

CURE-NY *Newsletter*

To Reduce Crime and Uplift Society

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“He Ain’t Heavy”
by Gilbert Young

Reentry Bill Passes

Excerpts from announcement by the Sentencing Project

The Senate passed the [Second Chance Act of 2007](#) late Tuesday, which will ease the re-entry process for individuals leaving prison by providing funding for prisoner mentoring programs, job training and rehabilitative treatment. The legislation, introduced in the Senate by Sens. Joseph Biden (D-DE), Patrick Leahy (D-VT), Arlen Specter (R-PA) and Sam Brownback (R-KS), now awaits approval by President Bush - who in his 2004 State of the Union address advocated for a \$300 million Prisoner Re-entry Initiative.

The legislation was passed by a voice vote after the Senate adopted a concurrent resolution, H Con Res 270, which included minor changes to the measure. The U.S. House of Representatives voted 347 to 62 to pass the Second Chance Act of 2007 in November.

The Second Chance Act will help provide necessary services to the nearly 700,000 people leaving prison each year by increasing funding designed to protect public safety and reduce recidivism rates. The bill's provisions authorize \$362 million to expand assistance for people currently incarcerated, those returning to their communities after incarceration, and children with parents in prison. The services to be funded under the bill include:

- mentoring programs for adults and juveniles leaving prison;
- drug treatment during and after incarceration, including family-based treatment for incarcerated parents;
- education and job training in prison;
- alternatives to incarceration for parents convicted of non-violent drug offenses;
- supportive programming for children of incarcerated parents; and early release for certain elderly prisoners convicted of non-violent offenses.

The reform bill was widely supported by civil rights, criminal justice, law enforcement and religious organizations, and had broad bipartisan support in both the Senate and House of Representatives.

Did You Know?

(from DOCS data)

In the 17 year time period, 1985-2002, 1105 incarcerated persons were released after a murder offense.¹ Of those, 33 returned as a new commitment (for any type of offense), which is only **3% of those thus released.**

In the same 17 year period, there were a total of 1211 releases who had served 180-239 months (15-20 years) and of them only 49 returned for new offenses (of all types), which is a rate of .040 or **4% of those thus released.** 454 releases had served 240 months (20 years) or more of whom only 8 returned for new offenses (of all types), which is a rate of .017 or **less than 2% of those thus released.**

In that same 17 year period, a total of 12,616 homicide offenders² ranging from Class A to Class C, were released. Of these, 55 returned for a new homicide which is a rate of .0044 or **less than ½ of one percent of those thus released.**

By 2005, of the 12,616 homicide offenders released, fewer than 11 A1 murder offenders from that total returned for another A1 murder offense, which is a rate of .00087 or **less than 1/10 of one percent of those thus released.**

¹ Murder offenders are those convicted of: murder, murder-1, and murder-2.

² Homicide offenses which range from class A to class C are murder, murder-1, murder-2, attempted murder-1, attempted murder-2, manslaughter-1, manslaughter-2, other homicide.

³ A1 violent offenses are murder, murder-1, murder-2, attempted murder-1, kidnapping-1, arson-1.

*See *2002 Releases: A Three Year Follow-Up, containing return rate data for the cumulative cohort 1985-2002.*

** See *Current Parole Statistics, October 2006, Office of Policy Analysis.*

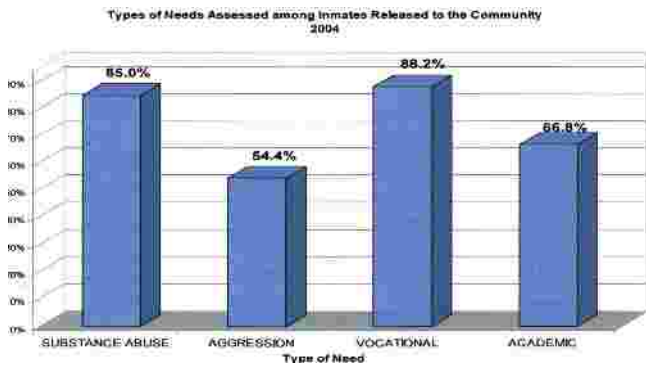
***See *Hub System: Profile of Inmate Population Under Custody on January 1, 2007.*

