

TESTIMONY OF THE LEGAL ACTION CENTER

ON BEHALF OF THE ATI AND REENTRY COALITION

**Assembly Ways and Means and the
Senate Finance Committees
Joint Public Hearing on Public Protection
Executive Budget FY 2012-2013**

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Presented by

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Legal Action Center**

Endorsed by

**Center for Alternative Sentencing and Employment Services (CASES)
Center for Community Alternatives (CCA)
Osborne Association
Center for Employment Opportunities (CEO)
Greenhope Services for Women
The Correctional Association
TASC of the Capital District
The Fortune Society
Women's Prison Association
Legal Action Center**

Good Afternoon. My name is Tracie M. Gardner. I am the Director of New York State Policy for the Legal Action Center. I appreciate the opportunity to address you today.

The Legal Action Center is the only public interest law and policy organization in New York City and the United States whose sole mission is to fight discrimination against and protect the privacy of people in recovery from drug dependence or alcoholism, individuals living with HIV/AIDS, and people with criminal records. The Center works to combat the stigma and prejudice that keep these individuals out of the mainstream of society. The Legal Action Center helps people reclaim their lives, maintain their dignity, and participate fully in society as productive, responsible citizens.

We also run a national center to promote the employment of individuals with convictions, the national H.I.R.E. network. H.I.R.E.'s goal is to increase the number and quality of job opportunities available to people with criminal records by changing public policies, practices and public opinion. H.I.R.E has worked for the last four years to serve as a national clearinghouse for information and technical assistance for non-profit and government agencies working to improve employment prospects for the formerly incarcerated across the country.

In New York State, we work closely with the coalition of Alternative to Incarceration (ATI and Reentry) and related programs (pre-trial services, defender based advocacy, client specific planning, community service sentencing, drug treatment diversion programs, TASC, legal and employment assistance). These programs divert appropriate individuals who have been arrested or convicted to community supervision and sanctions and thereby protect the public and save the state enormous

sums of money by reducing prison costs, preventing recidivism and stabilizing these individuals and their families.

We present these budget recommendations on behalf of the ATI and Reentry Coalition:

New York State is nationally known for its highly effective network of alternative to incarceration (ATI) and reentry programs. These programs have been critical to the State's success in simultaneously reducing crime, reducing the prison population and saving taxpayers many millions of dollars, and are essential to successful implementation of Rockefeller drug law reform and ending the cycle of addiction and crime. It is no coincidence that New York, with an effective network of ATI programs, has seen both crime and incarceration rates plummet simultaneously, without compromising public safety, all while saving New York money.

We applaud Governor Cuomo and the legislature for continuing funding for ATI and reentry programs last year, as well as closing excess prison capacity. We urge the Legislature to take the following steps to continue these critically important initiatives:

- **Maintain funding for alternative to incarceration and reentry programs during the fourth quarter of FY 2013 when federal stimulus (ARRA) money ends.**
- **Establish and institutionalize new state funding stream(s) for ATI and reentry programs to replace ARRA money, for the long term.**
- **Add \$5 million to encourage innovation and expand services for emerging and underserved client and community needs.**
- **Support Governor's proposal to reform the juvenile justice system by closing State facilities and providing placements and services to youth in New York City.**
- **Support Governor's proposal to enroll in Medicaid all eligible individuals incarcerated in New York State facilities.**

Maintain funding for alternative to incarceration and reentry programs during the fourth quarter of FY 2013 when federal stimulus (ARRA) money ends.

Under the Governor's Budget proposals, ATI and reentry receive federal money that the State receives through the American Recovery and Reinvestment Act (ARRA), which carries most of the programs receiving those funds through December 31, 2012. We deeply appreciate the Governor's continued and strong support for ATI and reentry programs. However, the Legislature must ensure that these vitally important programs continue to receive funding in the fourth quarter (January through March 2013) of FY 13.

We therefore urge the Legislature to appropriate necessary funds – we believe that to be approximately \$1million –for ATI and reentry programs to cover the fourth quarter of the year. Without this funding, programs will face devastating cuts that will prevent them from continuing their cutting edge work, including diversion, supervision, employment services, punishment and rehabilitation in community settings, and case management.

Establish and institutionalize new state funding stream(s) for ATI and reentry programs to replace ARRA money, for the long term.

