

From Separate Beginnings to the United Front of Today, ATI/Reentry Programs Are Critical to New York's Criminal Justice System

By Tracie M. Gardner, Director of NYS Policy at the Legal Action Center

In the 21st century criminal justice landscape, New York State is nationally known for its highly effective network of alternative to incarceration (ATI) and reentry programs. With the largest such system in the country, New York – unlike the other most populous states, California, Texas and Florida – has seen crime and incarceration rates plummet while simultaneously saving many millions of dollars each year. Providing a range of critical services – from pre-trial advocacy to community-based supervision and employment assistance – this infrastructure of ATI/Reentry programs has become a model for smart-on-crime policies across the nation.

But it was not always this way. Indeed, both ATI/Reentry programs and the state's policies supporting them have come a long way since their scattered origins decades ago. In an era of "tough-on-crime" policies – the widely criticized Rockefeller Drug laws among them – and the largest expansion of jail and prison capacity in the state's history, individual organizations responded to a need for rehabilitation amid the rhetoric of punishment. For example, the Women's Prison Association, founded in 1845, answered the need for women-specific services. In 1967, the Manhattan Court Employment Project was created as the country's first pre-trial diversion program to use social services in order to reduce incarceration rates. And so it went, with more organizations forming over the years to provide alternatives to jail or prison, each funded through private grants or the sponsorship of individual government officials.

It wasn't until the early 1980s that government began systematically supporting the ATI programs, which had continually proved their worth both as critical social-service agencies and as cost-savers. In 1983, the State Legislature created the largest stream of funding for this

array of experiments, labeling them "Demonstration Projects," to support the establishment of an infrastructure of ATI and reentry programs and to test new approaches. The Classification/Alternatives to Incarceration Act was close behind in 1984, bringing regular state monitoring into the process. While the Legislature added funding for the Demonstration Projects for the first 15 years or so, most of the funding over the past decade has been included in the Executive Budget, in recognition of their integral role in the criminal justice system.

Still, relying on legislative adds meant yearly struggles for precious funding, so advocates – led by the Legal Action Center – banded together in the 1980s under the informal banner of the New York ATI/Reentry Coalition. Together, coalition members – including The Fortune Society – push not just for program funding, but also for "smart-on-crime" laws that divert individuals from incarceration when appropriate; facilitate successful reentry; and protect people with criminal histories from discrimination in employment, housing and health care. One of the group's biggest victories came in 2009 with the reform of the Rockefeller Drug Laws, moving the state away from harsh mandatory minimum sentences and toward safer communities by helping to break the cycle of drug use and crime. As stated so well by Division of Criminal Justice Services Acting Commissioner Sean M. Byrne, ATI/Reentry programs and advocates have become "fundamental to the functioning of criminal justice."

Fast forward to the current funding crisis. 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 to increase public safety and save taxpayer dollars, severe budget cuts in recent years are threatening their survival. Facing this battle in addition to its legislative agenda, the Coalition is working to

identify cost savings in the system that can be reinvested in ATI and reentry programs.

Case in point: With more than 8,000 prison beds now empty – thanks to the success of the very programs being cut – the coalition is pushing for the state to eliminate unused prison capacity and expand highly effective work-release programs that help individuals transition from prison into the community, thereby freeing up even more prison beds. By closing unneeded facilities, the state can save tens of millions of dollars that are badly needed to reduce its deficit and pay for essential services. Some of those savings should be reinvested in ATI and reentry programs, which can then yield additional savings by helping to further reduce crime rates and the prison population.

Decades after the Rockefeller Drug Laws began a nationwide trend of ineffective tough-on-crime laws and mandatory incarceration sentences, New York State has the opportunity to restore ATI/Reentry funding and create a new legacy of public safety: policies that improve lives, drive down crime rates, and save the state millions of dollars that can be redirected to education, healthcare, economic development and a reduction in the tax burden on all New Yorkers.

For more information about the New York ATI/Reentry Coalition, of which both The Fortune Society and the Legal Action Center are members, please see the "Justice Beat" feature on page 7 of this issue. The Fortune Society and the Legal Action Center are long-time allies in the important work of advocating for the rights and fair treatment of incarcerated and formerly incarcerated individuals.

About the Author: Tracie M. Gardner joined the Legal Action Center in October 2000 as Director of New York State Policy. She coordinates LAC's advocacy, grassroots organizing, lobbying, and policy work on issues relating to HIV/AIDS, criminal justice and substance abuse in New York State. She is also the coordinator of the Women's Initiative to Stop HIV/AIDS, NY (WISH-NY), an advocacy project of LAC that she founded to address the escalating rates of HIV infection among women and girls of color. Prior to joining the Legal Action Center, Ms. Gardner worked in various capacities on national and New York HIV/AIDS policy and advocacy, beginning in 1987.

