

**TESTIMONY OF THE LEGAL ACTION CENTER**

ON BEHALF OF THE ATI AND REENTRY COALITION

Assembly Ways and Means and the  
Senate Finance Committees  
Joint Public Hearing on Public Protection  
Executive Budget FY 2020-2021

February 12, 2020

Presented by

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Endorsed by



Center for Alternative Sentencing and Employment Services (CASES)  
Center for Community Alternatives (CCA)  
EAC Network  
Osborne Association  
Center for Employment Opportunities (CEO)  
Greenburger Center for Social and Criminal Justice  
The Correctional Association  
TASC of the Capital District  
The Fortune Society  
Women's Prison Association  
Legal Action Center

Good Afternoon. I am Tracie M. Gardner, Vice President for Policy Advocacy for the Legal Action Center I appreciate the opportunity to address you today.

In New York State, we work closely with the coalition of Alternative to Incarceration (ATI), Reentry and related programs. These programs enable many thousands of men and women to be appropriately supervised and served in the community. These services divert individuals who would otherwise be sent to more expensive prison beds to less expensive and more effective community-based supervision and services. They also assist individuals who are released from incarceration reintegrate with their families and the communities by lowering barriers to employment, housing and health services, thereby reducing the likelihood of recidivism.

We are asking New York to make a timely and critically needed investment to create a dedicated fund that expands ATI and reentry services to bring these programs to scale for the entire state. **We ask for an initial investment of \$2 million this year to seed the expansion of ATI and reentry services and \$300,000 to support the Division of Criminal Justice Services in the creation of an assessment and plan for bringing ATI and reentry services to scale in every part of the state.**

ATI and reentry programs in the Coalition are in the forefront of innovative approaches and can provide technical assistance provided by established programs to build the capacity of other program or regional needs such as **Osborne Association's** recently launched Buffalo office to establish family engagement and support services in Western New York, and to expand video visiting. **Women's Prison Association** is eager to export their **JusticeHome** model across localities by adding staff to already-existing community programs so they can provide intensive community- and home-based interventions. Staff would administer risk assessment, accompany women to court, and visit the

women 1 to 5 times per week. *This model costs less than \$20,000/year per individual served; it is only approximately a third of the cost of prison and a tenth of the cost of Rikers.*

While the New York City and State policy landscape is in many ways more favorable than we have seen in decades, we are currently in the midst of controversy over an array of reforms enacted in the 2019-2020 budget. These reforms in discovery, bail and speedy trial laws were overdue *but with reforms come an imperative to make investments into the infrastructure to support them.* Funding programs like pretrial, ATI and reentry services are essential to ensure the success of these reforms by helping to prevent the continued cycling in and out of jails and prisons, especially by those with substance use and mental disorders.

Since 1983 many of our organizations have been at the forefront of the expansion of New York's ATI and reentry programming. Over the last three decades we have advocated for program innovations to respond to emerging needs, developed publications of numerous criminal legal reform recommendations and Blueprints. In 2013, we successfully advocated for baselining ATI/Reentry funding in the state's annual budget, creating a backbone of stability for an array of services to address the needs of individuals and communities impacted by the criminal justice system.

Yet, too many New Yorkers remain unable to access these essential services that can help avoid incarceration, enable successful reentry and help individuals address the elements that contributed to their criminal justice involvement. Increasing access to these programs is essential to reducing the jail and prison population in New York, thereby contributing to the State's efforts to not only address

mass incarceration and the racially discriminatory impacts of the criminal justice system, but to address the mass incarceration of people with serious mental illness and substance use disorders.

The increased funding this year can go towards addressing two keys area of need:

- **Expanding ATI and reentry services in the many parts of the state that are underserved, including most of upstate New York**

Most of the State outside the New York City metropolitan area has little or no programming to divert individuals from state prison. State incarceration trends underline the continued need for new services outside New York City. Following the enactment of the 2009 Drug Law Reforms, large upstate counties saw an initial small reduction in new incarcerations for the crimes made eligible for diversion, after years of increased incarceration. However, this progress has come to a halt in recent years as the opioid epidemic began to take hold. In 2010, 1,869 people from the large counties were sent to prison for diversion-eligible crimes. In 2015, the number was 1,840. Meanwhile, from 2007 to 2015, small counties saw a 31% *increase* in incarcerations for drug crimes and a 23% increase in incarcerations for property crimes. By contrast, New York City experienced a 64% *decrease* in incarcerations for diversion-eligible drug crimes and a 32% decrease in incarcerations for diversion-eligible property crimes over the same period. *In light of the significant number of individuals who continue to be sentenced to DOCCS from these underserved counties, we recommend that New York State expand resources for ATI and Reentry services outside the NYC metropolitan area, even as the State develops a long-term plan for creating a truly statewide network of these essential services.*

