

**Testimony to the New York State
Joint Legislative Budget Hearing on Public Protection**

Public Hearing

January 25, 2024

Tanya Krupat
Vice President, Policy & Advocacy
Osborne Center for Justice Across Generations



Thank you for the opportunity to testify today. My name is Tanya Krupat and I am the Vice President for Policy and Advocacy at Osborne Association. As you may know, Osborne is one of the largest and oldest criminal justice service organizations in the state. We have offices in Harlem, Brooklyn, Buffalo, White Plains, Newburgh, Troy, and our headquarters in the Bronx. We serve 10,000 participants each year from arrest to reentry, including children and families affected by incarceration. We also have programming in 41 state prisons and on Rikers Island. This programming includes an array of services – parenting programs, healthy relationships, video visiting at 11 prisons and Rikers, discharge planning, health and wellness programs, and innovative programs to increase accountability, transformation, well-being, and successful release and reentry.

My testimony highlights the diverse work Osborne does inside of prisons; our work with law enforcement to address children’s needs at the time of parent’s arrest; our reentry housing models; and our recommendations for policy and practice changes, including embracing innovative approaches. These and all aspects of our work are designed to advance the health, safety, and well-being of children, families, and communities across New York State, including those of law enforcement and Corrections Officers.

All of our work at Osborne is also grounded in our core values, which include recognizing our shared humanity, advancing racial justice and equity, promoting healing through accountability, and strengthening communities. While law-breaking, harm and violence must be addressed, we believe effective solutions examine the pathways that preceded the harm. Most people who commit violence were victims of violence first, or, in other words, “hurt people hurt people.” Contributing to and at the root of many crimes are poverty, mental illness, addiction, systemic racism, and unaddressed trauma, including pervasive adverse childhood experiences. I mention this because of the Governor’s important emphasis on addressing “retail theft” and mental health. We urge the Governor to include in her approach investments outside of arrest, prosecution, and punishment for the former, and not only through the courts, for the latter. Community-based providers are critical partners in advancing public safety in ways that promote healing and prevent further harm, and are cost-effective. Greater investment is needed to divert people away from jail and prison, and to ensure they can access the help they need *before* harm is done and they have to appear in court.

Osborne is both a provider of community-based services and we have decades of experience working inside State prisons, and NYC jails. We are grateful for the partnership with DOCCS that makes our programs and innovations possible. In the last calendar year:

- Our **19 Hospitality Centers** at prisons spanning nearly 300 miles across the state hosted **53,231 visitors**.
- Our **5 Family Centers** within men’s prisons hosted 1,293 children in FY23.
- We conducted 523 video visits between children, other family members, and incarcerated people in DOCCS custody at 11 prisons, connecting from our 3 community sites in NYC, and Newburgh, and Buffalo.

- **90% of participants** in FamilyWorks parenting classes over the past 2.5 years say they have more confidence as fathers as a result of the course; **95%** plan to have more communication with their child(ren) following the course.

Osborne also currently leads ReentryWorks, a New York City-funded initiative, implemented in partnership with DOCCS, that brings Osborne staff into 24 DOCCS facilities across the state (on an in-person or virtual basis). Since launching in late 2022, we have served 518 people returning to the 5 boroughs. We urge greater investment in this model so we or other providers could serve individuals returning to counties outside of NYC.

Keeping families and their incarcerated loved ones connected and strengthening relationships during incarceration has always been core to our work and values at Osborne. We opened our first Family Center at Sing Sing back in 1986, and today, we operate 8 of them with the support and partnership of DOCCS, and we continue to work with people in the context of family, broadly defined. We launched the statewide NY Initiative for Children of Incarcerated Parents (NYCIP) in 2006. Made up of government agencies and community and faith-based partners, this broad coalition meets quarterly to discuss and develop solutions to meeting the needs of children whose parents are justice-involved. We advocate for visiting and protecting ways that family members and incarcerated loved ones can stay in touch. Unfortunately, over the past few years, we have seen significant limitations in terms of packages, letters, and visiting. While we share a deep concern over drugs and contraband coming into facilities, we also believe the increased isolation of people inside that results from not allowing personalized packages nor original letters or drawings from children to come in via mail has significant negative effects that actually fuel the desperation and depression that is often linked to drug use and relapse. Our concern is that ending the past practices of allowing personalized packages, letters, and artwork has a negative impact on incarcerated people and their families, straining the connections that we know are critical for morale and mental health.