Despite widespread recognition that ATI and reentry programs are an integral part of the criminal justice system and essential to New York State's ability to continue reducing crime and the prison population and saving many millions of taxpayer dollars, severe budget cuts in recent years have threatened their survival.

Funding cuts to ATI and reentry programs go well beyond the across-the-board cuts experienced by the criminal justice system in the past two years. The budget for the last two years also eliminated money that the Legislature had previously added in a variety of ways, which had restored state support for ATI and reentry largely to where it had been before funding plummeted in the aftermath of 9/11. (ATI and reentry programs also have lost millions of dollars in New York City and other local funding during the last several years as a result of the fiscal crisis.)

Fortunately, the Executive recognized the crucial role played by the ATI and reentry system and, with considerable assistance from the Legislature, came to the rescue. DCJS and its newly integrated OPCA worked with the Division of the Budget and the Legislature to identify millions in unspent federal ARRA stimulus funds that could be allocated to many of the ATI and reentry programs to sustain them in this difficult financial environment. The ATI and reentry system is most grateful for this extraordinary act of support, which was critical to the survival of much of the field.

However, as noted above, the Executive Budget only includes ARRA funds for most ATI and reentry programs through December 31, 2012. Once this funding ends, the State has no mechanism to replace the millions of dollars in funding that ARRA has provided for the last two years.

Therefore, we urge the Legislature to work with the Governor to identify a funding stream to ensure the survival of these programs.

Add \$5 million to encourage innovation and expand services for emerging and underserved client and community needs.

As much as ATI and reentry programs are currently doing to improve public safety and save the state millions of taxpayer dollars, they could do much more if given sufficient funding and opportunity. Supporting services in the upstate region and to underserved populations such as women and youth are but a few examples of how additional resources could be effectively used by ATI and Reentry programs.

Major areas of the state, as well as various population groups, remain acutely underserved by ATI and reentry programs. Upstate New York, especially a number of the upstate counties containing urban areas, have higher crime rates than New York City and are now responsible for the majority of new incarcerations in New York State facilities. Upstate New York has also begun receiving an increasing share of individuals who are being paroled from state facilities. Certain demographic groups of incarcerated individuals have also repeatedly been identified as being significantly underserved with ATI and Reentry services, including youths and addicted individuals convicted of property crimes, including many eligible for diversion under Rockefeller Drug Law reform.

We therefore call on the state to provide \$5 million in new funding for ATI and reentry services in order to allow programs to develop innovative strategies for addressing emerging and underserved client and community needs.

Support Governor's proposal to reform the juvenile justice system by closing State facilities and providing placements and services to youth in New York City.

Governor Cuomo's juvenile justice proposal will allow judges in New York City to send low-risk youth going through the juvenile justice system to facilities located within New York City and administered by the City. This proposal will allow these youth to stay closer to home, rather than being sent to facilities hundreds of miles away. Research has repeatedly shown that having families involved with youth going through the delinquency system significantly reduces the likelihood of recidivism.

Additionally, New York State's juvenile detention system is hugely costly and riddled with problems. Keeping most New York City youth in New York City will allow the state to eliminate 324 beds and close a number of expensive and inefficient facilities.

At the same time, Governor Cuomo's plan requires that the New York State Office of Children and Family Services continue an oversight role over new facilities opened in New York City to fill the role of closed state facilities. This will allow the State to ensure that the new facilities are meeting high standards of care and providing the necessary high quality of services to the youth who are housed in these facilities.

We are hopeful this plan will be released with ample time for public review and include well-established safety standards and durable community engagement and independent oversight

mechanisms. It is also crucial that legislators, the media, and the public ensure that our youth justice focus does not end with the budget cycle.

Therefore, we call on the Legislature to support Governor Cuomo's necessary and cost-saving reforms.

Support Governor's proposal to enroll in Medicaid all eligible individuals incarcerated in New York State facilities.

Governor Cuomo's budget calls for enrolling all eligible individuals incarcerated in DOCCS facilities into the State's Medicaid program as well as keeping the enrollment open for those individuals who enter prison already enrolled in Medicaid. This proposal will allow New York State to save several million dollars by splitting the cost of any medical services incarcerated individuals receive outside of prison with the federal government. It would also ensure that all eligible individuals leave prison enrolled in the State's Medicaid program, thereby enabling people in need of health care, substance use disorders and/or mental health treatment and other health care to receive it as soon as they are released, with the federal government sharing the cost.

We urge the Legislature to support this sensible and cost-saving proposal.