- **Expand ATI and reentry services in New York City to fill gaps to support the closure of Rikers Island**

While New York City has the strongest network of effective programs providing alternatives to incarceration and reentry programs in the nation, many eligible people who need these services still lack access. It is important to note that NYC has used its own funds to address the need for service infrastructure that must attend the closure of Rikers and development of borough-based facilities. Much of the City funding is geared toward the City's own jail population (including those detained because of parole violation). This should not be just a NYC responsibility. There is also more than needs to be done to address the need for housing, including transitional, supportive and permanent housing for the criminal justice population. There is no dedicated funding available for transitional reentry housing. While the Empire State Supportive Housing Initiative ([ESSHI](#)) can be accessed (and should be expanded) for supportive housing for the reentry population, there are significant barriers to accessing this housing for people directly leaving incarceration. Also, investments to provide immediate access to transitional employment upon release from jail should be matched with state dollars to expand transitional employment for anyone leaving state or local incarceration needing employment services.

Among the populations that continue to be especially underserved are: women; young people (especially in light of the enactment of New York's transformative Raise the Age Legislation); LGBTQI; people with mental health disorders; people with a sex offense conviction, individuals with substance use disorders who are convicted of property crimes; and individuals charged with violent offenses.

- **Fund Division of Criminal Justice Services to conduct a study to identify gaps in ATI and reentry services and develop a plan for filling these gaps**

We recommend \$300,000 for a study and assessment conducted by the state Division of Criminal Justice Services that would bring together relevant state agencies, other stakeholders, organizations with experience in providing ATI, reentry and related services and individuals with direct personal experience. This could be conducted as part of an evaluation of the newly enacted criminal justice reforms to measure actual impact of the laws while also assessing funding and program needs such as for ATI, reentry, and pretrial services. In order to develop this plan, it will be critical to identify existing service gaps, regional needs and organizational capacity. There is both an immediate and multiyear need to flesh out a comprehensive plan for ensuring the success of the recent reforms; this can and must be done to bring services like ATI, reentry, pre-trial and related services to statewide scale.

### **Funding from Other than Criminal Justice**

State criminal justice dollars can't be the sole source to address populations served by ATI and reentry programs who have multiple complex and cross system needs. An increase in state criminal justice dollars can help leverage dollars from other sources of funding than criminal justice where people with criminal justice-involvement are served in the following areas:

### ***Employment and Food Security***

The Center for Employment Opportunities (CEO) seeks to target immediate access to transitional employment/training for persons leaving state prisons who have been assessed as moderate to high risk, encourage NYS agencies to provide transitional work opportunities for persons leaving incarceration and streamline the process for ATI/Reentry employment providers to access additional federal SNAP Employment Training and Workforce Innovation and Opportunity Act (WIOA) education and training funding. Despite record low unemployment, the rates of unemployment nationally for persons with a conviction are six times higher. In New York State, close to half of all persons released from prison are unemployed a year later. The need to increase employment opportunities for persons leaving incarceration is both a public safety and community strengthening imperative.

**Recommendation:** Require state agencies to use a portion of their maintenance, contracting and staffing budgets to provide transitional employment opportunities to formerly incarcerated people by expanding DOCCS and DCJS employment funding to scale services.

SNAP is a critical support for returning citizens, providing food security as they build the necessary skills to begin a new chapter in their lives. The SNAP E&T 50/50 program facilitates these intense employment services by reimbursing 50 percent of all state, local and private funding spent on employment services for SNAP participants; however, the state's implementation of the program places administrative burdens on providers that draw resources away from delivering services to SNAP eligible participants.

**Recommendation:** Make SNAP E&T Funding Easier for ATI/Reentry Employment Providers to Access: The state should work to increase the availability of SNAP E&T funding while also working to streamline the program so providers can better access these funds. Currently, the state is underutilizing this funding stream based on the state's administration of the program; shifting to a cost-reimbursement structure that aligns with E&T components and making modifications to ease the reverse referral process will help more providers access E&T funding and serve more SNAP participants through the E&T program. These changes will help OTDA advance its implementation of the SNAP E&T program, allow the state to leverage more federal funding, and help more returning citizens with food security and employment throughout the state. Since federal dollars are matched by individual providers or counties, there is minimal costs to the state in making these changes.

