business?"

5                        So we teach someone how to plumb, but we  
6           don't necessarily teach them how they, you know,  
7           initiate that business when they're back out in  
8           the community.

9                        And so I'm really excited to say that the  
10          head of the Education Department at DOCS, Linda  
11          Holman, has been working collaboratively with us  
12          and with the Field Center for Entrepreneurship at  
13          Baruch College to enhance existing curriculum  
14          with just the addition of some modules on  
15          self-employment.

16                       So we're taking what already exists and just  
17          trying to enhance it a little bit so that when  
18          people actually participate in those programs,  
19          hopefully, it can lead to valuable employment  
20          when they get out.

21                       The last point I want to make in terms of  
22          examples is that I think that colleges can be a  
23          really useful resource for both education release  
24          and for community-based education.  As you may

1 know, education release was widely used in New  
2 York State in the 1970's. We stopped using it,  
3 though, it still exists on the books and so it  
4 requires no change in administrative policy.  
5 There are jurisdictions around the country who  
6 are using education release as a bridge from  
7 prison to the community; jurisdictions like North  
8 Carolina, Indiana, Washington and the federal  
9 prison system.

10 And it's a way for us to really sort of make  
11 sure that universities, specifically public  
12 universities who are getting public dollars, are  
13 sharing in the responsibility of prison reentry.

14 And then just my last point is that there's  
15 also a role that colleges can play once  
16 individuals are already returned home in  
17 providing education as a vehicle for supporting  
18 reentry and there are programs like College and  
19 Community Fellowship and The College Initiative  
20 that are excellent examples of that.

21 DIRECTOR MACCARONE: Thank you. Questions  
22 from the panel?

23 CHAIRMAN ALEXANDER: I just support what you  
24 say about the association and collaboration with

1 the universities and Parole in particular. I  
2 mean, it does a lot for us in determining what  
3 our population is, what our needs are and how we  
4 go about addressing those particular needs.

5 MS. MUKAMAL: We want to continue to be  
6 helpful.

7 DIRECTOR MACCARONE: Other comments? I just  
8 want to compliment John Jay on the Occasional  
9 Series, which has been really terrific for New  
10 York State, very, very inspiring. I think you do  
11 a great job. Thank you.

12 Vivian Nixon from the College & Community  
13 Fellowship, Project Reentry Grace, if you could  
14 come up.

15 At this time, Richard Cho from the Center  
16 for Supportive Housing.

17 MR. CHO: Good afternoon. Thank you very  
18 much for this opportunity to speak. I'm Richard  
19 Cho and I'm with the Corporation for Supportive  
20 Housing, although Center for Supportive Housing  
21 has a better ring to it, I guess.

22 I'm joined by my colleague, Ryan Mozer, who  
23 is also from our staff. I'm going to provide a  
24 brief introduction about who we are and what

1 we've done in working with the state and then  
2 talk about one aspect of the reentry problem that  
3 we want to call your attention to. Then, I'll  
4 turn it over to Ryan to talk a little bit more  
5 about solutions.

6 We are a national organization. We have  
7 offices in eight state offices. I'm the  
8 associate director of the New York office. We've  
9 been around for about 16 years and our mission is  
10 to help communities prevent and end homelessness  
11 through the creation of supportive housing, which  
12 is permanent affordable housing linked to social  
13 services.

14 And consistent with that mission, we  
15 basically follow the homelessness problem as it  
16 changes and over the past decade or so, more and  
17 more homeless people are people who have recently  
18 been released from correctional settings and,  
19 therefore, we've been focused a lot on the  
20 reentry problem.

21 We generally work through three different  
22 areas. We do work directly with the nonprofit  
23 sector and develop housing. We help finance and  
24 provide expertise around developing housing. We

1           also provide capacity building to help  
2           organizations. We work with many of the groups  
3           that are in the room today. And then we also  
4           work with government and provide expertise to  
5           craft cost-effective public policies.

6                     Just to give you a sense of what we've done  
7           over the years, we've worked very closely with  
8           the State Office of Mental Health, OTDA, a number  
9           of state agencies on creating supportive housing  
10          for a variety of populations. We've also worked  
11          closely with the previous administration around  
12          trying to understand the housing problem of  
13          people returning from prisons and jails a little  
14          more closely and helped the Division of Parole  
15          develop a housing directory of all the parolees  
16          in New York City.

17                    We've also mediated conversations between  
18          DCJS and the state Medicaid office with the  
19          previous administration as well.

20                    So the first thing I want to leave with you  
21          is that we extend the offer to provide any kind  
22          of assistance that you might need in helping to  
23          convene conversations with your colleagues in  
24          other parts of New York State government and

1           whatever assistance we can provide to you.

2           I wanted to call your attention to one  
3           aspect of the reentry problem. You've heard a  
4           lot today about various needs that you've seen  
5           and we're not going to repeat a lot of what has  
6           already been said, but people do need employment  
7           services, drug treatment, health care and  
8           housing. But I think the important thing I want  
9           to emphasize is that the solutions that are  
10          crafted need to be really tailored to the  
11          specific needs that people have and that the  
12          reentry problem does need to be broken down and  
13          disaggregated to better understand that.

14          The aspect that we want to talk about are  
15          the subset of people who are leaving prisons and  
16          jails in New York State who are customers of not  
17          only Corrections but also multiple institutions  
18          and who basically spend their entire lives  
19          cycling in and out of Corrections, homeless  
20          services, drug treatment and other programs and  
21          where those systems don't seem to be working for  
22          them, people we consider to be on what we call an  
23          institutional circuit.

24          We want to focus on that population for

1 three reasons; first of all, because they  
2 represent the highest levels of need among people  
3 who are leaving prisons and jails and, second,  
4 because those high needs are evidenced by the  
5 amount of costs that they use. These are people  
6 who drive up millions and millions of dollars  
7 worth of public service utilization over the  
8 course of many years and then are frequent  
9 customers of your systems as well and, third, I  
10 think, because we do have policy solutions and  
11 programmatic solutions that can work to break  
12 that cycle of homelessness, incarceration and  
13 public system usage.

14 The first group that I want to talk about  
15 are people that are ultimately frequent customers  
16 of local corrections, people who we generally  
17 refer to, for lack of a better term, as frequent  
18 flyers of jails and other public systems. These  
19 are people who basically are in and out of jails  
20 and other systems and commit low-level crimes,  
21 misdemeanors, quality of life offenses, that are  
22 basically in and out of correctional systems  
23 because of their homelessness and other kinds of  
24 chronic health challenges, such as mental health

1 issues, HIV, AIDS, chronic substance abuse.

2 In New York City, we've worked with the New  
3 York City Department of Corrections and New York  
4 City Department of Homeless Services to identify  
5 a group of people who are frequent flyers of both  
6 the jails and the homeless system in New York  
7 City. We found about 1,100 people who basically  
8 live their entire lives in and out of jails and  
9 shelters as well as other programs such as detox  
10 and drug treatment.

11 Throughout our work around the country,  
12 we've also identified that this sort of  
13 phenomenon of cycling in and out of jails and  
14 other systems is happening in various other  
15 jurisdictions around the country and as a result  
16 of that, we've done some work that Ryan will talk  
17 about in a minute.

18 I guess the best description of this  
19 phenomenon has been written by Malcolm Gladwell  
20 in the New Yorker in an article called "Million  
21 Dollar Murray", which describes an individual who  
22 racked up a million dollars worth of costs in and  
23 out of jails, emergency rooms, as well as detox  
24 programs.

1           And sort of the one message that was written  
2           about in that story was that when he was placed  
3           into a residential program linked to services, he  
4           was able to stop drinking, maintain employment  
5           and put money in the bank but that program was  
6           time-limited. When he left that, he went right  
7           back to his cycle of jail and shelter  
8           utilization.

9           The second group of people that I think  
10          might be more relevant to this conversation are  
11          people who are essentially people released from  
12          state prison on parole and who are almost  
13          directly released into the shelter system. JoAnn  
14          Page and Barry Campbell mentioned that earlier  
15          today.

16          These are individuals who leave prison, go  
17          right to the shelter system and spend a short  
18          time there and then most likely will violate the  
19          terms of their release and will end up right back  
20          in prison. And I think if you look closely at  
21          that population, you'd find that they'd been on  
22          this sort of prison to parole to homeless shelter  
23          back to prison cycle multiple times.

24          Some studies around the country have

1 estimated that about 10 percent of parolees are  
2 people who basically are on this sort of long  
3 circuit from prison to shelter and back to prison  
4 again. And we found some of the risk factors  
5 that lead to this cycle are both being homeless  
6 as well as being chronic substance users as well  
7 as mentally ill.

8           Actually, we've been able to document this.  
9 The New York State Division of Parole has been  
10 working with the City Department of Homeless  
11 Services and found that about nine percent of the  
12 single adult shelter census in New York City --  
13 it's about 700 people on any given day -- are  
14 parolees who are currently living in the shelter  
15 system and that number remains consistent even  
16 though about 200 to 300 individuals leave shelter  
17 every month.

18           So I think if you look closely at where  
19 those parolees are going, I bet a large subset of  
20 them are violating the terms of their parole and  
21 are being sent back to prison. So I think if you  
22 again looked at this problem more closely, you'd  
23 find that it's probably the homelessness that's  
24 driving their re-incarcerations and that, really,

1           this is an example of how current systems aren't  
2           working for this population.

3           So I'm going to turn it over to Ryan now to  
4           talk about what solutions we have.

5           MR. MOZER: Again, thank you for having us.  
6           It's really a great opportunity to be here and to  
7           talk to you. You know, it's a dawn of a  
8           different sort of approach, I think, and the  
9           evidence of this growing collaboration and sense  
10          of a shared responsibility, a shared solution for  
11          a shared problem is really extraordinary and  
12          promising and hopeful.

13          So the frequent users of jail and shelter  
14          initiatives that Richard mentioned was an attempt  
15          to address, in large part, this cycle of people  
16          that move back and forth between institutions.  
17          So we identified this core group of four and four  
18          jail and shelter stays and that does not exclude  
19          prison stays, although they are few and far  
20          between a lot of times historically before the  
21          period in which we looked, which is the last five  
22          years.

23          The people that hit this program are exactly  
24          the nexus of all these services that we're

1 talking about. Huge rates of substance abuse  
2 disorder and long-term chronic substance abuse  
3 disorder, an average of 14 or so stays in some  
4 sort of drug treatment over their lifetime.  
5 Homeless, of course, as well. And then we're  
6 looking at high rates of mental illness and  
7 serious mental illness that's diagnosable. And  
8 we see a lot of co-occurrence, the MICA and the  
9 chemi clients that are hitting. And they're  
10 people that are also just a little bit tough to  
11 track and they move around a lot and they have  
12 sort of clinical needs that are tough to put your  
13 finger on.

14 So the intervention was then: Let's take a  
15 hundred folks and let's try and put them into  
16 housing with services on-site that can really  
17 support them. So we received support from NYCHA  
18 and the Housing Authority was able to waive some  
19 of their restrictions to look at this population  
20 and say, "We'll make some headway here. We'll  
21 give you a little bit of room to wiggle, because  
22 we think the service is enhanced. We'll give you  
23 a chance at helping people improve their lives."  
24 And then, of course, the Department of Health and

1           Mental Hygiene and New York, New York supportive  
2           beds.

3           So what we've seen so far is that we have  
4           about 86 people in housing right now and out of  
5           that group, we have about a 92 percent retention  
6           rate in housing -- let me make sure I get these  
7           numbers right -- a hundred percent avoidance of  
8           shelter and 80 percent avoidance of jail.

9           It's sort of on a floating scale, so we'll  
10          have more information as the time goes forward,  
11          but really exceptionally promising and we think  
12          is something that not only applies to that  
13          population but applies very well to prison  
14          populations in looking at the collaboration of  
15          the same issues, the same mental health issues,  
16          the same supportive needs.

17          In addition to that, what we're looking at  
18          is expanding and continuing that program in  
19          collaboration with the City's Office of Managing  
20          the Budget. And what we would like to encourage  
21          in the next 30 seconds for you to do is to think  
22          about really reaching out to the City and working  
23          with non-traditional partners and expanding the  
24          relationships with Office of Mental Health, HHAP,

1           Housing Divisions, which is sort of to take the  
2           model that's been provided through supportive  
3           housing agreements and really targeting and  
4           focusing on reentry-specific populations that  
5           have the same needs and should be entitled to the  
6           same services. Thank you.

7           DIRECTOR MACCARONE: Questions from the  
8           panel?

9           DIRECTOR FITZMAURICE: You really struck a  
10          cord with me, because this particular population  
11          that you call the frequent flyers, we call them  
12          the full service customers in Parole, because we  
13          deal with them all the time. And they are, as  
14          you said, tremendously difficult, because they  
15          have such a myriad of needs.

16          One thing that I'm curious about, and I  
17          would be really interested in your suggestions,  
18          would be that outside of New York City, we have  
19          put out several times various RFPs for housing  
20          and in various areas of the state, no one has  
21          bid, no one, and I'm also curious as to why that  
22          would be.

23          Do you have any ideas on that?

24          MR. CHO: And this is housing specific for

1           this full service customer?

2                     DIRECTOR FITZMAURICE: For them or for  
3 almost anyone on parole who's on domicile.

4                     MR. CHO: I think the issue -- was this  
5 money for capital or --

6                     DIRECTOR FITZMAURICE: To provide the  
7 housing and case management, those kinds of  
8 things.

9                     MR. CHO: I think what we've generally found  
10 over the years is that the community of  
11 nonprofits out there have been able to do  
12 supportive housing successfully for other  
13 homeless populations, because New York State and  
14 City have a track record of providing a kind of  
15 one-stop shopping system for funding. And so  
16 through the New York, New York 1, 2 and, now, New  
17 York, New York 3 agreement, the city and state  
18 have offered capital, operating and services  
19 dollars that make it very easy for nonprofits to  
20 go up and streamline that financing to develop  
21 and provide that kind of housing.

22                     I think there's probably a couple of reasons  
23 why people are reluctant to bid on this kind of a  
24 proposal and one is the challenges that we

1 already talked about with community support in  
2 trying to site a project that's solely targeted  
3 towards people who are formerly incarcerated.

4 I think generally what we're seeing is the  
5 trend towards trying to do mixed populations so  
6 that you provide housing to other homeless,  
7 special needs populations along with the reentry  
8 population as well as other low income  
9 individuals and families as a more integrated  
10 approach. And the communities, I think, also  
11 feel like they're getting something out of it as  
12 well in the form of affordable housing.

13 The second thing, I think, is providing  
14 funding that is not comprehensive, it doesn't  
15 provide the bricks and mortar as well as the  
16 money to pay the utilities as well as to pay for  
17 social services staff. If that doesn't happen, I  
18 think it's very difficult for organizations to  
19 really figure out how to use a small stream of  
20 funding to create a project.

21 DEP. COMMISSIONER BYRNE: Do you have a per  
22 capita per year cost for serving these people and  
23 can you share it with us?

24 MR. CHO: Yeah. I think the last cost

1 estimate that was done found that supportive  
2 housing on average costs around \$17,000 a year.  
3 That includes both debt service for capital as  
4 well as operating and services cost, and that's  
5 an average. The funding that's provided through  
6 the New York, New York 3 agreement does provide  
7 about that amount of funding. So it's roughly  
8 \$17,000 per year.

9 COMMISSIONER FISCHER: That speaks also very  
10 much to the importance of the careful targeting  
11 and selecting of people that represent those high  
12 costs that use the system at high rates.

13 MR. CHO: I just want to add one thing. The  
14 New York, New York 3 agreement is the latest and  
15 probably the nation's largest investment by any  
16 jurisdiction and state in the creation of  
17 supportive housing. And I think it provides this  
18 model, as Ryan said, of how you can cobble  
19 together funding from a variety of different  
20 public systems at the state level to make money  
21 available to create this.

22 And I think while New York, New York 3  
23 doesn't necessarily serve the needs of the  
24 reentry population well, it provides a nice model

1 to replicate. So that's something to take a look  
2 at.

3 DIRECTOR MACCARONE: What are your  
4 recommendations for creating the housing for the  
5 reentry model population and what does the state  
6 need to do to do that upstate?

7 MR. CHO: Well, you know, there's already  
8 conversations at the city level that's interested  
9 in trying to see how we can build upon New York,  
10 New York 3 to create that and I assume the city  
11 government folks will want to reach out to all of  
12 you at the state level.

13 I think the first step would be to talk to  
14 your colleagues at the State Office of Mental  
15 Health who's really been leading supportive  
16 housing development in this state as well as  
17 OASAS and OTDA who also are involved in the  
18 creation of supportive housing.

19 And just in the last year's state budget,  
20 Governor Spitzer put in another \$200 million to  
21 create supportive housing statewide and so I know  
22 there's a lot of interest in trying to really  
23 take this kind of model to scale.

24 DIRECTOR MACCARONE: Other questions?

1 (No affirmative response.)

2 DIRECTOR MACCARONE: I want to thank you  
3 both.

4 At this time, we're going to call Lance  
5 Ogiste to take the next station. And we're going  
6 to call upon Vivian Nixon from the College &  
7 Community Fellowship, Project Reentry Grace.

8 MS. NIXON: Hello. I'd like to first thank  
9 this very distinguished panel and the Chair for  
10 having me here today to discuss these important  
11 issues and to commend you for paying attention to  
12 these issues and for bringing it to the floor at  
13 this level.

14 My name is Vivian Nixon. I'm the executive  
15 director of the College & Community Fellowship.  
16 The College & Community Fellowship was founded in  
17 the Year 2000. It's an organization that  
18 supports college education for women coming out  
19 of prison. We serve women in the Greater New  
20 York Metropolitan area. We do have some men in  
21 our program, but the goal of our program is to  
22 serve women.

23 In New York State, many of you probably know  
24 that the recidivism rate for people coming out of

1           prison within three years after release is around  
2           44 percent. We've been in operation for seven  
3           years as of June 30th this year. We've had over  
4           250 applicants into our program. We've received  
5           134 official students into the program. As of  
6           June 15th, 70 people will have graduated with  
7           college degrees, 14 associates, 34 bachelors,  
8           25 master's, one Ph.D. As of today, not one of  
9           those people, not one of those 134 full students,  
10          has returned to prison in the seven years we've  
11          operated. And we know where they all are. So  
12          that is a certified recidivism rate of zero.

13                 So we feel that we at least have some  
14                 solution for this problem we call recidivism and  
15                 we think that it's higher education. But we also  
16                 recognize that we could not do what we do if all  
17                 of the other organizations that we've heard from  
18                 today didn't do what they do; that if they didn't  
19                 provide opportunities for housing and for  
20                 entry-level employment and transitional  
21                 employment and for health care and drug  
22                 treatment, we know that those services are  
23                 necessary in order for us to do what we do, which  
24                 is provide the next level for people to aspire

1 to.

2 I want to talk a little bit about why we  
3 emphasize -- or why we focus on women. You may  
4 know that women, especially African-American  
5 women and Latino women, are the fastest-growing  
6 prison population in the United States. Here in  
7 New York, while women may only represent seven  
8 percent of the prison population, the population  
9 of women in prison has grown 445 percent since  
10 the 1970's. That's tremendous growth and needs  
11 to be addressed.

12 These women are often the primary caretakers  
13 of children. So for every woman you have in  
14 prison, you're talking about children that are  
15 without a custodial parent. So that's an  
16 additional need that we want to address.

17 So we exist in order to provide a deeper  
18 level of social reintegration for these women who  
19 have children in the community and we think that  
20 completing a higher education degree achieves  
21 this goal.

22 The way we do this is by offering academic  
23 counseling, minimal tuition assistance, and I  
24 want to emphasize minimal tuition assistance,

1           because our students are not looking for a free  
2           ride. What we do is counsel them as to how they  
3           can fund a college education, where the  
4           scholarships are, what tuition assistance they  
5           may be eligible for, how to save or how to  
6           finance their own college education.

7                     What we end up paying for is maybe  
8           transportation or books or some minimal  
9           assistance, but many people don't know how to  
10          access resources that are already there for them  
11          and that's what we provide, the financial aid  
12          counseling, the academic counseling that people  
13          don't always have access to.

