

THE NEW YORK STATE BAR ASSOCIATION
REPORT OF THE TASK FORCE ON INCARCERATION
RELEASE PLANNING AND PROGRAMS
2019



*A portrait of my daughter when she was 10 years old.
I've drawn her many times on my greeting cards.
She was definitely impacted by my incarceration.
So much that her anger transferred over into her dealings
with society. She was shot at the age of 19 years old.*

*May she rest in peace.
Nelson J. Long, Jr.*



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This Task Force is solely responsible for the contents of this report.
This report is not the official position of the New York State Bar Association unless
and until it is adopted in whole or in part by the House of Delegates of the
Association

TABLE OF CONTENTS

	<u>Pages</u>
<u>TASK FORCE MEMBERS & ASSISTANTS</u>	1
<u>PREFACE</u>	2
<u>EXECUTIVE SUMMARY</u>	3
<u>RECOMMENDATIONS</u>	7
1. Experts on Re-Entry.....	7
2. Rights Restoration.....	8
3. Financial Need and Access to Public Assistance Benefits.....	8
4. Housing.....	9
5. Education and Vocational Issues.....	11
6. Mental Illness Assistance.....	12
7. Persons Convicted of Sex Offenses.....	12
8. Funding.....	13
<u>INTRODUCTION</u>	13
I. THE EXPERTS ON RE-ENTRY: FORMERLY INCARCERATED PEOPLE.....	16
A. Incarceration is a Uniquely Disorienting Experience that Makes Re-Entry More Challenging.....	17
B. People Who Have Lived the Experience of Incarceration and Re-Entry are Well Positioned to be Part of Re-Entry Solutions.....	19
II. RIGHTS RESTORATIONS SERVICES: RE-ENTRY PROGRAMS.....	22
A. Programs that Assist Formerly Incarcerated People in Knowing and Vindicating Their Rights and Accessing Rights Restoration Mechanisms.....	23
B. An Assessment of New York's Rights Restoration Mechanisms.....	27
1. Certificates of Rehabilitation.....	27
2. Sealing and Youthful Offender Adjudication.....	29
C. Recommendations.....	32
III. THE FINANCIAL WELL-BEING OF PEOPLE BEING RELEASED FROM INCARCERATION AND THE NEED TO FACILITATE ACCESS TO PUBLIC ASSISTANCE BENEFITS.....	33
A. People Arrested and Convicted of Crimes are Disproportionately Low-Income, and Being Convicted and Incarcerated Further Impoverishes Them.....	34
B. The Importance of Facilitating the Public Assistance Application Process.....	36
IV. HOUSING.....	38
A. Pre-Release Planning.....	39
1. State Prisons – New York State Department of Corrections and Community Supervision.....	39
2. Local Jails.....	42
3. Summary and Recommendations.....	47
B. The Barriers to Housing for Recently Released People.....	48
1. Public Housing Barriers.....	49
2. Summary of Recommendations to Diminish Barriers to Public Housing.....	52
3. Private Housing Barriers.....	54
4. Summary and Recommendations to Diminish Barriers to Private Housing.....	58
C. Barriers to Federally Funded Permanent, Transitional and Supportive Housing.....	59

D.	County Observations.....	60
1.	There is a dearth of affordable housing, and public assistance grants are insufficient to pay for the limited housing that is available.....	60
2.	In most counties, there is a patchwork of housing options for people being released from prison or jail. This patchwork includes shelters, emergency housing, treatment facilities, and some transitional housing options run by non-profit organizations. Generally, counties have no or very limited housing options designated specifically for people being released from incarceration.....	61
3.	There was agreement amongst those with whom we spoke of the need for a more structured and supporting approach to re-entry.....	62
V.	EDUCATION.....	64
A.	Education During Incarceration.....	65
1.	Renewed Interest in Education as a Re-Entry Tool.....	67
2.	Educational Programs Currently Available in DOCCS Facilities.....	67
3.	Education/Vocational Opportunities/Programs in the County Jails.....	70
4.	Special Education Services for Incarcerated Persons.....	71
B.	Progress in Certain Areas.....	72
1.	Ban the Box.....	72
2.	Expanding In-Prison College Programs.....	73
C.	Post Incarceration Education Opportunities.....	74
1.	College and Community Fellowship.....	75
2.	Educational Pathways.....	76
3.	College Initiative.....	76
4.	Career Pathways.....	77
5.	Post-Prison Initiative.....	77
D.	Feedback from Incarcerated Individuals Regarding Availability of Education and Vocational Programs within DOCCS.....	77
E.	Barriers that Continue to Exist.....	88
F.	Recommendations.....	89
1.	Restore Incarcerated Individuals' Access to both Federal Pell Grants and The New York State Tuition Assistance Programs.....	89
2.	Pass The Fair Access to Education Act.....	89
3.	Ensure Access to Appropriate Education Programming for All Eligible Individuals.....	90
4.	Ensure That Education During Incarceration is a Priority Not a Privilege.....	91
5.	Hold Legislative Hearings to Assess the Need for Quality Educational and Vocational Programs for Incarcerated Individuals.....	91
VI.	PROTECTING THE MOST VULNERABLE: SERVICES FOR INDIVIDUALS WITH MENTAL ILLNESS RETURNING TO THE COMMUNITY.....	92
A.	Overview of AOT Program.....	95
B.	Discharge Planning from Prisons and Jails.....	98
C.	Long Waits for Housing Undermine the AOT Program.....	98
VII.	INDIVIDUALS WITH SEX OFFENSE CONVICTIONS.....	100

A.	Overview of Legislative History, and Academic Literature Concerning Recidivism	102
B.	Barriers to Re-Entry Posed by Collateral Consequences of Sex Offenses	103
C.	Data and Current Programs.....	104
D.	Residency Restrictions Imposed by SARA and Subsequent Amendments.....	106
E.	Community Supervision of Individuals with Sex Offense Convictions.....	109
F.	Risk Classification & Community Notification.....	110
VIII.	FUNDING.....	114
	<u>CONCLUSION</u>	118
	Including Issues Involving Released Members of the LGBT Community & Racial Justice.	

<u>APPENDIX A</u>	WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS RECIDIVISM RATE
<u>APPENDIX B</u>	BREAKING BARRIERS PRO BONO LAW PROJECT
<u>APPENDIX C</u>	WESTCHESTER COUNTY DOC RE-ENTRY PANELS
<u>APPENDIX D</u>	HOUSING OPTIONS FOR RECENTLY RELEASED PEOPLE: COUNTY SURVEY BY REGION
<u>APPENDIX E</u>	WCDoc INFORMATION COURSE SYLLABI
<u>APPENDIX F</u>	RELEASE PLANNING PROGRAM INFORMATION FROM DOCCS
<u>APPENDIX G</u>	WESTCHESTER COUNTY DEPARTMENT OF CORRECTION PREA POLICIES AND INMATE PREFERENCE FORM

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PREFACE

“We must accept the reality that to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits—winning battles while losing the war. It is wrong. It is expensive. It is stupid.”¹

– Former U.S. Supreme Court Chief Justice Warren E. Burger

Since its founding in 1876, the New York State Bar Association has dedicated itself to a number of laudable goals, including promoting reform in the law, facilitating the administration of justice and advocating for the rights and liberties of all New Yorkers. Consistent with these goals, the Association has long been active in study and advocacy concerning laws, policies and practices pertaining to the release of incarcerated persons from New York State prisons and jails.

In 2006, a special committee of the Association issued a report entitled, *Re-Entry and Reintegration: The Road to Public Safety*, which concluded that a variety of “collateral” consequences of a criminal conviction—consequences rarely spelled out by a court in imposing a criminal sentence—can have a profound negative effect on the ability of people with conviction histories to re-enter society.² The report concluded that the “legal disabilities and social exclusions resulting from [a criminal conviction] . . . erect formidable societal barriers for . . . those returning to their communities after incarceration, and their families. Those consequences are far-reaching, often unforeseen, and sometimes counterproductive.” It went on to provide a detailed examination of those collateral consequences on such things as employment, education, housing, maintaining stable family ties, public benefits, financial penalties, voting rights and immigration status.

Ten years later, in 2016, in response to the concerns of policymakers, the media and people across New York State regarding the issue of mass incarceration and ways to reduce the prison population, the Association formed a Special Committee on Re-Entry, which issued a report focused on issues facing individuals re-entering their communities after incarceration.³ The 2016 report recognized the following principles: “(1) confinement often increases the likelihood of recidivism by leaving unaddressed or exacerbating a person’s identifiable problem areas; whereas (2) a coordinated, systematic and quickly undertaken effort to identify and focus on these problem areas is likely to diminish recidivism considerably.” The 2016 report made nine principal recommendations concerning diversion programs, pre-release planning, individualized assessment of collateral consequences, employment, education, housing, medical and mental health care, and issues affecting juveniles.

When he took office in June 2018, Association President Michael Miller established the Task Force on Incarceration Release Planning and Programs. Its mission: to “build upon the work

¹ Hon. Warren E. Burger, former Chief Justice, U.S. Supreme Court, Speech to the American Bar Association (1987) (also quoted from Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry* 93 (2003)).

² New York State Bar Association, Special Committee on Collateral Consequences of Criminal Proceedings, *Re-Entry and Reintegration: The Road to Public Safety*, May 2006, available at <https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=26857>.

³ New York State Bar Association, *Report of the Special Committee on Re-Entry*, January 2016, available at <https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=61806>.

of NYSBA's Task Force on Re-Entry and . . . recommend . . . policy changes and best practices for effective incarceration release planning programs . . . [to] examine existing programs and consider all relevant issues including: options for those released into urban and rural settings, inconsistent rules and limited availability of substance abuse and mental health treatment, housing options, and the impact on recidivism and public safety that results from inadequate release planning."

A vast number and variety of re-entry programs and practices operate within the 62 counties of New York State. In order to make its inquiry manageable, and to develop recommendations that are realistic and attainable, the Task Force identified 17 representative counties on which to focus its inquiries. Selection was based on geographic diversity, diversity of population and demographics and the counties' urban, suburban or rural character, and the presence of one or more state prisons or county jails. The Task Force studied the following counties: New York, Kings, Queens, Bronx and Richmond (the five counties comprising New York City); Nassau, Suffolk, Westchester, Albany, Onondaga, Chemung, Oneida, Broome, Franklin, Erie, Monroe and Wyoming.

In addition to making county-specific inquiries, the Task Force reached out to the Governor's Office, the New York Department of Criminal Justice Services and Department of Corrections and Community Supervision, defender organizations, the District Attorneys Association of the State of New York and several programs that provide re-entry services.

The Task Force conducted a truly remarkable full-day open meeting at the Bar Center in Albany at which representatives of state and local law enforcement and corrections agencies, social services providers, members of not-for-profit re-entry related organizations, advocates for re-entry reform in the area of re-entry and formerly incarcerated individuals engaged in a frank and extremely useful exchange of ideas. The meeting was informative and, in some cases, provocative, and, in all case, proved to be of great value to the Task Force.

EXECUTIVE SUMMARY

The Task Force makes thirty-four recommendations, set forth below which fall into two categories: those that suggest legislative, administrative, or policy change; and those that promote best practices. This report includes following eight substantive sections:

I. Experts on Re-Entry: Incarceration is a uniquely punitive and disorienting experience that makes re-entry even more challenging. People who have lived through the experience of incarceration and re-entry are well-positioned to be part of re-entry solutions and criminal justice reforms. In this section, we identify some of the barriers to fully realizing the insight and expertise of formerly incarcerated people, and we make recommendation to dismantle these barriers.

II. Rights Restoration: While New York State has some rights restoration mechanisms, eligibility is limited and there is insufficient public information about who is eligible and the impact of these mechanisms. Moreover, for people who cannot afford to retain counsel, accessing these rights restoration mechanisms is daunting at best; more often it is impossible. In this section, we discuss the value of rights restoration and make

recommendations to bolster and expand eligibility for existing rights restoration mechanisms. We also make recommendations to ensure that formerly incarcerated people know of these mechanisms and can access them when eligible, regardless of their ability to retain counsel.

III. The Financial Well-Being of People Being Released from Prison and the Need to Facilitate Access to Public Assistance Benefits:

Low-income people are disproportionately caught up in our criminal justice system, and a conviction and incarceration drives people further into debt and financial distress.⁴ Most people who leave prison lack the financial resources to obtain food, shelter, medical care and other basic needs. Steps must be taken to ensure that people have immediate access to public assistance benefits – including Medicaid – upon release.

IV. Housing: Perhaps there is nothing more obvious than the notion that safe, stable and habitable housing is a prerequisite to a person’s successful transition from incarceration to the community. Yet, too often people are released from prison and jail to shelters or short term emergency housing.⁵ Because housing is such a basic need for all people, the Task Force decided to explore what prisons and jails are doing to assist people in planning for housing upon their release. We also acknowledge that no amount of pre-release planning is going to get people housing if barriers to public and private housing persist for formerly incarcerated people. For that reason, we identify these barriers make recommendations to eliminate them.

V. Education and Vocational Needs: College is expensive, and many find it difficult to finance higher education for themselves or their children. It is therefore understandable that some people object to having their tax dollars pay for educating incarcerated people. But, while this objection may be understandable, it is counter-productive. Access to prison-based higher education and vocational training has a proven track record in altering criminogenic behavior, providing people with marketable skills, and promoting successful reintegration. In this section of the report, we discuss the value of ensuring that people in and out of prison have access to education, and we explore prison-based educational program and community-based educational programs for formerly incarcerated people. We also make recommendations to promote access to education both in and out of prison.

VI. Protecting the Most Vulnerable: Services for Individuals with Mental Illness

Returning to the Community: “Instead of getting people with mental illness the treatment and support they need, our society too often puts them in jails or prisons, which are the

⁴ In Section II of this report, we set forth the research and data to support these assertions. See also, Bruce Western, Justice Lab, Columbia University, *The Challenge of Criminal Justice Reform*, The Square One Project, January 2019, at 5, available at https://static1.squarespace.com/static/5b4cc00c710699c57a454b25/5c5a45d6eb3931523e32a8f3/1549419991367/The+Challenge+of+Criminal+Justice+Reform_Bruce+Western_Final.pdf (noting that “disadvantaged communities must now cope with incarceration, community supervision, court fines and fees, and collateral consequences on a vast scale.”).

⁵ See e.g., Adam Shrier et al., *Many Inmates Move from Prison to Shelters, Despite Efforts to Get Them Homes*, City Limits, Jan. 17, 2017, available at <https://citylimits.org/2017/01/17/many-inmates-move-from-prison-to-shelters-despite-efforts-to-get-them-homes/> (last visited Feb. 26, 2019).

worst place for recovery.”⁶ Many enter prison and jail with mental health and substance abuse issues. This report does not explore the various reasons for the “criminalization of mental illness,” though we do acknowledge that the failure to properly identify and treat individuals with serious mental health and substance abuse issues seriously impacts them and the communities to which they return. In this report, we explore one legal mechanism designed to ensure that people in need of mental health treatment obtain it – the Assisted Outpatient Treatment (AOT), set forth in New York’s Mental Hygiene Law.⁷ We also focus on the lack of safe, stable, and supportive housing, a significant concern for people with a serious mental illness who are transitioning from incarceration to the community.

VII. Persons with Sex Offense Convictions: Perhaps there is no population more reviled than people who have been convicted of a sex offense. Popular opinion - unsupported by research or anecdotal experience - is that people with a past sex offense convictions are likely to recidivate and thus pose a danger to the community. Based on this misinformation, over the past twenty-five years New York has erected a formidable framework of registration requirements, community notification, residency restrictions, and strict community supervision requirements designed to protect against the perceived danger people with a past sex offense convictions pose to the community. But since this framework has been implemented, a rich body of research has emerged that challenges the very foundations upon which it was built. As explained in this section, this research shows that recidivism rates for people with sex offense convictions are much lower than the public perceives them to be. Moreover, there are significant unintended costs to our laws and policies regarding people with sex offense convictions. This section of the report examines these laws and policies in the context of the research, and sets forth recommendations for evidence-based laws and policies.

VIII. Funding: We finish the report with a section about the need to view funding for pre-release planning and re-entry as an important investment in people, families, and our communities – and one that will pay itself off with enhanced public safety and community well-being.

The foregoing sections and recommendations emanate from the following two important principles that drove the work of this task force:

Re-entry must begin at the point of arrest, be attentive to a person’s individual needs, and strive to incorporate community resources.

Waiting to plan for re-entry until a person is released, or just before a person is released, is too late:

If reentry planning is simply implemented as a “program” for those leaving prison, and nothing more it will provide us with little else than an opportunity to pick up

⁶ National Alliance of Mental Illness, *Criminalization of Mental Illness: It’s a Crime*, Aug. 27, 2014, <https://www.nami.org/Blogs/From-the-CEO/August-2014/Criminalization-of-Mental-Illness-It%E2%80%99s-a-Crime> (last visited Feb. 22, 2019).

⁷ See Mental Hygiene Law § 9.60.

the damaged pieces that our affinity for punishment has created. However, if we carefully attend to the wide range of concerns that affect reentry, we can substantially reduce the prison population, avoid the damage, and promote reintegration. In order to reduce the cost of incarceration in both dollars and human suffering, the most effective way to do so is to begin reentry at the time of arrest.⁸

Planning for re-entry at the time of arrest, focusing on the arrested person's individual needs, and striving to maintain or make strong community connections will force judges, prosecutors, and defense counsel to grapple with the following questions for each arrested individual: Is a conviction and incarceration necessary, or are there alternative ways to hold the individual accountable while promoting public safety? If incarceration is necessary, what steps can be taken while the person is in prison or jail to promote the person's success upon release? Finally, what steps can be taken to maintain the person's connections to the community and, if necessary, help the person to build positive, pro-social connections?

The principle of early and individualized re-entry planning has important implications for prisons and jails. Prisons and jails have the dual goals of protecting the safety of incarcerated people, guards, and prison staff while simultaneously preparing people for their release to the community. Between 1972 and 2007, the rates of incarceration in the United State more than quadrupled.⁹ During this period, the goal of rehabilitation gave way to a penchant for punishment. Not only did the conditions of incarceration deteriorate, but prisons and jails were often forced to abandon many important rehabilitative programs.¹⁰ But the tide has turned, and while the rates of incarceration are still too high, they have been decreasing over the last decade.¹¹ Simultaneously, there is a growing public awareness of the harm to communities and individuals that the high rates of incarceration -and our over-dependence in jails and prisons - have had. Now is the opportune time to examine the resources available to jails and prisons for rehabilitative programming and re-entry planning, and to think creatively about the best use of resources to promote each person's successful reintegration into the community upon release. It is also an opportune time to consider how each prison and jail can better utilize community-based resources to ensure that incarcerated people can maintain and, where necessary, bolster their connections to the community to which they will be released.

We must prioritize rehabilitation over punishment.

The second principle that informed this Task Force's work is the immense value to our communities in prioritizing rehabilitation over punishment, and redemption over retribution. Over the past four decades, our penchant for punishment has resulted not only in more people being incarcerated for longer periods of time, but also a growing array of punishments after release from

⁸ Alan Rosenthal and Elaine Wolf, *Center for Community Alternatives Working Paper: Unlocking the Potential of Reentry and Reintegration*, October 2004, at 5, available at http://www.communityalternatives.org/pdf/unlocking_potential.pdf.

⁹ See Section I for the research and data to support this assertion. See also Western, *The Challenge of Criminal Justice Reform*, *supra* note 4.

¹⁰ See Section I; see also Western, *supra* note 4, at 7 ("Conditions in prisons became more punishing as overcrowding became common and educational programming was cut").

¹¹ Western, *supra* note 4.

prison or jail. As one expert has stated in writing about the inordinate focus on punishment between 1972 and 2007:

Even after sentences were completed, millions of men and women were hamstrung by criminal background checks in applications for jobs, housing, and credit. Criminal records limited voting rights, eligibility for federal benefits, and access to licensed occupations. The criminal justice system became a vast apparatus designed to punish, exclude, and close of opportunities.¹²

There is a growing awareness of the costs that this penchant for punishment imposes on individuals, families, and communities, and several jurisdictions (including New York) are scaling back some of the “tough on crime” policies.¹³ Yet, as described in this report, there are still too many laws, regulations, policies, and practices that are punitive in nature, and needlessly impair people’s ability to successfully transition to the community as law abiding citizens. Thus, this report prioritizes rehabilitation and access to opportunities over punishment. We believe that doing so promotes the safety and well-being of individuals and our communities.

RECOMMENDATIONS

We suggest the following best practices, policy and legislative changes:

1. EXPERTS ON RE-ENTRY

Best practices:

- A. People with past convictions should be included in re-entry policy discussions and decision-making. This inclusion should reflect a concerted effort to elevate and honor the insights formerly incarcerated people have obtained through their lived experiences, and thus be more than just one or two “credible messengers.”
- B. DOCCS’ policy of prohibiting people on parole from having contact with formerly incarcerated people should be re-examined.

¹² *Id.* at 7. See also Alexandra Natapoff, *Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal* (2018) (focusing on the United States’ misdemeanor system, and categorizing it as a behemoth that systematically strips people of jobs, credit, welfare benefits, housing, immigration status, financial well-being and social status). Many of the life-long consequences of a criminal conviction are discussed in the 2006 report on re-entry and reintegration of the NYSBA Special Committee on Collateral Consequences of Criminal Proceedings, *supra* note 2.

¹³ See, e.g., Eric Westervelt & Barbara Broshier, *Scrubbing the Past to Give Those with a Criminal Record a Second Chance*, NPR Morning Edition, Feb. 19, 2019, available at <https://www.npr.org/2019/02/19/692322738/scrubbing-the-past-to-give-those-with-a-criminal-record-a-second-chance> (“In the last two years, more than 20 states have expanded or added laws to help people move on from their criminal records—most involve misdemeanors. Marijuana legalization and decriminalization have played a big role in driving these reforms. Fairness is another factor, with lawmakers from both parties rethinking the long-term consequences of certain criminal records, as well as the economic impact of mass incarceration.”).

- C. DOCCS and county jails and correctional facilities should re-examine and revamp their policies and protocols regarding the admission of service provider staff and volunteers who have past convictions to ensure that such policies are clear and do not create needless barriers for formerly incarcerated people to access prisons and jails to engage in legitimate employment and volunteer work.

2. RIGHTS RESTORATION

Best practices:

- A. All formerly incarcerated people should have access to rights restoration services. Funding should be sufficient to ensure that people are not turned away because of limited program capacity and to ensure services are available in all communities.
- B. Jails and prisons should incorporate information about rights restoration mechanisms in pre-release and transitional education programs.
- C. Certificates of Relief from Disabilities should be provided to eligible individuals upon their release from prison. Barriers that released individuals face in applying to DOCCS for Certificates of Relief from Disabilities and Certificates of Good Conduct should be eliminated. Applicants should not be required to provide copies of tax returns, and people on parole and post release supervision should be permitted to apply directly and not be required to wait until their parole officer decides to apply on their behalf.

Legislative recommendation:

- D. We applaud and support the 2019-2020 Budget which amends Human Rights (Executive) Law § 296(16) to make it clear that if an applicant is asked to disclose an arrest that resulted in a sealing or Youthful Offender adjudication, the applicant can legally deny the arrest, adjudication or conviction.

3. FINANCIAL NEED AND ACCESS TO PUBLIC ASSISTANCE BENEFITS

Legislative recommendation:

- A. New York Social Services Law and regulations should be amended to make it clear that soon-to-be-released people can apply for public benefits assistance prior to their release from prison or jail so that these benefits are in place when they are released.
- B. DOCCS and local jails should implement policies and procedures so that soon-to-be-released people are told that they may be eligible for public assistance benefits, are told how to apply prior to their release, and are given assistance in applying.
- C. DOCCS law and regulations should be amended to provide that correctional facility staff shall assist soon-to-be released inmates to apply for public assistance benefits while incarcerated, including SSI and SSDI in sufficient time prior to release to run

through most of the required 45 day waiting period for eligibility for public assistance benefits.

4. **HOUSING**

Policy changes:

- A. We reiterate the recommendation in the 2006 NYSBA Report urging Congress to undertake a wholesale review and revision of laws and regulations that require or permit Public Housing Authorities (PHA) to screen out people with conviction histories.
- B. All PHAs in New York should be required to implement the HUD letters and guidance urging them to eliminate all outright bars to public housing for people with prior convictions (except where required by law), and to develop policies and practices that give PHAs discretion to allow people with past convictions to reside in public housing.
- C. In developing rules and policies that rely on discretion rather than outright bars to consideration of people with convictions, PHAs should implement the following principles:
 - 1. Other than the two permanent bars mandated by federal law, PHAs should not have any mandatory or permanent bars to living in public housing. Instead, there should be an individualized consideration of each applicant.
 - 2. Not all crimes should be considered. Only those type of offenses that PHAs are required by law to consider and those that are directly related to a person's tenancy should be considered. PHAs should not be permitted to have vague standards, such as "crimes indicating that an applicant may be a negative influence," etc.
 - 3. Crimes that are not recent should not be considered. In assessing recency, PHAs should consider the date of the offense and not the date of conviction or the date of release from incarceration.
 - 4. PHAs must consider and give ample weight to mitigating information, including but not limited to a person having been awarded a Certificate of Relief from Disabilities or Certificate of Good Conduct. Mitigating information should also include an applicant's good conduct and achievements while incarcerated.
- D. There should be a comprehensive review of the policies and practices of all the PHAs in New York to assess the extent to which they have implemented the HUD guidance prohibiting them from using arrest records in housing decisions and replacing outright bars to public housing with discretion that utilizes an individualized approach to decision-making.

Legislative recommendations:

- E. Congress needs to amend the definition of chronic homelessness in 42 USC § 11360(2) to state that people in jail and prison who have insufficient financial resources to pay for stable housing upon release are deemed to be "chronically homeless." In the meantime, CoC coalitions should use their discretion whenever possible to make federally funded

transitional, supportive, and permanent housing solutions available to people being released from prison or jail.

- F. Eligibility for the Temporary Release Program (most commonly called work release) should be expanded and the program revitalized. The 1995 Executive Order, which has been continued and expanded with every Governor since, should be rescinded and steps should be taken to ensure that the Temporary Release Program can fully realize its potential in helping people successfully transition to the community.
- G. We applaud and support the 2019-2020 Budget which amends Executive Law § 296(16) to make it an unlawful discriminatory practice for private landlords and public housing authorities to consider a sealed arrest or conviction in making decisions about housing. This is consistent with the 2016 Guidance issued by HUD stating that public and private landlords should not use arrests as a reason for an adverse housing decisions. In Part II, Subpart O of this budget, Human Rights Law § 296(16) is amended to include "housing" thereby prohibiting private landlords and housing authorities from considering sealed arrests and convictions in making housing decisions. The 2019-2020 Budget Goes on to ensure that stale prosecutions (arrests that were never prosecuted) are not used against people for civil purposes. See Part II, Subpart L of the 2019-2020 budget. These two amendments go far in ensuring that arrests that did not lead to convictions and sealed convictions are not used against people when they seek housing.
- H. A provision should be added to the Human Right Law to prohibit discrimination against people with past convictions who are seeking housing. However, because housing is such a basic, critical need, great care should be taken in crafting this provision to ensure that it does not unwittingly give landlords and housing authorities permission to deny people housing in a wide array of circumstances. Governor Cuomo's promulgated guidance for the New York State Housing Finance Agency, may be a model. Before using it as a framework for anti-discrimination legislation, information should be obtained about how this guidance has worked in practice, including the number of people denied housing under this guidance and the reasons for the denial.

Best practices:

- I. People should leave prison and jail with a feasible plan for safe and stable housing. DOCCS and county jails need to actively assist people *prior* to their release in identifying and securing housing. For DOCCS, the steps to securing housing should be incorporated into Phase III of the DOCCS Transitional Services Program and should include access to the internet when necessary to assist people in identifying housing.
- J. The State should ensure that DOCCS and local jails have the staffing and resources necessary to assist people prior to their release in identifying safe and stable housing. Re-entry staff should conduct an individual assessment of each soon-to-be-released person to discern specific housing needs. They should also connect with community-based organizations to develop awareness of the full range of housing options available and any restrictions to such housing (*i.e.*, the creation and maintenance of a

resource guide for each community).

- K. The State should implement multiple ways to provide housing, including housing stipends, and provide the resources needed to develop and provide transitional, supportive, and permanent housing to people being released from prison and jail who need housing.

5. EDUCATIONAL AND VOCATIONAL ISSUES:

Legislative recommendations:

- A. Eligibility for both federal Pell Grants and the New York State Tuition Assistance Program (TAP) should be restored to permit qualified incarcerated persons access to college programs. College programming in prisons and jails should be significantly expanded so that any eligible individual may enroll.
- B. The Fair Access to Education Act legislation which would amend New York Correction and Executive Laws to make it an unlawful discriminatory practice for any college or university in New York to ask about or consider an applicant's past arrest or conviction during the application process should be enacted.

Best practices:

- C. Sufficient funding should be allocated to provide all eligible incarcerated individuals access to timely, appropriate, uninterrupted, modernized, certified programming tailored to their educational and/or vocational needs and strengths, including special education services, adult basic education, pre-college and college and vocational programs that provide marketable skills training. In addition, sufficient funding should be provided to expand the availability of vocational programs so as to allow incarcerated individuals to enroll in those courses of their choice
- D. Education during incarceration should be deemed a priority not a privilege and, as such, DOCCS and county jails should:
- provide in-depth orientation at intake regarding the importance of the educational and vocational screening process and train screeners to encourage incarcerated individuals to take the screening seriously;
 - require certification by the New York State Department of Education of all teachers and instructors and regularly evaluate them during classroom time;
 - train offender rehabilitation counselors (ORCs) and parole officers regarding the availability of educational opportunities upon release and mandate that they focus on and encourage to take advantage of said educational opportunities;
 - remove barriers to education such as conflicts with obtaining Limited Credit Time Allowance and monetary disincentives;
 - ensure proper certifications and licenses are provided to those who complete vocational courses; and
 - ensure college credits earned during incarceration are transferable upon release.

- F. To help educate our communities about the fiscal, health and safety implications of providing educational and vocational opportunities to those who are incarcerated, oversight hearings should be held by both houses of the New York State Legislature with the purpose of soliciting testimony on the need for, and the quality of, the educational and vocational programs offered in the jail and prison settings in New York State.

6. **MENTAL ILLNESS ASSISTANCE:**

Best practices:

- A. The New York State Office of Mental Health ("OMH") collects many statistics about Assisted Outpatient Treatment ("AOT"), but does not track rates of re-incarceration and involuntary hospitalization for individuals subjected to an AOT order upon release from prison. OMH and/or CJS should begin tracking this statistic to develop a dataset that would provide empirical evidence of how useful AOT is in helping individuals with serious mental illness stay in their communities.
- B. The stock of supportive housing for people with mental illness, including forensic supported housing and short-term transitional housing, should be dramatically increased statewide so that people with mental illnesses being released from incarceration are not released into shelters, motels or three-quarter houses, or kept in prison beyond the end their sentences.

7. **PERSONS CONVICTED OF SEX OFFENSES:**

Legislative and policy change recommendations:

- A. Amend the Sexual Assault Reform Act ("SARA") to require that in place of the "1,000 feet rule," the decision to impose a buffer zone restriction around schools be made on a case-by-case basis by the Sex Offender Registration Act ("SORA") hearing court, upon a showing of a need for the restriction based upon the defendant's offense conduct, history of behavior, or other mental or emotional conditions, with possibility of revision over time;
- B. Amend the SORA Risk Assessment Instrument used to make risk classifications, to bring it into conformance with the latest scientific research;
- C. Reevaluate the excessively long registration periods imposed on individuals by SORA, in line with academic research demonstrating that individuals' risk of reoffending decreases considerably over periods of time shorter than those stipulated by SORA;
- D. For those individuals with sex offense convictions who are subject to community supervision, individualize determinations concerning release conditions to ensure they bear a reasonable relationship to the underlying offense and subsequent rehabilitation, so as to avoid blanket imposition of boilerplate, draconian conditions.

8. FUNDING:

Legislative and policy change recommendations:

- A. Dramatically increase state funding of effective programs. Current funding for re-entry is based upon the vagaries of short term federal and foundation grants, donors and some limited state funding. Consistent state funding would provide necessary stability and permanence to these programs and avoid imposition of unfunded mandates on the counties.
- B. Recommend that the New York State Council on Community Re-entry and Reintegration create a resource for grant writing and grant writing expertise for each county, to provide assistance to reentry services providers.
- C. Prioritize state funding for programs that collaborate and coordinate with key service providers so as to enable the formerly incarcerated person to obtain services he or she requires in one location.

The Task Force on Incarceration Release Planning and Programs presents the foregoing recommendations to the NYSBA House of Delegates for its acceptance when this report is presented on April 13, 2019.

INTRODUCTION

Re-entry services have typically focused on the point in time after a person is released from prison or jail. But a more advanced view “recognize[s] the need to prepare for the transition back to the community prior to release from incarceration and envision[s] that re-entry planning begins when the person enters prison [or jail].”¹⁴ Obtaining quality mental health and substance abuse treatment, education, vocational training, medical and mental health care, and assistance in planning for the release are all crucial to increasing the chances of successful re-entry.

Re-entry of formerly incarcerated persons has been a headline issue in New York State for the past several years. New York is home to numerous advocacy and direct services organizations working tirelessly to assist in this effort, but many barriers still exist and many of our communities lack the resources to provide adequate supports.

More than half a million individuals have been released from New York State prisons since 1985.¹⁵ Some have been returned to localities where they have no connections or significant relationships, making re-entry a hugely difficult experience particularly as reconnection with family has been shown to be an essential part of successful re-entry.¹⁶ But regardless of the community to which they return, it is a daunting task for any person released from incarceration to

¹⁴ Alan Rosenthal & Elaine Wolf, *Unlocking the Potential of Re-Entry and Reintegration*, October 2004, at 2, available at http://www.communityalternatives.org/pdf/unlocking_potential.pdf.

¹⁵ New York State Assembly Standing Committee on Correction, *2016 Annual Report*, Dec. 15, 2016, at 15, available at <https://nyassembly.gov/comm/Correct/2016Annual/index.pdf>.

¹⁶ The Council of State Governments Justice Center, *Reentry Matters: Strategies and Successes of Second Chance Act Grantees, Second Chance Act 10th Anniversary Edition*, November 2018, available at <https://csgjusticecenter.org/wp-content/uploads/2018/11/Reentry-Matters-2018.pdf>.

live a life “outside the walls.”¹⁷ While incarcerated, many people lose connections with their children and their families,¹⁸ and most who enter the state prison system lose their jobs, homes, medical insurance and personal belongings. When released, most people have neither an income nor savings and as a result have serious difficulty in locating shelter, clothing, transportation, support and medical programming and employment.¹⁹ This is compounded by the fact that many lack higher education credentials or vocational training²⁰ and that the communities to which people released are often ill-prepared to assist them.²¹ Yet in the face of all these obstacles, individuals are expected to succeed at immediately returning to a normal life.²²

In order to assist individuals and communities with re-entry challenges, Governor Cuomo has allocated a limited amount of funding to county re-entry task forces and not-for-profit organizations dedicated to lessening the barriers to re-entry.²³ These task forces, managed through the New York State Division of Criminal Justice Services (DCJS), seek to assist recently released

¹⁷ The Fortune Society, *Reentry: Coming Home*, <https://fortunesociety.org/coming-home/> (last visited Feb. 20, 2019) (“When I returned to the community, I wanted to complete my education and change my life, but I lacked the resources to do so.” - Mitchell Leviticus; “The day of my release came, I felt like a fish out of water. I needed to get accustomed to new technology, work on re-establishing family ties, and look for employment.” - Lorenzo Brooks; “After spending 17 years in prison, I was released at the age of 40 with nothing to live on and nowhere to go.” - Damon Rodriguez).

¹⁸ *Id.* (“Seeking safety, justice-involved individuals often immediately seek to reconnect with their families upon release. Unfortunately, incarceration can separate individuals from their loved ones from long periods of time. Many are placed in jails and prisons that are located far from their homes, discouraging visitation and communication with their families, and causing children to grow up without the emotional support of their mothers and fathers. According to the Bureau of Justice Statistics, approximately 53% of incarcerated individuals in 2007 were parents of children under age 18. Finding solutions to these disconnects among families is a crucial component of criminal justice reform. Bonds help formerly incarcerated individuals stabilize their lives, service as vital support systems during their reentry process.”)

¹⁹ Nathan James, Congressional Research Service, *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*, Jan. 12, 2015, available at <https://fas.org/spp/crs/misc/RL34287.pdf>. See also National Re-Entry Resource Center, *NREC Facts & Trends*, <https://csgjusticecenter.org/nrec/facts-and-trends/> (last visited Feb. 20, 2019); Simmons School of Social Work, *The Challenges of Prisoner Re-entry Into Society*, Jul. 12, 2016, <https://socialwork.simmons.edu/blog/Prisoner-Reentry/> (last visited Feb. 26, 2019); Aaron Taube, *Here's What It's Like For People Trying To Find A Job After They're Released From Prison*, Business Insider, Oct. 10, 2014, <https://www.businessinsider.com/getting-a-job-after-prison-2014-10> (last visited Feb. 26, 2019) (“Despite the nonprofit organizations and nongovernment agencies tasked with helping the formerly incarcerated find work after prison, doing so can be extremely difficult.”).

²⁰ Kathleen Bender, *Education Opportunities in Prison are Key to Reducing Crime*, Center for American Progress, Mar. 2, 2018, <https://www.americanprogress.org/issues/education-k-12/news/2018/03/02/447321/education-opportunities-prison-key-reducing-crime/> (last visited Feb. 26, 2019).

²¹ See *id.*

²² Jon Mocoilem, *You Just Got Out of Prison. Now What?*, N.Y. Times Magazine, Jul. 16, 2015, available at <https://www.nytimes.com/2015/07/19/magazine/you-just-got-out-of-prison-now-what.html>.

²³ See Press Release, Governor Andrew M. Cuomo, *Governor Cuomo Announces Comprehensive Reforms to Improve the Re-Entry Process for Formerly Incarcerated Individuals* (Mar. 5, 2018), available at <https://www.governor.ny.gov/news/governor-cuomo-announces-comprehensive-reforms-improve-re-entry-process-formerly-incarcerated> (“the Governor has provided approximately \$4 million in annual grants to support twenty County Re-Entry Task Forces serving a total of 5,000 individuals returning to their counties after serving a state prison sentence”). In addition to funding re-entry programs, Governor Cuomo allocated funding for education programs in New York prisons for the purpose of reducing recidivism rates. Jesse McKinley, *Cuomo to Give Colleges \$7 Million for Courses in Prisons*, N.Y. Times, Aug. 6, 2017, available at <https://www.nytimes.com/2017/08/06/nyregion/cuomo-to-give-colleges-7-million-for-courses-in-prisons.html>.

individuals who are deemed “high risk” of re-arrest.²⁴ DCJS provides training, technical assistance, and funding to these groups, with the goals of reducing recidivism rates and promoting community safety.²⁵ In addition, DCJS awarded a limited amount of funding to various not-for-profit organizations such as Project MORE, Trinity Alliance of the Capital Region Inc., and the Oneida Workforce Development.²⁶ But more funding is needed. Programs and services need to be provided statewide, not just in the State’s most populous areas.

In 2018, Governor Cuomo signed an executive order granting conditional pardons to New Yorkers who are on parole, allowing them to register to vote.²⁷ His 2019-2020 budget proposes a number of measures affecting criminal justice policies, and it addresses re-entry in Section II. As an overview, this budget bill would enact into law major components of legislation that remove unnecessary barriers to reentry.²⁸ Specifically, this bill would:

- amend various occupational licensing laws to remove mandatory bans for applicants with criminal convictions;
- amend the Vehicle and Traffic Law to remove the six month mandatory drivers’ license suspension for non-driving related offenses;
- amend the Public Officers Law to protect against the indiscriminate release of mugshots under the Freedom of Information Law;
- amend the Criminal Procedure Law and the Executive Law to prevent the use in a civil context of past arrest information that did not result in a conviction; and
- amend the Corrections Law to provide for consideration of compassionate release for older incarcerated individuals facing health issues exacerbated by age.

A number of law enforcement agencies are also engaging in strategies to help individuals successfully re-enter society, seeing this as both a public safety and a cost saving measure. Some of the state’s sixty-two District Attorneys have introduced education initiatives, crime prevention efforts, and re-entry programming. Together with public defense agencies, service providers and the New York State Office of Court Administration (OCA), they are helping to develop and staff specialty courts aimed at youth, veterans and those suffering from substance abuse and mental illness. In addition, some county sheriffs, county jails and corrections departments have developed creative programming to help with transitional needs as persons are released from local facilities. Statistics provided by one county correctional facility show that providing programming and re-

²⁴ Division of Criminal Justice Services, *DCJS County Re-entry Task Force Initiative*, http://www.criminaljustice.ny.gov/crimnet/cjsa/initiatives/offender_re-entry.htm (last visited Nov. 12, 2018).

²⁵ *Id.*

²⁶ *Id.* See Press Release, Governor Andrew M. Cuomo (Mar. 5, 2018), *supra* note 23, for a full list of funding beneficiaries.

²⁷ Press Release, Governor Andrew M. Cuomo, Governor Cuomo Signs Executive Order to Restore Voting Rights to New Yorkers on Parole (Apr. 18, 2018), available at <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-restore-voting-rights-new-yorkers-parole>.

²⁸ See New York State Division of the Budget, *FY 2020 New York State Executive Budget: Public Protection and General Government Article VII Legislation*, available at <https://www.budget.ny.gov/pubs/archive/fy20/exec/artvii/ppgg-artvii.pdf>; New York State Division of the Budget, *FY 2020 New York State Executive Budget: Public Protection and General Government Article VII Legislation—Memorandum in Support*, available at <https://www.budget.ny.gov/pubs/archive/fy20/exec/artvii/ppgg-artvii-ms.pdf>.

entry planning for people prior to their release helps them to successfully reintegrate into the community and decreases recidivism.²⁹

Our report is greatly aided by—and we recommend that any future efforts should include—individuals who have lived experience with the criminal justice system. They have a unique understanding of the barriers to successful re-entry, and through their experiences, have clear ideas about how best to eradicate them. This report makes specific recommendations designed to elevate the voices and experiences of people who have been incarcerated.

L. THE EXPERTS ON RE-ENTRY: FORMERLY INCARCERATED PEOPLE

When I got out [of prison], I felt the world was small; there was no room for me. Things moved so fast, and I couldn't keep up. I felt like I did not belong. My family couldn't understand what I was feeling. They couldn't understand why I felt so paranoid; so pressured...

Other formerly incarcerated people could serve as guides or buddies. This would provide the released person with someone who can both "show them the ropes" and understand the internal struggle they go through when adjusting to life outside prison—someone who has been through it personally; someone who knows how it feels.

- Gloria Rubero, a formerly incarcerated person³⁰

Those who are closest to the problem are closest to the solution, but furthest from the resources and power.

- Glenn Martin, former President of JustLeadershipUSA³¹

The message of the above sentiments is plain: formerly incarcerated people's lived experiences make them uniquely qualified to meaningfully contribute to re-entry policy development and service programs, yet too often they are barred from both. These sentiments are not unique as demonstrated by the similar statements made by several participants at this Task Force's November 9, 2018 Open Meeting. Below, we discuss what makes incarceration an experience unlike any other and thus why formerly incarcerated peoples' lived experiences matter; we also discuss affirmative steps that should be taken to include people with lived experiences in re-entry policy development and service programs.

²⁹ See Appendix A (This appendix provides an example from the Westchester Department of Corrections programming statistics of how programming offered during incarceration reduces recidivism.)

³⁰ Ms. Rubio's essay entitled "Let Those Who Have Been There Guide Reentry," can be found in the 2015 report by the Center for Justice at Columbia University, *Aging in Prison: Reducing Elder Incarceration and Promoting Public Safety*, Nov. 2015, available at http://centerforjustice.columbia.edu/files/2015/10/AgingInPrison_FINAL_web.pdf.

³¹ *Ahoy*, JustLeadershipUSA, <https://www.justleadershipusa.org/about-us/> (last visited Feb. 20, 2019).

A. Incarceration is a Uniquely Disorienting Experience that Makes Re-Entry More Challenging.

In 2014, the National Research Council's Committee on Causes and Consequences of High Incarceration Rates issued a comprehensive report entitled *The Growth of Incarceration in the United States: Exploring Causes and Consequences* ("NRC Report"). This report chronicled the causes and consequences of the nation's quadrupling rate of incarceration between 1973 and 2009, noting that this "growth in incarceration rates ... is historically unprecedented and internationally unique."³² The NRC Report concluded that this unprecedented growth in incarceration resulted from "policy choices made by legislators to greatly increase the use of imprisonment as a response to crime."³³ Put simply, "politicians and policy makers from across the political spectrum embraced an increasingly 'get tough' approach to criminal justice."³⁴ In New York, these policy choices greatly expanded the state's prison population, and between 1978 and 1999, New York's prison population grew from approximately 20,000³⁵ to 72,649 people.³⁶

Across the country these "tough on crime" policy choices not only affected the number of people confined in prisons and jails, they also impacted the conditions of confinement. As noted in the NRC Report:

Eventually, advocates of these more punitive policies began to focus explicitly on daily life inside the nation's prisons, urging the implementation of a "no frills" approach to everyday correctional policies and practices. Daily life inside many prison systems became harsher, in part because of an explicit commitment to punishing prisoners more severely. What some scholars characterized as a "penal harm" movement that arose in many parts of the country included attempts to find "creative strategies to make offenders suffer."³⁷

The dramatic increase in incarceration rates in such a short amount of time led to overcrowding and often created unsanitary and unsafe conditions. Combined with a more punitive approach, this increase in incarceration resulted in reduction in rehabilitative programming; cuts in funding for educational programs, mental health, substance abuse, and medical treatment; and

³² National Research Council, Committee on Causes and Consequences of High Incarceration Rates, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, 2014, at 2, available at http://johnjay.jjay.cuny.edu/nrc/nas_report_on_incarceration.pdf. (Hereinafter "NRC Report.")

³³ NRC Report at 4.

³⁴ NRC Report at 163.

³⁵ Prison Policy Initiative, *New York Prison and Jail Population 1978-2015*, https://www.prisonpolicy.org/graphs/NY_Prison_Jail_Population_1978-2015.html (last visited Feb. 20, 2019).

³⁶ *Id.* See also New York State Department of Corrections and Community Supervision, *DOCCS Fact Sheet*, Feb. 1, 2019, available at <http://www.doccs.ny.gov/FactSheets/PDF/currentfactsheet.pdf>. Notably, efforts to reduce the prison population, including reform of New York's drug laws, have contributed to a recent decline in New York's prison population, and as of December 1, 2018, New York's prison population is 47,601. *Id.*

³⁷ NRC Report at 163 (internal citations omitted). See also Craig Haney, *The Psychological Impact of Incarceration: Implications for Post-Prison Adjustment*, December 2001, available at <https://aspe.hhs.gov/basic-report/psychological-impact-incarceration-implications-post-prison-adjustment>. ("The abandonment of the once-avowed goal of rehabilitation certainly decreased the perceived need and availability of meaningful programming for prisoners as well as social and mental health services available to them both inside and outside the prison. Indeed, it generally reduced concern on the part of prison administrations for the overall well-being of prisoners.")

stricter rules regarding access to material items. Prisons and jails also implemented stricter rules regarding contact with family members and loved ones, limiting access to phones and personal visits. By 2006, a bipartisan Commission on Safety and Abuse in America's Prisons painted a grim picture of prison conditions in the United States, concluding as follows:

[T]here is still too much violence in America's prisons and jails, too many facilities that are crowded to the breaking point, too little medical and mental health care, unnecessary uses of solitary confinement and other forms of segregation, a desperate need for the kinds of productive activities that discourage violence and make rehabilitation possible, and a culture in many prisons and jails that pits staff against prisoners and management against staff.³⁸

In an article entitled *All the Strange, Terrible Things You Get Used to in Prison*, Jerry Metcalf, who is imprisoned in Thumb Correctional Facility in Lapeer, Michigan, details the most common features of prison, including: regular strip searches; being addressed by a number rather than a name; and ongoing exposure to violence and the threat of violence. He poignantly describes the lack of personal autonomy, stating:

I'm told when to eat, when to sleep, when to go outside, when to talk with and see my family, when to shower, when to cut my hair or iron my clothes. My money is managed for me; I pay zero taxes; and my healthcare (what little there is of it), is free and monitored by others.... I can't remember the last time I had to make a major decision like that for myself. I grow nervous just imagining the prospect.³⁹

Mr. Metcalf's account of prison life is mirrored by the NRC Report, which details the following common features of prison life: highly structured and regimented environment that erodes personal autonomy; near total absence of personal privacy; degradation and dehumanization; exposure to violence and conflict; the need to be hypervigilant and to constantly modulate interactions with guards, prison staff, and other prisoners to prevent or diffuse conflicts; material deprivation; the idleness and boredom that results from limited educational, work, and other programming opportunities; and restricted and controlled contact with family members and loved ones.⁴⁰

There are adaptive behaviors that people commonly develop to successfully navigate the unusual prison environment described by Mr. Metcalf and discussed in the NRC Report. But these adaptive behaviors can make it harder for people to transition from prison to the community. As one expert has stated, "a tough veneer that precludes seeking help for personal problems, the generalized mistrust that comes from fear of exploitation, and the tendency to strike out in response to minimal provocations are highly functional in any prison context [but] problematic

³⁸ John J. Gibbons & Nicholas deBelleville Katzenbach, *Confronting Confinement: A Report of the Commission on Safety and Abuse in America's Prisons*, 22 Wash. U. J. L. & Pol'y 385, 390 (2006).

³⁹ Mr. Metcalf's article is a joint collaboration between the Marshall Project and Vice. Jerry Metcalf, *All the Strange, Terrible Things You Get Used to in Prison*, Vice, Mar. 2, 2018, https://www.vice.com/en_us/article/9kzva3/all-the-strange-terrible-things-you-get-used-to-in-prison.

⁴⁰ These features are a summary of Chapter 6 of the NRC Report, entitled "The Experience of Prison." See also Haney, *supra* note 37.

virtually everywhere else.”⁴¹ These same adaptations may cause people to feel isolated and abnormal once they are released from incarceration to the community, contributing to a belief that failure is likely if not inevitable.

B. People Who Have Lived the Experience of Incarceration and Re-Entry Are Well Positioned to Be Part of Re-Entry Solutions.

People who have lived through and successfully navigated the experience of incarceration and release have insights and empathy for others experiencing the same transition. Their lived experiences render them uniquely qualified to identify problems and solutions to re-entry, and to relate to and assist others experiencing re-entry.

Over the past decade, a growing number of service providers have sought to create effective re-entry programs.⁴² But while these re-entry programs generally focus on helping people attain the skills necessary to live stable lives, they often fail to address the uniquely disorienting impact of incarceration:

Basic and instrumental needs such as employment and stable housing have been the focus of reentry programming. And while the ability to secure employment and housing are critical ingredients to re-entry and reintegration, these assets alone overlook the web of disorientation and psychological disconnection that accompanies movement from custody to freedom.⁴³

Those who have lived the re-entry experience can provide the more nuanced and empathetic support re-entering people need to successfully navigate the impact incarceration has had on their well-being and thought-processes.⁴⁴ But too few re-entry programs prioritize the hiring of people with lived experiences; and those that do often face barriers to hiring such individuals. While peer leadership and support are positively viewed in other domains,⁴⁵ it seems that the stigma of a conviction creates particular barriers for this type of leadership and support in the context of re-entry services:

Negative stereotypes of formerly incarcerated people, as well as legal barriers to employing people with criminal records in reentry programs that are run or contracted by government, make peer support more difficult, if not impossible to

⁴¹ NRC Report at 178 (quoting Craig Haney, *Reforming Punishment: Psychological Limits to the Pains of Imprisonment* (2006)).

⁴² See Marsha Weissman, Center for Community Alternatives, *Lessons for Sentencing Reform and Reentry: A Case Study of Project New Opportunity*, 2018, at 5-6, available at <http://www.communityalternatives.org/pdf/PNO-Documents-New-Version-Final.pdf>.

⁴³ *Id.* at 6.

⁴⁴ *Id.* at 8 (noting as follows: “Navigation’ support, particularly when provided by peers, can be essential to adjustment because it is empathetic, grounded in shared experiences about the challenges of navigating daily life.”).

⁴⁵ For example, New York has long supported and endorsed recovery community organizations often led by people in recovery. See Friends of Recovery New York, *Recovery Community Organizations*, <https://www.for-ny.org/recovery-support/recovery-community-organizations/> (last visited Feb. 22, 2019). The New York State Office of Alcoholism and Substance Abuse Services supports the use of peer advocates in outpatient programs and home and community based services. See New York State Office of Alcoholism and Substance Abuse Services, *Certified Recovery Peer Advocate*, <https://www.oasas.ny.gov/recovery/PeerServices.cfm> (last visited Feb. 22, 2019).

include in such programs. In addition, probation and parole conditions typically bar people under supervision from contact with other with criminal records, which makes it problematic to engage with a formerly incarcerated mentor.⁴⁶

During the November 9, 2018 Open Meeting this Task Force convened, some service providers spoke of the challenges they face to hiring people with conviction histories for re-entry programs, particularly those that provide pre-release programming. Jails and prisons typically conduct background checks of service provider staff, and often refuse access to people with conviction histories.⁴⁷ Because the decision-making about access is often opaque, it is a challenge for service providers to know if they can actually hire people with lived experiences and ensure they can access the jail or prison as a necessary part of their job. Open Meeting participants also noted that a common condition of parole is a prohibition against associating with anyone who has been convicted of a felony.⁴⁸ Finally, they noted that people with lived re-entry experience often are not included in re-entry policy discussions and decision-making.

Fortunately, many people with lived re-entry experiences are pushing back against the stigma and publicly amplifying the value of their experiences in policy decisions and service programs. In the context of policy, All of Us or None is an example of an impactful advocacy organization created and led by people with lived experiences. All of Us or None has gained national attention and success with its Ban the Box campaign.⁴⁹ The Ban the Box campaign urges public and private employers to remove the criminal history question for the initial employment application, and delay making an inquiry about past convictions until later in the application process. Since 2003, when the All of Us or None campaign was launched, 33 states, the District of Columbia, and 150 local jurisdictions adopted some form of Ban the Box legislation.⁵⁰

⁴⁶ Weissman, *supra* note 42, at 8.

⁴⁷ See, for example, DOCCS Directive 4750, titled "Volunteer Services Program," which provides that paid professionals are treated as volunteers for purposes of admission to DOCCS' facilities, and must undergo a criminal background check. DOCCS, Directive 4750 (Jan. 14, 2019), available at <http://www.doccs.ny.gov/Directives/4750.pdf>.

⁴⁸ See James M. Binall, *Divided We Fall: Parole Supervision Conditions Prohibiting Inter-Offender Associations*, U. Pa. J. L. & Soc. Pol'y, forthcoming, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3225502 (noting that most states restrict parolees' associations with other parolees, but that there is no evidence that such restrictions reduce re-offending behavior, and that in fact, such restrictions may actually impair the ability of people on parole to refrain from criminal conduct).

⁴⁹ For more information about All of Us or None, see generally *All of Us or None*, Legal Services for Prisoners with Children, <https://www.prisonerswithchildren.org/our-projects/all-of-us-or-none> (last visited Feb. 22, 2019).

⁵⁰ See National Employment Law Project, *Ensuring People with Convictions Have a Fair Chance to Work*, <https://www.nelp.org/campaign/ensuring-fair-chance-to-work/> (last visited Feb. 22, 2019). See also Dorsey Nunn, *Ban the Box Keeps Families and Communities Together*, New York Times, April 13, 2016 (describing how the Ban the Box campaign has "harnessed the power of the community of millions of formerly incarcerated people to organize for ourselves, to speak in our own voices, and make demands on the system"), available at <https://www.nytimes.com/roomfordebate/2016/04/13/should-a-jail-record-be-an-employers-first-impression/ban-the-box-keeps-families-and-communities-together>. New York State has adopted a ban the box policy for state agencies; several cities have adopted some type of ban the box policy for public and/or private employers, including Buffalo, Ithaca, Kingston, Newburgh, New York City, Rochester, Syracuse, Woodstock and Yonkers; and several counties have adopted ban the box policies for public employers, including Albany, Dutchess, Tompkins, Ulster and Westchester counties. All of Us or None has produced videos on ban the box, available at <https://www.prisonerswithchildren.org/our-projects/all-of-us-or-none/all-of-us-or-none-videos/> (last visited Feb. 22, 2019).

Similarly, JustLeadershipUSA is an organization started by a formerly incarcerated person and led and staffed by people with lived experiences. JustLeadershipUSA is proving to be an effective voice in the campaigns to close Rikers Jail in New York City and to reform New York's bail, discovery, and speedy trial laws. Other advocacy organizations, like the Katal Center for Health and Justice, are selecting people with lived experiences to lead their various campaigns.⁵¹

In the context of service programs, the Fortune Society exemplifies the value of peer support in re-entry. The organization prioritizes hiring people with lived experience: about 70% of Fortune employees have a history of incarceration, substance abuse, or homelessness, with 50% having a history of incarceration.⁵² As one Fortune employee stated, "We have a lot of formerly incarcerated individuals that understand the needs of individuals coming home from prison. Showing up to let people know that we did it, and if we can do it, you can do it."⁵³ Some of the service providers that attended the November 9, 2018 Open Meeting spoke of the value of hiring people with conviction histories, including the Center for Community Alternatives and MHEP-Rise.

A recent study of Project New Opportunity (PNO) emphasizes the value to re-entry service programs of hiring people with past convictions. PNO was created to assist people being released from federal prison as a result of President Barack Obama's commutation of needlessly long sentences for drug crimes. Staffed by a Project Director and several part-time Reentry Consultants, the program initially recruited Reentry Consultants with professional social worker degrees and experience. But the part-time nature of the positions made recruitment and retention difficult, and the program suffered. The hiring of a full-time Deputy Director who had himself been formerly incarcerated revitalized the program. He re-wrote the Reentry Consultant job description to place a greater emphasis on lived experience. The skills of professional social workers were not abandoned; rather, where necessary, formerly incarcerated Reentry Consultants who did not have professional training were paired with those who did, "joining the life skills of people who had negotiated the challenges of transition with the clinical skills and resources of social workers."⁵⁴ A survey of program participants revealed that they valued the empathy and understanding their Reentry Consultants showed them.⁵⁵

Despite the inroads that have been made, the stigma and barriers to involving people with lived re-entry experience in policy discussions and service programs persist. Effective solutions to re-entry problems can be best achieved if there is a concerted effort to include people with past convictions in service programs and in re-entry policy discussions and decision-making. Doing so requires that we address the stigma associated with past criminal justice involvement and take affirmative steps to remove the barriers to full participation. This inclusion should not just involve one or two "token participants" but a concerted effort to elevate and honor the insights formerly incarcerated people have obtained through their lived experiences. New York is rich with policy

⁵¹ The Katal Center for Health & Justice, for example, recently hired Donna Hylton, a formerly incarcerated woman as a Senior Justice Fellow to lead its Women and Girls Project. *See Donna Hylton*, https://www.katalcenter.org/donna_hylton (last visited Feb. 22, 2019).

⁵² *See Services that Build Lives*, <http://www.fortunesociety.org/services-that-build-lives/> (last visited Feb. 22, 2019).

⁵³ Video, *Give Hope*, Fortune Society (Nov. 14, 2017), <http://www.fortunesociety.org/givehope/> (last visited Feb. 22, 2019).

⁵⁴ Weissman, *supra* note 42, at 14.

⁵⁵ *Id.* at 18.

and advocacy organizations that affirmatively recruit and hire people with conviction histories, including the Fortune Society, the Center for Community Alternatives, Katal Center for Health and Justice, and JustLeadershipUSA. These organizations provide a deep pool of people upon whom to draw who have experience with incarceration and re-entry and a demonstrated commitment to using this experience to make positive change.

DOCCS' policy prohibiting people under supervision from having contact with formerly incarcerated people should also be re-examined. As one formerly incarcerated person has stated, because of this policy, "You are ... unable to associate with the very people who can help you."⁵⁶

Finally, DOCCS, county jails and correctional facilities should re-examine and revamp their policies and protocols regarding the admission of service provider staff and volunteers who have past convictions. In re-examining these policies, DOCCS and county jails should ask why convictions that are remote in time (*i.e.*, more than five years old) are considered at all, what types of convictions should be considered, and what the person has accomplished since his or her conviction. We also recommend that DOCCS and jails re-consider if there is any value to conducting a criminal background check for people seeking admission to the facility who have relevant and meaningful professional experience. In such circumstances, the person seeking admission has a proven track record that is significantly more relevant than anything a criminal history screening can reveal.⁵⁷

II. RIGHTS RESTORATION SERVICES: RE-ENTRY PROGRAMS

As previously stated, this Association's 2006 report on re-entry and reintegration examined many of the "collateral" consequences of a criminal conviction that hinder people's ability to live law-abiding, dignified lives in the community after serving their sentences.⁵⁸ In 2014, the National Association of Criminal Defense Lawyers ("NACDL") issued a report discussing some of the mechanisms for rights restoration available in various jurisdictions. The report concluded with a strong recommendation that mechanisms for rights restoration be made available to people who have completed their sentence so that everyone with a criminal record has "a clear path to equal opportunity."⁵⁹

⁵⁶ See Gloria Rubero, "Let Those Who Have Been There Guide Reentry," in the Center for Justice at Columbia University, *Aging in Prison: Reducing Elder Incarceration and Promoting Public Safety*, November 2015, available at http://centerforjustice.columbia.edu/files/2015/10/AgingInPrison_FINAL_web.pdf. See also, Binall, *supra* note 48, at 1 (concluding that "offender no association conditions endorse an untenable conceptualization of former offenders, a rejection of evidence-based parole practices, an uninformed view of inter-offender associations, and a superficial application of criminological theory").

⁵⁷ In this regard, we note that DOCCS Directive 4750 ("Volunteer Service Programs"), *supra* note 47, sets the policies for admission to DOCCS not only for volunteer services but also for the delivery of services as part of a person's employment. The directive requires that such individuals "provide documentation that they are certified, licensed and/or otherwise qualified to provide the services for which they are applying." This requirement begs the question: If a person is certified and qualified to provide the services for which they are seeking admission to a facility, why is it necessary to conduct a background check? After all, if the person has a past conviction, the fact that he or she has since acquired the credentials and certification needed to provide professional services would seemingly make the person more—not less—qualified to provide services to incarcerated people.

⁵⁸ *Re-Entry and Reintegration*, *supra* note 2, at 443.

⁵⁹ National Association of Criminal Defense Lawyers, *Collateral Damage: America's Failure to Forgive or Forget in the War on Crime*, May 2014, at 12, available at <https://www.nacdl.org/restoration/roadmapreport>.

New York has long had some limited mechanisms available for rights restoration, though these mechanisms are not always well-known or easily accessible to people with conviction histories. Moreover, these mechanisms go only so far in clearing the path to equal opportunities for people with past convictions, and many needless barriers to employment, housing, higher education, volunteer work, and other opportunities persist.

