

NOTE: These are statements by Ann Graham, Carl Hatch, and Robert Seidel, Monroe County reentry spokespersons, before the New York State Commission on Sentencing Reform.

Testimony before NYS Commission on Sentencing Reform
November 19, 2007, by Ann Graham

Good morning, and thank you for allowing me to offer testimony to the Sentencing Reform Commission. My name is Ann Graham. I'm Co-President of the Reentry Association of New York and Coordinator of the Monroe County Reentry Task Force and its direct service program, Prodigal Sons and Daughters, and a member of the NYS Catholic Conference's Criminal Justice Committee. Prior to my work in reentry, I spent 17 years in civil legal services, where serving clients who faced the collateral consequences of criminal convictions was a daily challenge.

I was excited to read the Commission's report, because like most people who are in some way involved with the criminal justice system, I believe many of the changes suggested in the report are long overdue and represent the only hope for long-term public safety in New York State. Are there people who belong in prison? Certainly. True sociopaths—men or women who have committed horrifying offenses and have little or no remorse—belong behind high walls and lots of razor wire, and we are fortunate to have dedicated professionals in the Department of Correctional Services who take on the responsibility of keeping these offenders contained. But they represent a small slice of the inmates who are incarcerated today.

Like many of you, every day I work with men who desperately want a chance to succeed after incarceration, and who must face the reality that the odds are stacked against them. They cannot undo whatever harm they have done; they can only try to get it right this time. Public sentiment often seems to say “well, so what? That's the price they pay for what they did.” Unfortunately, it would be more correct to say that's the price *we* will pay for what they did—because if we as a community are unwilling or unable to create and fund the tools and opportunities for former offenders to succeed, we must expect that they will return to what they know.

We must create a better toolbox; if the only tool we have is a hammer, every problem starts to look like a nail. State prison is indeed a very big, very expensive, and unfortunately, often ineffectual hammer, if the true purpose of our criminal justice system is **long-term** public safety, rather than accommodating a public lust for punishment that often backfires as evidenced by recidivism rates. We must acknowledge that about 98% of prisoners will eventually be released, regardless of their crime. The longer they are in prison, the greater the chances that they will never effectively integrate into the community. Loss of family ties, little or no skills or work experience, mental health and substance abuse issues, and a general inability to navigate life on the outside, makes their failure and subsequent return to criminal activity nearly inevitable. Because in spite of the many vocational programs, counseling and treatment that prison may try to provide,

prison does primarily one thing: it teaches men how to be prisoners; incarceration robs them of many of the very skills they need to develop (good decision-making, responsibility, pro-social relationships) if they are ever going to be law-abiding, productive members of a community.

The Commission's report ranges over many critical topics; the few I am most concerned with are:

- Reentry must become an integral part of the criminal justice system and it must begin at conviction. Judges need to have the ability to consider what is ultimately in the best interest of public safety, and that may not be a prison sentence. When it is prison term, the sentence should consider the inevitable day the offender will be released and how he or she can best be prepared to live a law-abiding life, or we are doomed to maintain a perpetual revolving door that is to no one's advantage. Evidence-based reentry services, such as the Transition from Prison to Community model that DCJS has had the County Reentry Task Forces adopt, need to be available to every person who needs them, and they need to start as soon as possible after conviction and continue through release. We need to designate some prisons as reentry facilities, where human services professionals can come in to provide services that can continue and form a bridge for the offender as he moves back into the community. Within these facilities, we must incorporate better opportunities for family reunification. Work release or community furloughs for every single offender that is going to be released, *especially* high-risk offenders. Inmates should all have NYS Department of Motor Vehicle identification, a job or an **open** public assistance case and a secure housing situation, on the day they are released. These represent the bare minimum requirements to survive in the community.
- Persistently mentally ill men and women do not belong in prison. I have repeatedly worked with men and women who are released from prison only to be re-incarcerated in a few short weeks because we have no mechanism to stabilize them in the community. There is literally no where to put them. We must create and fund a range of solutions for this population, from supported living to secure residential mental health facilities.
Expand community correction alternatives to deal with technical parole violations. Incarceration for technical parole violations often does little more than undo any progress that has already been made. Graduated sanctions for violations make far more sense than putting someone back in state prison because of curfew violations, and similar infractions. Not only do we incur the expense involved in incarceration, but it often means they are losing the job, the apartment, or the treatment slot and we must start again from the beginning when they are inevitably released.
- Bring post high-school education back into the correctional facilities. We could literally send an inmate to Harvard for what it costs to incarcerate him for a year.