14                    We also provide access to volunteer mentors  
15          and tutors and opportunities to form a community  
16          of other people with similar backgrounds, other  
17          women with criminal histories, other women with  
18          substance abuse histories, who are working toward  
19          a similar goal. That's hard to find. It's hard  
20          to find somebody you can talk to not only about  
21          the fact that you're having a problem with  
22          Statistics but that you're having a problem  
23          living in a world where you have to live down the  
24          stigma of a criminal conviction. You know, those

1 two worlds don't often meet.

2 So we provide that community environment  
3 where our students can talk about both of those  
4 things at the same time. It's a unique community  
5 and this community has grown over the past seven  
6 years.

7 We also encourage our students to develop  
8 leadership skills and one of the ways we do that  
9 is through my connection -- I'm also an ordained  
10 minister in the African Methodist Episcopal  
11 Church. One of the ways we develop leadership  
12 skills is through Project Reenter Grace. And  
13 Project Reenter Grace is a speakers bureau where  
14 our students who have an interest in public  
15 speaking take what they've learned in school and  
16 what they've learned in their experiences in  
17 reentry and in prison about how to transform a  
18 life and go into community-based organizations  
19 and local churches to talk about what's going on  
20 in the criminal justice system and how it affects  
21 our local communities and how churches can get  
22 involved in being part of the solution in their  
23 local communities.

24 And so because of their outreach, we have

1 more and more local churches getting involved in  
2 the reentry process. And so in that way, our  
3 students are giving back.

4 More than 70 percent of our students go into  
5 majors that put them in the human services field  
6 and they end up working often as social workers  
7 or vocational rehab counselors or in other direct  
8 service fields.

9 Our goals are, one, to help our students  
10 achieve economic independence for themselves and  
11 their families; two, to provide role models for  
12 their families and their communities; and, three,  
13 to engage them in leadership opportunities and in  
14 public service within their communities.

15 We can't deny, any of us, that in today's  
16 competitive labor market, educational attainment  
17 is not divorced from successful employment  
18 outcomes, especially when the job-seeker has the  
19 stigma of a criminal conviction.

20 According to the U.S. Bureau of Labor  
21 Statistics, employers view ability to earn an  
22 academic credential as an indicator of assets.  
23 They think if you have a degree that you have  
24 other assets, such as organizational skills or

1 other aptitudes.

2 Higher education has also been documented as  
3 a way to assess a person's strength to have a  
4 conscience as they confront moral dilemmas. In  
5 general, education leads to stronger family life,  
6 better health, the development of better social  
7 skills, all of which contribute to reduced  
8 recidivism and stronger, healthier communities.

9 The return on the investment of higher  
10 education includes many things: Increased tax  
11 revenues, greater workplace productivity,  
12 increased consumption, increased work force  
13 flexibility and decreased reliance on government  
14 financial support.

15 Higher education increases earning power,  
16 reduces recidivism and has a positive correlation  
17 with good health and overall quality of life and  
18 deep social integration for both adults and their  
19 children.

20 The positive effects of educational  
21 attainment and its ability to reduce recidivism,  
22 thereby saving taxpayer dollars and shape  
23 productive and law-abiding citizens, has been  
24 documented over and over again. But while

1 studies show that with every year of education,  
2 recidivism rates decline -- Michelle Fine once  
3 did a study that shows that rates declined as low  
4 as seven percent in New York State for women with  
5 a college degree -- the 1998 reauthorization of  
6 the Higher Education Act continue to limit access  
7 to higher education for people in prison and also  
8 limit access to higher education for some people  
9 after prison.

10 This limits programs to vocational training,  
11 transitional employment, limiting people to  
12 minimum wage jobs which often fail to lift them  
13 out of poverty. And given the enormous financial  
14 and societal costs incurred by limiting access to  
15 higher education for people with criminal  
16 records, it is my hope that the current  
17 Administration will focus attention on ways to  
18 increase higher education opportunities for this  
19 population.

20 In that regard, I have a couple of  
21 recommendations. We have to understand that  
22 while many people believe that our future is  
23 measured by our success in keeping young people  
24 out of prison, and that is partially true, it is

1           also measured by helping the people who are  
2           already in prison achieve a level of success that  
3           will model educational attainment for their  
4           children, because we know that the children of  
5           prisoners are sometimes more likely to go to  
6           prison. The data shows that.

7                     New York State should do the following:  
8           Return meaningful higher education opportunities  
9           to people in prison and upon their release.  
10          Fostering such access should be an integral  
11          aspect of the state's education policy and part  
12          of a continuum joining Corrections, Parole and  
13          Reentry.

14                    This can be done in a few ways: One,  
15          support higher education and educational  
16          opportunities in prison using the following  
17          options. You might restore eligibility for New  
18          York State Tuition Assistance Program. That can  
19          be done within the state and it can be done  
20          without legislation.

21                    Establish a limited fund administered by a  
22          gubernatorial commission to support educational  
23          programs in prison. There are educational  
24          programs that exist in prison. They're privately

1 funded. They're far and few between. But with  
2 more support from the state, there could be more  
3 of them and they could be used more broadly, the  
4 ones that are currently existing.

5 Establish a limited fund to expand existing  
6 opportunities, especially those programs that  
7 have persisted in the past decade. There are  
8 programs such as the Bard Prison Initiative, the  
9 Hudson Link program at Sing Sing, the Marymount  
10 Manhattan program at Bedford. Those programs  
11 could and should be supported.

12 DOCS could also provide appropriate space  
13 and security and technology classification holds  
14 and other reasonable resources necessary to  
15 operate successful post-secondary initiatives  
16 within the system.

17 In other words, those programs that are  
18 already operating, even with private funding and  
19 no money from the state, if you're not going to  
20 give them financial resources to operate, at  
21 least give them the physical things that they  
22 need. Give them the space that they need. Give  
23 them the holds that they need in order to keep  
24 their students in one place.

1           The third thing that can be done is the  
2           expansion of access to higher education for those  
3           in the community and this is, you know, what the  
4           College & Community Fellowship does; to consider  
5           higher education as a means for successful  
6           reentry. This could be done by reinstating  
7           educational release, as Debbie Mukamal mentioned,  
8           and it could be done by establishing a fund to  
9           support the programs that are already existing  
10          providing higher education in the community.

11          And just a brief conclusion: We are only  
12          able to serve about 45 to 50 students a year.  
13          Hopefully, we'll be moving to 75 to 80 students a  
14          year, because we've been fortunate enough to  
15          recently get a grant from the Robinhood  
16          Foundation. We get no state funding at all for  
17          our program and I have no qualm saying that I  
18          think we should.

19          As a person who directly benefited from the  
20          transformative effect of a quality liberal arts  
21          education in a program designed to help women get  
22          a college degree after release from prison, I am  
23          compelled to inspire others to take advantage of  
24          higher education by continually expressing to

1 audiences how education became a catalyst for  
2 change in my own life.

3 I represent CCF without reservation, because  
4 its mission is the embodiment of many of my  
5 personal core beliefs about higher education. I  
6 am not presenting theories that I learned on  
7 paper or statistics that I learned from reading a  
8 study. I'm telling you about what I know about  
9 real people who live real lives, who walk the  
10 walk of arrest and conviction and incarceration  
11 and reentry, some who recycled in and out of the  
12 system time and time again until one day, they  
13 were presented with the opportunity to transform  
14 their lives through higher education.

15 Some say, and I heard it said this morning  
16 when Glen Martin was speaking, that such people  
17 are exceptional people, that they're special,  
18 that they're extraordinary, that they can't be  
19 compared to the general population of people in  
20 prison or the general population of people in  
21 reentry. But I can say with certainty that these  
22 are not extraordinary people.

23 I can say with certainty that when I  
24 enrolled in the College & Community Fellowship as

1 a student two weeks after I walked out of Albion  
2 Correctional Facility, I was not an exceptional  
3 person. I was just an ordinary person facing the  
4 ordinary challenges of reentry, but I was given  
5 an extraordinary opportunity and I took that  
6 extraordinary opportunity and turned it into an  
7 extraordinary hope.

8 And I'm hoping that we can cooperate somehow  
9 together to offer that same hope to many more  
10 people. Thank you for giving me over my 10  
11 minutes.

12 DIRECTOR MACCARONE: Thank you very much.

13 (Applause.)

14 COMMISSIONER FISCHER: Vivian, when you said  
15 Tuition Assistance Program, you're talking about  
16 TAP?

17 MS. NIXON: Yes.

18 COMMISSIONER FISCHER: You said we did not  
19 need legislation? Please explain that.

20 MS. NIXON: From the research we've done,  
21 and I would like to give credit to the people  
22 I've been working with for the past year or so,  
23 and that's Correctional Association of New York,  
24 Bard Prison Initiative and Prison Reentry

1           Institute at John Jay, we've been working on this  
2           issue for the past year, researching it and we  
3           believe that since it was taken away with the  
4           stroke of the Governor's pen that it can also be  
5           restored the same way.

6                   ASST. COMMISSIONER DELMONTE: I have a  
7           question about your program model. Do the women  
8           that have participated in that program, is there  
9           another aspect of mentoring or re-involvement in  
10          the prison system for those women that have gone  
11          through the program, participated and are  
12          successful?

13                   MS. NIXON: I'm not sure I understand the  
14          question.

15                   ASST. COMMISSIONER DELMONTE: The people  
16          involved in the program or have completed it,  
17          through their education, is there a mentoring  
18          aspect involved where they would be involved with  
19          other programs for women who are incarcerated?

20                   MS. NIXON: Oh, many of our graduates serve  
21          as mentors for our new students coming in and  
22          those -- at least 70 percent of our graduates, we  
23          know, work in service agencies throughout New  
24          York City. Many of them work for some of the

1 agencies that were represented here today.

2 So, yes, they do work with the population in  
3 that way.

4 ASST. COMMISSIONER DELMONTE: I'm curious.  
5 Within those two weeks in your own experience,  
6 how did you find out about this program?

7 MS. NIXON: I didn't find out within those  
8 two weeks. I found out before I ever left  
9 Albion. It was a new program at the time and  
10 they were doing recruiting at all of the women's  
11 prisons. So I happened to get a brochure before  
12 I was released. We stopped doing recruiting in  
13 2003, because we didn't have the capacity to  
14 serve the number of women that were demanding our  
15 services. We're going to start recruiting again  
16 over the summer, because thank God, we got a  
17 grant from Robinhood that's going to allow us to  
18 accept more students in the fall. But we stopped  
19 recruiting for a while, because we couldn't  
20 handle the demand.

21 CHAIRMAN ALEXANDER: I agree with you  
22 wholeheartedly that education can help reduce  
23 recidivism. In fact, I'll go so far as to say  
24 education can help reduce criminality. Many of

1 the folks in our system are in our system because  
2 they couldn't conquer the educational system.

3 How do you reach out and address those  
4 individuals that don't have the wherewithal  
5 academically to succeed in higher education?

6 MS. NIXON: I'm going to ask you to repeat  
7 the question, because I need to understand what  
8 you mean when you say don't have the wherewithal  
9 academically to --

10 CHAIRMAN ALEXANDER: They've been a product  
11 of a failing school system, first of all. So,  
12 therefore, they can't succeed, because the school  
13 system primarily has failed them and so they  
14 don't have the wherewithal to make it in higher  
15 levels of education.

16 So how do you prepare them? How do you  
17 reach out and get them so that they become  
18 successful in higher education?

19 MS. NIXON: Let me just say that we did a  
20 three-year evaluation of our program funded by  
21 the 42nd Street Fund and 66 percent of our  
22 students never got a high school diploma. They  
23 got their GEDs in prison. So these were not the  
24 cream of the crop. These were not extraordinary

1 people. These were very motivated people who  
2 just got an extraordinary opportunity. And some  
3 of them started out with remedial courses. Some  
4 of them, they didn't go to the best schools.  
5 They didn't go to Columbia or NYU. They went to  
6 community colleges. They went where they could,  
7 but they got a degree.

8 CHAIRMAN ALEXANDER: And what do we do with  
9 the other 44 percent?

10 MS. NIXON: I'm sorry?

11 CHAIRMAN ALEXANDER: What do we do with the  
12 other 44 percent? You said 66 percent were  
13 successful.

14 MS. NIXON: No, I didn't say 66 percent were  
15 successful. I said 66 percent never got a high  
16 school diploma. They only got a GED. The other  
17 44 percent were high school graduates.

18 DIRECTOR MACCARONE: What did Abraham  
19 Lincoln say? "The most powerful outcome in life  
20 is the power to succeed."

21 MS. NIXON: That's correct. I just want to  
22 give -- Glen Martin just gave me a note that's  
23 very important, because I don't want to leave you  
24 with the wrong impression. Apparently, we did

1 find out it does require a legislative fix to  
2 restore TAP. I'm sorry. I didn't want to  
3 mislead you.

4 DIRECTOR MACCARONE: Thank you very much.

5 Would you introduce yourself? I know you're  
6 from the Kings County District Attorney's Office,  
7 the office of Charles Hynes.

8 MS. SEAWOOD: Yes. Good afternoon. My name  
9 is Vonda Seawood. I'm from the Kings County  
10 District Attorney's Office ComAlert Program.

11 First, let me say I think this is an  
12 extraordinary event just to have everyone here to  
13 address the reentry process that is really an  
14 intricate part of the reentry process, because a  
15 lot of the CBOs have been doing this for years  
16 and having once worked at a CBO, I know how  
17 important this is.

18 Today, I would like to talk to you about  
19 ComAlert, which stands for the Community and Law  
20 Enforcement Resources Together, and how its  
21 strategy of collective integration amongst our  
22 agencies can have a beneficial impact upon our  
23 program's short- and long-term goals.

24 Our reentry program, created by Kings County

1 District Attorney Charles J. Hynes, aims to  
2 ensure that individuals being released from  
3 prison successfully transition back to their  
4 Brooklyn communities and attain the goals of  
5 self-sufficiency, sobriety and civic  
6 responsibility.

7 The successful reintegration of these  
8 parolees, many of whom have children, is  
9 absolutely vital for the social well-being of our  
10 neighborhoods. If parolees return to the  
11 communities without appropriate supports in  
12 place, the rates of drug use, criminal recidivism  
13 rise. The physical and mental health of parolees  
14 deteriorate and the parolees' families and  
15 communities suffer.

16 In 2000, District Attorney Hynes launched  
17 ComAlert, the nation's first prosecution-ran  
18 reentry program to provide substance abuse  
19 treatment as well as employment, health care and  
20 educational assistance to Brooklyn's formerly  
21 incarcerated individuals.

22 Over the years, the program expanded and in  
23 2004, it moved to its present location at 210  
24 Jerolomen Street in Brooklyn. ComAlert has

1           demonstrated that when law enforcement and social  
2           service providers collaborate to monitor a  
3           parolee's reentry into his or her community and  
4           coordinate to deliver critical social services,  
5           especially substance abuse treatment and  
6           employment assistance, criminal recidivism rates  
7           drop and employment rates increase.

8           Primarily, research has shown in reference  
9           to ComAlert that 21 percent of the program  
10          graduates are re-arrested within two years of  
11          their release from prison as compared to 59  
12          percent nationally. Additionally, approximately  
13          50 percent of ComAlert clients are unemployed  
14          when they enter the program; 26 percent are in  
15          transitional employment, and only 19 percent have  
16          full-time non-traditional employment. Upon  
17          graduation, the employment status of these  
18          individuals change dramatically: 18 percent  
19          unemployed; 32 percent have transitional  
20          employment and 37 now have full-time position  
21          that is not in the transitional phase.

22          The ComAlert staff and out-service provider  
23          partners represent a vast array of experience in  
24          both administrative and direct entry services and

1 are exceptionally well-informed of many of the  
2 practical applications of relevant policies and  
3 procedures utilized by most of the agencies  
4 represented here today. This experience has been  
5 a valuable and has identified certain  
6 administrative and procedural service barriers  
7 that, once removed, will enhance the programmatic  
8 success that we have thusfar enjoyed and allow  
9 our counselors to more fully address and recently  
10 released consumers who certainly wish to have a  
11 positive difference in their life.

12 Three important areas that we wish to  
13 highlight for your consideration are as follows:  
14 First, reentry preparation must begin from the  
15 moment individuals enter the penal institution.  
16 During a recent teleconference and a recent  
17 attendance at the Fishkill Correctional Facility  
18 Resource Fair, our staff spoke to inmates who  
19 expressed that they thought that reentry should  
20 take place immediately upon their entering into  
21 the prison system, not late into the  
22 incarceration period and sometimes not addressed  
23 until 90 days before the release.

24 As we all know, repetition facilitates

1 change for each person. If a cognitive behavior  
2 method can be implemented in regular programming  
3 early on during an inmate's incarceration period,  
4 it will greatly enhance the internalization  
5 process of essential learning skills, including  
6 proper decision-making. Upon release, the  
7 parolee will then be better prepared to come into  
8 the mainstream with a more comfortable attitude  
9 in applying these traits.

10 ComAlert ensures that parolees receive  
11 services rapidly often within the first few weeks  
12 or less upon their release. As we all know,  
13 parolees are required to report to parole 24 to  
14 48 hours and at that time, in Brooklyn, we have  
15 our pre-release assessment process take place  
16 alongside of parole's access center staff.  
17 There's a ComAlert counselor there ready to  
18 interview. They develop a psychosocial  
19 assessment which provides the basis for any  
20 future reentry planning and treatment.

21 ComAlert can then build upon the ingrained  
22 positive behavior patterns acquired during  
23 incarceration by immediately exposing the parolee  
24 to key components of a service plan that will

1           soon become second nature and lead to more  
2           successful reentry results.

3           Second: Studies have shown that recidivism  
4           is reduced when inmates receive a higher  
5           education while incarcerated. As a result of  
6           having received a college degree, ex-offenders  
7           released into the community will have more  
8           employment prospects and will be less likely to  
9           need financial assistance from the government.

10           From a law enforcement perspective, we know  
11           that a parolee who concentrates on improving his  
12           or her education and vocational marketability is  
13           more likely to become a community asset rather  
14           than a recidivism statistic. Free higher  
15           education programs involve credit-bearing  
16           courses. Coursework has been removed from most  
17           of the New York State correctional facilities.  
18           There is an immediate need to access college  
19           education alternatives for eligible parolees who  
20           wish to enter the education arena. The state  
21           must fund that aggressively targeting the parole  
22           reentry population. This is a sound future  
23           investment not only for the parole individual but  
24           the community at large.

1           Many of the inmates participate in hands-on  
2           vocational training that are sanctioned by New  
3           York State Department of Labor while  
4           incarcerated. These programs allow them to  
5           substantially increase their marketability in a  
6           number of vocational areas. Upon completion,  
7           they use and receive a certificate issued by the  
8           correctional facility. In order to utilize these  
9           certificates more effectively, the certificate  
10          should read New York State Department of Labor as  
11          opposed to New York State Department of  
12          Corrections.

13                 Attempting to re-enter the work force with a  
14                 criminal record is challenging unto itself.  
15                 Certificates saying New York State Department of  
16                 Correctional Services just raise more questions  
17                 for the parolee to have to answer instead of  
18                 winning over the prospective employer.  
19                 Certificates certified and/or issued by the  
20                 Department of Labor will greatly assist in the  
21                 necessary reinforcement of the rehabilitation  
22                 effort.

23                 Finally, ComAlert's wrap-around services  
24                 involve understanding the needs and efforts that

1 family play in the reentry process. ComAlert  
2 aggressively targets local community-based  
3 organizations and churches in Brooklyn who assist  
4 families and incarcerated individuals with social  
5 services. This includes our counselors assisting  
6 ComAlert consumers in dealing with family-related  
7 issues, such as child support, child custody and  
8 we intend to expand our services to family  
9 therapy. This process should begin in the  
10 correctional facility. Perhaps, a counselor  
11 could be provided to meet with family members on  
12 visiting day. Also, an information table could  
13 be set up providing literature and contact  
14 information for family members who have issues  
15 with substance abuse, housing, mental health and  
16 other concerns to help begin to build the process  
17 of a solid family support system for the inmate  
18 upon his or her release.

19 It is important to note that ComAlert is a  
20 prosecution-ran program whose first and foremost  
21 goal is public safety of the citizens of Kings  
22 County. A district attorney's office has a  
23 vested interest in successful reentry of  
24 parolees, because a reduction in criminal

1           recidivism means a reduction in crime resulting  
2           in increased public safety, the ultimate goal of  
3           all law enforcement agencies.

