

**TESTIMONY OF GLENN E. MARTIN
THE FORTUNE SOCIETY**

Assembly Ways and Means and the
Senate Finance Committees
Joint Public Hearing on Public Protection
Executive Budget FY 2008-2009

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Presented by

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Good Day. My name is Glenn E. Martin, and I serve as the Associate Vice President of Policy and Advocacy at The Fortune Society. Thank you, distinguished members of the Senate Finance and Assembly Ways and Means Committees, for the opportunity to testify today.

For over four decades, The Fortune Society has been a powerful criminal justice advocate and reentry service provider. We are a longstanding member of the coalition of services providers offering Alternative to Incarceration (ATI), Reentry, Probation, and related programs (including pre-trial services, defender based advocacy, client specific planning, community service sentencing, drug treatment diversion programs, TASC, legal and employment assistance) from across the State. These programs divert appropriate individuals who have been arrested or convicted to community supervision and sanctions, as well as connect to services people who are transitioning from prison or jail into our communities. This serves to protect the public and save the state revenue by reducing prison costs, preventing recidivism and stabilizing these individuals and their families. While Fortune has always engaged in advocacy and community education, in order to increase our impact, we have recently launched the **David Rothenberg Center for Public Policy (DRCPP)**, a department which focuses primarily on community education and public policy advocacy.

The Fortune Society appreciates the Governor's and Legislature's longstanding support for ATI and reentry programs and probation, and we support key recommendations in the Executive Budget proposal--most notably the proposed closure of four underutilized correctional facilities, the ramping up of efforts by criminal justice agencies to refer people to needed services, and the large investment in supportive housing through the Housing Opportunity Fund. However, we believe that the Governor's proposal falls far short of what the coalition believes is necessary to expand *our* ability to respond to the increasing number of referrals from government.

In strong accord with the ATI and Reentry Coalition, The Fortune Society is very concerned that:

1. The Executive Budget Proposal provides no new revenue for community-based programs that help people reintegrate into our communities. Since 1981, the funding streams for ATI and Reentry Programs have permitted no significant COLA increases. While we wholeheartedly support proposed increases for Corrections, Parole, and local task forces to identify the needs of people reentering their communities from the criminal justice system and refer them to services, those efforts will only culminate in limited success if there are limited services available to meet their needs and no funds for programs to pay for the new referrals.
2. At a time when the government is expanding its ability to make referrals, by otherwise utilizing Byrne grant money that the Legislature had used in the past partly to fund community-based alternative to incarceration and reentry programs, the Executive Budget reduces the ATI and Reentry Coalition's funds by approximately \$1 million. Commissioner Denise O'Donnell's recent action alert, which implores stakeholders to contact their Congressional representative, clearly references the use of Byrne funds to support "hundreds of local projects," including non-profits, which contribute to "historic reductions in crime throughout the state."
3. We strongly urge the Legislature to add \$3 million for community-based reentry services to increase the success rate of the state's initiative to connect people to services. This funding could begin during the year, which would reduce the cost for FY 2008-09. For example, with an increase in funding, The Fortune Society can enhance its ability to provide such services as Adult Education; Career Development; Substance Abuse Treatment; Housing; Alternatives to Incarceration; Health Services; Family Services; Counseling Services and a 24-Hour Drop in Center for people released from incarceration.

In addition to supporting the ATI and Reentry Coalition's recommendations, the Fortune Society's Rothenberg Center would like to make the following recommendations:

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1. While we support the expansion of the parole violator program at Edgecombe, which will address the specific needs of parole violators, we recommend the state create “resourced partnerships” with Community Based Providers to increase diversion of parole violators, including those with new arrests for low level crimes, into ATI programs. In 2006, even with a 7.8% increase in violators returned to state prison, an astonishing 80% of parolees who returned to prison were reincarcerated for technical violations, not for committing new crimes. Based on feedback from Fortune’s clients, staff and other service providers, the majority of parole violators sent back to prison do not complete programming before being released back into society. Diversion of appropriate parole violators could save the state and local municipalities millions of dollars by reducing time spent in jail and prison and by reducing transportation and court adjournment costs, while connecting violators to services which address their needs.
2. The Governor’s State of the State speech called for a substantial investment in our community colleges, which “train New Yorkers for high-skilled jobs and serve as the gateway to four-year colleges.” Fortune’s Career Development unit has documented that the level of educational achievement of people leaving prison and those who access education post-release has a direct and profound impact on reintegration outcomes. As cited by the NYS Commission on Sentencing Reform, access to higher educational programs in prison lowers rates of recidivism, increase people’s ability to reintegrate into community life, and allow people to enter the labor market with increased prospects for upward mobility. We strongly recommend that eligibility for state grants, most notably the Tuition Assistance Program (TAP), be returned to people in prison. The high cost of a college in NYS should not be used as a reason to deny education to people in prison; it should be a reason to identify ways to increase access for all New Yorkers.
3. Fortune commends the Governor’s recommendation to increase the Child Support pass-through for custodial parents, but urges the state to explore initiatives to encourage labor market participation for non custodial parents with exorbitant child support arrears incurred during incarceration. The majority of these arrears are not accumulated based on actual income, but on default orders. Simply put, evidence shows that many poor formerly incarcerated fathers respond to unmanageable child support pressures by making money in the underground economy. The state of Connecticut’s Office of Child Support Enforcement has done an excellent job of cross collaborating with the criminal justice system to cross analyze clients, explore pilot projects which make payments more manageable, forgive unreasonable and counterproductive arrears, and facilitate employment and family reunification. As a result, the research based efforts to engage non custodial parents, mostly young men of color, have increased their rate of collection exponentially and led to improved family reunification.
4. Lastly, Fortune would like to stress the critical importance of expanding reentry housing to prevent men and women from being released from the criminal justice system directly into street or shelter homelessness. According to a recent Vera Institute study, at least 11% of people released from NYS prisons enter homeless shelters within two years, more than half of those within a month after release. This population requires both the housing and the wrap-around services they need to achieve successful reentry. Through The Fortune Society’s nationally recognized congregate housing residence, the Fortune Academy, Fortune has housed over 500 people with criminal records in the last 5 years. Evaluation currently underway is showing that the program has achieved sharp reductions in recidivism to criminal justice and homeless systems and has a cost per resident significantly lower than that of either incarceration or stay in a traditional shelter.

As a partner in New York State’s effort to further reduce crime and the prison population and build stronger communities, the Fortune Society continues to serve as a resource to policymakers. Once again, thank you for the opportunity to testify at today’s hearing.