Before delving further into detailed programs within DOCCS and upon reentry in the community that we would like to see expanded or created, I want to describe the work we have been doing with law enforcement agencies to safeguard children when a parent or caregiver is arrested. Osborne has been a leader in this body of work since 2008, when we conducted focus groups with parents about their arrest experiences and the resulting effects on their children, including on their children's perception of police. Since that time, it has become clear that very few law enforcement agencies provide training to their members on interacting with children, child development, children's trauma and crisis responses, and how to de-escalate and reassure children so as to leave a positive lasting impression on them.

In 2014, the International Association of Chiefs of Police issued a [model protocol and toolkit](#) for safeguarding children at the time of a parent's arrest. Subsequently, the police departments of Albany, Buffalo, Cheektowaga, Hudson, and New York City have issued protocols to minimize trauma to children when a parent or caregiver is arrested. Osborne has been fortunate to partner with each of these departments to develop and deliver training. In all of these departments except NYPD (due to its size), the entire department has been trained. This past

summer, DCJS issued a new accreditation standard requiring accredited police departments to have written guidance and training for Officers in safeguarding children when a parent or caregiver is arrested. We are thrilled by this progress and urge State police and all law enforcement entities, including probation, corrections and parole, to adopt a written policy and train their officers to prevent and minimize trauma to children. Not only is this critical for the well-being of the thousands of children affected by parental arrest each year (in 2018, in NYC alone, 68,000 children experienced a parent or caregiver's arrest), it can also benefit community-police relations. Leaving children with a positive impression and experience of police also increases Officer safety as children grow into young people and then adults.

While the Governor focused on mental health and youth mental health in her State of the State address, parental arrest is an invisible event that far too many children and young people experience with resulting effects on mental health. It is traumatic and often goes unnamed and unaddressed. It is very important for law enforcement to have the tools they need to minimize this trauma and for community providers to step in afterwards to address and heal this trauma.

Implementing Programs and Investing in Innovations

For all of the programs we operate inside prisons, we are dependent upon DOCCS for approval and entry of our staff, and literally having keys to the doors we need to walk through. The staffing shortage at DOCCS is affecting our ability to provide programs. Sometimes our staff receive notice in advance that a particular facility's school building is closed, or programs are canceled; other times, our staff travel the distance and only learn upon arrival that they cannot facilitate their program. Not only does this delay program completion, as a 12-week program turns into a 20-week program, but it is frustrating for our staff and for the people in the programs.

We have heard that recruiting for State and local corrections is challenging, but we strongly believe that lowering the age for these positions is absolutely not the answer. Instead, we have some ideas that come from our experience learning about and observing correctional systems in other states and countries, as well as decades of experience working in New York State prisons and jails. We welcome opportunities to share these ideas and encourage DOCCS to involve community partners and formerly incarcerated people, as well as current Officers, in developing solutions to the very serious staffing shortage problem.

Age Matters

At Osborne, we serve people across the lifespan. We see the resilience, strengths, and assets of people of every age and we also know (and science confirms) that each age and stage is particular, requiring a tailored and informed approach. According to the DOCCS [January 2024 released under custody report](#), there are 2,688 people incarcerated who are 24 years old and younger, including 431 who are 18-20. The brains of this group of young adults (also known as "emerging adults") are still developing and all corrections staff should receive training on working with young people, including restorative justice approaches that have been shown to be [effective](#) with young people. A 2021 Department of Justice literature review concluded that

young people “who participate in restorative justice programs are less likely to reoffend, compared with youths who are processed in the juvenile justice system.”¹

At the other end of the life cycle, there are currently 7,338 people in DOCCS custody who are aged 50 and over. We use age 50 to designate someone who is “older” within correctional settings due to “accelerated aging,” a phenomenon that DOCCS has acknowledged whereby incarcerated people age faster than their community counterparts due to trauma preceding incarceration and during incarceration, and lack of community standard for nutrition, healthcare, and access to exercise. This includes 20 women who are aged 65-plus and 1,208 men who are aged 65-plus. A growing body of research and diverse voices, including former DOCCS Commissioner Annucci in testimony to this body, are drawing attention to the crisis of those aging inside, and calling for their release. In 2018, Osborne issued an update of our report, [The High Costs of Low Risk](#), and just a few weeks ago, the Vera Institute of Justice published an article entitled, ["No one should be sentenced to die in prison."](#)