4           A district attorney's office is uniquely  
5           positioned to act as a lead agency for reentry  
6           programs as the office already has strong ties to  
7           its fellow law enforcement agencies. This is why  
8           it's so important for our agency to take full  
9           opportunity to learn more about each organization  
10          who has presented here this afternoon and this  
11          morning so that we can share strategies resulting  
12          in productive and more effective collaboration.

13          It would be extremely difficult to suggest a  
14          better, more cost-effective investment of  
15          taxpayer dollars than to use our combined  
16          resources in giving citizens a second chance at  
17          building productive lives while spontaneously  
18          setting the foundation for increased safety in  
19          our communities. Thank you.

20                 DIRECTOR MACCARONE: Thank you. Panel  
21          members? Questions?

22                 Could you just comment on that certificate  
23          again, the distinction between the Department of  
24          Labor and the Department of Correctional

1 Services?

2 MS. SEAWOOD: Yes. Currently, a lot of  
3 individuals who are incarcerated do participate  
4 in vocational training. Most of the vocational  
5 training, upon completion, they will give them a  
6 certificate that indicates that they have  
7 participated in X, Y and Z program and one of the  
8 things that I know for a fact having worked for  
9 the Department of Corrections as an ASAT  
10 counselor is that these particular certificates  
11 are very good to show employers, but a lot of  
12 times, you may have an individual, for example,  
13 who may have been to five or six different  
14 correctional facilities and have participated in  
15 various vocational programs. So, now, every  
16 facility that he or she's been at will have the  
17 name of that facility on the certificate, whereas  
18 most of the programs, to my understanding, have  
19 been reviewed and approved by Department of Labor  
20 to make sure that they're getting the adequate  
21 skills in order to actually put that program in  
22 place.

23 So in order to improve the rates of people  
24 being employed, if it's already approved by

1 Department of Labor, why not have the certificate  
2 say Department of Labor? The vocational and job  
3 readiness world, we do a three-minute pitch; we  
4 don't want to do three minutes of training on why  
5 the certificate says Fishkill, Auburn and  
6 everything else. How about what did we do when  
7 we participated in that program and what did we  
8 learn?

9 DIRECTOR MACCARONE: Thank you. Comments?

10 DIRECTOR FITZMAURICE: Just one. In terms  
11 of that certificate again, I'm curious, because  
12 if Corrections is actually running the program,  
13 it would seem to me that it should be Corrections  
14 on the certificate. I'm wondering: Is there a  
15 legal reason why it can't be Department of Labor  
16 on the certificate or not?

17 MS. SEAWOOD: I'm not sure what the legal  
18 reason is, but I do know that most of the  
19 programs, unless something has changed, that it  
20 is under the umbrella of Department of Labor and  
21 it usually has had some kind of overview or seal  
22 of approval so to speak by the Department of  
23 Labor or some sort of educational institute, not  
24 primarily just DOCS.

1           DEP. COMMISSIONER NUTTALL: I need to  
2 clarify something. We no longer give  
3 certificates, so it's not an issue anymore and  
4 the programs are not overseen by the Department  
5 of Labor. We have some Department of Labor  
6 accredited programs, very, very lengthy, very  
7 complicated, very difficult and a very small  
8 number of inmates involved in the program, 400 in  
9 any one time. We have 10,000 inmates involved in  
10 our regular vocational training programs. So we  
11 stopped giving the certificates for the very  
12 reason that you mention we don't want on it.

13           What we give to the inmate before he or she  
14 walks out the door is a list of all of the  
15 dictionary of occupational titles that that  
16 person has successfully learned while  
17 incarcerated. So it's a different kind of  
18 situation.

19           MS. SEAWOOD: Just to comment: So you have  
20 given a long list, but once again, when we think  
21 about reentry, people need to be able to show an  
22 employer what have they been doing for the last  
23 X-amount of years that they've been incarcerated.  
24 So some sort of recognition -- I'm not sure

1 exactly how this document actually looks that  
2 you're referring to, but there needs to be  
3 something, because as an employer, you know, you  
4 want to know what have you been doing while  
5 you've been incarcerated because, unfortunately,  
6 we live in a society that the average Joe will  
7 refer to Oz and Wire and all kinds of things to  
8 think about where our people are coming from.  
9 They don't have any idea exactly what's going on  
10 by way of rehabilitative services. So we need to  
11 try to help with removing that stigma that it's  
12 either Club Med or it's the O.K. Corral.

13 DEP. COMMISSIONER NUTTALL: Again, you need  
14 to understand what the inmate gets when he or she  
15 walks out the door is a list that specifically  
16 indicates what vocational training skills they  
17 have learned while the individual was  
18 incarcerated. The fact is learning in the  
19 Department of Correctional Services, I'm sorry,  
20 but I think we'd have a little trouble convincing  
21 the Commissioner of the Department of Labor to  
22 just rubber stamp every vocational training  
23 program that we have.

24 So, you know, I think we've addressed that

1 and I think the inmate can walk out the door and  
2 say, "Here's what I've learned," and it's stated  
3 using a federal dictionary of occupational titles  
4 that "These are the skills I've demonstrated.  
5 This is the level of work I can do." That's what  
6 we give every inmate who walks out the door.

7 DIRECTOR MACCARONE: I want to thank you  
8 very much for your testimony here today. We  
9 appreciate it.

10 I am advised Patricia Aikens will not be  
11 presenting this afternoon. So at this point, I'm  
12 going to pass the baton over to Executive Deputy  
13 Commissioner Sean Byrne.

14 DEP. COMMISSIONER BYRNE: Good afternoon.  
15 Could Kenneth Duszynski please come to the  
16 microphone and prepare his testimony? And could  
17 Seep Varma take the opposite table?

18 Mr. Duszynski, we're ready when you are.

19 MR. DUSZYNSKI: Good afternoon. I'm Ken  
20 Duszynski, the director of Adult Forensic  
21 Services for Mid-Erie Counseling & Treatment in  
22 Buffalo. I'd like to thank you all for the  
23 opportunity to speak this afternoon on the topic  
24 of reentry.

1           Before I speak on where I believe we are  
2           right now and what I believe are some important  
3           elements for the future, I'd like to speak  
4           briefly about the history of the way in which  
5           we've treated incarcerated individuals in New  
6           York.

7           The first prison in New York was Newgate.  
8           Unlike Auburn or Sing Sing, it planted no seeds  
9           for the correctional future nor did it last very  
10          long. It opened in 1797 and closed 31 years  
11          later when the new Sing Sing prison was ready to  
12          take prisoners sentenced out of New York City.  
13          Newgate, though, did represent a rejection to the  
14          approach of crime and punishment that had  
15          prevailed in the American colonies. Crime in  
16          colonial times was seen as sin. It had always  
17          been with us and always would be.

18          Since the criminal's depravity was  
19          considered as natural and as ineradicable as a  
20          leopard's spots, reformation was not the aim of  
21          punishment. Punishment was to deter the offender  
22          as well as to the crowds that gathered to watch.  
23          Loss of liberty was seldom used as punishment.  
24          Mere confinement was for paupers, orphans,

1           debtors, the debilitated and the insane.  
2           Confinement was also used to hold suspected  
3           wrong-doers pending trial.

4           Once there was a finding of guilt, it was  
5           the duty of the community to either shame the  
6           offender into acceptable behavior through  
7           branding, the stocks, the pilary, carting them  
8           through the streets to scare them and the  
9           spectators straight or to eliminate them through  
10          exile or death.

11          Newgate was ill-designed to manage special  
12          classes of offenders. Female prisoners were  
13          housed separately but not separately enough.  
14          When a Swedish nobleman visited Newgate in 1819,  
15          he was told that 40 women caused more problems  
16          than the rest of the male inmates put together.  
17          Considered an economic drain, they were  
18          carelessly governed and fearless of discipline.

19          The insane and the deranged were another  
20          group that plagued Newgate, one man thinking he  
21          had the throne of Napoleon. Newgate would  
22          gradually come to look and feel and even smell  
23          like an old-style jail. Visitors brought  
24          troubles, whiskey, tools, money and unauthorized

1 messages. Contractors for prison industries also  
2 smuggled alcohol and other contrabands to induce  
3 the convicts to work.

4 Sundays were especially characterized by  
5 obscene singing, rowdy horseplay and gambling.  
6 Insolence and idleness, filthiness and possession  
7 of shives were commonplace. And with respect  
8 to the reparation of offenders, the common  
9 perception was that Newgate, like jails of old,  
10 had become the school for crime.

11 The preceding comments written describing  
12 Newgate's functioning through the 1820's, if we  
13 correct for language and update some of the  
14 terms, we find that, unfortunately, not a lot has  
15 changed. The simple fact is that prisons have  
16 not really worked to rehabilitate anyone.  
17 Prisons serve to remove individuals from society  
18 for a period of time as a result of their  
19 aberrant behavior.

20 The challenge today, very much like in the  
21 1820's, rests in developing a system of care that  
22 deters the individual from criminal behavior and  
23 reinforces law-abiding behavior in the community.  
24 We could conceptualize this as constructing an

1 appropriate societal structure similar to that of  
2 the family, to teach and reinforce positive  
3 values of appropriate behavior.

4 As you might imagine, this is not an easy  
5 task. What we are asked to do in looking at  
6 reentry is to bring an individual with a  
7 documented history of multiple problems back into  
8 the community in a safe and productive manner.  
9 The creation of this type of structure requires  
10 contributions from a variety of community  
11 organizations and systems.

12 Dealing with the re-entering individual  
13 requires us not only to act in a rehabilitative  
14 manner but also to safeguard the rights of others  
15 in the community. This has always been a  
16 challenge in that the rights of the individual  
17 must be weighed against the rights of the overall  
18 community members.

19 That having been said, traditional social  
20 science, mental health and chemical dependency  
21 agencies as well as faith-based organizations  
22 must combine with supervising law enforcement  
23 agencies as well as family members to provide a  
24 safe and appropriate environment for the

1 re-entering individual.

2 We have had success in this area in a  
3 variety of models which we refer to as cognitive  
4 behavioral treatment. Simply put, we attempt to  
5 assist the individual in making appropriate,  
6 healthy judgments that will positively affect  
7 both themselves and other members of the  
8 community.

9 Because we are dealing in most cases with  
10 longstanding behavioral problems, these types of  
11 changes take time and must be started well prior  
12 to release. This brings the final portion of the  
13 picture together in that we must begin for  
14 planning for the release of the individual from  
15 the time they enter the correctional system.  
16 Detractors to this approach have traditionally  
17 criticized it as being soft on crime, a threat to  
18 the community in general and a dangerous liberal  
19 philosophy.

20 If done correctly, on the contrary, it  
21 represents the safest way in which to balance the  
22 rights of the re-entering individual with those  
23 of the community. It does stress, however, the  
24 need for everybody to be on the same page.

1 Communities must work together in task forces  
2 toward the single goal of providing the most  
3 humane system of care within the guidelines of  
4 overall community safety. It's a dynamic  
5 process. It really never is over. As long as  
6 the individuals are in service, ongoing  
7 assessments must be made regarding their  
8 cooperation with treatment, supervision and their  
9 families as well as the communities in which they  
10 live.

11 That brings me to my next point. The  
12 process of reentry that starts at the point of  
13 incarceration continues throughout the period of  
14 supervision in the community. Some re-entering  
15 individuals will need lifelong treatment and  
16 support. Therefore, traditional behavioral  
17 treatment governed by concepts such as managed  
18 care and the rationing of services must be looked  
19 at as outmoded concepts. We need to look at the  
20 types of these services individuals need.

21 By the time a person is incarcerated to a  
22 prison term in New York, a number of things will  
23 have happened. It can be assumed that the  
24 individual suffered from a number of

1 environmental deficits, has been exposed to  
2 violence, has been exposed to and may be  
3 experiencing some type of drug-related difficulty  
4 and has suffered deficits in the educational  
5 system. Overall, the health of many of these  
6 individuals is also compromised.

7           Given all of these factors, individuals  
8 re-entering the community need to have  
9 comprehensive health assessments performed.  
10 Problems which have been discovered prior to and  
11 during the period of incarceration must be  
12 treated appropriately. This requires individuals  
13 to be able to access appropriate health services  
14 as well as mental health, drug and alcohol  
15 treatment and counseling service as close to  
16 their date of release as is possible.

17           Also, and most challenging, is the  
18 individual's need for a safe and secure place to  
19 live. If these things are appropriately  
20 constructed, the individual successfully  
21 negotiates initial release, long-term goals such  
22 as education, work and other gainful activities  
23 can then be addressed.

24           One of the challenges of uniting our systems

1 is the sharing of information. Another paradox  
2 of attempting to do comprehensive assessment  
3 questions the rights of individuals to privacy.  
4 Comprehensive treatment planning, however,  
5 requires the availability of systems to make  
6 available to all the necessary documents in terms  
7 of assessing their current functioning as well as  
8 their past history. This also reflects the need  
9 for timely completion of paperwork for benefits  
10 and medical insurance ensuring that the  
11 individual can access services immediately upon  
12 their release.

13 In the past decade, we have seen political  
14 systems act to restrict access to means-tested  
15 indigent programs in an attempt to decrease  
16 governmental costs. Historically, these programs  
17 were put into place to assist individuals to get  
18 back up on their feet and work toward becoming  
19 independent people who positively contribute to  
20 their community. One can look at this as  
21 investment.

22 If we correctly construct reentry programs  
23 and refer individuals to necessary services and  
24 make available payment for those services to

1 community providers, we construct an overall  
2 environment conducive to success and positive  
3 change.

4 In conclusion then, what does the future  
5 hold? Clearly, we can go down two paths. The  
6 first is to continue doing business the way we  
7 have been doing it right now. This provides the  
8 community with the illusion of safety under the  
9 guise that we have unlimited resources to  
10 indeterminately incarcerate huge number of  
11 individuals.

12 The second path is a challenge. It  
13 challenges us to question traditional values in  
14 ways of doing business. It questions the status  
15 quo. It asks large and transient institutions to  
16 attempt wholesale change. It challenges us as  
17 individuals to learn different skills. It  
18 challenges us to act differently so as to  
19 ascertain different outcomes.

20 Reentry, if done properly, helps individuals  
21 to return to and become productive members of the  
22 community. In the long haul, it is both the most  
23 humane as well as the single most cost-effective  
24 way in which to deal with individuals leaving the

1           correctional system.

2           No matter which side of this argument you  
3           fall on, whether it is for human dignity or cold  
4           hard economics, reentry is a process that works.  
5           Thank you very much.

6           DEP. COMMISSIONER BYRNE: Questions for Mr.  
7           Duszynski?

8           DIRECTOR FITZMAURICE: Ken, I was just  
9           curious: You are from Erie County and I know you  
10          also sit on the Reentry Task Force there. Can  
11          you name maybe the two or three biggest  
12          impediments that you see in your particular  
13          county to successful reentry? And if you have  
14          any suggestions to how we can address that.

15          MR. DUSZYNSKI: I think the first thing that  
16          we saw and a lot of people see is just getting  
17          everybody into the same room to talk about these  
18          things. A lot of communities have a lot of  
19          different resources, but often times, we end up  
20          silent and we don't talk to each other. I think  
21          the first thing is really communication and  
22          getting everybody to drop traditional ways of  
23          doing business and looking at things.

24          The other more traditional things I think

1           you'd find are simply issues like housing and  
2           work. Both the science of behavioral health care  
3           as well as addictions tells us we can get  
4           somebody clean. We can get somebody in a way  
5           that they're going to do well, but then they  
6           have to have a life and that's where I think  
7           we've fallen short in the long haul. We have to  
8           have the next piece. You can't just be sober.  
9           You have to have a life and do something.

10           DEP. COMMISSIONER BYRNE: Any other  
11           questions?

12           (No affirmative response.)

13           DEP. COMMISSIONER BYRNE: Thank you very  
14           much. If Felipe Vargas could please take the  
15           seat here and we'll now turn to Seep Varma.

16           MR. VARMA: Good afternoon. Thank you for  
17           giving me the opportunity to be here. My name is  
18           Seep Varma and I'm the executive vice president  
19           of New York Therapeutic Communities, Inc., and  
20           also the co-chairperson of the Criminal Justice  
21           Committee of the State Association of Alcoholism  
22           and Substance Abuse Providers.

23           NYTC is a not-for-profit agency that  
24           operates substance abuse treatment programs for

1 men and women in the criminal justice system.  
2 Our programs operate both within the prison  
3 system and in community-based settings. The  
4 therapeutic community, or TC, treatment model  
5 that we use has been shown to be particularly  
6 effective in reducing substance use relapse and  
7 recidivism among criminal justice clients.

8 As executive vice president of our agency, I  
9 have direct oversight responsibility for  
10 day-to-day operation of these programs. The  
11 success of our program graduates in re-entering  
12 society as productive citizens is a great source  
13 of personal satisfaction for me and all the  
14 members of our organization.

15 The link between substance use and crime is  
16 well-established and drug and alcohol abuse and  
17 addiction are implicated in crimes and  
18 incarceration of 81 percent or some 1.6 million  
19 of the two million men and women behind bars in  
20 America. In New York State, the estimate has  
21 been higher affecting approximately 85 percent of  
22 the state's nearly 63,000 inmates. This number  
23 does not factor in many of the City inmates, some  
24 14,000, who without proper discharge planning,

1           perhaps, could be more likely to re-offend and  
2           eventually end up as state inmates.

3           It's for this reason that expansion of  
4           critical programs that provide inmates with  
5           meaningful substance abuse treatment and reentry  
6           opportunities be continued. We now have over 40  
7           years of research to demonstrate that treatment  
8           works, whether it's voluntary or involuntary.  
9           Contact with the criminal justice system is an  
10          opportunity to get substance abusing offenders  
11          into treatment. Not only does treatment  
12          dramatically reduce drug use and improve the  
13          health, legal status and employability and social  
14          functioning of those that receive services, but  
15          it also provides significant economic benefits to  
16          taxpayers in the form of reduced expenditures for  
17          criminal justice health and social welfare  
18          expenses.

19          Treatment also results in improved public  
20          safety by reducing the incidents of crime related  
21          to substance abuse. When Ron Williams, who's  
22          sitting behind me, first initiated the Staying  
23          Out Program in 1977, the concept of providing  
24          treatment for substance abuse in prison was

1           greeted with some skepticism.

2           Today, in-prison treat in general and the  
3           use of a therapeutic community model in  
4           particular is a widely recognized method of  
5           combatting substance abuse. The Staying Out  
6           Program is acknowledged as having been the model  
7           for many programs within the country, including  
8           the New York State CASAC and ASAC programs,  
9           that now offers substance abuse treatment to  
10          thousands of inmates each year.

11          Staying Out has been widely emulated in  
12          other correctional settings nationally and  
13          internationally. Since it's inception in 1977,  
14          the program has successfully treated thousands of  
15          men and women. Staying Out continues to operate  
16          at present under a contract with New York State  
17          DOCS. It is located at the Arthur Kill  
18          Correctional Facility and the Bayview  
19          Correctional Facility, which are both medium  
20          security facilities, 60 beds and 40 beds  
21          respectively. And both Staying Out programs are  
22          licensed and monitored by the Office of  
23          Alcoholism and Substance Abuse Services.

24          In addition, NYTC operates our serendipity

1 programs, which is a 50-bed and 40-bed, male and  
2 female, respectively, residential program in  
3 Bedford-Styvesant, Brooklyn which provides a  
4 continuity of care for our in-prison program  
5 graduates when they return to the community and  
6 also serve as an alternative to incarceration for  
7 people that are referred from various criminal  
8 justice sources within New York City, including  
9 Division of Parole and New York City Department  
10 of Probation. Serendipity programs are licensed  
11 and funded by the State Office of Alcoholism and  
12 Substance Abuse Services as well.

13 Additionally, our organization operates  
14 intensive outpatient treatment services for  
15 probationers in New York City who are at high  
16 risk of violation of their probation due to  
17 substance use. We operate on-site drug programs  
18 in two high risk reporting centers in downtown  
19 Brooklyn and in Jamaica-Queens that just in the  
20 second year of operation are showing very  
21 promising results and, together, those programs  
22 service about 250 clients on a daily basis.

23 It is the model of providing substance abuse  
24 treatment to inmates while in custody and then

1           having the necessary infrastructure in place to  
2           continue these services when an inmate is  
3           released that makes our program effective. The  
4           combination has proven itself over time and it  
5           has been emulated in other states serving as a  
6           national model for effective substance abuse  
7           treatment for inmates.

