

# The New York Initiative for Children of Incarcerated Parents

A special project of the Osborne Center for Justice Across Generations

## STEERING COMMITTEE

Columbia County Reentry  
Task Force

Hour Children

Hudson Children of  
Incarcerated Parents  
Partnership

Office of Children and  
Family Services

NYC Mentoring Children  
Collaboration

Permanent Judicial  
Commission on Justice for  
Children

Sills Family Foundation

The Correctional  
Association of NY

The Osborne Association

## NON-ENDORSING ADVISORS

ACS Children of  
Incarcerated Parents  
Program

Albany Police Department

NYS Office of Children and  
Family Services

Department of Corrections  
and Community Supervision

NYC Department for  
the Aging- Grandparent  
Resource Center

Office of Alcoholism &  
Substance Abuse Services

*Membership includes more  
than 50 representatives from  
government agencies and  
community and faith based  
partners throughout  
New York State.*

## STATEMENT IN SUPPORT OF FUNDING FOR THE FAMILY VISITING BUS PROGRAM (A5942/S731A)

Representing diverse organizations, groups, and faith-based communities providing services and advocacy throughout New York State, we ask that funding for the Family Visiting Bus Program (“Visiting Bus”) be included in the FY 2021 State budget so that the Department of Corrections and Community Supervision (DOCCS) can reinstate this critical service. Starting in 1973, DOCCS provided bus transportation to all New York State prisons at no cost to visitors; in 2011, they eliminated this service. As a result, visiting a loved one in prison became impossible or infrequent for many children and families throughout the state, leaving those incarcerated with significantly reduced contact with their support systems. Legislative bills A5942/S731A would reinstate this critical means of transportation by providing buses to all New York State prisons leaving from five major cities: Albany, Syracuse, Rochester, Buffalo, and New York City. Funding this invaluable program would be a smart investment that promotes successful reentry, lower recidivism rates, and children’s wellbeing, all positive outcomes that will result in long-term cost savings.

The elimination of the Visiting Bus Program has been devastating to families who relied on this means of transportation, and to incarcerated people who rely on visits to provide them with hope, healing, and the strong relationships that make a successful transition home more likely. New York State should be applauded for its foresight: we recognized the importance of family relationships long before research demonstrated that maintaining family ties is a key public safety, corrections, and reentry strategy; it improves the correctional environment during incarceration and reduces recidivism after release. Visiting also supports the positive outcomes of the more than 80,000 children with incarcerated parents in our state prisons who want and need to visit their parents.

Without the visiting buses, many families throughout the state are unable to get to prisons due to distance: 68% of incarcerated individuals from rural upstate areas are in prisons over 100 miles from their homes, and 58% of incarcerated individuals from the NYC metropolitan region are in prisons over 200 miles from their homes.<sup>1</sup> There were approximately **13,000 fewer visitors during the first year after the Visiting Bus program was eliminated**. The costs associated with travelling to a prison are prohibitive for many families, and most facilities cannot be accessed by public transportation. Many families simply do not have the means to visit regularly, if at all. As one mother who wanted to visit her incarcerated son stated, “Not providing buses is another way to punish poverty.”

<sup>1</sup> DiZerega, M., Asifuddin, F., & Tobias, L. (2012). New York State prison visiting bus: A public safety resource that benefits children and families. New York, New York: Vera Institute of Justice.

We applaud NY State for reducing both crime and incarceration over the past years. According to DOCCS, the closure of 17 prisons since 2011 has resulted in an overall annual savings of approximately \$193 million.<sup>2</sup> Families—particularly families of color and low income families—are deeply affected when a person goes to prison. Reinstating the bus program invests in families and restores our State’s commitment to children, families, and communities, a commitment New York demonstrated by offering this visiting program for 38 years. **We strongly urge you to include the allocation of \$3 million for the Family Visiting Bus Program in the FY 2021 NYS Budget.**