To address the needs of the more than 7,000 older people in DOCCS custody, we urge the Department to hire a consultant with expertise in aging and geriatrics to audit “a day in the life” of someone who is older: taking a shower, getting to and from “chow,” reporting for “count” several times a day, and more. The prison setting is not conducive to safety for an older person and this is not only costly on human terms but also to the Department. We commend DOCCS for creating the Ulster Senior Living Program (serving 52 older people who do not have serious health conditions or challenges) and to build on this and other tailored models to address the needs of older people.

We urge the State to invest in hiring its own geriatrician to comprehensively assess both systematic and individual needs of older adults within DOCCS. In the community, it is universally recognized that geriatric health care is the most complex care of all specialties. This is largely due to older patients having multiple chronic conditions at once, as well as older adults having higher risks of additional health issues such as falling, dementia, and side effects from medication. Geriatricians are well practiced at considering both the patient and their living environment when making treatment decisions. Another critical consideration when treating older adults within DOCCS is pain management. For geriatricians, pain management is one of older adults’ most common requests. In prison, chronic pain is most often managed only with acetaminophen or ibuprofen (Tylenol or Motrin), which is insufficient for many chronic diseases. Geriatricians are well-versed at pain management with a variety of options, both pharmaceutical and not. Expertise from a geriatrician would help illuminate better pain management protocols. Therefore having a geriatrician on staff would help DOCCS make lifesaving and cost-saving decisions (well over the 3% cuts they are faced with making this year) in healthcare costs.

With thousands of older people incarcerated in NYS prisons and with the Governor’s goal for New York to be an “age-friendly” state as exemplified in her soon-to-be-released Master Plan on Aging, there is a meaningful opportunity for greater focus and expertise within DOCCS to meet needs and ensure a community standard of care is met. (For example, everyone in DOCCS

¹ See Annie E. Casey Foundation: <https://www.aecf.org/blog/what-is-restorative-justice-for-young-people>

custody should receive a true geriatric assessment tailored to the prison environment upon their 50th birthday.) Of course, the best way to address this “silver tsunami” is to release more older people: older people are very costly to the Department to provide care for; the prisons system is ill-equipped to meet their needs; they should not be “aging in place,” when research supports “aging out of crime,”; they are huge assets to their families and communities; and their recidivism rate for new offenses is almost zero. We call on the legislature to pass the Elder Parole and Fair and Timely Parole bills.

To assist DOCCS in meeting the needs of older people inside, we are seeking additional funding for our Elder Reentry Initiative. ERI began in 2014 as a model case management and transition planning model specifically for older people leaving DOCCS facilities. There are three core components to ERI:

- 1) **Geriatric assessment, parole preparation, and discharge planning:** Osborne staff work with older adults in Fishkill (which has a Residential Medical Unit and Unit for the Cognitively Impaired) to assess individual needs, provide parole preparation assistance, develop a tailored release plan, and provide an escort upon release.
- 2) **Implementing integrated care management in the community:** Osborne staff work with returning elders and assist them to connect and remain connected to needed services, including appropriate housing, medical and behavioral health care (including long term/nursing home care), benefits and work opportunities and other needed services, including services available through senior centers.
- 3) **Improving provider receptivity and access to needed services,** by:
 - a) **Developing partnerships with senior centers and services for older adults** to increase referrals and advocating for the expansion of services, especially safe and appropriate housing options and responses to the opioid epidemic, which is particularly likely to affect older adults whose substance misuse history poses particular risk;
 - b) **Conducting outreach to gerontologists, senior centers, nursing homes, assisted living and palliative care providers, and mental health clinicians who serve elders** to increase sensitivity and reverse the stigmatization of formerly incarcerated elders;
 - c) **Designing and delivering cross-training workshops and webinars for service providers in the fields of aging and corrections/criminal justice.**

When we assist older adults preparing for the parole board, the results are very compelling: 60% of ERI participants are granted parole (compared with 40% of older people without ERI).