Prison Programs and Staying Free

Abstracts from the DOCS report, "An analysis of the Impact of Prison Program Participation on Community Success" by Leslie Kellam

"Rather than focus on the evaluation of a particular program, this report examines the impact of the Department's statewide efforts to provide inmates the opportunity to receive targeted services based on individual needs assessments. In this report, inmates with varying types of assessed needs and levels of program participation were followed for 24 months post-release, to determine if there were any differences in rates of return. A total of 14,681 inmates released to the community during 2004 were included in the follow-up. The 2004 releases were tracked from their respective release dates in 2004 through 2006. As with the Department's annual follow-up report, an offender's first return to DOCS custody within the follow-up period, if any, was recorded, regardless of type of return (parole violation or new felony commitment)."

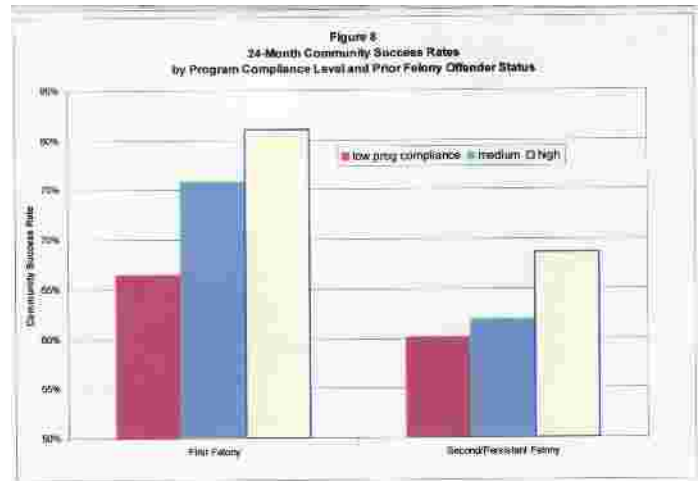
"Overall, 88 percent of the released inmates were assessed as having vocational needs, 85 percent had needs for substance abuse treatment, 67 percent needed academic programs, and 54 percent were assessed as needing aggression therapy."



"The percentage of inmates who completed a relevant program was calculated for each need area. Completion rates varied by the type of need. Substance abuse treatment (68%) and aggression therapy (61%) had the highest rates of completion. Vocational and academic programs, which require certain levels of demonstrated achievements to satisfy, were less likely to be completed (28% and 21%)."

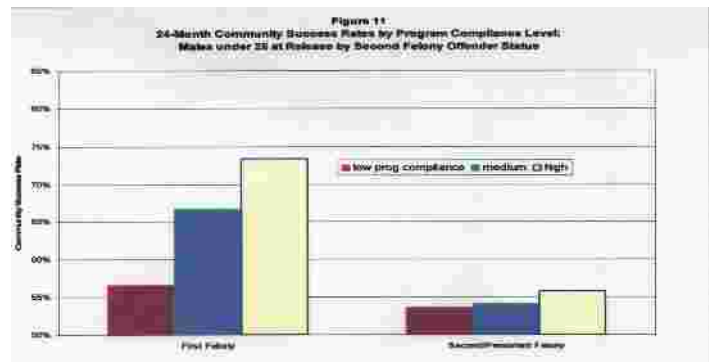
[The following chart shows the differences in community success for all first felony offenders vs. all second / persistent felony offenders, and the differences with low, medium, and high program compliance. **First felony offenders with high program compliance had a very impressive 81%**

community success rate. First felony offenders with low program compliance had a 67% community success rate.]