It's not a secret that it's cheaper to educate than incarcerate, and that the recidivism rate for people with a post-high school education drops to nearly non-existent numbers.

- Analysis after analysis tells us that most people eventually “age-out” of criminal activity. Continuing to incarcerate a steadily growing geriatric population is both expensive and unlikely to enhance public safety.

Of course, some people will commit new crimes, regardless of every attempt help them. But we know there can be more positive outcomes for most offenders. We must have the courage to act on what expert analyses tells us is true, propose new solutions, and find positive ways to re-educate the public about the reality of incarceration and the alternatives that can better ensure long-term public safety.

Thank you again for allowing me to offer testimony, and thanks to the Commission for their continued work.

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Testimony before NYS Commission on Sentencing Reform

November 15, 2007, by Carl Hatch

Co-President of the Reentry Association of New York (RANY)

Good Afternoon. I am Carl Hatch, the Co-President of the Reentry Association of New York, which includes representatives of the nine operating County Reentry Task Forces, as well as other interested individuals. I am also a Vice President of Catholic Family Center, which provides the staff support to the Monroe County Reentry Task Force. My background includes 33 years of work in the behavioral health field in community-based treatment settings, with extensive involvement with clients involved in the criminal justice experience. My remarks today grow out of that experience, and have not been endorsed by either Catholic Family Center or RANY.

First, let me begin by commending the Commission on the breadth and depth of your preliminary report. A report made all the more remarkable by the limited amount of time in which it was put together. Such a comprehensive review is long overdue given the ad hoc and often contradictory public policy which has evolved around sentencing and public safety.

My comments today will focus on Part Three of your preliminary report, “The Science of Crime Reduction: Using Evidence-Based Practices to Reduce Recidivism.”

Using my own County's experience, I can say with certainty that that the Transition from Prison to Community model that the State has begun implementing in the nine IMPACT Counties has opened the door to a new era in reentry. Prior to the implementation of the County Reentry Task Force, the organizations in the criminal justice community in our County all certainly knew each other and worked well together collaboratively. Similarly, the faith and community-based players also had a long history of close collaboration. But, the creation of the Reentry Task Force marked the first time that

those two communities regularly began sitting down with each. The result has been a new level of synergy and optimism that we can make a meaningful difference in public safety.

The eleven mandated partners grew to 19 committed organizations even before our grant application was submitted and has subsequently grown to over 50 active entities over the past year. Our Task Force recently held its second annual recognition and thank you event for participating individuals and invited 109 people who have made specific contributions to the effort. The turnout for our regularly scheduled Task Force meetings now averages close to 50.

We still have a ways to go. Parolees still don't all have photo identification, birth certificates, and social security cards, but the numbers are climbing. Despite an expedited process established by our Department of Social Services for benefit enrollment for Task Force clients, many more still struggle with the routine process of establishing eligibility and must endure the forty-five day wait. Names of upcoming releasees now flow much more smoothly, although the detailed information needed to ensure appropriate program placements still lags much of the time. Housing, especially for sex offenders, is in a state of crisis. (We are currently averaging 66 days post release to find a suitable placement for Task Force clients.)

Your preliminary report appropriately identifies many of the major hurdles yet to be addressed. The limited availability of step down facilities like the Orleans Reentry Prison and work release really hampers the transitional planning related to job readiness, employment, family re-integration, treatment planning, and community preparedness. Education and vocational training, especially programs that provide diplomas or certificates that are nationally recognized. Housing is a huge problem and effectively undermines whatever other good work is being done on treatment and employment.