Below, we examine and make recommendations about: a) the programs that currently exist to assist people in knowing their rights upon release from prison and jail and accessing any available rights restoration mechanisms; and b) the two rights mechanisms that currently exist in New York, namely, sealing of arrests and convictions and Certificates of Relief from Disabilities and Certificates of Good Conduct (together, "Certificates of Rehabilitation").

A. Programs that Assist Formerly Incarcerated People in Knowing and Vindicating Their Rights and Accessing Available Rights Restoration Mechanisms

During the November 9, 2018, Open Meeting, participants spoke about certain model programs that assist re-entering people in accessing available rights restoration mechanisms and knowing and vindicating their rights. One such program is run by the Center for Community Alternatives ("CCA"), a community-based non-profit organization that works to promote reintegrative justice and a reduced reliance on incarceration through its programs, research, and advocacy. CCA has offices in Syracuse and Brooklyn. Its Syracuse office houses a Reentry Clinic that provides services to CCA program participants with past convictions. Melissa Castor, Assistant Director of the Reentry Clinic, detailed the services offered, which include the following:

- *Assist people in obtaining their official criminal history records and use these records to advise people on their conviction histories, what they are required to report if asked, and their rights.⁶⁰ Ms. Castor said that in many circumstances, people do not fully understand their conviction histories and thus, sometimes inadvertently provide misinformation on applications for employment, housing, etc., which can result in an automatic denial. Knowing their conviction history and how to accurately report it can empower people as they seek to reintegrate into the community. She described the case of a Reentry Clinic client ("Joe") who reported to an employer that he had a felony conviction. Subsequently, after working with the Reentry Clinic and obtaining his official criminal history record, Joe learned that he also had a misdemeanor conviction. He immediately contacted the*

⁶⁰ New York law affords people with past convictions certain rights in applying for employment and occupational licensing. Specifically, Article 23-A of the Correction Law provides that employers and agencies involved in occupational licensing or employment clearance cannot deny a person employment opportunities based on the person's criminal conviction history unless the person's conviction history is directly related to the employment opportunity sought, or hiring the person would create "an unreasonable risk" to property or the safety of others. See Correction Law § 752. Correction Law § 753 lists the factors that must be considered in making this determination, while Correction Law § 754 gives people with past convictions the right to request and receive from employers or occupational licensing agencies a reason for any adverse decision. Under Human Rights (Executive) Law § 296(15), failure to comply with Article 23-A is an unlawful discriminatory practice subject to the remedies identified in New York's Human Rights Law. These protections are critical to promoting employment opportunities for people with criminal records, but too few people know of these protections or the available enforcement mechanisms.

employer, explaining that he had not realized that he also had a misdemeanor conviction and this his failure to disclose it was inadvertent. Because Joe took the initiative to correct the mistaken information on his application, the employer believed that the failure to disclose was inadvertent and offered him a job. If Joe had not had access to Reentry Clinic services, he would not have learned of the mistake he made on the application and likely would have been denied a job once the employer conducted a background check and realized that Joe did not fully disclose his convictions.

- *Identify mistakes on conviction histories and correct these mistakes.* Ms. Castor noted that mistakes are common and records often fail to indicate, for example, that a case has been disposed of, an arrest dismissed and sealed, or a warrant vacated. Yet these mistakes can serve as barriers to many opportunities, including employment and housing.
- *Determine if a person is eligible for "Certificates of Rehabilitation", and if so, assist in applying.* Certificates of Rehabilitation can be a tool in helping people overcome the barriers to employment, particularly if the employment requires occupational licensing. Yet few people know they exist or how to access them. Moreover, it can be difficult to know how to apply and whether, for example, the application should be submitted to the court or to DOCCS.⁶¹ Legal assistance can help people reentering the community after prison or jail know of the availability of Certificates of Rehabilitation, determine if they are eligible, and if so, how to apply.
- *Determine if a person is eligible for sealing under CPL § 160.58 or § 160.59, and if so, assist with the application.* Since this Association's 2006 report on re-entry and reintegration, New York has enacted two statutes, Criminal Procedure Law (CPL) § 160.58 and § 160.59 that, in limited circumstances, allow the sealing of criminal convictions. These statutes are discussed further below. Programs that provide rights restoration services can assist people in determining if they are eligible for sealing any convictions, and if so, can assist in the application process.

CCA is not the only organization in New York that provides these critical re-entry services. Indeed, during the November 9th Open Meeting, Judy Whiting, a Task Force member and General Counsel for Community Service Society of New York ("CSSNY"), described CSSNY's Next Door Project, which trains older adult volunteers to assist people with past criminal justice involvement to obtain their criminal history records, identify and correct mistakes on them, and determine eligibility and how to apply for a Certificate of Rehabilitation and sealing convictions under New York's limited sealing laws, including CPL §160.59. The Project also assists individuals in creating portfolios of proof of positive change that can be used in the employment, licensing or housing application process. CSSNY attorneys represent Project clients in administrative proceedings and litigation concerning violations of the New York City Fair Chance Act (New York City's Ban the Box law) and other anti-discrimination laws. They train and

⁶¹ See generally Correction Law §§ 700-703-b. People who have not served a state prison sentence apply to the sentencing court for a Certificate of Relief from Disabilities, while people who have served a state prison sentence must apply to DOCCS' Certificate Review Unit.

supervise attorneys at major New York law firms to represent CSSNY clients in applications to seal convictions under CPL §160.59. Other New York City groups including the Legal Action Center, the Bronx Defenders, the Legal Aid Society of New York, Youth Represent, Fortune Society, and Brooklyn Defender Services offer related services.

While New York City has a number of providers that offer these services, this is not true statewide. Our preliminary investigation suggests that most urban areas have at least some providers that offer these services. For example, in addition to CCA's Reentry Clinic, in Onondaga County, Legal Services of Central New York ("LSCNY") also provides employment history counselling and rights restoration services to people with past convictions. This project, funded through a partnership with the Onondaga County Bar Associations Assigned Counsel program ("OCBAACP"), allows LSCNY to provide re-entry legal services to people who are current or past clients of the OCBAACP. The program also provides technical assistance to OCBAACP attorneys as they seek to advise their current clients on the life-long consequences of a criminal conviction and, where possible, to ameliorate these consequences. This aspect of LSCNY's program is consistent with the recommendation in the National Association of Criminal Defense Lawyers' ("NACDL's") 2014 report that "[d]efense lawyers should consider avoiding, mitigating and relieving collateral consequences to be an integral part of their representation of a client."⁶²

Similarly, in Monroe County, the Judicial Process Commission collaborates with Legal Assistance of Western New York's Re-entry Project to assist individuals in obtaining their official criminal history records, and if eligible, to apply for a Certificate of Rehabilitation. They also educate people on their rights concerning employment discrimination and, where appropriate, pursue legal remedies when these rights have been violated. In Erie County, the Legal Aid Bureau of Buffalo provides rights restoration services to qualifying individuals on a wide range of matters, including employment, housing, educational opportunities, child support, DMV suspensions, and financial stability, and assists individuals with obtaining Certificates of Rehabilitation. This program is affiliated with the Federal Reentry Court (Western District of New York), the University of Buffalo Law School Reentry Practicum, the Erie County Restorative Justice Coalition, and the Erie County Re-entry Task Force.

In Suffolk County, the Suffolk County Legal Aid Society ("SCLAS") has partnered with Touro College Jacob D. Fuchsberg Law Center to create the "Breaking Barriers Pro Bono Project." Through this program law students, supervised by attorneys, offer formerly incarcerated individuals education on their rights; assistance in obtaining, identifying, and correcting errors on their official criminal history records; assistance in determining eligibility for sealing or for Certificates of Rehabilitation, and if eligible, assistance in the application process. Finally, the program has partnered with the Suffolk County Sheriff to deliver rights education programs to people incarcerated in the Riverhead Correctional Facility and the Yaphank Correctional Facility (two of the county's jails). This program has been in existence since 2015, and has served 437 clients to date.⁶³

Recently, Elizabeth Justesen, SCLAS's Outreach Director and founder of Breaking Barriers, has collaborated with the Nassau Suffolk Law Services Committee to use a Justice for All

⁶² National Association of Criminal Defense Lawyers, *supra* note 59, at 61.

⁶³ See Appendix B, which provides a breakdown of the types of services they provide their clients.

grant to create and implement a Reentry Project staffed by two attorneys. This program provides services similar to Breaking Barriers. In addition, staff attorneys assist recently released people in securing housing, and toward that end have been given use of an office at the DOCCS field office (parole) to work with people recently released to parole in completing applications for public assistance. Staff attorneys also assist people in matters involving denial of public assistance or public housing because of a past conviction, unlawful employment discrimination, and assistance in overcoming bars to occupational licensing erected by a past conviction.

The above programs illustrate the creativity and ingenuity required to implement and maintain a rights restoration program. There is no single, steady source of funding for this critical legal service, and as a result these programs rely on a variety of mechanisms and funding sources to keep their doors open, including partnerships with community-based organizations and law schools, using pro bono attorney time, and securing a combination of federal, state, local, and foundational grants. But most of these funding sources are time-limited; usually the grants are for one to five years. The partnerships may also be fragile, often depending on the time and good-will of one or two key people. Additionally, the funding is never enough to serve everyone who needs the service, and eligibility for these programs is typically limited. For example, CCA's Reentry Clinic is funded as part of CCA's other programs for people returning to the community from jail or prison, and thus, can serve only these program participants. Likewise, Bronx Defenders and Brooklyn Defender Services serve primarily those individuals to whom they provide criminal defense or family court representation services.

Still, the above counties are fortunate to have these rights restoration programs, even if limited in capacity. Many other counties do not have any organizations that provide similar services. For example, our investigation suggests that there are no comparable organizations in less populous counties. Yet, as illustrated by the story that CCA's Melissa Castor told about Joe, these services are critical to diminishing barriers to living a dignified, law-abiding life in the community. The NACDL emphasizes this point:

It is time to recognize that America's infatuation with collateral consequences has produced unprecedented and unnecessary collateral damage to society and to the justice system. It is time to celebrate the magnificent human potential for growth and redemption. It is time to move from the era of collateral consequences to the era of restoration of rights and status.⁶⁴

People who need rights restoration legal services should be able to access them regardless of where they live or how wealthy they are. We recommend that such access be viewed as a basic, foundational need of people returning to the community from prison and jail. Access should not be dependent on the vagaries of funding; nor should some people be denied access simply because of where they live. These programs should be funded as a critical legal service via a steady stream of state funding which should be sufficient to allow program staff to provide educational programs in jails and prisons. Preference should be given to programs that hire people with prior conviction histories, and jail and prisons should be prohibited from barring these programs' staff simply because of their past convictions.

⁶⁴ National Association of Criminal Defense Lawyers, *supra* note 59, at 12.

B. An Assessment of New York's Rights Restoration Mechanisms

Under current New York law, there are two types of formal rights restoration mechanisms, namely Certificates of Rehabilitation prescribed by New York Correction Law Article 23; and mechanisms under New York's Criminal Procedure Law (CPL) to seal arrests that do not result in a criminal conviction (CPL § 160.50 and § 160.55), to seal of certain convictions (CPL § 160.58 and § 160.59), and to adjudicate the person a Youthful Offender, which protects the confidentiality of arrest and court records (CPL § 720.35). Each is discussed below.

1. Certificates of Rehabilitation

There are two types of Certificates of Rehabilitation in New York. A Certificate of Relief from Disabilities is available to people who have any number of misdemeanor convictions but no more than one felony conviction.⁶⁵ A person who is not sentenced to state prison is eligible to apply to the court at the time of sentencing or any time after.⁶⁶ People who are sentenced to state prison are eligible to apply upon their release from prison; such individuals must apply to the DOCCS' Certificate Review Unit.⁶⁷

Certificates of Good Conduct are available to people who have more than one felony conviction.⁶⁸ These certificates require the completion of a five-year waiting period for people whose most serious felony conviction was a class A or B offense, and a three-year waiting period for people whose most serious felony conviction was a class C, D, or E offense.⁶⁹ These applications must be submitted to DOCCS' Certificate Review Unit.⁷⁰

People who have received a Certificate of Relief from Disabilities or a Certificate of Good Conduct must still disclose their convictions if asked about them during the process of applying for employment, housing, etc. These certificates establish a legal presumption of rehabilitation.⁷¹ Pursuant to Correction Law § 753(2), if an applicant for employment or occupational licensing has a Certificate of Rehabilitation, it must be considered as a factor in favor of hiring the person or granting the license.

During the November 9, 2018, Open Meeting, participants discussed the value of Certificates of Rehabilitation in dismantling the barriers to employment and housing, describing their experiences and the experiences of others in using them to enhance employment and housing opportunities. Participants generally agreed that most private employers and landlords give little or no weight to Certificates of Rehabilitation, and do not know what they are or understand that they establish a presumption of rehabilitation. State agencies, however, seem to better understand the Correction Law, and therefore place a higher value on applicants having Certificates. Thus, for example, people with a past conviction seeking authorization from the New York State

⁶⁵ Correction Law §§ 700(1)(a), 702(2)(a), 703(3)(a).

⁶⁶ *Id.* § 702.

⁶⁷ *Id.* § 703.

⁶⁸ *Id.* § 703-a.

⁶⁹ *Id.* § 703-b(3).

⁷⁰ *Id.* § 703-b(1); the DOCCS application for these certificates, accompanied by instructions, is available at http://www.doccs.ny.gov/pdf/DOCCS-CRD-Application_Instructions.pdf (last visited Feb. 24, 2019).

⁷¹ Correction Law § 753(2).

Department of Health to work in a nursing home have a better chance of receiving this authorization if they have a Certificate of Good Conduct or a Certificate of Relief from Disabilities. Similarly, some local housing authorities, including the New York City Housing Authority, will consider Certificates of Rehabilitation as a factor that weighs in the favor of applicants for subsidized housing.

In sum, Certificates of Rehabilitation have limited value for re-entering people; the value is primarily for people who are seeking employment that requires occupational licensing or state agency clearance. It may be that if private employers and landlords knew more about Certificates and if the Correction Law was better enforced, private employers and landlords would be more willing to view them as a factor in the applicant's favor.⁷²

During the November 9, 2018, Open Meeting, participants also discussed the various barriers eligible people face in applying for Certificates of Rehabilitation. For example, DOCCS has the discretion to issue Certificates of Relief from Disabilities to people who are released from prison and have no more than one felony conviction. It is not clear how often DOCCS exercises this discretion to issue these Certificates. Meeting participants told the Task Force that, even when issued, the Certificate itself goes directly to the parole officer and not the re-entering person, and that parole officers often fail to give these Certificates to the released person, who may not otherwise know that the Certificate was issued.⁷³

If DOCCS does not issue the Certificate upon release, the person can still apply for it; however, meeting participants informed the Task Force that DOCCS insists that while people are on parole, they cannot apply on their own but instead must have their parole officer submit it on their behalf. The Task Force was told, however, that parole officers often refuse to submit such applications, with no apparent reason for this refusal.

Additionally, people who must apply to DOCCS for either a Certificate of Relief from Disabilities or a Certificate of Good conduct are instructed by DOCCS' Certificate Review Unit to include two years of tax return filings.⁷⁴ In many instances this requirement imposes a needless barrier for people who have not filed taxes because they did not earn the minimum income for which filing is required.

We also learned of barriers to applying for Certificate of Relief from Disabilities when the application must be submitted to the court, as set forth in Correction Law §702. While many courts are aware of what these Certificates are and who is eligible, some courts are not. As a result, there are times that court clerks provide applicants with incorrect information. For example, we learned of instances in which clerks informed applicants that they must first serve a copy of the application

⁷² The need for more enforcement is yet another reason to better fund the rights restoration programs discussed previously. Many of these programs educate employers about these certificates and seek to enforce them via informal advocacy, complaints with the Human Rights Division, and/or litigation.

⁷³ Some of the service providers with whom we spoke during our county survey corroborated this information.

⁷⁴ This requirement is included in the instructions that accompany the application, which can be found at: http://www.doccs.ny.gov/pdf/DOCCS-CRD-Application_Instructions.pdf. Notably, there is nothing in Correction Law Article 23 itself that requires a person to support an application with tax filings, so it is not clear why DOCCS has created this requirement.

on the District Attorney's office, or that they cannot file an application unless they are represented by counsel.

Finally, some courts remain reluctant to grant applications for a Certificate of Relief from Disabilities, despite the legislative recognition that these Certificates are an important tool for re-entering people. Indeed, in 2011, the Legislature amended Correction Law § 702(1) to encourage courts to grant these Certificates, stating as follows in the bill support memorandum:

Certificates of Relief from Disabilities are a powerful tool created by the Legislature to promote and encourage successful reintegration after conviction. Issued at sentencing, a Certificate can prevent eviction, loss of a job and loss of an occupational license. It can lay the groundwork for re-entry into society, allowing individuals to obtain, for example licenses essential to employment, which can empower them to make child support payments and break the cycle of poverty.

Despite their utility, Certificates of Relief from Disabilities are vastly underutilized; only a tiny fraction of the tens of thousands of people who are eligible actually hold them.⁷⁵

Task Force members were told, however, that despite this legislative change, there are still courts that tend to exercise their discretion against granting applications for Certificates and they rarely grant them, particularly at sentencing. It seems that more education for courts might be helpful in encouraging judges to exercise their discretion more often in favor of granting these Certificates.

2. Sealing and Youthful Offender Adjudication

New York has long had mechanisms in place for sealing arrests that do not result in a criminal conviction. Since 1991, arrests that result in a termination of the proceeding in favor of the accused person have been automatically sealed pursuant to CPL § 160.50 (sealing of such arrests that took place prior to 1991 requires a motion). Likewise, since 1991, arrests that result in a non-criminal disposition are sealed pursuant to CPL § 160.55 (sealing of such arrests that predated 1991 requires a motion).⁷⁶ And young people arrested for a crime that occurred prior to their 19th birthday are eligible for Youthful Offender adjudication, with the limitations set forth in CPL § 720.10. Under CPL § 720.35(1), a proceeding that results in a Youthful Offender adjudication is deemed to not be a conviction, and "does not operate as a disqualification of any person so adjudged to hold public office or public employment or to receive any license granted by public authority."

In 2009, as part of the Drug Law Reform Act, New York enacted CPL § 160.58 which allows for the conditional sealing of certain drug-related convictions for people who have completed a judicially sanctioned treatment program and their sentence. The sealing is both civil in

⁷⁵ See Bill Memorandum, ch. 488, 2011 N.Y. Laws.

⁷⁶ CPL § 160.55 has two exceptions from to sealing: Driving While Ability Impaired ("DWAI") convictions and conviction for loitering pursuant to Penal Law §§ 160.10(d), (e). Note also that Unlawful Possession of Marijuana convictions, though non-criminal, are sealed pursuant to CPL § 160.50(k), after three years have elapsed.

nature and conditional, meaning that it is intended to allow people to continue their recovery from substance abuse through access to employment, housing, education, and volunteer work, but if a person is re-arrested, the arrest and conviction records are automatically unsealed and made available to law enforcement. Since its 2009 enactment, very few New Yorkers have benefitted from conditional sealing: according to DCJS, as of December 2016, only 491 people benefitted from conditional sealing.

In 2012, NYSBA's Criminal Justice Section Sealing Committee ("NYSBA Sealing Committee") issued its Final Report and Recommendations regarding the sealing of conviction histories.⁷⁷ This report made recommendations about eligibility for sealing, including the number, offense level, and types of offenses would render a person eligible, and the waiting period. The NYSBA Sealing Committee also made recommendations about the application process for sealing, factors courts should consider, and the effect of sealing. Regarding the latter, the NYSBA Sealing Committee recommended the following:

A sealed conviction shall not operate as a disqualification of any person to pursue or engage in any lawful activity, occupation, profession or calling unless so ordered by the court. Except where specifically required or permitted by statute or upon specified authorization of a superior court, no such person shall be required to divulge information pertaining to the sealed record. Such person shall be permitted to respond in the negative to the questions "Have you ever been convicted of a crime or violation?" or any question with the same substantive content.⁷⁸

This recommendation acknowledges that sealing will not advance the goal of second chances if people are still required to divulge sealed information when pursuing employment, housing, educational, and other opportunities.

More recently, in October 2017, heeding the recommendations of the NYSBA Sealing Committee, New York State enacted CPL § 160.59 which provides a mechanism for people with certain non-violent convictions to apply to a court to have these convictions sealed. Individuals are eligible to apply for this sealing if they have no more than two criminal convictions in their lifetime, and as long as they have no more than one felony conviction and no more than two criminal convictions total. Like CPL § 160.58 sealing, CPL § 160.59 sealing is "civil" in nature, and law enforcement has access to the sealed convictions; moreover, such convictions may be considered if the person is subsequently arrested. Unlike conditional sealing, CPL § 160.59 requires the satisfaction of a ten-year waiting period.

Although the New York State Office of Court Administration estimates that hundreds of people could potentially benefit from CPL §160.59 sealing, as of January 18, 2019, only 825 people have benefitted, revealing that the new law has been grossly underutilized. We believe there are at least two possible explanations for this.

⁷⁷ New York State Bar Association, *Final Report and Recommendations of the Criminal Justice Section Sealing Committee*, adopted by the NYSBA House of Delegates on Jan. 27, 2012, and subsequently amended in November 2016, available at <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=76776> (hereinafter "NYSBA Sealing Report").

⁷⁸ *Id.* at 31.

The first is the lack of information available to the public about this new sealing opportunity. Much more needs to be done to bring public awareness to the law. New York State should better publicize this relief. Criminal defense attorneys should also advise clients about these mechanisms, including information about eligibility criteria and existing waiting periods.

The second explanation for the underutilization of CPL § 160.59 is the statute's strict eligibility requirements. The restricted eligibility requirements have led one judge, Queens County Supreme Court Justice Joseph Zayas, to urge the Legislature in two separate cases to expand the statute's eligibility requirements. In the first case, *People v. John Doe*⁷⁹, the sealing applicant, Mr. Doe, had been arrested twice over a 45-day span in 1985 for selling cocaine. Both cases were resolved with a plea to criminal sale of a controlled substance in the third degree, a class B felony, and the sentences were ordered to run concurrently so that Mr. Doe served one prison sentence for both convictions. Justice Zayas noted that, despite the related nature of the offenses and Mr. Doe's exemplary life since, he had to deny sealing because CPL § 160.59 provides that a person is eligible for sealing more than one felony conviction only when the felonies were committed during the course of "the same criminal transaction."⁸⁰ He called upon the Legislature to consider broadening "the sealing statute to encompass cases like this one ...by: amending subsections (2)(a) and (4) to allow for sealing of as many as three drug-related convictions, including up to two felony convictions, when the offenses were committed within a two year period...; and amending subsection (3)(h) so that individuals with two felony or three misdemeanor drug convictions are not barred from seeking relief under the statute." Alternatively, the statute could be amended to more broadly define the meaning of one felony as it is defined in Correction Law § 700(2), which sets forth eligibility for a Certificate of Relief from Disabilities.⁸¹ Using this same definition would capture cases like Mr. Doe's, where two felonies are committed close in time and resolved together. Moreover, since Correction Law § 700 also sets forth a mechanism to provide second chances for people with a felony conviction, it makes sense for CPL §160.59 to borrow from this statute in defining one felony conviction.

In the second case, the applicant, Jane Doe, was seeking the sealing of a 1984 second-degree robbery conviction, which occurred when she was 15 years old.⁸² Since finishing her probation sentence in 1988, Ms. Doe has lived a law-abiding, productive life. Justice Zayas noted that though he felt she was appropriate for and deserving of sealing, he had to deny her application because CPL § 160.59 categorically precludes eligibility for people convicted of a violent felony offense. He urged the Legislature to reconsider this categorical bar, particularly where the offense is reflective of a youthful indiscretion.

⁷⁹ *People v. Doe*, ___ N.Y.S.3d ___, 2018 WL 5093254 (Sup. Ct. Queens Cty., Oct. 18, 2018).

⁸⁰ CPL § 160.59(1)(a).

⁸¹ Under Correction Law § 700(2), one felony conviction includes: "two or more convictions of felonies charged in separate counts of one indictment or information"; "two or more convictions of felonies charged in two or more indictment or information, filed in the same court prior to entry of judgement under any of them"; and "a plea or a verdict of guilty upon which sentence or the execution of sentence has been suspended or upon which a sentence of probation, conditional discharge, or unconditional discharge has been imposed."

⁸² See Andrew Denney, *Queens Judge to Lawmakers: 'Raise the Age' Sealing Law Needs More Work*, N.Y.L.J., Dec. 12, 2018, available at <https://www.law.com/newyorklawjournal/2018/12/12/queens-judge-to-lawmakers-raise-the-age-sealing-law-needs-more-work/>.

This Task Force also urges the Legislature to consider if successful re-entry might be furthered by reducing the waiting period in certain circumstances, and permitting eligibility for class A drug offenses.⁸³ Additionally, the lack of a sealing mechanism for federal convictions makes it extremely difficult for New Yorkers with federal convictions to access the opportunities needed for a dignified, productive life in the community.

Arrests that result in a sealing pursuant to CPL §160.50, § 160.55, §160.58, and §160.59, and in a Youthful Offender adjudication pursuant to CPL § 720.35 receive, protections under New York's Human Rights Law. Specifically, under Human Rights (Executive) Law § 296(16), employers and agencies involved in occupational licensing are not to ask about arrests and convictions that have been sealed, and cannot require applicants to disclose such arrests and convictions.⁸⁴ Yet, employers and occupational agencies commonly do, and applicants are often asked the following types of illegal questions:

- Have you ever been arrested?
- Have you ever been convicted of a crime or other offense?
- Have you ever been convicted of a felony?

When asked such questions, people who have benefitted from sealing face a quandary: should they answer the question and thereby reveal the information they should not have been required to disclose, or should they deny the sealed arrest or conviction, but face the possibility of being accused of lying? As the NYSBA Sealing Committee identified in 2012, sealing cannot be effective in promoting second chances unless the law clearly permits people to answer "no" when asked to divulge a sealed arrest or conviction.⁸⁵

C. Recommendations

Based on the foregoing discussion about Certificates of Rehabilitation and sealing, this Task Force makes several recommendations. First, While DOCCS has made efforts in recent years to ensure that, when eligible, people being released from prison are awarded a Certificate of Relief from Disabilities, the awarded certificates need to be given directly to re-entering people and not to their parole officers so that re-entering people can benefit from having the Certificate of Relief from Disabilities. Additionally, prior to release, people need to be told what a Certificate of Relief from Disabilities is and how to use it effectively, what their rights are under Article 23-A of the Correction Law, and how to vindicate these rights when they have reason to believe that they have been wrongfully discriminated against because of their conviction history. People who are not eligible for a Certificate of Relief from Disabilities should be instructed on their eventual eligibility for a Certificate of Good Conduct, and should be told how to apply.

⁸³ Currently, CPL § 160.59(1)(a) categorically denies eligibility to anyone convicted of a Class A felony offense.

⁸⁴ Executive Law § 296(16) specifically states that it is an "unlawful discriminatory practice" for employers and state agencies to "make any inquiry about," "act upon adversely" or require an applicant "to divulge information pertaining to" arrests or convictions that are sealed pursuant to CPL §§160.50, 160.55, 160.58, 160.59, and 720.35.

⁸⁵ New York State Bar Association, *Final Report and Recommendations of the Criminal Justice Section Sealing Committee*, *supra* note 77, at 31.

Second, we recommend that barriers to applying to DOCCS for a Certificate of Rehabilitation should be eliminated. People on parole or post release supervision should be permitted to apply directly and not have to wait for their parole officer to apply on their behalf. Additionally, judges and town and village court magistrates should be instructed as to what a Certificate of Relief from Disabilities is, who is eligible, and how awarding these certificates to eligible people promotes public safety by diminishing barriers to living a law-abiding and dignified life.

Third, we recommended and support amendment to Human Rights (Executive) Law § 296(16) in the 2019-2020 Budget which makes it clear that applicants asked to disclose an arrest that resulted in a sealing or youthful offender adjudication or a conviction that has been sealed can legally deny the arrest or conviction. Additionally, employers should be better educated as to what they can lawfully ask applicants to disclose about their past criminal records. Finally, there should be better enforcement and real repercussions for employers who ask unlawful questions.

Fourth, we encourage the Legislature to revisit CPL § 160.59 with an eye toward expanding eligibility for this important rights restoration mechanism. In this regard, the Legislature should consider the following: whether a categorical bar to eligibility for people with a violent felony conviction is necessary; increasing the number of convictions for which a person is eligible; re-defining one conviction in a manner that is aligned with the definition in Correction Law §700(2); and allowing eligibility for people with a class A drug conviction.

Finally, we note that decisions about sealing and expungement laws and other rights restoration processes should be informed by research clearly showing that people with convictions that are remote in time are no more likely than people without convictions to engage in criminal activity.⁸⁶ With the passage of time, a conviction is no longer indicative of risk of offending and thus is not relevant to decisions about employment, housing, higher education, volunteer work, etc. This is true of all types of convictions, including violent felony and sex offense convictions. This research challenges all of us to ask whether it makes sense to require people to endure the lifetime of stigma associated with a criminal record, and thus forever be denied the essential features of a law-abiding and dignified life.

III. THE FINANCIAL WELL-BEING OF PEOPLE BEING RELEASED FROM INCARCERATION AND THE NEED TO FACILITATE ACCESS TO PUBLIC ASSISTANCE BENEFITS

In this section, we discuss why most people who leave prison or jail have few to no financial resources, and thus why it is critical to facilitate access to public assistance benefits.

⁸⁶ See, e.g., Alfred Blumstein & Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, 47 *Criminology* 327 (2009).

A. People Arrested and Convicted of Crimes are Disproportionately Low-Income, and Being Convicted and Incarcerated Further Impoverishes Them.

Research shows that low-income people are disproportionately caught up in our criminal justice system.⁸⁷ In a 2015 report, the Prison Policy Initiative (PPI) examined 2004 data from the Bureau of Justice Statistics on the incomes of people prior to their incarceration. PPI found that prior to their incarceration, people had a median annual income of \$19,185 -- 41% less than the non-incarcerated people of similar ages.⁸⁸ PPI further found that:

The gap in income is not solely the product of the well-documented disproportionate incarceration of Blacks and Hispanics, who generally earn less than Whites. We found that incarcerated people in all gender, race, and ethnicity groups earned substantially less prior to their incarceration than their non-incarcerated counterparts of similar ages.⁸⁹

There are other indicators that people arrested and convicted of criminal conduct are disproportionately low-income. For example, according to a 2000 Bureau of Justice Statistics report, 82% of people whose state prosecutions resulted in a felony conviction were deemed indigent and thus represented by appointed counsel.⁹⁰ And many arrested people are detained prior to trial because they are too poor to afford the cost of bail.⁹¹

A conviction itself drives people further into poverty. As noted in this Association's 2006 report on re-entry and reintegration: "New York and the federal government have developed a vast

⁸⁷ See, for example, Bruce Western, *Punishment and Inequality in America* (2006); Bruce Western & Becky Pettit, *Incarceration and Social Inequality*, 139 *Daedalus* 8 (Summer 2010). See also Radley Balko, *The Ongoing Criminalization of Poverty*, *Wash. Post*, May 14, 2015, available at https://www.washingtonpost.com/news/the-watch/wp/2015/05/14/the-ongoing-criminalization-of-poverty/?utm_term=.c68dba20d06a (discussing three recent reports that discuss how law enforcement tends to focus on low-income communities, thus arresting and incarcerating low-income people at disproportionate rates).

⁸⁸ Bernadette Rabury & Daniel Kopf, Prison Policy Initiative, *Prisons of Poverty: Uncovering the Pre-Incarceration Incomes of the Imprisoned*, Jul. 9, 2015, available at <https://www.prisonpolicy.org/reports/income.html>.

⁸⁹ *Id.*

⁹⁰ See Caroline Wolf Harlow, Bureau of Justice Statistics, *Special Report: Defense Counsel in Criminal Cases*, November 2000, available at <https://www.bjs.gov/content/pub/pdf/dccc.pdf>.

⁹¹ Udi Ofek, *We Can't End Mass Incarceration Without Ending Money Bail*, American Civil Liberties Union, Dec. 11, 2017, <https://www.aclu.org/blog/smart-justice/we-cant-end-mass-incarceration-without-ending-money-bail?redirect=blog/mass-incarceration/smart-justice/we-cant-end-mass-incarceration-without-ending-money-bail> (last visited Feb. 24, 2019) (noting that "[c]lose to half a million people are in jail today awaiting trial, many of them incarcerated because they are too poor to afford cash bail"). See also Alex Taub, *How Does Bail Work, and Why Do People Want to Get Rid of It?*, *N.Y. Times*, Jan. 11, 2019 (available at <https://www.nytimes.com/2019/01/11/nyregion/how-does-bail-work-and-why-do-people-want-to-get-rid-of-it.html>) (noting that in 2017, 33,000 arrested people in New York could not post bail at their initial court appearance, and thus were jailed). The high pretrial incarceration rates have prompted Governor Cuomo to propose legislation that will reform New York's current bail system eliminating monetary bail in many instances. The Governor first proposed bail reform legislation in 2018. See *2018 Criminal Justice Reform Package*, Jan. 26, 2018, available at <https://www.ny.gov/restoring-fairness-new-yorks-criminal-justice-system/2018-criminal-justice-reform-package>. He proposed bail reform legislation again in 2019. See Dan M. Clark, *Cuomo Details Marijuana Legalization, Criminal Justice Reform in NY Budget Speech*, *N.Y.L.J.*, Jan. 15, 2019, available at <https://www.law.com/newyorklawjournal/2019/01/15/cuomo-details-marijuana-legalization-criminal-justice-reform-in-ny-budget-speech/>.

array of fines, fees, costs, penalties, surcharges, forfeitures, assessments and restitutions that are levied against people convicted of criminal offenses.⁹² This report further stated:

In light of the fact that the vast majority of people who are processed through the criminal justice system are, as previously discussed, indigent, the impact of the penalties is all the more burdensome, and the actual collection of such penalties is problematic at best.... Financial resources that could assist with the cost of housing, food, and family support are typically meager at the time of the individual's return from prison so that almost any financial penalty is a setback to the re-entry process.

Upon incarceration, the financial pressures increase. Though there may be opportunities for people to work while in prison, in New York (like most states) incarcerated people are paid pennies per hour for their labor. For example, people incarcerated in a DOCCS facility make anywhere from \$0.10 to \$0.33 per hour for non-industry jobs, and an average of \$0.62 per hour for industry jobs. Incarcerated people who work a food service assignment make between \$0.16 and \$0.45 per hour.⁹³ Imprisoned people typically find that much of their earnings are garnished to pay off criminal justice debt;⁹⁴ the remaining funds often must be used to pay for essentials, such as personal hygiene products, reading material, legal materials, and communication with loved ones, including paper and stamps for letters and phone calls home. Put simply, there are no real opportunities for incarcerated people to save money, and most people leave prison with only \$40 in their pocket and no other source of income.⁹⁵

During this Task Force's November 9, 2018, Open Meeting, attendees spoke of the negative impact that incarceration has on the financial well-being of individuals and their families. One meeting participant, Evie Litwok, spoke of being incarcerated at age 60, and then released with nowhere to go and no prospects:

I was released to the Port Authority to no one. Just my arrival at the Port Authority was overwhelming and heartbreaking for me. Then, I had to make my way to a halfway house. Just that trip being alone was traumatizing, and I was already

⁹² *Re-Entry and Reintegration*, *supra* note 2, at 163.

⁹³ These wages were listed by the Prison Policy Initiative. *State and Federal Prison Wage Policies and Sourcing Information*, Apr. 10, 2017, https://www.prisonpolicy.org/reports/wage_policies.html (last visited Feb. 24, 2019). The information is based on the policies of each state's prisons, and includes pay scales for non-industry and industry jobs. In New York, non-industry jobs include program assignments, while industry jobs include the Corcraft work program. See New York State Department of Corrections and Community Supervision, Directive 4802 (Inmate Payroll Standards) (Jul. 27, 2018), available at <http://www.doocs.ny.gov/Directives/4802.pdf>; Directive 6922 (Division of Correctional Industries (Corcraft)) (Oct. 3, 2018), available at <http://www.doocs.ny.gov/Directives/6922.pdf>.

⁹⁴ Under New York law, a person is responsible for paying off criminal justice debt while in prison or jail. For example, New York's Penal Law § 60.35(5), requires that when a person has been sentenced to a term of incarceration, the court clerk must notify the relevant official at the jail or prison of any mandatory surcharges or fees that are unpaid, and the relevant official must then collect the owed money from the incarcerated person's "inmate funds" or any money earned as part of a work release program. See also New York State Department of Corrections and Community Supervision, Directive 2788 (Collection & Repayment of Inmate Advances & Obligations) (Apr. 18, 2018), available at <http://www.doocs.ny.gov/Directives/2788.pdf>. Section IV outlines the process for collecting from a person's "inmate account" mandatory surcharges, fees, restitution and fines.

⁹⁵ See DOCCS Directive 2788, *supra* note 94. Section XII provides a mechanism by which a person is released with at least \$40, even if the person does not have a full \$40 in his or her "inmate account" at the time of release.

traumatized [from my time in prison].

Evie further described the demoralizing process of looking for work with the stigma of a criminal conviction. She sent out hundreds of job applications, but received no responses.⁹⁶ Her own experience taught her how isolating the re-entry process can feel, and the need for “communities to wrap around us.... We need communities willing to be inclusive.” To generate community support for re-entering people – and to make something positive out of her experience – Evie has started a “Suitcase Project.” This project seeks monetary and non-monetary support from synagogues for people returning from prison. The goal is to provide reentering people a suitcase that includes a smartphone with a year’s worth of minutes, a laptop, and \$800. Along with the donation of a suitcase and its contents, Evie asks the person donating each suitcase to commit to taking a released person to dinner once a month for a year to simply “check in” and show support. With her project that seeks to address the sense of isolation she experienced upon release, Evie demonstrates the ingenuity and commitment to making a positive difference so many people being released from prison and jail possess.

B. The Importance of Facilitating the Public Assistance Application Process

People like Evie who leave prison and jail with no financial resources or means of supporting themselves must rely on public assistance benefits, including Temporary Assistance, SNAP, and Medicaid, to pay for their basic food, housing, and medical needs. However, applicants for public assistance benefits who do not live with their children face a 45-day waiting period after applying.⁹⁷ Thus, at a time when people need it the most, this safety net assistance is unavailable. Worse, people often face needless bureaucratic hurdles to applying for public assistance benefits. These hurdles were illuminated in a 2014 report by the Safety Net Project at The Urban Justice Center which discusses the results of a survey of 130 New York City Human Resources Administration (“HRA”) public assistance customers conducted between October 2013 and February 2014. Among other findings, this survey revealed that HRA continually failed to properly communicate with public assistance customers: 63% of respondents reported that language translation services are not provided; 88% reported that calls are rarely or never answered; and 50% reported that their questions are not adequately answered.⁹⁸

⁹⁶ Evie’s experience is not unusual, and research shows that people with past convictions face significant barriers in obtaining employment. See NRC Report at 258 (after reviewing the research on employment outcomes for formerly incarcerated people concluding that “the bulk of the evidence supports the conclusion that incarceration is associated with poor employment outcomes”). See also Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration* (2007) (describing the audit study conducted in Milwaukee which revealed the stigma people with a prior conviction and people of color face in looking for employment).

⁹⁷ See e.g., N.Y. Social Services Law § 153(8) (providing that “state reimbursement shall not be made for any expenditure made ... for any home relief payment for periods prior to forty-five days after filing an application unless the district determines pursuant to department regulations that such assistance is required to meet emergency circumstances or prevent eviction”).

⁹⁸ See Helen Strom & Afua Aitta-Mensah, Safety Net Project, Urban Justice Center, *Culture of Deterrence: Voices of the NYC Public Assistance Recipients*, May 2014, available at https://snp.urbanjustice.org/sites/default/files/snp_web_doc_report_culture-of-deterrence_20140611.pdf. The results shown by this survey are not atypical. There have been lawsuits in Erie, Steuben, Niagara, Nassau, Oneida, Monroe and Suffolk counties against local offices of the Department of Social Services challenging policies that turn applicants away from offices and unnecessarily delay the processing of public assistance benefits.

In 1993, the New York State Office of Temporary and Disabilities Assistance (“OTDA”) issued an Informational Bulletin encouraging social services districts to develop protocols for accepting public assistance applications from people who are still incarcerated and due to be released soon. The Information Bulletin, which includes a “Q&A,” states as follows:

Q. A prisoner has been given a release date. Can the prisoner apply 45 days in advance of release?

A. Yes, this *should* become standard with any kind of pre-release and be arranged so that assistance begins on the release date.⁹⁹ (Emphasis supplied.)

Though the Information Bulletin uses the term “should,” thereby seemingly requiring social services districts to allow people to apply for public assistance while incarcerated, OTDA takes the position that this guidance is not mandatory. Thus, social services districts can arrange for benefits to start on the day of release by accepting pre-release applications, or make individuals wait until they are no longer incarcerated to apply for public assistance. Most social services districts have elected to not accept public assistance applications from people while they are in prison or jail.

New York State needs a consistent, statewide policy that ensures public assistance benefits are in place when a person is released from incarceration. We recommend that the policy expressed in 93-INF-11, which would have public assistance benefits in place on a person’s release date, be mandatory statewide. In this regard, we reiterate the recommendations made in this Association’s 2016 report on re-entry to add a subdivision to Social Services Law § 159 and/or Social Services regulation 18 NYCRR 350.3 that would specifically allow incarcerated people to shorten or eliminate the 45-day waiting period by applying for public assistance prior to their release.¹⁰⁰

Allowing people to apply for public assistance benefits prior to their release is a critical step to ensuring that public assistance benefits are in place upon or shortly after release. But it is also imperative that county jails and DOCCS adopt protocols to ensure that incarcerated people are made aware of public assistance benefits, provided a copy of the application, and given assistance in applying. Without such protocols, people will not necessarily know of the public assistance benefits to which they may be entitled; nor will they know, unless told, of the opportunity to apply while incarcerated to avoid the 45-day waiting period.

The experience in Onondaga County aptly illustrates the need for public assistance application protocols to be in place both in and out of prisons and jails. In 2016, at the request of the Onondaga County Re-Entry Task Force,¹⁰¹ the Onondaga County DSS created a protocol

⁹⁹ See New York State Office of Temporary and Disability Assistance, Informational Letter 93 INF-11 (“PA Cost Containment: Implementation of Certain Provisions of Chapter 41 of the Laws of 1992 - Questions and Answers”) (Mar. 16, 1993), available at https://otda.ny.gov/policy/directives/1993/INF/93_INF-11.pdf.

¹⁰⁰ New York State Bar Association, *Report of the Special Committee on Re-Entry*, *supra* note 3, at 73-74.

¹⁰¹ The Onondaga County Re-Entry Task Force is one of nineteen County Re-Entry Task Forces across New York State that receive funding from the New York State Division of Criminal Justice Services (DCJS) “to reduce recidivism by coordinating and strengthening community supports in response to high-risk offenders transitioning from prison back to the community.” See Division of Criminal Justice Services, *DCJS County Re-entry Task Force*

allowing people to apply for public assistance while still in prison or jail.¹⁰² This Task Force learned that shortly after the Onondaga County DSS implemented the protocol, they were informed that DOCCS has elected not to implement, asserting that it lacked the resources.¹⁰³ As a result, people released from state prison must apply in person upon their release and wait 45 days before receiving public assistance benefits. In contrast, the Onondaga County Jail and Correctional Facility, both operated by the Onondaga County Sheriff's Department, have successfully implemented pre-release application protocols. Prior to their release, people are notified of public assistance benefits that may be available to them and given assistance in applying. These applicants must still appear in person at the DSS office upon their release, but their waiting period for public assistance benefits is significantly shortened.

In sum, this Task Force recommends that New York Social Services Law and the regulations and the policies of DOCCS and the local jails ensure that people leaving prison and jail have the resources needed for food, housing and medical care. New York Social Services Law and regulations should be amended to make it clear that soon-to-be-released people can apply for public benefits assistance prior to their release from prison or jail so that these benefits are in place when they are released. In addition, DOCCS and local jails should implement policies, procedures and regulations so that soon-to-be-released people are told that they may be eligible for public assistance benefits, are told how to apply prior to their release, and are given assistance in applying.

IV. HOUSING

Is there anything more obvious than a home as a pillar of successful re-entry?
-Elizabeth Gaynes, President and CEO of the Osborne Association¹⁰⁴

Safe and habitable housing is the basis of a stable life in the community and as such, is an "essential feature[] of a dignified, law-abiding life."¹⁰⁵ As the United Nations' Special Rapporteur on Adequate Housing succinctly stated: "housing is most importantly a human right."¹⁰⁶ It is "the basis of stability and security for an individual or family. The center of our social, emotional, and sometimes economic lives, a home should be a sanctuary; a place to live in peace, security, and dignity."¹⁰⁷

Initiative, https://www.criminaljustice.ny.gov/crimnet/ojsa/initiatives/offender_reentry.htm (last visited Feb. 24, 2019).

¹⁰² This protocol is on file with this Task Force.

¹⁰³ To implement it, DOCCS staff would need to notify people being released to Onondaga County prior to their release of the protocol, provide people with the DSS public assistance application, and provide information about how to complete the application and where to send it. Since people are returning to Onondaga County from any one of the 52 prisons on the DOCCS system, this would require implementation in all 52 prisons.

¹⁰⁴ See Elizabeth Gaynes, Osborne Association, *Devising a Smart, Supportive Housing Strategy for Returning Citizens Upon Reentry*, Jun. 15, 2016, available at <http://www.osborneny.org/news/devising-a-smart-supportive-housing-strategy-for-returning-citizens-upon-reentry/>.

¹⁰⁵ *Re-Entry and Reintegration*, *supra* note 2, at 443.

¹⁰⁶ United Nations Special Rapporteur on Adequate Housing, *The Right to Adequate Housing*, Office of the United Nations High Commissioner for Human Rights, <https://www.ohchr.org/en/issues/housing/pages/housingindex.aspx> (last visited Feb. 24, 2019).

¹⁰⁷ *Id.*

The link between stable housing and reintegration is well known. As the Council of State Governments stated in its re-entry housing guide for policy makers: “When individuals are released from prison or jail, the ability to access safe and secure housing is critical to successful reentry.”¹⁰⁸ Stable housing is not merely a safe, physical place, but it is also a source of positive connections to the community.¹⁰⁹ For recently released individuals, it is also a means of accessing the services and supports necessary to “facilitate their successful reintegration.”¹¹⁰ It is no surprise that there is a wealth of research showing that without stable housing, formerly incarcerated people are more likely to end up back in prison or jail.¹¹¹

Because safe and stable housing is a basic human right and a core need, this Task Force examined access to housing for recently released people. In so doing, we emphasize the goal of *safe and stable housing*, recognizing that being sheltered in unsafe, volatile and barely habitable conditions is demoralizing, a human rights violation, and a recipe for recidivism. Homeless shelters, emergency housing, and three-quarter housing (discussed further below) are examples of living situations that do not constitute safe and stable housing. This Task Force emphasizes that released people who live in such situations are not appropriately housed.

Below we first discuss the existence of programs and services in prisons and jails designed to assist people *prior* to their release in identifying and accessing safe and stable housing. Next, we discuss various barriers to safe and stable housing recently released citizens commonly face. Then we summarize what we learned from the various counties we investigated about housing for recently released people.

A. Pre-Release Planning

This section discusses what we learned about the existence of programs and services available to people while they are still incarcerated to assist in securing housing upon their release from prison or jail.

I. State Prisons- New York State Department of Corrections and Community Supervision

In 2016, 22,628 people were released to the community from one of the fifty-two prisons operated by DOCCS.¹¹² To prepare imprisoned people for their transition to the community,

¹⁰⁸ Katherine Cortes & Shawn Rogers, Council of State Governments Justice Center, *Reentry Housing Options: The Policymakers' Guide*, 2010, at vii, available at https://esgjusticecenter.org/wp-content/uploads/2012/12/Reentry_Housing_Options-1.pdf.

¹⁰⁹ *Id.*

¹¹⁰ *Id.* at viii.

¹¹¹ See, e.g., Marie Claire Tran-Leung, Shriver Center, *When Discretion Means Denial: A National Perspective on Criminal Records Barriers to Federally Subsidized Housing*, February 2015, at 2, available at <https://povertylaw.org/files/docs/WDMD-final.pdf> (summarizing research showing the connection between homelessness and re-incarceration).

¹¹² See DOCCS, *Admissions and Releases: Calendar Year 2016*, at 3, available at http://www.doccs.ny.gov/Research/Reports/2017/Admissions_and_Releases_2016.pdf. For a list of facilities, see DOCCS, *Facility Listing*, <http://www.doccs.ny.gov/facilitylist.html> (last visited Feb. 24, 2019). The fifty-two facilities include two shock incarceration facilities (Lakeview and Moriah Shock Incarceration Correctional Facilities) and three women's prisons (Albion, Bedford and Taconic Correctional Facilities). It does not include the Willard Drug

DOCCS offers a three-phase transitional program curriculum.¹¹³ Phase One provides imprisoned people an introduction and orientation to the transitional program. Phase Two requires participation in a gender-specific cognitive behavioral treatment program. For men, the program is called “Thinking for a Change,” and it is a three-to-four-month program that focuses on self-change, social skill development, and problem solving strategies.¹¹⁴ For women, the program is called “Moving On,” a three to four-month program that is “designed to heighten self-awareness, build on existing strengths and competencies, and teach new skills.”¹¹⁵

Phase Three of the Transitional Program is designed to assist people in planning for their release to the community and focuses on the more tangible aspects of release, including: obtaining necessary documents (birth certificate, social security card, etc.); the job search and interviewing for employment; and family reunification. According to the DOCCS’ website, this transitional program does not include a housing component.¹¹⁶

To further facilitate release planning, DOCCS employs Offender Re-Entry Counselors (“ORCs”), prison-based staff who have the responsibility of, among other things, implementing “discharge planning activities in order to prepare inmates for release and reintegration into the community” and coordinating “with field parole staff in the development of final discharge and supervision plans.”¹¹⁷ Additionally, DOCCS Regional Re-Entry Operations staff are to “assist field staff with the identification of appropriate temporary and permanent housing options for parolees, assist with case referral to services, and where appropriate seek to remedy barriers that impede parolee access to housing services.”¹¹⁸ In limited circumstances, DOCCS has some funding for emergency housing for people on parole.¹¹⁹ Finally, according to information that we received from DOCCS in response to our request inquiring about re-entry planning and programs, a small number of prisons have community-based volunteer organizations visit the facility to discuss re-

Treatment Campus or Edgecombe Residential Treatment Campus. In 2016, an additional 1,750 people were discharged from the Willard program and 631 from Edgecombe, with an additional 934 discharged from another diversion program, parole or otherwise. *See Admissions and Releases: Calendar Year 2016, supra*, at 3.

¹¹³ *See* DOCCS, *Transitional Services Program*, <http://www.doccs.ny.gov/ProgramServices/transitional.html> (last visited Feb. 24, 2019). *See also* DOCCS, Directive 4780 (Sept. 22, 2011), available at <http://www.doccs.ny.gov/Directives/4780.pdf>.

¹¹⁴ A summary of “Thinking for a Change” can be found at the National Institute of Corrections’ website, at <https://nicic.gov/thinking-for-a-change> (last visited Feb. 24, 2019).

¹¹⁵ DOCCS, *Transitional Services Program*, *supra* note 113.

¹¹⁶ *Id.* Some special populations may be provided with more assistance in identifying housing. For example, incarcerated people who have been diagnosed with a serious mental illness are provided mental health treatment while in prison by the New York State Office of Mental Health (“OMH”). Per regulations, OMH is required to assist individuals on their caseload with transition services to ensure a continuum of care upon their release. OMH has some limited housing support programs for people with a serious mental illness being released from prison, including a Parole Support and Treatment Program which provides clinical and housing services for homeless people who are being released to parole supervision in New York City and have a serious mental illness and a co-occurring substance abuse disorder. *See* OMH, *Division of Forensic Services, Bureau of Institutional and Transitional Services (BITS)*, <https://www.omh.ny.gov/omhweb/forensic/bits> (last visited Feb. 24, 2019). Additionally, in a limited number of instances, OMH will petition a court to require a person about to be released to have Assisted Outpatient Treatment. This is discussed in Section VI of this report.

¹¹⁷ *See* DOCCS, Directive 4401 (Apr. 30, 2018, rev. Jan. 23, 2019), available at <http://www.doccs.ny.gov/Directives/4401.pdf>.

¹¹⁸ *See* DOCCS, Directive 9222 (“Emergency Housing – Community Supervision”) (Dec. 3, 2018), available at <http://www.doccs.ny.gov/Directives/9222.pdf>.

¹¹⁹ *See id.*

entry-related issues with their population, which sometimes include housing options. These facilities include: Taconic (various organizations), Bedford Hills (various organizations), Fishkill (Exodus Transitional Community Inc.); and Green Haven (Exodus Transitional Planning, Inc.). Additionally, several facilities have veterans' organizations visit to discuss community-based services available to incarcerated veterans upon their release, including for example, Groveland (Soldier On).¹²⁰

Consistent with DOCCS' description of its Transitional Services Program, people who have served state prison sentences consistently report that DOCCS' transitional programs do not include a housing component. They also report that the ORCs have limited capacity to assist in identifying housing options. Thus, most people are left to their own devices in identifying appropriate housing options, though generally they cannot be released until DOCCS approves the housing.¹²¹ This means that about four months prior to release, incarcerated persons inform their ORC of the address at which they hope to live upon release. A parole field officer then conducts an inspection of this address to approve or disapprove of it. If disapproved, the ORC asks the person to be released to identify another address. People who have been released from prison report that they receive little to no assistance in identifying appropriate housing, and their efforts to do so are stymied by their lack of access to the internet.¹²²

Imprisoned people who cannot provide an approved address are generally released to homeless shelters. A February 2018 Spectrum News One report found that in 2017, 54% of people released from state prison to New York City were released to a shelter, up from 23% in 2014.¹²³ A spokesperson for DOCCS noted that while shelters are not a preferred residence for recently released people, on any given day there are about 1,600 people under supervision living in a shelter.¹²⁴

DOCCS has taken steps to increase the availability of transitional housing for people released from prison, and periodically issues a Request for Applications ("RFA") seeking applications from non-profit and for-profit entities for grant awards to provide transitional housing (of no more than 120 days) to people being released from DOCCS to parole or post release

¹²⁰ See Exhibit F ("Release Planning Program Information From DOCCS")

¹²¹ This is true for everyone who is released to community supervision (parole or post-release supervision). Some people are released after serving their maximum sentence, and thus, are not released to community supervision. In such instances, DOCCS has no authority to require that their housing be approved as a condition of release. In 2015, the most recent year for which a report is available on prison discharges, about 10% of released people had served their maximum sentence and thus were not released to community supervision. See DOCCS, *Releases and Discharges from Incarceration Report - Calendar Year 2015*, available at http://www.doccs.ny.gov/Research/Reports/2016/Statistical_Overview_2015_Discharges.pdf.

¹²² That this is the process was recently corroborated by a Court of Appeals decision, *Matter of Gonzalez v. Annucci*, 32 N.Y.3d 461, 2018 WL 6173959, N.Y. Slip Op. 08057 (2018). In this case, the petitioner, Mr. Gonzalez, was to be released after serving a sentence for a sex offense conviction. As described in this decision, the process for securing housing consisted of Mr. Gonzalez identifying and proposing housing to his parole officer, who would then investigate it to determine if the proposed housing was consistent with Mr. Gonzalez's release conditions. *Id.* at *1. Mr. Gonzalez proposed several housing options—all of which were deemed to not be compliant with his release conditions. *Id.*

¹²³ See Courtney Gross, *The New York Prison-to-Shelter Pipeline*, NY1, Feb. 27, 2018, <https://www.ny1.com/nyc/all-boroughs/politics/2018/02/27/ny1-investigation-more-inmates-released-upstate-prisons-going-into-nyc-shelter-system> (last visited Feb. 24, 2019). See also Shrier et al., *supra* note 5 (reporting that the service providers interviewed consistently stated that "correctional facilities are still actively discharging people to shelters").

¹²⁴ *Id.*

supervision. The RFA establishes the number of beds DOCCS will consider funding within specific counties (e.g., 10-25 beds in more populous counties like Albany, Onondaga, Monroe, Erie, Suffolk, Nassau, and the New York City counties, and five beds in less populous counties like Dutchess, Warren, and Washington).¹²⁵ The grant awards are for a period of three to five years, and limited in the amount provided. For example, in 2018, two grants were awarded: one for Community Mission of Niagara (a 4 year grant of \$429,318, which is a little over \$100,000 per year); and the second to Saving Grace Ministries of Elmira (a five year grant of \$300,000, which is \$60,000 per year).¹²⁶ While this is an important initiative to increase the number of housing options for people returning from prison, it is not enough to meet the full need, as evidenced by the continued reliance on shelters for released people.

People released to shelters are encouraged to apply to the local social service district for Temporary Assistance, SNAP, and Medicaid so they can obtain money for basic needs, including shelter. As discussed previously, people may needlessly face a waiting period before they can receive this much-needed public assistance.

2. Local Jails

The jails in New York City and the 57 other counties include the following populations: people who have been convicted and sentenced to a definite sentence (“sentenced people”); people who are detained pending trial (“pre-trial detainees”); people on parole with an alleged technical parole violation (“alleged parole violators”); people who have been convicted and sentenced to a determinate or indeterminate sentence and are awaiting transfer to a state prison (“state readyies”); people who are incarcerated as a result of a civil process, such as a Family Court matter or a material witness order (“civil”); people held in the local jail pursuant to an agreement with the federal government (“federal”); and people detained prior to arraignment or are alleged to have a parole violation and a new arrest (“other unsentenced”).¹²⁷ For purposes of this report, this section focuses primarily on sentenced people who will be released to the community at a date certain upon completion of their definite sentence. Most counties outside of New York City have one jail, though some of the larger counties have two facilities, one of which typically houses sentenced people and alleged parole violators, and the other which primarily houses the other individuals.¹²⁸

This Task Force sent letters to jails in 12 counties across the state asking about re-entry programs, and we interviewed several jail officials. What follows is a summary of what we learned from three counties - Onondaga, Albany, and Westchester - that have made a concerted effort to assist jailed people in planning for their release to the community.

¹²⁵ DOCCS, *Request For Application (RFA 2017-07): Community Based Residential Programs (CBRP)*, January 2018, available at <http://www.doccs.ny.gov/pdf/RFA-2017-07-CBRP.pdf>.

¹²⁶ Email from Linda J. Mitchell, Contract Management Specialist 2, DOCCS, to a member of this Task Force (on file with a member of this Task Force). Historical information about past grant recipients can be found at: Office of the State Comptroller, *Open Book New York*, <http://www.openbooknewyork.com/index.htm> (last visited Feb. 24, 2019).

¹²⁷ See DCJS, *Jail Population in New York State: Average Daily Census by Month*, http://www.criminaljustice.ny.gov/crimnet/ojsa/jail_population.pdf (last visited Feb. 24, 2019). One county, Schoharie, has a jail population but no physical jail; the jail population is housed in other county jails.

¹²⁸ The counties with more than one facility are Erie, Monroe, Nassau, Onondaga, Suffolk, and Westchester.

Lavern Arrance-Doud of Onondaga County Correctional Facility provided an excellent overview of the challenges jails face in assisting jailed people prior to their release in identifying safe and stable housing. He noted that people released from jail tend to fall within one of the following three categories:

One: People who have housing and return home to live with family members or friends. These individuals do not need pre-release or transitional support for housing.

Two: People who are provided programming while in the jail because of a special need (such as mental health, substance abuse, or veteran services) and as part of this program, are provided support in pre-release planning for housing.

Three: People who fall through the cracks – *i.e.*, those with no place to live upon release and are not part of a program that provides pre-release planning.

He stated that to facilitate access to housing upon release, jails should seek to maximize the number of people who fall within the second category by developing programs and services internally, partnering with community-based organizations to bring to the facility pre-release planning services, or both. The Onondaga County Correctional Facility has sought to do both. Internally, the jail has a contract with Correct Care Solutions¹²⁹ to provide treatment and support to jailed people diagnosed with a serious mental health problem. This contract specifies that Correct Care Solutions must also provide transitional planning, including support in securing housing upon release. In terms of collaboration with community-based organizations, the jail currently has program run by Catholic Charities which provides jailed veterans with programming while in jail and transitional support upon their release, including support in securing housing. For jailed people with a substance abuse problem, Helio Health Program, a community-based substance-abuse treatment program, has secured a federal grant funding to provide support and transitional services, including assistance in securing housing.

It also bears emphasizing that the Onondaga County Jail and Correctional Facility have taken advantage of the protocols that the Onondaga County Department of Social Services (DSS) implemented to reduce the 45-day waiting period for public assistance by accepting applications from people while they are still incarcerated. According to the Onondaga County DSS, they receive approximately five to ten applications from the jail and the correctional facility each week. DSS notes that about fifty percent of the people follow-up with these applications, and thus can secure public assistance much sooner than if they had waited until after their release to start the application process.¹³⁰

Albany County Sheriff Craig Apple agrees with Mr. Arrance-Doud's assessment, though he added that some jailed people are resistant to assistance and refuse to participate in the supportive programs that are available. He is not giving up on these individuals, however, and as

¹²⁹ For more information concerning Correct Care, see their website: <http://www.correctcarers.com/> (last visited Feb. 24, 2019).

¹³⁰ DSS speculates that the jail and correctional facility err on the side of being over-inclusive in encouraging and assisting people with these applications, and that many of the people who do not follow-up do not need public assistance.

discussed below, is seeking to engage them. During the November 9, 2018, Open Meeting and in a follow-up interview with a Task Force member, Sheriff Apple described the various strategies the Albany County Jail is using to assist jailed individuals successfully transition to the community upon their release. Like the Onondaga County Sheriff's Department, he is utilizing a combination of bolstering internal services and partnering with community-based partners. The programs he has started or is planning on starting to include the following:

- Partnership with *Soldier On*: Soldier On is a non-profit organization that is committed to ending veteran homelessness.¹³¹ The Albany County Sheriff's Department has partnered with Soldier On to provide support and transition services to jailed veterans, including planning for housing upon release. According to Sheriff Apple, veterans released from the Albany County Jail who are provided services by Soldier On have only a five percent recidivism rate. In partnership with Albany County, Soldier On is currently working to develop a housing facility for veterans,¹³² and Sheriff Apple reports that some of this facility's beds will be used for jailed veterans as a transitional program to the community.
- Creation of the Sheriff's Heroin Addiction Recovery Program ("SHARP"): In partnership with the Albany County Addictions Care Center, this program supports jailed people who are addicted to opioids by providing group and peer substance abuse counseling while incarcerated, and transitional planning and supports upon release. The transitional supports include planning for housing. Sheriff Apple reports that this program has also reduced the recidivism rate of program participants, to only 12-14%.
- Creation of a *New Beginnings* program: To ensure that fewer people "fall through the cracks" and to facilitate engagement of people who are resistant to program participation, Sheriff Apple is implementing a program he calls *New Beginnings*.¹³³ This program will utilize current jail correctional staff to interview each person upon admission to the jail to discuss what can be done to assist the person in refraining from crime upon release. Jail staff will then seek to meet the needs identified, including linkages to substance abuse, mental health treatment, and appropriate housing. This program also partners with Albany Law School for creation of an Albany County Re-entry Manual staff and incarcerated people can use to identify resources and services in the community, and how to access them. The manual will be digitized, and available to jailed people on smart tablets. For housing, Sheriff Apple has obtained the agreement from the local DSS to start accepting public assistance applications while people are still incarcerated to diminish the 45-day waiting period they would otherwise face if they could not submit their public assistance application until released.

