

TESTIMONY OF THE LEGAL ACTION CENTER

ON BEHALF OF THE ATI COALITION

Assembly Ways and Means and the
Senate Finance Committees
Joint Public Hearing on Public Protection
Executive Budget FY 2010-2011

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Presented by

Tracie M. Gardner
Director of NYS Policy
Legal Action Center

Endorsed by

Center for Alternative Sentencing and Employment Services (CASES)
NYAPSA - New York Association of
Pretrial Sentencing (NYAPSA)
Center for Community Alternatives (CCA)
Osborne Association
Center for Employment Opportunities (CEO)
Project Greenhope for Women
Correctional Association
TASC of the Capital District
The Fortune Society
Women's Prison Association
Legal Action Center
New York State Association of Alternative
Sentencing Programs (NYAASP)
EAC Treatment Alternatives for Safer Communities (EAC TASC)

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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.

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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.

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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.

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In New York State, we work closely with the coalition of Alternative to Incarceration (ATI) 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.

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

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New York State's highly effective network of probation, ATI, reentry and related programs (pre-trial services, defender based advocacy, client specific planning, community service sentencing, addiction and mental health treatment diversion programs, TASC, legal and employment assistance, family case management) plays a key role in keeping our state one of the safest in the country. It is no coincidence that New York has the largest network of ATI programs and – unlike California and Texas – has seen crime and incarceration rates plummet simultaneously, improving public safety while saving lots of money. Through monitoring and supervision, overseeing and imposing sanctions, and intervening to prevent future crime, all at a fraction of the cost of incarceration, these programs protect public safety and save New York tens of millions of dollars every year.

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While we recognize the difficult economic circumstances facing the state, **the Legislature must continue its support of ATI and related programs and Probation so as to preserve their ability to operate and to keep crime rates low, strengthen families and communities, and save large amounts of money. Additionally, implementation of last year's landmark reforms of the Rockefeller Drug laws require an effective ATI and reentry network to meaningfully realize the goals of reform.**

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We therefore urge the Legislature to take the following steps: </p><p>

Restore \$1.6 Million in Cuts to Alternative-To-Incarceration, Reentry and Related Programs, \$5.25 Million in Probation Cuts

New York State's ATI, reentry, and related programs and Probation have played a key role in designing, developing and implementing safe and effective community-based programs that reduce the use of incarceration and facilitate productive and safe reentry. New York's programs are national models. Yet, the ATI Demonstration Projects received a 12.5% cut during last year's Deficit Reduction Plan. The Governor's budget maintains those cuts for the coming year and also proposes cutting other funding for ATI and reentry and for the 200% of poverty program by 10% resulting in a \$1.6 million dollar loss to the field. Additionally, Probation aid was cut \$5.4 million for a total cut of \$6.962 million.

In addition to the State cuts sustained by the ATI programs last year and this year, some ATI programs lost most or all of the funding they received from another source, the federal Edward Byrne Grant Program, money which had historically gone to support these programs and which was not included in last year's budget. As a result, a number of programs were forced to dramatically reduce their services. We therefore also ask the Legislature to restore funding for these programs in the budget for this year.

We urge the Legislature to restore funding for ATI, reentry, and related programs and Probation to enable these programs to continue their cutting edge work, including diversion, supervision, punishment and rehabilitation in community settings and case management. Cutting these programs makes no sense at a time when New York State is in the process of creating a number of initiatives to continue reducing its prison population, including diverting individuals into chemical dependence treatment as part of the Patterson Drug Law Reforms that the Legislature passed last year, as well as through the State's efforts to reduce the numbers of individuals being re-incarcerated due to technical parole violations. Cuts to ATI, Reentry and related programs and Probation at this time, during the beginning stages of implementation of drug law reform, is akin to building new floors on a house that is at the same time having its foundation pulled out—the infrastructure support must be maintained.

ATI and reentry and related programs are already experiencing increasing demand for their services because of the drug law reforms. These programs play an integral role in all aspects of reform, including working with drug courts, the defense and prosecution, performing court advocacy, and assisting with screenings and evaluations, both on resentencing cases and through reentry task forces. And as ATI and reentry programs adjust to the landscape that has been changed by reform, they continue to serve thousands of men and women – the vast majority people of color – who can be appropriately supervised in the community, and are thereby diverted from much more expensive prison beds into less expensive community supervision and appropriate community services. They also assist individuals who are released from facilities to reenter the community successfully, thereby reducing the likelihood of recidivism.

These programs play a key role in increasing the likelihood that individuals who are diverted from incarceration or who are reentering the community from prison will succeed in avoiding recidivism and becoming productive members of society, thereby reducing long term costs to the State. Therefore, restoring the cuts that the Governor's budget proposes making to these programs is a wise investment that is likely to result in vastly more significant cost savings to the State.

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Support the Governor's Initiative to Close Three Prisons and Consolidate Dorms.

Since 1999, the Department's under-custody population has fallen by over 12,000 and is expected to decline by over 13,000 by the end of the current fiscal year. We urge the Legislature to support the Governor's recommendation for closing three more prisons in early 2011 and for consolidating a number of dorms within other prisons. We also encourage the Legislature to continue looking for any other areas of excess capacity within the Correctional system that could also be closed or consolidated. The amount of excess capacity is likely to continue increasing as a result of the Legislature and the Governor's reforms to New York's Drug Laws last year, as well as a result of efforts to reduce the number of people being re-incarcerated due to technical Parole violations.

Across the nation, states are examining and, in some cases, implementing Justice Reinvestment strategies that seek to reduce spending on corrections, improve public safety and channel resources to address the needs and services in communities to which most people return after prison. In this vein, we urge the Legislature to look to savings from these closures as a source for reinvestment in community-based ATI, Reentry and related programs so that the network of these services can increase their capacity, which would result in ever greater reductions to the Correction system and additional savings to New York State.