8                     It is for this reason, among others  
9           mentioned, that it is even more critical to  
10          continue such programs that provide substance  
11          abuse treatment and reentry services. As we  
12          know, the relationship between criminal behavior,  
13          substance abuse and mental health are all  
14          interconnected. The consideration of the role of  
15          community-based treatment providers is critical.

16                    While Staying Out was instrumental in  
17          demonstrating both the value and viability of  
18          prison-based treatment, subsequent experience has  
19          taught us that treatment for substance-abusing  
20          offenders is most effective when it's part of a  
21          broader continuum of care starting in a custody  
22          setting and then continuing, perhaps, to a  
23          residential setting and then on to an outpatient  
24          setting.

1           As an organization with nearly three decades  
2 of experience in providing substance abuse  
3 treatment to the criminal justice system in New  
4 York State, we have a number of recommendations  
5 that we would like to ask the panel for  
6 consideration.

7           One: We'd like to ask for expansion of  
8 programs such as Staying Out which provide  
9 coordinated services from a prison-based setting  
10 to a community-based setting.

11          Two: Mandate the coordination of benefits  
12 such as Medicaid, SSI and others prior to a  
13 person's release from incarceration.

14          Three: Establish a system through the use  
15 of community-based providers to evaluate and  
16 develop a continuing care plan for each  
17 substance-abusing inmate who is scheduled for  
18 release.

19          Four: Dedicate one or more correctional  
20 facilities specifically for the purpose of either  
21 providing substance abuse treatment or evaluating  
22 soon-to-be-released substance-abusing inmates.

23          Five: Provide funding to community-based  
24 service providers for programs related to

1 reentry. And I think many of those programs were  
2 others that were mentioned here today, whether  
3 that's housing, job placement, et cetera.

4 Six: Develop a broad range of services that  
5 could, perhaps, be funded through a statewide  
6 reentry initiative that would include all ranges  
7 of treatment from outpatient to residential to  
8 methadone and others.

9 Seven: Funding should be applied equally to  
10 all populations. Special populations, including  
11 women, women with children, mentally ill, should  
12 also be part of any statewide initiative.

13 Eight: Encourage the expansion of  
14 sentencing reforms that could, perhaps, include a  
15 larger number of drug offenders be diverted from  
16 incarceration in the first place and be serviced  
17 in community-based settings.

18 And, lastly, we would like to ask that -- it  
19 is our understanding that there is a statewide  
20 reentry planning initiative, a planning council,  
21 folks that are made up from the panel here and  
22 other interested parties, and we would ask that  
23 that panel be mandated to either continue forums  
24 such as like what we have here today, but in

1           addition, include community-based service  
2           providers from throughout the state that provide  
3           the services such as substance abuse treatment,  
4           job placement, housing and others that were  
5           mentioned here today.

6                     We believe that programs like ours are an  
7           effective use of state resources as they allow  
8           for long-term cost savings through reduced  
9           expenditures in many ways.

10                    I'd like to just add two comments. It was  
11           asked of one of my colleagues, Dominic Mattina  
12           from Daytop earlier today, what we could do  
13           perhaps to improve some of the in-house substance  
14           abuse treatment that exists. And I think that  
15           there are a number of things that we could start  
16           with doing, one of which would be to mandate the  
17           licensing of all of those programs by the State  
18           Office of Alcohol and Substance Abuse Services.  
19           We think that that's a valuable tool in our  
20           experience. Having that monitoring, that  
21           training, that technical assistance is helpful to  
22           our staff.

23                    Secondly, to encourage the licensing and  
24           credentialing of all the staff that work in those

1 programs, it also keeps our staff abreast of best  
2 practices, latest trends, et cetera. And  
3 perhaps, lastly, there could be more substance  
4 abuse treatment in-house than currently exists,  
5 both more contracted opportunities and more  
6 Department of Corrections-run programs. Thank  
7 you.

8 DEP. COMMISSIONER BYRNE: Questions for Mr.  
9 Varma?

10 COMMISSIONER FISCHER: If you had your  
11 druthers and I gave you a facility  
12 concentrating on drug addiction and reentry, what  
13 would be the time frame you think would be  
14 optimal? How long should they be there prior to  
15 their release to the community or parole?

16 MR. VARMA: I think somewhere between six to  
17 twelve months, and that's a very broad range.  
18 Depending on what services were being offered,  
19 that number could be fine-tuned.

20 DIRECTOR FITZMAURICE: You mentioned before  
21 the issue of the number of folks who have mental  
22 health problems as well and I know this is an  
23 age-old kind of argument, which came first. I'm  
24 always curious whether it makes a difference

1           whether someone has a mental health problem that  
2           is primary or a substance abuse problem that is  
3           primary. Does that make a difference in terms of  
4           the joining of those two treatment services  
5           together?

6           MR. VARMA: Not in my opinion, and I'm not a  
7           mental health expert. But as a social worker and  
8           someone who tends to view problems holistically,  
9           I would say that, certainly, a mental health  
10          problem in our experience has to be stabilized  
11          either through treatment or the use of  
12          psychotropic medication first and foremost so  
13          that there's a certain safety and cognitive  
14          awareness that's in place and then substance  
15          abuse treatment has the opportunity to be  
16          effective at that point. But, really,  
17          simultaneous treatment is what's required. I  
18          don't know to me anyway that it makes a  
19          difference what came first.

20          We certainly have co-occurring and dually  
21          diagnosed people throughout all of our programs,  
22          and our primary concern is to get one stable, get  
23          the mental health problem stable and substance  
24          abuse problem, for that matter, stable and then

1 provide simultaneous treatment.

2 DIRECTOR MACCARONE: Typically, how long do  
3 these offenders remain in treatment in the  
4 community once they leave the prison system?

5 MR. VARMA: If someone participates in our  
6 Staying Out program in the prison system where  
7 they remain for about nine months or so and were  
8 to go into our serendipity program, they would  
9 remain there for about the same amount of time,  
10 approximately nine months. And then they would  
11 be followed up with outpatient treatment after  
12 that, which generally lasts a minimum of six  
13 months. So some of the time frames can be  
14 tweaked, you know, seven months. Seven months  
15 was mentioned earlier today.

16 DIRECTOR MACCARONE: We've heard a lot of  
17 needs of offenders today, housing and substance  
18 abuse treatment, certainly, and employment and,  
19 you know, the way those types of primary needs --  
20 and they are primary, I think, in terms of  
21 success and future success of offenders -- relate  
22 to each other, however, is the interest that I  
23 have. And I would like you to, if you would,  
24 help us unpack those needs. How do they relate

1 to each other?

2 If we had an offender who re-entered the  
3 community after having been in drug treatment  
4 within the Staying Out program within the  
5 correctional facility but then had stable housing  
6 and employment -- I don't mean to suggest they  
7 wouldn't then participate in treatment, but  
8 wouldn't the need for treatment be somewhat less?

9 MR. VARMA: Not in our opinion. I mean,  
10 those folks that participate in our prison-based  
11 program, we find that them going into residential  
12 or intensive outpatient immediately upon release  
13 access sort of a triage system. They can get  
14 there and our case management staff and other  
15 folks that are involved in the treatment program  
16 can assess the whole range of needs. It's very  
17 few people that we find that have stable housing,  
18 stable family, employment and other things  
19 already in place, not that some folks in a very  
20 short amount of time couldn't get there. But  
21 when they get to our doors, we find that they --  
22 you know, that assessment evaluation and  
23 providing all the services in a short amount of  
24 time is helpful.

1                   DIRECTOR MACCARONE: This may be an unfair  
2 question, because you are a treatment provider,  
3 but at the same time, I wonder about the net  
4 effect of self-medicating on the individual's  
5 part leaving the correctional facility,  
6 re-entering the community, when there is no  
7 stable housing for that individual or employment.

8                   So it becomes clearly a question of chicken  
9 and egg and how those primary needs interrelate.  
10 But it seems to me the more we go down the path  
11 of treating one individual need without treating  
12 all three, perhaps, at the same time, I think  
13 we're not going to be well served by that.

14                   Do you want to say anything about that?

15                   MR. VARMA: I would definitely agree with  
16 that. I think that's why our approach, we  
17 believe, is an effective one, because when  
18 someone enters into residential substance abuse  
19 treatment upon their release, they have a fair  
20 amount of time for all of those things to be  
21 sequenced, both appropriately from a treatment  
22 perspective and just from a logical perspective,  
23 you know, housing, re-unification with their  
24 family, drug treatment, solidifying relations

1 with parole, other things that were mentioned  
2 earlier here today by individuals who spoke,  
3 riding the train, going to the ATM machine,  
4 learning about a computer, learning how to use  
5 the Internet.

6 There are lots of different things that  
7 folks, regardless of how good some of the  
8 services are in a custody setting, will still  
9 need to learn when they leave.

10 DIRECTOR MACCARONE: Lastly, do you have any  
11 evaluation data on outcomes?

12 MR. VARMA: Yes, we do. I'd be glad to send  
13 you a package. I'll send a package to several of  
14 the panel members.

15 DIRECTOR MACCARONE: Do you know offhand  
16 what that looks like?

17 MR. VARMA: Well, different studies have  
18 been done over time. Unfortunately, our most  
19 recent study is probably eight or nine years old  
20 at this point, but showed fairly good success  
21 results. It was an average of about 75 percent  
22 of people who completed the in-prison program  
23 followed by residential treatment in the  
24 community stayed drug-free, arrest-free and

1 crime-free after a period of five years. And  
2 there are lots of different sub-sets of  
3 populations in there. Women, for example, had a  
4 lower recidivism rate. The men was slightly  
5 worse. And there was some stratification of  
6 people depending on how long they participated in  
7 treatment, but I'd be glad to send you that  
8 information.

9 DIRECTOR MACCARONE: Thank you.

10 DEP. COMMISSIONER BYRNE: Any other further  
11 questions?

12 DIRECTOR FITZMAURICE: I just have one more.  
13 Do you think that the co-location of services at  
14 one site is more beneficial than not? The reason  
15 I ask is because we have put up a significant  
16 amount of money, all of our agencies have, for a  
17 very long time now for substance abuse, for  
18 housing, for employment, for a lot of other  
19 things. And I'm not clear myself that the  
20 statistics on success are any better. And I  
21 don't know if that's because we need to think  
22 about putting those services in one spot so that,  
23 you know, there's like a one-stop shopping or do  
24 you think that makes any difference from your

1 experience?

2 MR. VARMA: From our experience, and I'm  
3 sure most treatment providers would share in the  
4 perspective, that it's probably better to have  
5 the maximum number of services available at one  
6 location. We see in, for example, our probation  
7 programs where we have substance abuse treatment  
8 services on-site to where folks report to  
9 probation and they have also some medical  
10 services and some housing referrals and other  
11 things there at one location, that that increases  
12 the likelihood that folks participate in  
13 treatment, that they continue to attend, that  
14 they stay drug-free while they're in the program.

15 So we see those results on the spot. What  
16 the long-term effect is is something that I don't  
17 know that we've studied necessarily, but I think  
18 it's a general belief that the more you have  
19 on-site in one location, that that's an  
20 elimination of some possible barrier to that  
21 person getting that treatment at another  
22 location.

23 DIRECTOR MACCARONE: Thanks.

24 DEP. COMMISSIONER BYRNE: Further questions?

1 (No affirmative response.)

2 DEP. COMMISSIONER BYRNE: Thank you very  
3 much. If Kevin O'Connor could please come up and  
4 replace Mr. Varma and we'll now turn to Felipe  
5 Vargas.

6 MR. VARGAS: Good afternoon. My name is  
7 Felipe Vargas. I thank you for having me here to  
8 speak on this important issue, the issue of  
9 reentry. I'm from the Doe Fund. We provide paid  
10 transitional employment for people on parole and  
11 probation.

12 The issue of reentry, and particularly the  
13 issue of reentry and employment, is an issue  
14 close to the heart of the Doe Fund. About two  
15 years ago, in 2005, the then director of DCJS  
16 asked our founder and president, Mr. George  
17 McDonald, to chair an independent committee on  
18 reentry and employment. And the reason that was  
19 asked is because there was a clear recognition on  
20 government that there's a direct relationship  
21 between unemployment and recidivating or going  
22 back to prison.

23 In fact, 89 percent of the people on parole  
24 and probation who violate the terms of their

1 release are unemployed at the time it happens.  
2 So this committee was put together and it was  
3 composed of interested parties, community-based  
4 organizations and interest groups. And they met  
5 for over a year. They had focus groups. They  
6 did surveys. They interviewed employers and they  
7 came up with this report. I brought copies of it  
8 today.

9 The report was put together under a  
10 different administration at the request of a  
11 different administration, but we feel the issues  
12 identified in there are current and we feel the  
13 recommendations should be implemented. I'd like  
14 to briefly go over them, not to belabor the point  
15 because most of these things have been spoken  
16 about here today, but I just want to emphasize  
17 these points.

18 The first recommendation was that we amend  
19 public policies and laws in regard to those that  
20 serve as barriers for employment of the formerly  
21 incarcerated. This is extremely important.

22 One of the examples that was brought here  
23 today was you get individuals that are trained in  
24 barbering skills in prison. They learn how to

1 cut hair. They do it quite well. They make  
2 plans based on that. Then, they come out in the  
3 community and they find that they cannot be  
4 licensed as a barber, because the licensing board  
5 requires that they have good moral character and,  
6 therefore, they can't cut hair and this is what  
7 they do. So we feel this needs to be addressed.  
8 These laws need to be amended.

9 The second recommendation is that a wage  
10 subsidy program be created on a state level.  
11 Now, those of us that do this kind of work know  
12 that this program exists on a federal level.  
13 However, we at the Doe Fund have tried to get  
14 employers to benefit from this program and many  
15 of them say it is extremely paper-heavy and  
16 they're not willing to go through the burden of  
17 having to complete all the paperwork that is  
18 required. And we're talking about employers that  
19 are willing to hire the formerly incarcerated.

20 Now, this program was created as an economic  
21 incentive to people that wouldn't be willing to  
22 hire the formerly incarcerated. So if people who  
23 are willing to hire the formerly incarcerated  
24 don't want to use it because of the paperwork

1 required, how are we going to provide an  
2 incentive to someone who wouldn't hire the  
3 formerly incarcerated?

4 The third recommendation is that while  
5 people are in prison, they receive skills which  
6 are marketable that they can utilize when they  
7 get out. I've heard a lot of stuff here today  
8 about the skills that are taught in prison and  
9 how we give them a listing of the occupational  
10 titles and things of that sort, but we know from  
11 experience, the people that do this work, that  
12 often times, these skills, individuals are not  
13 able to use them.

14 We heard a gentleman talk today about the  
15 fact he spent many years in prison, learned a lot  
16 of different trades and skills and what he was  
17 able to get employment in was what he learned in  
18 the military, how to cook and be a chef. So that  
19 doesn't say much for what is learned in prison.

20 There are meaningful programs, however. One  
21 that I know of is the optical training program.  
22 We've had experience where the individuals that  
23 come out of there can go right into employment.  
24 They can be employed as opticians. There are no

1 bars to being licensed as an optician either. So  
2 trades of that sort are things that need to be  
3 looked into and need to be enhanced.

4 The fourth recommendation was that  
5 comprehensive discharge planning be done for  
6 individuals and discharge should begin at point  
7 of incarceration. But more importantly, the  
8 discharge planning that is done needs to be  
9 followed up on once the individual is released  
10 and the person, while they're in prison, needs to  
11 be tied in with the service providers in the  
12 community.

13 What exactly do we mean by that? Well, what  
14 was recommended in the report is that whatever's  
15 done on a state level kind of resembles what was  
16 done on Rikers Island and, very briefly, the  
17 problem was that individuals in Rikers Island  
18 would be released at 2:00, 3:00 and 4:00 o'clock  
19 in the morning into Queens Plaza. What was at  
20 Queens Plaza? Basically, that area was  
21 drug-infested, prostitution and many  
22 opportunities to get involved with criminal  
23 behavior.

24 So the New York City Department of

1 Corrections, the Department of Homeless Services  
2 and community service providers got together and  
3 began to engage in comprehensive discharge  
4 planning. The result of that is it has had a  
5 tremendous impact on those individuals  
6 recidivating and having a revolving door effect.

7 The fifth recommendation is that we  
8 streamline and enhance parole policies and  
9 procedures. Now, we have certain parole offices  
10 and parole officers that provide excellent  
11 services to people coming out of prison. As soon  
12 as they come out, they identify their needs.  
13 They refer them to resources. They follow up to  
14 make sure that person gets there. But then  
15 there's other parole officers who provide very  
16 little in terms of information about the  
17 resources that are available out there. And then  
18 we have some -- sorry to say -- that provide  
19 absolutely none at all.

20 Now, we're not knocking parole. We work  
21 collaboratively with parole. The Doe Fund is a  
22 friend of parole. However, we need to ensure  
23 that the same quality services that certain  
24 parole officers offer, that they're offered

1 across the board.

2 Also, you go into some parole offices and  
3 you have a resource table. You have all sorts of  
4 literature there about the resources available in  
5 the community. You go into other offices that  
6 have no resource table.

7 I was in a conversation last week with some  
8 individuals from parole who told me that now in  
9 their Manhattan offices, they have a digital  
10 screen that advertises the programs and the  
11 resources available in the community for  
12 ex-offenders. Well, that's wonderful, but we  
13 think something like that should be available  
14 across the state in all the parole offices.

15 The sixth recommendation is that we offer  
16 training programs to employers out there. There  
17 are many employers that are not aware that it's  
18 illegal to discriminate against people who have  
19 been convicted of a felony unless it's related to  
20 the job that's open or the job they're going to  
21 do.

22 There are also many people who are not aware  
23 that there are wage subsidies, tax credits and,  
24 lastly, many of them don't think that any

1 ex-offender can be a good employee. So education  
2 programs are needed in order to do that.

3 And then the last recommendation, the  
4 seventh recommendation, is that certainly forums  
5 like this and collaborative efforts are  
6 important, but we feel that reentry and the  
7 issues around reentry are so complex and this is  
8 so critical that what is required is a commission  
9 of reentry and that a position be created,  
10 commission of reentry, and that that commission  
11 report directly to the Governor and that it has  
12 its own agenda.

13 And that is basically what I have to say. I  
14 have copies of the report I brought here. I will  
15 give you. I don't have enough to go around, but  
16 it can be downloaded from our web site,  
17 [www.Doe.org](http://www.Doe.org). Thank you.

18 DEP. COMMISSIONER BYRNE: Questions for Mr.  
19 Vargas?

20 COMMISSIONER FISCHER: One point. I like  
21 your idea of training employers. Whose job do  
22 you think that is? Ours or yours?

23 MR. VARGAS: It's the community's job,  
24 including everyone here today. I think that the

1 reason why we're here is basically to improve the  
2 chances of someone succeeding once they're  
3 released from incarceration. So we say whose  
4 responsibility it is, I think it's everyone's  
5 responsibility.

6 COMMISSIONER FISCHER: I'll take exception  
7 and tell you it's yours, not mine, and the reason  
8 I'm saying that is I have no problem going to a  
9 place, but you're there, you're in the community.  
10 You represent the community. You have your  
11 contacts. If you can't convince employers, the  
12 last person that's going to convince them is me.

13 MR. VARGAS: Well, my organization, the Doe  
14 Fund, we do do education. We do job development.  
15 We engage many employers. In fact, we have a  
16 very high success rate in terms of placing people  
17 in employment, in gainful employment also, jobs  
18 which lead to living wages.

19 So what I meant to say is that we all share  
20 the responsibility of educating people in the  
21 community. Certainly, we all have our  
22 specialties.

23 DIRECTOR FITZMAURICE: Mr. Vargas, I'm  
24 curious. The wage subsidy program, is that

1 different from the targeted tax credit program or  
2 are they the same thing?

3 MR. VARGAS: No. They're different. The  
4 person's wages while they're working for the  
5 employer are actually subsidized. So an example  
6 would be: Someone's making, let's say, \$30,000  
7 and \$28,000 of that is paid by one of the subsidy  
8 programs that I know of that the Osborne  
9 Association uses.