Expand Services in Western New York

In 2019, Osborne opened our Buffalo office, launching our FamilyWorks Buffalo programs. Generously supported by consistent funding from Senator Kennedy at the time and since, we

hope the Senate will continue to fund our program in Western New York. This multifaceted program is meeting unmet needs greater than our current resources. The programs are designed to provide support to children of arrested and incarcerated parents, including video visiting, youth after school groups and activities, caregiver support, restorative circles for community members, and training for schools and local providers on the impact of parental incarceration. We have been welcomed into the local community of providers, and could do even more with increased funding in particular to add a clinician to the team to address the traumatic experiences of many children we serve, and to bring our innovative Kinship Reentry Housing model (described below) to Western New York.

Invest in Reentry Housing and Innovative Models

Fulton Community Reentry Center: supportive transitional housing

As you may know, Osborne inherited the former Fulton prison in the Bronx from DOCCS years ago, and we are set to open Fulton as a vibrant community reentry center in coming months. Similar to the Fortune Society's Castle Gardens, Fulton is a 140-bed transitional housing facility for formerly incarcerated older men who have been away for many years, would otherwise be without housing, and will benefit from support to re-acclimate to a changing, fast-paced, digital world. Fulton will offer an array of programming, as well as housing specialists to assist people in the daunting task of finding permanent housing.

Marcus Garvey Apartments: permanent supportive housing

While transitional housing is critical to support reentry, finding and creating permanent and affordable supportive housing for the previously incarcerated is equally, if not more, important as it provides the long-term stability we all need. Osborne's Marcus Garvey Supportive Housing program in Brooklyn is an example of a project that provides that stability. Marcus Garvey has 52 apartments that offer permanent, supportive, affordable housing for previously incarcerated older men and women. These units filled up immediately, with the need for them far exceeding the number of units. Residents here take solace in knowing that they have a place to permanently call home, where they can also receive support and be connected to resources that allow them to explore their strengths, talents, and hobbies, and build community as they face and overcome the other challenges of reentry.

Kinship Reentry: investing in families

The Kinship Reentry Program (KRP) addresses two intertwined challenges for people returning from incarceration: safe and stable housing, and reunification with loved ones in the community. Since 2016, 40% of people released from NY prisons to NYC are discharged directly to shelters, amounting to an average of 3,500 people each year at a cost of \$138 per day, which comes to an annual cost of \$176 million. Many have families who are excited to welcome them home but may lack the financial resources to do so, or who may need support to navigate the reentry process.

To interrupt the cycle of homelessness and incarceration and divert people from the shelter system, Osborne has created an innovative model that supports families who welcome their formerly incarcerated loved ones into their homes after their release from prison. Based on the

kinship foster care model that allows relatives who are fostering children to receive the same support that unrelated foster parents receive, KRP addresses the underlying challenges that may discourage families from offering people coming home from prison a safe place to land.

KRP services for families include:

- \$500 monthly cash assistance for up to 12 months to help offset the financial costs of housing a formerly incarcerated family member;
- Case management and counseling to support families in the reunification process, delivered by credible messenger staff who draw from their own experiences welcoming a loved one home;
- Home visits and advocacy for families, including advocacy with landlords to address unsafe living conditions;
- Financial literacy education and financial planning for the end of the 12-month cash assistance program; and
- Service coordination with the formerly incarcerated person's reentry services provider.

Through the generous support of Trinity Church Wall Street, Osborne launched KRP in 2021, enrolling the first families in August 2021. The KRP team is now enrolling families at a rapid pace and keeping them engaged in services; to date, more than 175 families have participated in the program. A research team from Chapin Hall at the University of Chicago is evaluating Kinship Reentry for cost-effectiveness and its impact on family outcomes.

We are seeking funding to bring Kinship Reentry to Western New York and other locations. This innovative housing model is cost-effective and produces positive results and successful reentry. While we know we need more affordable housing throughout the state, we cannot only build our way out of the housing crisis. We must create and support the ability of families to take in their loved ones when they come home. Kinship Reentry is a solution worth investing in, replicating, and taking to scale throughout the State.

Policy Changes and Legislation²

Prison Closures

Over the past 10 years, the overall population of those in DOCCS custody decreased significantly, and where people who are incarcerated come from has shifted as well. Currently, about 50% of men and 60% of women come from outside NYC and its suburbs. This reality has been important to the implementation of the Proximity Law, which went into effect in 2021. To date, DOCCS has moved 3,500 parents of minor children closer to their children, with 300 more approved and awaiting transfer. This is huge and to be applauded.