Sheriff Apple noted that the Albany County Jail population is comparatively low right now, and thus, he has the luxury of using correctional staff to assist in identifying the needs of jailed people and planning for re-entry. Other jails, however, do not have this luxury and thus would

¹³¹ For more information concerning Soldier On, see their website: <https://www.wesoldieron.org/> (last visited Feb. 24, 2019).

¹³² See Soldier On, *Permanent Housing Projects in Development: Albany, NY*, <https://www.wesoldieron.org/permanenthousingdevelopments/> (last visited Feb. 24, 2019).

¹³³ See Lucas Willard, *Albany County Sheriff's Office Partners With Law School To Reduce Recidivism*, WAMC, Jan. 23, 2019, <https://www.wamc.org/post/albany-county-sheriffs-office-partners-law-school-reduce-recidivism> (last visited Feb. 24, 2019).

likely need additional funding for the staff needed to work on transitional planning. Still, he thinks the investment is well worth it. He emphasizes that the jailed-based programs, the linkages to the community, and the transitional planning have markedly reduced the recidivism rates of the populations served, which not only saves taxpayer dollars but also transforms and saves lives.

Westchester County is another example of a county that has used a variety of funding sources to establish community-based partnerships to assist jailed people in planning for housing prior to their release. The Westchester County Department of Corrections ("WCDC") has the capacity to house 1,800 men and women, but currently houses slightly more than 1,000 people.¹³⁴ Thus, like Albany County, the WCDC has the resources and staff needed to focus on enhancing the services provided to jailed people with a focus on successful reintegration to reduce recidivism. It also helps that Westchester County is relatively affluent with a variety of willing community and faith-based partners.

According to Lois Molina, First Deputy Commissioner of the Westchester County Department of Corrections, the WCDC has several programs that assist people in planning for their eventual release. People with drug convictions or who have an identified substance abuse disorder can participate in Solutions, which offers prevention, education, and chemical dependency treatment and counseling services. The program offers discharge planning and referrals to aftercare programs upon completion. Participants who successfully graduate from the program continue receiving treatment after release. Solutions tracks graduates for a period of one-year post-release. The jail also offers a program geared at addressing violence called RSVP. Both Solutions and RSVP are managed by the jail's strategic partner St. John's Riverside.¹³⁵ Jailed people with serious mental health problems may be deemed appropriate to participate in the CORE program, which is a mental health program run in conjunction with the Department of Community Mental Health ("DCMH"). This program involves a special unit in the WCDC facility which provides focused group programming for mental health patients. Currently, the unit is working with multiple community agencies to run groups and to assist with the coordination of discharge planning. A mental health team identifies the jailed people who are appropriate for this program; each case is reviewed on an individual basis for serious mental illness, capacity to benefit from programming, need for social interactions that are structured, and need for re-entry/discharge planning.

The WCDC facility also has a Re-Entry Initiative, which is a collaborative program involving four local police departments (Mt. Vernon, New Rochelle, White Plains, Peekskill and Yonkers), public libraries, community organizations, and faith based organization that create "re-entry panels" as a way of working with incarcerated persons prior to their release to advise them about the resources and services available to them in the community.¹³⁶ Representatives from various agencies and organizations involved meet with incarcerated people due to be released within 45 days. The soon-to-be-released people receive presentations on services available in the community.

¹³⁴ This population consists of both females and males, and includes primarily people who have been convicted and are serving their sentence, though it also includes some federal pretrial detainees and people charged with a technical parole violation.

¹³⁵ See Appendix A ("Westchester County Department of Corrections Recidivism Rate").

¹³⁶ See Appendix C ("Westchester County DOC Re-entry Panels").

In November 2018, Westchester County also received a “My Brother’s Keeper” multi-year grant from the Obama Foundation to partner with the Nepperhan Community Center for peer mentoring and other services for younger individuals returning home to Yonkers. A separate New York State grant will also allow the WCDC to partner with Hudson Valley Community Services to provide Cognitive Behavioral Treatment to younger incarcerated people, furthering the facility’s commitment to rehabilitating young persons who have come in contact with the criminal justice system.

The WCDC has also partnered with community-based service providers to create programs that begin while a person is still in jail and continue upon the person’s release, thereby providing a continuum of care. These programs include CHOICE (a peer mentoring program), Department of Mental Health Services, Braveheart (which is a peer mentoring program for minors), the Empowerment Project, Westchester Mental Health Associates, and a faith based program from Grace Baptist Church. While there are no statistics available to date from the WCDC to show the success rate of this effort, the WCDC is in the process of updating its computer management program to maintain future statistics.

Notably, the Westchester County DSS also has an employee assigned to the jail. This person works with jailed people prior to their release to assist them with completing the applications for public assistance and identifying possible housing options; the DSS employee also assists jailed people in enrolling in DSS-run vocational programs. Having a DSS staff person in the jail allows people to reduce the 45-day waiting period for public assistance.

The Task Force was also able to gather a very limited amount of information regarding pre-release programming for people who are incarcerated in New York City jails. The New York City Department of Corrections manages eleven jails in New York City, eight of which are located on Rikers Island.¹³⁷ In 2018, New York City jails housed on average 8,896 people per day.¹³⁸ This is compared to the total jail population for the rest of the state, which ranged between 14,313 and 14,953 people per month in 2018.¹³⁹ This Task Force learned of one pre-release program, I-CAN, which is operated by the Osborne Association. I-CAN is a jail-based program that “looks at standard administrative data associated with each individual when he or she comes into custody – such as age, charges, and prior record – to identify those who both present a high risk of recidivism and are also likely to be in custody long enough to profit from services (at least 20 days).”¹⁴⁰ Jail based services include: job readiness; hard skills training in construction, plumbing, and electrical; fresh start culinary training; anger management; relapse prevention; healthy parenting and relationships; financial literacy; cognitive behavioral therapy; and creative writing.¹⁴¹ Though these services do not include pre-release planning for housing, it is not because the Osborne Association does not recognize the problems that incarcerated people face in securing safe and

¹³⁷ New York City Department of Correction, *About the Department of Correction*, <https://www1.nyc.gov/site/doc/about/about-doc.page> (last visited Feb. 24, 2019).

¹³⁸ See New York City Department of Correction, *NYC Department of Correction at a Glance: Information for Entire FY 2018*, available at https://www1.nyc.gov/assets/doc/downloads/press-release/DOC_At%20a%20Glance-entire_FY%202018_073118.pdf.

¹³⁹ DCJS, *Jail Population in New York State: Average Daily Census by Month*, *supra* note 127.

¹⁴⁰ Osborne Association, *Reducing Reliance On Incarceration—I-CAN*, <http://www.osborneny.org/services/reducing-reliance-on-incarceration/i-can/> (last visited Feb. 24, 2019).

¹⁴¹ *Id.*

stable housing upon their release. Indeed, in June 2016, Elizabeth Gaynes, President and CEO of Osborne, provided testimony to the New York State Assembly Standing Committee on Corrections and the Standing Sub-Committee on Transitional Services, listing several reasons that housing is such a significant problem for people returning to their communities from prison and jail, and suggesting three key strategies to address the problem.¹⁴² As discussed below, we have adopted many of her recommendations.

Rikers also seeks to establish partnerships with community-based organizations to bring community volunteers to the facility for various services, including: Alcoholics and Narcotics Anonymous Groups; alcohol/drug counseling; alternatives to violence training; a culinary program; HIV/AIDS education counseling; a horticultural program; individual/group counseling; job readiness; legal services; library assistance; life skills classes; literacy assistance; parenting classes; pastoral counseling; self-development classes; transitional assistance; and vocational training.¹⁴³ It is not clear if there currently are any services that assist jailed people in planning for housing upon release.

In our interviews with local jail officials, we asked about State funding for release programs in local jails. To our understanding, the funding tends to be limited to grants from the Division of Criminal Justice Services (“DCJS”) for jail-based cognitive behavioral programs. For example, as described above, Westchester County received state funding to implement a cognitive behavioral program. Similarly, on December 21, 2018, the Broome County Sheriff’s Department announced implementation of a new re-entry program for eighty incarcerated people each year that “will focus on two evidence based programs, the first will help individuals with their thought process and cognitive behavior, while the other one will help them make positive lasting life changes.”¹⁴⁴ A member of this Task Force spoke with Jeff Pryor, the Broome County Re-Entry Task Force Chair, who stated that the Re-Entry Task Force will administer the program, delivering a Thinking for a Change and Interactive Journaling curriculum to jailed people prior to their release. He noted that the program is not intended or designed to assist people with planning for housing upon release.

While these state-funded programs are important, we did not learn of any state-funded programs designed specifically to assist incarcerated people *prior* to their release in identifying potential safe and stable housing options.

3. Summary and Recommendations

People who leave prison and jail should leave with a feasible plan for safe and stable housing. DOCCS and all county jails need to actively assist people *prior* to their release in

¹⁴² See Testimony by Elizabeth Gaynes, President & CEO, Osborne Association, to the New York State Assembly Standing Committee on Correction, Subcommittee on Transitional Services, *Devising a Smart, Supportive Housing Strategy for Returning Citizens Upon Reentry*, Jun. 13, 2016, available at <http://www.osborneny.org/news/devising-a-smart-supportive-housing-strategy-for-returning-citizens-upon-re-entry/>.

¹⁴³ New York City Department of Correction, *Volunteer Opportunities*, <https://www1.nyc.gov/site/doc/volunteer/volunteer.page> (last visited Feb. 24, 2019).

¹⁴⁴ See *Sheriff’s Office Announces New Re-Entry Program*, WBNG, Dec. 21, 2018, <https://wbng.com/news/local-news/2018/12/21/sheriffs-office-announces-new-re-entry-program/> (last visited Feb. 24, 2019).

identifying and securing housing. For DOCCS, the steps to securing housing should be incorporated into Phase III of the DOCCS Transitional Services Program and should include access to the internet when necessary to assist people in identifying housing. Additionally, DOCCS policies and practices regarding the approval of housing should be examined to ensure that field parole officers are not needlessly refusing to approve otherwise appropriate housing.

For both DOCCS and jails, there should be sufficient funding to ensure that every incarcerated person has access to the supports needed to identify safe and secure housing options *prior* to their release. While the jails discussed above have done an admirable job in securing federal, state and foundational funding and partnering with community-based organizations to assist people in planning for release, many other jails lack the staffing and resources needed to seek out the limited funding available and to engage in community-based partnerships. Thus, the State should focus on the jails and prisons that lack much needed resources to ensure that *all* jails and prisons have re-entry counselors/transition planners to assist incarcerated people in identifying and applying for safe and stable housing. These jail and prison-based re-entry counselors/transitional planners should connect with community-based organizations to develop awareness and expertise of the full range of housing options available and any restrictions on such housing. They should develop and maintain a resource guide for each community. Re-entry counselors/transitional planners should conduct an individual assessment of each soon-to-be-released person to discern the person's specific housing needs.

While pre-release planning curriculums and services should be bolstered to include a housing component, this Task Force acknowledges that this alone will not solve the problem of ensuring that incarcerated people are released to safe and stable housing. As was reported in a January 17, 2017 *City Limits* article about the use of shelters and other unstable housing options for formerly incarcerated people, the dearth of appropriate housing options for recently released citizens is a significant problem.¹⁴⁵ As one expert noted: "No amount of discharge planning is going to get folks housing if there's no housing on the back end."¹⁴⁶

Accordingly, we turn to the factors that contribute to a shortage of appropriate housing options for people being released from jails and prisons.

B. The Barriers to Housing for Recently Released People

In this section, we explore barriers people with past convictions face in accessing public housing and private housing.

¹⁴⁵ See Shrier et al., *supra* note 5. This article focused on people released from prison or jails to New York City, and the use of shelters and Three Quarters housing for such individuals. The problem of Three Quarters housing in New York City was discussed in NYSBA's 2016 report on re-entry, *supra* note 3, and is referenced further in this report as well.

¹⁴⁶ *Id.* (quoting Erin Burns, a senior program manager at the Corporation for Supportive Housing (CSH), a national non-profit that seeks to address homelessness and extreme poverty).

I. Public Housing Barriers

As Onondaga County Correctional Facility's Mr. Arrance-Doud noted, housing is not a problem for people being released from prison or jail if they have a family or other supportive people with whom they can live. But if the released person's family or support network lives in public housing, there is often an outright bar to being released to this housing. This is because many public housing authorities target people with conviction histories, barring them from living in public housing for specified periods of time.¹⁴⁷

As used in this report, the term "public housing" refers to two programs administered by the U.S. Department of Housing and Urban Development ("HUD"): conventional public housing, which provides housing units to low-income families; and the Housing Choice Voucher program, which provides "section 8" housing assistance to low-income people who seek housing in the private market. In New York, these public housing options are managed by local public housing authorities ("PHAs"). Though there are federal laws regarding eligibility for public housing and ongoing tenancy, each PHA must develop and maintain its own set of rules and policies. HUD periodically issues letters and guidance to PHAs regarding these rules and policies.

Both of this Association's previously-issued reports on re-entry have discussed the barriers to residing in public housing. For example, this Association's 2016 report states:

Re-entering individuals frequently face problems in seeking temporary shelter or housing with family or friends who reside in public housing. Public housing authorities ("PHAs") often bar applications from individuals with certain criminal convictions, preventing formerly incarcerated individuals from securing public housing or even from reuniting with their families in existing affordable units.¹⁴⁸

This Association's 2006 report details the emergence of barriers to public housing for people with conviction histories. Between 1988 and 1998, three federal laws were enacted that target people with conviction histories, making it harder for them to access public housing.¹⁴⁹

¹⁴⁷ See New York State Bar Association, *Report of the Special Committee on Re-Entry*, *supra* note 3, at 64-67. See also Vera Institute of Justice, *Coming Home: An Evaluation of the New York City Housing Authority's Family Reentry Pilot Program*, November 2016, at 7, available at https://storage.googleapis.com/vera-web-assets/downloads/Publications/coming-home-nycha-family-reentry-pilot-program-evaluation/legacy_downloads/NYCHA_report-032917.pdf. ("Often people leaving jail or prison intend to live with their families, either because of preference or they have no other place to go. However, if their families live in public housing, this may not be possible because public housing authorities (PHAs) may temporarily or permanently bar people with criminal histories. . . . And these rules can be far reaching.")

¹⁴⁸ New York State Bar Association, *Report of the Special Committee on Re-Entry*, *supra* note 3, at 64.

¹⁴⁹ See *Re-Entry and Reintegration*, *supra* note 2, at 228-230. These included the following: 1) a provision of the 1988 Anti-Drug Abuse Act requiring PHAs to have lease provisions calling for the eviction of tenants to drug-related activity on or near public housing; 2) the 1996 enactment of the Housing Opportunity Extension Act, which expanded the authority of PHAs to evict or deny admission to public housing based on criminal activity, and prompted HUD to issue "one strike you're out" guidance to PHAs urging them to exercise their discretion in favor of evicting or denying admission to people with drug-related and other convictions; and 3) the 1998 Quality Housing and Work Responsibility Act, which authorized PHAs to deny admission to any individual who, within a "reasonable time" prior to the date of eligibility for housing assistance, had engaged in "any drug-related or violent criminal activity or other

Under federal law, there are only two mandatory permanent bars to public housing for people with conviction histories: people who are lifetime registrants on a sex offender registry; and people who have been convicted of methamphetamine production on the premises of federally-assisted housing.¹⁵⁰ In other circumstances, PHAs generally have discretion to decide whether to allow people with past convictions to reside in public housing. Unfortunately, many PHAs do not exercise this discretion, and instead have erected automatic bars to public housing for people with a wide array of convictions.¹⁵¹

In 2011, President Barack Obama created the Federal Interagency Reentry Council (“Reentry Council”). “Comprised of more than 20 federal agencies, the Reentry Council coordinates and leverages existing federal resources; dispels myths and clarifies policies; elevates programs and policies that work; and reduces the policy barriers to successful reentry.”¹⁵² HUD is one of the agencies on the Reentry Council, and in accord with the goal of reducing policy barriers to successful re-entry, has issued a series of letters and guidance to PHAs urging them to ease the barriers to public housing for people with conviction histories. To start, in June 2011, HUD issued a letter to all PHA Executive Directors reminding them “of the discretion given to public housing agencies (PHAs) when considering housing people leaving the criminal justice system” and urging them to exercise this discretion in favor of “allow[ing] ex-offenders to rejoin their families in in the Public Housing or Housing Choice Voucher programs when appropriate.”¹⁵³ In 2015, HUD issued guidance to PHAs stating that “arrest records may not be the basis for denying admission, terminating assistance or evicting tenants,” because an arrest alone is not sufficient evidence of criminal activity that can support adverse housing action.¹⁵⁴ This 2015 Guidance further states that PHAs are not required to have “‘one-strike’ rules that deny admission to anyone with a criminal record or that require automatic eviction any time a household member engages in criminal activity in violation of their lease.”¹⁵⁵ Additionally, in 2016, HUD issued guidance to landlords and housing providers noting that though facially neutral, a policy barring people with conviction histories from housing may violate the Fair Housing Act’s prohibition against race-based discrimination in housing.¹⁵⁶

criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents.” Quality Housing and Work Responsibility Act of 1998, Pub. L. No. 105-276, 112 Stat. 2640

¹⁵⁰ See 42 U.S.C. §§ 13663(a), 1437n(f).

¹⁵¹ See, e.g., Tran-Leung, Shriver Center, *supra* note 111 (after a survey of the policies of various PHAs, finding that many continue to not exercise discretion but instead have automatic bars to public housing for people with past convictions).

¹⁵² See The White House & U.S. Department of Justice, *The Federal Interagency Reentry Council: A Record of Progress and a Roadmap for the Future*, August 2016, at v, available at <https://esgjusticecenter.org/wp-content/uploads/2016/08/FIRC-Reentry-Report.pdf>.

¹⁵³ See Letter from Shaun Donovan, Secretary, U.S. Department of Housing and Urban Development, & Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing, to PHA Executive Director (June 17, 2011), available at <https://www.hud.gov/sites/documents/SOHUDREENTRYLTR.PDF>.

¹⁵⁴ See U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, Notice PIH 2015-19 (“Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions”) (Nov. 2, 2015), available at <https://www.hud.gov/sites/documents/PIH2015-19.PDF>.

¹⁵⁵ *Id.*

¹⁵⁶ See Helen R. Kanovsky, General Counsel, U.S. Department of Housing and Urban Development, *Office of the General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate-Related Transactions*, Apr. 4, 2016, available at https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF.

Unfortunately, it seems that many PHAs have not heeded HUD's guidance urging them to use their discretion and refrain from automatic bars to public housing for people with past convictions. Indeed, this Association's 2016 report on re-entry noted as follows:

Most PHAs reject re-entrants' applications, without any sort of individualized assessment. The broad discretion afforded by 42 U.S.C. § 13661(c) is most often not exercised; instead, re-entering individuals are automatically barred from public housing, notwithstanding HUD's admonitions that PHAs take a considered approach. It is far easier for risk-averse PHAs, pressured by various actors, to reject all re-entering applicants out of hand. The mandated discretion has been (for the most part) not exercised by New York State's PHAs -- exacerbating the housing difficulties of those who have been convicted.¹⁵⁷

An examination of the policies of all local PHAs in New York is beyond the scope of this Task Force. Nonetheless, based on the interviews we conducted, it is our understanding that many PHAs continue to have automatic bars against allowing people with conviction histories to live in public housing. For example, Jeff Pryor of the DCJS-sponsored Broome County Re-Entry Task Force told us that there are times when a person being released to Broome County could live with a family member, but is prevented from doing so because of the local PHA bars to housing for people with past convictions. He said that when this happens, the released person typically ends up residing in a homeless shelter, though he works to assist them in securing more stable housing as soon as possible.

There are some PHAs, however, that have heeded the HUD guidance and have sought to make housing more accessible for people with past convictions. The Syracuse Housing Authority ("SHA") is one example. SHA has partnered with the CCA to work on joint projects serving people with past convictions. For example, SHA is one of 18 housing authorities across the country that received a Juvenile Reentry Assistance Program ("JRAP") grant from the U.S. Departments of Justice and HUD to partner with CCA to help young people, age 24 or younger who are coming out of the criminal justice system. The program will help youth, review their record for errors, apply to reinstate drivers' licenses, get a job, or go back to school.

Perhaps most importantly, SHA has partnered with CCA to replicate the Fortune Society's Academy and Castle Gardens, which together provide emergency, transitional, supportive, and permanent housing to people coming home from prison or jail. This replication project was made

¹⁵⁷ See *Report of the Special Committee on Re-Entry*, *supra* note 3, at 65 (citing Jesse Kropf, *Keeping "Them" Out: Criminal Record Screening, Public Housing, and the Fight Against Racial Caste*, 4 *Geo. J. L. & Mod. Critical Race Persp.* 75, 78 (2012); Corinne A. Carey, *No Second Chance: People with Criminal Records Denied Access to Public Housing*, 36 *U. Tol. L. Rev.* 545, 572 (2005), and Nat'l Housing Law Project, *An Affordable Home on Re-entry: Federally Assisted Housing and Previously Incarcerated Individuals*, 2018, at 7-23, available at <https://www.nhlp.org/wp-content/uploads/2018/08/Reentry-Manual-2018-FINALne.pdf>; U.S. Department of Housing and Urban Development, Notice PIH 96-16(HA) ("One Strike and You're Out" Screening and Eviction Policies for Public Housing Authorities") (Apr. 29, 1996), available at https://www.hud.gov/sites/documents/DOC_10981.PDF ("[F]ocusing on the concrete evidence of the seriousness and recentness of the criminal activity [are] the best indicators of tenant suitability. PHAs should also take into account the extent of criminal activity and any additional factors that might suggest a likelihood of favorable conduct in the future, such as rehabilitation.").

possible by a DCJS grant to the Fortune Society to provide technical assistance to CCA to develop and run a housing program in Onondaga County for recently released people. CCA successfully sought out a partnership with SHA for this project, which is called Freedom Commons. The construction costs for Freedom Commons has been provided by New York State Homes and Community Renewal, OTDA Housing Assistance Corporation, and low-income housing development tax credits. Freedom Commons is scheduled to open in spring 2019, and will provide supportive emergency housing for recently released people, transitional housing and services for recently released people, and quality affordable permanent housing for low-income individuals and families. The facility will include community space, meeting rooms, offices, a kitchen, and a computer lab. SHA will provide property management and leasing services, and CCA will manage the shelter and provide case management and a variety of supportive services to residents of the shelter and supportive housing. Notably, Freedom Commons represents the first known instance of a PHA engaging in a re-entry housing project.

In November 2013, the New York City Housing Authority ("NYCHA"), in partnership with the Vera Institute of Justice, the Corporation for Supportive Housing, the New York City Department of Homeless Services, DOCCS, the New York City Department of Correction, and 13 re-entry service providers, instituted a pilot Family Reentry Program, working to allow up to 150 carefully screened individuals to return to live with their families in NYCHA housing upon release from prison. Individuals were required to engage in various types of programming designed to alleviate reentry barriers and reduce recidivism. The program was an innovative response to the dire housing needs of individuals returning to the New York City area from state prison. While it succeeded in some respects, providing stable housing for people who very much needed it and reducing their otherwise expected rates of recidivism, the Program was able to help fewer individuals than anticipated.¹⁵⁸

2. Summary of Recommendations to Diminish Barriers to Public Housing

SHA and NYCHA are examples of PHAs that have programs designed to allow people with past criminal justice involvement to live in public housing. But these programs have not been enough¹⁵⁹; nor have HUD's letters and guidance to PHAs since 2011 encouraging acceptance of formerly incarcerated people. Thus, we reiterate and supplement the recommendations this Association set forth in its two previous re-entry reports.

As stated in the 2006 report, we urge Congress to undertake a wholesale review and revision of laws and regulations that require or permit PHAs to screen out people with conviction histories.¹⁶⁰ With the recently enacted First Step Act, Congress has shown a willingness to re-examine "tough on crime" laws and policies that have dramatically increased the number of people in prison and jails and have made it harder for people to return to their communities and access the

¹⁵⁸ U.S. Department of Housing and Urban Development, *PD&R Research Partnerships*, September 2017, available at <https://www.huduser.gov/portal/sites/default/files/pdf/NYCHAevaluation-Sept-2017-updated.pdf>.

¹⁵⁹ For example, the NYCHA Family Reentry Program had only 108 participants as of 2017, more than three years after it started. *Id.*

¹⁶⁰ See *Re-Entry and Reintegration*, *supra* note 2, at 420 (recommending that Congress "undertake a wholesale review and revision of the barriers to federally subsidized housing for people with criminal records").

essential features of a law-abiding and dignified life in the community.¹⁶¹ Now is the time to urge Congress to take the next step and to eliminate the needless barriers to housing and family reunification currently erected by public housing laws and regulations.

Until the federal law is changed, all PHAs in New York should be required to implement the HUD letters and guidance urging them to eliminate all outright bars to public housing for people with prior convictions (except where required by law), and to develop policies and practices that give PHAs discretion to allow people with past convictions to reside in public housing. In developing rules and policies that rely on discretion rather than outright bars to consideration of people with convictions, PHAs should implement the following principles:¹⁶²

- Other than the two permanent bars mandated by federal law, PHAs should not have any mandatory or permanent bars to living in public housing. Instead, there should be an individualized consideration of each applicant.
- Not all crimes should be considered. Only those type of offenses that PHAs are required by law to consider and those that are directly related to a person's tenancy should be considered. PHAs should not be permitted to have vague standards, such as "crimes indicating that an applicant may be a negative influence," etc.
- Crimes that are not recent should not be considered. In assessing recency, PHAs should consider the date of the offense, and not the date of conviction or the date of release from incarceration.
- PHAs must consider and give ample weight to mitigating information, including but not limited to a person having been awarded a Certificate of Relief from Disabilities or a Certificate of Good Conduct. Mitigating information should also include an applicant's good conduct and achievements while incarcerated.

Additionally, all PHAs in New York should refrain from using arrests as a reason for adverse housing decisions, as required under the 2015 HUD Guidance. In New York, these are arrests that resulted in a disposition favorable to the arrested person, and thus should be or are sealed pursuant to CPL § 160.50, § 160.55, convictions sealed pursuant to § 160.58, § 160.59, and arrests that resulted in a Youthful Offender adjudication pursuant to CPL § 720.35.

Finally, we recommend a comprehensive review of the policies and practices of all the PHAs in New York to assess the extent to which they have implemented the HUD Guidance prohibiting them from using arrest records in housing decisions and replacing outright bars to public housing with an individualized approach to decision-making.

¹⁶¹ The First Step Act was signed into law on December 20, 2018. Pub. L. No. 105-276, 112 Stat. 2640. For a summary of its provisions, see Van Jones & Jessica Jackson, *10 Reasons to Celebrate the First Step Act*, CNN, Dec. 21, 2018, <https://www.cnn.com/2018/12/21/opinions/ten-reasons-to-celebrate-first-step-act-jones-and-jackson/index.html> (last visited Feb. 24, 2019).

¹⁶² Many of these principles are set forth in Tran-Leung, Schriver Center, *supra* note 111.

3. Private Housing Barriers

When access to public housing is denied, many people released from prison and jail must turn to the private sector. But here again they face barriers to safe and stable housing. A major barrier is the stigma attached to having a criminal conviction history. Many private landlords screen rental applicants for past convictions and deny housing to people with a criminal record. As former HUD Secretary Julian Castro said during an April 2016 speech:

The fact that you were arrested shouldn't keep you from getting a job, and it shouldn't keep you from renting a home...But right now, many landlords use the fact of a conviction – any conviction, regardless of what it was for or how long ago it happened – to indefinitely bar folks from housing opportunities.¹⁶³

This Association's 2006 report on re-entry and reintegration also detailed the problem of private landlords screening for past convictions, stating as follows:

Private landlords and non-profit housing developers often inquire into individual's background and deny housing to those with criminal records. Landlords can access such information without the applicant even knowing. Criminal convictions are often listed in commercial credit reports, or can be easily accessed through the Office of Court Administration statewide criminal record search, the Department of Correction inmate locator, or background checks conducted by private agencies. These records are often rife with bureaucratic errors, such as listing arrests that resulted in dismissals or non-criminal convictions that should be automatically sealed, including incomplete entries of cases that were disposed of, or reporting data that is completely erroneous. Human Rights Watch reports that private landlords are following the lead of public housing authorities in denying housing to those with criminal records and their family members, effectively eliminating access to housing altogether.¹⁶⁴

As stated above, in 2016 HUD issued guidance warning landlords – including private landlords – that denying housing to people with conviction histories can have a discriminatory impact, and thus violate the federal Fair Housing Act. It is unclear the extent to which this guidance has impacted the behavior of private landlords. Currently, New York's Human Rights Law (set forth in Executive Law § 296) does not restrict or limit landlords from making adverse housing decisions based on conviction histories.

During the November 9, 2018 Open Meeting, Marta Nelson, Executive Director, New York State Council on Community Re-entry and Reintegration, spoke of the value of having legislation that would prohibit landlords from needlessly discriminating against people with past convictions. While such legislation does not yet exist in New York, Governor Cuomo has promulgated guidance for the New York State Housing Finance Agency, which is administered by the Fair and Equitable Housing Office at the Department of Homes and Community Renewal.

¹⁶³ The White House & U.S. Department of Justice, *supra* note 152, at 51.

¹⁶⁴ See *Re-Entry and Reintegration*, *supra* note 2, at 221-22 (citations omitted).

Specifically, with regard to criminal convictions, state-funded housing providers may only consider convictions or pending arrests, and with regard to these:

- The housing provider may only consider convictions or pending arrests for offenses that involved physical danger or violence to persons or property or that adversely affected the health, safety and welfare of other people.
- Even where convictions for such offenses exists, those convictions cannot be an automatic bar to the applicant being selected for housing. The housing provider must do an individualized assessment of all applicants.
- In this assessment, no one factor can be considered in isolation; the interplay between the factors must be taken into account (e.g. a reviewer may look for stronger evidence of rehabilitation if an applicant has a more serious crime).
- When conducting a background check of an applicant, the housing provider must use a reputable background check company. Further, the housing provider must comply with the requirements of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et. seq.*
- The housing provider must supply the applicant with an application that includes information that explains the procedures and policies with regard to background checks, the applicant's right to review, contest, and explain the information contained in the background check, and the applicant's right to present evidence of rehabilitation.
- These guidelines must be followed by anyone who determines tenant eligibility, including, but not limited to, case managers, project managers, clerks, or independent contractors.¹⁶⁵

The State has provided comprehensive guidance on implementation of this anti-discrimination policy, including a webinar and worksheet materials for housing providers and applicants.¹⁶⁶ It is not clear if data is being maintained on the number of applicants with conviction histories who have been screened, and of these, how many were denied housing versus the number admitted. This data would be helpful in assessing if the policy in practice promotes access to housing for people with past convictions.

¹⁶⁵ See New York State Homes & Community Renewal, *Guide for Applying New York State's Anti-Discrimination Policies When Assessing Applicants for State-Funded Housing Who Have Criminal Convictions*, May 2016, available at http://www.nyshcr.org/AboutUs/Offices/FairHousing/GPCC_Guidance_Document.pdf. This State policy is promulgated in 9 NYCRR §1627.72; New York State Homes & Community Renewal, Section 8 Administration Plan, §1.09.02 (July 2015 Revision); New York State Housing Finance Agency, Fair Housing and Tenant Selection Guidelines, §4.1.2.3. (July 2015 Revision), available at <http://www.nyshcr.org/Forms/MultifamilyOwners/1613.pdf>; New York State Homes & Community Renewal, Management Bulletin Memorandum 2016-B-04 (Apr. 20, 2016), available at <http://www.nyshcr.org/AboutUs/Offices/HousingOperations/2016-B-04.pdf>; and New York State Homes & Community Renewal, Capital Programs Manual § 7.05 (September 2016), available at <http://www.nyshcr.org/Publications/CapitalProgramsManual/CapitalProgramsManual-2016-09.pdf>.

¹⁶⁶ See New York State Homes & Community Renewal, *Affirmative Fair Housing Marketing Plan*, <http://www.nyshcr.org/AboutUs/Offices/FairHousing/GPCC.htm> (last visited Feb. 26, 2019).

Another barrier is, of course, the reality that most people being released from prison and jail have limited or no financial resources, and often must rely on public assistance until they can secure employment. As previously discussed, for single adults who do not have children in their care, there is a 45-day waiting period from the date of application before the public assistance application can be approved.¹⁶⁷ During this time, a person may be eligible for short-term emergency housing which in many communities include shelters and hotel or motel rooms. A 2016 audit by the New York State Office of the State Comptroller assessing 200 emergency shelters and 187 hotels and motels located in 48 different counties found the following:

While many facilities were able to provide “adequate” living conditions (*i.e.*, basic level of habitability), risks to health, personal safety, and fire safety were pervasive. Despite our communities’ best efforts, there continue to be pockets of deficient – and sometimes squalid – properties that pose persistent dangers to the health and safety of this already vulnerable population. Further, the facilities that we visited often indicated that they face an uphill battle in terms of facility maintenance and upkeep – in some cases because of funding, but in others simply by virtue of the transient and temporary nature of the population they serve.¹⁶⁸

Thus, emergency housing does little to promote a person’s successful reintegration into the community and instead potentially exposes recently released people to unsafe and volatile situations. As stated previously, local social services districts can accept public assistance applications from people who are soon to be released, thereby abbreviating the 45-day waiting period. But not all local social services districts have done so, and even where they have (as in Onondaga County) it seems that DOCCS is not notifying soon-to-be-released people that they can apply prior to their release, and how to do so.

Jeff Pryor, the Broome County Re-Entry Task Force Director, provided a bleak picture of what happens when people are released from prison or jail without a stable housing situation, either because they have no family or support network with whom they can live, or because the PHA rules prohibit them from living with these family and supports. In such situations, people are released to a homeless shelter. They then must go in-person to the local DSS office to apply for emergency housing and for public assistance. During the 45-day wait, they may be eligible for some form of short-term emergency housing, whether it is a shelter or a hotel or motel. People remain in this emergency housing until their public assistance application is approved. However, the public assistance grant is usually insufficient to pay for decent housing. For example, in Broome County, the grant is \$401 per month, with the expectation that \$268 will be used for housing and the rest for food, clothing, and other needs. Mr. Pryor noted that typically all or nearly all the \$401 is needed to pay for housing, as there is virtually no rental housing available in

¹⁶⁷ See Social Services Law § 153(8) (providing that “state reimbursement shall not be made for any expenditure made . . . for any home relief payment made for periods prior to forty-five days after the filing of an application unless the district determines pursuant to department regulations that such assistance is required to meet emergency circumstances or prevent eviction”).

¹⁶⁸ Office of the State Comptroller, *Homeless Shelters and Homelessness in New York State: An Overview, Exclusive of New York City*, June 2016, at 2, available at <https://www.osc.state.ny.us/audits/allaudits/093016/16d3.pdf>.

Broome County for \$268 per month. Even when most of the monthly grant is used for rent, the housing available is of substandard quality and very poorly maintained.

Thus, people who must rely on public assistance for housing are susceptible to residing in substandard housing. This is especially true for people being released from prison and jail, who also face the stigma attached to having a conviction history. Indeed, during the November 9, 2018 Open Meeting, several meeting participants noted that all too often, people being released from prison or jail end up living in unsafe and barely habitable housing. They emphasized that this housing situation is demoralizing for people who are trying to put their lives back together after spending time in jail or prison.

In New York City, the particular vulnerabilities of recently released people has resulted in the proliferation of three quarter houses, known also as “transitional homes” or “sober homes.” As described in this Association’s 2016 re-entry report:

Three Quarter Houses ... are usually small buildings operated by private individuals or entities, some of which claim to provide transitional housing to help individuals get back on their feet. Although they hold themselves out as providing services, they have no license or government funding to provide services, and residents quickly discover that no services are provided. Three Quarter Houses often pressure residents to sign purported waivers of their rights as tenants. Most notably, these waivers say that residents can be ejected from the house with no notice. Although courts have held that these waivers are unenforceable contracts of adhesion, the waiver provisions often convince residents and law enforcement that residents can be evicted at any moment for any reason.

Many of the houses have dangerous conditions, including extreme overcrowding and other fire and building code violations. An analysis of building code violations for 317 known Three Quarter House addresses revealed that 88% had a building code complaint between 2005 and 2012 that resulted in at least one violation or stop-work order by the New York City Department of Buildings. Lacking qualified staff to provide supportive services, many residents find that Three Quarter Houses fail to maintain safe, healthy environments.¹⁶⁹

The problem with three quarter housing was recently illuminated by a high-profile conviction. On January 8, 2019, New York State Attorney General Letitia James announced the conviction of a director of a three-quarter housing program, Robert H. Corrado, and the program he oversaw, Interline Employee Assistance Program, Inc., for engaging in a systematic kickback scheme and violating patients’ rights. This conviction stemmed from a 2017 indictment by the Attorney General’s Medicaid Fraud Control Unit. Since 2015, the Attorney General’s Medicaid Fraud Unit has investigated Three Quarter Houses and have brought down three groups of fraudulent housing and treatment providers, including Narco Freedom, the Baublitz Group, and Interline Employee Assistance Program. In her announcement of the conviction of Mr. Corrado, Attorney General James noted that three quarter houses exploit “individuals struggling with homelessness and substance abuse in order pad their bottom line... This series of investigations

¹⁶⁹ New York State Bar Association, *Report of the Special Committee on Re-Entry*, *supra* note 3, at 69.

disrupted a dismal culture where housing was used as bait for the most vulnerable New Yorkers just to have an excuse to bill Medicaid.”¹⁷⁰

4. Summary of Recommendations to Diminish Barriers to Private Housing

The reliance on three quarter houses in New York City and other substandard rental units in upstate communities as shelter for recently released people is unacceptable, and undermines released peoples’ chances of successfully reintegrating into their communities. One way to reduce the vulnerabilities to substandard housing that people with conviction histories face is to provide such individuals legal protections from needless housing discrimination. New York’s Human Rights Law (set forth in Executive Law § 296) has long protected people with past convictions from unnecessary employment discrimination. The law has also protected people from having arrests that resulted in favorable dispositions from being considered in decisions about employment, credit, and insurance. Thus, we support and applaud the amendment to New York’s Human Rights Law in the 2019-2020 New York State Budget which builds in protections for people with past convictions who seek safe and stable housing.

The New York State 2019-2020 Budget amends Executive Law § 296(16) to make it an unlawful discriminatory practice for private landlords and public housing authorities to consider a sealed arrest or conviction in making decisions about housing. Doing so is consistent with the 2016 Guidance issued by HUD stating that public and private landlords should not use arrests as a reason for an adverse employment decision. In this regard, we applaud Governor Cuomo for making this a reality in his 2019-2020 Budget. Specifically, in Part II, Subpart O of the budget, the Human Rights Law § 296(16) is amended to include “housing” thereby prohibiting private landlords and housing authorities from considering sealed arrests and convictions in making housing decisions. We also applaud the amendment in the 2019-2020 Budget which should ensure that stale prosecutions (arrests that have not been prosecuted or have been dismissed) are not used against people for civil purposes. Specifically, in Part II, Subpart L of the 2019-2020 Budget, a new section is added to the Executive Law, § 845-c, which protects people from having stale prosecutions, or “undisposed cases”¹⁷¹ revealed on a criminal history report conducted for civil purposes. Together, these two proposals go far in ensuring that arrests that did not lead to convictions and sealed convictions are not used against people when they seek housing.

The Human Rights Law should also be amended to prohibit discrimination against people with past convictions who are seeking housing. However, because housing is such a basic, critical need, great care should be taken in crafting such anti-discrimination legislation to ensure that it does not unwittingly give landlords and housing authorities permission to deny people housing in a wide array of circumstances. Governor Cuomo’s promulgated guidance for the New York State Housing Finance Agency, which is administered by the Fair and Equitable Housing Office at the Department of Homes and Community Renewal, may be a model. Before using it as a framework for anti-discrimination legislation, information should be obtained about how this guidance has

¹⁷⁰ See Press Release, Attorney General Letitia James, Attorney General James Announces Conviction Of “Three-Quarter House” Director Charged With Defrauding Medicaid Through A Kickback Scheme (Jan. 8, 2019), available at <https://ag.ny.gov/press-release/attorney-general-james-announces-conviction-three-quarter-house-director-charged>.

¹⁷¹ The proposed legislation defines an “undisposed case” as an arrest in which there is no recorded conviction or warrant, and on which there has been no court action for five years or more.

worked in practice, including the number of people denied housing under this guidance and the reasons for the denial.

C. Barriers to Federally Funded Permanent, Transitional and Supportive Housing

The primary source of federal funding for long term solutions to homelessness is the Continuum of Care (“CoC”) program. According to HUD, “the CoC Program is designed to assist individuals (including unaccompanied youth) and families experiencing homelessness and to provide the services needed to help such individuals move into transitional and permanent housing, with the goal of long-term stability.”¹⁷² HUD started the CoC program “in 1994 as a unified plan to help [communities] address the problems of housing and homelessness in a coordinated, comprehensive, and strategic way... Today, CoCs track the homeless population in their area and manage the services and resources that make up the homeless assistance systems.”¹⁷³

Fifty-nine New York counties participate in a total of 26 CoC coalitions, which manage federal funding to address homelessness.¹⁷⁴ CoC coalitions prioritize permanent and supportive housing solutions for people who are deemed to be “chronically homeless.” Unfortunately, under the current definition of “chronically homeless,” people who have been incarcerated for more than 90 days are excluded because they are deemed to have experienced a break in homelessness.¹⁷⁵ Thus, all people being released from prison and many from local jails are ineligible for the housing programs funded by CoC coalitions. Kelly Gonzalez, CCA’s Deputy Director, succinctly summarized the impact this definition of chronically homeless has on people being released from incarceration:

People who arguably will have a more difficult time coming out of long term incarceration and securing housing themselves wind up having to languish in shelters or on the street if the only permanent housing programs rely on [the HUD definition of chronic homelessness] to pull individuals from the waiting list.¹⁷⁶

Thus, unless and until Congress changes this definition of chronic homelessness, people being released from prison and jail will be at a disadvantage in accessing federally subsidized transitional, supportive, and permanent housing programs. It also means that programs that are committed to providing permanent and supportive housing solutions to people being released from prison and jail may not be able to access this significant source of federal funding.

¹⁷² See U.S. Department of Housing & Urban Development, *Continuum of Care (CoC) Program Eligibility Requirements*, HUD Exchange, <https://www.hudexchange.info/programs/coc/coc-program-eligibility-requirements/> (last visited Feb. 26, 2019).

¹⁷³ Office of the State Comptroller, *Homeless Shelters and Homelessness in New York State: An Overview, Exclusive of New York City*, June 2016, at 5, available at <https://www.osc.state.ny.us/audits/allaudits/093016/16d3.pdf>.

¹⁷⁴ *Id.* Only Essex, Herkimer and Tioga counties do not participate in CoC coalitions, rendering these counties less likely to obtain federal funding to address homelessness.

¹⁷⁵ See 42 U.S.C. 11360(9)(b).

¹⁷⁶ Email from Kelly Gonzalez, Deputy Director, Center for Community Alternatives, to a member of this Task Force (October 2014) (on file with a member of this Task Force).

Accordingly, we urge Congress to amend the definition of chronic homelessness in 42 USC § 11360(2) to state that people in jail and prison who have insufficient financial resources to pay for stable housing upon release are deemed to be “chronically homeless.” In the meantime, CoC coalitions should use their discretion whenever possible to make federally funded transitional, supportive, and permanent housing solutions available to people being released from prison or jail.

D. County Observations

In Appendix D, we set forth observations from the following counties: Wyoming, Albany, Schenectady, Rensselaer, Onondaga, Broome, Franklin, Westchester, Brooklyn, Queens, the Bronx, Manhattan, Nassau and Suffolk. These observations are based on information we obtained during the November 9, 2018 Open Meeting, internet searches, email exchanges and phone interviews with service providers and jail staff, and some limited data provided to us by providers and jail staff. Although a formal letter was sent to each jail in the seventeen counties of our focus requesting information about their programming, very few provided formal responses. Therefore, the observations incorporated herein do not reflect a detailed survey or comprehensive information from the counties. Still, there were three themes that consistently emerged from our investigation and interviews:

I. There is a dearth of affordable housing, and public assistance grants are insufficient to pay for the limited housing that is available.

As was stated in this Association’s 2016 report on re-entry:

New York State faces an affordable housing crisis and has the fifth highest housing costs in the nation. The affordable housing crisis is affected by price as well as supply (which in turn affects price). Wage earners are enduring an ongoing, decades’ long stagnation in wages while the cost of renting has steadily and precipitously climbed over the past twenty years.¹⁷⁷

Providers in the various counties we interviewed consistently told us that there is not enough safe and stable affordable housing to meet the need, and that there are long waiting lists to access public housing. They also reported that the public assistance grant in each county is insufficient to pay for safe and stable housing, and that many people who must rely on this grant are able to live only in housing that is unsafe or in squalid condition.

The issue of having a sufficient number of affordable housing units in each county is a complex issue beyond the scope of this Task Force. However, the State can and should take steps to ensure that public assistance grants are sufficient to pay for safe and stable housing. Accordingly, we recommend that OTDA review the public assistance grant awards allowed in

¹⁷⁷ New York State Bar Association, *Report of the Special Committee on Re-Entry*, *supra* note 3, at 64 (citing Office of the State Comptroller, *Housing Affordability in New York State*, March 2014, at 16-17, available at https://www.osc.state.ny.us/reports/housing/affordable_housing_ny_2014.pdf, and the National Low Income Housing Coalition, *Out of Reach 2014*, at 13, available at <https://web.archive.org/web/20180207063609/http://nlihc.org/sites/default/files/oor/2014OOR.pdf>).

each county to ensure that the grant award provides a sufficient amount of money to allow a person to rent safe and stable housing.

- 2. In most counties, there is a patchwork of housing options for people being released from prison or jail. This patchwork includes shelters, emergency housing, treatment facilities, and some transitional housing options run by non-profit organizations. Generally, counties have no or very limited housing options designed specifically for people being released from incarceration.**

What emerged as the most pronounced feature of housing options for re-entering people in the counties we surveyed was the patchwork-nature of these options, with no county having a comprehensive, targeted approach to ensuring access to safe and stable housing for people being released from prison or jail. Coupled with the lack of pre-release planning while in prison or jail, this means that many too many people end up being released to shelters or emergency housing.

A few larger counties have some housing options specifically for re-entering people. For example, in Buffalo (Erie County), Peaceprints WNY has a Re-Entry and Housing program that includes a 120-day transitional residential program, a supportive housing program for men, and some independent living apartments for people who have some limited form of income. And, in Rochester, New York (Monroe County), Saving Grace Ministries of Rochester provides 120-day transitional housing for returning men, while Spiritus Christi runs Nielson House, a halfway house for returning men who are willing to undergo a chemical dependency and mental health evaluation. But for all of these housing programs, funding is fragile and capacity is severely limited. As previously stated in Section I, A, many of these programs have bolstered their capacity through the limited DOCCS funding available for community based transitional housing.

A model housing program for people being released from prison or jail is the Fortune Society (discussed previously). Based in New York City, the Fortune Society has three housing programs for returning citizens: 1) The Fortune Academy, located in West Harlem, which is a safe, rehabilitative community for people coming home from incarceration that provides regular case management and assists residents with an array of needs, including gaining and maintaining stable housing and employment, substance use treatment and recovery, financial planning and management, and family reunification; 2) The Castle Gardens, which is adjacent to The Fortune Academy in West Harlem and which is a mixed-use, supportive, and affordable residential development and service center in an environmentally sustainable building. It provides long-term housing solutions for justice-involved individuals facing homelessness and their families, as well as low-income individuals and families from West Harlem and the greater New York area; and 3) The Scattered-Site Housing Program, in which Fortune staff serve as mediators between landlords and tenants, ensuring homeless, formerly incarcerated individuals living in neighborhoods across the five boroughs of New York City have access to safe, stable, and affordable housing. As previously discussed in this report, the Fortune model is being replicated in Syracuse (Onondaga County) via a joint project between the Syracuse Housing Authority and CCA, with technical assistance from Fortune. While an ideal model for supportive re-entry assistance to people coming home from prison, neither Fortune nor the new program in Syracuse have the capacity to serve everyone who needs these programs.

While the forgoing are examples of housing that is designed for people coming home from prison or jail, none of these programs has the capacity to serve everyone who is returning to the community from prison or jail and who needs housing. Moreover, the funding for many of these programs is fragile. These programs are just one part of the patch-work approach to housing for re-entering people that exists in all communities.

3. There was agreement amongst those with whom we spoke of the need for a more structured and supportive approach to re-entry.

People being released from prison and jail have unique housing needs. Normally, people with a history of chronic homelessness have experienced a lack of structure in their lives. In contrast, incarceration is an intensely structured environment that deprives people of personal autonomy.¹⁷⁸ As one incarcerated person has stated: “I can’t remember the last time I had to make a major decision ... for myself. I grow nervous just imagining the prospect.”¹⁷⁹ People being released from prison need to adjust to having more personal autonomy and far less structure than they experienced while in prison.

Several people we interviewed for this report identified the need for a “step-down” approach to release. This was discussed during the November 9, 2018 Open Meeting, and in his discussions with a member of this Task Force, Jeff Pryor, Chair of the Broome County DCJS Re-entry Task Force identified this as a need, stating: “There is a need for good, transitional, stabilization housing.”

There are various models available for a more supportive and structured approach to re-entry. In the federal system, for example, the Bureau of Prisons (“BOP”) contracts with residential re-entry centers, commonly called halfway houses, “to provide assistance to inmates who are nearing release.” These halfway houses “provide a safe, structured, supervised environment” and other supportive services to “help inmates gradually rebuild their ties to the community” while being supervised during their readjustment from prison.¹⁸⁰

In New York, the Temporary Release Program (commonly called “work release”), provides a supportive, structured transition from prison to the community. Set forth in NY Correction Law Article 26 (NY Correction Law §§851- 854), the Temporary Release Program allows people who are within two years of release to leave the prison to engage in work and education. The program has great potential to assist imprisoned people successfully transition from prison to the community, while simultaneously enhancing their ability to obtain housing.¹⁸¹ Temporary Release provides for a structured transition from incarceration to life in the community, helping participants to develop the work, educational, and basic life management skills they need to become law-abiding, contributing members of their communities. While in the Temporary Release Program, participants earn a taxable income, but are required to set aside a percentage of this

¹⁷⁸ See Section I, Subsection A, which discusses the correctional environment.

¹⁷⁹ Metcalf, *supra* note 39.

¹⁸⁰ Federal Bureau of Prisons, *Residential Reentry Management Centers*, https://www.bop.gov/about/facilities/residential_reentry_management_centers.jsp (last visited Feb. 26, 2019).

¹⁸¹ See generally Patricia Warth & Alan Rosenthal, *How New York Could Save Millions: The Potential Cost Savings and Public Safety Benefits of the Temporary Release Program*, 2009, Center for Community Alternatives, Justice Strategies Initiative, available at <http://www.communityalternatives.org/pdf/TemporaryReleasePolicyPaper.pdf>.

income into their DOCCS inmate account, which is returned to them upon their eventual release from prison. Thus, people who participate in the Temporary Release Program leave prison with significant savings, which can be used to pay for housing. Additionally, because people in the program are out in the community working, they establish community connections and pro-social networks that enhance their ability to secure appropriate housing. Unfortunately, because of an Executive Order that was issued in 1995, the eligibility for the Temporary Release Program has been severely restricted. At its peak in 1994, 27,937 prisoners participated in the Temporary Release program; by 2016, only 1,244 prisoners participated in the program.¹⁸²

There are also community-based options that provide supportive housing for people upon their release from prison. For example, this Association's 2016 report on re-entry described the FUSE Program in New York City.¹⁸³ The Fortune Society's Academy and Castle Gardens, as discussed above, is yet another model. This mixed-use housing program not only assists people in identifying long-term housing solutions but it also provides supportive services, including access to assistance in employment, access to re-entry (rights restoration) services, and group counseling. Perhaps what works so well for Fortune, however, is the emphasis on people with past convictions as having the expertise, experience and commitment to guide recently released individuals through the process of reintegrating into the community.

Recognizing that there is no "one-size-fits-all" solution, this Task Force recommends that the State adopt various strategies for a more supportive, structured approach to release from incarceration. DOCCS should expand eligibility for the Temporary Release Program (most commonly called work release or educational release). The 1995 Executive Order, which has been continued and expanded with every Governor since, should be rescinded and steps should be taken to revitalize and restore the Temporary Release Program so that it can realize its potential in helping people successfully transition to the community.

The State should provide housing stipends to people for a period after their release from prison.¹⁸⁴ These stipends can be used for the person to pay for housing in the community, or to supplement the household income of a family that is willing to take the person in upon release.¹⁸⁵

Lastly, the State should provide the resources needed to develop and provide transitional, supportive, and permanent housing to people being released from prison and jail who need housing. In so doing the State should utilize "an approach that takes into account and addresses specific re-entry challenges" (e.g., seniors, women seeking to reunify with children, LGBT).¹⁸⁶

¹⁸² See *Id.*; see also DOCCS, *Temporary Release Annual Report: 2016*, at 3, available at <http://www.doccs.ny.gov/Research/Reports/2016/TempReleaseProgram2016.pdf>.

¹⁸³ See *Report of the Special Committee on Re-Entry*, *supra* note 3, at 71-72.

¹⁸⁴ See New York State Bar Association, *Special Committee on Collateral Consequences of Criminal Proceedings, Re-Entry and Reintegration*, *supra* note 2, at 258.

¹⁸⁵ See Testimony by Elizabeth Gaynes, President & CEO, Osborne Association, *supra* note 142, ("Affordability of existing housing options is also problematic. While we support the continuation and expansion of various Section 8, SEPS, HASA and other voucher programs designed to assist people to access permanent housing, we believe that a less expensive solution for many is being ignored: SUPPORTING FAMILIES WHO WELCOME PEOPLE HOME." (Emphasis in original.)). Ms. Gaynes' proposal for financial support to families is modeled after the Kinship Foster Care program; she calls it the "Kinship Re-Entry Housing" program. *Id.*

¹⁸⁶ See *Id.*

V. EDUCATION

Some ask why we should spend any money on educating incarcerated individuals. The answer is clear. Education is the most effective tool we have to change the life path of incarcerated persons and positively impact their chances of successful reintegration. By reducing recidivism, education saves money and increases public safety. Education is the cornerstone in the effort to alter criminogenic behavior, provide incentive and enhance the skills and drive necessary to successfully re-enter and reintegrate into the community.¹⁸⁷ However, for education to make a difference, it must be provided by qualified, dedicated and empathetic people.

According to a 2016 RAND study, in 2013 there were over 2.2 million individuals incarcerated in the United States.¹⁸⁸ Of this population, a third never complete their high school education and few learn any new life skills that enable them to integrate into society. However, the study also found that, of individuals who participated in any kind of education during incarceration, up to 43 percent were less likely to reoffend and return to prison.¹⁸⁹ Investing in education during incarceration allows incarcerated persons a means of escaping the cycle of recidivism by engaging in personal growth and development and provides the State a significant return on its investment in the name of public safety.

It is far less expensive to provide educational services in prison than to incarcerate someone. Multiple studies have demonstrated the cost effectiveness of providing education in terms of dollars and public safety.¹⁹⁰ Investing in educational and vocational programs for the incarcerated population benefits the people being educated and their communities upon their release. As one individual noted, “[c]ommitting a crime and being a part of a crime doesn’t mean you’re still a criminal today . . . I’ve come to terms with my crimes. [College programming] helped me become the best person I can be so I don’t have to go down that route again.”¹⁹¹

Education is not only a cost-savings mechanism that helps reduce crime, it also positively impacts the lives of incarcerated persons in prison and when they return to their communities. In prison, educational programs produce “mature, well-spoken leaders who have a calming influence on other [incarcerated people] and on correction officers; and communicat[e] the message that

¹⁸⁷ Jack Bush, *To Help a Criminal Go Straight Help Him Change How He Thinks*, NPR, Jun. 26, 2016, <https://www.npr.org/sections/health-shots/2016/06/26/483091741/to-help-a-criminal-go-straight-help-him-change-how-he-thinks> (last visited Feb. 26, 2019).

¹⁸⁸ Doug Irving, *The Case for Correctional Education in U.S. Prisons*, RAND Rev., Jan. 3, 2016, <https://www.rand.org/blog/rand-review/2016/01/course-correction-the-case-for-correctional-education.html> (last visited Feb. 26, 2019).

¹⁸⁹ Lois M. Davis et al., RAND Corporation, *How Effective Is Correctional Education, and Where Do We Go from Here?: The Results of a Comprehensive Evaluation* 14 (2014).

¹⁹⁰ “At a cost of \$60,000 per year to incarcerate a single person compared with \$5,000 in annual tuition fees to educate them, Hudson Link’s programs have saved New York State taxpayers over \$21 million per year.” Hudson Link, *What We Do*, <http://www.hudsonlink.org/what-we-do/> (last visited Feb. 26, 2019).

¹⁹¹ Anthony Izaguirre et al., *Patchwork of Education Programs for NY Prisoners Who Want to Get Out and Stay Out*, City Limits, Jan. 17, 2017, https://citylimits.org/2017/01/17/patchwork-of-education-programs-for-ny-prisoners-who-want-to-get-out-and-stay-out/?utm_source=January+18%2C+2017+Eblast&utm_campaign=July+5%2C+2012+eblast&utm_medium=email (last visited Feb. 26, 2019).

society has sufficient respect for the human potential of incarcerated people.”¹⁹² Upon release, incarcerated individuals who come home with an education are able to become productive members of society and role models for their families. Gregory Brown, a student in the Hudson Link College program noted: “I believe education can mean the difference between a life of crime and a productive life. My educational level can influence whether my twin sons aspire to be criminals or whether they have the self-confidence to pursue occupations that challenge their minds.”¹⁹³ Educating incarcerated parents enhances their ability to change and mature which directly impacts the future of their children and, in turn, the future of their communities.

The following sections explore the changes that have occurred recently in the effort to provide education in prisons in New York, and the measures that should be taken to further expand these opportunities.

A. Education During Incarceration

Hundreds of studies have found that successful re-entry begins while a person is in prison; it may be too late to begin the process once a person is released.¹⁹⁴ Obtaining the necessary programming and treatment, education, medical and mental health care while incarcerated are all crucial factors to increasing the chances of successful reintegration upon release.

As early as 1994, the Federal Bureau of Prisons found that “there is an inverse relationship between recidivism rates and education. The more educational programs successfully completed for each six months confined, the lower the recidivism rate. For inmates successfully completing one or more courses per each six months of their prison term, 35.5 percent recidivated, compared to 44.1 percent of those who successfully completed no courses during their prison term.”¹⁹⁵

We have known this fact for decades. Over 50 years ago, in 1965, Congress passed Title IV of the Higher Education Act. This Act permitted incarcerated individuals to apply for financial aid through Pell Grants. In the 70’s, studies were conducted to determine the success rate of in-prison higher education programs by measuring the re-arrest rate and the formerly incarcerated person’s ability to obtain and maintain employment. The studies found that formerly incarcerated individuals with at least two years of college education had a 10% re-arrest rate compared to a national re-arrest rate of approximately 60%.¹⁹⁶

In 1993, the Texas Department of Criminal Justice undertook a study of recidivism rates (noting that the average recidivism rate in Texas was also 60%) and found that individuals with associates’ degrees had a recidivism rate of 13.7%, those with bachelor’s degrees a rate of 5.6%

¹⁹² Prison Studies Project, *Why Prison Education*, <http://prisonstudiesproject.org/why-prison-education-programs/> (last visited Feb. 21, 2019).

¹⁹³ *Id.*

¹⁹⁴ Alan Rosenthal & Elaine Wolf, *Unlocking the Potential of Reentry and Reintegration*, October 2004, available at http://www.communityalternatives.org/pdf/unlocking_potential.pdf.

¹⁹⁵ Miles D. Harer, Federal Bureau of Prisons, Office of Research and Evaluation, *Recidivism Among Federal Prisoners Released in 1987: A Preliminary Report*, Aug. 4, 1994, at 4, available at https://www.bop.gov/resources/research_projects/published_reports/recidivism/orepreprecid87.pdf.

¹⁹⁶ Alexandra Marks, *One Inmate’s Push to Restore Education Funds for Prisoners*, *Christian Science Monitor*, Mar. 20, 1997, available at <https://www.csmonitor.com/1997/0320/032097.us.us.4.html>.

and those with masters' degrees a recidivism rate of zero.¹⁹⁷ In 2013, DOCCS researchers examined the effect of prison-based college education on recidivism. The results of their study showed that the re-arrest rate for individuals who did not participate in prison-based college programs was 3.8 times greater than for those who successfully completed such programs (35.9% v. 9.5%).¹⁹⁸ The study concluded that prison-based college education lowers recidivism and in the process may affect crime and incarceration rates.

The salutary effects of providing prison-based college programming expand beyond reducing recidivism: it has also been found to improve the health of New York's communities as well as the safety and security of all people being held in prison or jail.¹⁹⁹ A 2015 assessment of prison educational programs found the following in-prison college education benefits:

- **The economy:** In-prison college education is a cost-effective investment in reducing crime and recidivism. A study on crime control strategies found that every \$1 million spent on building more prisons prevents about 350 crimes, but the same amount invested in correctional education prevents more than 600 crimes.
- **Local communities:** When students return to the community, they engage in lower rates of crime and have a higher level of civic engagement when compared to other formerly incarcerated people returning to the community.
- **Personal growth:** College teaches critical thinking skills that help people better understand the consequences of their actions. It also improves opportunities for getting a job, reuniting with family and finding a place in society.
- **Family:** For children of incarcerated persons, benefits of in-prison college education include improved parenting behaviors, higher family income, increased likelihood that children and family members achieve higher levels of education, and reduced likelihood that children experience behavioral problems and get involved in the criminal justice system themselves.
- **The prison itself:** for other people in prisons, college education improves relationships and reduces conflicts, resulting in a safer environment.²⁰⁰

Results such as these warrant a significant governmental investment in education programs in prison; unfortunately, federal and state governments have historically done just the opposite. In 1994, the U.S. Congress included a provision in the Violent Crime Control and Law Enforcement

¹⁹⁷ James Beard et al., *Proposal to Reduce Recidivism Rates in Texas*, Earl Carl Institute for Legal and Social Policy, 2003, available at http://www.tsulaw.edu/centers/ECL/pub_files/Criminal%20Justice/Recidivism%20Position%20Paper%20-%20PDF%5BFinal%5D.pdf.