[The program / community success rate for males under age 25 was markedly different, as follows:

First felony offenders under 25 with high program compliance still had a creditable 73% community success rate. The differences between low, medium, and high program compliance remained large for first felony offenders. But those under 25 with a second / persistent felony record were much less successful, at all program compliance levels.]



Conclusion and Next Steps. This examination of a 2004 release cohort suggests that program participation at DOCS can positively impact community reintegration. Inmates who completed programs based on their assessed needs while under custody were more likely to succeed after release than inmates who did not. The relationship between program completion and community success remained after controls for known risk factors, such as age and second felony offender status, were added. These results highlight the importance of providing program opportunities for offenders, particularly for young inmates. Future reports will focus on using multivariate analyses to further our understanding of the relationships between inmate characteristics, prison experience and community reintegration."

Youth Need Help!

We've suspected it all along, but we're not doing all that we should to take care of it.

People may be very intelligent and yet have severe reading and learning disabilities. People with such disabilities may have other strong capabilities. An example of this is the disability called dyslexia, where letters while reading appear to be misplaced. Albert Einstein, Leonardo Da Vinci, and Nelson Rockefeller are among many successful dyslexics.

Without corrective action and/or strong support, however, a person with a learning disability can enter a spiral of failure, rejection, despair, and even violence and crime. For example, a recent presentation² by Danielle Sered, of the Vera Institute, at a HIRE conference in NYC³ revealed some startling related data on disabilities among incarcerated youth and adults:

- ü 36% of incarcerated youth had learning disabilities.⁴
- ü 43% of a sample group of incarcerated adolescents were reading at least two years below grade level, and 23% were identified as having a disability and in special education classes; 45% had been held back one or more grades; and 55% had been suspended from school at least once.⁵
- ü Dropout rates for adolescents with learning disabilities rise to 47%.⁶
- ü Approximately 82% of people in prison nationwide are also high school dropouts.⁷
- ü Adolescents who learned to read while in correctional facilities were 37% less likely to be re-incarcerated.⁸
- ü 90% of adults released from incarceration are not employable, owing to illiteracy and/or the lack of a high school diploma or GED.⁹

² Danielle Sered, *Meeting the needs of older adolescents with special educational needs returning from incarceration*.

³ *The Nexus Between Education, Employment, and Successful Reintegration*, Nov. 28, 2007, CCNY Graduate Center

⁴ N. Duvivant, *The Relationship between Learning Disabilities and Juvenile Delinquency* (Williamsburg, VA: National Center for State Courts, 1982).

⁵ Jeremy D. Finn, Michael W.R. Stott, and Kerry T. Zrichny, "School Performance of Adolescents in Juvnile Aourt," *Urban Education* 2, no. (July 1998): 150-161.

⁶ J. Birch, E. Levin, nd N. Zigmond, A Follow-up Study of 52 Learning Disabled Adolescents," *Journal of Learning Disabilities* 18 (1985): 50-55.

⁷ B. Algozzine, M.L. Thurlow, and Y. Ysseldyke, *Critical Issues in Special Education*, (Boston: Houghton Mifflin 1992).

⁸ Keith and McCray (2002); Gary Suswein, *Austin American Statesman Home Page* (2000).

⁹ C.L. Winters, "Learning Disabilities, Crime, Delinquency and Special Education Placement," 32, no. 126 (Summer 1997): 451-463.

Contrary to ancient traditions, learning disabilities are not the fault of the disabled. In general, society has failed to recognize the real problem, and simply resorts to punishment when disabilities lead to dropouts, street gangs, crime and prison.

Many disabilities can be cured, or largely diminished, after intensive effort. Some, like dyslexia, benefit from teachers with specialized training in methods like Orton Gillingham techniques, and intensive exercises by cooperating students over many months.

It's unacceptable for society to ignore these basically physical and medical problems, to tolerate discrimination of their victims, and to allow imprisonments that only foster the destruction of so much human potential.