The probability of being able to successfully address all of those problems, absent a consistent and validated risk assessment tool, is low. We need to focus our efforts on the individuals who pose the greatest risk to public safety. A consistent instrument needs to be applied from sentencing, through incarceration and back to community supervision. As you point out, utilization of resources on low risk offenders actually increases their chances of recidivism and it certainly dilutes what we are able to do for those about whom we should be most concerned.

Similarly, identification and targeting of criminogenic needs must also occur if we are to get the best outcomes.

DCJS has done some promising work in both of these areas, but we need to get a consistent instrument in place across pre-sentence investigation, sentencing, incarceration, and community supervision. We may need to refine the tool as we implement this approach and gather data, but we need to get this most basic mechanism in place now.

Service delivery, whether it is in pre-trial services, alternatives to incarceration, correctional facilities, or in faith and community-based agencies, needs to adopt the same kind of rigor. There is a large and growing evidence base about what works and what doesn't. Program evaluation has matured to the point that it should be included as a routine part of every aspect of service delivery and continuous quality improvement should be guiding the evolution of our public policy.

A word of caution, however. The literature is clear that evidence-based practice only works when the models are fully funded and implemented. The same goes for program evaluation methodologies. These are not processes that can be done cheaply, but when the potential savings from reduced use of incarceration, reduced recidivism and increased public safety are factored in, they do not need to result in overall increases in public spending.

I also applaud your recommendations about the use of graduated sanctions for Parole violators. I certainly believe that there will always be individuals who should be returned to prison, but the current all or nothing options for dealing with Parole violations is both ineffective and expensive. I have seen parolees who have made a terrific start in reentry, but who have committed a technical violation that has cost them housing, a promising job, as well as all of the pro-social relationships they had begun to establish. The literature is clear that the swiftness and the certainty of penalties, not their severity, is the key to their effectiveness.

I have also seen parolees return to prison for technical violations, complete their sentence, and then get released without supervision. Surely public safety would have been better served, by a graduated sanction and community supervision rather than by warehousing them until they are finally released with no supervision whatsoever.

Finally, I want to end by returning to the Transition from Prison to Community model.

I have gotten to know most, if not all, of my peers working with other County Reentry Task Forces. I cannot help but be struck by how differently the nine original Task Forces have evolved.

They all began with the same foundational training. They have all worked closely with DCJS and Parole in implementing the model. They have all participated freely in sharing best practices, successes and failures. But, they all look and operate differently.

I truly believe that such diversity is a strength, not a weakness. Each has had to pull together the stakeholders in their individual communities. Each has inventoried the resources and the gaps in the area they serve. And, each has developed a unique strategic plan and approach.

I hope that as the Commission wrestles with the best way to formulate a coherent public policy in this area, that it leaves room for some variation in approach so that implementation can be tailored to the needs of each community.

Again, thank you for your hard work and for such a promising start.

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New York State Commission on Sentencing Reform

November 19, 2007 Hearing in Buffalo, NY

Statement by Robert N. Seidel, Ph.D.

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Thank you for your generosity in listening to us from the Monroe County area. It's an honor to be here. I am Bob Seidel, a retiree who lived for over three decades in the city of Rochester. Also, I am a volunteer member of the Judicial Process Commission's Public Policy Group, the Monroe County Reentry Task Force, the Safer Monroe Area Reentry Team (SMART at www.smartny.org), and a downtown church. As well, I mentor reentering men and women, and I write, research, advocate, and counsel on prison reentry issues. Professionally, after leaving farming and a period of intense higher education, I mentored adult students for 25 years at SUNY Empire State College. I am intimately familiar with dynamics of Rochester and the politics of Monroe County.

This Commission deserves our sincere and profound gratitude. If adopted and carried out, your preliminary recommendations will produce a veritable revolution that will undoubtedly benefit untold numbers of individuals, families, and neighborhoods, not to mention every taxpayer in the state. This will be most surely true, of course, if they occur in conjunction with positive things happening elsewhere among the many New York State and local agencies dealing with crime, adjudication, incarceration, and reentry.