¹⁹⁸ Ryang Hui Kim & David Clark, *The Effect of Prison-Based College Education Programs on Recidivism: Propensity Score Matching Approach*, 41 J. Crim. Just. 196 (2013).

¹⁹⁹ Human Impact Partners, *Turning on the TAP: How Returning Access to Tuition Assistance for Incarcerated People Improves the Health of New Yorkers*, May 2015, available at https://humanimpact.org/wp-content/uploads/2018/10/HIP_TAP_ExecSummary_final.pdf.

²⁰⁰ *Id.*

Act which denied incarcerated persons' access to federal Pell Grants.²⁰¹ New York soon followed suit in 1995 by taking away their access to Tuition Assistant Program ("TAP") grants.²⁰² As a result, a number of college prison programs were closed.²⁰³

1. Renewed Interest In Education As A Re-Entry Tool

A 2006 report from a NYSBA special committee entitled *Re-Entry and Reintegration: The Road to Public Safety* found that a variety of "collateral" consequences of a criminal conviction – consequences rarely spelled out in a criminal sentence – can have a profound and often negative effect on the ability of incarcerated individuals to re-enter society.²⁰⁴ Consistent with numerous prior studies, this report found a critical connection between education and recidivism rates. It acknowledged that DOCCS had set, as a goal, that every person released from incarceration have a high school diploma or its equivalent and the necessary skills to obtain a job. Yet, the report found that limited resources, poorly designed and executed prison programs, frequent transfers of inmates from one facility to another, and greater interest in short-term substance abuse and anger management treatment programs have sharply limited the effectiveness of in-prison education programs. The report also recommended that education be made available to all incarcerated persons until they have obtained a GED.

As referenced earlier, the 2016 report of NYSBA's Special Committee on Reentry²⁰⁵ made nine principal recommendations with respect to the following areas: diversion programs, pre-release planning, individualized assessment of collateral consequences, employment, education, housing, medical and mental health care and juveniles.²⁰⁶ The Special Committee suggested that the state use education as an alternative to incarceration, that prisons and jails should expand and improve available educational programs in prisons and jails, that New York State should restore TAP eligibility during incarceration and pass a "ban the box" statute with regard to college applications.²⁰⁷

2. Educational Programs Currently Available In DOCCS Facilities

In an effort to learn more about educational and vocational programs inside NYS prisons, the Task Force reached out to DOCCS with a number of questions, including questions about its screening process, the availability of various programs and the budget for certain educational programs. In response to our inquiry to DOCCS regarding the screening process, we learned that DOCCS evaluates each person entering its custody at reception by using a standardized test to determine his or her academic level. The test provides the baseline for that person's academic and vocational future at DOCCS. DOCCS' Directive 4804 states that "there are clear correlations between level of education and employment and between attainment of a high school diploma and reduced recidivism." In light of this, DOCCS' goal is that every person in its custody obtain a high school equivalency diploma prior to his or her release.

²⁰¹ 42 U.S.C. Ch. 136.

²⁰² Education Law § 661(4)(b-1)(v).

²⁰³ *The Last Graduation: The Rise and Fall of College Programs in Prison* (Zahn Productions 2008).

²⁰⁴ *Re-Entry and Reintegration*, *supra* note 2.

²⁰⁵ *Report of the Special Committee on Re-Entry*, *supra* note 3.

²⁰⁶ *Id.* at 4-5.

²⁰⁷ *Id.* at 5.

The individuals then go through an interview process where they are asked about their work history. If a person is not able to provide documentation that they have vocational training in a trade or employment, then vocational education is provided for them.

DOCCS provides academic education at levels for Adult Basic Education ("ABE"), Pre-High School Equivalency, High School Equivalency ("HSE"), English as a Second Language and Bi-lingual ABE and HSE classes. DOCCS provides these education programs at fifty facilities. Vocational education is available at forty-seven facilities, but only twenty-seven facilities have shops for vocational programming.

DOCCS reports that it relies on twenty-two different college providers to facilitate college programming in twenty-nine of its facilities. Each program offers courses for credit, to up to the level of a Master's degree. DOCCS did not provide a breakdown regarding how many programs are available at the different college and master's levels. DOCCS indicated that it currently offers programs in conjunction with the following colleges:

- North Country Community College
- Medaille
- Genesee Community College
- Cornell University
- Marymount Manhattan
- Jefferson College
- Siena College
- Columbia Greene Community College
- John Jay
- St Lawrence University
- Ulster County Community College
- Herkimer County Community College
- Mohawk Valley Community College
- Mercy College
- New York Theological Seminary
- Sullivan Community College
- St. Thomas Aquinas
- New York University

The DOCCS website lists a number of academic programs that are available to incarcerated persons:²⁰⁸

- Academic Outreach (known as cell study) (available at all general confinement facilities)
- Adult Basic Education (available at all general confinement facilities)
- Bilingual Program (available at most general confinement facilities)

²⁰⁸ DOCCS, *Program Services*, <http://www.doccs.ny.gov/ProgramServices/index.html> (last visited Feb. 26, 2019). *NB*: the drafters of this report reached out to DOCCS to request information regarding the educational and vocational programs available at the fifty-four DOCCS facilities across the State. However, at the time of publication of this report, DOCCS had not responded to our inquiry.

- College Programs (available at 21 of the 54 DOCCS facilities)
- High School Equivalency (HSE) (available at all general confinement facilities)
- Masters of Professional Studies (available at Sing Sing)
- Rising Hope, Inc. Program in Ministry and Human Services (available at Fishkill, Sing Sing and Woodbourne)
- Special Education Program (available at 14 of the 54 DOCCS facilities)
- Title I Program (available at three of the 54 DOCCS facilities)²⁰⁹

On the vocational front, the following programs are available:

- Barbering
- Braille Transcription & Large Print
- Building Maintenance
- Cabinetmaking
- Carpentry
- Commercial Arts
- Computer Information Technology & Support
- Computer Operator
- Computer Repair
- Cosmetology
- Culinary Arts
- Custodial Maintenance
- Drafting
- Electrical Trades
- Floor Covering
- General Business
- Heating, Ventilation and Air Conditioning
- Horse Handling and Care
- Horticulture
- Introduction to Technology
- Machine Shop
- Masonry
- Painting & Decorating
- Plumbing and Heating
- Printing
- Puppies Behind Bars
- Radio and Television Repair
- Sheltered Workshop/Paint Brush & Roller Fabrication
- Small Engine Repair
- Upholstery
- Welding²¹⁰

²⁰⁹ DOCCS, *Education (Academic)*, <http://www.doccs.ny.gov/ProgramServices/academic.html> (last visited Feb. 25, 2019), see also Appendix F ("Release Planning Program Information From DOCCS").

²¹⁰ DOCCS, *Education (Vocational)*, <http://www.doccs.ny.gov/ProgramServices/vocational.html> (last visited Feb. 25, 2019), see also Appendix F ("Release Planning Program Information From DOCCS").

While many of these vocational programs do provide some skill training to incarcerated individuals, long waiting lists, transfers of individuals from one prison to another, disciplinary sanctions and other issues often create barriers to enrolling and/or completing a program. According to DOCCS, people are placed on Required Program Lists based on their earliest release dates and programmed as soon as openings occur, in an effort to facilitate their completion of training programs. DOCCS noted that program availability is restricted due to capacity of classrooms and shops which cannot be exceeded, as well as the availability of resources. Completing a vocational program may not be enough to allow a person to pursue a trade on release from prison: in many instances, an occupational license is required, which requires further education and may be denied to persons who cannot demonstrate "good moral character."²¹¹

DOCCS reported that site visits to monitor their education and vocational programs are conducted yearly and audits for all academic and vocational programs are done every three years. The participants in academic programming are given the TABE test three times a year to monitor their progress and to use as a basis to move them to higher level classes. When a student reaches the High School Education level then he or she is eligible to take the Readiness Assessment which is a qualifier for the Test Assessing Secondary Completion ("TASC") and if the student passes in every subject area the student will earn his or her high school equivalency diploma. DOCCS reported that a person being released is tested to determine his/her educational and vocational level in an attempt to match that person with opportunities in the community. No statistics as to changes in a person's educational level or vocational abilities during his/her time in DOCCS were provided.

DOCCS reports that its entire education and vocational programming budget for non-personal services is \$2.2 million, but DOCCS did not provide a specific number as to what the total budget for education and vocational programming.

3. Education/Vocational Opportunities/Programs in the County Jails

Depending on the particular county, one may or may not have access to vocational and/or educational programs in a county jail. For instance, Westchester County Department of Correction (WCDOC), established in 1969, operates a 21-acre correctional complex in Vahalla, New York. In 2018, for the first time in the history of the correctional facility, WCDOC, in partnership with Manhattan College, began offering onsite college courses. "The program provides a pathway for students to pursue a bachelor's degree upon their release, at low- or no-cost to them or to taxpayers."²¹² The incarcerated individuals who participate in the Manhattanville College Program attend classes in the jail facility with non-incarcerated Manhattanville students and obtain college credits for their successful completion of the course which are transferable to all colleges. The individuals enrolled in these courses have access to laptop computers in the jail to enable them to be successful students.

In addition, WCDC partners with Pace University to provide "Parenting, Prison and Pups," an animal-assisted therapy program and with Sarah Lawrence College to provide "Mommy

²¹¹ New York State Department of Labor, *The Road to Re-Entry, Supplemental Guide*, 2014, available at <https://labor.ny.gov/workforcenypartners/toolkits/The-Road-to-Reentry-Supplemental-Guide.pdf>.

²¹² See Appendix E ("WCDOC Informational Flyer and Course Syllabi").

Reads," a literacy program as well as creative writing literature courses. The jail also offers educational programs for the incarcerated population which includes interactive journaling, cognitive behavioral therapy programs and art therapy classes. Some of these programs are offered through the jails partnership with Westhab and the Yonkers Nepperhan Community Center.

The WCDC offers a Linking Employment Activities Pre-Release ("LEAP") program in partnership with Westhab that provides individuals with a six to eight week life skills and job readiness course. This class prepares the participants to complete a vocational course and receive career guidance in the community upon their release from incarceration as well as providing people with a case management and employment placement program.²¹³ In the 2017-2018 reporting year, the WCDC LEAP program worked with one hundred participants in the jail. Eighty-four of those participants completed the program in the community by participating in vocational training courses or securing employment.²¹⁴

The Nepperhan Community Center facilitates a six week course in which incarcerated men and women work to identify and develop life skills such as job retention, interviewing skills and resume writing. In 2018, this collaboration began assigning each incarcerated participant to a case management service. This services then follows an individual's after his or her release by referring the person to the Nepperhan Community Center for education and employment services.

The education center at the Westchester County Jail has a contract with Board of Cooperative Educational Services (B.O.C.E.S.) which requires that the jail be provided a certain number of teachers for their High School Equivalency courses. The jail encourages individuals to stay at their facility until they complete high school or their high school equivalency course and obtain either a diploma or G.E.D. before being transferred to the DOCCS State Prison system. The jail works with the courts, defense attorneys and the District Attorney's office if necessary to accomplish this.

Similarly, the Wyoming County Jail and B.O.C.E.S have in place a Workforce Innovation and Opportunity Act federal grant that provides educational opportunities and re-entry services.

4. Special Education Services for Incarcerated Persons

Approximately 2,200 incarcerated New Yorkers are between the ages of 16 and 21. Many have heightened needs: incarcerated youth are three times more likely to be eligible for special education services than their counterparts who attend public school. Incarcerated youth who have unaddressed special education needs when they leave prison are less likely to have the skills they need to successfully transition back to the community. The Individual with Disabilities Education Act ("IDEA")²¹⁵ guarantees the right to a free and appropriate public education ("FAPE") for all individuals under the age of twenty who have either an intellectual and/or mental disability. As such, all county jails and DOCCS are required to provide special education services to any incarcerated youth in their custody with either type of disability. In response to our questionnaire

²¹³ See Akil Childs, *Tawan Frazier—Ain't No Mountain High Enough*, Westhab, Sept. 20, 2018, <https://www.westhab.org/tawan-frazier-aint-no-mountain-high-enough/> (last visited Feb. 25, 2019).

²¹⁴ See, e.g., *id.*

²¹⁵ 20 U.S.C. Ch. 33.

about how DOCCS identifies individuals who may need special education services, DOCCS noted that it relies on DOCCS Directive 4805 on Special Education Services, BETA²¹⁶ and TABE (Test of Basic Adult Education) standardized testing a person's history of special education services, Individualized Education Plans ("IEP") and self-reporting. Special education classes in DOCCS are taught by NYS Education Department certified special education teachers. DOCCS also informed the Task Force that if a person is placed in keeplock disciplinary confinement, protective custody, involuntary protective custody, or any other form of isolation, vocational programming is interrupted and academic education is continued through a Cell Study program.²¹⁷

Failure to provide these services can result in a court order requiring DOCCS or a local jail to provide the disenfranchised youth to compensatory educational services, including special education and related services, both of which can cost the State a significant amount of money. In the 2018-2019 \$472,971.00 from the General Education Budget was allocated to Special Education. In total, DOCCS has forty-five special education staff members to service the two hundred and ninety individuals in the State prisons that DOCCS has identified as eligible for special education services. DOCCS reports that sixteen of their facilities have special education staff on site, but that students can receive special education services at any/all DOCCS facilities.

B. Progress In Certain Areas

I. Ban the Box

Progress has been made in some areas. After years of activism by education and criminal justice policy organizations, including College and Community Fellowship and the Center for Community Alternatives, in 2016 the State University of New York ("SUNY") announced a major policy revision: the university system would be "banning the box," *i.e.*, eliminating questions about applicants' arrest and conviction history from the 2018 admissions application. However, there has been some criticism regarding the new policy because, upon a closer look, it appears the questions have not been banned, but instead, moved to another place in the application process. Now students must answer questions about past felony convictions if they seek on-campus housing or participate in internship, clinical, field or study abroad programs. The problem with this is that most colleges in the SUNY system require first year students to stay on campus and a large percentage of students either study abroad or engage in internships, or both. As such, as noted by William G. Martin, a professor of Sociology at SUNY-Binghamton: "while well-intentioned, the new policy all too easily renders the formerly incarcerated segregated, second-class students, excluded and alienated from normal student life and social rights."²¹⁸

²¹⁶ "The Army Beta 1917 is the non-verbal complement of the Army Alpha—a group-administered test developed by Robert Yerkes and six other committee members to evaluate some 1.5 million military recruits in the United States during World War I. The Army used it to evaluate illiterate, unschooled, and non-English speaking army recruits." *Army Beta*, Wikipedia, https://en.wikipedia.org/wiki/Army_Beta (last visited Feb. 27, 2019).

²¹⁷ "The Academic Outreach (Cell Study) Program provides instructions, tutoring services, and materials to inmates at all levels from literacy through college studies. The program is provided to inmates who are not enrolled in formal education programs due to inability to function in a regular classroom or facility needs/security reasons; or who are in 'limited access' areas of the facility (Hospital, SHU, RMU, RMHU, Protective Custody)." DOCCS, *Education (Academic)*, <http://www.doccs.ny.gov/ProgramServices/academic.html> (last visited Feb. 27, 2019).

²¹⁸ William G. Martin, *Did SUNY Ban the Box, Or Just Move It?*, *The Nation*, Oct. 25, 2016 available at <https://www.thenation.com/article/did-suny-ban-the-box-or-just-move-it/>.

NOTE: the above information applies to SUNY programs and colleges only. Late in 2018 it was announced that, starting in 2019, the Common Application – a single form that prospective students can use to apply to any college that uses it, including many private colleges across the country – would discontinue asking questions about applicants’ past arrest and conviction histories.²¹⁹ This change resulted from activism by civil rights organizations and members of Congress, and had its origins not only in successful employment-related “ban the box” movements, but was also affected by the SUNY decision.

2. Expanding In-Prison College Programs

On August 7, 2017, Governor Cuomo and Manhattan District Attorney Cyrus R. Vance, Jr. took an important step in putting Chief Justice Warren Burger’s words²²⁰ into action when they announced an award of \$7.3 million to fund educational programming and re-entry services at seventeen New York State prisons over the next five years. The “College-in-Prison Reentry Program” will create more than 2,500 seats for college-level education and training for incarcerated New Yorkers across the state. While this funding will provide education and training opportunities to only 5% of New York’s current prison population, it is a huge step in the right direction.

In announcing the new program, Governor Cuomo noted that “New York State currently spends \$60,000 per year on every prisoner in our system, and those who leave have a forty percent chance of ending up back behind bars.” Under the new program, it will cost the State less than \$3,000 to provide one year of college education per person. “Existing programs show that providing a college education in our prisons is much cheaper for the state and delivers far better results. Someone who leaves prison with a college degree has a real shot at a second lease on life because their education gives them the opportunity to get a job and avoid falling back into a cycle of crime,” said the Governor.²²¹

A study conducted by the Lumina Foundation found that two-thirds of job postings in the United States will require some level of education by 2020.²²² In light of all that we know regarding the fiscal, societal, safety and health benefits of providing an education to those we incarcerate, efforts should be made to continue expanding access to college prison programs by pushing for reinstatement of both Pell and TAP grants.

²¹⁹ See Alia Wong, *The Common App Will Stop Asking About Students’ Criminal Histories*, *The Atlantic*, Aug. 10, 2018, available at <https://www.theatlantic.com/education/archive/2018/08/common-app-criminal-history-question/567242/>.

²²⁰ See Hon. Warren E. Burger, *supra* note 1.

²²¹ Press Release, Governor Andrew M. Cuomo, Governor Cuomo Launches Initiative to Provide College Classes in New York Prison (Feb. 16, 2014), available at <https://www.governor.ny.gov/news/governor-cuomo-launches-initiative-provide-college-classes-new-york-prison>.

²²² Ashley Smith, *Momentum for Prison Education*, *Inside Higher Education*, Nov. 6, 2018, <https://www.insidehighered.com/news/2018/11/06/colleges-push-more-resources-support-prison-education-programs> (last visited Feb. 25, 2019).

C. Post Incarceration Educational Opportunities

In today's economy, a college education is increasingly necessary in order to earn a living wage and provide for oneself and family. Recent studies show that individuals with college degrees earn on average \$32,000 more per year than those whose highest degree is a high school diploma,²²³ and this figure balloons over a lifetime. This earnings gap is no less true – and likely more pronounced – for individuals reentering after a period of incarceration. Yet for many a college degree may seem impossible to obtain. Most individuals are released from prison to poverty, and struggle to meet basic needs such as housing, employment and health care. Most lack the free time with which to fill out applications and the income or savings with which to pay for them, and dreams of completing a college education are usually put on indefinite hold. It is supremely difficult to move beyond the day to day struggle, yet many yearn to, including individuals who started college coursework while incarcerated but were unable to complete it.

Starting and completing a college degree was not always so difficult. After a slow beginning, by the 1990s college education programs flourished in New York State, funded in good measure by the national Pell grant program and its New York State equivalent, the Tuition Assistance Program (“TAP”). But in 1994 Congress passed the Violent Crime Control and Law Enforcement Act,²²⁴ which terminated eligibility of people in prison from the Pell grant program, and in 1995 New York followed suit: Governor Pataki signed legislation banning New York State prisoners from receiving TAP assistance.²²⁵ As a direct and foreseeable result, college programming plummeted: reduced from 45 to 4 as funding to support student enrollment evaporated.²²⁶

But while massive efforts by incarcerated and formerly incarcerated individuals to return college to prisons have had extraordinary results as reported in section D(2) above, completing a college education remains a difficult prospect for individuals with conviction histories.

In New York City, five programs, the College and Community Fellowship (“CCF”), Educational Pathways (“EP”), Career Pathways (“CP”), the College Initiative (“CI”) and the Post-Prison Initiative (“PPI”) aim to make higher education a reality for individuals with past criminal justice involvement. CCF is an independent nonprofit organization. EP, CP and CI are programs of the Prisoner Reentry Institute (“PRI”) of John Jay College, City University of New York (“CUNY”), and while the vast majority of participants are CUNY students, students at any local college may join the programs. CP is also open to any low-income individual with past criminal justice involvement. PPI, located at St. Francis College in Brooklyn, is supported by the school in partnership with Hudson Link, a nonprofit organization. While each has a different mission and methodology, all four programs have made a significant difference in the lives of hundreds of students. All provide assistance beyond simple academic advising; the programs' wrap-around support is crucial, and valued.

²²³ Association of Public & Land-Grant Universities, *How Does a College Degree Improve Graduates' Employment and Earnings Potential?*, <http://www.aplu.org/projects-and-initiatives/college-costs-tuition-and-financial-aid/publicvalues/publicvalues-resources/q3/employment-and-earnings.pdf> (last visited Feb. 25, 2019).

²²⁴ 42 U.S.C. Ch. 136.

²²⁵ Education Law § 661(4)(b-1)(v).

²²⁶ See Marsha Weissman & Sandy Lane, *College in Prison: Why It's A Smart Choice for Everyone*, Center for Community Alternatives, <http://www.communityalternatives.org/college-education.html> (last visited Feb. 25, 2019).

1. College and Community Fellowship

CCF was founded in 2000 by a veteran educator who taught in the college program at Bedford Hills Correctional Facility, a women's prison located in Westchester County. The multivalent power of education for all who engaged in the program was beyond dispute, but many women were unable to complete credits necessary to earn a degree before being released. For those who had started but not completed the program while on the inside, there were few supports to assist in applying to college on the outside, to help with financial aid, transferring credits, and simple encouragement. CCF, now located at the Interchurch Center in Morningside Heights, was created to provide the supports and resources these students needed, and was one of the first organizations dedicated to re-entering women's higher education, sustainable socio-economic stability, and full civic participation. Its student base is primarily comprised of mothers of young children living at or below 200% of the federal poverty level. All have past conviction histories and most have served a sentence in state custody.

Over the ensuing 18 years, CCF has grown to provide academic counseling, financial and peer supports, career development assistance and leadership development not just for those who seek to complete degrees started while incarcerated, but for women at all stages of readiness for college and advanced degrees. CCF recruits participants while they are still in state custody – introduction to CCF may come by way of an in-prison visit by one of the organization's counselors – and from the community, by referral from one of CCF's many community partner organizations. Current CCF programming includes college awareness workshops conducted in correctional facilities and at community-based organizations. Women who express interest receive further consultation on college readiness. For those who have not completed high school or have outstanding personal or family needs, the Community Sisters program offers resources, support and peer networking to help women move forward on their path to college. CCF's Career Education Enhancement Program assists women who may wish to pursue business or health-related accreditation to help with career development or as a step toward a college degree. For those ready for college, CCF academic counselors help in navigating the application, admission and registration processes; with completing financial aid paperwork; and with goal setting for their academic careers. CCF also provides career development assistance for program participants and graduates, including resume assistance and interview skills workshops. In addition, CCF provides financial development assistance, working with students and graduates on financial literacy as well as individual support for students to achieve financial stability.

CCF students have earned 332 postsecondary degrees (including a PhD and JD). It maintains an active and vibrant alumnae network, and, through its THRIVE program, provides technical assistance to organizations across the Northeast that are interested in supporting women on the path to higher education. It also hosts the Theater for Social Change, a performance ensemble comprised of CCF students and alumnae who perform at colleges, correctional institutions, community convenings and conferences with the goal of enhancing awareness of mass incarceration's impacts on women, families and communities.

2. Educational Pathways

EP works to create “on-routes” to higher education for students with criminal justice system involvement based on the precepts that education is a fundamental right and that engaging in higher education provides individuals with the framework for personal and social transformation. The program, housed at John Jay College of Criminal Justice on the far West Side of Manhattan, consists of four separate components: a college readiness course provided at Rikers Island; the Prison-to-College Pipeline; college-in-prison programming in two state prisons; and CI, a community-based college access program for CUNY students. CP in turn supports justice-involved students pursuing human services careers by providing tailored certificates, technology workshops and other special programming. [Focus for this report will be limited to CI and CP, programs that work with students who are not currently incarcerated, including students who have conviction histories but did not serve a prison sentence.]

3. College Initiative

When funding for in-prison college programming evaporated, individuals who had started coursework toward a college degree were unable to complete it, and upon re-entry found it exceedingly difficult to continue with their education. CI was created in 2002 to assist those individuals – and other persons with past criminal justice involvement – in creating a pathway to college enrollment and completion. CI conducts workshops and presentations in prisons and at community groups to help people see college as an option and to demystify the college experience and application process. The organization helps in college enrollment, including assistance with navigating applications and financial aid. Once students are enrolled, CI provides academic counselling and assistance with juggling competing obligations and setting academic and employment goals. It also engages the Community Service Society of New York to provide legal services for students facing conviction-related barriers to housing and employment that may interfere with pursuit of studies. A core component of CI is its peer mentoring program, which pairs academically successful college seniors with first year students. Peer mentors understand the challenges individuals with conviction histories may face in navigating challenges both inside and outside the classroom. Since its founding CI has helped more than 300 students enroll in and complete college, and currently supports hundreds of students at more than 24 college campuses across New York City.

In 2016, the founder of CI replicated the program in Ithaca, New York through auspices of Tompkins County Opportunities, Alternatives and Resources agency. The Ithaca program, CI Upstate, is tailored to meet specific needs of an upstate New York student body. In addition to assistance in navigating the college admissions process, tutoring for college placement exams and help with accessing financial aid, CI Upstate provides individual re-entry support in collaboration with community partners, individual academic counseling and ongoing peer-led meetings to discuss challenges students face. The program also provides very practical help to ensure students’ success: semester-long bus passes, book stipends, and computers. More information can be found at <https://www.oartompkins.org/college-initiative-upstate/>.

4. Career Pathways

The Prisoner Reentry Institute at John Jay College of Criminal Justice recently created CP, a program that promotes access to training and employment opportunities for people who have been involved in the criminal justice system, with a special focus on careers in human services. CP, which is housed at John Jay, does not focus on immediate enrollment in college programming. Instead, its goal is to bridge the worlds of higher education, criminal justice reform and workforce development, and to provide essential skills and assistance. CP's inaugural offering is "Tech 101," an entry-level course that provides fundamental technology skills individuals need to succeed in the workforce. The program, which is supported by the New York City Mayor's Office of Criminal Justice, recognizes that there is a deep divide between technology training provided at correctional institutions and what employers expect "on the outside." Topics covered in this free ten-session course include learning to use the internet, Microsoft Office and email and how to find jobs and apply for them online. Prospective students are referred by re-entry services organizations and word of mouth.

5. Post-Prison Initiative

The Post-Prison initiative at St. Francis College in Brooklyn (PP) is supported by and is an outgrowth of Hudson Link, discussed earlier in this section of this report. Also known as Hudson Link @ St. Francis, PP provides financial, social and academic supports to formerly incarcerated students that enables them to enroll in and complete degree programs at St. Francis College, a private Franciscan institution. It primarily assists students who started college while incarcerated but were unable to complete their degrees, and focuses on preparing them for social services, criminal justice and advocacy careers. The program is led by dedicated St. Francis staff and by staff at Hudson Link. For students needing it, PP provides for-credit remedial programming. It also assists students in transferring college credits they earned while incarcerated, and pairs them with mentors and college advisors to provide enhanced academic support. Where necessary, PP staff engage with parole or probation departments to ensure that supervision is consistent with college completion.

In conclusion, post-prison college programming not only helps ensure that individuals with past criminal justice involvement obtain better-paid employment and career advancement, it also offers structure and purpose. Organizations that provide supports to help individuals realize college dreams and higher education goals have succeeded in changing lives. Replicating these programs across New York State should be a legislative and grant-making priority.

D. Feedback From Incarcerated Individuals Regarding Availability Of Educational And Vocational Programs Within DOCCS

What do currently incarcerated individuals have to say about educational programming? We conducted an extensive survey to find out. The following questions and responses - condensed for space purposes - provide a snapshot of incarcerated persons' observations about programming and recommendations for change. Their responses helped inform our recommendations, which follow this section.

1. *Upon entering DOCCS custody, did DOCCS evaluate your educational and vocational needs? If so, what was involved in that process? What improvements, if any would suggest to the process?*

Most who responded indicated that they did have an initial screening where they were evaluated for educational needs. However, most also indicated that the screening was very brief and that there was little concern or interest by the person screening them regarding their actual programmatic needs. Many noted extreme difficulties in obtaining past educational records or vocational certificates and thus were not able to prove their current educational status to DOCCS and they did not receive assistance from DOCCS in trying to gather that information.

One individual noted that when he came to prison in 1989 he received the "standard TAB testing that is still used today." The difference, he commented, between then and now is that "individuals fail to take this testing serious today. I remember when I took the test, both an instructor and inmate facilitator encouraged individuals to do the best that they could on the test. From what I have seen and heard this is no longer encouraged." As a result, many students view the test as a joke and are misplaced, often in Adult Basic Education (ABE) classes when they actually should be in high school. This responder suggested "an orientation process that encourages individuals to do their best to gain a proper assessment and placement." This responder also noted that he underwent a vocational assessment similar to what the Army testing does and commented that "this vocational assessment should never have been discontinued."

One individual noted that before he came to prison he had vocational training in a CISCO networking program and was certified as a technician. However, he was told that if he had records from that program sent to DOCCS he would be deemed "vocation satisfied" and would therefore be disqualified from making his merit board. This individual commented that such a policy appears to punish people who come into prison with an education/vocation in that if they want any chance of going home early, they have to enroll in a vocational program, even if they don't need it.

Most suggested that the screening procedure should be enhanced and counselors/screeners should care more about what they are trying to accomplish. Responders also commented that the screening process should be a cooperative experience where both the counselor and the incarcerated individual are involved in the process and incarcerated individuals' various interests taken into consideration in setting up programming. One responder summed it up by noting that what is missing in the process is "the human factor" – having a counselor who cares about his client and treats the client like a human being. One responder suggested that removing debilitating "criminal" labels that promote racially biased behavior and employing staff members that reflect the race of the prison population would help in this regard.

2. *What educational and/or vocational programming has DOCCS provided to you since you were incarcerated?*

Responders mentioned being placed in ABE, High school Equivalency (HSE), and a multitude of various vocational programs including plumbing and hearing, cosmetology, masonry, barbering, computer repair and carpentry. Others noted that, while they tested well at screening, and came to prison with some college courses, they were still placed in a General Education Development (GED) program.

Many individuals indicated that they were placed in vocational programs without regard to their skills or interest. One individual noted that he had indicated that he wanted to pursue paralegal studies but was instead placed in the "print shop and painting class" that did not interest him.

3. *Did the educational/vocational programming that DOCCS provided to you meet your needs? If your answer is no, what programming would have been more appropriate?*

Some responders noted that the educational and vocational programs they were enrolled in *did* meet their needs, but the majority indicated that improvements were needed. Many also indicated that they were frequently placed in the wrong programs and/or were transferred after spending months in a program and forced to start all over again. One responder noted that he was initially placed in a GED program but because he was serving a life sentence, he was removed.

One individual noted that Taconic Correctional Facility has only had one active vocational program for the past two years, cosmetology. Another person noted that two monolingual Vietnamese individuals were put into Spanish speaking education classes because that is all that DOCCS had. Many noted that current vocational programs are outdated and that those offered don't have updated tools or technology. Another individual noted that he was removed from his vocational program after he complained to the Superintendent of Programs regarding the lack of updated material available – they were using 2003 materials in 2016. One individual noted that such programs are farcical because, in many of them, the only requirement is attendance.

A number of other individuals noted that the programs they were placed in failed to take into consideration their skills and/or health. One individual noted that he was assigned to building maintenance but due to his medical condition (seizure disorder) he was often placed in harm's way. Another noted that he was placed in masonry but was old and infirm and unable to perform the heavy-duty work. Another person said that while his vocational needs were met, he has been in prison for 23 years and he has "no new knowledge of life out there now."

4. *How would you rate the educational and/or vocational programming you have received thus far?*

Most responders rated the educational programs they have received very low, noting that many of the teachers do not teach but instead hand out books and tell the students to complete various assignments. Some noted that this is probably because education is used primarily as a time management tool and, as such, there are many people in the classroom who do not want to learn, so teachers appear to get frustrated and stop teaching.

Some responders indicated that many teachers appear to hate their jobs. Many noted that as a result, not only are they are not receiving the education they need, but due to poor teaching techniques many individuals lose interest and fail to complete their mandatory programmatic assignments which often results in them losing good time so they end up spending even more time in prison.

It was suggested that instructors should be certified and evaluated by the New York State Department of Education. It was also noted that, because you can't force people to learn, those who are not interested should be moved to a different facility and DOCCS should focus on those who want to learn. Teachers should be given the tools they need to teach (e.g., in science and math courses a scientific calculator is not allowed due to security reasons and there is either no or very limited access to the internet.)

As far as vocational programming was concerned, again, the issue was the quality of the teachers. One individual who started with plumbing and then moved to electrical trades training indicated that the plumbing program was useless because the class was "often cancelled and when it was open the teacher didn't teach anything."

Responders indicated that training for trades like heating and plumbing was very useful because these trades can be put to use upon return to society.

5. *What improvements, if any, could be made in the educational and/or vocational programming that DOCCS offers?*

In terms of improvements, the majority of people suggested that DOCCS should treat education like a priority instead of a privilege. From the initial screening interviews to the quarterly meetings with Offender Rehabilitation Coordinators (ORCs), education should be encouraged. ORCs should advocate on behalf of their clients to ensure that they know about and are being provided the best educational opportunities available within DOCCS.

Vocational and educational programs should be lengthened, said responders, as many are limited to two hours a day. One person noted, "nobody is going to learn astronomy by just walking outside. That is basically what school is now. A.M. module walks to school between 8:00 and 8:30 and comes back at 10:30 – 10:45. Day over. P.M.

module is 11:45 -2:45. Day over." "All day school would keep minds at school" and would allow for less time to get in trouble.

DOCCS should offer programming consistent with the job market, responders note. DOCCS should "modernize education and open doors to effective curriculums that are in sync with today's world: computers, automotive, housing repair, landscaping, industrial, etc., and provide real hands-on application versus just sitting in the classroom." One person relayed that in the general business class, students use "Microsoft Windows 2003 which is 15 years outdated along with all of the books."

Responders state that there should be courses that focus on marketable skills such as computer, paralegal studies and business management, and teachers and students should be provided filtered internet access. One person suggested that DOCCS should offer a solar panel manufacturing program in each DOCCS HUB in both one maximum and one medium security facility.

Responders also suggested that DOCCS provide additional "life skills" classes such as programs on work-related topics, love and relationships, paying bills, cooking and surviving in the real world. Providing updated text books and vocational supplies (tools, etc.) was also mentioned.

Updating the vocational programs and connecting the programming with the New York State Department of Labor so as to help in transitioning from prison to the community was mentioned by a number of individuals. Along these lines, one individual noted that although he had completed his vocational programs in barbering and cosmetology, upon release DOCCS failed to assist him in obtaining a license.

Many noted that DOCCS only allows incarcerated individuals to take one vocational program every ten years. Some noted that they completed their vocational programs years ago and have forgotten most of what they learned. All responders would like the option of taking additional vocational programs. Some commented that there is insufficient funding for some vocational programs so that there are often times when they cannot get the materials they need to complete the course.

Another problem noted is that each prison facility makes its own policies regarding what credit is transferable, so individuals never know if they are going to get credit for all the time they have spent in a certain program when they arrive at a new facility.

One responder noted that there is also a monetary consideration when it comes to choosing between getting one's education in prison, or taking on a prison job. If a person goes to school in prison, he receives between \$5.00 and \$7.00 every two weeks. If he works an industry job he can make up to 25 cents an hour which can amount to \$20.00+ every two weeks. "A decent tube of toothpaste at the prison commissary costs nearly \$5.00, a decent deodorant costs nearly \$2.00. Rice, beans and a box of chicken costs approximately \$10.00." For these reasons, many individuals choose jobs over education.

It was suggested that if DOCCS wanted to make education a priority, it should designate two maximum security facilities and two or three medium security facilities as education facilities where the main focus is education. It was also suggested that individuals who go to school should receive 25 cents an hour and that for every five days a person attends school they receive two or three days' good time credit.

Many responders noted that the majority of people coming to prison have emotional, intellectual, physical and/or mental health issues and are often in prison because of those issues. These issues should have been addressed on the outside and must be addressed during incarceration if any progress toward rehabilitation is to be made.

Most responders noted that many teachers do not appear to be qualified to teach the subject matter to which they are assigned. Many complained that the ESL teachers (English as a second language) did not have the basic skills to teach ESL.

Others noted that while education and vocational programs are helpful, "we need programs like work release or others that help a person shorten their sentence and prepare for re-entry back into society (the real world.)"

One person commented about the unavailability of Limited Credit Time Allowance (LCTA) which is time off one's sentence. To be eligible for LCTA, one must meet certain criteria. This responder notes that he has not received a misbehavior report for six years, has taken several college courses, has paralegal experience, food service experience and all of his vocational requirements satisfied. However, he is still not eligible for LCTA because DOCCS does not offer the programs LCTA requires at the facility where he is incarcerated.

It was suggested that DOCCS offer training that corresponds to the latest technology. Suggested courses: Pest/Rodent Control Training, Pestilence Control Training, Health Care Education, Educational/ Certification Training (for DOL truck drivers, moving companies, etc.), job interview training, business entrepreneurship, real estate, computer coding, fashion and farming courses. "If DOCCS provided a program based around becoming a musical engineer along with learning the business aspect of the entertainment industry, it would be much more effective," noted one responder, "because there are a large number of people in DOCCS' custody with the passion for creating music."

For programs like general business, it was suggested that the computer programs be updated with Adobe, Word Press, etc., that a "soft skills" component be included and that people be taught actual business skills. For cosmetology, it was suggested that the make-up techniques be updated and that hair dying/highlighting and acrylic nails be taught so as to make the training more marketable upon release.

Accountability of staff and incarcerated individuals is also key. "When Phase 3 is a three month program and it is only held two days or ART which is a two month program and only held four days, there is a problem. When an individual completes building maintenance and cannot read a ruler, then there is a problem. When teachers have to deal with disciplinary issues rather than teaching, then there is a problem."

It was also suggested that anyone who has completed a vocational program should “automatically be placed in an apprenticeship program of that vocational upon their release – call it Operation Second Chance.”

6. *If you came to prison with an IEP (individualized educational plan), what process, if any, did DOCCS use to ensure that your special education needs were met? Are there areas of improvement you think are needed in the special education assessment process?*

Individuals with special education needs responded that their needs were either not identified in the screening process or not met in the classroom. Many commented that there needed to be more understanding, patience and compassion from staff assigned to work with individuals with special education needs. Often the needs of special education students are not met due to language barriers and “teachers who do not have the patience to deal with [these students] on an individualized level.”

Special education should also be provided for those who need it who are over 21. “DOCCS should provide a real assessment of the needs of those with learning disabilities. Further, more emotional intelligence classes should also be a part of education for anyone with a learning disability.”

7. *If your educational or vocational programming was interrupted by confinement in solitary confinement (DOCCS’ Special Housing Unit), did you receive cell study? If so, were the materials you received effective?*

People who served time in solitary confinement (DOCCS’ special housing unit or “SHU”) complained that, if they were given cell study, it was limited, boring and ineffective. No cell study for college course is provided. One individual, a special education student who came to prison with an IEP, noted that he only saw a teacher two times in a five month SHU span even though he requested assistance on numerous occasions. Another indicated that they are issued paper lessons which are never corrected and the teachers don’t take the time to explain the work. Education is often interrupted by SHU or transfers.

One responder noted: “I’ve been down for six years. I haven’t completed any of my programs and every time I go to the SHU it is for 90- 180 days. Then they move me to another jail and I have to start all over. Cell study is a joke. . . . They bring around 2nd grade and 8th grade material. It is highly unlikely that I will make my C.R. date due to non-completed programs. This is not fair.”

A number of responders also indicated that there are no educational or vocational opportunities if a person is in protective custody (PC) or involuntary protective custody (IPC), however, one individual indicated that there is a cell study program available to PC individuals at Elmira Correctional Facility. Most individuals stated that no college courses are offered while someone is in SHU, but one person indicated that while in SHU, Bard

Prison Initiative sent study materials to him. A suggestion was made that DOCCS allow for some weekly out of cell classroom time for individuals in PC.

8. *When you finished your SHU sentence, how quickly did you transition back into your educational or vocational programming?*

Almost all individuals indicated that if they served time in solitary confinement, upon release it often took months or years to be re-enrolled in educational or vocational programs. One person noted that it really depends on the prison, in that "most prisons closer to NYC have better vocational and education" programs.

9. *Was there a waiting period for specific educational or vocational programs that were recommended to you? If so, how long did you have to wait and what did you do in the meantime?*

Almost everyone reported extremely long waiting lists for programming. One person mentioned that he has been on a waiting list for Aggression Replacement Training (ART) and Alcohol Substance Abuse Treatment (ASAT) since 2005. One noted that "people get into trouble when they have nothing to do – they should increase availability of programs." Another who has been incarcerated since 2006 said that he is still waiting for programming, due to the length of his sentence. Another noted that he has been waiting to enroll in ART for three years and noted that, if ART is recommended for a person, until that person has completed ART, he is not eligible for participation in the Family Reunion Program (FRP). Still another has been waiting to take ART since 1999 and another waiting to enroll in Alcoholics Anonymous (AA) since 2013.

Many noted that the only education programs a person is guaranteed to get into are ABE, ESL and courses to obtain the HSE.

One person relayed that it took months before he was put in a program and then, when he was, it was computer repair which was "completely antiquated." It took a year before he was told that he needed to participate in a DWI program, and by the time he was told that, his merit board had come and he was denied because he had not participated in the DWI program. He sees the parole board in three months but he has not gotten into the DWI program yet so it is unlikely he will be considered for parole.

10. *If you were eligible, did you have the opportunity to enroll in a college program? If so, were you accepted? If not, why not?*

Almost all responders indicated that they are interested in attending college, but that there are not enough slots or enough degrees offered. Suggestions were made to add college courses in business management, health and the medical field, intelligence services and computer technology. There is apparently also a mandatory waiting period for some college programs. One individual indicated that "you have to be at Sing Sing for at least six months before you are eligible to enroll in the college program." One individual who applied for the Cornell University program was denied because he already had an

Associate's degree. "I only wanted to take classes without earning credits" but was told that since I had my degree "I could sit in my cell until I went home."

Another noted that, while eligible to enroll, he did not "because my industry job pays more than college does and I need the finances for paying fines and to buy my basic needs without being a burden to my family." Yet another person indicated that he applied but was not accepted and was never told why. One individual who applied to Bard Prison Initiative believes he was denied admission due to his age: he is currently 67 years old. Another indicated that he had the opportunity to apply but chose not to enroll because he wanted to gain LCTA, which would take six months off his sentence, so he continued to work as an inmate program assistant.

11. *If you have participated in a college program, what was it and how would you rate it?*

Any responder who had attended college indicated that the experience was good, the teachers were "great" and that the courses were exceptional. College courses that were rated as exceptional were those at Mercy College, Marist College at Green Haven, Cornell Prison Education Program, Bard Prison Initiative (BPI), Hudson Link, Theology at Sing Sing and Sing Sing pre-college, John Jay College, Second Chance Pell Pilot Program through North County Community College, Consortium of the Niagara Frontier which includes Niagara University and Canisius and Daemen Colleges, and Hudson Valley Community College. One person rated BPI as "excellent – a life changing experience." Other programs that were highly rated were: Post GED classes: Rising Hope at Woodbourne. Facilities that offer writing workshops and history programs taught by prisoners and/or volunteers also received high marks. People also mentioned attending Corning CC at Elmira and Ulster Community College.

A few responders complained that while the college programs are good, individuals cannot get a degree in something they can use when they get out. Another commented that BPI apparently doesn't transfer any prior college credits like Hudson Links does. One responder had 48 credits from Marist College towards a Bachelor's degree before Pell Grants were eliminated and 15 credits through a college correspondence program (Ashworth), but BPI would not accept them.

12. *Are there any post-GED, but pre-college programs available within DOCCS, such as programs to prepare a person for college courses?*

Most people did not know of any post-GED-pre college programs although one person noted that Hudson Link offers pre-college math and English courses.

13. *What college education programs are available to you within DOCCS?*

What programs are available depends on the prison. Some programs that were listed included: Cornell Prison Education program, BPI (but waiting list was over a year), Mercy College, Marist College at Green Haven, Hudson Link, Theology at Sing Sing and Sing Sing pre-college, John Jay College, Bennington College, and Hudson Valley Community

College. Also, one person noted that "you must have at least two years left to serve to be eligible to enroll" in a college program.

A number of responders also mentioned paying for correspondence courses with various colleges including Ashworth College and others.

14. *Do you have a counselor who monitors your educational and/or vocational progress? If so, how often do you meet with your counselor and is the counselor helpful to you? If not, why not?*

Most responders indicated that they do have counselors [now referred to as Offender Rehabilitation Coordinators (ORCs)] who are supposed to monitor their educational and vocational programming progress, but that they rarely meet with them (apparently meetings are supposed to be quarterly) and do not find them very effective. If the quarterly meetings do occur, they typically last no more than 10 minutes. A majority of responders referred to their ORCs as "paper pushers." Many noted that their counselors treat them with "contempt."

A few people opined that each ORC is different and that, while most of the ORCs are not helpful, there are a handful who work hard to help their clients learn how to better themselves.

It was suggested that ORCs should have access to the internet to help people look for jobs.

15. *While on parole, were the vocational skills that you learned in prison useful in the jobs you applied for and accepted? If so, what skills and what type of employment? If not, what vocational programs would have better prepared you for available jobs?*

Most people replied that the skills they learned in prison were not that helpful upon release. One person noted: "I had learned small engine. In the class we were taught how to fix lawn mowers. In NYC finding a job fixing lawn mowers is like trying to sell sandals in Antarctica. Mechanics, audio engineering, computer programming, software, construction, plumbing or truck driving" would have been much more useful. "One of the major problems is that felons are barred from obtaining certain licenses so even if you learned a trade, often you can't practice it upon release."

Another person noted that parole officers constantly put formerly incarcerated persons into programs they don't need, "and no account is taken for their need for psychological or mental health treatment."

One responder relayed his own personal story about why he ended up coming back to prison even though he was able to get a job in construction when he was initially released. He shared the following:

"I was released in 2015 and I had all intentions of doing the right thing. I started out by going to agencies and working menial jobs for several months until I landed a good job in Manhattan doing construction. My pay was \$20.00 an hour, this was great pay for me and I took advantage and worked a lot of overtime hours. I was able to move out of my sister's house and get my own place within a month. I was paying all of my child support arrears and court appointed fines. After three months of working hard, I was let go because I didn't have my OSHA certification. I had to pay rent along with my other bills, so I asked my family for a loan of \$1000, but they couldn't help me, so I committed a crime and was arrested.

This is why I'm here, so when I reached my designate facility I wrote the head of the Department of Labor requesting information on how an OSHA Certification Program can be established in Corrections. I was told by the Acting Commissioner that OSHA is a Federal Program and that someone for the facility would have to become certified and that person could then certify inmates/prisoners. I wrote the Superintendent and he wrote back telling me that it can't be done. I believe that it can be done, but it has to be approved in Albany.

There are a lot of benefits in this for inmates who are about to reenter society. A large percentage of inmates have previous experience in construction so this certification will help them land a job when they are released. No one can work on any job site unless they have the minimal 10 hour certification. I hope that I shed some light with my experience and that this can be looked at and discussed."

16. *Did parole help direct you to educational/ vocational training upon release? If so, what did they do?*

An overwhelming number of individuals responded that parole never assisted in helping with educational opportunities upon release. "Parole was not helpful at all." "I was told that I had to find a job. I was not even given a list of places that would hire felons." "Parole did not aid in helping me find a job. They just took urine." One person commented that he tried to go back to college but had difficulties with "parole conditions and payment." "Parole just told me to go to AA."

17. *If you have been released from prison prior to your current bid, what educational opportunities were available to you upon your release?*

Most individuals indicated that they knew of no readily available educational opportunities upon release. Many indicated that education was not an option because they had to work to pay bills. One person mentioned the Resource Center for Independent Living (RCIL) in Utica for educational needs, but believes the budget was cut and they may have shut down. A few mentioned ACCES-VR, (formerly VESID), or Adult Career and Continuing Education Services-Vocational Rehabilitation, which is part of the New York State Education Department. ACCES-VR is a New York State agency that administers as well as provides vocational rehabilitation services to individuals with disabilities.

E. Barriers That Continue to Exist

While New York State has made significant strides in expanding educational and vocational opportunities for individuals incarcerated in State prisons and some county jails have also improved access to such programs, there are numerous barriers that continue to exist. The primary barriers identified by individuals incarcerated in New York State prisons are:

- Education is not seen as a priority, but rather a privilege.
- Educational and vocational programs are not available at all facilities.
- Program offerings and outdated equipment hinder marketable skills training.
- Counselors do not provide the assistance necessary to identify needs and follow progress.
- People in Keeplock, Protective Custody, Involuntary Protective Custody, Administrative Segregation, Special Housing, and other non-general population housing status, cannot access the majority of the educational and vocational programs, but for cell study.
- There are extremely long waiting lists for courses and programs.
- There are inadequate opportunities to participate in college programming.
- Transfers and placement in confined housing interrupt classes and progress.
- There are no transitional programs that include life skills training to help people transition from high school to college based courses.

Significant barriers to successful reintegration upon release also continue to exist including:

- Questions about arrest and conviction history continue to appear on college applications.
- Credits earned during incarceration and often not transferable to other educational institutions upon release.
- There continue to be bars to obtaining certain licenses upon release from prison or jail.
- Parole does not provide adequate assistance to individuals seeking to enroll in school or obtain employment.

F. Recommendations

One of the general purposes of New York's Penal Law is "the rehabilitation of those convicted, the promotion of their successful and productive reentry and reintegration into society."²²⁷ With that in mind, we need to identify what works and what does not when it comes to adequately preparing people for reintegration. We know that education works.

As mentioned above, in January 2016 the NYSBA Special Committee on Re-entry prepared a comprehensive report on how to assist formerly incarcerated individuals in successfully reintegrating into their communities of origin.²²⁸ The report found that insuring that they receive the education they need is critical to success.²²⁹

Whether education comes in the form of special education services, giving individuals the opportunity to obtain a high school diploma or the equivalent thereof, providing life skills and transitional training to prepare individuals for college, or providing college and master's degree programs, it is incumbent upon the State to focus on educating the State's incarcerated population if we are truly committed to working toward their successful and productive re-entry into society. In light of this, we make the following recommendations:

1. Restore Incarcerated Individuals' Access to both Federal Pell Grants and the New York State Tuition Assistance Program

On February 14, 2018, U.S. Senator Brian Schatz of Hawaii introduced the "Restoring Education and Learning Act" (REAL), legislation that would restore Pell Grant eligibility for incarcerated individuals to reduce the cycle of recidivism, save taxpayer money and improve public safety.²³⁰ We support the passage of the REAL Act as a significant step to restoring Pell Grant assistance.

New York State's Tuition Assistance Program, "TAP," is one of the largest state student financial aid programs in the country. We recommend restoration of TAP funding for qualified incarcerated persons, so that they can afford to access college programs and encourage growth and expansion of college in prison.

2. Pass The Fair Access to Education Act

We commend the efforts taken in 2016 by SUNY in implementing a ban the box policy for its application process. The removal from the application form of questions about students' criminal history is laudable, but does not go far enough. Unfortunately, SUNY still asks students questions about prior felony convictions when they apply for campus housing, an internship or

²²⁷ Penal Law § 1.05(6).

²²⁸ New York State Bar Association, *Report of the Special Committee on Re-Entry*, *supra* note 3.

²²⁹ *Id.* at 47.

²³⁰ Press Release, U.S. Senator Brian Schatz, Schatz Introduces Legislation to Restore Educational Opportunities for Those Incarcerated and Improve Public Safety (Feb. 14, 2018), available at <https://www.schatz.senate.gov/press-releases/schatz-introduces-legislation-to-restore-educational-opportunities-for-those-incarcerated-and-improve-public-safety>.

permission to study abroad.²²¹ SUNY may have voiced concerns about the safety of other students on campus interacting with students with criminal records, but there is no statistical data to support these concerns or justify this policy.²²²

The rationale behind removing all questions about past conviction history from college applications includes the understanding that a conviction history is not predictive of future behavior in college, and that including the questions at all has a serious deterrent effect: according to one study, more than sixty percent of people with criminal records never bother to complete a college application form that includes criminal history questions. Once they check the box that says “yes,” they figure their chances of being admitted are dead anyway.

In light of the above, we believe the most effective method to entirely remove consideration of past criminal convictions is through introduction and passage of the Fair Access to Education Act, a bill that would amend the New York Correction and Executive Laws to make it an unlawful discriminatory practice for any college or university in New York to ask about or consider an applicant’s past arrest or conviction during the application process.

3. Ensure Access to Appropriate Education Programming for All Eligible Individuals

All incarcerated individuals should have a program tailored to their educational and/or vocational needs and desires. Whether for special education services, secondary, vocational or post-secondary education, funding must be available to support and expand these programs. We recommend an increase in state funding to insure that all incarcerated persons who have not obtained a high school diploma or high school certificate are given the opportunity to exercise their right to earn it in a timely fashion; that individuals who have obtained their HSE are provided the opportunity to take pre-college and college courses and, where possible, earn a college degree; that vocational courses be expanded and updated so as to provide marketable skills training; and that all incarcerated individuals have the opportunity to enroll in any vocational course that will assist in their reintegration into their communities upon release.

A pre-college preparatory course helps college bound high school students develop better life skills and prepare for the more stringent scholastic requirements of college. College prep courses are particularly appropriate for incarcerated individuals who may need more time to develop proper study habits, improve social skills and expand their academic knowledge to ensure success in a degree program at a college or university. Self-reliance, time management, work ethic, critical thinking skills and communications skills are just some of the life skills every person needs to develop before they head off to college.²²³ To increase an incarcerated individual’s chance of successfully enrolling in, and completing, college courses, we recommend that DOCCS institute pre-college training programs to prepare individuals for the rigors of college.

²²¹ William G. Martin, *Did SUNY Ban the Box? Or Just Move It?*, *The Nation*, Oct. 25, 2016, available at <https://www.thenation.com/article/did-suny-ban-the-box-or-just-move-it/>.

²²² Editorial, *Ban the Box on Criminal Background Questions in College Applications*, *Chi. Sun Times*, Nov. 26, 2018, available at <https://chicago.suntimes.com/opinion/ban-box-criminal-past-questions-college-applications-illinois/>.

²²³ Mary Sauer, *5 Life Skills Every Teen Needs to Succeed in College (and Beyond)*, *ParentMap*, <https://www.parentmap.com/article/life-skills-prepare-teens-college-high-school> (last visited Feb. 25, 2019).

We also commend Governor Cuomo and Manhattan District Attorney Vance for their strong, direct financial support of college programming in prison. Yet, although the amount is substantial, it only provides a small percentage of incarcerated individuals with an opportunity to earn a college education. NYSBA must engage in an effort to increase awareness of the importance of in-prison education in reducing recidivism and enhancing the lives of incarcerated individuals and their families, an effort that can provide DOCCS with the support needed to request additional funding for college courses.

In addition, it is critical to successful job placement for a person to have practical, effective, up-to-date skills training that is recognized by the appropriate industries. Providing funding to DOCCS and local jails to update and expand vocational programming, and forge connections with industry on the outside is imperative.

4. Ensure That Education During Incarceration is a Priority Not a Privilege

Because education is the key to successful reentry and reintegration, we recommend the following improvements to the current educational programs for incarcerated individuals:

- Provide orientation at intake to incarcerated individuals regarding the importance of the educational and vocational screening and train screeners to encourage incarcerated individuals to take the screening seriously.
- Require certification by the New York State Department of Education of all teachers and instructors at local jails and DOCCS facilities and regularly evaluate the teachers and instructors during classroom time.
- Train ORCs and parole officers regarding the availability of educational opportunities upon release and mandate that they focus on and encourage their clients to take advantage of said educational opportunities.
- Remove barriers to education such as conflicts with obtaining Limited Credit Time Allowance (LCTA) and monetary disincentives.
- Ensure proper certifications and licenses are provided to those who complete vocational courses.
- Ensure college credits earned during incarceration are transferable upon release.

5. Hold Legislative Hearings to Assess the Need for Quality of Educational and Vocational Programs for Incarcerated Individuals

The importance of education to public health and safety is a concept that is not totally understood by some and completely rejected by others. To help educate our communities about the fiscal, health and safety implications of providing educational and vocational opportunities to those who are incarcerated, we recommend that oversight hearings be held by both houses of the State Legislature. The purpose of the hearings will be to discuss the need for and the quality of the educational and vocational programs offered in the jail and prison settings. We would recommend the following committees conduct the joint hearings: Corrections, Crime, Crime Victims and Corrections, Education, Higher Education and respective Oversight committees.

Experts agree that re-entry planning begins on the first day of incarceration. From identifying and treating medical and mental health issues, assessing educational and vocational needs and enrolling individuals in appropriate treatment programs, every day of incarceration is a day that can be used to help prepare the individual for successful reintegration into society upon their release. An individual's ability to "make it on the outside depends on whether he is returning to a stable family, whether he has mental health or substance abuse issues, and on his education and employment-related skills"²³⁴ Vocational and educational programs during incarceration "offer a humane, comparatively cheap and effective alternative to the discipline-and-punish approach that all too often breeds only hopelessness and recidivism."²³⁵ If we are serious about our desire to rehabilitate individuals, end mass incarceration and increase public safety, we must focus on providing high quality educational and vocational programming during incarceration.

VI. Protecting the Most Vulnerable: Services for Individuals with Mental Illness Returning to the Community

Many individuals are entering the criminal justice system with undiagnosed and untreated mental health and substance abuse issues.²³⁶ A national report from the Bureau of Justice Statistics, Office of Justice Programs highlights a high prevalence of mental health problems among prison and jail inmates.²³⁷ The report states that female inmates had a higher rate of mental health problems than male inmates.²³⁸ An estimated 73% of females in state prison had mental health problems, compared to the 55% of male inmates.²³⁹ The report also identifies a close relationship between inmates who have both mental health and substance abuse issues, stating that within state prisons 74% percent of individuals had mental health and substance dependence issues and 63% percent of individuals with mental problems had used drugs in the month before their arrest.²⁴⁰

While reliable, consistent data is not readily available in New York State, the Office of Mental Health ("OMH") has identified over 8,000 incarcerated individuals as requiring mental health treatment.²⁴¹ The New York State Assembly's Standing Committee on Correction reports that nearly 75% of female inmates have at least one mental health problem compared to around 50% percent of incarcerated men.²⁴² These numbers are somewhat consistent with the national statistics reported.

²³⁴ David Skorton and Glenn Altschuler, *College Behind Bars: How Educating Prisoners Pays Off*, *Forbes*, Mar. 25, 2013, <https://www.forbes.com/sites/collegeprose/2013/03/25/college-behind-bars-how-educating-prisoners-pays-off/#313c8ba92707> (last visited Feb. 25, 2019).

²³⁵ *Id.*

²³⁶ See Simmons School of Social Work, *The Challenges of Prisoner Re-entry Into Society*, Jul. 12, 2016, <https://socialwork.simmons.edu/blog/Prisoner-re-entry/> (last visited Feb. 21, 2019). According to the Urban Institute, around 75% of formerly incarcerated men have a history of substance abuse, and a significant percentage suffer from physical and mental health issues. *Id.*

²³⁷ U.S. Department of Justice, Office of Justice Programs, *Bureau of Justice Statistics Special Report: Mental Health Problems of Prison and Jail Inmates*, September 2006, available at <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>.

²³⁸ *Id.* at 4.

²³⁹ *Id.*

²⁴⁰ *Id.* at 1.

²⁴¹ Correctional Association of New York, *Mental Health Care and Incarceration*, <https://www.correctionalassociation.org/issue/mental-health> (last visited Nov. 12, 2018).

²⁴² New York State Assembly Standing Committee on Correction, *2016 Annual Report*, Dec. 15, 2016, at 17, available at <https://nyassembly.gov/comm/Correct/2016Annual/index.pdf>

The failure to treat incarcerated individuals properly during their time in the prison system leads to the eventual release of these individuals with substance abuse and mental health issues. A review of recidivism in fifteen states found that 25% of individuals released returned to prison within three years for technical violations that included testing positive for drug use.²⁴³ Additionally, evidence suggests that despite the fact that correctional facilities are controlled environments, illicit drugs are provided to and used by inmates.²⁴⁴ This further exacerbates the difficulties in re-entry faced by individuals who are released back into communities where their substance abuse arose, providing opportunity for continued abuse to occur.

OMH's Diversion, Reentry, and Community Education Unit collaborates with the New York State Commission of Correction, Division of Criminal Justice Services ("DCJS"), the Department of Corrections and Community Supervision ("DOCCS"), and the Office of Probation and Correctional Alternatives ("OPCA") to provide suicide prevention services and adequate mental health treatment in local correctional facilities, timely access to mental health services for persons on parole, probation, and alternatives to incarceration programs, and appropriate mental health training for criminal justice staff who routinely come into contact with the mentally ill.²⁴⁵

The failure to address the continued placement in the prison system, and lack of treatment, for individuals who suffer from mental illness will continue to be a barrier to the goal of successful re-entry and reduced recidivism. While we believe a full evaluation and analysis of all of the mental health and substance abuse programs available to former inmates is necessary, for the purposes of this report, we have focused on an analysis and study of the Assisted Outpatient ("AOT") programs that exist throughout our state, specifically with respect to the effectiveness of these programs in providing former inmates with the services that they need to reintegrate effectively.

In 2016, DOCCS released approximately 22,500 inmates from its facilities, approximately 16,500 of whom were released on parole or conditional release.²⁴⁶ This does not include the number of people who were released from our state's sixty-two county jails. As of 2016, approximately 20% of sentence-serving inmates in New York State correctional facilities received required OMH services, 5% of whom are classified as having serious mental illnesses.²⁴⁷ This statistic means that based on a reported total prison population of 51,000, over 10,000 inmates receive services from OMH.²⁴⁸

²⁴³ Redonna K. Chandler et al., *Treating Drug Abuse and Addiction in the Criminal Justice System: Improving Public Health and Safety*, Jan. 14, 2010, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2681083/>.

²⁴⁴ *Id.* (citing Amber H. Simpler & Jennifer Langhinrichsen-Rohling, *Substance Use in Prison: How Much Occurs and Is It Associated with Psychopathology?*, 13 *Addict. Res. Theory* 503 (2005)).

²⁴⁵ New York State Office of Mental Health, *New York State Office of Mental Health (OMH) Division of Forensic Services Diversion, re-entry, and Community Education Unit*, <https://www.omh.ny.gov/omhweb/forensic/cfu.htm> (last visited Feb. 21, 2019).

²⁴⁶ New York State Department of Corrections and Community Supervision, *Admissions and Releases: Calendar Year 2016 (Preliminary Data)*, at 3, available at http://www.doccs.ny.gov/Research/Reports/2017/Admissions_and_Releases_2016.pdf.

²⁴⁷ New York State Department of Corrections and Community Supervision, *Under Custody Report: Profile of Under Custody Population as of January 1, 2016*, at 25, available at http://www.doccs.ny.gov/Research/Reports/2016/UnderCustody_Report_2016.pdf.