It's time for school administrators and correctional education officers to accept their responsibilities to invest seriously in the healing of many learning disabilities. Such investment has the potential to stop much of the fueling of the ever worsening spirals of intense frustration, loss of self confidence, dropouts from school and society, criminal consequences, and repeated recidivism. It has the potential to restore people to wholeness and to help them lead productive lives.

* * * *

The Missing Factor

By Alvaro Sanchez, Jr., Collins C.F.

Realistically, two factors are primarily considered in deciding parole eligibility: Retribution and Rehabilitation. The element most people neglect to consider involves genuine manifestations of the spirit: the development of empathy, compassion, maturity, self respect, respect for others and their property, and treating all people alike as fellow human beings who possess dignity and worth. I call this the *human factor*.

By failing to include a human factor inquiry during parole hearings, the measuring how well prisoners have changed inwardly becomes skewed.... Getting tough on crime should not equate to intensifying retribution. It's a misleading pursuit of illogical proportions. The decision-making process should include *all three factors* and be considered equally and fairly in society's overall best interests.

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Building Bridges shares news from people concerned with the reform of our criminal justice system. It's available at <http://prisonaction.blogspot.com>, and to have a monthly copy emailed to you, contact prisonaction@hotmail.com.

Membership in **The Deuce Club** entitles you to receive the quarterly newsletter and notice of all CPR sponsored events. Write to CPR, PO Box 1379, NY, NY 10013. Email parolecpr@yahoo.com.

Parole, Politics and Public Opinion

Excerpts from an article by Eddie Ellis

Over the past several years, in conversation with numerous parole reform activists and advocates, it has become clear to me that we are missing the political dimension to our struggle.

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The way that we talk about the issue and defend our position can never be about who is worthy for release, or who is rehabilitated or even fairness, but rather who has satisfied the conditions of law. If a person satisfies the conditions (whether she or he is a long-term or not) they should be released. Period. The focus on individuals being "ready for release," again, is subjective. The key question is: does the person meet the letter of the law. If so, let them go!

Our issue has to speak to the law - the legality of the process, a process that everyone can understand and agree upon. It must be an objective process, open and transparent, with accountability on the part of the parole board to both explain and justify its decisions, and (in the long term) must include some written definitive release criteria - so everyone will know what they need to do in order to qualify for parole release under the law.

Senator Bruno, through the Senate Committee on Crime Victims (Nozzolio), has made this a public relations, media and public opinion issue and has seized the initiative to frame it in a way designed to elicit favorable public opinion. If we attempt to rebut it, using his terms, we will certainly lose. We CAN'T "counter" his argument. *Our argument uses logic and reason; his uses feelings and emotions. In this debate, he will win. Our task, then, is to reduce the emotional content of his argument and replace it with the rule of law. All we are asking is that the law be followed properly. We should not be advocating for any special interest or group of people. Just follow the law.*

Our entire argument, I believe, has to be discussed in terms

of public safety: "equal protection of law," one standard for everyone and adherence to the rule of law over the political agenda of any individual or group. These are arguments and positions that everyone can agree upon and almost no one can deny. Presenting our issue in these terms gives us a more realistic chance of success.

Lastly, the "official" hearing that the Senate Standing Committee on Crime Victims, Crime and Corrections convened was — without a doubt -- a political attempt to portray the Governor and the Democratic Party as "soft" on crime (on the record), in preparation for the 2008 elections, where the Republicans are in fear of losing their majority in the Senate. It is all connected. Our collective failure to understand the underlying dynamics of politics and the political realities, coupled with our "special pleading" for the "violent felons" feeds right into the Republican game plan; worse, we force the governor and the parole commissioner to defend a position (framed by the Republicans) that has no public gain. We can never allow this to happen.

Eddie Ellis is the Executive Director of the Center for NuLeadership on Urban Solutions at Medgar Evers College, City University of New York.

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