

CURE-NY *Newsletter*

To Reduce Crime and Uplift Society

Winter '06-'07

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VICTORY - Gov. Spitzer Ended the Backdoor Tax on NY State's Prison Phone Contract, ef- fective April 1, 2007

Excerpts from a message by the Center for Constitutional Rights, January 8, 2007

Albany, New York – Families in New York with a loved one in prison won a long-awaited victory today when Governor Spitzer committed to end the burdensome, back door tax on collect calls to inmates' families.

Since 1996, families of inmates have had no choice but to pay phone rates 630% the normal consumer rates to speak with their loved ones. And for the past 11 years, New York State has been collecting nearly 60 percent of the profits of these charges, \$16 million in 2005. Family members have complained that the exorbitant phone rates forced them to choose between maintaining their relationship with a loved one and putting food on the table.

Governor Spitzer declared that instead of raising funds via a backdoor tax imposed on the family members of inmates, the state will pay for mandated services in prisons using the State's General Fund. Families should begin realizing savings in early April, when the General Fund will assume costs for these mandated services, including health care and family-based programs.

"This is a victory for all New Yorkers because increased contact with family members is proven to reduce recidivism rates after release," said **Annette Dickerson** coordinator for the NY Campaign for Telephone Justice on behalf of the Center for Constitutional Rights (CCR). "Everyone benefits when inmates stay connected to their families, and for most people this means contact over the phone. Governor Spitzer has demonstrated his commitment to civil rights. The unlawful tax was flatly unconstitutional."

"Thank you Governor Spitzer, you are righting a major wrong," said **Ivey Walton**, a prison family member. "This contract was ridiculous and illegal. Soon, no one will be cut off from their family just so the Department of Corrections and some telephone company can make a profit."

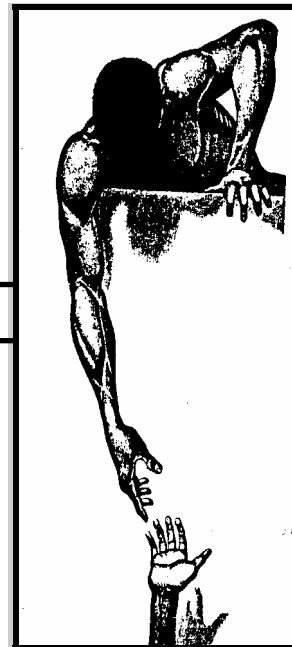
MORE INFO:

The Administration's action was made after consultation with Assemblyman Jeffrion Aubry, who has long advocated for this change in policy and who shepherded legislation which passed the Assembly to end the excessive charge. The administration also consulted Senator Michael Nozzolio, who introduced similar legislation in the Senate.

Assemblyman Aubry, Chairman of the Assembly Committee on Correction, said, "I am pleased that the Governor has committed to providing justice to the families of inmates, who have had to pay exorbitant telephone rates to talk to their loved ones. Thanks to the Governor for this humane decision and to the many advocates who made this solution possible."

Senator Nozzolio, Chairman of the Senate Crime and Corrections Committee, said, "Governor Spitzer deserves tremendous credit for quickly addressing this issue and developing a comprehensive solution which restores fairness. For many years I have fought to restore fairness to the policy of charging inmate's families exorbitant rates for simply staying in contact with family members who are incarcerated. It is my belief that the benefits of keeping a family together far outweigh the revenue gained from the current practice."

The action will be implemented by Brian Fischer, Acting Commissioner of the Department of Correctional Services, at the start of the April 1, 2007 fiscal year.



"He Ain't Heavy"
by Gilbert Young

Westchester Reentry Task Force

By Janet DiFiore, D.A., Westchester County

Excerpts from www.da.westchester.ny.us

Every year approximately 26,000 convicted offenders are released from NY state prisons and more than 100,000 offenders are returned to our communities from local jails and penitentiaries. And virtually every one of these thousands of offenders faces a host of problems likely to interfere with their successful reintegration into their families and their communities. According to the National Governors Association Center for Best Practices, 80% of ex-offenders have a history of substance abuse; 16% are diagnosed with a mental illness; nearly half are functionally illiterate; many were, or will become, homeless; and most are unemployed upon release.

Policymakers, law enforcement officials and service providers across New York State and throughout the nation are beginning to embrace effective reentry programming as an opportunity to successfully reintegrate offenders. These entities have done so based on an understanding that the provision of appropriate services and post-release supervision can reduce recidivism and prevent future victimization, thereby benefiting all of us in the community by improving public safety.