²⁴⁸ *See id.*; Emily Masters, *By the Numbers: New York's Prison Population*, *Times Union*, Sept. 21, 2017, available at <https://www.timesunion.com/news/article/By-the-numbers-New-York-s-prison-population-12216340.php>.

To put this issue into perspective, on a national scale, the Department of Justice reported in 2005 that “over 700,000 mentally ill inmates were being held in U.S. jails and prisons, accounting for fifty-six percent of inmates in state prisons, forty-five percent in Federal prisons, and sixty-four percent in local jails It was further reported that over seventy-five percent of these mentally ill inmates had served time in jail or prison prior to their current incarceration with twenty-five percent having had more than three prior incarcerations.”²⁴⁹ Reports to this Task Force from knowledgeable sources in Nassau and Suffolk indicate that a majority of individuals returning to the community are impeded by mental illness. In short, mental illness affects a substantial portion of individuals returning to the community from incarceration.

As discussed herein, every individual being released from prison faces a complete upheaval of her life.²⁵⁰ While individuals with mental illness face the same challenges as others returning to the community—post-release supervision, establishing stability and routine while facing change and uncertainty in every aspect of life, including housing, relationships, work, education and medical treatment—they have to also deal with their mental health issues. If a person receives mental health treatment, he or she must also adjust to new treatment providers and possible medication changes.

Mental illness presents former inmates with an additional challenge. In one study of over 200,000 inmates released from Florida prisons from 2004 to 2011, individuals with any mental health diagnosis were found to be significantly more likely than those without a diagnosis to be re-arrested and re-incarcerated.²⁵¹ Individuals with serious mental illness diagnoses were found to be significantly more likely than those with non-serious mental health diagnosis to be re-arrested and re-incarcerated.²⁵² In other words “a significant positive association [exists] between any mental health diagnosis, and particularly a serious mental health diagnosis[,] and the likelihood of recidivating after release.”²⁵³ An inquiry into post-release programs would therefore be incomplete without a look at services for people with mental illnesses.

When a state inmate receiving services from OMH nears release, OMH staff work to connect the individual to services in the municipality. Mental health providers at local jails likewise go through a discharge planning process much as a community-based healthcare provider would. But the programs and services available to individuals with mental illnesses vary from county to county. Just as time and resource limitation prevented this Task Force from performing a county-by-county review of all available re-entry services, so too have such limitations prevented a statewide survey of all mental health programs. Instead, this section of the report first focuses on a program that exists statewide and, in theory, addresses many of the re-entry needs of individuals with serious mental illnesses: Assisted Outpatient Treatment, otherwise known as Kendra’s Law or “AOT.”²⁵⁴

²⁴⁹ William D. Bales et al., *Recidivism and Inmate Mental Illness*, 6 *Int’l J. Crim. & Soc.* 40 (2017), at 40.

²⁵⁰ See *Experts on Re-Entry*, Section I, above.

²⁵¹ Bales et al., *supra* note 249.

²⁵² *Id.*

²⁵³ *Id.* at 49.

²⁵⁴ See Mental Hygiene Law § 9.60.

At first blush, AOT might seem unnecessary for individuals on parole, as their conditions of parole will include a requirement that they comply with mental health treatment. AOT, which is person- and treatment-focused, has a different focus. The penalty for non-compliance with parole conditions can be violation and re-incarceration; conversely, the consequence of AOT order non-compliance is instead hospitalization. This program also provides additional layers of care oversight that are treatment-focused and not penalties that could land the individual back in jail or prison. But it does significantly impinge on the individual's liberty, as discussed below.

This section will give a brief overview of how AOT works and the services and obligations it imposes on its subjects and county mental health providers. It will then briefly review how the program is working at the state and local level as well as acknowledge criticism of the law. It will go on to identify a major shortcoming impeding the efficacy and greater use of AOT: the insufficiency of both long-term and short-term supportive housing for individuals with mental illnesses. Finally, it will make recommendations for legislative and policy action.

This report does not undertake a comprehensive review of mental health services, and, thus, does not address the plight of people with mental illnesses who do not qualify for intensive services and AOT intervention. While the major issue of substance abuse is an important topic in its own right as well as in its relation to mental illness, this report does not conduct a comprehensive analysis of the availability or lack of availability of substance abuse programs to people upon their release from prison or jail in our state. Mental illness and substance abuse frequently co-occur and implicate MICA (mentally ill, chemical abuser) and similar programs.²⁵⁵

A. Overview of AOT Program

Assisted Outpatient Treatment, otherwise known as Kendra's Law or simply "AOT," is intended to provide stability for the most seriously mentally ill by providing for the assignment of Assertive Community Treatment, medication compliance oversight and stable housing.

Section 9.60 of the Mental Hygiene Law was first enacted in 1999 and has been renewed several times, with the current iteration set to sunset in 2022.²⁵⁶ The idea behind the law is to provide court-ordered community treatment to individuals as a less-restrictive alternative to involuntary hospitalization. That treatment must include care coordination/case management and may include medication, therapy, day programs, educational or vocational training, substance abuse treatment and testing, and "supervision of living arrangements."²⁵⁷ To qualify for AOT, the individual must (1) be at least 18 years old, (2) suffer from a mental illness, (3) be "unlikely to survive safely in the community without supervision, based on a clinical determination," and (4) have a "history of lack of compliance with treatment for mental illness" as demonstrated by psychiatric hospitalization twice in the last 36 months (including treatment in a correctional facility mental health unit) or "serious violent behavior toward self or others or threats of, or

²⁵⁵ See generally New York State Office of Alcoholism and Substance Abuse Disorders, *Co-Occurring Disorders*, <https://www.oasas.ny.gov/treatment/cod/index.cfm> (last visited Feb. 21, 2019).

²⁵⁶ The law was passed in the wake of the notorious murder of Kendra Webdale by an individual suffering from schizophrenia who pushed her into the path of a subway train. AOT should not be confused with Article 10 of the Mental Hygiene Law, which provides for the civil confinement or "Strict and Intensive Supervision and Treatment" of certain sex offenders after they have completed their terms of incarceration.

²⁵⁷ Mental Hygiene Law § 9.60(a)(1).

attempts at, serious physical harm . . . within the last [48] months . . .”²⁵⁸ The law allows for multiple classes of people to petition for an AOT order, including any adult who the subject resides with, close family, hospital and mental health service directors, treating or supervising psychiatrists, psychologists, social workers, directors of community services and their designees, and parole officers. The petition must be supported by a written treatment plan.²⁵⁹ Office of Mental Health staff and jail mental health providers are among those authorized to bring AOT petitions.

The subject of an AOT petition is entitled to representation by the Mental Hygiene Legal Service.²⁶⁰ At the hearing, the petitioner must prove their case by clear and convincing evidence. The doctor that prepared the treatment plan must testify and be subject to cross-examination.²⁶¹

The AOT order cannot exceed one year.²⁶² The order can provide for self-administration of psychotropic drugs or administration by the AOT program and must require the director responsible for administering the AOT program to provide the types of service requested in the petition.²⁶³ An AOT subject who, in the opinion of a physician, does not comply with treatment and may require involuntary psychiatric hospitalization under Section 9.39 or 9.27, or 9.40 of the Mental Hygiene Law, may be held involuntarily for observation for up to seventy-two hours to determine whether involuntary hospitalization is appropriate.²⁶⁴

An AOT order entitles the subject to priority access to supported housing. Supported housing is a type of subsidized housing available only to individuals with serious mental illness.²⁶⁵ Supported housing is a type of publicly funded, privately run supportive housing.

The stated goal of New York’s supported housing program is “to foster integration of recipients into the existing community services system.”²⁶⁶ Supported housing providers may assist recipients in locating and renting an apartment in the community, or may be the landlords themselves. Recipients of supported housing receive housing services from the supported housing provider and community support services from the provider in conjunction and coordination with the municipality. With respect to housing support, recipients pay 30% of their adjusted gross income. Funds are provided for security deposits, brokers’ fees, and home furnishings. And providers cannot terminate residents from the program without first documenting interventions and consulting with OMH.²⁶⁷ Ultimately, the supportive housing assists in providing formerly incarcerated people with serious mental illness a place to live which they otherwise may not have been able to find due to their illness.

²⁵⁸ *Id.* § 9.60(c).

²⁵⁹ *Id.* § 9.60 (i).

²⁶⁰ *Id.* § 9.60 (g).

²⁶¹ *Id.* § 9.60 (h).

²⁶² *Id.* § 9.60 (j)(2).

²⁶³ *Id.* §§ 9.60 (j)(4), (5).

²⁶⁴ *Id.* § 9.60 (n).

²⁶⁵ New York State Office of Mental Health, *Supported Housing Guidelines: 2015*, at 5, available at https://www.omh.ny.gov/omhweb/adults/supportedhousing/supported_housing_guidelines.pdf.

²⁶⁶ *Id.* at 11.

²⁶⁷ *Id.* at 8.

Empirical data supports the efficacy of AOT. A Duke University study found moderately strong evidence from lifetime arrest records of AOT recipients from the Division of Criminal Justice Services that AOT reduces the likelihood of being arrested.²⁶⁸ According to statistics collected by OMH, only 8% of active AOT participants were incarcerated while subject to an AOT order.²⁶⁹ 26% of AOT recipients had been incarcerated at some point prior to the AOT order, indicating a population at high risk for incarceration.²⁷⁰ An AOT treatment plan must include Assertive Community Treatment (“ACT”). ACT assigns to service recipients multi-disciplinary teams that include social work, psychiatric, substance abuse and vocational professionals to provide service to the recipients in the community.²⁷¹ The ACT Team model calls for small caseloads, at least six in-person contacts per month, and for the team to tailor the services and treatment to the individual.²⁷² A team member is always designated as on call to provide 24-hour crisis support.

As detailed in OMH’s ACT Program Guidelines,

“The role of ACT in facilitating independence and recovery is organized into three major ongoing and interacting service processes. The first, person-centered service planning and coordination, is accomplished with the active participation of the recipient, and whenever possible, friends and family members. The second, reintegration into community life, focuses on stability, particularly in the areas of housing, symptom management and reduction of harmful behaviors and adverse effects. The third, active participation in normal developmental life roles is evidenced by a return to school, competitive employment, long periods of sobriety with steps towards full recovery, spiritual and recreational pursuits, and participation in social groups in natural settings.”²⁷³

AOT therefore represents a robust tool that focuses multiple aspects of the social safety net to ensure that formerly incarcerated individuals with serious mental illness receive comprehensive treatment and service in the community. Accordingly, the program enjoys support from public health advocates as well as advocates for the mentally ill.

AOT is not a panacea, however. An AOT order directs its subject to comply with a treatment plan, which always includes psychotropic medication, usually by injection. Noncompliance can lead to an involuntary examination, which can lead to involuntary hospitalization. Because an AOT order impinges on its subject’s liberty, it can only be justified

²⁶⁸ Marvin S. Swartz et al., *New York State Assisted Outpatient Treatment Program Evaluation*, Jun. 30, 2009, available at <https://my.omh.ny.gov/analyticsRes1/files/aot/aot-2009-report.pdf>.

²⁶⁹ See the “Reduced Significant Events” dashboard for AOT on the OMH website. Office of Mental Health, *Assisted Outpatient Treatment*, <https://my.omh.ny.gov/analytics/saw.dll?dashboard#reports> (last visited Feb. 21, 2019). OMH makes available to the public numerous current AOT-related statistics.

²⁷⁰ *Id.*

²⁷¹ See New York State Office of Mental Health, *About AOT*, <https://my.omh.ny.gov/bi/act> (last visited Feb. 21, 2019).

²⁷² *Id.*; see also New York State Office of Mental Health, *ACT Program Guidelines 2007*, available at https://www.omh.ny.gov/omhweb/act/program_guidelines.html.

²⁷³ New York State Office of Mental Health, *ACT Program Guidelines 2007*, *supra* note 272.

where the subject is seriously mentally ill and meets a number of criteria meant to show imminent danger to self or others. It must be noted that individuals with serious mental illnesses represent a small subset of individuals with mental illnesses.

B. Discharge Planning from Prisons and Jails

Both OMH and county protocols require that the programs engage in discharge planning to connect clients completing the program with needed services and supports, much as would a hospital outside a correctional facility. According to the Office of Mental Health, Central New York Psychiatric Center “Pre-Release Services, in collaboration with . . . DOCCS, applies for entitlements such as Social Security, Medicaid, the Medication Grant Program, and housing, and arranges post-release appointments with mental health clinics, including Personalized Recovery Oriented Services (PROS) programs. Pre-Release services refers individuals with serious mental illness for mental health housing and mental health care coordination.”²⁷⁴ As part of this process, Pre-Release Services staff screen individuals with serious mental illnesses to determine whether AOT is clinically indicated.²⁷⁵ According to providers contacted by the Task Force, local jail mental health providers undertake a similar process. However, as in non-incarcerative contexts, OMH is limited by the resources available in the community. It cannot send someone to housing or treatment that does not exist.

C. Long Waits for Housing Undermine the AOT Program

The reports this Task Force received uniformly stated that insufficient supportive housing exists in the communities to meet the needs of the mentally ill population as a whole and individuals returning from incarceration in particular (forensic housing). The motels and shelters where people on the waiting lists for housing must reside would exact a toll on any person’s mental health, but can overwhelm a person with a mental illness returning from the highly structured environment of incarceration. Multiple AOT coordinators reported that it is significantly more difficult to provide the wrap-around services contemplated by AOT, when the AOT recipient is in short-term housing with supportive services. Unsurprisingly, the National Alliance on Mental Illness has made “the need for safe and affordable housing with wrap-around services for people with mental illness” a legislative priority, urging the State to increase funding for individuals with mental illness commensurate with savings achieved from closing state psychiatric facilities.²⁷⁶

In January 2019, Disability Rights New York and the Legal Aid Society commenced a lawsuit against the State on behalf of six men with serious mental illnesses who allegedly have been confined to prison after their release dates because DOCCS and OMH are unable to locate safe housing for them.²⁷⁷ According to the complaint, four of the plaintiff have been held past the

²⁷⁴ Email from Office of Mental Health (Dec. 12, 2018) (on file with a member of the Task Force).

²⁷⁵ *Id.*; see Correction Law § 404.

²⁷⁶ Press Release, National Alliance on Mental Illness, 2018 Legislative Action Agenda: The Need for Safe and Affordable Housing with Wrap-Around Services for People with Mental Illness, available at <http://files.constantcontact.com/9d08e137201/1aaeb8ff-d2bc-4bed-96f4-a3124b7bd68e.pdf?ver=1516376168000>; National Alliance on Mental Illness, 2019 Legislative Action Agenda, available at <https://files.constantcontact.com/9d08e137201/68929c24-6a05-4cef-906e-aaa02e72ec41.pdf>.

²⁷⁷ Ashley Southall, *Mentally Ill Prisoners Are Held Past Release Dates, Lawsuit Claims*, N.Y. Times, Jan. 23, 2019, available at <https://www.nytimes.com/2019/01/23/nyregion/prisoners-mentally-ill-lawsuit.html>.

maximum expiration date of their sentences. Two of the plaintiffs allege that they have been held in prison for over a year past the maximum expiration of their terms of incarceration, and two allege they have been held past their maximum expiration dates for over six months.²⁷⁸

The delays alleged by the plaintiffs comport with reports to this Task Force from advocates and service providers. Knowledgeable sources in Monroe, Onondaga, Albany, Suffolk and Nassau Counties confirmed that housing was the primary obstacle impeding both AOT and the ability of counties to provide services to individuals returning from prison and jail. For instance, in Suffolk County, fewer than two dozen forensic supported housing²⁷⁹ beds exist. Suffolk County manages over 200 active AOT orders and receives multiple AOT referrals from DOCCS each month. Suffolk County has no housing dedicated to people with mental illnesses returning from jail. Sources reported to the Task Force that in Monroe County, with about 300 active AOT orders and 500 supported housing beds, the wait for a supported housing bed in the community can be 2-3 years, while the wait for a bed in a community residence is generally at least six months. In Albany County, one attorney with the Mental Hygiene Legal Service reported to this Task Force that she advises clients not to anticipate receiving housing during the initial 1-year AOT order. Not a single person the Task Force spoke with believed that the current stock of mental health housing was adequate for the population in general or for the forensic population in particular.

Positive action by the State should not be overlooked. The State continues to backfill beds lost due to the closure of state psychiatric facilities with new investment in supportive housing units. In June 2016, the Governor “proposed a historic \$10.4 billion commitment to combat homelessness statewide over the next five years, which includes \$2.6 billion for new supportive housing units and \$7.8 billion for continuing commitments in support of existing supportive housing units, shelter beds, and other homeless services.”²⁸⁰ The State has issued requests for proposals for 1,200 beds, aiming to add 6,000 total by 2023.²⁸¹ In November, 2018, the Governor announced the funding of 276 new supportive housing units across the state, approximately 200 of which will be for residents with serious mental illnesses.²⁸² And in December 2018, the Governor announced funding of approximately 200 more.²⁸³ These units will add to the approximately 44,000 supportive units already existing across the state, but it does not appear that any of them have been designated for people returning from incarceration. Yet, according to advocates and supportive housing providers, the situation is critical now. And the planned increases, while welcome, fall short of what is needed.

²⁷⁸ See Complaint, ¶¶ 58, 107, 100, 127, *M.G. v. Cuomo*, 19 Civ. 00639 (S.D.N.Y. Jan. 23, 2019).

²⁷⁹ A type of long-term housing for individuals with mental illness returning from prison.

²⁸⁰ See Press Release, Governor Andrew M. Cuomo, New York State Launches Phase One of Unprecedented \$10.4 Billion Homelessness Action Plan (Jun. 2, 2016), available at <https://www.governor.ny.gov/news/new-york-state-launches-phase-one-unprecedented-104-billion-homelessness-action-plan>.

²⁸¹ *Id.*

²⁸² Press Release, Governor Andrew M. Cuomo, Governor Cuomo Announces More Than \$40 Million for Supportive Housing for Veterans, Survivors of Domestic Violence and Individuals with Mental Illness (Nov. 8, 2018), available at <https://www.governor.ny.gov/news/governor-cuomo-announces-more-40-million-supportive-housing-veterans-survivors-domestic>.

²⁸³ Press Release, Governor Andrew M. Cuomo, Governor Cuomo Announces More Than \$29 Million for Supportive Housing and Emergency Shelter Repairs (Dec. 7, 2018), available at <https://www.governor.ny.gov/news/governor-cuomo-announces-more-29-million-supportive-housing-and-emergency-shelter-repairs>.

The foremost concern for people who suffer from mental illness appears to be identical to most anyone returning from incarceration—housing. Supported housing exists to provide subsidized housing and practical support to individuals with serious mental illnesses. But not enough this type of housing exists to meet the needs of formerly incarcerated people with mental illness. After release from incarceration, many people with mental illness spend months in shelters before a room becomes available, making it more difficult for providers to serve them and leaving them in a state of transience and uncertainty. Universal agreement appears to exist among providers and advocates that the amount of supportive housing units for people with mental illnesses should be increased dramatically to eliminate wait times. Increases are needed in both long-term housing, such as supported housing, and short-term transitional housing, so that all individuals returning from incarceration with mental illness have available a safe, structured place to live before moving to permanent housing. Otherwise, we unnecessarily risk re-institutionalizing in correctional facilities and psychiatric centers individuals who could have remained safely in the community. If we can keep individuals with serious mental illnesses in the community, we can both fulfill our constitutional obligation to protect the needy and avoid further taxing our correctional facilities and psychiatric hospitals.

In order to accomplish these goals, the stock of supportive housing for people with mental illnesses, including forensic supported housing and short-term transitional housing, should be increased dramatically statewide so that people with mental illnesses being released from incarceration are not released into shelters and motels or kept in prison beyond the end their sentences. OMH keeps many statistics for AOT, but does not track rates of re-incarceration and involuntary hospitalization for individuals subjected to an AOT order upon release from prison. OMH and/or CJS should begin tracking this statistic to develop a dataset that would provide empirical evidence of how useful AOT is to help individuals with serious mental illness stay in their communities.

VII. Individuals With Sex Offense Convictions

In the past two decades, New York has enacted a statutory framework designed to protect against recidivism by individuals with sex offense convictions. This Task Force is mindful of the importance of this public policy objective, particularly in relation to vulnerable populations such as children. However, empirical research assessing the effectiveness of these policies calls into question their wisdom. This Task Force notes with particular concern the lack of conclusive evidence that registration of such individuals increases public safety,²⁸⁴ the even starker absence of *any evidence* to support onerous restrictions on residence,²⁸⁵ the antiquated and unscientific risk

²⁸⁴ See, e.g., Jeffrey C. Sandler et al., *Does a Watched Pot Boil?: A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*, 14 Psych. Pub. Pol., and Law 284, 297 (2008) (finding that the enactment of New York's Sex Offender Registration Act "had no significant impact on rates of total sexual offending, rape, or child molestation"); Cynthia Calkins et al., *Sexual Violence Legislation: A Review of Case Law and Empirical Research*, 20 Psych. Pub. Pol., and Law 443, 452 (2014) (finding empirical studies concerning the utility of registration and notification laws to be "at best, mixed")

²⁸⁵ Association for the Treatment of Sexual Abusers, *Sex Offender Residence Restrictions*, Aug. 2, 2014, available at <http://www.atsa.com/pdfs/Policy/2014SOResidenceRestrictions.pdf>.

determination techniques employed in classifying these individuals,²⁸⁶ and the seemingly arbitrary parole conditions that such individuals often face.²⁸⁷

On the other hand, the detrimental impact of such policies on individuals reentering society is substantial, and well documented. Placement on a public registry often leads to employment discrimination, social ostracization, and even subjection to physical violence.²⁸⁸ Indeed, even the New York State Unified Court System's website has noted that "registration can lead to social disgrace and humiliation, loss of relationships, jobs, and housing, and both verbal and physical assaults."²⁸⁹ New York's restrictions on where certain individuals with sex offense convictions may live can be tantamount to banishment from certain areas.²⁹⁰ Alarming, the lack of suitable housing meeting these onerous restrictions has led to the detention of prisoners beyond the date on which they would otherwise be released.²⁹¹

We recognize that apart from the issues explored by this report, individuals convicted of sex offenses may face other forms of severe monitoring and regulation. In 2007, the Legislature enacted the Sex Offender Management and Treatment Act, which provides for civil management of individuals convicted of sex offenses who are found to have a "mental abnormality" predisposing them to commit such offenses.²⁹² Such individuals may be confined indefinitely even after completing their sentences.²⁹³ If not confined, they may be subjected to a regimen of "strict and intensive supervision and treatment" ("SIST"), which can include monitoring by GPS, polygraph examinations, and specification of residence.²⁹⁴ Individuals indefinitely confined are denied the ability to re-enter society despite completion of their sentences, while those subjected to SIST face severe monitoring as they re-enter. The complexity of these issues precludes us from extensively treating them here, but we nonetheless note the need for further study of civil management in this state.

²⁸⁶ See New York City Bar Association, *Report on Legislation by the Criminal Courts Committee, the Criminal Justice Operations Committee, the Criminal Law Committee, and the Corrections and Community Re-entry Committee*, June 2015, available at <https://www2.nycbar.org/pdf/report/uploads/20072469-SexOffenderRegistrationActReport.pdf>.

²⁸⁷ See, e.g., *Yunus v. Robinson*, 17 Civ. 5839 (AJN) (BCM), 2018 WL 3455408, at *7 (S.D.N.Y. Jun. 29, 2018), report and recommendation adopted, 17 Civ. 5839 (AJN), 2019 WL 168544 (S.D.N.Y. Jan. 11, 2019) (reciting seemingly boilerplate, onerous conditions of release imposed on parolee convicted of a kidnapping that had no sexual element, but was nonetheless categorized as a sex offense).

²⁸⁸ See, e.g., Cynthia Calkins Mercado et al., *The Impact of Specialized Sex Offender Legislation on Community re-entry*, 20 Sexual Abuse 188 (2008).

²⁸⁹ New York State Unified Court System, *Sex Offender Registration Consequences*, <https://www.nycourts.gov/courthelp/Criminal/sexOffenderConsequences.shtml> (last visited Feb. 6, 2019).

²⁹⁰ See, e.g., *Matter of Williams v. Dep't of Corr. & Cmty. Supervision*, 136 A.D.3d 147, 166 (1st Dep't 2016) (noting that residence restrictions prevented parolee "from living in or traveling to virtually all parts of Manhattan . . . and large areas of the other boroughs of New York City").

²⁹¹ See, e.g., Joseph Goldstein, *Housing Restrictions Keep Sex Offenders In Prison Beyond Release Dates*, N.Y. Times, Aug. 21, 2014, available at <https://www.nytimes.com/2014/08/22/nyregion/with-new-limit-on-where-they-can-go-sex-offenders-are-held-after-serving-sentences.html>; *Matter of Gonzalez v. Annucchi*, 32 N.Y.3d 461, 2018 WL 6173959, N.Y. Slip Op. 08057 (2018); *Alcantara v. Annucchi*, 55 Misc.3d 1216(A), 2017 WL 1838729 (Sup. Ct. Albany Cty. 2017).

²⁹² Mental Hygiene Law § 10.07.

²⁹³ *Id.* §§ 10.09, 10.10.

²⁹⁴ *Id.* § 10.11.

A. Overview of Legislative History, and Academic Literature Concerning Recidivism

In this state and nationwide, the legislative history of measures for the monitoring and regulation of individuals with sex offense convictions is underpinned by the assumption that they are uniquely likely to recidivate. Recent research undercutting this assumption, and demonstrating the inefficacy of these policies, should prompt their reconsideration.

In New York, such regulation began with the enactment of the Sex Offender Registration Act (“SORA”) in 1996. The bill’s sponsors in the Legislature explicitly cited the “high risk of reoffending” posed by released individuals who had committed sex offenses, and relied upon statistics that “rapists recidivate at a rate of 7 to 35%.”²⁹⁵ The wide range cited by the Legislature, however, also highlighted the uncertainty concerning just how recidivistic such individuals are.

This assumption of high recidivism rates appears to have driven the enactment of further legislation such as the Sexual Assault Reform Act (“SARA”) in 2000, and its subsequent amendments, which cumulatively prohibit certain categories of individuals with sex offense convictions from residing within 1,000 feet of a school. In 2007, the Legislature enacted the Sex Offender Management and Treatment Act (“SOMTA”), providing for the civil commitment of recidivistic individuals following the completion of their prison terms. In Chapter 568 of the Laws of 2008, the Legislature—recognizing the difficulties faced by individuals with sex offense convictions in obtaining housing—imposed statutory obligations on the former Division of Parole, Division of Criminal Justice Services, and the Office of Temporary and Disability Assistance to ameliorate these issues.

The assumption that such individuals are uniquely dangerous has persisted, often lacking a basis in scientific research. For example, in *McKune v. Lile*, 536 U.S. 24, 34 (2002), Justice Kennedy called the risk of individuals with sex convictions recidivating “frightening and high,” and this language was subsequently quoted in numerous lower court and state court decisions. To support this assertion, Justice Kennedy cited an estimate that recidivism among untreated individuals with sex offense convictions was as high as 80%. However, as a recent analysis of *McKune* found, the original source of the cited statistic was a 1986 article in *Psychology Today*, where the author (not a researcher of recidivism himself) cited this 80% figure without reference to any scientific study of the issue.²⁹⁶ This episode is an illustration of the role of unscientific speculation in assessments of such individuals’ recidivism.

Given the inherent difficulty of arriving at accurate measures of recidivism, it is best to be cautious while citing any statistics in this regard. However, it should be noted that the academic literature *does not* decisively indicate that individuals with sex offense convictions are more likely to recidivate than others with criminal convictions. A study published by the U.S. Department of Justice, for example, tracked nearly 10,000 males convicted of sex offenses and released from prisons in 15 states, and found that only 3.5% were reconvicted for a sex crime in the three-year

²⁹⁵ Joel B. Rudin, *Megan’s Law: Can It Stop Sexual Predators—and at What Cost to Constitutional Rights?*, 11 *Crim. Just.* 3, 6 (1996) (citing *Introducer’s Memorandum in Support*, ch. 192, 1995 N.Y. Laws).

²⁹⁶ Ira M. Ellman & Tara Ellman, *Frightening and High: The Supreme Court’s Crucial Mistake About Sex Crime Statistics*, 30 *Const. Comment.* 495 (2015).

follow-up period considered by the report.²⁹⁷ Additionally, a number of state-level studies have found that the rate at which individuals with sex offense convictions committed new sex offenses was in the low single digits. See Brief for *Amicus Curiae* Association for the Treatment of Sexual Abusers *et al.* Supporting Petitioner at 9-10, *Packingham v. North Carolina*, 137 S. Ct. 1730 (2017) (No. 15-1194) (collecting studies finding that rates at which individuals with sex offense convictions committed a new sex offense were between 1.7% and 5.7%). Indeed, one of these studies was conducted by the New York State Department of Corrections and Community Supervision (“DOCCS”), which found that only 1.7% of such individuals released in 2010 had committed another sex offense following release.

As numerous studies published since 1996 have found the recidivism rate to be lower than assumed, the premises underlying SORA and legislation following it have been called into question. Accordingly, these restrictions should be reexamined, taking into account the lack of evidence for their efficacy, and the harm to those subjected to them.

B. Barriers to Re-entry Posed by Collateral Consequences of Sex Offenses

Placement on a publicly accessible registry, banishment from wide swaths of urban areas, and other collateral consequences of sex offense convictions have well documented adverse effects on re-entry. New York lists Level 2 and Level 3 registrants on an online registry.²⁹⁸ Additionally, members of the public may call the Division of Criminal Justice Services to inquire as to whether any individual, regardless of risk categorization, is registered pursuant to a sex offense conviction. Public access to the registry predictably leads to discrimination in housing and employment, social ostracization, harassment, and even vigilante assaults. A review of studies concerning the impact of “community notification,” i.e. the reporting of “sex offender” status to the public, found that a significant percentage of individuals experience adverse effects. Nearly a third reported losing a job, 44% reported threats or harassment by neighbors, and 12% reported being forced to move when a landlord learned of their status.²⁹⁹ Another author, reviewing studies in this area, noted that 20-40% of individuals with sex offense convictions reported having to move because a landlord or neighbor learned of their sex offense conviction.³⁰⁰ Across several studies, a small yet troubling minority (8%) reported experiencing a physical assault or injury.³⁰¹ It is worth noting that these consequences are apart from those mandated by law, such as the ban from federally funded public housing faced by lifetime registrants.³⁰²

Apart from the immediate practical effects of the public registry, individuals with sex offense convictions understandably report experiencing a significant psychological toll from being

²⁹⁷ See Patrick A. Langan et al., U.S. Department of Justice, Bureau of Justice Statistics, *Recidivism of Sex Offenders Released from Prison in 1994*, November 2003, available at <https://www.bjs.gov/content/pub/pdf/rsorp94.pdf>.

²⁹⁸ New York State Division of Criminal Justice Services, *The Official New York State Sex Offender Registry*, <http://www.criminaljustice.ny.gov/nsor/> (last visited Feb. 21, 2019).

²⁹⁹ Michael P. Lasher & Robert J. McGrath, *The Impact of Community Notification on Sex Offender Reintegration: A Quantitative Review of the Research Literature*, 56 *Int. J. Offender Ther. & Comp. Criminol.* 1, 19 (2012).

³⁰⁰ Jill Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 *Am. J. Crim. Just.* 54, 55 (2009).

³⁰¹ Lasher & McGrath, *supra* note 299, at 19.

³⁰² 42 U.S.C. § 13663.

on the registry. Across several studies, approximately 40% to 60% claimed “negative psychological consequences such as loss of friends, feeling lonely and isolated, embarrassment, and loss of hope,” and 60% reported that the publicization of their status “interfered with their recovery.”³⁰³ Of particular concern is the experience of close relations of individuals with sex offense convictions. For example, one survey found that 58% of children of individuals with sex offense convictions were believed to be treated differently from other children at school, and alarmingly reported that one in eight of these children exhibited suicidal tendencies.³⁰⁴

Furthermore, the residence restrictions imposed on certain individuals with sex offense convictions are among the most significant impediments to re-entry. Below, we discuss at length their adverse effects, most notable among these the detention of prisoners beyond their release dates for lack of compliant housing. We note that the Legislature has for at least a decade been well aware of the difficulties faced by such individuals in finding housing, which it recognized in enacting legislation in 2008 that imposed obligations on various state agencies in this regard.³⁰⁵ These difficulties are unsurprising, given that the 1,000 foot residence restriction covers the vast majority of Manhattan, wide swaths of the rest of New York City, and other urban areas in the state. Unfortunately, the housing situation faced by released prisoners with sex offense convictions appears to have remained dismal.³⁰⁶

C. Data and Current Programs

According to DCJS, there are 41,180 individuals registered with sex offense convictions in New York State, as of January 8, 2019.³⁰⁷ 14,783 have been assigned a risk assessment of “Level 1,” 15,285 are “Level 2,” and 10,279 are “Level 3.” The below table lists the number of each category of individuals, in each of the counties that this Task Force has focused on:

County	Level 1	Level 2	Level 3	Yet to be determined	Total
Albany	215	199	152	4	570
Bronx	708	845	576	34	2163
Broome	252	231	145	2	630
Chemung	94	123	62	2	281

³⁰³ Lasher & McGrath, *supra* note 299, at 20.

³⁰⁴ Levenson & Tewksbury, *supra* note 300, at 63-64.

³⁰⁵ See, e.g., Sponsor’s Memorandum, ch. 568, 2008 N.Y. Laws.

³⁰⁶ See Shane English, *Sex Offenders Face Housing Maze After Prison Release*, City Limits, Jan. 17, 2017, available at <https://citylimits.org/2017/01/17/sex-offenders-face-housing-maze-after-prison-release/> (last visited Feb. 26, 2019).

³⁰⁷ New York State Division of Criminal Justice Services, *Registered Sex Offenders by County as of January 8, 2019*, http://www.criminaljustice.ny.gov/nson/stats_by_county.htm (last visited Feb. 5, 2019).

Erie	578	515	334	9	1436
Franklin	49	68	52	2	171
Kings	808	773	527	46	2154
Monroe	607	588	304	18	1517
Nassau	297	185	71	2	555
New York	559	520	436	30	1545
Oneida	261	305	420	2	988
Onondaga	417	412	261	4	1094
Queens	654	569	314	37	1574
Richmond	181	109	85	6	381
Suffolk	529	378	193	4	1104
Westchester	234	229	173	5	641
Wyoming	37	44	14	0	95

DOCCS has informed us that as of November 30, 2018, 3,087 individuals with sex offense convictions were under community supervision, of whom 624 were “Level 1,” 1,105 were “Level 2,” 1,049 were “Level 3,” and 309 “were pending registration or not on the registry.”³⁰⁸ As of December 2018, an average of 2,329 individuals “subject to SARA” had been under parole supervision in the preceding three months.³⁰⁹

We are also aware, per a representation made by DOCCS at the recent oral argument in *Matter of Gonzalez v. Annucchi*, 32 N.Y.3d 461 (2018), that 175 individuals were at the time being held beyond their conditional release date due to a lack of SARA-compliant housing.

DOCCS runs an in-prison rehabilitative program for individuals with sex offense convictions known as the Sex Offender Counseling and Treatment Program (“SOCTP”).³¹⁰ In

³⁰⁸ Letter from Anthony J. Annucchi, Acting Commissioner, New York State Department of Corrections and Community Supervision, to a member of this Task Force (December 2018) (on file with a Task Force member), at 2-3.

³⁰⁹ *Id.* at 3.

³¹⁰ See New York State Department of Corrections and Community Supervision, *Sex Offender Counseling and Treatment Program (SOCTP) Guidelines*, April 2018, available at <http://www.doccs.ny.gov/ProgramServices/>

response to a request for information sent by the Task Force, DOCCS noted that for the purposes of the SOCTP, it assigns to prisoners “a risk level for the purpose of treatment using a comprehensive process that utilizes both actuarial tools and clinical assessment.”³¹¹ DOCCS then develops an individualized treatment plan for the prisoner, “based on the participant’s risk factors.”³¹² DOCCS also noted that “[s]ex offender treatment is mandatory for the sex offender parolees under DOCCS’s legal jurisdiction,” and stated that in the Task Force’s counties of interest, the “number of DOCCS vetted and approved treatment providers” is as follows: three in Westchester, two each in Albany and Nassau, and one each in Suffolk, Broome, Monroe, Erie, Onondaga, Oneida, Chemung, and Franklin; DOCCS also utilizes seven providers in New York City.³¹³

D. Residency Restrictions Imposed by SARA and Subsequent Amendments

We are alarmed by the extremely harsh repercussions of the residence restrictions imposed on certain individuals with sex offense convictions by the Sexual Assault Reform Act (“SARA”) and its subsequent amendments, particularly because there is no evidence to suggest that such restrictions are effective. This is widely recognized; for example, the Association for the Treatment of Sexual Abusers (“ATSA”) has unequivocally stated that:

There is *no research* to support the effectiveness of residence restrictions in reducing sexual recidivism and these policies often have the unintended consequence that may compromise, rather than promote, public safety.³¹⁴ (Emphasis supplied.)

Likewise, a comprehensive review of empirical studies in this area, published by a group of experts at John Jay College of Criminal Justice and CUNY Law School, concluded that this body of research had shown residence restrictions to be *not effective*.³¹⁵ These findings seem almost intuitive, given that most sex offenses against children—whom residence restrictions are generally designed to protect—are committed by perpetrators known to them, and not mere strangers. Data from the National Crime Victimization Survey shows that only *four percent* of sex crimes against children are committed by strangers.³¹⁶

Given the apparent inefficacy of such laws, this Task Force is gravely concerned by the untenable position that many individuals with sex offense convictions, particularly those from urban parts of the state, face when subjected to the residence restrictions. Currently, individuals under post-release supervision who are designated “Level 3” offenders, or whose victims were children, are prohibited from residing within 1,000 feet of a school. The First Department has

SOCTP_Procedures_and_Guidelines.pdf.

³¹¹ Letter from Anthony J. Annucci, *supra* note 308, at 1.

³¹² *Id.*

³¹³ *Id.* at 2.

³¹⁴ Association for the Treatment of Sexual Abusers, *supra* note 285.

³¹⁵ Calkins et al., *supra* note 284, at 454.

³¹⁶ David Finkelhor & Anne Shattuck, *Characteristics of Crime Against Juveniles*, Crimes Against Children Research Center, May 2012, available at http://www.unh.edu/ccrc/pdf/CV26_Revised%20Characteristics%20of%20Crimes%20against%20Juveniles_5-2-12.pdf.

noted that this covers “most of Manhattan,”³¹⁷ and wide swaths of other urban counties in this state are likewise affected. As the Editorial Board of the *New York Times* and numerous other commentators have noted, such regulations amount to virtual banishment from an urban area.³¹⁸

New York’s residency restrictions differ from those of other states in significant respects. Numerous jurisdictions do not have a statewide law prohibiting individuals with sex offense convictions from living in specific zones.³¹⁹ In many of these states, however, municipalities implement their own residence restrictions. Up until recently, New York municipalities, like those in many other states with a statewide residency restriction law, would implement their own residence laws beyond the threshold set by the state. However, in 2015, the New York Court of Appeals held in *People v. Diack*, 24 N.Y.3d 674, that municipal residence restrictions were preempted by New York’s statutory framework regulating individuals with sex offense convictions. The only other states where the highest court of appeal has held this are New Jersey and Massachusetts.³²⁰ Notably, neither New Jersey nor Massachusetts has a statewide residence restriction, nor have the legislatures in those states felt the need to impose one after the invalidation of municipal restrictions.

We are particularly troubled by the imprisonment of individuals beyond their conditional release date, or even their maximum release date, when they are unable to secure SARA-compliant housing. It appears that this policy is recent on the part of DOCCS: in August 2014, the *New York Times* reported that while individuals in this situation who were unable to find compliant housing would hitherto “typically be released to [homeless] shelters like the men’s intake shelter at 30th Street and First Avenue in Manhattan,” DOCCS changed its practices after State Senator Jeffrey Klein highlighted that individuals with sex offense convictions were often living at homeless shelters within 1,000 feet of a school.³²¹ DOCCS now holds such persons until they are notified by the New York City Department of Homeless Services (“DHS”) that a SARA-compliant shelter bed is available.³²² In response to a request for information by this Task Force, DOCCS stated that per their agreement with DHS, “DHS agreed to accept ten (10) sex offenders each month and place them in SARA-compliant homeless shelters,” and that “[e]ach month, DOCCS identifies the ten individuals to be given the available beds based on length of time waiting and transmits the information to DHS.”³²³ DOCCS recently represented in a court proceeding that approximately 175 individuals were being held in state prison due to lack of SARA-compliant housing.³²⁴

While individuals with sex offense convictions could in theory choose to relocate to less densely populated regions of the state, this would prove to be impossible for most prisoners from

³¹⁷ *Williams*, *supra* note 290, at 150.

³¹⁸ See, e.g., Editorial, *The Pointless Banishment of Sex Offenders*, *N.Y. Times*, Sept. 8, 2015, available at <https://www.nytimes.com/2015/09/08/opinion/the-pointless-banishment-of-sex-offenders.html>.

³¹⁹ These include Alaska, Colorado, Connecticut, Hawaii, Kansas, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, and Wisconsin.

³²⁰ *G.H. v. Twp. Of Galloway*, 971 A.2d 401 (N.J. 2009); *Doe v. City of Lynn*, 36 N.E.3d 18 (Mass. 2015).

³²¹ Goldstein, *supra* note 291.

³²² *Id.*

³²³ Letter from Anthony J. Annucci, *supra* note 308, at 2.

³²⁴ Oral Argument Transcript at 10, *Matter of Gonzalez v. Annucci*, *supra* note 291.

urban communities. DOCCS personnel are required to investigate the proposed release program of individuals with sex offense convictions being released to any form of community supervision, taking into account, among other factors, “accessibility to family members, friends or other supportive services.”³²⁵ Naturally, such resources would be unavailable to individuals in communities that are not their own. For those persons who hail from New York City and other urban regions of the state, finding a residence that satisfies this condition and the 1,000 foot rule is generally unfeasible.

In a recently decided case, *Matter of Gonzalez v. Annucchi*, the New York Court of Appeals considered whether, in the case of a person held beyond his maximum expiration date for lack of SARA compliant housing, DOCCS had met its statutory obligation under Correction Law § 201(5) to “assist” in securing housing.³²⁶ The majority disagreed with the Appellate Division, Third Department’s holding that DOCCS bears a duty of “substantial assistance” towards this subgroup of individuals, but rather held that “DOCCS’ obligation with respect to *all inmates* on or eligible for community supervision is to provide assistance in a *general* manner.”³²⁷

Without taking any position on the merits of this decision, this Task Force notes with concern the plight of individuals in this situation, particularly as highlighted in Judge Wilson’s dissent in *Gonzalez*. Citing the Appellate Division’s findings, the dissent highlighted that the petitioner in that case found himself in the difficult position of having to locate such housing without the “provision of information about potential residence opportunities, . . . referrals to community agencies or opportunities beyond those offered to regular inmates to use a telephone, computer or other resources to research residence opportunities.”³²⁸ Judge Wilson compared the situation of the petitioner, who proposed 58 separate residences only to have each rejected as unsuitable by DOCCS, to that of an “unwinnable game of real-estate Battleship,” and called it “Kafkaesque.”³²⁹ Furthermore, in disagreeing with the majority’s refusal to consider petitioner’s entitlement to “good time credit,” which petitioner lost when he was held beyond his conditional release date, Judge Wilson noted that this frustrates penological objectives, as it “reduces the incentive of [] sex offenders [planning a return to New York City] to earn” good time credit.³³⁰

In light of the absence of *any* research suggesting that SARA’s residence restriction is effective, and the extraordinary burden faced by those who must comply with it, this Task Force recommends immediate legislative action. Specifically, we recommend that the Legislature amend the Sexual Assault Reform Act (“SARA”) to require that instead of an automatic imposition of a “1,000 foot” residence restriction on individuals categorized as Level 3, the decision to impose a buffer zone restriction around schools be made on a case-by-case basis by the Sex Offender Registration Act (“SORA”) hearing court, upon a showing of a need for the restriction based upon the defendant’s offense conduct, history of behavior, or other mental or emotional conditions, with possibility of revision over time.

³²⁵ 9 NYCRR 8002.7(f)(1)(vi).

³²⁶ *Matter of Gonzalez v. Annucchi*, *supra* note 29).

³²⁷ *Id.* at *5 (emphasis supplied).

³²⁸ *Id.* at *11 (citing *Matter of Gonzalez v. Annucchi*, 149 A.D.3d 256, 263 (3d Dep’t 2017)).

³²⁹ *Id.* at *7.

³³⁰ *Id.* at *14.

While legislative action is clearly needed, we also urge a solution by executive action to the pressing issue of the ~175 individuals held in state prison for lack of SARA compliant housing. As noted in the dissent in *Gonzalez*, “[New York] City guarantees (and indeed must guarantee) housing for every homeless person who requests it,” in accordance with a 1981 consent decree.³³¹ However, per the agreement between DOCCS and the New York City Department of Homeless Services (“DHS”), only ten releasees facing the SARA residence restriction are transferred to DHS each month.³³² Given the relatively small number of individuals in this situation, this situation could likely be ameliorated in the short-term if only more substantial efforts were made by the relevant agencies to arrange for suitable housing.

E. Community Supervision of Individuals with Sex Offense Convictions

Defense attorneys commonly report that their clients with sex offense convictions are issued a boilerplate list of conditions of release. This category of releasees can be subjected to “special conditions” of release by the Board of Parole at the time of their deciding to release a prisoner, or by DOCCS personnel supervising such releasees. One illustrative example of an individual with a sex offense conviction being assigned boilerplate conditions by a parole officer is highlighted in a recent report and recommendation by Magistrate Judge Barbara Moses:

On July 19, 2016, PO Smith assigned plaintiff “forty-eight of the most restrictive special conditions of parole,” printed on a six-page [sic] document entitled “Special Conditions of Release to Community Supervision for Sex Offenders.” ... Smith told plaintiff that he gives “all sex offenders” the same restrictions.³³³

The R&R went on to note that the conditions included a prohibition against being within 300 yards of “toy stores, parks, pet stores, schools, playgrounds, video galleries, malls, bike trails, skating rinks, amusement parks...” and various other locations without approval.³³⁴ It also included significant restrictions on his access to phones, computers, and the internet.³³⁵ Notably, at issue in this case, *Yunus v. Robinson*, was the fact that plaintiff’s conviction was for the kidnapping of a minor that had “no sexual component.” While *Yunus* concerns whether the plaintiff’s classification as a “sex offender” was constitutional given the nature of his crime, the facts in *Yunus* suggest that DOCCS does not engage in individualized review of parolees’ backgrounds in determining appropriate parole conditions. Had any such review been undertaken, assigning these conditions to a parolee like *Yunus* would have seemed obviously unreasonable. However, rather draconian release conditions appear to often be imposed as a matter of course.

This is particularly unfortunate given that individuals with sex offense convictions often undergo extensive treatment while in custody and on parole, and that the Board of Parole and

³³¹ *Id.* at *14 (citing *Callahan v. Carey*, 307 A.D.2d 150, 151 (1st Dep’t 2003)).

³³² Letter from Anthony J. Annucchi, *supra* note 308, at 2.

³³³ *Yunus v. Robinson*, 17 Civ. 5839 (AJN) (BCM), 2018 WL 3455408, at *7 (S.D.N.Y. Jun. 29, 2018), *report and recommendation adopted*, 17 Civ. 5839 (AJN), 2019 WL 168544 (S.D.N.Y. Jan. 11, 2019) (emphasis supplied).

³³⁴ *Id.*

³³⁵ *Id.*

DOCCS thus have access to significant background information that could be used to fashion individualized release conditions.

In response to an inquiry by this Task Force concerning DOCCS policies with respect to individuals with sex offense convictions under supervision, DOCCS responded that “Parole Officers may impose special conditions of release based upon the circumstances of each case in order to ensure the parolee’s needs are being addressed while protecting the safety of the community.”³³⁶ While DOCCS has represented that the “circumstances of each case” form the basis of conditions of release, it has been nonetheless observed by practitioners that individuals with sex offense convictions are often assigned identical, draconian release conditions. For example, the plaintiff in *Yunus v. Robinson*, *supra*, was assigned 48 special conditions of release through a six-page document titled “Special Conditions of Release to Community Supervision for Sex Offenders,” which appears to be patently boilerplate by virtue of its being a printed form with blank spaces to fill in the names of individual releasees.³³⁷ Having observed that onerous conditions are often unnecessarily applied in a uniform manner, the Task Force recommends that this practice be replaced with an individualized approach, wherein the release conditions bear a reasonable relationship to the underlying offense and subsequent rehabilitation.

F. Risk Classification & Community Notification

The most significant impediment to employment for individuals with sex offense convictions may be their placement on the public registry. A risk classification of “Level 1” places an individual on the registry for 20 years, and “Level 2” and “Level 3” for life. Individuals who are classified as Level 2 or 3 are also placed on an online registry by DCJS.

As detailed previously, the detrimental effect of notification laws on the lives of individuals with sex offenses is well documented by academic literature. Indeed, even the New York State Unified Court System’s website notes that “registration can lead to social disgrace and humiliation, loss of relationships, jobs, and housing, and both verbal and physical assaults.”³³⁸ In addition to the difficulty in finding employment, and social ostracization, lifetime registrants of a sex offender registry face a bar from federally assisted public housing.³³⁹

However, the research regarding the effectiveness of registration and notification laws is inconclusive. A review of empirical studies in this area found that the utility of such laws was “at best, mixed.”³⁴⁰ Furthermore, a recent analysis found that “certain long-term supervision and monitoring policies (e.g., lifetime registration) may be applied to a substantial number of individuals with a low risk for sexual offending.”³⁴¹ Notably, a 2008 analysis of New York’s

³³⁶ *Id.*

³³⁷ Exhibit B to Declaration of Equan Yunus in Support of Motion for Preliminary Injunction, at 5-11, ECF No. 45-2, *Yunus v. Robinson*, 17 Civ. 5839 (AJN) (BCM) (S.D.N.Y. Mar. 26, 2018).

³³⁸ New York State Unified Court System, *supra* note 289.

³³⁹ 42 U.S.C. § 13663.

³⁴⁰ Calkins et al., *supra* note 284, at 452.

³⁴¹ R. Karl Hanson et al., *High-Risk Sex Offenders May Not Be High Risk Forever*, 29 *J. Interpersonal Viol.* 2792, 2806 (2014).

SORA found that its “enactment . . . had *no significant impact* on rates of total sexual offending, rape, or child molestation” (emphasis supplied).³⁴²

As an initial matter, the process by which New York assigns an individual to one of these three risk categories appears to be flawed. While these determinations are made by a court following a hearing, the hearing court is provided (in the case of prisoners being released) a recommendation by the Board of Examiners of Sex Offenders, a five-member body appointed by the Governor.³⁴³ To obtain an upward departure from this recommendation, the People are required to “prove the existence of certain aggravating circumstances by clear and convincing evidence,” *People v. Gillotti*, 23 N.Y.3d 841, 862 (2014) (internal citations omitted), while to obtain a downward departure the defense “must prove the existence of the mitigating circumstances upon which [it] relies in advocating for a departure by a [] preponderance of the evidence.” *Id.* at 864. As noted by the New York City Bar Association and the SORA Subcommittee of NYSBA’s Criminal Justice Section, the Risk Assessment Instrument used by the Board in arriving at this recommendation is grounded in research more than two decades old, has not been well-tested, and is methodologically flawed.³⁴⁴ Both the SORA Subcommittee and City Bar make reference to Justice Daniel Conviser’s opinion in *People v. McFarland*, 29 Misc.3d 1206(A), 2010 WL 3892252 (Sup. Ct. N.Y. Cty. Oct. 4, 2010), which critiqued the Risk Assessment Instrument (“RAI”) for taking into account factors that are not necessarily correlated with recidivism risk, being untested/unvalidated, arbitrarily assigning “point” values to various factors, classifying most individuals as Level 3 (in marked contrast to the instruments used by other states), not capturing certain significant determinants of recidivism risk, and a variety of other flaws. Like City Bar and the SORA Subcommittee, we recommend that the Legislature require the Board of Examiners to periodically update the Risk Assessment Instrument in line with scientific research.³⁴⁵

Furthermore, the registration periods imposed in New York may be unnecessarily long, as recent research on the long-term risk of reoffending indicates. Reviewing this research, a group of well-regarded researchers in this field recently noted that:

Low risk sex offenders are less likely to be arrested for subsequent sex crimes *than general criminal offenders*. After 10 years, moderate risk sex offenders reach recidivism rates comparable to general offenders, and after 16 years, even high risk sex offenders are no more likely to be arrested for a new sexual crime than an offender with no prior sex crime history. Thus, *it is unlikely that registration periods beyond 20 years (at the longest) provide added value, even for high risk offenders*.³⁴⁶ (Emphasis supplied.)

³⁴² Sandier et al., *supra* note 284, at 297.

³⁴³ Correction Law §§ 168(l), (n).

³⁴⁴ New York City Bar Association, *supra* note 286; New York State Bar Association, Criminal Justice Section, SORA Subcommittee, *Support for Pending Legislation Related to New York’s Sex Offender Risk Assessment Instrument*, Mar. 31, 2017 (unpublished report).

³⁴⁵ New York City Bar Association, *supra* note 286; New York State Bar Association, Criminal Justice Section, SORA Subcommittee, *supra* note 344.

³⁴⁶ Jill S. Levenson et al., *Grand Challenges: Social Justice and the Need for Evidence-Based Sex Offender Registry Reform*, 43 J. Sociol. & Soc. Welf. 2, 18-19 (2016).

In light of this evidence, New York's 20-year registration requirement for "Level 1" registrants, and lifetime registration period for all other individuals, appears to be unnecessarily long. Comparing New York's registration periods with those of other states underscores this: 12 states (Connecticut, Illinois, Indiana, Iowa, Minnesota, New Mexico, Rhode Island, Texas, Utah, Vermont, Washington, and West Virginia) impose a registration period of only 10 years for wide categories of individuals who are first time offenders and/or have committed less serious offenses. We suggest that New York's registration periods be further studied by experts in this field, with a view to shortening them, to determine the optimal length of registration for each risk category.

We are mindful that the Legislature's intent in enacting SORA and subsequent legislation was safeguarding public safety, particularly with respect to vulnerable populations who are disproportionately the victims of sex crimes. While this report has critiqued the efficacy of existing policies implemented to prevent recidivism, and argued against the flawed assumption that those convicted of sex crimes are uniquely recidivistic, we nonetheless recognize that this is an important goal. Though there is no evidence that residence restrictions prevent recidivism, and little support for the effectiveness of blanket registration policies, we suggest that other strategies may be able to successfully stem reoffending.

In particular, we emphasize the potential for treatment of the psychological and behavioral conditions underpinning the actions of those who commit sex offenses. We recognize that, as one comprehensive analysis of studies concerning such treatment efficacy noted, "[all] reviews [of research in this area] have concluded that more and better studies are needed."³⁴⁷ Another such analysis notes that while "hundreds of studies have been published on sexual offender treatment, the conclusions remain tentative because few high-quality studies have been conducted."³⁴⁸ Nonetheless, though further study is needed, there is evidence in favor of treatment efficacy, as "most systematic reviews have typically found statistically significant but modest reductions in recidivism rates for treated compared to untreated sexual offenders."³⁴⁹ Further study may yield a better understanding of which forms of treatment are the most effective.

As noted earlier, DOCCS operates an in-prison treatment program known as the Sex Offender Counseling and Treatment Program ("SOCTP"). Additionally, we are aware that individuals on parole are frequently required to obtain treatment from private providers as part of their conditions of release. We recommend that DOCCS, if it does not already, conduct rigorous evaluations of the efficacy of these programs in curbing recidivism. Furthermore, we suggest that the state government invest in experimental research to better understand the efficacy of various treatment forms. Of the limited number of high quality studies that have been conducted nationwide, "there is only one strong study examining a currently plausible treatment for adult sexual offenders,"³⁵⁰ namely the California Sex Offender Treatment and Evaluation Project, a six-year study mandated by California's legislature in the 1980's.³⁵¹ New York's Legislature, in

³⁴⁷ R. Karl Hanson et al., *The Principles of Effective Correctional Treatment Also Apply to Sexual Offenders: A Meta-Analysis*, 36 *Crim. Just. & Behav.* 865, 866 (2009).

³⁴⁸ R. Karl Hanson & Pamela M. Yates, *Psychological Treatment of Sex Offenders*, 15 *Curr. Psychiatry Rep.* 348, 349 (2013).

³⁴⁹ *Id.* at 350.

³⁵⁰ *Id.* at 362.

³⁵¹ See J.K. Marques, et al., *Effects of a Relapse Prevention Program on Sexual Recidivism: Final Results from California's Sex Offender Treatment and Evaluation Project (SOTEP)*, 17 *Sex Abuse* 79 (2005).

consultation with researchers in this field, could similarly mandate innovative research on psychological and behavioral treatment.

Investment in such research would better serve the intent underlying the Legislature's enactment of SORA and subsequent legislation in the past two decades. As detailed above, there is scant justification for key components of New York's regulation of individuals with sex offense convictions. There is a lack of significant evidence that registration curbs recidivism, and *no evidence* that residence restrictions do. Furthermore, the monitoring and housing of such individuals comes at significant cost to the state, and significant detriment to their successful re-entry and rehabilitation. By contrast, research on treatment programs provides an avenue for enacting policies that effectively tackle recidivism while increasing the likelihood that persons with sex offense convictions reintegrate into society and lead law-abiding lives.

While the public policy objective of protecting the public from recidivistic individuals with sex offense convictions is certainly important, there is a paucity of evidence for several policies implemented by New York in this regard. In light of the detriment of these policies to prisoners' re-entry, this Task Force proposes that SARA be amended to require that instead of an automatic imposition of a "1,000 feet" residence restriction on individuals categorized as Level 3, the decision to impose a buffer zone restriction around schools be made on a case-by-case basis by the Sex Offender Registration Act ("SORA") hearing court, upon a showing of a need for the restriction based upon the defendant's offense conduct, history of behavior, or other mental or emotional conditions, with possibility of revision over time. The Risk Assessment Instrument used to make risk classifications should also be amended, to bring it into conformance with the latest scientific research. A reevaluation of the excessively long registration periods imposed on individuals by SORA should be conducted in line with academic research demonstrating that individuals' risk of reoffending decreases considerably over periods of time shorter than those stipulated by SORA. Finally, those individuals with sex offense convictions who are subject to community supervision should have individualized determinations of release conditions to ensure they bear a reasonable relationship to the underlying offense and subsequent rehabilitation, so as to avoid blanket imposition of boilerplate, draconian conditions.

In making these recommendations, we are mindful of the dedicated work of the New York City Bar Association and various other organizations that have done work in these issue areas. We are indebted to them for their prior research and recommendations.³⁵²

³⁵² New York City Bar Association, *supra* note 286; New York City Bar Association, *The Impact and Legality of Sex Offender Residency Restrictions Created by New York's Sexual Assault Reform Act*, Oct. 25, 2016, at 10-11, available at https://s3.amazonaws.com/documents.nycbar.org/files/20073107-SARAResidencyRestrictions_CrimCourt_CrimLaw.CIO.Corrections_Report_FINAL_10.24.16.pdf; Legal Action Center, et al., *Nowhere to Go: New York's Housing Policy for Individuals on the Sex Offender Registry and Recommendations for Change* (unpublished white paper).

VIII. FUNDING

“Investing more money and resources in rehabilitative strategies that support ex-offenders’ efforts to rejoin society is crucial to reducing recidivism and cutting prison operating costs.”³⁵³

As set forth in the various sections of this report, effective re-entry programming requires not only new programmatic initiatives, but also increased and dedicated funding streams as well as innovative thinking to reposition existing resources. This combination of analysis of existing resources coupled with new and dedicated state funding will enable government agencies charged with implementing and managing re-entry programs and their not-for-profit partners to provide more meaningful re-entry services.

Under the now-inactive Serious and Violent Offender Reentry Initiative, the federal government provided \$100 million in funding for re-entry initiatives.³⁵⁴ This funding was directed to programs that provide re-entry services to those offenders at the highest risk for recidivism. Congress recently enacted sweeping criminal justice reform legislation—the First Step Act of 2018.³⁵⁵ The statute mandates an expansion of “effective evidence based recidivism reduction” programs.³⁵⁶ Recognizing that for re-entry programming to be truly effective it must begin upon the commencement of a prison sentence, the statute mandates an initial risk and needs assessment review of each sentenced individual.³⁵⁷ The legislation calls for an annual appropriation of \$50 million for re-entry programming.³⁵⁸ Unfortunately, none of this funding is to be provided for state re-entry programming.³⁵⁹ However, the legislation does re-appropriate funding contained in the Second Chance Act which is available to states and not-for-profits that provide re-entry programming.³⁶⁰

In New York State, funding for re-entry programming comes from a number of sources. The Division of Criminal Justice Services (“DCJS”) receives approximately \$24 million for re-entry and alternative to incarceration funding.³⁶¹ In addition, DCJS funds County Reentry Task Forces (“CRTFs”) in Albany Broome, Bronx, Dutchess, Erie, Kings, Monroe, Nassau, New York, Niagara, Oneida, Onondaga, Orange, Queens, Rensselaer, Rockland, Schenectady, Suffolk, Ulster, Upper Manhattan, and Westchester.³⁶² While there are a number of counties that have CRTFs,

³⁵³ Cynthia Caporizzo, *Prisoner Reentry Programs: Ensure a Safe and Successful Return to the Community*, The White House, Nov. 30, 2011, <https://obamawhitehouse.archives.gov/blog/2011/11/30/prisoner-reentry-programs-ensuring-safe-and-successful-return-community> (last visited Feb. 21, 2019).

³⁵⁴ National Institute of Justice, *The Serious and Violent Offender Reentry Initiative: The Basics*, Mar. 26, 2012, <https://www.nij.gov/journals/269/pages/svori.aspx> (last visited Feb. 25, 2019).

³⁵⁵ First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194.

³⁵⁶ *Id.* § 101.

³⁵⁷ *Id.*

³⁵⁸ *Id.* § 104.

³⁵⁹ *Id.* § 102.

³⁶⁰ *Id.* § 501.

³⁶¹ Memorandum, New York State Assembly Standing Committee on Ways and Means (Oct. 30, 2018) (on file with a member of this Task Force).

³⁶² Press Release, Governor Andrew M. Cuomo, Governor Cuomo Announces More than \$10 Million to Fund Employment and Re-Entry Services Throughout New York (Nov. 22, 2016), available at:

many of the smaller upstate counties do not have sufficient resources to fund programs that provide these types of services.