10 But, again, I've heard that they call and  
11 call and call employers, particularly social  
12 service employers that employ individuals who  
13 have obtained degrees and things like that in  
14 prison and the human resource departments a lot  
15 of times don't call back because of the amount of  
16 paperwork that's involved to actually take  
17 advantage of the wage subsidy program.

18 DIRECTOR MACCARONE: Mr. Vargas, could I ask  
19 you to comment on the way the Doe Fund combines  
20 employment and housing services?

21 MR. VARGAS: Sure. For the formerly  
22 incarcerated, we have -- there's two ways,  
23 actually. We have a house called Styvesant House  
24 in which we have approximately 40 beds. We

1 receive people directly from Queensboro  
2 Correctional Facility. We do that  
3 collaboratively with Parole and DOCS.

4 We do what I mentioned here before, the  
5 comprehensive discharge plan. Those individuals  
6 are placed in transitional employment. They're  
7 evaluated in terms of what their educational and  
8 vocational needs are. And then they are put into  
9 the community to work and also engage vocation  
10 and education.

11 Also, we work collaboratively with ComAlert  
12 in the event that they need substance abuse  
13 treatment services, and the goal is always to  
14 place the person in independent employment. Once  
15 they're placed in independent employment, we  
16 follow them several months thereafter and we  
17 provide an incentive for them by paying them.

18 So we pay for transitional employment and  
19 then once they get the job, we pay them as long  
20 as they remain clean and we substantiate that by  
21 taking toxicologies from them, taking urine  
22 samples. We have them submit a copy of their pay  
23 stub and we make sure that their housing has  
24 remained stable.

1                   DIRECTOR MACCARONE: Do you have other  
2 residential treatment facilities in addition to  
3 Styvesant House?

4                   MR. VARGAS: We have various different  
5 facilities that work with DHS, Department of  
6 Homeless Services. The Doe Fund has  
7 traditionally served the homeless population and  
8 most of our facilities -- we have the facilities,  
9 but the beds are actually operated by the  
10 Department of Homeless Services. And we have our  
11 program ready, willing and able there. I'm sure  
12 many of you have seen the men in blue cleaning  
13 the streets. That's the type of transitional  
14 employment that we do. And most of our programs  
15 are for homeless populations. This is a new  
16 initiative for us.

17                   DIRECTOR MACCARONE: The Sharp facility in  
18 Brooklyn, what's the capacity there?

19                   MR. VARGAS: We have 500 people there, 400  
20 people in residence, and 110 people in what we  
21 call the day program. And the distinction  
22 between the day program and our residential  
23 program is that those individuals have stable  
24 housing. So they may live with a relative. They

1           may rent a room. They may be in some  
2           transitional housing. And they come to us for  
3           transitional employment and training and  
4           education.

5           MS. YEE: I have two questions. How many  
6           applicants go through your -- job-seekers go  
7           through your program on a yearly basis? And how  
8           many do you place of that group?

9           MR. VARGAS: On a yearly basis, we don't --  
10          our reentry work, we've been doing that about 13  
11          months. We're currently in the process of  
12          working with DCJS and Parole to submit NYSID  
13          numbers to actually find out how many people  
14          recidivate, people that complete our services,  
15          and how many people have gone through and things  
16          of that nature.

17          Again, our reentry initiative is a new  
18          initiative. However, we've been serving this  
19          population from the beginning, from the inception  
20          of the Doe Fund by extension, because most of the  
21          people who are homeless happen to also be  
22          formerly incarcerated people.

23          MS. YEE: Also, you had said it's very hard  
24          to find employers who want to participate because

1 of the paperwork that's involved?

2 MR. VARGAS: The wage subsidy, that is  
3 correct.

4 MS. YEE: But, currently, how many employers  
5 do you have in your program?

6 MR. VARGAS: Employers that hire our people?

7 MS. YEE: Yes.

8 MR. VARGAS: I couldn't count them; that's  
9 how many there are. I couldn't count them.  
10 There are people here at this table, I'm sure,  
11 that are familiar with our program. We place a  
12 lot of people in employment.

13 MS. YEE: Thank you.

14 DIRECTOR MACCARONE: One answer to that is I  
15 went to the graduation of the Doe Fund last month  
16 and there were over 200, 300 graduates. Every  
17 one of those individuals was matched with an  
18 employer on the opposite page of the program. So  
19 the Doe Fund's pretty successful in getting  
20 permanent jobs for the folks who go through the  
21 ready, willing and able regimen of employment,  
22 job training.

23 MR. VARGAS: And there are three  
24 requirements for graduating. One is that a

1 person has a job, that they have savings and that  
2 they remain drug-free. So those individuals also  
3 have to have savings in order to graduate. So  
4 not only do they have to have a job, but in case  
5 they lose that job, they have savings.

6 DEP. COMMISSIONER BYRNE: Further questions  
7 for Mr. Vargas?

8 (No affirmative response.)

9 DEP. COMMISSIONER BYRNE: Thank you very  
10 much. If we can have Father Brett Crompton to  
11 replace Mr. Vargas. We'll now turn to Kevin  
12 O'Connor.

13 MR. O'CONNOR: I'm Kevin O'Connor of  
14 Joseph's House. It's a shelter that's located  
15 across the river and about 10 miles north of here  
16 in Troy, New York. We service about a thousand  
17 men, women and children a year.

18 I'm also a member of the Reentry Task Force  
19 in Rensselaer County and I'm a psychiatric social  
20 worker that's been involved with the homeless for  
21 about the last 21 years in various capacities.

22 Business is booming in homeless shelters.  
23 In the Capital District, there are 11 shelters  
24 and all of us have been running over 90 percent

1 capacity since April of 2001. This year, five  
2 months nearly completed, our shelter's running  
3 over 98 percent capacity for single adults. A  
4 lot of that is driven by institutionally  
5 discharged clients to our programs, psychiatric  
6 discharges, discharges from rehabs and criminal  
7 justice facilities.

8 We have become major players, homeless  
9 shelters have in this state, in reentry and,  
10 frankly, it's a business we don't want to be in.  
11 We don't want to be in it, because we don't have  
12 the capacity to serve the need. Homelessness  
13 should be prevented by institutions rather than  
14 created by them. And shelter placement,  
15 placement from an institution, the criminal  
16 justice facility, into a shelter is an added and  
17 unnecessary transitional step for young men and  
18 women trying to enter into the community.

19 How did we become so involved in reentry?  
20 Well, at Joseph's House -- we've been around  
21 since '83 -- and a number of men, usually young  
22 men, sometimes women, would show up with a  
23 reasonable assurance letter and a release letter  
24 that listed parole conditions.

1           We didn't know a lot about these guys. We  
2           didn't know a lot about the circumstances and we  
3           didn't really play a strong role in collaborating  
4           with the parole officers about what their  
5           realistic plans should be about entitlements,  
6           treatment or housing.

7           When we started getting full like the other  
8           shelters up here, increasingly, we didn't have  
9           room for these folks. And compassionately and  
10          realistically, we thought it more important to  
11          collaborate with local parole officers to, one,  
12          have a say in the screening of who came into our  
13          shelter, who would be in our shelter and,  
14          secondly, to collaborate realistically on the  
15          housing, treatment and entitlement options that  
16          were available.

17          It's kind of backfired. We've been very  
18          successful. Last year, 18 percent of our guests  
19          who came from state correctional facilities were  
20          reentry guests. So far this year, 27 percent of  
21          those that we've sheltered, one out of every four  
22          became homeless while they were incarcerated.  
23          Most of them never had a history of homelessness  
24          before their incarceration.

1           There were some, as Richard Cho mentioned,  
2           that cycle in and out. A lot had special needs,  
3           layers of services, but most of them had never  
4           been sheltered and never had a homeless episode  
5           before they came into us.

6           What it's doing is it's driving us to be  
7           full. It's preventing us from servicing the most  
8           needy, the chronically homeless, those on the  
9           street for a year or more or having four or more  
10          homeless episodes over the past three years.  
11          It's preventing us from really doing what our  
12          missions were designed to do.

13          There are recommendations that we can  
14          have -- I think we're fairly successful even  
15          though I'm saying we want to be out of the  
16          business and we don't treat guests any  
17          differently. We had 70 individuals stay at our  
18          shelter that classified as reentry referred by  
19          the Division of Parole, parole officers, to us  
20          and stayed with us. We had more than that.  
21          Several didn't make it. But of the 70 who made  
22          it, 60 percent of them moved on to identified  
23          permanent housing or residential treatment or  
24          treatment-related housing. And 26 of them moved

1 to families or friends, some of which was  
2 approved by the parole officer, some of which  
3 wasn't. And that mirrors closely what our  
4 success rate is with the general population we  
5 serve.

6 In total, about 75 percent of our guests, we  
7 end up getting into housing of some sort or  
8 other. And it's not rocket science. We treat  
9 people with dignity and respect. We focus on  
10 tasks. We focus on housing first. The average  
11 stay for guests coming for reentry is 21 days.  
12 The shortest was three days. The longest was 79  
13 days.

14 Recommendations. A lot of times, you don't  
15 need homeless shelters. You shouldn't need  
16 homeless shelters. These guys have been in your  
17 facilities for a year-plus. You know what they  
18 need. You know how they're gonna get it. It's  
19 just that there are a lot of systems that block  
20 it.

21 The first is the parole officers need more  
22 time to do background checks for reasonable  
23 assurance, for finding family and friends that  
24 are available. A number of our guests stay just

1 a week and end up moving into family and friends  
2 once the parole officer has some time to  
3 investigate that residence. Those are folks that  
4 didn't need to come to us if the parole officer  
5 had enough lead time and information about  
6 options, alternative residences in the community.

7 Secondly, you need to collaborate with your  
8 own state agencies. The Office of Temporary  
9 Disability Assistance has this face-to-face  
10 requirement for applications that you all know  
11 about. A lot of folks come to our program and  
12 stay in the homeless shelter taking up a bed as a  
13 weigh station for them to get entitlements.

14 There are a number of individuals that will  
15 be going to Father Young's program, 820 River  
16 Street and such like that, and they end up going  
17 to those places but they have to go through the  
18 hurdles of public assistance first. And that has  
19 to be face to face for some reason. The reason  
20 I've been told is to avoid identity fraud. And I  
21 guess you guys can reassure OTDA that the folks  
22 that you have incarcerated are, indeed, the  
23 people that they say they are. Otherwise, why  
24 would they be there?

1           So I think if you can collaborate across  
2 systems that way, you can cut off a lot of time  
3 for eligibility.

4           I think there needs to be greater  
5 professional input with special needs clients.  
6 We heard about a guy in our task force in  
7 December and he was going to be released in  
8 February -- that's good lead time, a couple  
9 months, we thought -- and we heard the story, you  
10 know, said "This guy's got a lot of stuff going  
11 on. Let's get a mental status evaluation, see  
12 what's going on, psychosocial assessment and,  
13 perhaps, look at it, make referrals, refer this  
14 guy into community residences and treatment, get  
15 those things established while he's there so the  
16 wait time will be less or he can avoid coming to  
17 a homeless shelter all together."

18           Seventy days, sixty-nine days into his stay,  
19 we finally get a mental status evaluation. On  
20 the day he came to us, we had a script for  
21 Zyprexa, so we can guess this is a psychotic  
22 disorder, and an evaluation to an outpatient  
23 clinic that none of us thought was adequate. We  
24 thought based on what we heard, a day program was

1           appropriate.

2                       What we heard later is that there was a  
3           whole comedy of errors with this individual,  
4           although we requested the information in  
5           December. He had been transferred from an  
6           upstate facility down to Arthur Kill. He had  
7           been involved with DOCS as well as OMH and there  
8           were records here and records there and  
9           communication broke down.

10                      If you can make one recommendation from  
11           today is when somebody's getting ready for  
12           release, if you could not transfer him to another  
13           facility, so if there are questions we have on  
14           the reentry task force about what's going on with  
15           this guy, what's his track history, what level of  
16           community involvement is going to work, we can  
17           have people at the facility who know the guy long  
18           enough to make recommendations.

19                      If you can have folks placed in facilities  
20           closer to where they're going to be re-entering,  
21           that will facilitate us going, perhaps, and  
22           screening the individuals, mental health agencies  
23           going to those places.

24                      We know about a lot of housing restrictions

1           that have happened and I can't tell you the  
2           number of men, typically young men, who are  
3           homeless because they can't go home. There is a  
4           home. Their wife and children are living in  
5           public housing, but many public housing programs  
6           follow federal regulations that they can exercise  
7           that prevent somebody with a felony or  
8           misdemeanor, drugs, weapons or violence charges  
9           from living in that residence.

10                    So there are a number of men, fathers of  
11           these families, who can't live with their  
12           families. The families are faced with two  
13           choices: Stay and sneak the father in or leave  
14           affordable housing so the family can be reunited.

15                    The other thing that's going on which is  
16           really juicing us up a great deal is these  
17           boundary restrictions for sex offenders. For  
18           years, with the help of special services, parole,  
19           we'd be able to screen the folks that weren't  
20           dangerous. We felt safe with them. We treat  
21           them with dignity and respect, with dozens over  
22           the years until last October, we'd be able to  
23           service. And we were able to get them  
24           successfully in the community.

1           And I have to tell you everyone I worked  
2 with, as far as I know, has not re-offended a  
3 sexual offense. However, we can't serve them  
4 anymore, because our localities have decided that  
5 people are predisposed to re-offending and are a  
6 danger to society and elected officials are  
7 pandering to that fear and that we have a bunch  
8 of people out in rural Rensselaer County in a  
9 motel, not on a bus line, not close to jobs, not  
10 close to treatment, not close to where parole  
11 officers can keep an eye on them.

12           Transitional housing -- you listened to  
13 JoAnn earlier today; she's one of my heros from  
14 Fortune Society -- can be an answer for some of  
15 that. They can provide safety. But none of  
16 these places can be sited without your voices at  
17 this table.

18           I don't know if any of you guys have been to  
19 a planning committee or a board, a planning board  
20 or a zoning board, it's not fun. It's not fun  
21 trying to site programs. We've sited three  
22 programs. It resembles more like Jerry Springer  
23 than it does a policy review of your application.  
24 It's mean. It's not informed. It's mob

1           mentality.

2                   I think if we did a good job talking about  
3           reentry, talking about capacities of individuals,  
4           not labeling people for the rest of their lives  
5           because of a mistake they made previously,  
6           providing appropriate treatment, appropriate  
7           assessment of safety, I think that we can avoid  
8           using homeless shelters or having people out in  
9           the streets.

10                   So we need your voice. We need your voice  
11           to promote mentoring, transitional housing,  
12           fixing the system so people can avoid using  
13           homeless shelters.

14                   DEP. COMMISSIONER BYRNE: Questions for Mr.  
15           O'Connor?

16                   CHAIRMAN ALEXANDER: A couple comments.  
17           First of all, I certainly agree with you that  
18           when different municipalities place boundary  
19           restrictions on sex offenders, it certainly puts  
20           everybody's back up against the wall and it's a  
21           very challenging situation. We don't know a way  
22           around that. We don't control the local folks.  
23           In fact, you probably have a better voice with  
24           your local government than we do. Maybe that's

1 something you should talk to your local  
2 councilman, your alderman or whatever they're  
3 called.

4 MR. O'CONNOR: Respectfully, I think you do  
5 all have a role. It's very lonely being up  
6 there. We're not hearing from the state. We're  
7 not hearing from regional providers.

8 CHAIRMAN ALEXANDER: But we're there and  
9 we're having those conversations and they're  
10 falling on deaf ears.

11 MR. O'CONNOR: I don't know where they're  
12 falling. I read the paper. I watch the news.  
13 We're not hearing the values of reentry. We're  
14 not hearing that people succeed in reentry with  
15 community involvement. We're not hearing the  
16 balanced discussion about sex offenders and  
17 safety and danger.

18 CHAIRMAN ALEXANDER: There are more of you  
19 as voters than there are of us as administrators.

20 MR. O'CONNOR: You're a voter, too.

21 CHAIRMAN ALEXANDER: Well, maybe not in your  
22 locality and certainly not to the numbers that  
23 you are. But my other point goes to the fact you  
24 talked about early notification or giving parole

1           officers more time to do investigation. That's  
2           very difficult to do. There are time parameters  
3           associated with each type of release that we're  
4           doing. For instance, if it's a discretionary  
5           release, that person goes to the board as an  
6           initial applicant about two months prior to his  
7           release. We don't do an investigation before  
8           that, because who knows if that person's going --  
9           okay? The only ones where we know for certain  
10          that a person's actually going is on conditional  
11          release. I agree with you there that we should  
12          do as early as possible on that group, but that's  
13          a much smaller population.

14                 On the other population, the regular  
15          discretionary release population, we really have  
16          no advanced notice or no way of knowing in  
17          advance actually when that person is going to go,  
18          particularly on the initial applicant. That's  
19          the struggles we continue to have. Don't know of  
20          a way around that, because if you send out an  
21          investigation beforehand, the parole officer's  
22          overburdened by doing it and if that person's not  
23          coming out, that's that much time that he could  
24          have devoted towards supervision.

1           MR. O'CONNOR: Reduce caseloads of parole  
2 officers so they could do it in more time,  
3 perhaps.

4           CHAIRMAN ALEXANDER: Well, that's where you  
5 call your legislators.

6           DEP. COMMISSIONER NUTTALL: I was interested  
7 to hear you say such a high percentage of  
8 homeless ex-offenders were not homeless prior to  
9 incarceration. What's that all about?

10          MR. O'CONNOR: Well, I think a lot of them  
11 are situationally homeless, because they had  
12 housing whether they were living with their  
13 family or they were living in housing or private  
14 housing. They lost their income during  
15 incarceration, so they lose their housing.

16          And now with the mood the way it is with a  
17 lot of places, it's a pretty harsh mood out there  
18 right now for parolees and a lot of people aren't  
19 welcome back into the communities. A lot of  
20 landlords are not gonna welcome back somebody  
21 sleeping on a couch until they establish a  
22 residence. So I think that has some part of it.  
23 Families aren't willing to take the people in as  
24 readily as before.

1                   DIRECTOR FITZMAURICE: I have a question.  
2                   Kevin, I've worked with you guys for a very long  
3                   time so I probably know the answer to this, but  
4                   what would you say are maybe the one or two  
5                   really significant barriers right now that if we  
6                   could address those would really at least  
7                   alleviate some of the difficulty in your county?

8                   MR. O'CONNOR: Affordable housing and access  
9                   to entitlements are the two big issues. There  
10                  are a lot of special needs that flow out from  
11                  those two, but affordable housing and access to  
12                  entitlements to pay for housing.

13                  DEP. COMMISSIONER BYRNE: Any further  
14                  questions?

15                  (No affirmative response.)

16                  DEP. COMMISSIONER BYRNE: Thank you very  
17                  much, Mr. O'Connor. If Susan Porter could please  
18                  come up and replace Mr. O'Connor. And we'll now  
19                  turn to Father Crompton.

20                  FATHER CROMPTON: I'd like to thank you for  
21                  inviting us to this open forum. My name is  
22                  Father Brett Crompton. I'm the executive  
23                  director for Bridges of Greater New York. With  
24                  me is Keith Libald (phonetic). He's on the

1 executive board for Bridges.

2 Bridges is a transitional housing program  
3 where we provide housing as well as case  
4 management for all the various services that were  
5 mentioned here today for those individuals coming  
6 back from incarceration. We also offer other  
7 beds for probation, those coming out of detox or  
8 28-day programs. So we have various different  
9 kinds of clients that we receive into our  
10 housing.

11 I was trained in Bridges of America in the  
12 State of Florida that has very innovative  
13 programs, 2,000 beds currently, where they have  
14 alternative sentencing as well as work release as  
15 well as transitional housing and, basically,  
16 everything we talked about today, we recognize  
17 that there are different levels of care that we  
18 need to provide.

19 And what I was trained and brought the model  
20 back to New York was that within that model, the  
21 relationships stay concurrent where you receive  
22 the first part of your treatment. And the reason  
23 that it works so successfully is that because  
24 they receive all the treatment, occupational

1 training, counseling services, you know,  
2 everything that they need in one location. As a  
3 result of that, they get a continuum of care and  
4 it just has a higher success rate for doing so.

5 We know it's more cost-effective to open up  
6 a hundred bed facility than it is 10, 15 or 20;  
7 that when we open up facilities like that for  
8 transitional housing, we start off under-staffed  
9 and unable to provide the services that we want  
10 to provide for them.