I want to say just this to the Commission about reentry: Move forward. Stay the course. Continue on the path along which the state has made a strong and correct commitment, to cooperate with coalitions of local organizations, public and private, large and small.

Around the Monroe County Reentry Task Force, whose able and articulate coordinator Ann Graham is with us today, we have built up a tremendous community-based head of steam in good will, good work, and good prospects. We are determined to move forward beyond these beginnings. I also want to highlight the work of another person present today. This is Sue Porter, coordinator of the Judicial Process Commission in Rochester. Sue and JPC have done important and excellent work in advising and mentoring incarcerated and reentering men and women for many years and will do even more in the future.

A couple of corollaries focusing on reentry:

The Commission is exactly correct to indicate the importance of multiple handicapping conditions that constrain many persons reentering society from incarceration. This is certainly borne out by the evidence-based conclusions that

drive your recommendations. It is also the case with regard to a less tangible but still decisive matter: the expectations that prisoners have as they prepare for reentry. Most of us who have fared quite well in this regard still have encountered occasions upon which we have to forego or revise completely and even suddenly our expectations. The fact that we have coped is testimony to our resilience, fortitude, steadfastness, and relationships. How else could we have dealt with an entirely unforeseen personal tragedy, vocational debacle, or business crisis?

I hope that what occurs regarding the expectations of men and women nearing the conclusion of their terms of incarceration will enable them to handle their circumstances as well as possible in the field of dreams, growth, and reality. My own short experience tells me just how important it is for all of us to be aware of, and respond to, this phenomenon in the lives of people who have had a hard time with reasonable and growth-directed expectations.

One story tells it all for me: One day a man for whom I was mentor experienced a severe crisis. This was the day he for which he had expectations for some time. It was the precise end date of his parole. However, anticipation did not generate accommodation. In this case, the man's emergency was heightened and intensified, apparently, by the conjunction of depression, post traumatic stress disorder, normal anxieties, and a very serious chronic medical condition. He claimed that his over eight years of imprisonment had produced PTSD and accentuated his anxieties.

I don't know all of this for sure. In any event, the man felt comfortable in calling me. And I was willing to sit down with him help him sort out his thoughts and feelings. This averted what could have been a catastrophe. I came to know the man even better over time and learned that my judgment, a year and a half ago, was correct.

Mentors to formerly incarcerated men and women thus take on a grave responsibility. They are in a position to help folks who – due to habits, family circumstances, and prison – need a lot of help to overcome the deficits of not having learned how to live in the real world. This is especially true of youngsters who did not have good nurturing through their formative, adolescent years. A mentor has to be aware of the bad habits that accumulate in prison, particularly dissembling and conning. A mentor can help teach -- and be a model for -- scheduling, making good notes, handling money, budgeting, handing "paperwork," taking responsibility for oneself, self-advocacy, and so forth.

In the end, as we know from the practice of treatment and recovery, the individual has in the final analysis to decide and do for her- or himself. In turn, mentors must know their limits and keep reasonable boundaries.

This stuff is subjective and difficult to objectify and quantify, I know. Yet I'm sure you know its value. Bad attitudes and habits, ill health, and related behaviors, in youth and in one's encounters with adjudication and incarceration, need to be changed or addressed competently and professionally. The systems in place are designed in part at least to deal with them, or at least to keep all involved as safe as possible in the face of bad attitudes and related behavior. I'm encouraging attention to the positive side, not to overrule the safety issue at all, but because it is necessary.

Thus, perhaps it will be useful to keep these in mind:

- Do more to encourage, and try not to discourage.
- Do more to engender hope, and try not to produce despair.
- Contribute more, in reuniting families and loved ones, and in mentoring, to foster warm human relationships.
- Finally, and most important, go all out to build bridges and foster intra- and inter-agency and organization coordination, connectedness, and information-sharing. This is really necessary to make the "system" better able serve reentering men and women comprehensively and to keep them on the right road.

Thank you very much for your kind attention.

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