

**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 2009-2010

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Presented by

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Good day. My name is Glenn E. Martin, and I serve as the Vice President of Development and Public Affairs 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 service providers from across the State 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). These programs divert appropriate individuals who have been arrested or convicted to community supervision and sanctions and connect people who are transitioning from prison or jail into our communities to needed services. These efforts 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, we have recently launched the **David Rothenberg Center for Public Policy (DRCPP)**, a department which focuses primarily on community education and public policy advocacy, to increase our impact.

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 underutilized correctional facilities. We believe that these prison closure proposals represent an opportunity for the Legislature to right the wrongs done by flawed criminal justice policies that prioritize punishment over rehabilitation. These closures represent an opportunity to take community-based ATI and reentry programs to scale by diverting saved resources back into intensive, local programs proven to work. For example, at The Fortune Society we run alternatives to incarceration programs that have been independently studied and save \$3.00 in averted incarceration costs for every \$1.00 spent, without resulting in an increase in crime. All of our ATI participants have access to wrap around services, including adult education; career development; substance abuse treatment; housing; health services; family services; and counseling services. Fortune's ATI programs, in addition to programs run by our colleagues in the ATI Coalition, have substantially contributed to the state's sustained, overall drop in crime and subsequent decline in the prison population.

Since late 1999, New York's prison population has dropped by about 13 percent, from a peak of nearly 71,600 inmates to below 62,500 – a decrease of more than 9,000 individuals in the system. By the end of the fiscal year, March 31, 2009, the prison population is projected to be 300 smaller, and by March 31, 2010, about 700 lower than that.

If the Executive and Legislature would have followed through with last year's proposed prison closures, NYS taxpayers could have saved \$10.4 million in operating costs in 2008-09 and \$33.5 million annually in operating costs beginning in 2009-10, plus nearly \$30 million by avoiding prison capital expenditures. These savings could have been reinvested in diversion programs that are proven to work with no reduction in public safety. In addition, they could have helped to pay the estimated \$20.6 million annual operating cost and \$70 million two-year capital project cost borne by the Department of Correctional Services (DOCS) to provide expanded treatment and programs mandated by the State Legislature and the courts for mentally ill people and incarcerated sex offenders.

In addition, all of the employees at the four facilities proposed to be closed will be offered jobs that become vacant at other correctional facilities as staff there retires or leaves, in accordance with Civil Service rules and union contractual agreements. DOCS intends to work with the four labor unions that represent state correctional employees to ensure smooth transitions for affected workers. When I served 6 years in NYS prisons, from 1994 to 2000, an officer once said to me, “You being here will pay for my boat, and when your son gets here, he’ll help pay for my son’s boat.”

We must have the vision and the courage to find a more creative way to help this correction officer and his son realize the American Dream, one that does not rely on a dream deferred for a poor person of color from our inner city neighborhoods. The fact is that while we have created a prison system that represents the major economic engine in upstate communities, we can no longer afford to treat the prison system as a sacred cow.

During this severe downturn in the economy, we have to take advantage of our collective success and do more of what works and less of what doesn’t. The State Legislature should stand firm on the need to right-size our prison system by supporting the closure of underutilized facilities and the expansion of community based treatment. We should put in place sensible cost-savings reforms that have struggled to win political favor during past budget sessions.

In strong accord with the ATI and Reentry Coalition, The Fortune Society’s David Rothenberg Center for Public Policy supports:

1. The Governor’s initiative to close prison camps and annexes and to provide the Commissioner of the Department of Correctional Services with greater flexibility to close additional facilities at three months notice in times of financial crisis.

Since 1999 the Department’s under-custody population has fallen by over 10,500, resulting in significant areas of unused prison capacity. The prison camps are all currently at less than 47% capacity. The Governor’s Executive Budget estimates that closing the prison camps and annexes would result in savings of at least \$26 million in 2009-10 and \$29 million in 2010-11. Passage of drug law reform and other initiatives that decrease the prison population further could yield even greater savings.

2. Restoration of proposed cuts to probation, alternatives-to-incarceration (ATI), reentry and related programs.

New York State’s ATI, reentry, and probation initiatives 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 Executive Budget cuts 6% of all base funding and eliminates altogether the Legislature’s additions. *We urge the Legislature to restore funding for ATI programs to enable these programs to continue their cutting edge work*, including diversion, supervision, rehabilitation in community settings and case management. This will enable many thousands of men and women – the vast majority of whom are Black and Latino – who can be appropriately supervised in the community to be diverted from much more expensive prison beds into less expensive community supervision and intensive

services. It would also assist individuals who are released from facilities to reenter the community with fewer barriers and thereby reduce the likelihood of recidivism.

3. Reform of the Rockefeller Drug and Second Felony Offender Laws to provide judges with greater discretion in sentencing appropriate individuals to treatment instead of prison.

Recent reforms to the Rockefeller Drug Laws have reduced the length of sentences for individuals convicted of the most serious charges, resulting in savings of approximately \$99.22 million as of October 2008. However, these reforms have not given judges any discretion to divert addicted individuals from prison to treatment or provided any other mechanism to expand use of mandated community-based treatment for addicted individuals. The savings yielded by this reduction in incarceration should be reinvested to expand the full continuum of drug and alcohol treatment and prevention services, probation and ATI services, and pre-and post-trial programs.

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

1. We strongly recommend that eligibility for state education grants, most notably the Tuition Assistance Program (TAP), be returned to people in prison.

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. The fact is that the majority of people in prison are the product of our failed educational policies. The high cost of college tuition in New York State 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.

2. We strongly oppose the Governor's proposed cuts to supportive housing.

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 housing and wrap-around services to achieve successful reentry. Through The Fortune Society's nationally recognized congregate housing residence, the Fortune Academy, Fortune has housed over 700 people with criminal records in the last 6 years. Evaluation currently underway is showing that the program has achieved sharp reductions in recidivism to the criminal justice and homeless systems and has a cost per resident significantly lower than that of either incarceration or a stay in a traditional shelter.

3. We strongly urge the legislature to reform NYS child support collection policies to increase payments by non-custodial parents who have been involved in the criminal justice system.

As more and more states revise their approach to child support enforcement for non-custodial parents with incarceration histories, this is an opportune time for New York to re-think its strategies to improve compliance outcomes, promote family reunification, and curb recidivism. In order to operate in the best interest of New York's children, our state policy must encourage long-standing parental engagement and ensure steady financial participation by non-custodial parents. Saddling low-income parents with unrealistically high child support orders results in the accumulation of overwhelming arrears, which, in turn, makes it much more difficult for them to stabilize themselves post-incarceration, sufficiently support themselves through legal employment, and contribute to their children's wellbeing financially and emotionally.

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.