11 So we have to network with the local  
12 agencies that are provided for us and it's a lot  
13 of work. And it's worthy of doing, which I enjoy  
14 doing, and I do believe that it's on a  
15 neighborhood level, a community level, that we  
16 put a face to who we are, that we network with  
17 those agencies and communities to help make a  
18 difference in each person that we receive life.

19 It helps when we get people who are being  
20 pulled back to our community. Lots of times, we  
21 see that they're just kind of placed or referred  
22 to us and then we want to do job training and get  
23 them a job and do all these things, but their  
24 family lives elsewhere, not in their community.

1           So we have a harder time helping them make that  
2           successful reentry.

3           One of the things I wanted to talk about was  
4           one of the programs that have really worked is  
5           this alternative sentencing, which are about a  
6           hundred bed facilities, and the alternative  
7           sentencing is at a probation level. So we attack  
8           the problem prior to parole. So before you  
9           become a professional criminal, you're making  
10          those mistakes early on, and they can be young or  
11          old, doesn't matter the age, but we recognize at  
12          a county level that they're making those mistakes  
13          and they need a firmer structure to help them  
14          begin to reestablish who they are, life  
15          management skills, the treatment that they need.

16          We know the treatment's one of the biggest  
17          aspects; that probably 80 percent or more of the  
18          crimes committed are drug- and alcohol-related.  
19          So that has to be one of the most important  
20          things we do as well as the job placement. But  
21          if we can create facilities as a catchment to  
22          help the guys kind of change their thinking, life  
23          management skills and do those things prior to  
24          becoming a professional criminal, we could reduce

1           the amount of recidivism we have and we could  
2           begin to address those problems sooner than  
3           later, because it's harder when times goes on and  
4           more problems have happened and a longer rap  
5           sheet occurs. So we've seen the success in that  
6           program and that helps reduce recidivism within  
7           the State of Florida.

8           Obviously, the second level, which we've  
9           heard about today, is a pre-release program  
10          that's networked back to those communities that  
11          are receiving those individual parolees. So if  
12          we have pre-release programs that they're  
13          beginning their treatment, that case management  
14          is happening, that we're better networking with,  
15          so that when a guy is upstate and is making his  
16          way back and he is coming to Nassau County or the  
17          five boroughs or Orange County, or one of the  
18          other counties, that somehow we've got them  
19          starting the process sooner so that their case  
20          file is started and that we can begin to  
21          understand the needs that they're going to have  
22          prior to that release and then we can better get  
23          them situated in transitional housing, because  
24          that's just one phase.

1           As you know, lots of times when guys are  
2           paroled, they're on the street, we gotta help  
3           them get in and there's a host of issues that  
4           come with that and a host of agencies that we  
5           have to network with.

6           The three things that are probably most  
7           important in a parolee's life to make a change in  
8           their life overall -- there's been a study that  
9           was done in the State of Florida through  
10          Department of Corrections that there are three  
11          areas. The first area is family. We talked  
12          about they become homeless or they lose contact  
13          with their family based on the bad things they've  
14          done or the hurt and pain they've caused.

15          Well, somewhere along the line, we have to  
16          begin to restore that relationship, whether it's  
17          with a child, a loved one, a parent, a girlfriend  
18          or a spouse or husband. We have to begin to  
19          restore those relationships sooner than later so  
20          that they can make a better reentry when the time  
21          comes so we can get them back with their  
22          families, because we know every one guy  
23          incarcerated affects seven to ten people on the  
24          outside. So that's a lot of people.

1           And we know that if we can deal with family  
2 issues, we can begin to help not just him but the  
3 other seven or ten people that are in our  
4 community per parolee.

5           The second issue we all know is occupational  
6 training, which we do. We network in the local  
7 community. Within my church, several business  
8 owners hire parolees and give them an  
9 opportunity. They do job training. And then in  
10 other churches and other business owners that  
11 have supported our efforts of what we do, they  
12 get behind us and they give us that shop, but we  
13 know there's not enough jobs.

14           So, obviously, if I was better understanding  
15 where some of these tax reliefs were or places I  
16 could plug into that would help benefit us as  
17 well as the client to offer occupational training  
18 and do those things, networking with preexisting  
19 programs that already exist would be to my  
20 benefit or to know about them.

21           The third thing that is really important is  
22 spirituality. That happens while you're  
23 incarcerated. But we use a holistic model. We  
24 use the 12 steps as a model for them to achieve

1 recovery and live a life sober back to,  
2 quote-unquote, normal. I don't know what that  
3 is exactly, but we get there. And spirituality  
4 is really important and in there, it talks about  
5 a higher power and it's important for them to get  
6 back to the roots of what they believe, what  
7 their parents believe, what their family  
8 believed, you know.

9 One of the things that's ongoing is that we  
10 recognize that the parolees and clients we see,  
11 their complex is they think they're God and  
12 they're not God. They think they're invincible  
13 and they think it's never gonna happen to them.  
14 The reality is they need to find that higher  
15 power and surrender to their issues in life. And  
16 as they surrender and get in touch with their  
17 roots of what they believe, that community can  
18 begin to support them in that spiritual growth  
19 and those efforts. So we spend a lot of time  
20 networking to make these things happen.

21 But family, occupational training and  
22 spirituality are three major issues that will  
23 help reduce the amount of recidivism that's  
24 happening in the State of New York.

1           Everything that I wanted to talk about was  
2 spoken here today, so I'll just leave it up if  
3 there's any questions that you might have for us.

4           DEP. COMMISSIONER BYRNE: Questions for  
5 Father Crompton?

6           (No affirmative response.)

7           DEP. COMMISSIONER BYRNE: Thank you very  
8 much, Father. Mr. Chinlund, if you could replace  
9 Father Crompton.

10          Ms. Porter and Mr. Hogue.

11          MS. PORTER: My name is Sue Porter. I'm  
12 with the Judicial Process Commission and we're a  
13 35-year-old grassroots community organization in  
14 Rochester, New York. And for the last 11 years,  
15 we've been helping parolees and probationers  
16 become successful tax-paying citizens. We do  
17 this through case management, mentoring and  
18 life skills as well as a support group, an  
19 evening support group that we run.

20          The other day, we saw about 24 individuals  
21 before noon and I think the reason for this is  
22 that there's an incredible need for the kinds of  
23 services that we offer. And Jason is going to be  
24 talking more in-depth about the services that we

1 offer, helping people get rap sheets and  
2 certificates of relief in good conduct. But as  
3 we all know and we've heard a lot about today,  
4 there's a lot of employment discrimination that  
5 goes on and the certificate is a way to counter  
6 that. And Jason's project has only been around  
7 for about a year, but it has really, I think,  
8 empowered and energized the community to come  
9 forward and want these services. So anyways,  
10 that's a little bit about what we do.

11 I have only two brief recommendations and  
12 then I will be just turning it over to Jason, but  
13 I believe that New York State is really at a  
14 tipping point on reentry. We have a new governor  
15 and the Governor has already stepped up to the  
16 plate and reduced the prison phone costs for  
17 families, which I think was a very important  
18 first step.

19 Plus, I think there's a huge amount of  
20 community interest in New York State evidenced  
21 by the presence of so many people at these  
22 hearings and really throughout the U.S. in  
23 reentry. But I really believe that our criminal  
24 justice system, the patient is in bad shape and I

1           would even say critical condition. So I want to  
2           point to two measures which could begin a healing  
3           process.

4                     One comment is on a macro level and the  
5           other is on a micro level. But on the macro  
6           level, I believe that New York State needs to  
7           begin to keep nonviolent offenders, drug  
8           offenders out of state prisons. Specifically, we  
9           need to rely on mandated drug and alcohol  
10          counseling much more, enhance intermediate  
11          sanctions, including electronic bracelets, expand  
12          the existing drug courts that are run on the  
13          county level -- why not make them state level as  
14          well? -- expand specialized supportive housing  
15          for the mentally ill persons with addiction and  
16          criminal justice system involvement.

17                    I think that's a really important piece.  
18          New York State could finance these measures by  
19          closing four or five medium security prisons and  
20          use the savings from the closures to finance new  
21          intermediate sanctions and reentry services.

22                    In Michigan, prison officials projected a  
23          savings of \$35 million in annual operating  
24          expenses for the closure of just one state

1           prison.

2                   On the micro level, a policy change that  
3           could radically enhance the excellent reentry  
4           efforts already underway with the Monroe County  
5           Reentry Task Force is to automatically grant  
6           non-driver's IDs or driver's licenses to all who  
7           leave our state prison systems. This is really a  
8           bureaucratic fix. I don't believe it requires  
9           legislation. It is a no-brainer, but it could  
10          make a huge difference.

11                   The Governor should immediately bring  
12          together the various elements of the state and  
13          county bureaucracies to make the driver's  
14          licenses or non-driver's ID available to all who  
15          leave the state prison system. This has been  
16          done in Pennsylvania. Because, obviously,  
17          without proper identification, men and women  
18          exiting the system cannot become employed.  
19          You've got to have photo ID.

20                   In Monroe County, there's a 45-day wait for  
21          your benefit card with your photo on it. For 45  
22          days, there's people drifting around our  
23          community with no ID, no place to live, no place  
24          to work. All of us know that without legitimate

1 work, many men and women go back to illegal  
2 activity.

3 And, finally, I believe that there are no  
4 great individuals but there are great challenges  
5 that average people banding together can solve.  
6 This open meeting is a solid first step toward  
7 making the criminal justice system a little more  
8 equitable and reducing recidivism. So thank you  
9 for this opportunity.

10 MR. HOGUE: Thank you, Sue, and good  
11 afternoon. It's my honor to speak to this  
12 esteemed panel today. As Sue said, my name is  
13 Jason Hogue. I'm an attorney with Monroe County  
14 Legal Assistance Center. Monroe County Legal  
15 Assistance Center, or MCLAC, is a state and  
16 federally funded, not-for-profit, legal service  
17 provider to the indigent.

18 What I do is I'm lead counsel to the reentry  
19 project. The reentry project is this: We  
20 represent individuals who are formerly  
21 incarcerated re-entering into society or those  
22 individuals that simply have criminal records and  
23 what we do is we assist those individuals to  
24 address and overcome the barriers and obstacles

1           that have already been spoken about in terms of  
2           employment, housing, services and also address,  
3           very important and has been stated before, the  
4           unlawful discrimination that is rampant in our  
5           state in terms of how people are treated with  
6           criminal records. And this is unlawful  
7           discrimination, simply illegal. It is my job to  
8           address that, to both inform employers and to  
9           litigate against individuals, agencies that are  
10          recalcitrant in understanding this is New York  
11          State law.

12                 The reason Sue asked me to come here to  
13          speak, I believe, is that we believe that in the  
14          past year, we've hit on a successful model, one  
15          successful model, in terms of addressing these  
16          issues. Mainly, my practice involves employment  
17          law. In terms of employment law, I'll speak  
18          about first what the service is; the  
19          collaboration between the Monroe County Legal  
20          Services, a legal aid and a community-based  
21          organization. And the services that we provide  
22          is this: We assist individuals -- first, we  
23          advise our clients. We advise employers, job  
24          developers, drug treatment centers, service

1 providers of the legal rights and limitations of  
2 persons formerly convicted of crimes.

3 Specifically, when I'm talking about rights,  
4 I'm talking about Corrections Law, Article 23-A  
5 and the Human Rights Law that reflects that,  
6 which states it's unlawful discrimination -- and  
7 notice that term, unlawful discrimination.  
8 That's exactly the same term that's used in  
9 racial discrimination, gender discrimination,  
10 disability discrimination. It is equally  
11 insidious when employers and agencies deny people  
12 employment based solely on a criminal record and  
13 no other reason without regard to those two  
14 exceptions.

15 So we advise individuals of their legal  
16 rights. We let them know this is illegal. And  
17 if you are told that you simply are denied a job  
18 basically because you have a criminal record  
19 without exception, that's illegal and you should  
20 report that, just like they report racial  
21 discrimination, housing discrimination and any  
22 other form of discrimination.

23 Then, we advise clients what are their legal  
24 rights in terms of limitations; what can they

1           expect with that criminal record; how does that  
2           limit them and how can they address that?

3                       Next, what we do is we assist eligible  
4           individuals to obtain their DCJS records. We do  
5           that through setting up our own fingerprint  
6           process so those individuals do not have to pay  
7           for their own fingerprinting, because most places  
8           that provide fingerprinting are going to be law  
9           enforcement and, generally, my clients, once they  
10          are free of law enforcement don't like to  
11          volunteer going back there and also paying for  
12          that service. So we do that for free.

13                      Then, what we do is we assist eligible  
14          individuals who are indigent in terms of  
15          verifying that information and then getting the  
16          fees waived that DCJS would afford them. So they  
17          get their own DCJS record for free. And what's  
18          the purpose of that?

19                      I tell my clients, "I don't want you to get  
20          your record for fun," but there's four very  
21          simple reasons. One: There's a difference  
22          between the client thinking they know their  
23          criminal record and, in fact, knowing. Because  
24          believe it or not, most individuals have very

1 little understanding of their own criminal  
2 record. Therefore, I've had individuals tell me  
3 with absolute certainty that they felonies, they  
4 have misdemeanors. I've had individuals tell me  
5 they have misdemeanors, but they have felonies.  
6 I've had individuals tell me they have felonies  
7 and misdemeanors and they have no criminal record  
8 whatsoever.

9 And so that information is important. They  
10 must be able to accurately report it in terms of  
11 employment. They must know it, because they must  
12 know their own limitations.

13 The next reason why this is important is  
14 because they need an authoritative record. If  
15 you just simply Google "criminal records", there  
16 are thousands of sources of criminal records.  
17 Most of these are private. Most of these are not  
18 concerned with accuracy. They're concerned about  
19 making money. Therefore, individuals need an  
20 authoritative criminal record that they can fight  
21 inconsistencies.

22 Thirdly is the errors. DCJS tries very hard  
23 to correct records; however, it's a massive job.  
24 We assist in correcting these records. We do not

1           ask for any reimbursement for that. We assist  
2           DCJS in having correct records so that Parole has  
3           correct records, so that DOCS has correct  
4           records, so law enforcement has correct records  
5           and so that information is not used against -- in  
6           terms of erroneous information is not used to  
7           deny people employment.

8           Next, we assist people in applying for  
9           certificates of relief from disability which are  
10          of the utmost importance when in today's business  
11          field, criminal records are everywhere. So  
12          individuals need something that will mitigate the  
13          effect of their criminal record.

14          Next, we assist the eligible individuals in  
15          applying and obtaining certificates of relief  
16          from disability. Also, we represent individuals  
17          in licensing hearing cases, in background checks  
18          and in unlawful discrimination cases. We have,  
19          in fact, in the past year filed and settled  
20          employment discrimination cases based on criminal  
21          records where the employer basically put up a  
22          sign that said, "If you have a criminal record,  
23          you need not apply here. Don't even bother  
24          coming in the door"; also, against state agencies

1           that were denying people on an arbitrary and  
2           capricious nature in terms of their criminal  
3           records.

4           I'd just quickly like to give my  
5           recommendations in terms of that; is that access  
6           of records, employers and state agencies will  
7           send out a notice saying five days, give us a  
8           response to why this record is not accurately  
9           reporting. You're asking a layperson to  
10          basically do a job of an attorney within five  
11          days, which I can't even do. So there needs to  
12          be a speeded access in terms of criminal records,  
13          in terms of the OCA on-line records and the DCJS  
14          e-justice New York record.

15          Legal service providers could get these  
16          records and, with all security in terms of client  
17          confidentiality, obtain those records and help  
18          those individuals who will be denied jobs based  
19          solely on an error, fix those records and help  
20          people that are qualified to get jobs.

21          Next, accuracy of records. We must ensure  
22          the records that are used in terms of terms and  
23          conditions of confinement, which costs money. If  
24          a person doesn't need to be under very secure

1 lockdown, then they should be in a less secured  
2 facility. And if that decision is made on an  
3 erroneous record, well, that costs the taxpayers  
4 money for nothing, for errors.

5 If individuals are denied jobs based on  
6 errors that are on DCJS records -- and this is  
7 going on; I see it every day -- that's taxpayer  
8 money going out the window. It's a waste.

9 Next, the importance of certificates. Law  
10 enforcement in terms of parole and probation must  
11 see the importance of certificates in mitigating  
12 the effects of individuals' criminal records and  
13 they must advise individuals on their right and  
14 entitlement to apply for a certificate and assist  
15 them with that.

16 Next, I suggest -- my suggestion is  
17 collaborate with legal services. These are our  
18 clients. Eighty percent of the people that go  
19 through the criminal justice system are indigent.  
20 These are our clients. These are legal aid,  
21 these are public defender clients. Reach out to  
22 legal services and bring us into the fold and  
23 say, "We want to work with you. We want you to  
24 help us. We will help you." Thank you.

1                   DEP. COMMISSIONER BYRNE: Questions for Mr.  
2 Hogue and Ms. Porter?

3                   CHAIRMAN ALEXANDER: Just a brief comment.  
4 Ms. Porter, when you made the suggestion on the  
5 non-driver's license ID, that's one of the things  
6 that we're already looking at, trying to get some  
7 resolve to that.

8                   MS. PORTER: That's great. That would be  
9 wonderful. Boy. Congratulations.

10                  DIRECTOR ROSA: Jason, do you see the  
11 certificates of relief of disability helping  
12 those individuals that are not seeking some form  
13 of professional license, just the average  
14 individual who basically wants it because they  
15 have a presumption of rehabilitation? Does that  
16 truly make --

17                  MR. HOGUE: Absolutely. Absolutely. OMRDD,  
18 Office of Mental Retardation and Developmental  
19 Disabilities, Office of Mental Health, Department  
20 of Health, OFSPRO -- I'm not going to try to get  
21 their acronym right -- the Office of Child and  
22 Family Services, all those agencies and that's  
23 just to name a certain few, are all required to  
24 do background checks. And if you have a criminal

1 record, they will and, in certain cases, must  
2 deny people employment.

3 However, I do these background checks on a  
4 daily basis with these agencies and if there's an  
5 existence of a certificate, then the probability  
6 of that person getting that employment -- and  
7 these are not licensed jobs. We're talking about  
8 janitors, cooks, certified nurse's assistants,  
9 home health care aids. We're talking about  
10 thousands upon thousands upon thousands of jobs  
11 that are entry-level, good-paying and lead to  
12 somewhere. All those jobs, if the individual has  
13 the certificate, I would say the probability --  
14 unless there's a direct relationship or there  
15 really is an unreasonable risk applied, those two  
16 exceptions, unless those two things exist, even  
17 where there's direct relationship, I would say  
18 where people have gotten certificates, I have  
19 been successful in getting those people through  
20 the background checks, and they are employed,  
21 paying taxes and are doing a good job.

22 DEP. COMMISSIONER BYRNE: Further questions?

23 DIRECTOR FITZMAURICE: Jason, with the  
24 certificates of relief, is there any particular

1           impediment that you see based on your work every  
2           day in them getting that?

3           MR. HOGUE: Lack of knowledge. Simple lack  
4           of knowledge. We're talking about a law that's  
5           been on the books since the 1970's. And I'll  
6           tell you a real quick kind of funny -- when I  
7           first came to this job in Upstate New York, we  
8           called around to all the courts, all the town and  
9           village courts. I called and asked them for an  
10          application. My favorite response was the clerk  
11          said, "Heavens me. Why would you want to get off  
12          disability?"

13          These are the places that are supposed to be  
14          advising individuals that "This is how you do the  
15          application." They simply don't know. The  
16          courts simply don't know. And then individuals  
17          certainly don't know that these exist.

18          DIRECTOR MACCARONE: Just a suggestion. You  
19          should check our web site. We have 20 questions  
20          and answers on certificates and application on  
21          the public web site.

22          MR. HOGUE: Yes, and I do use that. And I  
23          use that to advise my clients. It is very  
24          helpful. But you have to remember many of my

1 clients are not going to be accessing the  
2 Internet for those, but it is very helpful. I do  
3 use that.

4 DIRECTOR ROSA: Parole also has the  
5 application.

6 MR. HOGUE: Yes.

7 DEP. COMMISSIONER BYRNE: Any further  
8 questions?

9 (No affirmative response.)