Recognizing the critical role that local communities play in reintegrating offenders, we in Westchester County have formed a Reentry Task Force. The Task Force is charged with improving the county's ability to effectively provide the support and services many released offenders need to successfully reintegrate into the community and lead law-abiding, productive lives. The goal is to develop and implement a coordinated and comprehensive continuum of care and supervision for those who need assistance.

I eagerly accepted the offer to chair the Reentry Task Force and am honored to lead this important initiative by convening and coordinating a strong and effective Task Force. The Reentry Task Force brings together the expertise and resources of a broad spectrum of entities, including the District Attorney's Office, the County Executive, the Yonkers Police Department, the White Plains Department of Public Safety, the Westchester County Departments of Probation, Corrections, Social Services and Community Mental Health as well as vocational and educational program providers and faith-based organizations. As we move toward understanding the needs and challenges of the former offender population and determine gaps in

services, additional and appropriate partners will join our effort. A collaborative and cooperative approach ensures that services – including substance abuse treatment, mental health services, job placement, vocational training and educational programming – will be provided in a coordinated and comprehensive manner.

In Westchester County, we are paying particular attention to employment, mental health, substance abuse and housing. Nearly 40% of the offender population in Westchester County is unemployed; 84% have a history of drug abuse and the availability of affordable housing is scarce. Our rationale is simple: an offender who is employed, sober and living in a stable home environment is less likely to return to a life of crime.

Effective reentry policies are also cost-effective. With incarceration costing more than \$30,000 per person per year, in Fiscal Year 2004-2005 New York State spent approximately \$2.4 billion on corrections. Helping formerly incarcerated people become productive, law-abiding, tax-paying and gainfully employed citizens can yield significant, long-term cost-savings. Cost-savings would be evident across a wide range of government programs, including welfare and child support. A successfully reintegrated former offender would avoid entering the welfare system and be in a better position to meet child support obligations. For former offenders who successfully transition home, there is also an immeasurable benefit for the children and families with whom they reunite.

Former offenders have paid their debt to society and are entitled to a second chance. But for an ex-offender arriving on our doorstep with few skills, perhaps only a high school education, a criminal record and little more than bus fare, what are the prospects for a meaningful second chance?

Reentry programming offers a unique opportunity to achieve enhanced and sustained public safety. With the formation of the Reentry Task Force, Westchester County has taken its first step toward ensuring the provision of necessary and appropriate treatment, programs and services for those exiting the prison door and reentering our community.

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*We wish to pay tribute to a great lady, Clare Regan, who died recently after a long battle with cancer. For 28 years, she was the brilliant editor of *Justicia*, where she forcefully exposed injustice and offered a better way. She will be sorely missed.*

Proposed NYS Vocational Education

The Problem. The reentry of over 600,000 incarcerated persons returning to our communities each year is a national concern. The President has asked Congress to aid such re-entry. Of these, over 20,000 return to New York towns and cities from New York State prisons each year.

A high percentage of persons incarcerated are those in the lowest economic classes, those with the least education, those with least job skills, and those from the Afro-American and Hispanic communities. About two-thirds of those released return to prison within three years. Currently, the U.S. spends about \$148 billion each year on crime control. New York State carries its share of this huge burden.

The Roots of the Problem. Economic self-sufficiency of those released is a pre-requisite to reducing crime and subsequent government expense. Job-oriented education/training is the foundation of any solution to this problem. In today's work environment, that usually means secondary and post-secondary, vocational education/training.

Productive work, the work ethic, and the sense of personal value that come with adequate vocational training/education are important parts of the total inmate rehabilitation process, providing a base for overcoming diverse addictions, and the transformation of criminals into law-abiding taxpayers.

Poor education and crime are tightly linked. We recognize that many of the incarcerated persons have been afflicted with poverty, racism, family dysfunction, or other handicaps, often contributing to failure in traditional education in poor city schools. Hence, the corrective education of this marginalized population must be a key part of the total education plan, from literacy to post secondary education, for New York State.