In 2017, New York State provided \$6.4 million in grants to 13 agencies to provide employment services to individuals on parole, on probation or directly to alternative to incarceration programs. These funds were distributed on a statewide basis, and enabled five counties, Ontario, Orleans, Steuben, Tompkins and Wayne to provide these services for the first time.³⁶³

Four million was appropriated to create a CRTF in Queens County and to enable 19 existing CRTFs to hire coordinators and expand services. The role of these coordinators is to work with a diverse group of agencies, such as police departments, community supervision agencies, mental health and social service providers to identify gaps in services and provide coordinated services such as housing, employment and substance abuse treatment to offenders at a high risk of recidivism.³⁶⁴

The New York State Department of Corrections and Community Supervision (“DOCCS”) currently receives \$9 million for vocational training for parolees and formerly incarcerated individuals. While the Task Force has requested specifics as to the total funding DOCCS provides for re-entry programming, no information was provided. DOCCS has provided programmatic information as to what programs exist at each DOCCS facility and a description of each program (Appendix F).

DCJS and DOCCS work in partnership with each CRTF to identify moderate and high risk offenders who are in need of re-entry services. These individuals are provided with services designed to improve their transition back to their communities. We learned that the role and goals of each CRTF are:³⁶⁵

1. Strategic Planning for Re-Entry and Jurisdiction-Wide and System-Wide Collaboration
 - a. Identify gaps in services that are required to reduce risk of reoffending.
 - b. Identify barriers to accessing available services to reduce risk of reoffending.
 - c. Develop strategies to reduce the identified gaps and eliminate barriers, by collaborating with county officials, local service agencies and program providers.
2. Individual Case Management
 - a. Work with local parole to target individuals returning to the community who present high risk of reoffending.
 - b. Assess needs related to reoffending.
 - c. Address needs through case management.

<https://www.governor.ny.gov/news/governor-cuomo-announces-more-10-million-fund-employment-and-re-entry-services-throughout-new>.

³⁶³ *Id.*

³⁶⁴ *Id.*

³⁶⁵ Interview with DCJS staff.

3. Public outreach and/or education efforts.

The New York City Mayor's Office of Criminal Justice ("MOCJ") funds re-entry and discharge planning programs for those individuals released from New York City jails. No re-entry funding exists for formerly incarcerated individuals being released to New York City from State facilities. All programs are run by not-for-profit agencies such as the Fortune Society and the Osborne Association. Some examples include a "jails for job" initiative which provides transitional housing and employment and the Prisoner Reentry Institute at CUNY's John Jay College which offers access to higher education and a "peer navigation" program. The City provides \$10 million dollars over three years to fund these programs.³⁶⁶

New York's recently-enacted Raise the Age legislation³⁶⁷ provides funding for construction of new secure facilities as well as discharge planning services.³⁶⁸ DOCCS, local CRTFs and the Office of Children and Family Services ("OCFS") are charged with creating and administering discharge planning services. OCFS is to coordinate the Supervision and Treatment Services for Juvenile Program ("STSJP") which includes reentry programming. There is to be created a juvenile treatment model that includes academic transition plans, educational programs, vocational training and employment opportunities.

The obvious answer to the question "is the current funding of re-entry programs on national, state and local levels adequate to meet the needs?" is "NO." This applies to programs that provide services to an incarcerated individual before release as well as those programs that provide services to the formerly incarcerated.

As set forth in the various substantive portions of this report, additional funding is required for housing, education, job training, mental health treatment, substance abuse counseling, re-entry of individuals with sex offense convictions, and all other types of services that a formerly incarcerated individual requires prior to and upon release in order to become a productive member of his or her community.

But increased funding alone is not the answer. Effective re-entry programming must be result-based and not just a function of "throwing money" at a problem in the hope that it will be resolved. Just as important as funding are programmatic evaluations to determine what combination of services are required to ensure more successful re-entry, and how to create a funding stream that allows these programs to be created.

At the Open Meeting of the Task Force on November 9, 2018, a common theme from many stakeholders was that funding should not be "single issue" based, but rather structured so that multiple needs of the formerly incarcerated can be met by one provider or a group of providers acting together. Grants or Requests for Proposals ("RFPs") need to be structured so that a formerly incarcerated individual can seek services from a program that has the programmatic

³⁶⁶ Letter from the Mayor's Office of Criminal Justice to a member of this Task Force (Sept. 24, 2018) (on file with a Task Force member); interview with MOCJ staff.

³⁶⁷ Budget Article VII, ch. 59, 2017 N.Y. Laws.

³⁶⁸ See *Raise the Age*, State of New York, <https://www.ny.gov/programs/raise-age-0> (last visited Feb. 25, 2019).

resources to provide most, if not all, of the needed services. Models for this type of funding exist and should be replicated.

Santa Clara County, California is one locality that has developed a “one stop shop” model for providing reentry services. This model combines multiple service providers and government agencies under “one roof” so that the formerly incarcerated individual can obtain all or most of the needed services at one location from various providers or agencies. Not only does this make it easier on the “customer,” but it is also more cost-effective and enables enhanced communication across all of the agencies providing services to the client.³⁶⁹

The Empire State Supportive Housing initiative (ESSHI), is an example of this type of funding and programming currently being utilized in New York.³⁷⁰ In order to qualify for federal capital funding to build transitional housing, there must be a showing that the organization can provide all necessary services to meet the criteria for “supportive housing,” as was discussed at the Open Meeting of this Task Force. Rather than have the individual agencies apply separately, in this program, eight State agencies that deal with the relevant populations and services issued a joint RFP to qualify for the federal funding. The Office of Mental Health was the lead agency and was able to apply for the grants.³⁷¹

Another example of an existing program that provides a multitude of services is run by the Center for Community Alternatives (“CCA”), which this Task Force learned about through the organization’s testimony at the Open Meeting and an interview with David Conliffe, Esq., the organization’s Executive Director. This program in Syracuse provides services to students who are facing lengthy school suspensions. Not only does this program address racial disparity in the suspension process, but it also provides mentors to work with suspended students to prepare them academically and socially to return to school. The mentor stays with the student when he or she returns to school to assist the student with any issues that arise upon re-entry to school. This program has drastically reduced suspensions, but more importantly has significantly increased the success rate of those students remaining in school after suspension. This is exactly the type of program that we need in New York to facilitate re-entry.

The State should adopt a funding stream and RFP process such that agencies can combine to apply for grants that enable the agencies to provide a combination of services. Simply put, the State should develop RFPs for re-entry programming that fund a combination of providers who will make all necessary services available at a central location.

Thinking outside the box when creating grants or RFPs must be the norm rather than the exception. As was discussed at the Open Meeting, the Fortune Society runs a housing program called the Academy. It combines emergency, transitional and affordable housing. This Task Force also learned that CCA is replicating this type of program in Syracuse. This combination of housing

³⁶⁹ Rose Redlich, *The Santa Clara County Reentry Resource Center: Reentry Service Linkage and the One-Stop Model*, 2018, available at https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1648&context=etd_projects.

³⁷⁰ See Empire State Supportive Housing Initiative, *Inter-Agency and Operating Funding Opportunity Request for Proposals 2018*, available at <https://www.omh.ny.gov/omhweb/rfp/2018/esshi/esshi-rfp-2018.pdf>.

³⁷¹ *Id.* at 5.

resources is effective and must be expanded to include those former incarcerated individuals who are embarking on re-entry.

As suggested by a stakeholder at the Open Meeting of the Task Force, for re-entry funding to be most effective it should be “attached” to the formerly incarcerated individual rather than a specific program. “Medicaid”-type funding should be provided to enable the individual to go where he or she can get the combination of services required.

Whatever funding is necessary for re-entry programming must be provided by the State of New York and not passed on to the counties as unfunded mandates.

CONCLUSION

The drafters of this report recognize that this report only addresses some of the significant issues affecting a person's ability to successfully re-enter our communities after incarceration. There are a number of others barriers to re-entry and issues faced by formerly incarcerated people upon which this Task Force was only able to touch, including, for example: the unique issues that women and the LGBTQ community face in the criminal justice system as a whole, while incarcerated, and upon their release; the reality that our prisons and jails have become the *de facto* treatment providers for people with serious mental illnesses and substance abuse issues, and that we seem to have criminalized mental illness and substance abuse; and the reality that incarceration is trauma-inducing.

We also acknowledge that racial justice is an issue of immense significance that warrants far more than a mere mention in the conclusion of a report, and that no report involving the criminal justice system should fail to at least mention. It is apparent to anyone who works in any facet of New York's criminal justice system that people of color are arrested, convicted, and incarcerated at hugely disproportionate rates and numbers. While this report is not a study of the racial and socio-economic inequities that exist in our criminal justice system, it is important to acknowledge that they persist, and that individuals of color being released from incarceration face the same prejudices and biases that may have enmeshed them in the system.³⁷²

Also, populations which face unique vulnerabilities while incarcerated and upon release are women and people who identify as lesbian, gay, bi-sexual, transgender, queer, and gender non-conforming (“LGBTQ+”). During its November 9, 2018 Open Meeting, people spoke eloquently about these unique challenges. They noted that it is hard enough for individuals with the stigma of a criminal conviction to find a home, a job, and adequate medical and mental health care once released from prison without having to also deal with the fear of discrimination based on gender, gender identity and sexual orientation. Add to this the disorienting impact of incarceration (described in Section I of this report), which often includes; the trauma of witnessing or being victimized by violence; the lack of proper medical care and mental health and substance abuse

³⁷² Catherine Lizette Gonzalez, *Why Reentry Is Incredibly Hard for Formerly Incarcerated Black and Latinx People*, ColorLines, May 11, 2018, <https://www.colorlines.com/articles/reentry-incredibly-hard-formerly-incarcerated-black-latinx-people> (interview of Bruce Western, a professor of sociology at Harvard University who studied the re-entry of 122 released prisoners in *Homeward: Life in the Year After Incarceration* (2018), regarding barriers to reentry faced by formerly incarcerated Black and Latinx people).

treatment; disconnection from family members and loved ones; and the impact of the prolonged loss of self-autonomy that accompanies incarceration.

As was stated during the Open Meeting, the disorienting impact of incarceration can be particularly pronounced for woman and LGBTQ+ people. Research suggests that incarcerated women “are more likely to report having experienced physical and sexual abuse as children and adults than their male counterparts” and “high rates of mental health problems such as depression, post-traumatic stress disorder (“PTSD”), and substance abuse.”³⁷³ Incarcerated women are also more likely to have a history of substance abuse.³⁷⁴ LGBTQ+ people, “are more likely to end up behind bars and more likely to face abuse behind bars than the general population.”³⁷⁵ Indeed, being LGBTQ+ in a U.S. jail or prison often means daily humiliation, physical and sexual abuse, and the fear that it will get worse if you complain. Many LGBTQ+ people are placed in solitary confinement for months or years just because of who they are.³⁷⁶

In 2003, the federal Prison Rape Elimination Act (“PREA”)³⁷⁷ was enacted as a means to confront the crisis of sexual abuse in confinement with the intention of protecting people in custody, particularly vulnerable populations like women and LGBTQ+ people, from abuse and harassment.³⁷⁸ PREA sets forth forty-three standards developed by the United States Department of Justice which must be met by a correctional institution to be in compliance.³⁷⁹ This Task Force did not investigate PREA compliance for the New York State Department of Corrections and Community Supervision or for local jails and correctional facilities. Still, during our interviews with staff from the Westchester County Department of Corrections (“WDOC”), we learned that WDOC is the only jail in New York State that is PREA compliant.³⁸⁰ We also learned that as part of this compliance, WDOC has implemented policies specifically for LGBTI+ incarcerated people.³⁸¹ Since the LGBTQ+ incarcerated population is often uniquely at risk for sexual victimization, the WDOC has implemented important protections specific to this population which include the following:

- Screening of all individuals at admission and upon transfer to assess risk of both experiencing and perpetrating abuse;
- Preventing the discipline of those individuals who refuse or chose not to disclose sexual identity or orientation during screening;

³⁷³ National Resource Center on Justice Involved Women, *Fact Sheet on Justice Involved Women in 2016*, at 3, available at <https://cjinvolvement.org/wp-content/uploads/2016/06/Fact-Sheet.pdf>.

³⁷⁴ *Id.*

³⁷⁵ National Center for Transgender Equality, *LGBTQ People Behind Bars: A Guide to Understanding the Issues Facing Transgender Prisoners and Their Legal Rights*, October 2018, at 4, available at <https://transequality.org/sites/default/files/docs/resources/TransgenderPeopleBehindBars.pdf>.

³⁷⁶ *Id.*

³⁷⁷ 34 U.S.C. §§ 30301-30309.

³⁷⁸ Kimberly Collica-Cox, *Impossible Until It's Done: PREA Accreditation in Westchester County*, *American Jails*, January/February 2018.

³⁷⁹ *Id.*

³⁸⁰ PREA requires the U.S. Attorney General to “publish a final rule adopting national standards for the detection, prevention, reduction, and punishment of prison rape.” 34 U.S.C. § 30307(a)(1). These national standards are codified in 28 CFR § 115.

³⁸¹ See Appendix G (Westchester County Department of Corrections PREA and PREA—LGBTI Policies, and Inmate Preference Form).

- Requiring that information about sexual orientation, identity, etc., be used to make appropriate, individualized decisions about a person's security classification and housing placement.³⁸²

The policies are designed to provide LGBTQ+ people with protections in a manner that promotes their dignity and self-worth, and that does not further stigmatize them.

During the Task Force's Open Meeting on November 9, 2018, one attendee (who is an activist for the LGBTQ+ community) spoke of what it means to be a formerly incarcerated gay man. He noted that when LGBTQ+ people are forced to hide their identity while incarcerated because they fear sexual assault, harassment and violence, it makes it even harder upon release to be open and comfortable with their identity. Put differently, having to hide who you are makes incarceration more traumatizing and re-entry more challenging.

It is hoped that PREA compliance in prisons and jails is a positive step toward protecting women and LGBTQ+ people, and facilitating their successful re-entry into the community upon release. This Task Force was not able to do a complete analysis or obtain enough information about PREA compliance statewide to determine whether enactment of the PREA has achieved its intended goal of protecting such individuals in a manner that promotes their dignity and self-worth. However, one thing that was made abundantly clear by the information gathered is that re-entry planning must start while individuals are incarcerated.

Taking this all into consideration, the adoption of the recommendations in this report will provide a framework for the New York State Bar Association to advocate for changes that will expand opportunities for formerly incarcerated people in our communities and lead them on a more successful path of re-entry.

³⁸² Collica-Cox, *supra* note 378.

APPENDIX A
WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS
RECIDIVISM RATE

Provided by First Deputy Commissioner Louis Molina
Westchester County Department of Corrections

WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS RECIDIVISM RATE

The last administration did not identify a number of important pieces of data that should be collected and they did not conduct any data analysis. Since Commissioner Spano and I were appointed, we have been building our ability to collect data and more importantly conduct data analysis; this is ongoing and we are now managing our operations from an evidence-based mindset.

As far as measuring recidivism, we have been able to review data based on our two biggest programs that address violence (RSVP) and addiction (Solutions), both managed by our strategic partner St. John's Riverside. The All Program column, in the tables on the following pages, includes a number of programs and initiatives that clients have successfully participated in and completed. We are in the process of adding additional programming to this list and are starting to build a process to track and determine the recidivism rates of education and job readiness programs that we started in the latter part of CY 2018. This involves changes to our current Jail Management System, which we are also upgrading. I am providing you with recidivism data starting from CY 2016 to CY 2018, which you can see is experiencing a decreasing trend, and is where we want to be.



Solutions



All Programs



Data Tables

	RSVP	Solutions	All Programs	
2018	1st QTR	22	75	189
	Recid	7	25	68
	2nd QTR	43	91	234
	Recid	13	26	63
	3rd QTR	40	57	192
	Recid	9	5	38
	4th QTR	48	100	250
	Recid	5	11	25
Total	153	323	865	
Rec	34	67	194	
Percentage	22.22%	20.74%	22.43%	

	RSVP	Solutions	All Programs
1st QTR	24	88	218

2017

Recid	5	19	62
2nd QTR	31	82	244
Recid	11	19	85
3rd QTR	27	91	214
Recid	8	22	61
4th QTR	36	80	244
Recid	8	12	52
Total	118	341	920
Rec	32	72	260
Percentage	27.12%	21.11%	28.26%

RSVP Solutions All Programs

1st QTR	32	72	213
Recid	10	18	67

2016

2nd QTR	35	80	252
Recid	7	22	81
3rd QTR	32	84	258
Recid	8	26	86
4th QTR	31	81	259
Recid	8	31	86
Total	130	317	982
Rec	33	97	320
Percentage	25.38%	30.60%	32.59%

APPENDIX B

**BREAKING BARRIERS PRO BONO LAW PROJECT
2018 Report**

**Provided by Elizabeth A. Justesen, Esq.
Supervising Attorney**

BREAKING BARRIERS PRO BONO LAW PROJECT

Established in April 2015, Breaking Barriers helps clients obtain their New York State RAP sheet, review it for errors and assist with corrections, and apply for eligible relief to overcome barriers to employment and educational licenses due to criminal convictions.

The project runs out of Touro Law Center, in Central Islip, Suffolk County. It is a cooperative project between Touro and The Suffolk County Legal Aid Society. Elizabeth A. Justesen, Esq. is the supervising attorney, and it has primarily law student volunteers, and occasionally community volunteers. Recently in the last year, Nassau – Suffolk Law Services Re-Entry project attorney, Carly Sommers, Esq., joined the team.

The project runs Mondays and Wednesdays between 4 and 6pm. Clients who qualify for a free Record of Arrests and Prosecutions (“RAP”) sheet (as per DCJS guidelines) are printed at the project. The only cost to the client is to mail out the packet, as the program is unfunded; however, if a client indicates getting to the post office may be a challenge, The Legal Aid Society absorbs the mailing cost. If the client does not qualify for a free RAP, they are instructed to use identogo (contracted through DCJS) and when they receive the RAP the project will take over the process at no cost. We do not require income eligibility to assist clients, and do not have geographic restrictions (benefit of being unfunded).

Additionally, Elizabeth does site visits at the State and County Department of Labor “DOL” offices monthly, as well as libraries, treatment centers, and resource centers throughout Suffolk, and now Nassau County. There is also an educational program “After the Conviction”, a free presentation Elizabeth gives to agencies and employers to educate them on these issues.

Since April 2015, we have met with 437 clients. The following is the current status of those cases:

Open/Pending Cases: 306 in various stages

155 – working with the client to file Certificates of Relief from Civil Disabilities (CRD)
19 - working with client for sealing motions
7 – RAP sheets just received - to be reviewed
25- client printed, waiting for their RAP sheets
2 – Certificate of Good Conduct (GC) filed, awaiting response
35 – CRD filed, awaiting response
26 – eligible for GC, working with client to file
37 – eligible for GC, waiting for tolling period, fines to be paid, FBI RAP for out of state information

Closed Cases: 131 (no contact= 2 follow up calls and a final contact letter sent)

4- sealing motions granted
14 – received CRD
2- received GC

- 10 – client no longer wanted assistance after RAP was received
- 18 – client not eligible for any relief (no record, violations only)
- 29 – no further contact from client after client printed for RAP
- 30 – no further contact from client after RAP received
- 24 – no further contact from client after CRD filled out for filing by the client

APPENDIX C

**Westchester County DOC Reentry Panels 2018
Provided by First Deputy Commissioner Louis Molina
Westchester County Department of Corrections**

Westchester County DOC Reentry Panels

The Westchester County DOC Reentry Panels allows sentenced returning citizens to engage with their local police department and community resource providers prior to their release; advising them of resources and services available to them to assist in their re-entry. The focus of the panel is on sentenced individuals, many of which have been participating in structured programming at the jail and could risk recidivating if there is an interruption in their support back to their respective communities.

This is accomplished through the collaborative efforts of social service, providers, faith based organizations and law enforcement agencies (correction/police). Typically, representatives from each of the agencies noted above will meet monthly with returning citizens due to be released within 30 - 45 days. Returning citizens receive presentations on services available from each of the representatives and will be informed that they will be supported by the organizations on the panel if they seek services that meet their individual needs. It is anticipated that helping them transition to the community will reduce recidivism by these individuals.

Objective(s):

To provide inmates returning to city of White Plains/Greenburg, Yonkers, Mount Vernon, New Rochelle and Peekskill, with information and assistance on accessing substance abuse counseling, educational opportunities, housing, employment, mental health counseling, family/parenting skills counseling and New York State identification.

Below are typical community resources that sit on the panel when convened:

White Plains / Greenburg: Panel Chair: White Plains Department of Public Safety & Greenburg Police Department (If Greenburg residents are being released); White Plains Youth Services Bureau; White Plains Adult & Continuing Education; White Plains Library; Grace Church Open Arms Shelter; Greenburgh Health Center; ARCS (Aids Related Community Services); Trinity United Methodist Church; WestCop.

Yonkers: Panel Chair: Yonkers Police Department; Family Services of Westchester; Westhab; Westchester County Department of Mental Health; Yonkers Public Library.

Mount Vernon: Panel Chair: Grace Baptist Church; Nepperhan Community Center; Mount Vernon Neighborhood Health Center; Upon This Rock Ministries; R.I.S.E. Center Mental Health Empowerment Project, Inc.; * The Mount Vernon Police Department does not participate on the panel that is why it is chaired by Grace Baptist Church.

New Rochelle: Panel Chair: New Rochelle Police Department; United Community Center of Westchester; New Rochelle Public Library; Urban Resource Institute.

Peekskill: Panel Chair: Peekskill Police Department.

Fortunately, Peekskill has had single digit releases, so we have not convened a board since roughly 2017. Peekskill Police Department is committed to convening a board if we have a group

of citizens returning to Peekskill. On average now there has been about one returning Peekskill citizen, so the Westchester County DOC Pre-Release staff provides the community resource information.

In calendar year 2017 Westchester County DOC had 942 returning citizens who met with the panels; in calendar year 2018 there were 736 returning citizens that met with the panel. The Mount Vernon Reentry Panel did not begin to reconvene until May 2018.

The five (5) Reentry Panels are not funded and the participants are not tracked once they are released from the jail.

APPENDIX D

**HOUSING OPTIONS FOR RECENTLY RELEASED PEOPLE
COUNTY REPORT ON THE SEVENTEEN COUNTIES OF
FOCUS BY REGION**

PREPARED BY THIS TASK FORCE

HOUSING OPTIONS FOR RECENTLY RELEASED PEOPLE COUNTY REPORT ON THE SEVENTEEN COUNTIES OF FOCUS BY REGION

To learn more about housing options for recently released people, the Task Force surveyed stakeholders in several counties across New York State, focusing on counties in five regions: Western New York; Central and Northern New York; the Capital Region and Westchester County; New York City; and Long Island. The Task Force reached out to as many stakeholders as time allowed, including: Department of Social Services officials; county jails; coordinators and/or chairs of the of DCJS-funded county Re-Entry Task Forces; county sheriffs (or their designees); criminal and legal service providers; and members of community-based organizations that provide services for people with conviction histories. We also incorporated information we learned during the November 9, 2018 Open Meeting which the Task Force conducted.

What we learned is that there are many organizations, programs, government agencies and offices working hard to provide re-entry services to formerly incarcerated people. Each public housing authority, though bound by federal statute and regulations and HUD Guidance, are otherwise governed by their own policies. Unfortunately, there is no uniform or systemic approach to the organization, implementation or administration of housing services and programs statewide. As a result, information and availability of re-entry programming and assistance in many counties is not readily available.

Below is a summary of what we learned.

Western New York (Wyoming County)

Our outreach in Western New York focused on the rural Wyoming County, where there is both a county jail and two state prisons. The Village of Warsaw is the county seat. Per the 2010 census, Wyoming County has a population of 42,531. The county consists of 596 square miles. The predominant industry is agricultural: dairy farming and cash crops. There are no cities within Wyoming County. Law enforcement duties are performed by the New York State Police, the Wyoming County Sheriff's Office and four village police departments. Located within the county are two state prisons: Attica Correctional Facility and Wyoming Correctional Facility.

To illustrate its size and resources in comparison to the City of New York, Wyoming County's District Attorney's Office consists of the elected District Attorney and two assistants. The Public Defender's Office consists of the appointed Public Defender and three assistants.

The county jail has a capacity for 83 inmates. Presently the jail population consists of 39 inmates, broken down at the time of our outreach to include 25 men, 14 women, 14 sentenced people including those people ready to be transferred to the New York State Department of Corrections, and 25 unsentenced people from other counties or who are being held on parole violations.

Wyoming County offers the following housing options for individuals being released from incarceration. Of note is that each one indicates that people on parole or probation will be

considered subject to the restrictions contained in the Code of Federal Regulations ("CFR"), which provide a basis for denial of housing for individuals with most types of criminal convictions.³⁸³

Community Action for Wyoming County operates nine single family homes throughout Wyoming County. Individuals with criminal convictions or who are on parole or probation would be considered.³⁸⁴ Referrals for this housing come from agencies like D.S.S. or Spectrum. The prospective tenants must be at a risk for homelessness. The rents are \$850-\$900/month and the tenancies are expected to last no more than three years. Section 8 assistance is available. One of the housing properties that it operates is the *Champion Place Apartments* in Perry, which has 19 units. Applicants must be at least 62 years old and the rents are subject to HUD income guidelines. Community Action also operates the *Northridge Homes I & II* in Arcade. The rents are subject to HUD income guidelines. *Northridge I* consists of 24 townhouses with three or four bedrooms. *Northridge II* consists of 18 duplex units with one, two or three bedrooms. Community Action administers the Section 8 housing assistance program in Wyoming County. There are 242 vouchers which are available, with 233 actually in use at the time that this information was obtained. To qualify, applicants must be classified as having low income pursuant to the HUD income guidelines. Priority is given to the elderly, disabled and families.

Spectrum Health and Human Services is another program that provides housing in Wyoming County, but it is only open to a particular group of people. The eight furnished apartments operated by Spectrum are restricted to people who have the following qualifying factors: an applicant must have a substance use disorder, be enrolled in Medicaid, have a history of two inpatient hospitalizations or five emergency room visits within the previous year, be a single adult and be at risk of homelessness. Like other programs, Spectrum follows the HUD rules pursuant to which individuals with criminal convictions or who are on parole or probation are considered, but subject to restrictions contained in 24 C.F.R. 982.551, 552, 553. The program's rents are based on income, with the first month's rent and security deposit being paid by the agency. Each resident is assigned a case manager, and strict supervision is maintained.

Living Opportunities of DePaul ("Living Opportunities") operates the Wyoming County Apartment Treatment Programs. As with the other housing options in Wyoming County, individuals with criminal convictions or who are on parole or probation would be considered, subject to restrictions contained in 24 CFR 982.551, 552, 553. These programs are also not available to all people and thus, not to all formerly incarcerated people. Living Opportunities offers different level of assisted living for individuals with mental illness.

Twelve of the apartments offered by Living Opportunities are for those people who are unable to live independently. These residences are a Congregate Care Level II Facility where applicants must be receiving SSI, SSD and public assistance and are unable to function independently. This Congregate Care Facility, located in Warsaw, is designed to be the last step before living independently.

Living Opportunities also manages 26 apartments to people 18 years of age or older who have a serious and persistent mental illness and demonstrate the skills needed to reside

³⁸³ 24 CFR 982.551, 552, 553.

³⁸⁴ *Id.*

independently in the community. To qualify for this housing, a person must have a psychiatric evaluation that was completed within the past year and be receptive to applying for HUD Section 8 subsidies. The individual must have some form of documented income (e.g., SSI, public assistance, even someone working full time at minimum wage would qualify). Individuals with criminal convictions and/or are on parole or probation are considered. The program looks at each individual's application for appropriateness to the program and if someone can demonstrate time in the community where they are doing well, then they can re-apply if turned down previously for the program. Referrals are usually made by an individual's therapist, but self-referrals are accepted.

Living Opportunities also operates three crisis/respite apartments which provide people over the age of 18, who are able to live independently and have a mental diagnosis, or those who are thought to have a diagnosis, with temporary housing until other living arrangements can be made. The applicants cannot be actively psychotic or require a hospital level of care, or actively use drugs/alcohol. Referrals to these units usually come from service providers working with individuals.

Lastly, Living Opportunities is building a 60 unit project in Perry which is expected to open in the fall of 2019. The plan is to have some of the units designated for supportive housing and the others will be affordable housing. All of the units will be subject to applicants being eligible under the affordable housing guidelines.

By way of example, where rent payments for these housing opportunities are made by tenants, they are subject to the HUD income guidelines. The following illustration is helpful. A probationer who is eligible under 24 C.F.R 981.551, 552, 553, who's annual income is \$25,000 per year, and is married with two children, would receive assistance pursuant to Section 8 in the amount of approximately \$378 per month for an apartment with a monthly rent of \$900 plus utilities.

The Wyoming County Health Department has submitted a grant application for a re-entry coordinator and for medicated assisted treatment at the county jail. If this grant is approved, the re-entry coordination would be greatly facilitated. Presently, the only drug and alcohol services available in the county is an outpatient program located in Warsaw, operated by Spectrum Health and Human Services.

Capital Region (Albany, Schenectady, and Rensselaer Counties)

An examination of housing options for re-entering persons returning from state prison or local jails to the three-county Capital Region area further demonstrates a patchwork of resources, including public housing, community shelters, treatment facilities and contract housing facilities. Housing availability varies from county to county, but resources do exist, and each county employs a dedicated Reentry Task Force Coordinator, each of whom is knowledgeable about the resources within their jurisdiction and committed to maximizing opportunities for individuals returning to their communities. What follows is an overview of the most notable housing assets within the Capital Region.

It bears mention that individuals released to the Capital Region from federal prison enter the Horizon House Residential Reentry Center, a 32 bed facility located in Albany, that allows returnees to transition to permanent housing and jobs. Transfer to the Horizon House allows for a period of adjustment, during which time the U.S. Probation Department sets goals and considers release conditions. In-house and outside counselors are available to provide employment and housing assistance. People convicted of a sex offense are allowed into the program.

In contrast, there appears to be no similar halfway house alternatives for individuals released from state prison into the Capital Region.

A. Albany County:

Albany County offers a combination of housing opportunities to formerly incarcerated individuals including public housing, community based shelters, treatment facilities and contract based hotel services. The Albany County Department of Social Services funds and coordinates housing options, and the Albany County Department of Mental Health employs a knowledgeable Reentry Task Force Coordinator,

Albany Housing Authority administers housing to returning persons through its Family Reentry Pilot Program. To participate, individuals must be at least 16 years old, have family members who already live in the public housing system, be identified and referred to the program before their release, and apply for this benefit within three years of their actual release date. Lifetime registered sex offenders and persons convicted of producing methamphetamine in public housing, engaging in illegal drug use or alcohol abuse, or not attending court ordered drug or alcohol treatment programs, as well as those who have been previously evicted from public housing for drug related criminal activity (within the past three years), are ineligible. The program term lasts for two years, and after successful completion participants can join the household permanently or apply for their own public housing unit. In this scenario, crimes committed before the applicant entered the program will not be considered as part of the application.

Capital City Rescue Mission is an important resource, providing shelter for approximately 84 men (and a smaller number of women) for up to 30 consecutive nights in dorms and on numerous overflow mats during the busiest or coldest times of the year. Men and women who participate in addiction recovery programs can be sheltered for up to 12 months as part of their program, and transitional housing can also be arranged. The *Mission*, which is privately funded, works in close collaboration with Albany County's Department of Social Services and seeks to transition its residents to permanent housing through the Albany County Coordinated Entry program. The biggest challenge facing the *Mission*, according to its Housing Director, is the availability of permanent, post-shelter housing. While the County provides significant assistance, there remains a waiting list for permanent housing, which must be secured before residents can transition away from this temporary facility. The *Mission* reports good collaboration with Albany County social service officials and probation and parole authorities, and participates in regular meetings of the County Reentry Task Force.

The *Interfaith Partnership for the Homeless* ("IPH") operates an emergency shelter for single men and women over the age of 18. IPH's three facilities (located in Albany, Rensselaer and

Montgomery Counties) provide meals, showers, laundry facilities, case management and life skills services and report a year-round occupancy rate of 98%. According to its Shelter Director, the Albany Emergency Shelter has a capacity of 30 beds (20 male and 10 female). The Medical Respite Shelter, located in Troy, has a capacity of 17 beds and requires a primary medical diagnosis, making it a unique area resource for re-entering persons with significant medical problems. The smaller Montgomery County facility has four rooms and eight beds. IPH is funded through each county's Social Services Department and through private donations, and accepts individuals with sex offense convictions. Each IPH resident meets with a case manager weekly to review their progress. The Director reports good collaboration with the Reentry Task Force Coordinators and Social Services officials in all three counties where it operates, but notes that program challenges include getting residents the necessary identification and Medicaid cards to allow them to begin the successful transition process. In addition, communication with state parole officials could stand improvement. It deserves mention that IPH is planning the expansion of its capacity and facilities for all three locations.

Other facilities include those operated by *Catholic Charities Housing* and located in the City of Albany, including *Mercy House*, with 19 shelter beds, and the *St. Charles Lwanga Center* (which accepts people with sex offense convictions).

Finally, treatment facilities like *Equinox*, which supports more than 5,000 people each year at ten different locations, including residential facilities, throughout Albany County, *SPARC* and the *Addictions Care Center of Albany, Inc.* also serve this community, although availability for those without the ability to pay is limited. *Equinox* – which does serve the homeless community – is part of Hudson River United Services (“HRUS”), a network of six human service agencies that serve individuals and families in and around an eight county area near the Capital Region.

B. Schenectady County:

In Schenectady County, *Peter Young Housing, Industry and Treatment* (“PYHIT”) operates facilities providing services to re-entering persons. According to its website, PYHIT operates multiple locations throughout the Capital Region (and beyond) and offers drug and alcohol addiction treatment, homeless services, veterans services, criminal justice/reentry services, vocational training, education, and job placement services.

C. Rensselaer County:

Rensselaer County, like its sister Capital Region counties, is fortunate to have a Reentry Task Force Coordinator who has substantial knowledge about the network of resources available to reentering persons. Unfortunately, however, there is no county-wide task force to help harmonize reentry efforts. The Coordinator reports that Rensselaer County has a reasonable array of facilities and service providers for temporary housing, but notes that the most significant challenge is the lack of affordable permanent housing, which in most cases requires that individuals come up with funds for security deposits. Many times, this requirement becomes a cost prohibitive barrier to the successful transition to stable housing.

Joseph's House and Shelter provides emergency shelter or support services to an average of 1,000 men, women and children yearly, as well as resettlement support, including help obtaining services for independent living, budgeting, entitlement and benefit management, and mental health and substance abuse counseling. Joseph's House also offers resettlement services for up to a year after leaving the shelter.

Unity House of Troy offers several housing options to adults with mental illness, people with HIV/AIDS, people who are homeless, and victims of domestic violence. Housing services are provided based upon an individual's level of functioning and personal choice at the least restrictive level of care.

St. Peter's Shelter in Troy, New York is operated by the Catholic Charities of the Diocese of Albany, and offers single room occupancy residences to persons who are homeless and in need of low-cost housing with supportive services. Services include case management, meal programs and information and referral. The program is open to both men and women.

Central/Northern NY (Onondaga, Broome and Franklin)

Inquiries were made into three counties in Central/Northern New York, including Onondaga, Broome and Franklin Counties. While the information contained herein is not comprehensive of all of the possible housing options, it does give an overview of the types of housing available to those individuals being released from incarceration in Central/Northern NY.

A. Onondaga County:

Rescue Mission – The 183-bed Kiewit Emergency Shelter contains eight dormitories, including 40 beds for women. Overnight guests can access the Rescue Mission's day center's employment and education resource center, tech station and other resources after hours. The Rescue Mission also works to place people into permanent homes in the community every year. Also, the Mission offers its own permanent housing options in response to the great need. The Rescue Mission's Crossroads Adult Home provides supportive living for 59 residents. The Mission also maintains a 28-bed permanent residence on campus. In 2015, community partners helped the Rescue Mission renovate two dilapidated houses into permanent homes, creating quality, affordable housing for nine formerly homeless individuals. The emergency shelter does house people with past convictions. It is uncertain whether there are restrictions for people with past convictions for the more permanent housing options.

YWCA – Since 1918, the YWCA has been providing supportive housing to woman. In 1974, an intervention program was established to support women who had been incarcerated, with skills in finance, self-sufficiency and job readiness. The current Women's Residence Program is located at 300 Burt Street, Syracuse, 13202.

Syracuse Housing Authority ("SHA") – SHA owns 15 housing developments with about 2,500 apartments for all people in Onondaga County who qualify for federally subsidized housing. SHA also runs the Section 8 voucher program, and currently serves over 3,000 families through the Section 8 Housing Choice Voucher Program, and over 400 families through the Shelter Plus Care Program. Annually, SHA provides approximately \$20 million in Section 8 rental assistance to the greater-Syracuse area. There is a waiting list for both types of housing (public housing and Section

8 vouchers), though certain applicants are given preference on this waiting list and will be assisted first (i.e., people displaced due to domestic violence, lead-based paint risk, fire through no fault of family, or government displacement).

It seems that SHA does not have automatic criminal conviction bars to eligibility for public housing (other than the two statutorily required bars) and instead use an individualized approach in determining if a person with a past conviction is suitable to reside in public housing. Indeed, SHA has partnered with the Center for Community Alternatives to work on joint projects serving people with past convictions. For example, SHA is one of 18 housing authorities across the country that received a Juvenile Reentry Assistance Program ("JRAP") grant from the U.S. Departments of Justice and Housing and Urban Development to partner with the Center for Community Alternatives help young people, age 24 or younger, who are coming out of the criminal justice system. The program will help youth, review their record for errors, apply to reinstate drivers' licenses, get a job, or go back to school.

Perhaps most importantly, SHA has partnered with the Center for Community Alternatives ("CCA") to build *Freedom Commons*. Modeled after the Fortune Society's Castle Gardens, Freedom Commons will be a mixed-use, supportive and affordable residential development and service center. It will provide long-term housing solutions for justice-involved individuals facing homelessness and their families, as well as low-income individuals and families in Syracuse.

Private landlords – Many private landlords conduct background checks, and refuse to rent to people with past convictions. Additionally, most people being released will need to pay rent through public assistance, and there are a very limited number of affordable apartments available. Some landlords take advantage of the vulnerabilities of people being released from prison or jail, and rent them poor quality and poorly maintained units.

B. Broome County:

Rescue Mission - The Binghamton Rescue Mission provides a residence for men who have experienced homelessness or are referred by local agencies. The 21-bed dormitory includes three meals a day, and there are 11 single-occupancy rooms with a shared kitchen on the upper level. The Rescue Mission has limited capacity, and recently coordinated with the federal Bureau of Prisons to provide transitional housing for people being released from federal prison to a halfway house, but who cannot be housed at the federal regional halfway house (in Scranton, PA), because of their conviction. As a result, the Rescue Mission has not been accepting people released from the local jail.

As in several other counties of focus in this report, in Broome County the majority of the housing for those individuals being released from the prisons and jails is the drop-in shelter system. Because a person is not considered to meet the HUD definition of "chronic homelessness" if he or she has been incarcerated for 90 days or longer, the transient drop-in shelters do not provide a guaranteed bed on a nightly basis.

Volunteers of America – Provides emergency, transitional, and some permanent housing. Many people released from prison or jail who cannot secure housing are released to the Volunteers of America emergency homeless shelter.

Salvation Army of Binghamton – The Salvation Army also has a homeless shelter, but it includes a strong spiritual/Christian component, which is not appropriate for everyone.

YMCA and YWCA – The YMCA and YWCA house homeless men and women being released from jail.

Binghamton Housing Authority - Binghamton Housing Authority is a public housing agency in Binghamton that participates in the Section 8 Housing Choice Voucher and Public Housing programs.

The Southern Tier Homeless Coalition ("STHC") - This is a collaborative nonprofit organization committed to providing solutions for homelessness in New York's Southern Tier. Designated by HUD as the region's Continuum of Care (CoC NY-511), the STHC encompasses the housing crisis response system across Broome, Chenango, Cortland, Delaware, Otsego and Tioga Counties and is comprised of over 30 member agencies offering homeless assistance services to households in need. As noted above in the Onondaga County section, CoC entities like this use the HUD definition of chronic homelessness that excludes people who have been in jail or prison for 90 days or longer. This means, ironically, that people coming home from prison are deprioritized as service recipients for this program.

Private landlords - Like Onondaga County, many people released from prison or jail must rely on public assistance to secure housing. However, low-income people must compete with SUNY Binghamton students for affordable housing, and landlords tend to prefer renting to students. Additionally, many of the area's private landlords reside out-of-state, and they have no investment in the community or the houses they own. Thus, often the housing available to low-income people returning to the community from prison or jail is of substandard quality in high-crime neighborhoods. Broome County Public Defender Mike Baker described the problem succinctly, stating that too many people are released back to impoverished, high-crime environments making it more likely they will relapse and/or re-offend. Mr. Baker added that the opioid crisis has transformed this problem from a public safety issue to a life/death issue – *i.e.*, people who have been in prisons or jail are particularly susceptible to overdosing if they relapse and use opioids.

C. Franklin County:

According to Julia Ross at the Rural Law Center, there are no housing resources that specifically target or are available to people coming out of prison or jail. Below there is a list of services provided to homeless people in general. However, as noted herein, most organizations that provide permanent housing are restricted to the HUD definition of chronic homelessness which eliminates any person who has been incarcerated for 90 days or longer.

Franklin County Community Housing Council - - Offers low income families Section 8 rental housing, home-ownership opportunities, and limited homelessness assistance.

CARES, Inc. Franklin Essex Housing Coalition – This is the Continuum of Care coalition for Franklin and Essex counties.

Franklin County DSS Hotel/Motel Program

Barnabas House Homeless Shelter (Malone, NY)- The only full time, 52 week a year emergency shelter in Franklin County. Barnabas House offers supportive services, counseling, referrals, meals, laundry, safe warm, individual rooms, shared common areas, preventative programs and structured programs. A referral from the Franklin County Social Services Department is needed; they do not accept walk-ins. Barnabas House provides shelter for over 200 people each year and it has been in operation for eight years. There is a second site where some transitional housing is available.

Westchester County

Westchester County has a severe lack of affordable housing. Most people released from the jails and prison in Westchester County go to the temporary or drop-in shelters. Single men with no family are usually only eligible to go to one of the four drop-in shelters in the county. These drop-in shelters do not provide permanent beds/housing for people. In order to get a bed at a drop-in shelter, a person must be there by 3pm and then wait to see if there will be a bed available for that evening. If they are given a bed, it is only for one night and they must line up again the following day for a bed. These drop-in shelters also often provide food services.

People recently released from prison or jail do not qualify as “chronically homeless” under the State and Federal definition of “homeless,” and thus are not eligible for permanent shelter housing as discussed throughout this report.

The fastest way for an individual released from state prison or local jail to get housing in Westchester County is through the temporary or “drop-in” shelters, because they provide for rapid rehousing, families with young children, and for working people who don’t earn enough money to obtain private housing; this category includes formerly incarcerated individuals if they comply with the registration process. All people who come into the shelters have to register, but many are not required to produce satisfactory documentation establishing their identities until they have to go to DSS. Thus, even though everyone who goes through shelter system in Westchester County is required to register with the Homeless Management Information System (“HMIS”) system which is a countywide system that tracks every homeless person in the county, many people fall through the cracks and are not registered. HUD requires the use of this homeless management information system and CoC requires that all shelters use it. HMIS is a self-reporting system and will only track those formerly incarcerated individuals who self-report when registering. As a result, when this system is used for the drop-in shelter registration, it is only able to track people based on the amount of information that they self-report. Lastly, mental health issues may lead people to refuse or avoid registration. For those who do register, a mental health screening is required to determine if the applicant qualifies for supportive housing. Unfortunately, we were unable to obtain statistics on the success of this process.

Some of the programs in Westchester that do assist with finding housing or provide housing for the formerly incarcerated include:

Westchester County Department of Corrections Re-Entry Panels discussed further in the body of this report.

NDR Group in New Rochelle which is the largest provider of affordable housing in County. This group operates according to its own policies, but is required to adhere to the C.F.R..

Sharing Community Yonkers which is one of Westchester's drop-in shelters, located in Yonkers. Most of the people at this shelter have been out of prison a year or less. The shelter provides overnight housing on a nightly basis for both women and men, but those who sleep there are almost all men.

The Coachman Family Shelter, also located in White Plains, provides housing for families, but a family must be placed there by DSS. They do not allow persons convicted of sex offences.

Open Arms, located in White Plains, is both a drop-in shelter and emergency twenty four hour shelter, so to obtain a bed at Open Arms a person must be assigned there, usually by DSS.

Volunteer of America Grasslands Valhalla requires that its residents meet the federal definition of "chronic homelessness" to be provided housing. Its residents must also be assigned there by DSS.

Westchester Disabled on the Move located is located in Yonkers and has begun an initiative to explore an all day/seven day a week program to give people a place to go if they do not have permanent housing. The idea is that at the program, several different service agencies and programs would be represented on a daily basis to provide a type of one stop shop location for formerly incarcerated people. It would allow them to establish connections with the services providers and programming at one location

Greyston, also located in Yonkers, offers jobs and job training at its bakery to formerly incarcerated people as well as HIV specific permanent housing. The program does accept formerly incarcerated people, but due to the fact that it is located next to a school, sex offenders are not admitted.

Westhab is an organization that was founded in 1981 with the mission of building affordable housing in Westchester County and New York City. Initially, it focused on acquiring vacant buildings and renovated them into quality transitional and permanent housing. It then was expanded to renovate and operate shelters in Westchester County as well. Westhab also offers programs and services for people living in their housing and surrounding communities including youth programs in schools, shelters and community centers, employment services, homeless services and supportive housing services.

Westhab's supportive housing provides housing for young adults, people with mental health or substance abuse diagnoses, some diagnosed medical conditions that do not include a limiting physical disability such as HIV/AIDS or chronic illness, veterans and those who fit the

definition of chronically homeless. A formerly incarcerated person who meets falls into one of these categories will not be discriminated against due to his or her criminal conviction history. Westhab also has five single room occupancy (SRO) accommodations which are designated for formerly incarcerated individuals. Usually, these SRO's are filled by referrals from the Department of Community Supervision of releasees from the State prisons, although they are also available to formerly incarcerated people coming from the emergency shelters who may not be on parole.

Westchester Continuum of Care Partnership (CoC) for the Homeless is the governing body of all federal funding recipients funded through HUD in Westchester County. Any person who receives federal housing funding must be connected to their local CoC. CoC acts as a conduit between homelessness and getting permanent housing. Westchester CoC has 29 organizations on its board. Westchester CoC is also partnered with the Department of Community Mental Health ("DCMH") and is funded through a federal and DCMH grant. The DCMH Director is a co-chair of the CoC board. Another partner with Westchester CoC is DSS.

However, since HUD requires that CoC to use coordinated entry that prioritizes homelessness, people who have been homeless the longest get the first permanent housing opportunities. This creates a problem for formerly incarcerated individuals' opportunities to obtain permanent housing because, as previously discussed, under the Federal definition of "chronic homelessness" a person who is incarcerated for ninety days or longer is not homeless.

It was reported that since 2013, CoC has used the HUD Homelessness Assessment Tool to help it understand who is at a high risk for homelessness and work to prioritize those high risk candidates for permanent housing. The fact that a person is considered housed when they are incarcerated means that in essence a person's time spent living in the correctional facility is considered to be "housing". As a result, a person who has spent 90 days or more in a jail or prison is not "homeless" upon their release even though they have nowhere to live. This sets people who are being released from incarceration further down on the waiting list for housing.

Westchester CoC is working to create a newer version of the Homelessness Assessment Tool which will consider that time spent incarcerated elevates a person's risk level for homelessness, putting them in a category of persons who are considered to be at a higher risk of homelessness and unable to resolve their homelessness independently.

Most housing to which clients are referred by CoC is scattered site housing which can be subsidized by HUD or Section 8. CoC works with 29 organizations countywide to provide clients with housing opportunities and eviction prevention. Some of these organizations include WestHab, CHOICE of NY, Westchester County Departments of Health, Community Mental Health and Social Services, Family Services Society of Yonkers, Caring for Homeless of Peekskill, and HOPE Community Services.³⁸⁵ Westchester eviction prevention organizations include the Bridge Fund, CLUSTER and Westchester Residential Opportunities ("WRO"), and they provide subsidies to people who are at risk of losing their housing.

³⁸⁵ See Westchester County Continuum of Care Partnership for the Homeless, *Partner Organizations*, <https://www.wcohomeless.org/partners2> (last visited Feb. 25, 2019).

CoC of Westchester does not reject formerly incarcerated people as clients. The organization tries to work with re-entry programs to assist people with finding permanent housing. However, CoC often finds that landlords will reject a person once they learn of that person's past criminal conviction.

Department of Social Services Westchester County was contacted, but did not provide any information for the report.

NEW YORK CITY (Bronx, Brooklyn, Manhattan, Queens)

The Task Force sought information from the five boroughs of New York City. The below list is not meant to be comprehensive, but to provide some insight into the housing situation in New York city as it relates to formerly incarcerated people.

FACT- Forensic Assertive Community Treatment: FACT is run by CASES (Center for Alternative Sentencing and Employment Services) which has provided a host of services for justice-involved people for more than 25 years. FACT serves men and women with current or recent involvement in the criminal justice system who have serious mental illness and continuous high service needs. The organization receives the bulk of its funding from government grants and contracts (about 85% of an average annual revenue of \$20 million).

Center for Alternative Sentencing and Employment Services ("CASES"): CASES is a holistic program that offers a host of services for individuals with varying stages of contact with the criminal justice system in New York City. They program offers services primarily in the Bronx, Brooklyn and Manhattan, which include behavioral health, court supervised programs, mental health, education and career training and services, and re-entry services. CASES' specific interventions to promote effective re-entry include:

- Community-based programs providing education and employment services for youth and young adults recently released from jail or prison
- In-home family therapy for youth in the community on probation who have behavioral health treatment needs
- Discharge planning and ongoing case management for men and women with serious mental illness pre- and post-release from Rikers Island Correctional Facility.³⁸⁶

CASES is working on several new initiatives to establish new units of scattered site housing for those struggling to find housing during periods of re-entry.

Providence House: Providence House is a not for profit, faith-based, woman-focused agency based in the Bedford-Stuyvesant community of Brooklyn. Much of its funding comes from donations, fundraising events and other small grants from organizations or agencies including the Department of Health and Mental Hygiene. Its unique model has been fashioned upon the religious Sisters of St. Joseph who founded and still perform many of the essential duties running the

³⁸⁶ See CASES, *Reentry Services*, <https://www.cases.org/reentry-services/> (last visited Feb. 25, 2019).

agency. The Sisters live in the same housing with clients, sharing dinners most weeknights, as well as weekends together. Because of this participation by the Sisters in communal life with residents, they are able to regularly provide counsel and act as informal mentors, creating a much more intimate experience than is typical with larger and more institutional rehabilitation efforts. Providence House focuses its programs and services on two at-risk and underserved populations: women and children who are homeless; and women recently paroled from prison. Most mothers with children stay an average of six to eight months in the program.

Providence House serves over 500 hundred women and children every year. The program is able to accommodate approximately 100 hundred mothers and children in its residences at one time. These residences include a fifteen unit apartment program and congregate residences totaling Twenty-five units. There are other residences in Westchester County and Queens County. The program also has sixty units in two separate residences for permanent supportive housing in Brooklyn. Incarceration is a factor for placement in the program's smaller units, which can house twenty-two single adults or families.

Additionally, aftercare services are provided for up to one year after women move into permanent housing. Women are individually served, through regular phone contact or in-home visits, as they adjust to employment, secure themselves financially, obtain healthcare, maintain independent housing, and manage other responsibilities.

ICL Guidance Center: ICL is a large service provider for mental health treatment services in Brooklyn. Every year ICL receives more than 2,500 housing referrals for adults with serious mental illness who are homeless or being discharged from prison or other treatment settings. More than 980 men, women and children live in ICL residences and subsidized rental apartment programs (with the support of case managers and counselors) in Brooklyn, where it operates community residences that help residents develop the skills they need to live successfully in more independent housing. ICL also operates hundreds of units of supported housing that are permanent, subsidized community apartments which are open to single adults, families and youths.

ICL also utilizes Critical Time Intervention Case Management, which is designed to provide transition specific case management support for individuals following discharge and/or re-entry from prisons, hospitals, or other institutions. The goal of this intervention is to reduce homelessness and other adverse outcomes often associated with these transition periods.

The Doe Fund: The Doe Fund's mission is to develop and implement cost-effective, holistic programs that meet the needs of a diverse population working to break the cycles of homelessness, addiction, and criminal recidivism.⁵⁸⁷ All of its programs and innovative business ventures help homeless and formerly incarcerated individuals achieve permanent self-sufficiency. Since 1985, the Doe Fund has helped over 23,000 homeless and formerly incarcerated men rebuild their lives. At the heart of their program is offering paid transitional work ("The Men in Blue" aka Ready, Willing and Able trainees), career development and training, and multi-phased residential program that builds self-sufficiency. The program graduates their trainees in a twelve month

⁵⁸⁷ See The Doe Fund, *Affordable & Supportive Housing*, <https://www.doe.org/programs/affordable-supportive-housing> (last visited Feb. 25, 2019).

period; the last three months of which the trainees are aided in securing permanent and independent housing and employment.

The Doe Fund operates the Crystal Tower residence in Brooklyn; it also maintains other residences in Manhattan and the Bronx including A Better Place, Cortona, Stadium Court, Muller Residence, Webster Green, Villa House and 4519 White Plains Road. The residences range from 60 to 123 unit buildings with The Crystal Tower residence being the largest. Each residence provides supportive and permanent affordable housing with the units ranging from single to three bedroom apartments depending on the building.

Long Island - Nassau and Suffolk Counties

Society of St. Vincent de Paul of Long Island runs the Anthony House and Dismas House. The houses are transitional housing programs for men who have been released from prison or jail to prepare them to return to society. Both programs serve men only. They accept individuals coming from NY State correctional facilities, but not federal prisons or county jails. The Dismas House has a capacity for eight men, and it currently houses four. The average stay for a participant in the program is six months. They turn away about 25%-35% of applicants, usually because they are "inappropriate for our program." Their program does not accept individuals with sex offense convictions, persons arrested for arson, or anyone reliant on psychotropic medications. They also need 60-120 days turn-around from when an individual applies to when they give them an answer. If they cannot accept the applicant they refer them to their local parole office, Department of Social Services, and occasionally other agencies like the United Way Hotline, Salvation Army, INN, Bridges, Monica's Manor, etc. Program Director Vincent Strykowski notes that the demand for programs such as these is greater than the supply. Many men released from prison end up in the shelter system through DSS, or sent to halfway houses that are not always clean, safe, and run with the best intentions."

Some current transitional housing programs in Nassau and Suffolk county include:
Anthony House: This program requires a referral from the Society of Saint Vincent De Paul or other agency and it is also only for men.

St. Vincent De Paul Dismas House: Dismas House is for men over the age of forty and has other requirements.

Community Housing Innovations, Inc./Suffolk County providing affordable, low income rental housing to the disabled, homeless families and victims of domestic violence.

Interfaith Nutrition Network - Donald Axinn Inn is an emergency shelter. Its Nassau County site also provides food, job training information, and other self-sufficiency resources.

Nassau/Suffolk Coalition for the Homeless: This organization has numerous low income housing and shelter units and also provides residents with services including meals, clothing and public health care.

SCO Family Of Services - Dotty's House provides people with temporary and emergency housing and assistance in finding permanent housing. It services women, children and single parents. It also runs Gatehouse, which is an emergency housing unit for homeless females between the ages of 16

and 21. In addition to housing, Gatehouse offers transportation, assistance in paying rent and referrals to education and counseling programs.

HELP Suffolk is a transitional housing program for Nassau and Suffolk Counties. Residents have access to daycare, case management and housing placement services.

Homeworks of Long Island offers housing to individuals with special needs such as HIV/AIDS, mental illness or disability. Case managers also offer entitlement assistance including Section 8 housing vouchers.

Overall, the housing situation on Long Island for those being released from incarceration is bleak. According to Ms. Victoria Roberts, the Nassau County Coordinator for the State Reentry Task Force, there is no housing for formerly incarcerated people in Nassau. The average rent in Nassau County is about \$900/month. There are some places where a person can rent a room for \$650 - \$700 per month, but they are usually places where a formerly incarcerated person should not be living, such as a reopened vacant home. The monthly allowance from the Department of Social Services for a person is \$550 a month. When asked if landlords discriminate against formerly incarcerated people based on the fact that they have been convicted of a crime, Ms. Roberts explained that landlords discriminate against the socio-economic status of people by not providing housing for people because they may be a Section 8 recipient or a recipient of some other subsidized housing program. Ms. Roberts offered that Nassau and Suffolk Counties are in need of comprehensive type programming for formerly incarcerated individuals such as what is provided by the Fortune Society or Center for Community Alternatives in other parts of the State.

On February 11, 2019, Task Force member, Hon. Jerald Carter, met with Nassau County Sheriff Vera Fludd, Undersheriff Alphonzo Albright, Deputy Undersheriff Debbie Lewis and Captain Michael Golio at the Nassau County Correctional Facility to discuss re-entry programs for inmates discharged from custody.

Sheriff Fludd indicated that as the average stay for an inmate in the Nassau County Correctional Facility was 47 days, they were limited in many instances in their ability to provide substantive assistance from a rehabilitative perspective to many inmates. However, for inmates who have been locally sentenced to 60 days or more or are awaiting trial, there are various programs available to assist in an inmate's re-entry.

Incarcerated Veterans are encouraged to participate in the Veterans Outreach Program administered by the Veterans Administration in conjunction with the Nassau County Department of Probation. The program provides weekly visits by social workers, spiritual guidance by chaplains as well as counselling on topics including vocational guidance and housing assistance.

Drug and Alcohol Abuse is an important concern for Sheriff Fludd and her staff as the facility housed 1,710 drug offenders or drug related offenders. In an effort to address such inmates' concerns, they administer, in conjunction with the Nassau County District Attorney's Office, the DART and STOP DWI programs which include a 12-step program to sobriety with the assistance of both in house and third-party drug and alcohol drug sponsors whose goal it is to provide the inmate with an OASIS certification prior to release.

Continuing education services are administered in the jail by various 501 C 3 not for profit organizations included but not limited to the Leadership Training Institute, headquartered in Hempstead, which provides classes for adult inmates; role models as well as certified and individualized year-round educational services for incarcerated youth. They also provide follow up upon release of the inmate with after care attention.

Housing is a difficult issue for the Sheriff to address. Upon release a formerly incarcerated inmate is given \$4 for transportation to the Nassau County Department of Probation. Housing issues are handled by the Nassau County Department of Social Services, the Veterans Administration or volunteer not for profit 501(c)(3) organizations such as The Leadership Training Institute.

Sheriff Fludd made it clear that she intends to augment programs designed to address an inmates' re-entry into the community, citing the need to correct negative behavior which perpetuates recidivism

Captain Golio mentioned the possibility of instituting a housing re- entry program based on the model of the Fortune Society, a private organization, which according to its website, "helps individuals with justice involvement rebuild their lives through innovative services." He specifically was impressed by the three residential properties the organization acquired to provide transitional shelter to newly released inmates.

APPENDIX E

WCDOC Course Syllabi

**Provided by First Deputy Commissioner Louis Molina
Westchester County Department of Corrections**

Criminal Justice Ethics RELS 399
Westchester County Correctional Center
Summer 2018
Prof. Andrew Skotnicki

In this course, we will explore some of the dimensions of the most important ethical issues in the area of criminal justice: crime, law, justice, punishment, and forgiveness. The course will utilize both classical and modern texts to trace the evolution of thought on these topics; it will analyze the multiple ways they are understood and expressed in the current context; and it will create the opportunity for students to work together to configure the most intellectually coherent and ethically sound understanding of these concepts in the current practice of criminal justice.

Goals

- 1) Create a learning and caring community between Manhattan College and Department of Corrections students
- 2) Familiarize students with classical and modern authors and theories in the field of criminal justice ethics
- 3) Stimulate informed, critical, and compassionate analysis of some of the principal issues and challenges facing society in its response to illegal behavior
- 4) Facilitate the transition of interested Westchester County students to Manhattan College upon their release

Readings

All of the readings for the course will be distributed prior to the opening session. Each student must do the assigned reading for the day, come prepared to discuss its content, and must bring a copy of the reading to class. As you read, take notes on the argument of the author and any ideas of interest to you. Come to class prepared to say something about each reading.

Reflection Papers

There will be three reflection papers. They are to be typed, double spaced, and should be approximately three pages in length, incorporating a minimum of five references to the day's readings. You must submit **TWO** copies of the paper, one of which will be returned to you. Each paper must have three sections: 1) observation (identify at least three things that you observed during our combined meetings, e.g., interactions between people, insights on group dynamics etc.); 2) analysis and integration (discuss and analyze the principal issues raised in the class using at least five quotes or references to the readings assigned for that day, although you may also bring in ideas from previous classes (do not use the quotes as a substitute for your own analysis)); 3) write about your emotional reaction to the class; take the time to explain the reactions rather than simply recording them.

Final Paper and Presentation

Beginning on April 3, students will form groups and begin to work on a final project of their own choosing that will be presented to the class and to representatives of the Department of Corrections on April 17. The students may **Not** read their report. While the project must draw on the concepts and authors we have discussed during the semester, the project is an attempt for you to explain to us how you would address in a practical way one of the principal ethical issues in criminal justice ethics. It will furthermore

be expected that there be some attempt to demonstrate creatively your ideas, i.e., present a role play, tell a story, engage the group, present a power point, show a video etc.

A final integrative paper on your vision of criminal justice ethics will be due on the last day of class. It must be at least ten pages long, typed, double-spaced, and draw upon a minimum of fifteen quotes from or references to the readings. It is an opportunity for each student to summarize his or her thoughts on the work we have done.

Final Grade

20% of the final grade will be based upon class participation (attending class, listening, and contributing to discussions); 30% will be based on the reflection papers; 20% will be based on the final presentation; and 30% on the final paper. DOC students will take the course as pass/fail.

Schedule of Classes

7/2 Introduction of course: explain all requirements, distribute all reading materials, and discuss key issues in the interaction between residents and guests.

Midweek meeting with students

7/9 What is the nature of our violent and anti-social tendencies?

Assignment: James Gilligan, *Preventing Violence*; Rene Girard, "Mimesis and Violence"

7/11 The confused state of the world and the confused state of the prison system

Assignment: Jonathan Simon, *Governing Through Crime*; Ian Loader, "Ice Cream and Incarceration"

First reflection paper due (see paper guidelines)

7/16 Why do we punish?

Assignment: Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*; Immanuel Kant, *The Metaphysics of Morals*; St. Thomas Aquinas, Selections from the *Summa Theologica*

7/18 Who Do We Punish?

Assignment: Richard Quinney, *The Social Reality of Crime*; Bruce Western, "Incarceration and Inequality"

7/23 How do we punish?

Assignment: Read: *Rule of St. Benedict*; Alexis de Toqueville and Gustave de Beaumont, *On the Penitentiary System in the United States*; Gresham Sykes, *The Society of Captives*, 40-58.

- Second reflection paper due

7/25 Law, Judgment, Mercy

Assignment: Read: Selections from the gospels on judgment; James Whitman, *The Origins of Reasonable Doubt*; Linda Ross Meyer, *The Justice of Mercy*

7/30 Restorative justice.