Where people in DOCCS custody come from should be taken into consideration when prison closures are considered; the Governor announced in her proposed budget that up to 5 prisons would be identified for closure this year. We support right-sizing the system, including closing prisons, but we urge the State to make these decisions carefully, and with consideration for the

² Osborne's 2024 legislative and policy priorities can be found [HERE](#).

safety of all visiting, accessing, and conducting reentry planning, as well as staff commuting. We urge the decision making to include the input of formerly incarcerated people and their families. We also urge consideration of specialized programs or uniqueness of facility (for example, Fishkill should not be considered as it has a Unit for the Cognitively Impaired, and Taconic should not be considered as it is the only medium security prison for women within 7 hours of NYC, unless a medium security wing were opened at Bedford Hills Correctional Facility.

Parole

We also urge the legislature to:

- Fully staff the Board of Parole with commissioners who believe in rehabilitation and transformation
- Monitor parole release rates for older people. Currently, older people are denied release at the same rate as people of younger and other ages, despite the fact that they score low on the COMPAS risk assessment and have near zero recidivism rates. An over-weighting of the nature of the crime – the one static factor that cannot be changed no matter how long someone is incarcerated – no doubt contributes to this, but is counter to the parole regulations, which require consideration of other factors.
- Monitor racial disparities in parole release rates and why release rates are so low. The Board currently denies almost two-thirds of people who come before them, despite the fact that almost all have served their minimum sentence. Repeated parole denials can mean that someone serves almost twice their minimum sentence, which was not the intention of the sentencing judge. [This study](#) from one year ago specifically looked at NY State Board of Parole decisions using an algorithm that “looked at [91 variables](#) to predict crime risk” that included “age, minimum and maximum sentence, prison type, race, time in prison, previous arrests and other criteria,” and concluded:

“We conservatively estimate the board could have more than doubled the release rate without increasing the total or violent felony arrest rate. And they could have achieved these gains while simultaneously eliminating racial disparities in release rates.”

- Invest in digitizing the parole process so this is not a paper-based system and restore in-person parole interviews.
- Examine the process of allowing commissioners to continue to serve on the parole board long after their terms have expired. Currently, 10 out of 16 commissioners have expired terms including several with terms that expired many years ago.

We urge the Senate and Assembly to pass the following bills:

Protect In-Person Visits Bill, S3318/A6488 (Senator Sepulveda/Assemblymember Weprin) protects in-person visits at State and local correctional facilities, ensuring that video conferencing cannot replace in-person visits—an alarming trend sweeping the country that is encouraged by for-profit companies. The pandemic led to a reliance on video conferencing that set a concerning precedent in New York. Legislation is needed to restore in-person visiting to its

pre-pandemic levels and require facilities to offer weekend and/or evening visiting hours so that children and families can visit without missing school or work. The Senate passed this bill the past four years and we urge the Legislature to pass it immediately.

Fair & Timely Parole Bill, S307/A162 (Senator Salazar/Assemblymember Weprin) requires the State to show that an individual poses a current and unreasonable risk of violating the law and a threat to public safety in order to deny parole release once they have reached their minimum sentence. The bill also requires the New York State Board of Parole to consider all evidence of rehabilitation and, when determining unreasonable risk to public safety, to not solely and primarily rely on the seriousness of the crime, correcting the current injustice of prioritizing the nature of the original crime to determine release.

Elder Parole Bill, S2423/A2035 (Senator Hoylman-Sigal/Assemblymember Davila)
The Elder Parole Bill would allow individuals 55 years of age and older who have served 15 years or more a chance to go before the New York State Board of Parole, even though they have not yet reached their minimum sentence or would not otherwise be parole eligible. At great expense to taxpayers and the state, one in four incarcerated individuals is now aged 50 and older, representing a four-fold increase in the past 10 years. Incarcerating older people does not make us safer (recidivism rates for those over 60 for new offenses are close to zero) and deprives their community of wisdom, contributions, and leadership.

We are also proud members of the **ATI and Reentry Coalition** and we urge increased investments in alternatives to detention and incarceration, and investing in reentry supports and services such as those we have highlighted above.

Finally, we urge New York to pursue applying for the Federal Medicaid waiver for those incarcerated.

Thank you for your time and consideration.