- Texas data compiled over a four-year period revealed that with two years of college, the recidivism rate drops to 10%, and with four years of college, the recidivism rate drops to 5%, compared with a recidivism rate of 60% for those receiving no additional education while incarcerated. (Kemp Study, in conjunction with Texas Southern University's Earl Carl Institute for Le-

gal and Social Policy Inc., 2003)

- In 1990, the State Auditor's Office estimated that the state of Texas saved 6.6 million dollars for every one-percent reduction in recidivism.

A November 2005 report by *The Institute for Higher Education Policy* revealed that over 85,000 incarcerated persons were enrolled in college courses in U.S. prisons in 2003-2004. Fourteen states had at least 1000 inmates enrolled in post secondary education (mostly college-based vocational courses). Among these states, two-thirds received at least half their funding from state appropriations.

However, in 1994, NYS forbade the use of TAP grants for any post secondary education for persons who are incarcerated in state prisons. This mistake can and should be remedied as follows.

A Proposal

We suggest again allowing TAP grants for incarcerated persons, but limited to remedial post-GED education, and for vocational training and education, up to a two-year Associates Degree (many colleges now include a broad variety of vocational and directly job-oriented certificate and degree programs).

This can be achieved by an Amendment to the NYS Tuition Assistance Program (TAP) as follows:

"TAP grants for post-secondary education are not available to incarcerated persons except to those enrolled in **job-skill-oriented** post secondary educational programs (specifically intended to promote employability upon release), including up to 2 years of post-secondary remedial education, vocation-oriented certificate-programs, or other primarily vocation-oriented programs, possibly leading to an Associates Degree." (This wording can be made part of NYS Senate Bill S.1480 and Assembly Bill A. 2756.)

Such an amendment thus would enable New York State to finance expanded, basic, *job-skill-oriented*, education, at both secondary and post-secondary levels, even for persons incarcerated, and to thereby significantly reduce future crime and recidivism.

Florida Reentry Task Force

Several states have undertaken to plan major new efforts to cope with the growing reentry problems. New York can benefit from their work. One such effort is the Florida State Task Force on Reentry, which is excerpted below.

1. The DOCS mission statement should be revised to explicitly address successful reentry. To assess performance in achieving reentry, performance measures should be adopted for DOCS, its facilities, and wardens and staff.

2. DOCS should use a validated instrument at reception for both security classification and reentry programming needs, and develop an inmate program handbook describing available DOCS inmate programs, and the rules and guidelines for selection, eligibility, and termination from programs.

3. DOCS capacity for literacy, GED preparedness, vocational education, and the treatment of substance abuse should be expanded.

4. DOCS should improve and expand job training through the maximization of third-party resources.

5. DOCS should help inmates increase family contact and reduce financial strain on inmates' families.

6. DOCS should expand work release by outsourcing additional work release facilities.

7. DOCS should begin pre-release planning with inmates starting on their first day of incarceration and develop an individualized reentry plan for each inmate, and:

- ◇ Assist inmates being released from prison in obtaining Social Security cards and state identification cards or drivers licenses.
- ◇ Assist disabled inmates in applying for disability and Medicaid benefits prior to their release.
- ◇ Develop an inmate discharge handbook that contains the inmate's individualized reentry plan and the programs and services available in his home community.

8. The State should create a "transition authority" that coordinates a seamless planning process and a continuum of services, from DOCS and from the community, to facilitate the successful reentry of people leaving DOCS custody; it should develop policies and interagency agreements that spell out the roles of state agencies in this process and help coordinate the work of reentry at the community level.

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9. The State should support the development and work of reentry at the community level to help local reentry planning and service delivery, test new ideas and approaches, and promote and replicate what is found to work in producing measurable outcomes, such as reduced recidivism, by:

- ◇ Partnering and collaborating with communities in the development of local reentry councils to coordinate reentry planning and services at the local level.
- ◇ The Governor's Office appointing a reentry point-person charged with coordinating, with the transition authority and relevant state agencies, the continuum of services from DOCS facilities and from the community.

10. The Legislature should prohibit the requirement that one have their civil rights restored as a condition for employment or licensing and instead create a single background check law, with lists of disqualifying offenses relevant to the occupation, license or place of employment.

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Gov. Spitzer Criminal Justice Appointments

Denise E. O'Donnell is being nominated to serve as Commissioner of the Division of Criminal Justice Services (not DOCS, Dept. of Correctional Services). Ms. O'Donnell served as United States Attorney for the Western District of New York from 1997 to 2001. During that time, she was Vice-Chair of the New York State Attorney General's Advisory Committee in Washington D.C.