Thank you for your consideration,

1. Alliance of Families for Justice
2. Arthur Liman Center for Public Interest Law
3. Beacon Prison Rides/Beacon Prison Action
4. Bronx Defenders
5. Brooklyn Defender Services
6. Bronx Clergy Criminal Justice Roundtable
7. Bronx Christian Fellowship
8. CAIC (New York Campaign for Alternatives to Isolated Confinement)
9. Capital Area Against Mass Incarceration, Albany
10. Center for Alternative Sentencing and Employment Services, CASES
11. Center for Community Alternatives, NYC, Rochester, and Syracuse
12. Center for Employment Opportunities
13. Center for Family Representation
14. Challenging Incarceration
15. Children of Promise
16. Children’s Defense Fund, New York
17. Children’s Haven, Bronx
18. Citizen Action of New York
19. Civil Rights Corps
20. Coalition for Women Prisoners
21. Concerned Clergy for Choice
22. Council of Family and Child Caring Agencies, NYS
23. College and Community Fellowship
24. Community Service Society
25. Correctional Association of New York
26. Echoes of Incarceration
27. Exalt Youth
28. Exodus Transitional Community, Inc.
29. Families, Fathers, and Children
30. Fortune Society
31. FPWA
32. Gods Battalion of Prayer, Brooklyn
33. Graham Windham
34. Greater Hudson Initiative for Children of Incarcerated Parents
35. Greater Hudson Promise Neighborhood
36. Hindu Temple Society of North America
37. Hour Children
38. HousingPlus
39. JCCA
40. Just Leadership USA
41. Justice and Unity for the Southern Tier
42. Justice for Families
43. Hudson Link for Higher Education in Prison
44. Katal Center for Health, Equity, and Justice
45. Legal Action Center
46. The Legal Aid Society
47. Mott Haven Children of Incarcerated Parents Initiative
48. Mental Health Association of NYS
49. Mt. Vernon Heights Congregational Church

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<sup>2</sup> DOCCS Fact Sheet (January 2020). Available at <http://www.doccs.ny.gov/FactSheets/PDF/currentfactsheet.pdf>

50. New Hope Christian Fellowship, Brooklyn
51. New Hour, Long Island
52. New York Board of Rabbis
53. New York City Jails Action Coalition
54. New York Civil Liberties Union, Capital Region Chapter
55. New York Civil Liberties Union (NYCLU)
56. New York County Defender Services
57. New York Initiative for Children of Incarcerated Parents
58. New York State Council of Churches
59. New York State Permanent Judicial Commission on Justice for Children
60. New York State Prisoner Justice Network, Albany
61. New York Zero to Three Network
62. The NYU Family Defense Clinic
63. Not On My Watch NYC
64. The Osborne Association
65. Partnership for the Public Good
66. Peaceprints of WNY
67. Planned Parenthood of New York City
68. Prisoner Reentry Institute at John Jay College
69. Project Attica
70. Repair the World
71. Sanctuary for Families
72. Sills Family Foundation
73. Speak Ya Truth
74. St. James' Church, NYC
75. STEPS to End Family Violence
76. Unchained, Syracuse
77. Unitarian Universalist Congregation at Shelter Rock, Manhasset
78. Urban Justice Center
79. Visionary V
80. VOCAL NY
81. Volunteers of Legal Services (VOLS)
82. We Got Us Now
83. Western New York Peace Center, Buffalo
84. Women's Community Justice Association
85. Women's Prison Association
86. Women and Justice Project
87. WORTH (Women on the Rise Telling HerStory)
88. Worth Rises
89. Youth Represent

cc: Governor Cuomo  
Senate Majority Leader Stewart-Cousins  
Assembly Speaker Heastie  
Members of the New York State Legislature



Testimony of

Sergio De La Pava  
Legal Director  
New York County Defender Services

Before the  
New York State Senate  
State Budget Forum - Manhattan

February 29, 2020

My name is Sergio De La Pava and I am the Legal Director at New York County Defender Services (NYCDS). We are a public defense office that represents New Yorkers in thousands of cases in Manhattan's Criminal and Supreme Courts every year. I have been a New York City public defender for more than twenty years.

The pretrial reforms passed by the state legislature last year have been in effect for only two months, but they have already made an enormously positive impact in the lives of our clients and their communities.

*Thanks to bail reform, an innocent man is free.*

NYCDS represented a client who was arraigned on an A-I drug offense in late 2019. He absolutely maintained his innocence. Prior to bail reform, cash bail was routinely set in cases of this nature in amounts exceeding \$100,000. But the judge in arraignments, in anticipation of the new laws prohibiting such, released him. Two court dates and approximately six weeks later, the case against him was completely dismissed by the prosecution. Before bail reform, this innocent man would undoubtedly have spent those six weeks in jail, lost his job, and missed the holidays with his family. Instead, he got to continue his normal life as a legally innocent citizen of NYC while law enforcement completed the investigation that vindicated him.

*Thanks to bail reform, parents are at home with their children, rather than sitting in jail.*

Late last year we represented a client charged in an assault case. The prosecutor requested \$2,000 bail. Our client was released on his own recognizance in anticipation of the new reforms and was able to keep working and remain home with his young daughter. On the third court date, two months after arrest, the charges were unceremoniously dropped because the prosecutor could not prove their case beyond a reasonable doubt. Had bail been set, our client would have sat in jail for two months, likely lost his job, and been unable to support his young daughter, all for allegations of which he was completely innocent.