Assignment: Read: John Braithwaite, *Crime, Shame, and Reintegration*; Howard Zehr, *Changing Lenses*

- Begin discussion of group presentations
- Third reflection paper due

8/1 Work on group presentations

8/6 Group presentations

8/8 Closing ceremony

8/13 Final paper due

Shakespeare, Prison, and God
Westchester County Jail
Spring 2019
Professors Brian Chalk and Andrew Skotnicki

Course Outline

In this course, we will explore dimensions of the most important ethical issues in the area of criminal justice through an analysis of four plays by William Shakespeare and a selection of articles in the disciplines of criminal justice and theology. It will show how the social sciences and the humanities can help us focus creatively and humanely on the significant challenges we face as a society in our current practice of incarceration and punishment.

Goals

- 1) Create a learning and caring community between Manhattan College and Department of Corrections students
- 2) To develop a familiarity with the theatrical and rhetorical features that established Shakespeare's reputation as the greatest writer in any language, and to consider how his works encourage us to think about the concept of the prison and God.
- 3) To develop in students a higher standard for their writing and the ability to construct a cogent argument.
- 4) Facilitate the transition of interested DOC students to Manhattan College upon their release

Readings

All of the readings for the course will be distributed prior to the opening session. Each student must do the assigned reading for the day, come prepared to discuss its content, and must bring a copy of the reading to class. As you read, take notes on the argument of the author and any ideas of interest to you. Come to class prepared to say something about each reading.

Reflection Papers

There will be four reflection papers. They are to be typed, double spaced, and should be approximately three pages in length, incorporating a minimum of five references to the day's readings. You must submit **TWO** copies of the paper, one of which will be returned to you. Each paper must have three sections: 1) observation (identify at least three things that you observed during our combined meetings, e.g., interactions between people, insights on group dynamics etc.); 2) analysis and integration (discuss and analyze the principal issues raised in the class using at least five quotes or references to the readings assigned for that day, although you may also bring in ideas from previous classes (do not use the quotes as a substitute for your own analysis)); 3) write about your emotional reaction to the class; take the time to explain the reactions rather than simply recording them.

Final Paper and Staging Presentation: Staging Presentations: Working in groups, students will perform a brief scene featuring a moment of interest from one of the plays we read together this semester. **This moment may include a portion of a soliloquy, an exchange between characters, or a stage direction, but the focus of your presentation must involve a staging situation that obliges modern readers and audiences to make an interpretive decision.** We will provide numerous examples of such moments in

class. Your performance should reflect the knowledge of Shakespeare's plays and stagecraft that you gained over the course of the semester. More details will follow. **(The final paper could potentially be a response to the presentation)**

Final Grade

20% of the final grade will be based upon class participation (attending class, listening, and contributing to discussions); 40% will be based on the reflection papers; 20% will be based on the final presentation; and 20% on the final paper. DOC students will take the course as pass/fail.

Schedule of Classes

1/18 Introduction of course: explain all requirements, distribute all reading materials, and discuss key issues in the interaction between residents and guests. Students will then meet separately with the professors: DOC students at Riker's Island, Manhattan College students at the college.

1/25 Introduction to Shakespeare and his world and *Romeo and Juliet*

Assignment: *Romeo and Juliet*, **Acts One & Two**; Austin Van der Silice, "Elizabethan Houses of Correction"

Activity: What happens beneath Juliet's balcony?

2/1 *Romeo and Juliet*

Assignment: Finish *Romeo and Juliet* and James Gilligan, *Preventing Violence*

Activity: Romeo and Friar Lawrence on trial

2/8 *Hamlet*

Assignment: Read *Hamlet*, **Acts One-Three**, and René Girard, "Mimesis and Violence"

Activity: Paper Writing Workshop

2/15 *Hamlet*

Assignment: Alan Bernstein, "The Formation of Hell"

Assignment: First reflection paper due today

Activity: Where is Hamlet's father? Hell, Purgatory, and Prison

2/22 Retributive Justice, Restorative Justice, Mercy

Assignment: Kant, *Groundwork of the Metaphysics of Morals*; Howard Zehr, *Changing Lenses*; Paul Tillich, *The New Being*

Activity: Podcast of *Hamlet*

Activity: What is the proper response to Hamlet's uncle's repentance?

3/1 *Othello*

Assignment: Read *Othello* and Richard Quinney, *The Social Reality of Crime*

Assignment: Second reflection paper due today

3/8 *Othello* and Issues of Race, Sex, and Violence

Assignment: Gary Schulman, "Race, Sex, and Violence"

Activity: **Desdemona on Trial**

3/15 *The Merchant of Venice*

Assignment: Woodyard and Marzen, "Is Greed Good?"; Alexander Shalom, "Bail Reform"

Assignment: Third reflection paper due today

3/22 Spring Break

3/29 *The Merchant of Venice*

Assignment: James Whitman, *The Origins of Reasonable Doubt*

4/5 Work on final project

Assignment: Fourth reflection paper due today

4/12 Work on final project

4/19 Good Friday
4/26 Presentations
5/3 Closing Ceremony

APPENDIX F

**Release Planning Program Information
New York State Department of Corrections
and Community Supervision
DOCCS**



Corrections and Community Supervision

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

January 29, 2019

Mr. David Louis Cohen
Attorney at Law
125-10 Queens Boulevard
Suite 5 – Silver Towers
Kew Gardens, New York 11415

Re: Release Planning Program Information

Dear Mr. Cohen,

This is in response to your request seeking information concerning the release planning programs currently being offered by DOCCS.

Enclosed, please find 102 pages of records pertaining to re-entry programming available to inmates at DOCCS.

Sincerely,

Samantha E. Koolen

Samantha E. Koolen, Esq.
Assistant Counsel

Enclosures

Facility	Facility Code
Hudson	270
Lakeview	600
Lincoln	360
Livingston	300
Marcy	490
Mid-State	480
Mohawk (Walsh)	390
Morlah Shock	510
Ogdensburg	350
Orleans	640
Otisville	290
Queensbor	170
Riverview	570
Rochester	300
Shawangunk	680
Sing Sing	070
Southport	630
Sullivan	690
Taconic	260
Ulster	610
Upstate	840
Watkill	060
Washington	650
Watertown	030
Woods	430
Willard	820
Woodbourne	140
Wyoming	660

Immato Organizations Special Purpose	Rehabilitation Through the Arts	Youth Assistance Programs	Structured Recreation
X			X
X			X
X			X
X			X
X			X
X			X
X		X	X
X		X	X
X			X
X		X	X
X	X	X	X
			X
X		X	X
X			X
X			X
X		X	X
X			X
X			X
X		X	X
X			X
X			X
X		X	X
X	X		X
X		X	X
X			X

Adult Basic Education	Pre-High School Equivalency	High School Equivalency	Bilingual / English as a Second Language	Cell Study	Special Education	Multi-Level	Title 1	College
X	X	X		X				
			X	X	X	X		
X	X	X	X	X				
X	X	X						
X	X	X	X	X				
X	X	X	X	X		X		X
						X		
X	X	X	X	X				
X	X	X	X					X
X	X	X	X					
X	X	X	X					
X	X	X	X					
X	X	X	X					
X	X	X	X	X				
X	X	X	X	X				
X	X	X	X	X		X		
X	X	X	X	X	X		X	X

Wyonda	430	Facility
Willard	820	
Woodbourne	140	
Wyoming	560	
Facility Code		

				X	RMU (ASAT)
X	X	X	X	X	ASAT
					CASAT
					DWI Treatment
					RSAT
					Female Trauma Recovery
					DDT (GP)
					IDDT (GP)
					CASAT Ph II/CBO
					CASAT Ph III/CF
					Relapse Treatment
				X	IDDT (ICP)
					IDDT (RMHU) or (TBU)
					SDU (ASAT)/Flat order
					SHU Pretreatment Wkbk noncredit
					SHU (ASAT)
X				X	SNU (ASAT)
					IDDT (BHU)
					LTC/CIU (ASAT)
					APPU (ASAT)
X					PC (ASAT)
					Relapse Prevention
					SOCTP (ASAT)
					Shock
					ALT 90 ASAT

Wyoming	430	Facility Code
Woodbourne	828	
Willard	140	
Wonda	660	
		Facility

			X	RMU (ASAT)
X	X	X	X	ASAT
				CASAT
				DWI Treatment
				RSAT
				Female Trauma Recovery
				DDT (GP)
				IDDT (GP)
				CASAT Ph II/CBO
				CASAT Ph II/CF
				Relapse Treatment
			X	IDDT (ICP)
				IDDT (RMHU) or (TBU)
				SDU (ASAT) Flat order
				SHU Pretreatment Wkbk noncredit
				SHU (ASAT)
X			X	SNU (ASAT)
				IDDT (BHU)
				LTC/CIU (ASAT)
				APPU (ASAT)
X				PC (ASAT)
				Relapse Prevention
				SOCTP (ASAT)
				Shock
				ALT 80 ASAT

Facility	Facility Code
Litchfield	360
Livingston	800
Mary	490
Madison	400
Madison (West)	299
Marshall School	510
Ogdenburg	350
Oreana	640
Ossipee	290
Quenobosc	170
Riverview	570
Rochester	300
Stramquist	680
Strong	070
Southport	630
Sullivan	690
Tacoma	250
Usher	510
Upton	840
Wadsworth	080
Walbridge	650
Warren	030
Woods	430
Windsor	820
Woodburn	140
Wynnton	660

	Barbering	Building Maintenance	Carpentry	Computer Information Technology Support	Commercial Arts	Computer Operator	Computer Repair	Cosmetology	Culinary Arts	Custodial Maintenance	Drafting	Electrical Trades	Energy Technology	Floor Covering	General Business	Horse Handling	Horticulture	Heating, Ventilation and Air Conditioning	Intro to Technology	Machine Shop	Masonry	Painting & Decorating	Plumbing	Print Shop	Sheltered Workshop	Small Engine Repair	Upholstery	Welding
Litchfield	X	X								X				X			X								X		X	
Livingston	X	X								X				X			X								X		X	
Mary	X	X								X		X		X			X								X		X	
Madison	X	X		X						X		X		X			X								X		X	
Madison (West)		X								X		X		X			X								X		X	
Marshall School										X				X			X								X		X	
Ogdenburg		X								X				X			X								X		X	
Oreana			X							X		X		X			X								X		X	
Ossipee	X	X								X				X			X								X		X	
Quenobosc										X				X			X								X		X	
Riverview	X									X				X			X								X		X	
Rochester										X				X			X								X		X	
Stramquist		X	X							X				X			X								X		X	
Strong			X							X		X		X			X								X		X	
Southport							X			X		X		X			X								X		X	
Sullivan						X				X				X			X								X		X	
Tacoma							X			X				X			X								X		X	
Usher								X		X				X			X								X		X	
Upton										X				X			X								X		X	
Wadsworth		X								X				X			X								X		X	
Walbridge		X				X				X		X		X			X								X		X	
Warren		X		X						X			X				X								X		X	
Woods		X				X				X				X			X								X		X	
Windsor		X								X				X			X								X		X	
Woodburn		X				X			X	X				X			X								X		X	
Wynnton	X			X						X		X		X			X								X		X	

ADIRONDACK CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2018

Visitor Hospitality Center - Provide gate side hospitality to visitors by offering breakfast, assistance with paperwork, and a comfortable atmosphere while waiting for their visits to begin.

ALBION CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alternatives to Violence Project (AVP) - Workshop series to teach offenders methods and skills to manage and resolve conflicts in a positive way.

Bilingual Bible Study - Religious testimony, teachings and Bible study as it relates to Catholic interpretation; conducted in Spanish.

Canine Training Program – Program to provide inmates with social and vocational skills to enhance their employability upon release, while providing care, training and socialization to shelter dogs in order to increase the likelihood of their adoption.

Catholic Religious Studies - Bible study as it pertains to the Catholic Interpretation, beliefs and traditions; Practical applications of Scripture to daily life.

Catholic Services - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship services.

Cephas - Group sessions and discussions to help inmates make positive changes in their lives and foster emotional growth, as well as to plan for their positive reintegration into society.

Fully Alive - Ecumenical; Enhances individual spiritual life through the understanding that our attitudes and ability to apply teachings of Scripture to our lives can determine our happiness; Offers tools to make positive changes through reinforcement of Christian values.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Kairos Prison Ministry - Ecumenical program that promotes positive moral values; a sense of community/family belonging, positive change and emotional growth; Biannual Retreats & Weekly Groupings.

Knitting Class - Instruction and participation in the art and technique of knitting, To promote constructive use of time while offering opportunities for inmates to contribute the community by donating the items they create.

Little Rock Bible Study - Catholic; Bible study to increase competency in the practice of faith through education and discussions about Scripture and Catholic Sacraments and traditions.

Medaille College Program - Program to offer non-credit college courses to inmates to enhance their post-secondary educational growth.

Mt. Sinai Bible Study - Mt. Sinai Baptist Church; Religious testimony, teachings and Bible study as it relates to Baptist interpretation.

Parenting & Family Ties Program (Osborne Association) - Program to teach basic life skills, foster good attitudes, set appropriate goals, improve decision-making skills in order to foster positive relationships with family/children, as well as to foster and enhance family ties between incarcerated parent and child(ren) through televisits and special visiting events.

PathStone Services - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, informational guidance for healthy sexuality, identifying and addressing risk behaviors, testing, discharge planning.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Rite of Christian Initiation for Adults (RCIA) - The process of discovering the Catholic faith; Bible study as it pertains to the Catholic interpretation, beliefs & traditions.

Seven Soldiers for God - Protestant; Bible study and discussion group that increases awareness and understanding of Protestant doctrine and traditions.

Step-By-Step Life History - A gender responsive program that helps women identify their individual strengths and values, leading to greater self-confidence, and improving their ability to make good decisions for themselves and their families.

Step-By-Step Parenting - Program to teach basic life skills, foster good attitudes, set appropriate goals, improve decision-making skills in order to foster positive relationships with family/children.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

Walking The 12 Steps With Jesus - A 16-week program with required lecture, discussion and homework that encourages inmates to implement the 12-step recovery principles by integrating them with practical applications of Christian ideals, Scripture, faith and relationship with God.

Women's Aglow - Offers religious testimony and Christian spiritual guidance, as it relates to the teachings of the Bible in order to encourage understanding and positive change.

ALTONA CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alliance for Positive Health – To provide HIV/AIDS education, anonymous testing services and assistance to inmates who will be released within the community.

Hospitality Center – Provide gate side hospitality to visitors by offering assistance with paperwork and a comfortable atmosphere while waiting for their visits to begin.

Jehovah Witnesses – To teach biblical principles according to Jehovah Witness doctrine and to help inmates personally apply those principles.

Protestant Bible Study – Provide a bible study program whereby inmates can increase their knowledge of the bible according to the Protestant tradition.

Protestant Worship Services – The purpose of this program is to augment the services of the Protestant Chaplain during brief absences.

ATTICA CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2016

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alternatives to Violence Project (AVP) - Workshop series to teach offenders methods and skills to manage and resolve conflicts in a positive way

Baptist Bible Study - Bible study as it pertains to the Baptist interpretation, beliefs and traditions.

Bereavement – Support group to offer spiritual, constructive and healthy methods for coping with loss.

Catholic Reflections - Bible study as it pertains to the Catholic interpretation, beliefs and traditions; religious testimony.

Catholic Spirituality - Bible study, sharing of testimony and practical applications of Scripture to daily life as it pertains to the Catholic interpretation, beliefs and traditions.

Cephas - Group sessions and discussions to help inmates make positive changes in their lives and foster emotional growth, as well as to plan for their positive reintegration into society.

Elim Bible Study - Pentecostal/Fundamentalist; Bible study through the use of religious testimony, music and practical application of Scripture; Sponsored by Elim Bible Institute.

Genesee Community College (GCC) - Program to offer college courses to inmates to enhance their post-secondary educational growth while earning credits toward a degree.

Information Literacy Lab – Program to enhance inmates' academic development and proficiency through the study and analysis of selected published scientific research studies. Program also provides a forum for discussion on how the topics of these studies are relevant to participants' own self-awareness and personal growth, as well as society as a whole.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Jewish Services - Program that deals with Bible issues and Jewish history, religion, ethnicity and overall topics pertaining to Jewish culture, while offering guidance for worship services and customs.

Lifers Group – Program to serve as a support group for inmates serving life sentences, while identifying ways they can actively contribute to their community (both inside the facility, and outside) in positive ways.

Meditation – Program to teach methods and exercises designed to reduce physical and emotional stress, while encouraging self-practice.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Narcotics Anonymous (NA) - 12-step recovery program for drug addiction.

Oneness Bible Study - Bible study as it pertains to the Pentecostal interpretation, beliefs and traditions.

Protestant Bible Study - Bible study as it pertains to the Protestant interpretation, beliefs and traditions.

Protestant Choir – Program to teach music and vocal performance to inmates for the purpose of enhancing weekly Protestant Worship Services, while offering them a creative outlet.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Quaker Services - Quaker (a.k.a. Religious Society of Friends) Worship Service supplemented with religious studies or guest speakers to offer relevant testimonials.

Residents Encounter Christ (REC) - Catholic program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth. Biannual retreats and weekly groupings.

Seventh Day Adventist Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Seventh Day Adventist interpretation.

Spanish Bible Study - Religious testimony, teachings and Bible study as it relates to Protestant interpretation; conducted in Spanish.

Spanish Protestant Worship Services - Protestant Worship Service conducted in Spanish, supplemented with music and/or inspirational guest speakers to offer relevant testimonials.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Theatre Group – Program to offer workshop forums where inmates can engage in, learn from and become positively influenced by the performing arts. The program culminates with performances of quality productions for the inmate population, staff and other community stakeholders as deemed appropriate by Administration.

Veterans Support Group - Program to offer inmate veterans assistance in applying for federal benefits/support programs they may be eligible for, while providing a forum to help veterans deal with varying issues brought about by their military experience.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

AUBURN CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alive In Christ Together (ACT) – Protestant program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreat weekends (3 days) and mini-retreats (1 day).

Alpha Protestant Bible Study - Bible study, testimonials and practical applications of Scripture to daily life as it pertains to the Protestant interpretation, beliefs and traditions.

Alternatives to Violence Project (AVP) - Workshop series to teach offenders methods and skills to manage and resolve conflicts in a positive way.

Buddhist Study & Worship - To teach religious principles of Buddhism, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to religious culture, while offering guidance for worship services and customs.

Catholic Rosary – Program that explores the practical applications of Scripture and Catholic teachings to daily life, while providing inmates the opportunity to experience the meditative and spiritual benefits of praying the Rosary.

Catholic Study & Worship - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship services.

Cornell Prison Education Program (CPEP) - Program to offer college courses to inmates to enhance their post-secondary educational growth while earning credits toward a degree.

Fully Alive - Ecumenical; Enhances individual spiritual life through the understanding that our attitudes and ability to apply teachings of Scripture to our lives can determine our happiness; Offers tools to make positive changes through reinforcement of Christian values.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Islamic Study & Worship - To teach principles found in the Qu'ran, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to Muslim culture, while offering guidance for worship services and customs.

Native American Study & Worship - Program that provides Native American worship services and cultural events, while offering guidance in Native American customs and traditional practices.

Parenting Program - Program to teach basic life skills, foster good attitudes, set appropriate goals, improve decision-making skills in order to foster positive relationships with family/children.

Protestant Bible Study - Bible study as it pertains to the Protestant interpretation, beliefs and traditions.

Protestant Worship Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Quaker Study & Worship - Quaker (a.k.a. Religious Society of Friends) Worship Service supplemented with religious studies or guest speakers to offer relevant testimonials.

Residents Encounter Christ (REC) - Catholic program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreats and weekly groupings.

Seventh Day Adventist Study & Worship - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Seventh Day Adventist interpretation.

Southern Tier AIDS Program (STAP) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Spanish Bible Study - Religious testimony, teachings and Bible study as it relates to Protestant interpretation; conducted in Spanish.

Spanish Worship Services - Protestant Worship Service conducted in Spanish, supplemented with music and/or inspirational guest speakers to offer relevant testimonials.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Phoenix Players Theatre Group – Program to offer workshop forums where inmates can engage in, learn from and become positively influenced by the performing arts. The program culminates with performances of quality productions for the inmate population, staff and other community stakeholders as deemed appropriate by Administration.

Veterans Knitting Group - Instruction and participation in the art and technique of knitting as a form of therapy for incarcerated veterans; To promote constructive use of time while offering opportunities for inmates to contribute the community by donating the items they create.

Veterans Services - Program to offer inmate veterans assistance in applying for federal benefits/support programs they may be eligible for, while providing a forum to help veterans deal with varying issues brought about by their military experience.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

BARE HILL CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2018

Alcoholics Anonymous – Provide on-site support and assistance to inmates who participate in the self-help counseling support meetings.

Alliance for Positive Health – To provide HIV/AIDS education, anonymous testing services and assistance to inmates who will be released within the community.

Hospitality Center – Provide gate side hospitality to visitors by offering assistance with paperwork and a comfortable atmosphere while waiting for their visits to begin.

Jehovah Witnesses – To teach biblical principles according to Jehovah Witness doctrine and to help inmates personally apply those principles.

Protestant Bible Study – Provide a bible study program whereby inmates can increase their knowledge of the bible according to the Protestant tradition.

Second Chance Pell College Program, North Country Community College - College courses are offered to qualified inmates with the goal of receiving an AAS in Entrepreneurship Management, AAS in Individual Studies, AA in Liberal Arts & Sciences-Humanities and Social Sciences.

BEDFORD HILLS CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - a fellowship who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism

Aids Counseling and Education (ACE) - a program administered by the Women's' Prison Association (WPA) that educates inmates on AIDS and HIV disease and tests for this

Alternatives to Violence Program (AVP) - volunteers meet with inmates one weekend per month for a retreat on dealing with issues in a non-violent manner

Catholic Services - qualified volunteers provide religious services and guidance to Catholic inmates under the guidance of the Catholic Chaplain

Catholic Women's' Group - volunteers from St. Gabriel's Church in the Bronx provide services for Catholic inmates

College - Marymount Manhattan College offers inmates degree programs in sociology

College Combined - inmates and outside college students attend class together. Students (depending on the class) come from Marymount Manhattan, Sarah Lawrence College, SUNY Purchase, and Union Theological Seminary

Episcopal - volunteers provide services and counseling to inmates of that faith

Evangelical Methodist Church - a church from the Bronx provides Hispanic services for Methodist inmates

Faith Hope and Charity Ministry - Minister Donald Johnson preaches for those of Protestant denominations

Good News Salvation - prison ministry for Spanish-speaking inmates of the Protestant faiths

Hospice - a volunteer trains inmates working in the RMU as to how to become hospice aids

Hour Children - a contracted organization based in Queens providing services for inmates to strengthen family ties, and provide services for incarcerated mothers, nursery unit, which houses approved inmates and their babies. This includes the following programs:

- **Advocacy** - volunteers assist mothers with staying in contact with their children and teachers
- **Foster care and Child Custody Workshop** - a class addressing mothers' legal rights while incarcerated
- **Hospitality Center** - located at the entrance to the facility, volunteers greet visitors on weekends.

- **Infant Center** - a correctional day care center for the babies of inmates while they attend programs. Babies are cared for by volunteers and specially selected inmates
- **Journal and Letter-Writing Workshop** - inmate mothers practice writing to their children and documenting their progress
- **Mothers of Adolescents** - a class addressing the needs of incarcerated mothers who have adolescent children
- **Nursery** - volunteers tend to the needs of inmates and their babies housed on the nursery unit
- **Parenting** - The central office of Hour Children where all administrative functions emanate
- **Parenting Through Film** - a class using films to illustrate parenting skills
- **Parenting Through Literature** - a class using readings to address parenting skills
- **Parenting Through Art and Play** - a class addressing recreational activities that moms can do with children when visiting
- **Playroom** - the area in the visiting room where visiting children can perform activities
- **Quilters** - volunteers show inmates how to make quilts
- **Talking with and About Your Child on the Telephone** - a class addressing phone skills when speaking to a child, teacher, or other service provider
- **Teen/Pre-Teen** - a class addressing the needs of adolescent children

Jehovah Witnesses - a group from Putnam County provides services for inmates of that faith

Jewish Services - The Jewish volunteers (with the assistance of the Coordinating Chaplain, as there is currently no Rabbi) conduct Jewish services and celebrate holidays.

Mental Health - Employees of STEP will be coming in to prepare inmates with mental health needs for re-entry.

Narcotics Anonymous - a fellowship who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from substance abuse. They have not come in in over 2 years

Nation of Islam (NOI) - a part-time chaplain and a volunteer provide services for those of that religious faith.

Network - a therapeutic support group for inmates

PA Intern - interns from LeMoyné College doing preceptorships to become Physician Assistants under the direction of the FHSD.

Prison Fellowship - teaching Bible class for Protestant inmates

Protestant Services - volunteers under the guidance of the Protestant Chaplain provide counseling, discussion groups, and services for inmates of the Protestant faiths.

Protestant Bible Study(Occasional) - a local minister comes in quarterly to preach and discuss the Bible from protestant perspectives

Public Theater - a theater group from New York City performs Shakespeare plays twice a year.

Puppies Behind Bars (PBB) - PBB organization and inmates train dogs to become service dogs for wounded veterans, and for law enforcement.

Rehabilitation through the ARTS (RTA) - a non-profit organization based out of Katonah that works on theatrical productions as a means of therapy for the inmates.

RMU Religious - volunteers from the Catholic and Protestant faiths run programs for inmates housed in the RMU

Rosary - Catholic volunteers perform the Rosary as prescribed by catholic doctrine.

Spanish Prayer Group - a volunteer provides a musical service for Spanish-speaking inmates of the Catholic Faith

Theater - 2 volunteers who teach theatrical techniques to inmates

Transitional Services - volunteers from re-entry organizations and some independents discuss opportunities for inmates in Phase 3 in regard to jobs, housing, medical, and mental health services upon release from custody.

Wellness - a program for providing inmates with information and exercises on maintaining both physical and mental wellness

WPA Re-Entry - Staff from Women's' Prison Association discuss AIDS counseling services for inmates in Phase 3.

Writing for Re-Entry - Inmates are taught skills to prepare them for the outside workforce, such as resume writing and job interview skills.

Yoga - Certified instructors from Liberation Prison Yoga teach inmates techniques of relaxation

CAPE-VINCENT CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

7th Day Adventist Services- Provide inmates the opportunity to participate in 7th Day Adventist Services.

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning.

Alcoholics Anonymous (AA)- Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Catholic Services – Provide inmates the opportunity to participate in the Roman Catholic Mass and affords inmates who are Catholic an opportunity to study their faith.

Celebrate Recovery-Provides inmates a Christian-faith based addiction recovery program based on eight principles from the "Beatitudes".

College Program- Inmates are afforded the opportunity to participate in and earn credit for college level courses.

Family Reintegration- Presentations are made to inmates participating in Phase 3 focusing on reintegration with the family upon release, exploring possible changes in spousal roles, parental roles and family dynamics.

Jehovah Witness Bible Study– Teaches biblical principles according to Jehovah Witness doctrine.

Lubavitch –Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Marriage & Parenting-Inmates are taught healthy communication techniques, ways to have healthy marriages, techniques for nurturing children, safe and appropriate parental discipline.

Planned Parenthood- inmates are provided education on the reproductive system, sexually transmitted diseases, safe sex practices and birth control options.

Protestant Bible Study- Assists and encourages inmates to become mature in God and to increase their knowledge and spiritual stamina.

Residents Encounter Christ Retreat (REC) –REC affords inmates who might be "mechanical" in their faith an opportunity to transform into a deeper level of spirituality which will potentially allow them to lead stronger lives.

Student Interns-Provides a professionally supervised, structured learning experience for college students in phases of the facility and exposes the students to the operations of a correctional facility.

Victims Assistance Center-Inmates participating in ART are provided the opportunity to attend presentations on the effects of domestic abuse.

Visitors Hospitality Center –Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

CAYUGA CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alive In Christ Together (ACT) – Protestant program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreat weekends (3 days) and mini-retreats (1 day).

Alternatives to Violence Project (AVP) - Workshop series to teach offenders methods and skills to manage and resolve conflicts in a positive way.

Catholic Rosary – Program that explores the practical applications of Scripture and Catholic teachings to daily life, while providing inmates the opportunity to experience the meditative and spiritual benefits of praying the Rosary.

Cornell Prison Education Program (CPEP) - Program to offer college courses to inmates to enhance their post-secondary educational growth while earning credits toward a degree.

Fully Alive - Ecumenical; Enhances individual spiritual life through the understanding that our attitudes and ability to apply teachings of Scripture to our lives can determine our happiness; Offers tools to make positive changes through reinforcement of Christian values.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Islamic Study & Worship - To teach principles found in the Qu'ran, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to Muslim culture, while offering guidance for worship services and customs.

Men's Focus Group – A support group program where inmates can openly discuss various issues they are facing such as anger management, relationships, addiction, self-esteem, plans for their release, etc. The program also serves as a forum where participants can exchange constructive feedback or advice concerning these issues.

Quaker Study & Worship - Quaker (a.k.a. Religious Society of Friends) Worship Service supplemented with religious studies or guest speakers to offer relevant testimonials.

Seventh Day Adventist Study & Worship - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Seventh Day Adventist interpretation.

Southern Tier AIDS Program (STAP) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Spanish Pentecostal Services - Pentecostal Worship Service conducted in Spanish, supplemented with music and/or inspirational guest speakers to offer relevant testimonials.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

CLINTON CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) – Provide on-site support and assistance to inmates who participate in the self-help counseling support meetings.

Alliance for Positive Health – To provide HIV/AIDS education, anonymous testing services and assistance to inmates who will be released within the community.

Bible Study Prison Ministry - To address the spiritual needs of incarcerated men and to those who work in the correctional environment. The program is open to inmates of all faiths. Primary goal is for personal and spiritual growth of the inmates who participate.

Full Gospel Businessmen's Fellowship – Inmates study themes from the Old and New Testament, marriage and family, and basic doctrines of Christian faith. Scriptures are discussed every week in a way that can be applied to their daily lives. Occasionally a Christian film is shown.

Hospitality Center – Provide gate side hospitality to visitors by offering assistance with paperwork and a comfortable atmosphere while waiting for their visits to begin.

Jehovah Witnesses – To teach biblical principles according to Jehovah Witness doctrine and to help inmates personally apply those principles.

Kairos Prison Ministry – Promote and develop Christian fellowship, build trust in time of crisis, values and principles and prepare offenders for reentry into society. They provide weekly and weekend retreat programs.

COLLINS CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Bethesda Full Gospel Ministry - To offer religious testimony and provide Bible study under the direction of Bethesda World Harvest Church.

Catholic Scripture Sharing - Bible study as it pertains to the Catholic interpretation, beliefs and traditions.

Cephas - Group sessions and discussions to help inmates make positive changes in their lives and foster emotional growth, as well as to plan for their positive reintegration into society.

Collins Christian Ministries (CCM) - Non-denominational Christian program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreats and weekly groupings.

Full Gospel Business Men's Fellowship (FGBMF) - Offers religious testimony and Christian spiritual guidance, as it relates to the teachings of the Bible in order to encourage understanding and positive change.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Protestant Services - Program to provide music and/or inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Rock of Ages - Program to offer religious testimony and Bible study as it pertains to the Baptist and Protestant interpretations (under the direction of the Old Time Baptist Church).

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Veterans Assistance Program - Program to offer inmate veterans assistance in applying for federal benefits/support programs they may be eligible for, while providing a forum to help veterans deal with varying issues brought about by their military experience.

Word of God Ministry - To offer religious testimony and provide Bible study under the direction of Mount Olive Baptist Church.

Coxsackie Correctional Facility Volunteer Programs

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous - a fellowship that share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.

Alliance for Positive Health - To provide HIV/AIDS education and services to offenders in the Clinton Hub. To provide soon to be released offenders with information and assistance regarding services within the communities they will return to. To provide HIV education and anonymous testing to offenders during their incarceration in order for them to be able to protect themselves and others.

Bard College - associated with Bard College, offers inmates the opportunity to pursue higher education and earn an Associate in Arts or a Bachelor in Arts degree.

Catholic RCIA & Confirmation – to study the scripture reading which pertain to the Roman Catholic faith.

Catholic Mass/Services – A gathering to hear scriptures read and to offer worship and praise in their religious believes.

Jehovah Witnesses – To teach biblical principles to offenders according to Jehovah Witness doctrine and to help offenders personally apply those principles.

Jesus Among Us – Volunteers visit the inmates who are in the Regional Medical Unit and provides religious studies and prayer activities in an effort to increase spiritual awareness within the inmates.

Jewish Worship Studies - To enable Jewish offenders to live by the principles and beliefs of the Jewish faith.

Kairos Prison Ministry - Promote and develop Christian fellowship, values and principles and prepare offenders for reentry into society.

Narcotics Anonymous - Carry the message of hope and encouragement to the addict who still suffers while they are incarcerated. This program meets Tuesday evenings at 5:30 – 8:30 pm.

Protestant Bible Study - To exhort, assist and encourage participants to become mature in God and to increase the knowledge and spiritual stamina of offenders.

Residents Encounter Christ – REC is a Catholic outreach comprised of priests, deacons and lay persons who enter area prisons to conduct a 3- day spiritual retreat weekends twice a year to share the saving message of the gospel of Jesus Christ. The members share the Gospel message thru talks, music and enlightening discussion.

Visitor Center – Through Osbourne Associates, staff member provides general oversight on weekend and holidays for visiting inmate's families at the facility's Visitor Center. Assists in various tasks as needed. Insures the smooth operation of the Center while open for operation.

DOWNSTATE CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - The primary purpose of AA is to carry its message of recovery to the alcoholic seeking help. A fellowship that shares their experience, strength, and hope with each other that they may address their common problem while helping others to recover from alcoholism by following the AA 12-step traditions and principles. To encourage members and help prepare them for a sober and content life after release.

Antioch Baptist Church - To assist the Protestant Chaplain in guiding inmates practicing their chosen faith by leading Worship Services, attending and supporting Holy Day Commemorations and Special Religious events/seminars. The main goal is to help inmates begin their rehabilitation and become better equipped for reintegration as responsible members of society.

Bible Church of Christ - Community Pastors assist Chaplain in conducting monthly Protestant Worship Services by leading devotion/sermons, and facilitating weekly Bible instruction studies to those following the Protestant faith in order to become better Christians.

Gideon's International Ministry - To provide a monthly Bible distribution to reception inmates that promotes scripture through Bible readings. Group visits cell blocks and briefly addresses that faith may assist them in understanding their past and preparing for the future. Group also leads fellowship services every fifth Sunday evening.

Graduate / Doctoral Psychology Internship with the Office of Mental Health - Under supervision of a clinician, interns will develop the skills necessary to deliver mental health services in a correctional setting, including assessment and diagnostic skills, therapy, psychological testing and crisis intervention. Interns will observe psychologists, social workers, nurses, and medical doctors involved with OMH forensic services during clinical interviews, culminating with the student completing their own initial assessments, preparation of individual case plans and delivery of case presentation skills.

Kings Fire Church Ministry - To assist the Protestant Chaplain in guiding inmates practicing their chosen Protestant faith by facilitating a weekly Bible instruction class and leading a monthly lively music ministry worship service. Group participates in Protestant seminars with facility Chaplain as scheduled.

Love Oasis Christian Center - Group leads a Protestant Worship Service to the General Population. Participants in Protestant Seminars as outlined and arranged by Protestant Chaplain to current issues the Church is addressing to improve the lives of the members.

Network Support Services - Therapeutic modular weekly program in which inmates work on their own rehabilitation. Behavior modification program to help inmates succeed in establishing a stable productive life by re-establishing an inmate's attachment to and bond with society. Builds self-esteem and sense of community among participants by examining issues of personal responsibility for past and present behaviors, on showing how one can learn from past mistakes, how trust among individuals is built and maintained, and the importance of planning and organizing a successful life.

Osborne Association HIV+/AIDS - Testing and Discharge Planning Responsible to fulfill the goals of HIV contracted services. Includes comprehensive anonymous HIV+ counseling and testing services and providing discharge planning services to HIV+ men who are transitioning to the community, as requested.

Puppies Behind Bars - The program trains inmates to become puppy raisers to raise and train puppies as service dogs for wounded war veterans and explosive detection canines for law enforcement.

Residents Encounter Christ (REC) - is a Catholic Program whose mission is to encourage the inmate population to become committed and more active Christians during incarceration and after their release. REC emphasizes the development of spiritual, personal and community growth. Three-day retreats, reunions and Bible studies may be scheduled. Intensive interaction using lecture, small group discussion, work projects and worship services are incorporated. Themes presented for spiritual exploration, leading one's life by Catholic principles and one's responsibilities to self and the community are explored.

St. Mary's Catholic Bible and Catechesis Study - To guide inmates practicing their chosen faith by facilitating a Roman Catholic Bible and Catechesis Study Program, sharing scripture study and catholic religion with inmates, to help them understand the faith as it applies to each one's daily life. Encourages commitment to their faith during incarceration and upon release. To assist Chaplain with Holy Day Celebrations and Observations to show continual community support.

Veterans Affairs - To provide integrated and comprehensive transition planning for the veteran prior to release from prison. The service is designed to address the readjustment and reentry needs of veterans returning to society. To help incarcerated veterans become aware of their entitlements and benefits, and available community resources. Forum to deal with all kinds of veteran issues. Program offered as requested.

EASTERN CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous - a fellowship who share their experience, strength and hope with each other so they may solve their common problem and help others recover and live a sober life.

Alternatives to Violence - a workshop that helps inmates find alternatives to violent behavior while improving self esteem, developing communication skills and practicing conflict resolution techniques

Bard Prison Initiative - associated with Bard College, offers inmates the opportunity to pursue higher education and earn an Associate in Arts or a Bachelor in Arts degree.

Buddhism – comes from the Zen Mountain Monastery in Mount Tremper, New York. They provide services to the inmates of the Buddhist faith.

Canaan Baptist Church - come from the Canaan Baptist Church in New York, New York come to the facility to facilitate study and prayer activities in an effort to increase spiritual awareness in the inmates.

Exodus - Reverend Edwin Muller is a retired New York State Ministerial Program Coordinator. This group helps long term inmates reach their potential and become better human being.

Free Soul in Christ Prison Ministry - provide religious instruction in the format of prayer and sharing.

Good News of Salvation – Provides Hispanic religious services, reading and teaching the word of God fostering spiritual growth.

Hope Lives for Lifers - The program is a project of the Healing Justice Program of the Northeast Region of the American Friends Service Committee. The program addresses issues faced by long-termers in sentence planning to guide long-termers through the stages of confinement and encourage growth, self-empowerment and hope for the future.

House of Lord - Reverend Herbert Daughtry, Sr. Pastor, of The House of the Lord & Church on the Mount, Inc. from Brooklyn, New York facilitates this program. He conducts religious services welcoming all denominations and promotes the message of forgiveness, love, hope and transformative potential in a non-judgmental setting.

Hudson Valley Community Services (PACE) - HVCS are community based contractors who provide comprehensive, seamless continuum of quality HIV prevention and supportive services to inmates including HIV prevention interventions, peer educator training, anonymous HIV counseling and testing, HIV supportive services, and transitional planning.

Jehovah Witness - provide a Bible Study class twice a week and services on Sunday for those inmates of the Jehovah Witness faith. Also provide sign language interpreters and American Sign Language DVDs for deaf and hearing -impaired inmates.

Last Call Prison Ministry - come from the Last Call Prison Ministries in Brooklyn, New York to facilitate prayer and religious activities to help the inmates of the Protestant faith enhance their spiritual growth and awareness.

Lubavitch Youth Organization- Rabbis from this organization come into the facility to provide religious services to Jewish Faith Inmates during various Holy Days.

Narcotics Anonymous - This group comes from the Narcotics Anonymous Hospitals & Institutions Subcommittee in Kingston and Albany, New York. A fellowship who share their experience, strength and hope with each other so they may solve their common problem to recover and live a drug free life.

Osborne - is a contracted service that provides programs that promote healthy relationships for inmates incarcerated in New York state facilities and their families.

Residents Encounter Christ- REC is a Catholic outreach comprised of priests, deacons and lay persons who enter area prisons to conduct a 3- day spiritual retreat and share the saving message of the gospel of Jesus Christ. The members share the Gospel message thru talks, music and enlightening discussion.

Saints Prison Ministry- Religious Organization from Moorestown, New Jersey. They facilitate and participate in recreational games of Softball, Basketball with the inmates. After the game, they share in gospel presentation providing the inmates with spiritual instruction and religious material.

Seventh Day Adventist - are from the Seventh Day Adventist church of Ellenville, New York and facilitate religious study and prayer activities in an effort to increase spiritual awareness among the inmate population of this faith.

EDGECOMB CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

ACCES – A funding Source and Liaison with Vocational and Educational partners

CHASI (Community Health Action of Staten Island) – A health awareness and prevention/Treatment Agency that assists with discharge planning and HIV Testing

CUNY – Queensborough Community College – CUNY- Queensboro Community College provides Reading, Math, Public Speaking and sometimes Poetry workshops to the male offenders at ERTF. The days and times vary, but it's usually 3x's a week mornings and afternoons. The last workshop was held for a 3-week cycle.

Dream Makers – To Educate, Motivate and Convince the attendees to internalize that changes in behavior, attitude, and values are necessary and must be made in changing unhealthy life styles, that leads to addiction to alcohol, drugs, substance misuse, anger and violence that result in incarceration that affect and impact on themselves, their family relationships, and the community.

Einstein Health Group – Aims to design and lead health workshops directly relevant to the incarcerated population, including mental illness, HIV prevention, hepatitis C awareness, nutrition and how to navigate the healthcare system in New York. We aim to be positive health advocates that empower incarcerated populations with knowledge and resources to successfully reintegrate into the healthcare system upon release.

Faith Baptist Church - Provide religious services for inmates of this faith.

Family, Fathers, and Parenting – Fatherhood Support and Empowerment That offers group sessions to those who are encouraged to be active in their children's lives.

Ministry and Miracles Signs of the Most High - is a bilingual, multi-cultural ministry, serving the population. The ministry provides Christian services/ bible studies, once a month.

Odyssey House – Located on site in Edgecombe Correctional Facility offering Substance abuse treatment services and awareness including Employment placement assistance

Vangelina Dance – Ms. Vangelina Grand does a Cardio- Fitness- Stretching- Dance Training, to increase flexibility and receive. Benefits from this energetic movement training. Cardiovascular fitness helps protect against heart disease and high blood pressure. Stretching and dance helps to regain full range of motion and increase well-being.

Public Theater – An occasional program that brings plays by Shakespeare performed for the inmate population.

ELMIRA CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alive In Christ Together (ACT) – Protestant program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreat weekends (3 days) and mini-retreats (1 day).

Alternatives to Violence Project (AVP) - Workshop series to teach offenders methods and skills to manage and resolve conflicts in a positive way.

Buddhist Study & Worship - To teach religious principles of Buddhism, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to religious culture, while offering guidance for worship services and customs.

Catholic Study & Worship - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship.

Cornell Prison Education Program (CPEP) - Program to offer college courses to inmates to enhance their post-secondary educational growth while earning credits toward a degree.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Protestant Study & Worship - Protestant Worship Service supplemented with Bible studies, music and/or inspirational guest speakers to offer relevant testimonials.

Southern Tier AIDS Program (STAP) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

FISHKILL CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alzheimer's Poetry Project - The program is a collaboration of poetry creation and improvisation to create an original performance by the inmate participants. The program will assist with memory recall for the elderly and those suffering from dementia. The program is held on the Regional Medical Unit's "Unit for the Cognitively Impaired."

Bard Prison Initiative - Bard College sponsors a privately funded degree granting program. Qualified inmates are given the opportunity to earn college credits in the study of a full range of a diverse liberal arts curriculum, working towards Associates and Bachelor's degrees. Bard College student tutors assist with writing and math skills in study hall program.

Breaking Yoke Ministry - To provide Spanish Pentecostal Worship Services to those inmates interested in this tradition of faith.

Exodus Transitional Community, Inc. - The agency makes presentations providing community support, guidance, and resources on re-entry for inmates attending Phase III Transitional Services. The agency provides information on the programs that they offer to parolees upon release to the community, including family issues, re-entry issues, coping with release, education, employment/job readiness, budgeting, housing, etc.

Faith Temple Church - To assist the Protestant Chaplain in providing worship services on the fifth Thursday of every month and in the Chaplain's absence on Sunday evenings. Enhancing services with scripture readings and preaching.

Holy Cross Greek Orthodox Ministry - Community Priest and Layperson provides a place of worship for inmates baptized under the Eastern Orthodox Rites and traditions, including celebrating an Eucharistic Liturgy (distribution of communion), scripture readings and spiritual counseling.

Hospice Program - Staff from local county Hospice Programs provide training to Inmate Hospice Aides. The inmate hospice aides will provide care and support to terminally ill inmates in the Long Term Care Unit in the Regional Medical Unit.

Hudson Link for Higher Education in Prison / Nyack College - Provides college level credited courses to qualified inmates in humanities and liberal arts leading to associates and Bachelor's degrees. To provide Hudson Link/Nyack College students with substantial learning and to facilitate the educative process pertaining to the enrolled course of study necessary for the completion of the undergraduate degree program. Provides college level instruction in humanities and liberal arts for college degrees.

Islamic Faith Program - To assist the Muslim Chaplain with Muslim faith services to those inmates following the Islamic faith through leading Jumah Services in the absence of the Chaplain, to help and guide the members of the Islamic community through teaching the basic fundamentals of the Islamic religion and applying such principles to your life, providing moral support for the Islamic community by attending Holy Day celebrations and special/family day events. Allah God requires moral behavior and devotion in action, not just belief.

Fishkill CF – Page 2

Jehovah's Witnesses - To make it possible for baptized witnesses, and others who want to associate with them, to have organized meetings while incarcerated. There can be an "interchange of encouragement" and where scriptural truth can be taught. While the inmates pay their debt to society in prison, the volunteers, will instill them in a love of god and for bible truth, and may have a real and practical part in reforming them into law-abiding citizens.

Literacy Connections - Literacy Volunteers will provide training to the Inmate Program Associates to become Literacy Volunteers of America Tutors. Once the Inmate Program Associate receives his certificate, he will provide literacy tutoring and reading comprehension services to those inmates working on their GED in the Self-Help Outreach Program. These are inmates striving for their high school diploma, but do not need to be in a structure classroom setting for educational purposes.

Network Support Services - Therapeutic residential unit in which inmates work on their own rehabilitation. Behavior modification program to help inmates succeed in establishing a stable productive life by re-establishing an inmate's attachment to and bond with society. Builds self-esteem and sense of community among participants by examining issues of personal responsibility for past and present behaviors, on showing how one can learn from past mistakes, how trust among individuals is built and maintained, and the importance of planning and organizing a successful life. Organized around a series of daily group meetings.

New Jerusalem Church of God in Christ - This retired NYSDOCCS Correction Officer is a minister that leads a monthly Protestant Worship Service.

New Jerusalem Spanish Ministry - This ministry provides Spanish Pentecostal Worship Services and religious education to those inmates following this discipline within the Protestant Faith.

Osborne Association Long Termers Responsibility Project - The goal is to facilitate a process through which people, who have committed homicide-related offenses and are serving long sentences in NYS prisons, can investigate their specific responsibility in their crime, the rippling impact of their crime, and their remorse for the harm they have caused. The process involves creating an opportunity for participants to develop their life narrative and increase insight about their lives both before and during incarceration and to look at the crime within the context of their life experiences. Accomplished via 15 week group program, "Coming to Terms", and individual sessions for those approaching parole hearings (discharge planning, parole packet, legal assistance, etc.) To support inmates in gaining insight into their past and preparing for their appearance before the NYS Parole Board. Assist inmates in understanding the causes and results of their crime and to become accountable and accept responsibility for their crime, facilitate constructive communication, provide inmate opportunities to express empathy and remorse and ways for the inmates to heal the harm cause by their crime.

Osborne Association HIV+/AIDS Health Education, Testing and Discharge Planning - Responsible to fulfill the goals of HIV+/AIDS contracted services. Includes HIV+/AIDS health education via peer education for inmate facilitators and group sessions; providing comprehensive anonymous counseling and HIV+ testing services; coordinating and maintaining a support group for infected and affected inmates; and providing discharge planning services to HIV+/AIDS men who are transitioning to the community.

Osborne Association Family Works - Program is designed to connect incarcerated men with their children and families. By increasing their knowledge of responsible parenting and healthy relationships, improving communication and strengthening their relationships, incarcerated men are more likely to stay home once they are released from prison and their children are more likely to lead healthy and productive lives. Provides parenting skill classes, individual/family counseling (as needed), and healthy relationship classes/seminars, to assist men in reuniting or enhancing the relationship between themselves and their children/significant other with the goal of returning to the community with improved family ties and thus an opportunity to become a more productive member of society.

Osborne Association Children's Center -Provides educational experiences with inmates and their children during visits in the Visiting Room. Program oversees operation of the Children's Center, including supervision of inmate caregivers and providing oversight of the center during operation. Program fosters positive contact between father and child, while also supporting and enhancing the family unit as a whole. To foster positive contact between father and child, and to support and enhance the family unit as a whole. To provide educational experiences with inmates and their children during visits in the Visiting Room. Encourage interaction between parent and child. To supervise and oversee the operation of the Children's Center in the Visiting Room.

Puppies Behind Bars -To train inmates to become puppy raisers to raise and train puppies as service dogs for wounded war veterans and explosive detection canines for law enforcement.

Rehabilitation through the Arts - Creative arts and drama therapy program. The use of theater arts as a rehabilitative tool encourages participants to constructively express their thoughts, feelings, and emotions in an environment which supports and contributes to redirecting thinking along positive lines. To expand one's life skills, bolster self-awareness and self-confidence, improve personal and social skills, foster trust and build a sense of community.

Residents Encounter Christ (REC) - REC is a Catholic Program whose mission is to encourage the inmate population to become committed and more active Christians during incarceration and after their release. REC emphasizes the development of spiritual, personal and community growth. Three-day retreats, reunions and Bible studies may be scheduled. Intensive interaction using lecture, small group discussion, work projects and worship services are incorporated. Themes presented for spiritual exploration, leading one's life by Catholic principles and one's responsibilities to self and the community are explored.

Rising Hope, Inc. - Rising Hope is a post-secondary course of study designed to prepare men in prison for ministry and to work in the helping professions while in prison and after release. The program is open to inmates of all or no faith traditions who wish to serve and attend to others' needs. Program will promote and enhance an inmate's ability to earn academic degrees during and after release, help inmates examine their lives, redefine one's role as a positive person and community member. To prepare inmates to accept responsibilities and to provide them with knowledge and skills required to co-exist with other inmates and society at large. To promote education for personal growth and becoming a better member of society.

Fishkill CF – Page 4

Rye Presbyterian Church - Program titled, "Journey Towards Effective Relationships." To help inmates develop and understand about relationships and develop communication skills, fellowship and listening skills.

Saints Prison Ministry – Softball - The organization plays an annual softball game with the inmate recreation department representatives. Positive use of your leisure time, sportsmanship, and good health practices are presented. While present, group distributes religious pamphlets for further reading on the importance of faith in one's life, if interested.

St. John AME Zion Church - Local Minister assists Chaplain in conducting Protestant Worship Services via leading devotion, reading scriptures, sermons, and/or personal testimonies on a monthly basis.

St. Mary's Catholic Bible and Catechesis Study - To provide a Roman Catholic Bible study and sharing of scripture with inmates following their chosen faith. To help participants become more knowledgeable about their faith as it applies to their daily life. Encourages commitment to their faith during incarceration and upon release. To assist Chaplain with Holy Day Celebrations and Observations to show continual community support.

Undergraduate College Internships - To give the student an opportunity to compare theory and practice in the context of a supervised fieldwork experience. The practicum allows the intern to integrate classroom knowledge with the "real world" of the American system of justice. In this way, the intern will be able to make judgments about the relationship of the "real" and the "ideal" and explore how the system really works. The experience provides the intern an opportunity to make a critical assessment of himself/herself, his/her education, and the profession he/she is planning to pursue. The intern will provide support and assistance to program staff by observing and participating in appropriate program activities.

Veterans Affairs - To provide integrated and comprehensive transition planning for the veteran prior to release from prison. The service is designed to address the readjustment and reentry needs of veterans returning to society following period of time in military service. To help incarcerated veterans become aware of their entitlements and benefits, and available community resources. Forum to deal with all kinds of veteran issues. To provide integrated and comprehensive transitional planning for the veteran prior to release from prison.

FIVE POINTS CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Catholic Services - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship services.

Children's Playroom – Program to provide child care assistance and supervision of children while their parent/guardian prepares for their visit with an incarcerated loved one and as the family waits for the visit to begin.

Cornell Prison Education Program (CPEP) - Program to offer college courses to inmates to enhance their post-secondary educational growth while earning credits toward a degree.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Protestant Study & Worship - Protestant Worship Service supplemented with Bible studies, music and/or inspirational guest speakers to offer relevant testimonials.

Southern Tier AIDS Program (STAP) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Spiritus Christi - Support group to help inmates make positive changes in their lives and foster emotional and spiritual growth, as well as to plan for their positive reintegration into society.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

FRANKLIN CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) – Provide on-site support and assistance to inmates who participate in the self-help counseling support meetings.

Alliance for Positive Health – To provide HIV/AIDS education, anonymous testing services and assistance to inmates who will be released within the community.

Catholic Education Study Group – Provides an essential foundation of the Catholic faith by utilizing the Bible, CD's, DVD's lectures and discussions.

Hospitality Center – Provide gate side hospitality to visitors by offering assistance with paperwork and a comfortable atmosphere while waiting for their visits to begin.

Jehovah Witnesses – To teach biblical principles according to Jehovah Witness doctrine and to help inmates personally apply those principles.

Protestant Bible Study – Lead in study of the scripture and other material relating to the Protestant faith.

Second Chance Pell College Program, North Country Community College - College courses are offered to qualified inmates with the goal of receiving an AAS in Entrepreneurship Management, AAS in Individual Studies, AA in Liberal Arts & Sciences-Humanities and Social Sciences.

GOVERNEUR CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning.

Alcoholics Anonymous (AA)- Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Art in the Stacks-Inmates are provided with an opportunity to express themselves creatively and artistically. They are given education on a variety of techniques and constructive criticism regarding their artistic efforts.

KAIROS- Affords inmates who might be "mechanical" in their faith an opportunity to transform into a deeper level of spirituality which will potentially allow them to lead stronger lives.

Lubavitch --Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Planned Parenthood- Inmates are provided education on the reproductive system, sexually transmitted diseases, safe sex practices and birth control options.

Protestant Bible Study- Assists and encourages inmates to become mature in God and to increase their knowledge and spiritual stamina.

Protestant Services- Provides inmates of the Protestant faith an opportunity to participate in Protestant Services.

Veterans Services- Provides information on post release services available to inmates who are veterans.

Visitors Hospitality Center --Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

GOWANDA CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Bethesda Full Gospel Ministry - To offer religious testimony and provide Bible study under the direction of Bethesda World Harvest Church.

Catholic Bible Study - Bible study as it pertains to the Catholic interpretation, beliefs and traditions.

Catholic Scripture Sharing - Bible study and practical applications of Scripture to daily life as it pertains to the Catholic interpretation, beliefs and traditions.

Catholic Services - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship services.

Cephas - Group sessions and discussions to help inmates make positive changes in their lives and foster emotional growth, as well as to plan for their positive reintegration into society.

Free Methodist Bible Study - Bible study as it pertains to the Free Methodist interpretation, beliefs and traditions.

Full Gospel Business Men's Fellowship (FGBMF) - Offers religious testimony and Christian spiritual guidance, as it relates to the teachings of the Bible in order to encourage understanding and positive change.

Holy Ghost Temple Prison Ministry - To provide Bible study and religious teachings through the use of music (gospel & hymns) under the direction of the Holy Ghost Temple Baptist Church.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Keryx Prison Ministry - Non-denominational Christian program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreats and weekly groupings.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Narcotics Anonymous (NA) - 12-step recovery program for drug addiction.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Rock of Ages - Program to offer religious testimony and Bible study as it pertains to the Baptist and Protestant interpretations (under the direction of the Old Time Baptist Church).

Spanish Bible Study - Religious testimony, teachings and Bible study as it relates to Protestant interpretation, conducted in Spanish.

Spanish Worship Services - Protestant Worship Service conducted in Spanish, supplemented with music and/or inspirational guest speakers to offer relevant testimonials.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Veterans Assistance Program - Program to offer inmate veterans assistance in applying for federal benefits/support programs they may be eligible for, while providing a forum to help veterans deal with varying issues brought about by their military experience.

GREAT MEADOW CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2015

Alliance for Positive Health – To provide HIV/AIDS education, anonymous testing services and assistance to inmates who will be released within the community.

Bennington College – Provides classroom-based courses taught by Bennington College faculty that includes a path to have the opportunity to complete Bard College associate in arts degree.

Catholic Bible Study – Provides an essential foundation of the Catholic faith and teaches inmates how to read the Bible.

Franciscan Group – Learning to emulate Saint Francis' spirit by performing works of teaching, charity, and social service.

Jehovah Witnesses – To teach biblical principles according to Jehovah Witness doctrine and to help inmates personally apply those principles.

Muslim Services – To teach inmates how to recite the Qura'nic properly, and general Islamic Teachings of the Sunnah.

Protestant Worship Services and Bible Study – Learn how to be better Christians by being taught the 'Word of God' through reading the Bible and other literature.

Residents Encounter Christ – Encourage inmates to become more active Christians during and after their incarceration by introducing them to the Catholic faith and teaching God's unconditional love.

GREEN HAVEN CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - The primary purpose of AA is to carry its message of recovery to the alcoholic seeking help. A fellowship that shares their experience, strength, and hope with each other that they may address their common problem while helping others to recover from alcoholism by following the AA 12-step traditions and principles.

Alternatives to Violence Project - To introduce inmates to various methods of non-violent conflict resolution techniques and positive behavior modification. To help inmates find alternatives to violent behavior by improving self-esteem, developing communication skills, improving cooperation skills and by practicing conflict resolution techniques in various types of role plays. Weekend workshops and weekly support group meetings are facilitated.

Bard Prison Initiative - Bard College sponsors a privately funded degree granting program. Qualified inmates are given the opportunity to earn college credits in the study of a full range of a diverse liberal arts curriculum, working towards Associates and Bachelor's degrees. Bard College student tutors assist with writing and math skills in study hall program.

Bible Church of Christ - Community Pastors assist Chaplain in conducting monthly Protestant Worship Services by leading devotion/sermons, and facilitating weekly Bible instruction studies to those following the Protestant faith in order to become better Christians.

Catholic Order of Malta Bible Study - To assist the Catholic Chaplains with a weekly Catholic Bible Study by following definitive lesson plans supported by the High Order of Malta Catholic Group. Volunteers also attend Holy Day Celebrations and Special/Family Day Events by showing support and encouragement that faith may lead to a better way of life.

Crown Heights Church of God of Prophecy - To assist Protestant Chaplain in conducting worship services via leading devotion and providing testimonials and prayer readings.

Exodus Transitional Community, Inc – Inmate Organization Project Build facilitates a Re-Entry Program dealing with family issues, re-entry issues, coping with release, education, employment/job readiness, budgeting, etc. The Exodus Transitional Community, Inc. makes presentations providing community support, guidance, and resources for re-entry and information on their agency and its program offerings available to inmates upon their release.

Good News of Salvation - Protestant Worship Service conducted in Spanish. To provide encouragement and support to the Spanish community by leading worship, providing readings and teaching the Word of God.

Healing Communities Network - Inmate Organization Project Build sponsors the agency. The program is a prison re-entry, re-integration program whose mission is to help reduce recidivism by working with people inside prison and after prison to direct their own rehabilitation by participating in support groups that build self-esteem and a sense of community. The goal is to assist in developing strategies to break cycles of criminal behavior, substance abuse and develop a foundation for re-integration as productive members of society after release. A second goal is to provide a safe and confidential space to express concerns/stresses and learn strategies to address negative behaviors/attitudes.

Interfaith Community Prison Ministry - To assist the Protestant Chaplain in guiding inmates practicing their chosen faith by leading Spanish language religious services. Testimonies, bible sermons, study and teachings show how one's faith relates to your daily life and personal choices. Volunteers support the Protestant community by attending various Holy Day commemorations and Special Events/Family Days.

Jehovah's Witnesses - Ordained ministers will provide organized worship services, meetings, and Bible instruction to baptized witnesses and to those interested in the Jehovah's Witnesses faith. Goal is for participants to be taught the scriptural truth of the faith's beliefs and teachings set forth by traditions and how to follow and maintain the faith.

Jesus in Prison Ministry - Protestant Worship Service conducted in Spanish. Hopes to save the lives of the inmates by turning themselves over to God and following his path to a better life. Following Biblical stories will assist everyone with leading a Christian life.

Narcotics Anonymous - The primary purpose of NA Hospitals and Institutions is to carry the message of recovery to the addict who still suffers. Meetings are intended to assist interested inmates with the functioning of NA meetings and the basics of the NA program, taken from NA Fellowship and approved literature. The goal is to focus on continued abstinence from all mood altering substances. Every member has personal responsibilities to stay clean and sober.

Osborne Association - HIV+/AIDS Health Education, Testing and Discharge Planning. Responsible to fulfill the goals of HIV+/AIDS contracted services. Includes providing HIV+/AIDS health education via peer education for inmate facilitators and interested group sessions, providing comprehensive anonymous counseling and HIV+ testing services, coordinating and maintaining a support group for infected and affected inmates, and providing discharge planning services to HIV+/AIDS men who are transitioning to the community.

Osborne Association Family Works - Program is designed to connect incarcerated men with their children and families by increasing their knowledge of responsible parenting and healthy relationships, improving communication and strengthening their relationships, incarcerated men are more likely to stay home once they are released from prison and their children are more likely to lead healthy, productive, and happy lives. Provides parenting skill classes, individual/family counseling (as needed), and healthy relationships classes/seminars to assist men in reuniting or enhancing the relationship between themselves and children/significant other.

Prison Fellowship - A Christian prison ministry whose mission is to seek the transformation of inmates and their reconciliation to God, family and the community. Group offers thorough faith training as well as ongoing support and encouragement for in-prison ministry and post-prison ministry. The In-Prison Seminars and Bible Studies connect the Scriptures and Biblical concepts with the concerns and issues of life to help draw inmates into a vital relationship with God that can transform their lives and future.

Quaker Worship Group (Society of Friends) - To orient participants in Quaker and Christian values for spiritual nourishment and encountering the spirit of God. To provide Quaker testimonies and the practice of friendship, community, peace, equality, service and simplicity. To gather in meetings to pray silently together and share revelations, discuss contemporary issues, as related to Quaker traditions, and to share pacifist traditions, including peace and non-violence.

Rehabilitation through the Arts - A creative arts and drama therapy program. The use of theater arts as a rehabilitative tool encourages participants to constructively express their thoughts, feelings, and emotions in an environment which supports and contributes to redirecting thinking along positive lines.