10 DEP. COMMISSIONER BYRNE: Thank you very  
11 much, folks.

12 If Margaret Mayk will replace Susan Porter  
13 and Jason Hogue. We'll now turn to Stephen  
14 Chinlund. Welcome.

15 MR. CHINLUND: It's more than an honor to be  
16 here today. It's an emotional experience for me,  
17 because for 40 years, I tried to get prison and  
18 parole together and here you are doing it without  
19 any help from me sitting side by side and  
20 actually looking happy about it. So I'm really  
21 thrilled.

22 Welcome, Chairman Alexander. It's a  
23 pleasure. I've been working in the prisons of  
24 New York State since 1963 as superintendent of

1 the first work release prison, Taconic; as the  
2 first Senate-approved chairman of the Commission  
3 of Correction and, most of all, as the founder of  
4 the Network Program. And though I am retired, I  
5 continue to meet with individuals, visit them  
6 inside, go to meetings, group meetings of  
7 Network, seven upstate in the prisons and four  
8 reentry meetings.

9 I'm not going to repeat testimony that has  
10 been very eloquent today. I'm just going to  
11 focus on a couple of points -- well, more than a  
12 couple. One, I hope that the state prison system  
13 could get pre-release -- pre-sentence reports  
14 from the courts. I know it's a tangle, but it  
15 would be helpful as you try to do pre-release  
16 planning to include family and churches and  
17 agencies that have been involved at the time of  
18 conviction.

19 I also hope the College could be greatly  
20 expanded. Others have been wonderfully eloquent  
21 about that today. Official social services  
22 started the Bard Prison Initiative and the  
23 College Initiative for those seeking college on  
24 the outside after release. It has a huge ripple

1 effect and I volunteer to help lobby for the  
2 restoration of TAP and for the restoration of  
3 Pell at the federal level. I really believe in  
4 both and I believe both should be modified for  
5 prisoners, because one of the things they shoot  
6 at is the, quote, excessive amounts that were  
7 spent per student. That's something that you all  
8 know about and that can be corrected.

9 GED preparation would have to be expanded if  
10 college is more widely offered inside, because  
11 there'd be more interest and motivation for that.  
12 I believe vocational training should be  
13 significantly broadened even with 10,000 inside.  
14 I think more can be done.

15 Super max prisons, I believe that more ways  
16 of helping prisoners get back to the general  
17 prison population and the public generally  
18 understands, but I certainly believe that there  
19 could be more visits if formerly incarcerated  
20 people were trained and supervised in that job.  
21 Finding mental health professionals way upstate  
22 in the woods is a very, very tough job, but  
23 supervision over people who would have some human  
24 conversation with the men and women inside would

1           be great.

2                   I also would favor, as I know others of you  
3 do, the removal of the steel doors. I think it's  
4 not necessary for security. Start with open bars  
5 and then if they can't handle that, go to  
6 plastic, but being inside a steel box is not  
7 something we need to do.

8                   That leads to the vast problem of mental  
9 health and I'm thrilled that there seems to be in  
10 the pipeline some significant new resources to  
11 address that very complex problem. But I believe  
12 it's a pre-release -- it's a reentry problem  
13 ultimately, because they are coming back.

14                   I would favor legislation that would require  
15 parolees who need prescribed medication to  
16 stabilize mentally on the outside, to have that  
17 as a condition of parole and be returned to  
18 prison if they fail to do so.

19                   Family programs are so important that I hope  
20 there could be a day like today that would focus  
21 entirely on family.

22                   And I cannot leave this list without  
23 including the importance of network and other  
24 self-esteem programs. Ideally, officers would be

1 more involved than they are now and that would  
2 require more training for involved staff,  
3 especially security staff. But I'm very happy we  
4 have present a teacher of network leaders on this  
5 panel and hope that the 13 percent recidivist  
6 rate for network after five years is something  
7 that could be acknowledged with increased  
8 funding.

9 So parole for the past 45 years has been a  
10 great puzzle indexation for me. I came here  
11 prepared, and I'm still ready, to say that I  
12 would endorse the creation of a new civil service  
13 title of Reentry Specialist with the appropriate  
14 senior and so on, but I also want formally to  
15 acknowledge that I believe parole has very  
16 unfairly been a whipping boy since I first came  
17 into the system.

18 Governor Pataki was not the first to blame  
19 Parole when a parolee committed crime. There has  
20 to be a new way to have really tough strong  
21 support for parole officers who happen to be the  
22 ones in charge of somebody who commits a new  
23 crime. The same is true, by the way, of  
24 probation. Both should be greatly expanded. I

1           would be happy to pay more state taxes myself if  
2           we could double the size of the parole staff or  
3           create the Reentry Specialist, because taking  
4           cheap shots is easy. Finding good new practice  
5           is difficult.

6                     But there is a revolution across the United  
7           States looking for good effective parole and  
8           probation practice, and I would hope there'd be  
9           somebody on the parole and/or probation or DCJS  
10          staff that wouldn't have any other job except to  
11          check out what's being done across the country,  
12          because there's good new work happening. And the  
13          defensiveness of a demoralized staff buffeted by  
14          decades of abuse is a huge challenge, but it's a  
15          challenge, I believe, that can be met by the  
16          resourcefulness of Chairman Alexander and  
17          Executive Director Rosa. It's something we just  
18          have to do; otherwise, all our talk of reentry  
19          winds up going into the wind.

20                    I propose that there be a new way of  
21          cooperating with private agencies, many of whom  
22          you've heard from today, that would make it a  
23          more competitive process. I'm ready for Network  
24          to compete with other agencies, get a public

1 contract. We've had a public contract with  
2 Parole up til Pataki. We should have one again  
3 either with Parole or DCJS or DOCS. But then let  
4 us compete and let us see how we do with other  
5 agencies who have a comparable cohort working  
6 with them. I know it's complicated, but I think  
7 it's better than the RFP system where essentially  
8 contracts are awarded according to the  
9 performance justifying getting the contract  
10 rather than the track record. We can make it a  
11 tighter kind of accountability if we frame the  
12 race in a comparable way.

13 I believe in the practice of returning  
14 people to prison for technical violation, but I  
15 would hope very much there could be more  
16 streamlining of weekend, week-long, month-long  
17 returns. It's a big headache for DOCS, but there  
18 just has to be a way that that can happen so that  
19 we don't come anywhere near the California  
20 problem of having these enormous time  
21 indebtedness to the system for people guilty of  
22 technical violations but it's very important to  
23 do. And if there were a way of measuring parole  
24 officers, it wouldn't be about technical

1 violations that I'd be interested, it would be  
2 re-conviction for a new crime.

3 And if it can be helpful to avoid  
4 re-conviction for a new crime to have a technical  
5 violation here and there for a week or a month or  
6 a year rather than do a whole more five or eight  
7 years, that's something we really need to do.

8 The cruel problem of housing has been  
9 mentioned many times and there have been  
10 wonderful representatives here today of doing  
11 excellent housing programs. The problem trumps a  
12 lot of good programs. A parolee could have done  
13 everything right in prison, have a wonderful PO,  
14 have a job, so and so, but if he does not have a  
15 fairly safe, clean place to live, all the rest  
16 can be wasted.

17 So returning to a question of Patricia  
18 Fitzmaurice, I believe that the reference earlier  
19 to mixed use housing is a possible way out,  
20 because certainly, low income housing in New York  
21 increasingly horribly gentrified my home town,  
22 place of my birth. We need low income housing  
23 anyway. So if there could be some help for  
24 parolees along the way, that would be wonderful.

1            Probation and alternatives to incarceration,  
2            we all have the good fortune to live in the era  
3            of Chief Judge Judith Kaye. As you know, she has  
4            quietly with wisdom, diplomacy and knowledge of  
5            law and access to her courts created an entire  
6            alternative system of criminal justice. And I  
7            hope we can hear more from Mr. Siegel in a few  
8            moments about that, but I'm going to finish in my  
9            minute.

10           I wish to stress the importance of the need  
11           to help re-entering people believe that they are  
12           worth bothering with. My experience since 1963  
13           has been that people in prison view themselves  
14           with despair and contempt. They need help if  
15           they are to understand that they are important.  
16           All the help in the world, housing, jobs,  
17           families, et cetera, does not keep a person from  
18           committing new crimes if he or she believes that  
19           he is garbage or worse. And if you penetrate the  
20           bravado, I believe that's what's underneath.

21           We're living in a racist society, a society  
22           that values money above everything else, presents  
23           an enormous challenge for the individuals who are  
24           the subject of this hearing. Network is only one

1 of the programs designed to help people in prison  
2 gain a sense of their own value. If we are to  
3 reduce the rate of re-conviction for new crimes,  
4 there must be an expansion of those programs.

5 I know that's a lot of money we're talking  
6 about if all these things were to happen, but I  
7 believe people would be ready to do it if they  
8 thought it was well spent.

9 Lastly, permit me to say how sorry I am that  
10 the church has failed to soften the lust for  
11 revenge in our society. If the entire system  
12 could focus on the mending of the torn fabric of  
13 society rather than exacting pain from the one  
14 who tore it, we would be a long way toward a  
15 healthy criminal justice system. Thank you.

16 (Applause.)

17 CHAIRMAN ALEXANDER: Mr. Chinlund, when you  
18 spoke of having a reentry person, were you  
19 talking within the agency level or as a separate  
20 stand-alone individual?

21 MR. CHINLUND: Oh, a reentry specialist?  
22 No, I was speaking about as a new person  
23 Commissioner Fischer has not asked for but would  
24 be working within the Department of Corrections,

1           because it would be an augmentation of the  
2           institutional parole officer since there is so  
3           much acknowledged richly here today that has to  
4           be done long before release.

5           CHAIRMAN ALEXANDER: Let me just indicate  
6           and I'm certain we're happy to say today that  
7           we've started that whole reentry process within  
8           parole and we do have a statewide coordinator for  
9           reentry. That's Ms. Goodman that's seated over  
10          here. And we have Pat Fitzmaurice who's our  
11          upstate coordinator for reentry services. We  
12          have Elizabeth Wilk over here who's our project  
13          manager for reentry services in Erie County and  
14          that's just the start of it. We're building a  
15          work force separate and distinct from the rest of  
16          our work force to deal with issues relating to --

17          MR. CHINLUND: That's wonderful.

18          CHAIRMAN ALEXANDER: -- both inside the  
19          institution and in the community.

20          MR. CHINLUND: Music to my ears. Thank you,  
21          Mr. Chairman.

22          DEP. COMMISSIONER BYRNE: Further questions?  
23          (No affirmative response.)

24          DEP. COMMISSIONER BYRNE: Thank you, Mr.

1 Chinlund. If Donna LaTour-Elefante could replace  
2 Mr. Chinlund. We'll turn now to Margaret Mayk.

3 MS. MAYK: Thank you. First, I'd like to  
4 begin by thanking you for the experience of this  
5 open forum today, for your openness and  
6 questioning of us and bringing us together. I'm  
7 very grateful to be able to be here to represent  
8 Step by Step of Rochester. I also am a member of  
9 the Monroe County Reentry Task Force and it's  
10 nice to be here with some other members.

11 I want to start with the closing remarks  
12 that we just heard, exacting pain from the one  
13 who tore it, rather than exacting pain from the  
14 one who tore it. The one who tears has been torn  
15 first. Every woman and man in prison is an  
16 unhealed torn wounded individual, and I believe  
17 that we all believe that.

18 The reason I wanted to start with those  
19 words is that Step by Step is an organization  
20 that was founded 15 years ago by myself and Dr.  
21 Patricia Merle. She's got a doctorate in  
22 social work. And we work with women at Albion  
23 State Prison and at Monroe County Correctional  
24 Facility and we're training a team of women right

1 now to work in the new county facility down in  
2 Allegheny County. It's quite a ride once a week.

3 The basis of the work at Step by Step is  
4 about healing, and that's why I wanted to start  
5 with that quote. We run workshops that we call  
6 life history workshops. There's seven different  
7 eight-week sets, so it's like fifty-six weeks of  
8 them. Plus, we have a parenting program that's  
9 twice a week for eleven weeks, so it's a  
10 twenty-two-session parenting program held out at  
11 Albion only. Well, that's no longer true. We  
12 only used to do it at Albion. Now, we do it in  
13 the community as well.

14 We've grown from two people to a staff of  
15 seven and a very dedicated, hard-working board of  
16 ten members, governing board. They work Pat and  
17 me to death and we drive them nuts, because  
18 they're trying to get us to become administrators  
19 and fund developers and that sort of thing.

20 The heart of Step by Step is that there are  
21 hundreds of thousands of men and women  
22 incarcerated. We work with individual women in  
23 small groups or large groups, groups of 20 to 25  
24 to 30, at Albion. And the model that we use is

1           life history. It's reflecting on the women's own  
2           life experiences whereby they learn, first of  
3           all, how to reflect; secondly, how to get in  
4           touch with and admit to some of the sources of  
5           pain in their life, which they don't want to  
6           admit to because they don't want to be  
7           vulnerable; how to see how they have perpetuated  
8           those patterns in their own adult choices in  
9           their lives.

10                   In the process, each woman is working on her  
11           own life history, not on somebody else's. And so  
12           the only feedback they give to each other in the  
13           group is that we give them little post-its and  
14           they get to name a one-word strength about a  
15           woman who has just shared her written reflection  
16           from her homework on a piece of her life.

17                   They are learning to break their isolation.  
18           They are learning to trust. They are learning  
19           that they are not alone and they are not the only  
20           ones that this has happened to. They are  
21           learning cause and effect. They are learning  
22           what Richard Langone mentioned this morning:  
23           Restorative justice means that we must make the  
24           folks see what they have done, see the

1 consequences of the pain that they have caused  
2 and see that they can make different decisions.  
3 I don't want to spend too much time on that, but  
4 that's my passion, as you can tell.

5 We also work with women after they come out.  
6 We work with our own women. We have support  
7 groups. We have workshops in our office space,  
8 in our meeting space at work. So we continue to  
9 run the life history workshops after they come  
10 out.

11 We have been asked to work in the community.  
12 We have been asked to work in treatment centers,  
13 Catholic Family Center treatment, outpatient  
14 treatment program. Thank you very much, Carl  
15 Hatch. We have a contract with them and so we  
16 work once a week with their women in phase one.

17 We have done work with, not currently but  
18 have done work with Unity Health, and the reason  
19 I mention this is to demonstrate the credibility  
20 of the program. Unity Health, Daisy Marquis  
21 Jones residential treatment program.

22 And we are currently working with -- we have  
23 worked with Monroe County Family Treatment Court.  
24 The funding was lost and they're working on

1 getting it back for us. When a mother is found  
2 to be negligent and the judge finds that that  
3 negligence is because of addiction, they are put  
4 into family treatment court in Monroe County and  
5 so we do part of that training. It's life  
6 skills. They learn how to look at the storms  
7 that they've weathered in their lives and they've  
8 learned how to see the strength and the potential  
9 that they have.

10 I think this is an enormous hole. I think  
11 it's a link that is very much needed in the chain  
12 of services to be offered. And the most recent  
13 contract that we got kind of demonstrates that.  
14 ROI, Rural Opportunities, Inc., and Temprow, a  
15 local nonprofit organization, have a housing  
16 program for homeless women and children. Two and  
17 a half out of the first three years -- they asked  
18 us to come in as a team to replace the service of  
19 a single social worker, because they wanted our  
20 programming, because a roof over the head and a  
21 job that doesn't pay much is not going to  
22 stabilize family.

23 What I would ask of you is -- well, the big  
24 news is we have just found out with the help of a

1 little nudge from a conversation down here a  
2 couple months ago, a month and a half ago, we  
3 just found out that the state through the office  
4 of Dr. Paul Crockin, the state records of the  
5 recidivism rates for women after three years of  
6 release is -- the normal rate is 30 percent and  
7 for Step by Step graduates, it's 20 percent,  
8 which means we have reduced that rate of  
9 recidivism by one-third.

10 We want to work with Parole. Parole would  
11 like to work with us. We don't have funding and  
12 we can't give away our services anymore. We're  
13 like Mary Sprague from this morning.

14 I would ask you to consider: Women affect  
15 families. They determine the moral fabric in  
16 their families, in their children's lives, or  
17 they can. It will be torn or it will be  
18 repaired. I would ask you to consider them with  
19 equal high risk value as others coming from  
20 prison. Thank you.

21 DEP. COMMISSIONER BYRNE: Questions for Ms.  
22 Mayk?

23 (No affirmative response.)

24 DEP. COMMISSIONER BYRNE: Thank you very

1 much.

2 (Pause in the proceedings.)

3 DEP. COMMISSIONER BYRNE: Thank you all for  
4 being patient and being here at the end of the  
5 day to help us. We'll turn now to Donna  
6 LaTour-Elefante.

7 MS. LATOUR-ELEFANTE: I also want to thank  
8 you for persevering as a captive audience today.  
9 It's been a long day for you as well.

10 I am the executive director and founder of  
11 the Family Nuturing Center of Central New York.  
12 We've been around for about 18-plus years and one  
13 of our core values and our basic core value is  
14 that a family systems approach is necessary for  
15 positive change over time.

16 The power of transformation is a possibility  
17 only when family members are empowered to grow  
18 and heal together. Criminal justice-involved  
19 families are served at the Family Nuturing Center  
20 through case management services funded through  
21 DPCA and a program called Project Step.

22 I'd like to introduce Margaret Kojak who is  
23 our director of services who's also the  
24 supervisor of that program to tell you more about

1           it.

2                   MS. KOJAK: Project Step has two case  
3 managers and myself as supervisor. And one of  
4 the things that we find that is really essential  
5 more and more is to work with the whole family.  
6 I had a case and my case managers are still  
7 working with this case. It was a mom and a dad  
8 who both had some criminal involvement. We had  
9 to work very intensely with them, and you'll find  
10 out why in just a minute. And the goals of  
11 Project Step is that we need to have them  
12 employed, we have to do parent education and we  
13 have to have stable housing before we can close  
14 the case and get paid.

15                   So we work very hard, because this is a  
16 performance-based grant. So we worked very, very  
17 hard with this family. This family, both mother  
18 and father, now are employed. They have stable  
19 housing. She is 18 years old with triplet boys.  
20 We had to also work with grandma, because  
21 children were in foster care and grandma did not  
22 really want to do parenting the second time  
23 around. So we convinced grandma that, of course,  
24 you're a young grandma, I mean, this will keep

1           you young, three babies.

2                   I did a home visit and it was really  
3           overpowering to walk into that family room and  
4           see three young babies in their walker and I  
5           thought, well, I don't know, I don't know if I'd  
6           put my money where my mouth is working with these  
7           three, but she did; the grandmother and  
8           grandfather took the grandsons. We got them out  
9           of foster care, gave us time to work with the  
10          parents and, now, the goal is -- and it's coming  
11          very close -- that the young parents with the  
12          support of family will be employed, will have  
13          housing and their three sons will be living with  
14          them.

15                   But it took a lot of work and with very  
16          little resources -- a lot of resources, but a lot  
17          of money to back this up. So it is really --  
18          what I'm finding is our clients that are getting  
19          out of prison, they do want to either get back  
20          and have a relationship with the whole family or  
21          they do want to have a relationship with their  
22          children.

23                   So it is really important, you know, that we  
24          do work with the whole family. It is also

1           important -- we want to work with Parole. We  
2           have the grant. It will not cost Parole any  
3           money to work with us and, somehow, I have to  
4           maybe -- we have to find out how that can be  
5           possible. I'm not a parole officer. I'm only  
6           there to help parole officers serve their cases  
7           and help ease their job, because we do the home  
8           visits. We go and we go down to social security.  
9           We take them to medical appointments. We  
10          transport them to programs.

11                 Our goal is to go in, work with them  
12           intensely, empower them and step back so that  
13           that they can now be in control of their own  
14           life. So we have been very successful. We're  
15           not having a difficult time in getting jobs.  
16           That is one of our easy parts, so we're really  
17           pleased about that. We have a wonderful program.  
18           We're fortunate to have been able to continue  
19           this year and, hopefully, for the next three  
20           years, I believe, and it's been a pleasure for  
21           you to listen and thank you for staying overtime.