**New York County Defender Services**  
100 William Street. 20th floor. New York, NY 10038  
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[www.nycds.org](http://www.nycds.org)

*Thanks to bail reform, sick people are getting medical care in their communities*

We represent an older man with many serious medical issues that worsened in jail. He was arrested this summer for felony drug sale and bail was set in an amount he could not afford. During his incarceration on Rikers he missed four court dates in a row when jail staff did not bring him to court because he was in the medical clinic. Our client lived in supportive housing before arrest. He was released because of bail reform in December and he was able to return to his apartment and is now seeing his own doctor again and attending court regularly.

*Thanks to bail reform, people are in rehab, not jail, and stopping the relentless cycle of incarceration in its tracks.*

We represent a woman with a long history of non-violent theft offenses that stem from an extensive history of trauma, drug abuse, and mental illness. From the day we picked up her case in arraignments last spring, all she wanted was to go to a program that could support her while she addresses these long-standing issues. Yet the judge set bail in an extremely high amount that she could never afford. The very day she left jail in December thanks to bail reform she went straight to a rehabilitation program and has been there ever since. She is now actually treating the underlying issues that led to her criminal justice involvement, after unnecessarily and unhelpfully languishing in jail for six months.

***Bail reform has been transformational in Manhattan.***

Because of bail reform:

**Hundreds more of our clients are fighting their cases out of court**

- The percentage of our clients incarcerated pretrial, meaning without any determination of guilt, has dropped 32% since December 1, and 38% since last summer. As of January 7, 2020, we had only 182 clients in pretrial detention, down from 301 in July and 268 in December.

**We expect to see better outcomes in the now non-bail eligible cases**

- Pretrial detention increases the probability that people will be convicted – by at least 13 points in felony cases and 7 points in misdemeanor cases, according to a 2017 analysis of one million NYC cases – and given a jail sentence that serves no one instead of dispositions that address the issues underlying the individual’s criminal justice involvement to the benefit of society at large.

Unfortunately, the proposal put forth in a *Newsday* article on February 12, 2020 would represent a step backward. By replacing cash bail with indefinite detention, and granting judges more discretion to detain people pretrial, we expect to see what we saw for decades: more black and brown people in unjust detention.

Bail reform is working. There is no need to roll it back. Please protect this critical law.

If you have any questions, please reach out to me at [sdelapava@nycds.org](mailto:sdelapava@nycds.org).

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## **Testimony of Pamela Wood**

**My name is Pamela Wood. I am a member of RAPP, Release Aging People in Prison, and a ten-year religious volunteer with the Department of Corrections. First, I would like to ask that you consider adding housing for people who are incarcerated to return to when they are released. In some cases there is not housing suitable for people, particularly for people with health issues, when they reach the end of their sentence or when they have been granted parole. I know of a case, for example, of a man who had to wait for five months until he was released because there was no suitable housing. This is inhumane and expensive. It is cheaper to provide housing outside prison than it is to keep a person in prison.**

**Secondly, as we go forward, it is important to consider our priorities when we allocate money for the state budget. The budget for the Department of Corrections and Community Supervision is four billion dollars a year. Of that, approximately one billion is to maintain the elderly, defined as 50 years old and above by Commissioner of Corrections and Supervision Annucci. Incarceration ages you fast. One way to cut this budget is for the NY State Legislature to pass the Fair and Timely Parole Act and the Elder Parole Act. This would save the Department a substantial amount of money. This legislation does not seek to release everyone, but it does work to release people who have made significant, positive changes in their lives after an extended time in prison. I know many people like this, both people who bring positive energy to others in Correctional Facilities and to their communities after their release. It is a waste to keep them incarcerated. Many, if released earlier, could become working, tax paying citizens who support their families.**

**But more than that, our priority should be to prevent crime by addressing causes of crime such as poverty, trauma, mental illness and drug addiction. Money saved in the Corrections budget could be used to provide housing for our thousands of homeless children, better schools for all our children, mental health and drug addiction services. Obviously not all these problems would be solved by trimming the Corrections budget. Our goal should be preventing the suffering of victims as well as the suffering that is often part of the lives of those who commit crimes.**

**The last thing I would like to say is that as a society we need to examine our addiction to punishment in our families, our schools and our prisons. We have a tendency to believe that more and harder punishment, especially for African Americans and Latinx, will somehow compensate for the pain of victims and their families and that positive change isn't really possible, and even it is obvious and visible, release will "deprecate the nature of the crime." We need to question our assumptions and recognize that no other democracy punishes as many people or for as long a time as we do. We need to ask ourselves what role is racism playing in this picture?**