Siddha Yoga Meditation Program - To gain a better understanding of the philosophy and practice of yoga meditation. Through videos, meditation, chanting, and sharing, inmates will deepen their understanding of "Search for Self" course in which they are enrolled. To instill personal, physical, and spiritual discipline to channel negative energy, manage anger and disappointment, and better cope with life in a correctional setting and upon return to the community.

St. Paul's Prayer and Share Group - To increase Catholic faith based spirituality and self-growth through Biblical reflection and discussion. Support Catholic values and traditions by explaining and sharing teachings of Bible to reflect present, past and future circumstances. Music ministry included.

Yale Law-Green Haven Prison Project Inmate Organization Project for a Calculated Transition (PACT) - is a group of inmates dedicated to self-improvement and building skills to facilitate successful transitions back into society for inmates with long term sentences. Yale Law School leads discussion-based sessions aimed to help the inmates improve their critical thinking, respectful listening, and communication/public speaking skills. Generally, topics from the social sciences or current events are discussed. Participants share a broad array of perspectives originating out of a diversity of life trajectories and experiences.

Zen Buddhist Program - Zen Mountain Monastery members promote an understanding of Buddhist teachings, moral principles and the teachings of Buddhist meditation and traditions. Members teach various forms of meditation, enlightenment of the present moment and model a commitment to self-improvement using the practice of Buddhist teachings. Members share a sense of spirituality amongst participants.

Greene Correctional Facility Volunteer Programs

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous - a fellowship that share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.

Alliance for Positive Health - To provide HIV/AIDS education and services to offenders in the Clinton Hub. To provide soon to be released offenders with information and assistance regarding services within the communities they will return to. To provide HIV education and anonymous testing to offenders during their incarceration in order for them to be able to protect themselves and others.

Alternative to Violence (AVP) – Alternatives to Violence Project offers experiential workshops that aim to empower individuals to liberate themselves and others from the burden of violence and conflict in all its forms and manifestations.

Catholic Bible Study & Confirmation Class – to study the scripture readings.

Creative Writing – provide a place where offenders feel comfortable sharing their work and responding to the work of others; also to provide a forum for publication and public presentation of their writing.

Fatherhood Parenting Class for Men – This 14-week certificate program encourages and maintains an effective parent/child relationship by developing and enhancing parenting skills. It increases awareness of the importance of fathers and understand child misbehavior. You are only allowed to miss two weeks.

Hudson Link – - Provides professional college courses for inmates who want to work towards earning an Associate or high degree. Associated with Columbia Greene Community College.

Islamic Services – To increase spiritual awareness among the inmate population of this faith.

Jehovah Witnesses – To teach biblical principles to offenders according to Jehovah Witness doctrine and to help offenders personally apply those principles.

Jewish Studies – To enable Jewish offenders to live by the principles and beliefs of the Jewish faith.

Kairos Prison Ministry - Promote and develop Christian fellowship, values and principles and prepare offenders for reentry into society.

Narcotics Anonymous - Carry the message of hope and encouragement to the addict who still suffers while they are incarcerated.

Protestant Services - To exhort, assist and encourage participants to become mature in God and to increase the knowledge and spiritual stamina of offenders.

Residents Encounter Christ – REC is a Catholic outreach comprised of priests, deacons, and lay persons who enter area prisons to conduct a 3 -day spiritual retreat twice a year to share the saving message of the Gospel of Jesus Christ. The members share the Gospel message thru talks, music and enlightening discussion.

Speech Pathology – For those inmates identified by professional DOCCS staff as needing additional services with communication and language. Hours our scheduled based on facility's needs.

Visitor Center – Through Osbourne Associates, staff member provides general oversight on weekend and holidays for visiting inmate's families at the facility's Visitor Center. Assists in various tasks as needed. Insures the smooth operation of the Center while open for operation.

GROVELAND CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alternatives to Violence Project (AVP) - Workshop series to teach offenders methods and skills to manage and resolve conflicts in a positive way.

Catholic Catechesis – Program that explores the process of discovering the Catholic faith; Bible study as it pertains to the Catholic interpretation, beliefs & traditions.

Catholic Mass - Catholic Worship Service supplemented with music and/or inspirational guest speakers to offer relevant testimonials.

Cephas - Group sessions and discussions to help inmates make positive changes in their lives and foster emotional growth, as well as to plan for their positive reintegration into society.

Christ-Centered Living – Protestant prayer group which explores one's relationship with God, family and community in an effort to increase participants' self-awareness of their roles in these relationships.

Genesis Bible Study - Bible study as it pertains to Fundamentalist Protestant interpretation, beliefs and traditions; Intellectual emphasis to gain a better understanding of practices through education about Protestant doctrine.

Instrumental Music – Program which serves as a creative outlet for inmates to express themselves by learning and performing music.

Islamic Services - To teach principles found in the Qu'ran, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to Muslim culture, while offering guidance for worship services and customs.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Jewish Services - Program that deals with Bible issues and Jewish history, religion, ethnicity and overall topics pertaining to Jewish culture, while offering guidance for worship services and customs.

Meditation – Program to teach methods and exercises designed to reduce physical and emotional stress, while encouraging self-practice.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

New Life Fellowship - Ecumenical/Pentecostal; Self-help support group that employs the practical application of Bible teachings and encouragement to promote positive life changes.

Pointman Bible Study – Bible study program which covers Protestant doctrines, as well as discussion about these doctrines and practical applications of them in daily life in an effort to increase participants' understanding of them.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Residents Encounter Christ (REC) - Catholic program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreats and weekly groupings.

Shelter Pups & Inmate Rehabilitation & Integration Training (SPIRIT) – Program to provide inmates with social and vocational skills to enhance their employability upon release, while providing care, training and socialization to shelter dogs in order to increase the likelihood of their adoption.

Spanish Protestant Bible Study - Religious testimony, teachings and Bible study as it relates to Protestant interpretation; conducted in Spanish.

Spiritus Christi – Support group to help inmates make positive changes in their lives and foster emotional and spiritual growth, as well as to plan for their positive reintegration into society.

Soldier On – Program to educate incarcerated veteran about the variety of reentry services available through the We Soldier On agency, as well as to offer assistance in enrolling prior to release. These services include housing, mental health and addiction counseling, career development, temporary financial assistance, training and education and transportation.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Veterans Assistance Program - Program to offer inmate veterans assistance in applying for federal benefits/support programs they may be eligible for.

Veterans Services Program - Program to offer inmate veterans assistance in applying for state benefits/support and reentry/employment programs they may be eligible for.

Veterans Support Group - Program to provide a forum to help veterans deal with varying issues brought about by their military experience.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

Yoga – Program to enhance inmates' wellness by increasing their physical activity and mobility, while teaching them effective relaxation and meditation techniques.

HALE CREEK CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

ACR Health - Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning.

Alcoholics Anonymous - Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Catholic Services – Provide inmates the opportunity to participate in the Roman Catholic Mass and affords inmates who are Catholic an opportunity to study their faith.

Jehovah Witness Bible Study – Teaches biblical principles according to Jehovah Witness doctrine.

Lubavitch –Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Narcotics Anonymous - Provides opportunities for inmates to learn about creating a satisfying life without narcotics and learn that NA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Protestant Services - Assists and encourages inmates to become mature in God and to increase their knowledge and spiritual stamina.

Residents Encounter Christ Retreat (REC) –REC affords inmates who might be "mechanical" in their faith an opportunity to transform into a deeper level of spirituality which will potentially allow them to lead stronger lives.

Student Interns-Provides a professionally supervised, structured learning experience for college students in phases of the facility and exposes the students to the operations of a correctional facility.

Visitors Hospitality Center –Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

Vivitrol- Provides inmates with orientation to NYS Office of Alcoholism and Substance Abuse Services (OASAS) certified treatment services, information/education on injectable naltrexone and all related topics, prepares individualized re-entry plans, provides medical assessments, coordinates medical staff to administer the injection prior to release and other necessary services as determined by the treatment provider.

For inmates not interested in/are not appropriate for naltrexone treatment, provides information about the total range of community based opioid treatment options.

Writers Workshop-Provides education to inmates to develop creative writing skills and affords them the opportunity to explore and reflect on life situations in a non-judgmental setting through their story telling.

HUDSON CORRECTIONAL FACILITY VOLUNTEER PROGRAMS

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous - a fellowship that share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.

Alliance for Positive Health - To provide HIV/AIDS education and services to offenders in the Clinton Hub. To provide soon to be released offenders with information and assistance regarding services within the communities they will return to. To provide HIV education and anonymous testing to offenders during their incarceration in order for them to be able to protect themselves and others.

Catholic Services/REC – To study the scripture reading which pertain to the Catholic Mass and the Roman Catholic faith. REC -Resident Encounter Christ hold a 3 day spiritual weekends once a year.

Muslim Services - religious studies and prayer activities for inmates of the Muslim faith.

LAKEVIEW SHOCK INCARCERATION CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Catholic Services - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship services.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

LINCOLN CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

CHASI (Community Health Action of Staten Island) – A health awareness and prevention/Treatment Agency that assists with discharge planning and HIV Testing

LIVINGSTON CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/3/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Calvary Prison Ministry - Baptist; Promotes religious education, spiritual transformation and growth.

Catholic Bible Study - Bible study as it pertains to the Catholic interpretation, beliefs and traditions.

Catholic Mass - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship services.

Catholic Sacrament – Program that explores the process of discovering the Catholic faith; Bible study as it pertains to the Catholic interpretation, beliefs and traditions.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Muslim Services - To teach principles found in the Qu'ran, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to Muslim culture, while offering guidance for worship services and customs.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

New Life Fellowship - Ecumenical/Pentecostal; Self-help support group that employs the practical application of Bible teachings and encouragement to promote positive life changes.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Residents Encounter Christ (REC) - Catholic program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreats and weekly groupings.

Rock of Ages - Protestant Worship Service conducted in Spanish, supplemented with music and/or inspirational guest speakers to offer relevant testimonials.

Spanish Protestant Services - Protestant Worship Service conducted in Spanish, supplemented with music and/or inspirational guest speakers to offer relevant testimonials.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Veterans Assistance Program - Program to offer inmate veterans assistance in applying for federal benefits/support programs they may be eligible for, while providing a forum to help veterans deal with varying issues brought about by their military experience.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

MARCY CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning. Facilitates group and individual education sessions about health topics such as HIV/AIDS, sexually transmitted infections, and viral hepatitis.

Alcoholics Anonymous (AA)- Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Alive in Christ Together (ACT) - Teaches biblical principles according to Protestant doctrine.

Book Club Hamilton College- Guides inmates in a discussion of selected books; leads inmates in developing critical thinking skills, provides opportunities to develop public speaking and effective debate skills.

College Program- Inmates are afforded the opportunity to participate in and earn credit for college level courses.

Fatherhood: A Parenting Class for Men -Provides education to inmates regarding the importance of their role in the lives of their children and their children's healthy growth and development. Encourages an effective parent/child relationship by developing and enhancing parenting skills.

Jehovah Witness Bible Study- Teaches biblical principles according to Jehovah Witness doctrine.

Lubavitch -Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Mennonite Bible Study- Teaches biblical principles according to Mennonite tradition. Affords inmates who are Mennonite an opportunity to study their faith.

Multi-Cultural Association Medical Interpreters (MAMI) - Interpreters accurately and completely interpret for Spanish speaking SOP inmates and Guidance staff in both group meetings and individual treatment sessions.

Protestant Bible Study - Assists and encourages inmates to become mature in God and to increase their knowledge and spiritual stamina.

Rock of Ages-Provides religious testimony, music and Bible study.

Spanish Protestant Bible Study-Assists and encourages Spanish speaking inmates to become mature in God and to increase their knowledge and spiritual stamina.

Student Interns-Provides a professionally supervised, structured learning experience for college students in phases of the facility and exposes the students to the operations of a correctional facility.

Veterans Affairs- Provides information on post release services available to inmates who are Veterans.

Marcy CF – Page 2

Visitors Hospitality Center –Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

Wiccan-Provides Wiccan studies and rituals for inmates who are Wiccan.

MID-STATE CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

7th Day Baptist Bible Study- Under the supervision of the Chaplain, volunteers assist inmates in understanding and demonstrating their faith to help sustain them while incarcerated and prepare them for transition back to the community.

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning. Facilitates group and individual education sessions about health topics such as HIV/AIDS, sexually transmitted infections, and viral hepatitis.

Alive in Christ Together (ACT) - Teaches biblical principles according to Protestant doctrine.

Catholic Bible Study- Affords inmates who are Catholic an opportunity to study their faith.

Ecumenical Services- Affords inmates of various faiths an opportunity to come together in prayer and celebrate the similarities in their beliefs.

Faith Baptist Bible Study- Affords inmates who are Baptist an opportunity to study their faith.

Jehovah Witness Bible Study – Teaches biblical principles according to Jehovah Witness doctrine.

Lubavitch – Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Philosophy Book Discussion Group- Guides inmates in a discussion of selected books or writings related to philosophy, assists inmates in developing critical thinking skills, provides opportunities to develop public speaking and effective debate skills.

Prison Fellowship Prison Fellowship seeks to restore those affected by crime and incarceration by introducing inmates to a new hope available through Jesus Christ.

Residents Encounter Christ Retreat (REC) – REC affords inmates who might be "mechanical" in their faith an opportunity to transform into a deeper level of spirituality which will potentially allow them to lead stronger lives.

Spanish Protestant Bible Study- Assists and encourages Spanish speaking inmates to become mature in God and to increase their knowledge and spiritual stamina.

Student Interns- Provides a professionally supervised, structured learning experience for college students in phases of the facility and exposes the students to the operations of a correctional facility.

Veterans Affairs- Provides information on post release services available to inmates who are Veterans.

Visitors Hospitality Center– Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

Mid-State CF – Page 2

Wiccan-Provides Wiccan studies and rituals for inmates who are Wiccan.

MOHAWK CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2018

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning. Facilitates group and individual education sessions about health topics such as HIV/AIDS, sexually transmitted infections, and viral hepatitis.

Alcoholics Anonymous (AA)- Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Alive in Christ Together (ACT) - Teaches biblical principles according to Protestant doctrine. Affords inmates who are Protestant an opportunity to study their faith.

Catholic Bible Study- Affords inmates who are Catholic an opportunity to study their faith.

College Program- Inmates are afforded the opportunity to participate in and earn credit for college level courses.

Jehovah Witness Bible Study- Teaches biblical principles according to Jehovah Witness doctrine.

Kosher Food Production- Volunteers who are Rabbi's ensure all Kosher meals prepared in the Food Production Center meet established Kosher standards.

Lubavitch -Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Residents Encounter Christ Retreat (REC) -REC affords inmates who might be "mechanical" in their faith an opportunity to transform into a deeper level of spirituality which will potentially allow them to lead stronger lives.

Spanish Protestant Bible Study-Assists and encourages Spanish speaking inmates to become mature in God and to increase their knowledge and spiritual stamina.

Student Observers Walsh RMU-Provides SUNY Upstate Medical Students a one-time structured observational learning experience supervised by DOCCS physicians. Exposes the medical students to the operations of the CF and RMU.

Veterans Affairs- Provides information on post release services available to inmates who are Veterans.

Visitors Hospitality Center -Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

Wiccan-Provides Wiccan studies and rituals for inmates who are Wiccan.

MORIAH CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - a fellowship that shares their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.

Catholic Services – Provides an essential foundation of the Catholic faith and teaches inmates how to read the Bible.

College Prep – Assist offenders who are interested in continuing their education upon their release. Participants will be provided with academic counseling as well as assistance with how they should complete college applications, financial aid forms, and scholarship forms.

Jehovah Witnesses Bible Study – Work one-on-one with inmates teaching them biblical principles according to Jehovah Witness doctrine and to help inmates personally apply those principles.

Literacy Volunteers – Work one-on-one with inmates helping to improve their reading, math and writing skills as well as teaching English as a Second Language (ESL) when applicable.

OGDENSBURG CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning.

Alcoholics Anonymous (AA)- Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Fatherhood a Parenting Class for Men- Provides education to inmates regarding the importance of their role in the lives of their children and their children's healthy growth and development.

Jehovah Witness Bible Study– Teaches biblical principles according to Jehovah Witness doctrine.

Lubavitch –Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Planned Parenthood- Inmates are provided education on the reproductive system, sexually transmitted diseases, safe sex practices and birth control options.

Protestant Bible Study - Assists and encourages inmates to become mature in God and to increase their knowledge and spiritual stamina.

Protestant Services- Provides inmates of the Protestant faith an opportunity to participate in Protestant Services.

Visitors Hospitality Center –Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

ORLEANS CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/3/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Canine Training Program – Program to provide inmates with social and vocational skills to enhance their employability upon release, while providing care, training and socialization to shelter dogs in order to increase the likelihood of their adoption.

Catholic Services - Catholic Worship Service supplemented with music and/or inspirational guest speakers to offer relevant testimonials; Bible studies.

Cephas - Group sessions and discussions to help inmates make positive changes in their lives and foster emotional growth, as well as to plan for their positive reintegration into society.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness Interpretation.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HiV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Muslim Services - To teach principles found in the Qu'ran, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to Muslim culture, while offering guidance for worship services and customs.

Narcotics Anonymous (NA) - 12-step recovery program for drug addiction.

Parenting Plus Child Development – Program to teach basic parenting skills, foster good attitudes, set appropriate goal and improve decision-making skills in order to promote positive relationships with family/children, while educating inmates on the physical, emotional and cognitive development of their children.

Pentecostal Services - Pentecostal Worship Service supplemented with music and/or inspirational guest speakers to offer relevant testimonials; Bible studies.

Prayer & Share - Ecumenical; Provides foundational study of scriptures, as well as opportunities for prayer and expression of faith through music.

Prison Fellowship - Ecumenical; Provides education in life, responsibility, successful post-release planning (housing, employment, family, etc.) and good citizenship through Christian ideals and values; 1-day retreats; Occasional reentry workshops.

Protestant Bible Study - Bible study as it pertains to the Protestant interpretation, beliefs and traditions.

Protestant Services - Program to provide music and/or inspirational guest speakers to offer relevant testimonials during regular Protestant worship services.

Quaker Services - Quaker (a.k.a. Religious Society of Friends) Worship Service supplemented with religious studies or guest speakers to offer relevant testimonials.

Spanish Protestant Worship & Study - Protestant Worship Service conducted in Spanish, supplemented with Bible studies, music and/or inspirational guest speakers to offer relevant testimonials.

Spiritus Christi – Support group to help inmates make positive changes in their lives and foster emotional and spiritual growth, as well as to plan for their positive reintegration into society.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

Vivitrol Initiative Program – Program for inmates incarcerated as Returned Parole Violators, whose violation was substance abuse related. The program serves to address substance abuse issues through counseling and pharmaceutical therapy, using the drug Naltrexone, which inhibits the stimulating effects of opioids, reducing the user's desire to abuse them.

OTISVILLE CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) – Provides alcohol abuse education and encourages the recovery process through a 12-step program to remain sober and manage life in prison and upon release.

Amanecer De La Esperanza – Provides Protestant ministry to Hispanic community through preaching and bible teaching.

Asian Cultural – This organization provides Asian culture and bible teaching.

Alternative to Violence Project (AVP) – A multi-cultural organization to help reduce violence in society and prisons. Conflict management and anger management skills are learned enabling individuals to build successful interpersonal interactions, gain insight into them selves and find new/positive approaches to conflict. It teaches mutual respect, personal responsibility, accountability, honesty and compassionate communication skills. To live non-violent lives through affirmation, community building, cooperation and trust.

Catholic Book Study – Religious instruction class using Catholic catechism Book

Catholic Mass – Celebration of Roman Catholic mass for population

Catholic Program – Bible based program that centers around prayer and teachings of Roman Catholic theology.

Catholic Spanish Bible Study – Conducts bible study and Roman Catholic teachings for Spanish population.

Catholic Spanish Mass - Celebration of Roman Catholic mass for Spanish population.

College Intern - Familiarize intern with policies and procedures of DOCCS and of the programs department. Assist Guidance Staff with Inmate Case Management functions and evaluations.

Friends of Francis – A Roman Catholic Program designed to instruct on the teaching of St. Francis and encourages Christian living by being a role model and focusing on problems of other rather than themselves along with Rosary group prayer.

Greek Orthodox – Provides Greek Orthodox Christian services and biblical teaching to Greek Orthodox population.

Hudson Valley Community Services – Hudson Valley Community Services (HVCS) Provides HIV/AIDS/ Hepatitis A, B, C education, HIV testing and counseling, peer education and domestic violence. CJI Training (Criminal Justice Initiative) – Training for inmates that want to become facilitators.

Jehovah's Witness – Provides Jehovah's Witness religious beliefs and instruction to the Jehovah's Witness population.

Jewish – This religious program offers weekly portion of Torah with commentary to Jewish inmates.

John Jay College – This college program accepts men within five years of release to participate in college classes while earning college credit. The program offers beginning college student an opportunity to begin courses while incarcerated. The class mirrors those on campus, and over the course of each semester, seminars are held in concert with students from the campus. This affords the men a chance to work with students in order to better prepare them to continue with college upon release.

Library - Develop, lead, support, participate and/or maintain a variety of programs, workshops or other outreach activities that highlight what the general library has to offer by way of cultural educational, and leisure resources.

Lifers (Reconciliation) – This program explores the benefits of forgiveness and reconciliation with God, family and community. Participants in the program obtain skills for change in themselves and develop and enforce good communication skills to relate to peers, family and community.

Love Oasis – Program provides spiritual guidance and instruction to Protestant community

Network – Network is a therapeutic community (housing unit) designed to provide necessary tools to enhance quality of life during incarceration, aid in self-transformation, behavior modification and prepare inmates for reentry into the community.

New Jerusalem Baptist Church – Teaches religious education and provides Baptist worship services including music and preaching to Spanish population.

Osborne Association – Program is designed to connect incarcerated men with their children and families by conducting parenting and healthy relationship classes and deliver counseling services. Increasing knowledge of responsible parenting and healthy relationships, improving communication and strengthening relationships, incarcerated men are more likely to stay home once they are released from prison and their children are more likely to lead healthy and productive lives.

Project Angel – This Christian program provides teaching of the Lord Jesus through bible study and prayer.

Public Speaking – Public Speaking Workshop provides skills that are beneficial to speak publically and communicate with confidence.

Puppies Behind Bars – Inmates are trained to raise and care for puppies and become certified puppy handlers. The puppies are trained for services dogs.

Quaker – A fellowship that orients participants in Quaker and Christian values and worship. Promotes spiritual awareness through meditative prayer, personal sharing and open discussion

Saved by Grace – Ministers to the spiritual and motivational needs of Protestant population.

Theatre Workshop – A workshop that inspires personal growth through the performing art. Knowledge of the many facets of on-stage productions of plays, short skits, and performing or speaking to public audiences is learned. Acting skills and techniques are taught and practiced to increase literacy, communication and speaking skills, foster self-esteem and promote the values of discipline, responsibility and cooperative work. Plays are performed using skills and techniques learned.

Thrive for Life – Thrive for Life Prison Project offers spiritual formation, retreats, and restorative justice opportunities. The retreats are facilitated by staff and volunteers trained in Ignation Spirituality to accompany seekers in prayer, meditation and discernment. Help inmates deal with negative stress and loneliness in prison in a positive way.

Tribeca Film Institute – Educational program that combines film screenings with discussions about the films and visits by directors/actors for question-and-answer sessions related to the films. Each film has educational relevance and rich possibilities for discussion.

Veterans – VA Hudson Valley Health Care System assist veterans to make a positive transition back into the community. They offer veteran inmates release planning and provide information about VA benefits and resources.

QUEENSBORO CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2018

ACCES – A funding Source and Liaison with Vocational and Educational partners (RESOURCE FAIRS ONLY)

Alcoholics Anonymous (AA) - Supportive network towards Sobriety

CHASI (Community Health Action of Staten Island) – A health awareness and prevention/Treatment Agency that assists with discharge planning and HIV Testing

Cornell University – Cornell University ILR School's Criminal Justice and Employment Initiative (CJEI) provides legal education and employment rights training to justice-involved individuals. Topics covered include: how to obtain, read, and answer questions about a criminal record; identify inaccuracies in a criminal record and make corrections; determine eligibility for certificates of relief; understand sealing laws; learn the requirements for occupational licenses; and how to utilize Ban the Box laws, New York Correction Law Article 23-A, the Fair Credit Reporting Act, and Title VII.

DOE Fund/Ready, Willing, and Able – offers employment opportunities that will assist paroled inmates with post incarceration mandates.

Faith Baptist Church - offers services to inmates of this faith.

Fortune Society - Multi-facet, housing, Discharge Planning, Employment placement, Family Counseling

Healing Communities – A network of faith based and other re entry programs, providing various services and Mentoring

HRA-Child Support – Enforcement of responsibilities and assist with modified penalties and reductions

Jehovah Witness – provides religious services for inmates of this faith

John Jay-CUNY – A prison to College Initiative that encourages continuing education and assists with resume writing and improving chances of the competitive workforce

LaGuardia Community College – offers 4 programs: Philosophy and Freedom; Creative Writing Group; Skills for Life, and Breaking out of Personal Prison. Each program is taught by Professors for approximately 2 months, 1 to 2 hour sessions, assisting in social, educational, and soft skill development.

Manhattan's DA – Offers a 5-week program call "Inside Criminal Justice" which affords inmates the opportunity to participate in a weekly seminar on criminal justice and psychology taught by a Manhattan Prosecutor and Columbia University professor encouraging them to think about how to improve the criminal justice system. Course graduates will be connected to resources from Columbia University's Justice in education Initiative and will be eligible to receive college credit from Columbia University.

Miracles/Ministry of the Most High - Is a bilingual, multi-cultural ministry, serving the population. The ministry provides Christian services/ bible studies, once a month.

New Greater Bethel Ministries – Religious Services-Pentecostal

Osborne Association – All Service agency that caters to those who have histories in the Criminal Justice System. Fatherhood, Employment, Family Counseling, Substance Abuse and Housing.

Petey Greene Tutors Program – Envisions a world in which all incarcerated people have access to high quality academic programs and all people recognize their stake in supporting education in correctional facilities. The program supplements education in the correctional institutions by preparing volunteers, primarily college students, to provide free, quality tutoring and related programming to support the academic achievement of incarcerated people.

Queens Driving School - Provides full training in CDL and Car Licenses, and life-time job placement. Inmates attend orientation on a weekly basis for about 20 minutes and are encouraged to attend the school once they are released.

Queens Library – Library Services and resources, OSHA training, Resume, Interviewing assistance, book club, Basic Computer Literacy.

St. John's University - Conducts a sociology course which brings college students together with incarcerated men and women to study as peers. The seminar examines the function and social consequences of justice policies, and the intersection of race, ethnicity, class, and gender; collaborative learning and dialogue are fostered through the use of a variety of high-impact practices.

RIVERVIEW CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning.

Alcoholics Anonymous (AA)- Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Book Discussion Group- Guides inmates in a discussion of selected books; leads inmates in developing critical thinking skills, provides opportunities to develop public speaking and effective debate skills.

Catholic Services – Provide inmates the opportunity to participate in the Roman Catholic Mass and affords inmates who are Catholic an opportunity to study their faith.

College Program- Inmates are afforded the opportunity to participate in and earn credit for college level courses.

Fatherhood: A Parenting Class for Men -Provides education to inmates regarding the importance of their role in the lives of their children and their children's healthy growth and development.

Jehovah Witness Bible Study– Teaches biblical principles according to Jehovah Witness doctrine.

Lubavitch –Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Planned Parenthood- Inmates are provided education on the reproductive system, sexually transmitted diseases, safe sex practices and birth control options.

Protestant Bible Study- Assists and encourages inmates to become mature in God and to increase their knowledge and spiritual stamina.

Theatre Group- Provides inmates with education on the dramatic arts. Offers inmates the opportunity to work independently and collectively on theatrical projects.

Visitors Hospitality Center –Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

ROCHESTER CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Narcotics Anonymous (NA) - 12-step recovery program for drug addiction.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

PathStone Training-To-Work Program – Program to offer work release inmates with long-term career paths by providing them with individualized career development planning, education and training opportunities, workforce activities that increase skills and employability. Program also offers additional follow-up support services upon release.

SHAWANGUNK CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) – Provides alcohol abuse education and encourages the recovery process through a 12-step program to remain sober and manage life in prison and upon release.

Amanecer De La Esperanza – Provides Protestant ministry to Hispanic community through preaching and bible teaching.

Bible Study – This is a Protestant Bible Study that facilitates learning that is consistent with biblical doctrine.

Buddhist – Promotes an understanding of Buddhist teachings, moral principles and teachings of Buddhist meditation.

Exodus – Provides discussion and reemphasizes life goals and long-term confinement and release issues for inmates with life sentence of 10 years.

Gideon – A religious program that facilitates learning that is consistent with the ministry of Gideon biblical Christian values.

Greek Orthodox – Provides Greek Orthodox Christian services and biblical teaching to Greek Orthodox population.

Holy Light – This is a bible based ministry that provides Protestant worship and preaching.

Hudson Valley Community Services – Hudson Valley Community Services (HVCS) Provides HIV/AIDS/ Hepatitis A, B, C education, HIV testing and counseling, peer education and domestic violence. CJI Training (Criminal Justice Initiative) – Training for inmates that want to become facilitators.

International Free Souls in Christ – This Hispanic Ministry provides Protestant services using worship songs and personal testimonies.

Jehovah's Witness – Provides spiritual instruction to the Jehovah's Witness population and enhances their religious beliefs.

Jesus is Our Savior – This is a Protestant program that facilitates learning that is consistent with sound Biblical and Christian values.

Jewish – This religious program offers weekly portion of Torah with commentary to Jewish inmates.

Kalros – Provides interdenominational spirit support by holding retreats, reunions and prayer group discussions.

Library - Develop, lead, support, participate and/or maintain a variety of programs, workshops or other outreach activities that highlight what the general library has to offer by way of cultural educational, and leisure resources.

New Greater Bethel – To deliver a positive message to those who assemble in worship service. To use biblical wisdom teaching life's lessons and to inspire those present to know the difference between right and wrong and to follow the ways of Jesus Christ.

Osborne Association – Program is designed to connect incarcerated men with their children and families by conducting parenting and healthy relationship classes and deliver counseling services. Increasing knowledge of responsible parenting and healthy relationships, improving communication and strengthening relationships, incarcerated men are more likely to stay home once they are released from prison and their children are more likely to lead healthy and productive lives.

Veterans - VA Hudson Valley Health Care System assist veterans to make a positive transition back into the community. They offer veteran inmates release planning and provide information about VA benefits and resources.

SING SING CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alternative to Violence Program (AVP) - provides is an intensive, three-day learning experience, which teaches interpersonal conflict resolution skills through a series of step-by-step processes. These experiences in small groups and one-to-one interactions build a sense of community and trust through exercises focusing on affirmation, communication, cooperation, and creative conflict resolution.

Buddhist - Provides education and bible study for inmates who practice Buddhism.

Carnegie Hall - A program through musical connections that provides outreach to different communities like prisons sending educators and musicians to provide lessons on musical instruments and song writing. The program pays and invites guest musicians help teach and facilitate lessons. Often the inmates will perform with musical Carnegie Hall professionals at two to three concerts.

Catholic Education - Assists the Catholic Chaplain with Catholic Bible Study sessions and Holy Day celebrations.

Catholic Liturgy - Assists the Catholic Chaplain with Catholic Bible Study sessions and Holy Day celebrations.

Catholic Maryknoll - Assists the Catholic Chaplain with Catholic Bible Study sessions and Holy Day celebrations.

Certificate in Ministry - 1 year world religion course.

Council for Unity - An Anti-Gang group that works with inmates to get them out of gangs.

C.O.R.P (Art Therapy) - As part of the Community Orientation and Reentry Program an art therapist come in to work with the mental health inmate population who will be released in 90 days.

C.O.R.P (Hands Across Long Island) - A contracted program that assist with finding OMH inmates' benefits. Program connects inmates with housing, medical and food benefits. Program can even if necessary continue work with the inmate even after they leave the facility.

C.O.R.P (Project Renewal) - A contracted program that assist with finding CORP inmates' benefits. Program connects inmates with housing, medical and food benefits. Project Renewal can even if necessary continue work with the inmate even after they leave the facility.

Crusaders - Assist chaplain with Spanish religious services via testimonies, bible sermons and relates to daily life choices - bible study and teachings.

First Presbyterian - Protestant bible study and religious services.

Free Forever - Protestant bible study and religious services.

Hephzibah House - Protestant bible study and religious services

Hudson Link - Provides college level credited courses to qualified inmates in humanities and liberal arts leading to associates and bachelor's degrees. The program uses community and peer support to help people transition from criminal justice involvement to college and beyond. Agency provides presentations to Transitional Services participants with insight as to the influence on higher education and recidivism rates. The goal is to educate the inmates about the importance of college level education and re-entry. Agency provides information on its organization programs available upon release.

SOUTHPORT CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Southern Tier AIDS Program (STAP) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

SULLIVAN CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alive In God Ministry - provides spiritual growth based on Christian faith and worship of God through Bible study, prayer and sharing.

Alternatives to Violence (AVP) - workshop that helps inmates find alternatives to violent behavior while improving self esteem, developing communication skills and practicing conflict resolution techniques.

Bible Studies - to educate inmates in the Bible and Christian tradition and be available for Christian care through Prayer and sharing.

Catholic Hispanic Prison Ministries - come from St. Peter's Catholic Church in Monticello, NY and hold religious services providing spiritual growth through prayer and sharing along with music.

Free Soul In Christ - provide religious instruction and a format of prayer and sharing.

Good News of Salvation - provides Hispanic Protestant worship services, reading and teaching the word of God fostering spiritual growth among the inmate population.

Gospel Ministries - come from St. Mary's Evangelical Christian Church in New Jersey and provide religious counseling, sharing the Bible, listening and encouraging positive changes through spiritual growth.

Hispanic Prison Ministries - conducts Protestant Hispanic religious services, spiritual instruction, prayer and sharing in Spanish for inmates that need this service.

House of the Lord - Reverend Herbert Daughtry, Sr. Pastor, of The House of the Lord & Church on the Mount, Inc. from Brooklyn, New York facilitates this program. He conducts religious services welcoming all denominations and promotes the message of forgiveness, love, hope and transformative potential through prayer and sharing in a non-judgmental setting.

Hudson Link / SUNY Sullivan - provides Professional College Instruction given to students working towards earning an Associate or Bachelor Degree.

Hudson Valley Community Services (PACE) - HVCS are community based contractors who provide comprehensive, seamless continuum of quality HIV prevention and supportive services to inmates including HIV prevention interventions, peer educator training, anonymous HIV counseling and testing, HIV supportive services, and transitional planning.

Jehovah Witness - a Bible study program for Jehovah Witness offenders providing spiritual instruction in the form of prayer and bible teaching. Also provide sign language interpreters and American Sign Language DVDs for deaf and hearing-impaired inmates.

Jesus In Prison Ministry - provides religious services and spiritual growth by teaching the gospel of good news and educates the offenders in Bible and Christian Faith Tradition.

Lubavitch Youth Organization- Rabbis from this organization come into the facility to provide religious services to Jewish Faith inmates during various Holy Days.

Narcotics Anonymous (NA) - come from this group come from the Narcotics Anonymous Hospitals & Institutions Subcommittee. A fellowship who share their experience, strength and hope with each other so they may solve their common problem to recover and live a drug free life.

New Greater Bethel Ministry, Inc. - travel from Cambria Heights, New York to provide religious services which offer opportunities of spiritual growth based on Christian faith and worship of God.

Prison Fellowship Ministries - conduct religious services for Protestant Offenders by teaching Bible education and Christian faith tradition through prayer and sharing.

Residents Encounter Christ- REC is a Catholic outreach comprised of priests, deacons and lay persons who enter area prisons to conduct a 3- day spiritual retreat and share the saving message of the gospel of Jesus Christ. The members share the Gospel message thru talks, music and enlightening discussion.

Saints Prison Ministry- - Religious Organization from Moorestown, New Jersey. They facilitate and participate in recreational games of Softball, Basketball with the inmates. After the game, they share in gospel presentation providing the inmates with spiritual instruction and religious material.

Secular Franciscans (Friends of Francis)

This group conducts a Catholic Bible Study to educate offenders on living a Catholic life and provide spiritual instruction and a format for Prayer and sharing.

Times Square Church - conducts Protestant church services with spiritual instruction, prayer and sharing.

Veterans – This program assists veteran inmates determine their eligibility status for services, provide letters to parole board, collaborate with DOCCS staff regarding needs and release planning with inmates.

Yoga - One yoga instructor comes in to teach offenders yoga. The benefits of yoga are to promote healthier and happier lives while learning techniques to enhance inner peace.

TACONIC CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - a fellowship who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism

Bard Prison Initiative - professors teach college level classes, leading toward an Associate's degree in Arts.

Bible Church of Christ - teaching Bible class for Protestant inmates

CARE/WPA - a program administered by the Women's Prison Association (WPA) that educates inmates on AIDS and HIV disease and tests for this. They also discuss their AIDS treatment programs available in the community for those inmates in the Re-Entry program.

Catholic Bible Study - Bible study group for inmates of the Catholic Faith

Catholic Mass - Volunteers and local chaplains conduct Sunday services for inmates of the Catholic Faith

Christ the Liberator - teaching Bible class for Protestant inmates who are Spanish-speaking

College and Community Fellowship (Re-Entry) - a re-entry organization that provides inmates in Phase 3 with information on how to continue their college education when released.

College and Community Fellowship (Transitional Services) - a re-entry organization that provides inmates in Phase 3 with information on how to continue their college education when released.

Good News Salvation - prison ministry for Spanish-speaking inmates of the Protestant faiths

Healing Community - provides inmates in Re-Entry with resources in the Brooklyn and Queens areas on therapeutic services.

Holy Light Pentecostal - teaching Bible class for Protestant inmates

Hour Children - a contracted organization based in Queens providing services for inmates to strengthen family ties, and provide services for incarcerated mothers. Their programs include:

- **Advocacy** - volunteers assist mothers with staying in contact with their children and teachers
- **Parenting** - a group addressing issues inmates have in communicating with and understanding their children while incarcerated.
- **Birthdays**-HC arranges for cake and gifts for the visiting children of inmates on their birthdays
- **Children's' Center**-HC provides games and crafts for children visiting their parents
- **Housing**-HC discusses transitional housing with mothers who are being released and selected for the program

- **Re-Entry-HC** presents transitional housing options to the Re-Entry group
- **Orientation-HC** provides an orientation on their services to newly-arrived inmates at Taconic
- **Woman to Woman-** The program's goal is to help women manage their emotions and teach them life skills. Women who live in the metropolitan area may be matched with a mentor.
- **Lawyers-**Once a week, attorneys come to Taconic to discuss inmates' legal issues. They also conduct occasional workshops.
- **Card Shop-**inmates make cards for their children and send them home to them, sometimes with a children's' book
- **Foster Care-**Once a week, children in foster care are brought to the facility for visits. HC provides juice and games for them

Hudson Link - a consortium of professors from Mercy, Vassar, and Marymount Manhattan Colleges, and Columbia University, who offer college- level classes, which can lead to an Associate's Degree in Liberal Arts.

Jehovah Witnesses - a group from Putnam County provides services for inmates of that faith

Knitting - local volunteers teach inmates to knit

Legal Research - students from NYU teach a legal research class to the inmates

Long Termers Responsibility Project - Osborne Association meets with long-term inmates to discuss issues that are preventing them from being released from prison.

Money Addiction - provides inmates with a therapeutic viewpoint of irresponsible spending habits

Money Management - a monthly program presented in Phase 3 on basic fiscal management.

Narcotics Anonymous (NA) - a fellowship who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from substance abuse. This program has not run in 2 years.

New Beginnings - Outreach for Women is a re-entry organization that is focused on supporting clients through challenging transitional periods, as well as developing solutions to meet the needs of victims in crisis, and hardships.

NYCHA - inmates in Re-entry are shown how to apply for housing with the New York City Housing Authority

Prison Fellowship - teaching Bible class for Protestant inmates

Prison Fellowship Re-Entry - Provides information for inmates in Re-Entry as to the services they provide when they are released.

Proclaiming Victory - providing religious services for inmates of Protestant denominations.

Public Theater - a theater group from New York City performs Shakespeare plays twice a year.

Re-Entry - volunteers from re-entry organizations and some independents discuss opportunities for inmates in regard to jobs, housing, medical, religious, and mental health services upon release from custody. These programs include Healing Community, College and Community Fellowship, NYCHA and Hour Children Re-Entry, and Money Addiction.

Re-Entry Acceleration Program (REAP) - Masters-level student-teacher from Columbia University (under the supervision of tenured professors) teach Financial Empowerment to inmates in the college programs and Re-Entry Unit)

Transitional Services - volunteers from re-entry organizations and some independents discuss opportunities for inmates in Phase 3 in regard to jobs, housing, medical, and mental health services upon release from custody. This includes College and Community Fellowship, and Cicatelli Associates (LTI).

Yoga - Certified instructors from Liberation Prison Yoga teach inmates techniques of relaxation

ULSTER CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - a fellowship who share their experience, strength and hope with each other so they may solve their common problem and help others recover and live a sober life.

Building Strong Family Foundations – This program provides information to grow and maintain stronger family connections between incarcerated individuals and their families while incarcerated and when they are released, by teaching communication skills through different discussions, readings, and role playing.

Financial Imperatives for Responsible Minds (FIRM) - an educational module that challenges the inmates to view the business world from a responsible mindset by studying financial matters, taxes, the need for budgeting, and the practice of account keeping.

Hudson Valley Community Services (PACE) - HVCS are community based contractors who provide comprehensive, seamless continuum of quality HIV prevention and supportive services to inmates including HIV prevention interventions, peer educator training, anonymous HIV counseling and testing, HIV supportive services, and transitional planning.

Narcotics Anonymous (NA) - come from this group come from the Narcotics Anonymous Hospitals & Institutions Subcommittee in Kingston, New York. A fellowship who share their experience, strength and hope with each other so they may solve their common problem to recover and live a drug free life.

Peace Education Program – Series of 10 workshops which encourage inmates to reflect on their own inner resources, such as hope, strength, understanding and inner peace. The goal is to help individuals reflect on their lives and move in a positive direction for growth.

Saints Prison Ministry – is a religious organization from Moorestown, New Jersey. They facilitate and participate in a softball and/or basketball game with the inmates. After the game they share in a gospel presentation providing the inmates with spiritual instruction and religious material.

Spanish Gospel Ministry – religious volunteers that come in to celebrate services for Spanish speaking inmates of the Protestant faith.

UPSTATE CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) – Provide on-site support and assistance to inmates who participate in the self-help counseling support meetings.

Alliance for Positive Health – To provide HIV/AIDS education, anonymous testing services and assistance to inmates who will be released within the community.

Hospitality Center – Provide gate side hospitality to visitors by offering assistance with paperwork and a comfortable atmosphere while waiting for their visits to begin.

WALLKILL CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) – Provides alcohol abuse education and encourages the recovery process through a 12-step program to remain sober and manage life in prison and upon release.

Bible Study – Provides Protestant bible study and preaching the Word of God.

College Intern - Familiarize intern with policies and procedures of DOCCS and of the programs department. Assist Guidance Staff with Inmate Case Management functions and evaluations.

DEFY Ventures – A curriculum designed to train inmates in personal development, job readiness and entrepreneurial/business skills. Improve inmate behavior and morale while in prison; prepare them for reentry, relative to their families, society, etc., ensure their employability; offer them a path to control their own futures by launching their own businesses.

Gideon – A religious program that facilitates learning that is consistent with the ministry of Gideon biblical Christian values.

Healing Communities Network – This is a reentry program that assists inmate population transitioning back into society. They provide a support system while incarcerated and continue a network of support upon release. Discuss issues and concerns of returning home, assist in family reunification, jobs searches, agency referrals and education.

Holy Light – This is a bible based ministry that provides Protestant worship and preaching.

Hudson Valley Community Services – Hudson Valley Community Services (HVCS) Provides HIV/AIDS/ Hepatitis A, B, C education, HIV testing and counseling, peer education and domestic violence. **CJI Training (Criminal Justice Initiative)** – Training for inmates that want to become facilitators.

Jehovah's Witness – Provides spiritual instruction to the Jehovah's Witness population and enhances their religious beliefs.

Jewish – This religious program offers weekly portion of Torah with commentary to Jewish inmates.

Network – Network is a Therapeutic Community, i.e., a structured social learning model based on Choice Theory and grounded in trained facilitator-and peer-support activity. Weekly/twice-weekly (modular) group encounters and shared community experience lead to positive changes in participants' conduct, attitudes and emotions and the adoption of prosocial values.

New Greater Bethel – To deliver a positive message to those who assemble in worship service. To use biblical wisdom teaching life's lessons and to inspire those present to know the difference between right and wrong and to follow the ways of Jesus Christ.

NYU (New York University) – NYU Prison Education Program provides academic for-credit courses leading to an Associate Degree in Liberal Studies. NYU also provides workshops to support skill development in writing, reading, critical thinking, and basic computer programs (Microsoft Word, Excel, etc.) Students may enroll in up to two academic courses while also participating in non-credit workshops.

Osborne Association – Program is designed to connect incarcerated men with their children and families by conducting parenting and healthy relationship classes and deliver counseling services. Increasing knowledge of responsible parenting and healthy relationships, improving communication and strengthening relationships, incarcerated men are more likely to stay home once they are released from prison and their children are more likely to lead healthy and productive lives.

Puppies Behind Bars – Inmates are trained to raise and care for puppies and become certified puppy handlers. The puppies are trained for services dogs.

Saved by Grace Prison Ministry – Ministers to the spiritual and motivational needs of Protestant population.

Veterans – VA Hudson Valley Health Care System assist veterans to make a positive transition back into the community. They offer veteran inmates release planning and provide information about VA benefits and resources.

Yoga - Teach inmates to use yoga to relax and exercise.

WASHINGTON CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alliance for Positive Health – To provide HIV/AIDS education, anonymous testing services and assistance to inmates who will be released within the community.

Catholic Bible Study – Provides an essential foundation of the Catholic faith and teaches inmates how to read the Bible.

Discipleship – Learn how to be better disciples of the biblical Christ through the teaching of the Bible

Faith Formation - To prepare those who need to receive the Sacraments, through videos, book and discussion groups. Deliver the tools to enable all members of the Catholic Community who choose to participate to better understand the Catholic Faith. Give support, understanding and information to any and all who may be interested to learn more about Their faith. When they return to their community they could become better citizen.

Hospitality Center – Provide gate side hospitality to visitors by offering assistance with paperwork and a comfortable atmosphere while waiting for their visits to begin.

Jehovah Witnesses – To teach biblical principles according to Jehovah Witness doctrine and to help inmates personally apply those principles.

Protestant Worship Services and Bible Study – Learn how to be better Christians by being taught the 'Word of God' through reading the Bible and other literature.

Residents Encounter Christ – Encourage inmates to become more active Christians during and after their incarceration by introducing them to the Catholic faith and teaching God's unconditional love.

WATERTOWN CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

ACR Health- Provides HIV-related services including HIV test offers, anonymous HIV testing and linkage to care, prevention education, peer training, support groups and transitional planning.

Alcoholics Anonymous (AA)- Inmates learn that AA is more than staying sober, that it is a way of life that will help the inmate live a sober and contented life both while incarcerated and upon release.

Catholic Rosary Prayer Group-Provides inmates of the Catholic faith an opportunity to come together in prayer.

Catholic Services – Provide inmates the opportunity to participate in the Roman Catholic Mass.

Christian Fellowship- Christian faith based program provides Bible teachings and an opportunity for inmate testimonies of faith.

College Program- Inmates are afforded the opportunity to participate in and earn credit for college level courses.

Family Reintegration- Presentations are made to inmates participating in Phase 3 focusing on reintegration with the family upon release, exploring possible changes in spousal roles, parental roles and family dynamics.

Fatherhood: A Parenting Class for Men -Provides education to inmates regarding the importance of their role in the lives of their children and their children's healthy growth and development.

Jehovah Witness Bible Study– Teaches biblical principles according to Jehovah Witness doctrine.

Lubavitch –Assists inmates of the Jewish faith to gain a higher understanding of the Jewish holidays, customs and ceremonies.

Planned Parenthood- Inmates are provided education on the reproductive system, sexually transmitted diseases, safe sex practices and birth control options.

Protestant Bible Study- Assists and encourages inmates to become mature in God and to increase their knowledge and spiritual stamina.

Residents Encounter Christ Retreat (REC) –REC affords inmates who might be "mechanical" in their faith an opportunity to transform into a deeper level of spirituality which will potentially allow them to lead stronger lives.

Spanish Protestant Bible Study -Assists and encourages Spanish speaking inmates to become mature in God and to increase their knowledge and spiritual stamina.

Victims Assistance Center-Inmates participating in ART are provided the opportunity to attend presentations on the effects of domestic abuse.

Visitors Hospitality Center –Facilitates the Correctional Facility (CF) visit process and offers hospitality to CF visitors in a manner that is sensitive to multi-cultural needs and diverse age groups. Ensures visitors have an understanding of CF rules and regulations.

WENDE CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Alternatives to Violence Project (AVP) - Workshop series to teach offenders methods and skills to manage and resolve conflicts in a positive way.

Buddhist Services & Meditation - To teach religious principles of Buddhism, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to religious culture, while offering guidance for worship services and customs.

Catholic Bible Study - Bible study as it pertains to the Catholic interpretation, beliefs and traditions.

Catholic Services - Program to provide music and inspirational guest speakers to offer relevant Christian testimonials during Catholic Mass/worship services.

Hospice Program - Program to train inmates as Hospice aides who assist in providing spiritual, emotional and supportive care to other inmates who are terminally ill and have less than six months to live.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Kairos Prison Ministry - Non-denominational Christian program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth, Biannual retreats and weekly groupings.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Muslim Services - To teach principles found in the Qu'ran, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to Muslim culture, while offering guidance for worship services and customs.

Narcotics Anonymous (NA) - 12-step recovery program for drug addiction.

Protestant Bible Study - Bible study as it pertains to the Protestant interpretation, beliefs and traditions.

Protestant Scripture Sharing - Bible study, testimonials and practical applications of Scripture to daily life as it pertains to the Protestant interpretation, beliefs and traditions.

Protestant Services - Program to provide music and/or inspirational guest speakers to offer relevant testimonials during regular Protestant worship services.

Residents Encounter Christ (REC) - Catholic program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth, Biannual retreats and weekly groupings.

Rochester Institute of Technology (RIT) Deaf Artist Workshops – A program to offer an outlet for deaf inmates to use art to constructively and creatively express and cope with their feelings about the experience of being deaf and incarcerated.

Spanish Protestant Worship & Study - Protestant Worship Service conducted in Spanish, supplemented with Bible studies, music and/or inspirational guest speakers to offer relevant testimonials.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

Yoga – Program to enhance inmates' wellness by increasing their physical activity and mobility, while teaching them effective relaxation and meditation techniques.

WILLARD DRUG TREATMENT CAMPUS

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

ASAT Support – Program to provide support and assistance to staff and support group volunteers by researching and gathering recovery information and materials, contributing to group discussion by offering constructive feedback and providing basic clerical support as-needed.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Southern Tier AIDS Program (STAP) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Vivitrol Initiative Program – Program for inmates incarcerated as Returned Parole Violators, whose violation was substance abuse related. The program serves to address substance abuse issues through counseling and pharmaceutical therapy, using the drug Naltrexone, which inhibits the stimulating effects of opioids, reducing the user's desire to abuse them.

WOODBOURNE CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - a fellowship who share their experience, strength and hope with each other so they may solve their common problem and help others recover and live a sober life.

The Greater Allen Ame Church - come from the Greater Allen AME Church travel from New York City to provide inmates with religious services. These services are a vital part of the spiritual growth of the inmates.

Alternatives to Violence (AVP) - a workshop that helps inmates find alternatives to violent behavior while improving self esteem, developing communication skills and practicing conflict resolution techniques.

Bard Prison Initiative - associated with Bard College, offers inmates the opportunity to pursue higher education and earn an Associate in Arts or a Bachelor in Arts degree.

The Bible Church of Christ Prison Team - provides religious services which is a vital component to the spiritual growth of inmates.

Buddhism - comes from the Zen Mountain Monastery in Mount Tremper, New York. They provide religious services to inmates of the Buddhist faith.

El Amanecer De La Esperanze - facilitate religious and prayer studies to help increase Christian spiritual faith and awareness.

Exodus - Reverend Edwin Muller is a retired New York State Ministerial Program Coordinator. This group helps long term inmates reach their potential and become better human being.

Good News Salvation - provides Hispanic Protestant worship services, reading and teaching the word of God fostering spiritual growth among the inmate population.

Greek Orthodox Ministry - comes from the Holy Cross Greek Orthodox Church in Middletown, New York. They provide religious services to enhance the spiritual lives of inmate of the Greek Orthodox religion.

Hispanic Prison Ministry - conducts Protestant Hispanic religious services, spiritual instruction, prayer and sharing in Spanish for inmates that need this service.

Hudson Valley Community Services (PACE) - HVCS are community based contractors who provide comprehensive, seamless continuum of quality HIV prevention and supportive services to inmates including HIV prevention interventions, peer educator training, anonymous HIV counseling and testing, HIV supportive services, and transitional planning.

Jehovah Witness - provides a Bible Study class twice a week and services on Sunday for those inmates of the Jehovah Witness faith. Also provide sign language interpreters and American Sign Language DVDs for deaf and hearing-impaired inmates.

Jewish Community - Rabbi comes is to assist with Jewish Holy days and provides instruction in the Jewish Faith.

Lubavitch Youth Organization- Rabbis from this organization come into the facility to provide religious services to Jewish Faith inmates during various Holy Days.

Network - Anne Williams, Director of the Episcopal Social Services, facilitates the Network in the Prisons and in the Community Program. Network in the Prisons therapeutic communities develop core values that transform thinking and focus on rehabilitation-the relearning of pro-social values and law-abiding functioning or, in some cases, habilitation-learning for the first time those behaviors and values associated with socialized living. Network is operated by Network Support Services.

New Greater Bethel Prison Outreach Ministry - travels from Cambria Heights, New York to provide religious services which offer opportunities of spiritual growth based on Christian faith and values through the word of God to inmates.

Osborne - is a contracted service that provides programs that promote healthy relationships for inmates incarcerated in New York state facilities and their families.

Quaker - seek to enhance the spiritual growth of inmates through sharing and prayer in a non-judgmental setting.

Rehabilitation Through the Arts - Katherine Vockins, Founder and Executive Director, Rehabilitation Through the Arts, Prison Communities International, Katonah, New York and members of this organization provide services at the facility. Rehabilitation Through the Arts' goal is to use the creative arts (theater, dance, music, creative writing and vocal training) as tools to teach critical life skills to the inmates. Through this program volunteers hope to teach the inmates to be dependable, more socially mature and to learn to sacrifice individual needs for the welfare of a group.

Religious Services – Protestant based services provided by Pastor and team members from Church In the Wild, from New York City. Services offer spiritual growth based on Christian Faith through prayer and sharing.

Residents Encounter Christ - REC is a Catholic outreach comprised of priests, deacons, and lay persons who enter area prisons to conduct a 3 -day spiritual retreats and to share the saving message of the Gospel of Jesus Christ. The members share the Gospel message thru talks, music and enlightening discussion.

Rising Hope - is a secondary course of study which aims to prepare people in prison for ministry or work in the helping professions while in prison and after release. Students are challenged to grow mentally through education and strongly encouraged to consider how they can be positive contributors to their community (inside and outside prison walls).

Seventh Day Adventist - come from the Seventh Day Adventist church of Ellenville, New York and facilitate religious study and prayer activities in an effort to increase spiritual awareness among the inmate population of this faith.

Soul Release Prison Ministry - travel from Bronx, New York to provide religious services to the inmate population. This vital service provides support for the spiritual growth in the inmate's lives.

Veterans – This program assists veteran inmates determine their eligibility status for services, provide letters to parole board, collaborate with DOCCS staff regarding needs and release planning with inmates.

WYOMING CORRECTIONAL FACILITY

Volunteer Programs & Descriptions

Updated 1/2019

Alcoholics Anonymous (AA) - 12-step recovery program for alcohol addiction.

Cephas - Group sessions and discussions to help inmates make positive changes in their lives and foster emotional growth, as well as to plan for their positive reintegration into society.

Jehovah's Witness Services - To teach principles found in the Bible, offer guidance for worship services and Bible study as it pertains to the Jehovah's Witness interpretation.

Jewish Services - Program that deals with Bible issues and Jewish history, religion, ethnicity and overall topics pertaining to Jewish culture, while offering guidance for worship services and customs.

Muslim Services - To teach principles found in the Qu'ran, discussion of topics pertaining to the faith, interpretation of its teachings and overall topics pertaining to Muslim culture, while offering guidance for worship services and customs.

Men's Health Programs (Community Access Services) - Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators- Program contracted by the NYS Dept. of Health AIDS Institute to provide HIV/AIDS education and counseling, support groups, discharge planning and to train inmates as Peer Educators/Program Facilitators.

Prison Fellowship - Ecumenical; Provides education in life, responsibility, successful post-release planning (housing, employment, family, etc.) and good citizenship through Christian ideals and values; 1-day retreats; Occasional reentry workshops.

Protestant Bible Study - Bible study as it pertains to the Protestant interpretation, beliefs and traditions.

Protestant Services - Program to provide inspirational guest speakers to offer relevant Christian testimonials during Protestant worship services.

Residents Encounter Christ (REC) - Catholic program that promotes positive moral values, a sense of community/family belonging, positive change and emotional growth; Biannual retreats and weekly groupings.

Spanish Catholic Bible Study - Religious testimony, teachings and Bible study as it relates to Catholic interpretation; conducted in Spanish.

Spanish Protestant Services - Protestant Worship Service conducted in Spanish, supplemented with music and/or inspirational guest speakers to offer relevant testimonials.


Student Internships - To provide on-the-job learning experience for college students in various Program fields, while exposing them to the operations of a correctional facility.

Veterans Assistance Program - Program to offer inmate veterans assistance in applying for federal benefits/support programs they may be eligible for, while providing a forum to help veterans deal with varying issues brought about by their military experience.

Visitor Hospitality Center - To provide respite for inmate family visitors after traveling to the facilities; To offer assistance with required visiting paperwork/procedures; To provide a safe, congenial atmosphere where family members can wait for their visit to begin or transportation to return.

APPENDIX G

**WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS PREA
POLICIES & INMATE PREFERENCE FORM**



		Westchester County Department of Correction			
Policy and Procedure					
SECTION: 02 - SECURITY AND CONTROL			EFFECTIVE DATE: 04-21-2016		
SUBJECT: SEXUAL ASSAULT/ HARASSMENT (PREA COMPLIANCE)			PAGE 1 of 9		
CHAPTER: 02	NUMBER: 02-12	DISTRIBUTION: ALL STAFF	REFERENCES:		
NYSOC STANDARD: Part 7022 FEDERAL STANDARD: 28 CFR Part 115 et seq. ADULT LOCAL DETENTION DEPARTMENT STANDARDS: 4D-22-2, 4D-22-5, 4D-22-6, 4D-22-7, 4D-22-8					
REPLACES: Version 1 11-14-2007			REVISION #	PAGE	SECTION
ISSUING AUTHORITY:			1	3	IV, A
Commissioner Kevin M. Cheverko					

I. PURPOSE

The Westchester County Department of Correction maintains a zero-tolerance policy for incidents of any sexual misconduct of any nature by staff, including sexual abuse/sexual harassment of prisoners. Consistent with this principle and in accordance with the Federal Prison Rape Elimination Act of 2003 (PREA) and associated standards, the Department has established this policy to provide guidelines for responding to cases of alleged sexual assault / harassment of prisoners. This policy, and other policies incorporated by reference herein, are intended to assist in the detection, prevention, reduction, and punishment of sexual misconduct, including sexual abuse/harassment of prisoners.

II. POLICY

The Department shall maintain policies consistent with the requirements of PREA. The policies are intended to reduce the potential for sexual misconduct, including sexual abuse/harassment of prisoners; to address the safety and treatment needs of prisoners who have been a victim of a sexual act, and to discipline and prosecute those who perpetrate these acts upon prisoners. Upon learning that prisoner is subject to a substantial risk of imminent sexual abuse, the Department shall take immediate action to protect the prisoner and to meaningfully assist in a successful prosecution of any perpetrator.

		Westchester County Department of Correction			
SECTION: 02 Security and Control			EFFECTIVE DATE: 08-01-2016		
SUBJECT: PREA – LGBTI (Lesbian, Gay, Bisexual, Transgender, Intersex Inmates)			Page 1 of 6		
CHAPTER: 02	NUMBER: 54	DISTRIBUTION: All Staff	REFERENCES:		
NYSOC STANDARD:					
ADULT LOCAL DETENTION FACILITY STANDARDS:					
REPLACES: New					
ISSUING AUTHORITY:			REVISION #	PAGE	SECTION
Commissioner Kevin M. Cheverko					

I. PURPOSE

To provide guidelines for safe confinement of lesbian, gay, bisexual, transgender, and intersex (LGBTI) inmates and to comply with federal Prison Rape Elimination Act (PREA) and other legal/accrediting standards related to this population, including:

- A. Elimination / reduction of discrimination and other stigmatization;
- B. Appropriate classification and safe, secure housing;
- C. Ensuring personal safety and appropriate access to programs and care; and
- D. Maintaining facility safety and the safety of all persons therein.

II. POLICY

It shall be the policy of the Westchester County Department of Correction (WCDOC) to receive, evaluate, house and provide secure, safe and humane custody of all persons, including transgender and intersex inmates, who are lawfully committed to its custody.

III. DEFINITIONS

Biological sex: The sex of an individual at birth, including, male, female or intersex.

Bisexual: A person who is romantically or sexually attracted to more than one gender or sexual category

Gay: Commonly refers to men typically attracted to other men.

INMATE PREFERENCE FORM

PART I (to be completed by Booking staff):

The below inmate has self-identified as being transsexual or intersex.

Inmate's legal name: _____

WCDOC Booking #: _____

WCDOC JID #: _____

PART II (to be completed by the inmate):

1. I identify myself as a Transgender or Intersex individual in the community.
2. My preferred pronoun is [CHECK ONE]: male (mister/he/him/his) female (Miss/ she/her/hers)
3. I normally use my legal name in the community; or
 I *do not* normally use my legal name in the community and, for purposes of gender identity, wish to be called the following while in custody: PREFERRED NAME: _____
4. Whenever reasonably possible, I would prefer to be searched by an officer of the below indicated sex. I understand that WCDOC will make reasonable attempts to respect my preference while also understanding that the safety and security of staff and others takes precedent.
Male: _____ Female: _____ No Preference: _____
5. I would prefer to be housed with Male: _____ Female: _____ inmates.
I understand that my housing preference will be taken into consideration, but is only part of the overall assessment on where I shall be housed.

PART III (to be completed as noted):

Inmate Signature: _____ Date: _____

Witnessing Officer: _____ Shield # _____

Supervisor Signature: _____ Shield # _____

Entered in Elite: Yes _____ No _____ Staff: _____

Copy e-mailed to: PREA Coordinator (DC Diaz)