22                 MS. LATOUR-ELEFANTE: A few concerns.  
23           Certainly, training for probation and parole  
24           regarding the values and benefits of alternatives

1           in general but also restorative justice in  
2           particular. Family Nuturing Center is in a  
3           unique position where we are providers of  
4           services for families involved in the criminal  
5           justice system and also, fairly recently, we're a  
6           victim of a crime of a dishonest employee. And  
7           under the challenge of that, we chose restorative  
8           justice as a way of handling that situation. We  
9           were commended by many people in the community;  
10          however, there were some folks in the criminal  
11          justice arena who did not understand our approach  
12          to that and so there's also been some comments in  
13          the negative.

14                 We had to consider the circumstances and we  
15                 did consult with the Attorney General's Office  
16                 and the District Attorney's Office and we chose  
17                 to get a contract for full restitution of funds  
18                 and allow the opportunity for intensive mental  
19                 health treatment for the individual, which was  
20                 very necessary, and also she was a single parent  
21                 with a young child. So under the circumstances,  
22                 we believe we did the right thing. I think down  
23                 the road, that will prove to have been a very  
24                 positive decision.

1           Also, we believe that pre-release planning  
2           is very important as early as possible, as has  
3           been said earlier today, and that includes prison  
4           family support throughout the incarceration  
5           period, including parenting education, ease of  
6           child visitation and access, ongoing  
7           communication and involvement in family  
8           decision-making.

9           As an example of that, we were fortunate in  
10          our area -- we have a four-prison hub situation  
11          in Oneida County and at Marcy Prison, we were  
12          able to do a pilot project using the nurturing  
13          fathers program that was taught by dads for dads  
14          in the prison system. It was actually funded  
15          through a one-time corporation grant and allowed  
16          us to invite staff from the prison to attend a  
17          five-day facilitator training, parenting training  
18          program, as well as a two-and-a-half-day  
19          nurturing fathers program curriculum training.  
20          So they had seven and a half days of training,  
21          which is pretty amazing.

22          In addition to that, we offered the first  
23          program in the prison facilitated by an  
24          experienced staff person from the Family

1 Nurturing Center but with the prison staff  
2 present and participating, sort of on-the-job  
3 training. And since then, that program continues  
4 in the prison without our involvement and that  
5 was our goal.

6 We had 13 fathers graduate from that  
7 program. The content of the program includes  
8 things like age-appropriate discipline,  
9 communication that is effective, understanding  
10 spousal relationships in that moms and dads  
11 parent differently so that they can sort of agree  
12 to be on the same page in talking about that; how  
13 to play with your children, because dads play  
14 differently than moms do; how to get your needs  
15 met, to recognize them and keep your stress  
16 levels low; how to express your feelings more  
17 appropriately, and just balancing work and  
18 family.

19 The dads create a vision statement of the  
20 father that they want to be and then the whole  
21 program is designed to get them there. And the  
22 children and the spouses are invited to come to a  
23 play session and the ending celebration,  
24 graduation ceremony. The fathers read their

1 vision statements to their children. There isn't  
2 a dry eye in the house, and that includes in the  
3 prison. These fathers were extremely receptive.

4 Some of their comments: "This program has  
5 taken my eyes off my current situation that I'm  
6 in now and on to the father I'm becoming and will  
7 be into the future."

8 Another comment: "I look forward to these  
9 sessions and have a chance to talk about what is  
10 really important to me."

11 And the third comment: "Having gone through  
12 this program opened my eyes to the importance of  
13 being a real father for my children."

14 Another way that we've been able to help in  
15 the prison is that there was a father in this  
16 program who had not seen his child for four  
17 years. The mother had real serious income  
18 problems and didn't have any transportation and  
19 couldn't get to the prison. So our facilitator  
20 who works in Project Step has been transporting  
21 this child to see his dad once a month since that  
22 program.

23 And he said when he looked in the child's  
24 eyes after the graduation ceremony and saw him

1           crying all the way home silently that he couldn't  
2           refuse to offer access for this child. He missed  
3           his dad that much.

4           So one of the things that I'd like to ask  
5           for is adequate space within a prison to provide  
6           this kind of programming that's welcoming to not  
7           only the dads in the program but the other  
8           spouse, the moms, and the children so that they  
9           feel like they're comfortable and this is a place  
10          for them to celebrate their family together.  
11          Also, of course, training for supporting ongoing  
12          aftercare services, because we also had a father  
13          who came to our program who did very well, who  
14          got a job, who took the nurturing fathers  
15          program, who joined the fathers fellowship group  
16          and got support.

17          His mother, the grandmother, had custody of  
18          his two children but she passed away. And then  
19          he was able with support to get custody of those  
20          two children. Unfortunately, he was pretty  
21          fragile emotionally and along the way, a break-up  
22          with a relationship and then finally a false  
23          accusation that got him involved in family court  
24          and arrested and put into jail caused him to go

1 over the edge and he committed suicide in a jail  
2 cell. He hung himself. And we know that more  
3 intensive services could have really worked with  
4 this father. We did as much as we could with the  
5 limited funding and types of services that we  
6 provide, but he could have been helped, I think,  
7 beyond what he was and might still be here today.  
8 Thank you.

9 DEP. COMMISSIONER BYRNE: Questions?

10 CHAIRMAN ALEXANDER: Just briefly, you said  
11 you had some concerns or some questions as to how  
12 to access parole. There are three ladies here,  
13 Ms. Goodman, Ms. Fitzmaurice and Ms. Jiminez, can  
14 help you out with that.

15 MS. LATOUR-ELEFANTE: Thank you.

16 DEP. COMMISSIONER BYRNE: Mr. Siegel, thank  
17 you very much for your patience. If you would,  
18 please.

19 MR. SIEGEL: Good afternoon or good evening,  
20 as the case may be. It's nice to see so many  
21 familiar faces late in the day. Last on the  
22 calendar, but we hope we're first in your hearts  
23 anyway.

24 I want to thank you for this opportunity to

1 discuss the important issue of offender reentry.  
2 My name is Albert Siegel. I'm the deputy  
3 director for the Center for Court Innovation.  
4 Previously, I was the deputy commissioner for New  
5 York City probation for eight and a half years.

6 I am joined today by Chris Watler, one of  
7 the principal planners and the first hearing  
8 officer for a juvenile reentry project we operate  
9 in Harlem.

10 The Center for Court Innovation is an  
11 independent, not-for-profit organization that  
12 works closely with the state court system. Over  
13 the past decade, as Steve Chinlund has said, with  
14 the active endorsement of Chief Judge Judith S.  
15 Kaye, the Center has won numerous awards for  
16 developing problem-solving courts here in New  
17 York State.

18 Nationally and around the world, we've been  
19 working with jurisdictions to spread the  
20 problem-solving way and approach.  
21 Problem-solving courts are designed to address  
22 chronic issues, such as substance abuse, mental  
23 illness, domestic violence and offender reentry,  
24 issues that fuel crime, clog our justice system

1           and diminish the quality of life in our  
2           communities.

3           There are six key strategies that define  
4           problem-solving courts: Engaging communities in  
5           the delivery of justice; establishing  
6           collaborative multi-disciplinary partnerships  
7           among justice system players, law enforcement and  
8           locally based organizations; providing judges and  
9           other key decision-makers with more information  
10          so that they can make better decisions; using  
11          evidence-based assessments to identify offender  
12          needs and link them to individualized sanctions;  
13          monitoring compliance rigorously to ensure  
14          offender accountability; and using data to  
15          determine whether the projects are achieving the  
16          outcomes they were designed to accomplish.

17          These strategies challenge courts and  
18          related justice agencies to move beyond  
19          processing cases simply like widgets in a  
20          factory. There is a wealth of evidence to  
21          document that these reforms have improved both  
22          the fairness and the effectiveness of the justice  
23          system. Researchers have documented reductions  
24          in street crime, substance abuse and recidivism

1           in our projects as well as improved compliance  
2           and enhanced public trust in justice.

3           Seeing these kinds of results,  
4           problem-solving justice has been hailed by all 50  
5           state court chief justices as well as the  
6           American Bar Association. In recent years, we  
7           have applied the problem-solving approach to  
8           address the challenges posed by offender reentry.

9           In one of our community courts, the Harlem  
10          Community Justice Center, we've been testing the  
11          impact of problem-solving justice in helping  
12          adult offenders on parole and juveniles in  
13          aftercare return to their communities. Today, we  
14          would like to discuss Harlem's approach to  
15          reentry. It is a model that is every day helping  
16          to transform the lives of participants, their  
17          families and their neighborhoods.

18          For too long, the Harlem community has been  
19          profoundly affected by crime. A recent analysis  
20          by the Justice Mapping Center of a seven-block  
21          area of East Harlem found that one in twenty  
22          males in the area are sent to prison, the highest  
23          rate in New York City.

24          In Harlem, the formerly incarcerated and

1 confined return to a community that provides few  
2 opportunities to earn a living wage legitimately,  
3 secure decent and affordable housing and receive  
4 the education, training and assistance they need  
5 to have a fighting chance at becoming productive,  
6 law-abiding members of society.

7 In Harlem, we are tackling these challenges  
8 head on working with our partners, the Division  
9 of Parole and the Office of Children and Family  
10 Services. Our Harlem reentry projects, the  
11 parole reentry court and the juvenile reentry  
12 network, are administrative courts serving  
13 offenders returning home to East Harlem and Upper  
14 Manhattan. They are the only projects of their  
15 kind in New York State.

16 In these projects, reentry begins when an  
17 adult or juvenile receives a scheduled release  
18 date. At that point, a comprehensive  
19 pre-discharge plan is prepared that focuses on  
20 risk, plans for treatment and other critical  
21 services like housing, work force training,  
22 employment, education services and family  
23 engagement. The emphasis is on ensuring a  
24 seamless transition from facility to community.

1           The plans are informed by comprehensive  
2 psychosocial assessments and home visits  
3 conducted before the offenders are released.  
4 Once released, participants appear immediately at  
5 our courthouse on 121st Street. There, they must  
6 appear before a legal authority who lays down the  
7 law. An administrative law judge presides at  
8 parole hearings and a hearing officer presides at  
9 the juvenile reentry network.

10           At the initial hearing, participants sign a  
11 contract agreeing to comply with the conditions  
12 of release and the components of the  
13 individualized service plan. A  
14 multi-disciplinary team comprised of the parole  
15 officers or aftercare workers, clinical social  
16 workers and locally based service providers then  
17 work with participants and, where relevant, their  
18 families to implement the plan and to begin the  
19 process of moving participants down the road to  
20 re-integration and productive lives.

21           Our service partners include the Center for  
22 Employment Opportunity, Paladia (phonetic), City  
23 Care, the Children's Aid Society and numerous  
24 smaller local and faith-based agencies that, in

1 normal circumstances, might otherwise go  
2 untapped.

3 Participants must report regularly to the  
4 courthouse where progress is monitored.  
5 Non-compliance meets with an immediate response.  
6 We also use incentives such as praise from the  
7 branch and periodic public ceremonies to  
8 acknowledge positive performance. Importantly,  
9 all of this takes place in the community where  
10 participants live, a model of service delivery  
11 that greatly improves the chances of successful  
12 re-integration.

13 Since its inception, the parole reentry  
14 court has enrolled more than 350 parolees. Over  
15 220 have graduated or are on track. The juvenile  
16 reentry network has enrolled 130 young people, of  
17 which 74 have graduated or are on track, a very  
18 promising number given the historic failure rate  
19 of 75 percent for that population.

20 I'm now going to turn it over to Chris to  
21 talk about one of our Harlem reentry cases.

22 MR. WATLER: Of course, behind the numbers,  
23 there are people. I want to share a recent  
24 story. Kenneth S., a 28-year-old parolee served

1           15 years for second degree murder committed at  
2           the age of 14. Kenneth was released in January  
3           of this year. He was interviewed by our team  
4           twice before his release. A case manager in  
5           consultation with the assigned parole officer  
6           crafted a pre-discharge service plan. The plan  
7           was ambitious. It needed to be. Parolees  
8           typically face multiple challenges.

9           In Kenneth's case, he was enrolled in a  
10          specialized program for ex-offenders at John Jay  
11          College for Criminal Justice. Transitional  
12          housing was secured through a neighborhood  
13          partner and he was enrolled in a mental health  
14          counseling program. He was also referred to the  
15          Fortune Society for a variety of employment  
16          services.

17          Before release, Kenneth demonstrated his  
18          motivation to succeed and a generally positive  
19          attitude. The services were lined up and waiting  
20          for him upon his release. On the day of his  
21          release, Kenneth appeared at the reentry court to  
22          sign and serve his contract. Kenneth completed  
23          his job training program within three months and  
24          then found a job as a telemarketer on his own.

1 He now comes to the Justice Center three days a  
2 week where he gets computer training from staff.  
3 There, he meets with his parole officer and  
4 regularly appears before the judge who reviews  
5 his compliance, adjust the plan as necessary and  
6 provides encouragement.

7 Although he sometimes gets frustrated when  
8 things go slowly, Kenneth is making steady  
9 progress. The combination of structure and  
10 support offered by the Harlem Reentry Court has  
11 helped point him down the road to success. This  
12 two-pronged approach, rigorous accountability and  
13 a helping hand, is a hallmark of our reentry work  
14 and it's what's really proven effective with  
15 problem-solving courts on a range of justice  
16 issues.

17 What this case underscores is the promise  
18 that thoughtful, locally based problem-solving  
19 can play in promoting successful reentry, even  
20 in those neighborhoods where the largest numbers  
21 of offenders are returning like East Harlem.

22 Through assessment, pre-discharge planning,  
23 collaboration, access to readily available  
24 services, aggressive monitoring and support,

1 genuine progress is being made in tackling the  
2 issues so many returning offenders confront.

3 Harlem's reentry work will soon be bolstered  
4 with the advent of the Upper Manhattan Reentry  
5 Task Force, which will be charged with  
6 formulating a community-wide approach to reentry,  
7 educating the public and establishing a broad  
8 base collaborative of government agencies, law  
9 enforcement, faith-based and community providers  
10 to enhance public safety.

11 We believe that the work going on in Harlem  
12 is important and holds great promise for the  
13 future. For those offenders who are confined,  
14 good practice and common sense dictate an  
15 increased investment in community-based reentry  
16 programs like the one operating in Harlem that  
17 hold returning offenders accountable to  
18 aggressive supervision while linking them to  
19 services.

20 Funding community-based reentry strategies  
21 is both cost-effective and more likely to achieve  
22 success for individual offenders. Most  
23 importantly, such strategies are good public  
24 policy. We thank you again for giving us this

1 opportunity to speak and look forward to  
2 answering your questions.

3 DEP. COMMISSIONER BYRNE: Questions, folks?

4 MR. WATLER: I'll just add that our web site  
5 has a lot of information on it. I would commend  
6 it to your attention. CourtInnovation.org. You  
7 can find out more about problem-solving justice  
8 and the Harlem project.

9 DIRECTOR FITZMAURICE: Do you limit the  
10 folks that are involved in the parole reentry  
11 court? Is there a specification about the type  
12 of offender that you'll deal with?

13 MR. SIEGEL: When we originated the program  
14 with Parole, and because of some restrictions  
15 that were established through some federal  
16 funding that was helping support the program at  
17 that time, we were limited to non-violent drug  
18 offenders. We have since expanded the program to  
19 all matter of offenders with the exceptions of  
20 arsonists and sex offenders.

21 You know, we've had, as this case indicates,  
22 Kenneth S., we've had people convicted of  
23 homicide. The real issue for us and, I think,  
24 for the Division is that these are folks coming

1 back to the neighborhood and so if they're coming  
2 back to the community within the general confines  
3 of the catchment area, that's the issue and there  
4 are parole officers assigned at the Justice  
5 Center.

6 So the notion is to make the services  
7 accessible, make reporting less onerous and more  
8 productive and working as closely as we can with  
9 whatever support network they bring to the table,  
10 be it families, employers, other relatives,  
11 friends.

12 There have been situations at the Justice  
13 Center -- and I know that Felix Rosa may remember  
14 this. One of our first cases was a guy who had  
15 been incarcerated for a number of years, was  
16 reunited with his family in the courthouse and it  
17 was quite emotional. And the issue for us is  
18 that we like to test the impact of locally based  
19 supervision rather than having people report  
20 necessarily to 40th Street where it's a large  
21 waiting room and scant opportunity to spend  
22 quality time with a parole officer.

23 In the environment of the Justice Center,  
24 things happen a little differently and there are

1 a wealth of services located on the site at the  
2 Justice Center that work interchangeably with the  
3 program.

4 DIRECTOR FITZMAURICE: Now, in your  
5 community, because you've been doing this for a  
6 long time, what would you say is the largest or  
7 the major impediment that you see to a successful  
8 reentry?

9 MR. SIEGEL: Well, I've been listening very  
10 carefully to all of the testimony and if we had  
11 to isolate one -- they're all difficult. I mean,  
12 employment is difficult. Substance abuse  
13 treatment -- housing is the most difficult. I  
14 mean, in New York City, it's difficult for  
15 anybody to afford housing or to even access  
16 housing assuming they can afford it. When you're  
17 talking about people coming back largely with  
18 limited employment skills and with a wealth of  
19 other issues, they're not the most eligible or  
20 attractive tenants and I think housing is the  
21 single largest challenge that we've had to  
22 tackle.

23 And with the Division of Parole's assistance  
24 almost from the onset, we've been working closely

1 with Paladia which has set aside beds even for  
2 folks who do not have substance abuse problems as  
3 a way of keeping them in the community. What we  
4 wanted to do and what we've been able to tackle  
5 is keeping them in the neighborhood. We want  
6 them to avoid the shelter system for any number  
7 of reasons but not the least of which is if they  
8 enter the shelter system, they'd be moving around  
9 from neighborhood to neighborhood.

10 We want them to live where the service is  
11 and where the courthouse is, where their families  
12 are and so housing, I think, is the biggest  
13 difficulty. You know, we run a juvenile program  
14 and, there, we can isolate a problem, too. It's  
15 schooling. They're supposed to go back to  
16 school. The schools don't want them. Those are  
17 the kinds of problems we want to attack.

18 MR. WATLER: Also, the problem-solving  
19 justice is designed as a strategy to increase  
20 public confidence in the justice system. In a  
21 neighborhood like Harlem, the confidence is very  
22 low. I think what was mentioned earlier about  
23 the need to kind of publicize effective reentry  
24 as a real public safety strategy for a community

1 and to really shift the thinking of employers and  
2 landlords and folks in the community, taxpayers,  
3 that this is a good investment, that's very  
4 important in kind of getting these programs  
5 supported locally and helping to ease the  
6 transition for offenders.

7 I really think mentoring for young people  
8 is very important, getting young people connected  
9 to youth development programming. The RGRN  
10 network connects them to the Boys and Girls Club  
11 in their community. So there's continuity even  
12 beyond supervision when they're done with  
13 aftercare, that they have something locally to  
14 say, "I go to that clubhouse. That's part of my  
15 life."

16 Those strategies are important. We need to  
17 build the confidence of the community.

18 MR. SIEGEL: All of the services at the  
19 Justice Center, as Chris alluded to, are  
20 available to parolees and their families even  
21 after they leave the program.

22 The last thing I want to say is that the  
23 notice of having a judicial presence -- in the  
24 case of parole, an administrative law judge -- is

1 not purely theatrical. There really is an impact  
2 on offender behavior and offender compliance to  
3 watch that interaction and to see how the parole  
4 officers play off the ALJ. You know, it's  
5 powerful to say, "If you don't do this, we're  
6 going to bring you before the judge."

7 On the other hand, when the judge issues  
8 statements of praise and encouragement, for many  
9 of these guys, for virtually all of them, that's  
10 not been an experience they've had very readily,  
11 certainly in a courtroom setting, and it has a  
12 very emotional impact. It's also emotional when  
13 the judge reads from their journals about what  
14 they've been doing and questions them and they  
15 have to defend what they've written and hear from  
16 family members about what's going on in their  
17 lives.

18 That kind of interaction in that setting has  
19 a great impact on the way people react to their  
20 parole officers and to the conditions of parole.

21 DEP. COMMISSIONER BYRNE: That concludes  
22 today's hearing.

23 (WHEREUPON, at 5:33 o'clock, p.m., the  
24 hearing was concluded.)

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C E R T I F I C A T I O N

I, THERESA L. KLOS, Shorthand Reporter and Notary Public within and for the State of New York, do hereby CERTIFY that the foregoing record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

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THERESA L. KLOS

Dated: June 25, 2007.