Integrate goals for state workforce planning and training with reentry efforts. The Workforce Innovation and Opportunity Act (WIOA) deems those with a criminal record a priority population to receive training and support via local workforce areas and one-stops. Local workforce boards could act on this priority by: funding transitional jobs as a focus of work-based learning for justice-involved individuals; creating a performance-based contract structure for WIOA training partners; providing structure for supportive services at so that these services may be targeted to priority WIOA populations; coordinating with reentry partners to identify and remove barriers to employment for those returning home from incarceration.

**Recommendation:** Amend the state plan to include language that strongly encourages serving persons with criminal convictions. WIOA provides flexibility in distributing federal funds to reach



priority populations, including allowing up to 10% of Title 1 funds for transitional jobs for those facing barriers to work. NYC currently has a pilot being expanded to include agencies that can access SNAP and emergency funds so this should be a statewide initiative.

### ***Transitional and Permanent Housing***

Safe and stable housing, coupled with individually tailored services, is a key foundation to reduce recidivism for people who have criminal convictions, especially for those who have served long terms of incarceration. However, too often, formerly incarcerated individuals are released to shelters rife with violence and drug use or to street homelessness. Such homelessness places them at risk of returning to incarceration both through technical violation of parole conditions, including absconding from supervision, and through conduct that leads to re-arrest and reincarceration.

Upstate, emergency shelters must move people out within 30-45 days. But people being released from state prison to homelessness find themselves perpetually at the lowest priority for housing. HUD's definition of homelessness excludes them, so they do not have access to HUD-funded programs for people experiencing homelessness until they have lived on the street or in a shelter. Due to their prison stay, they also have not accrued the shelter time or street homeless time to meet the additional priority of being "chronically homeless" that lets them access most permanent supportive housing.

**Recommendation:** The state should address supportive housing needs by replicating innovative models such as the Fortune Academy (aka "The Castle") in Harlem and CCA's Freedom Commons

in Syracuse. Doing so will provide recently released persons with longer initial stays (from 45 days to six months) and ensure that their move to permanent housing is successful.

**Recommendation:** New York State Office of Temporary Disabilities Assistance (OTDA) should create a one-million-dollar (\$1,000,000.00) funding stream to support one upstate and one downstate transitional housing pilot program for formerly incarcerated people. This funding could provide six months or more of transitional housing for over 100 people to support rehabilitation and reintegration into society. In addition, the state should create a fund that supports transitional housing, like the model of the Empire State Supportive Housing Initiative.

### ***Mental Health and Substance Use Disorder Treatment***

Even with historic reductions in incarceration rates in NYC, half of the people incarcerated on Rikers Island are incarcerated on indicted felonies and between 11-20% have a serious mental illness. This population ends up staying incarcerated longer than any other population and costs more to incarcerate. People living with serious mental illness belong in treatment, not in a prison or jail. CASES and the Greenburger Center will continue their efforts to provide mental health services to a justice involved population, particularly those accused of felony level crimes that so far have not been readily diverted to ATI programs due to the seriousness of their mental illness.

The Greenburger Center is on track to break ground on Hope House in 2020, it's first of a kind in the nation ATI for this population. CASES will continue to expand access to a continuum of community forensic mental health services. These services support vital walk-in access into outpatient clinic and intensive mobile Forensic Assertive Community Treatment (FACT), addressing the urgent need for

mental health treatment from pretrial to reentry for individuals with untreated and stabilizing mental health needs.

**Recommendation:** Additional funding for FY21 will help support these fledgling efforts which are critical to closing Rikers, as fully half of the people currently on Rikers Island are there on indicted felonies, and up to 20% have a serious mental illness. Just as importantly, the Greenberger Center's Hope House and CASES' FACT team models could be replicated upstate through shared service agreements among county partners.

The criminalization of mental illness and substance use disorder has resulted in a disproportionate number of low-income New Yorkers of color landing in the criminal justice system instead of community health care settings. In 2018, 59% of the average daily jail population statewide had substance use disorders. We must continue to try to find ways to break the cycle of re-incarceration and relapse that costs an exorbitant amount in both lives and money lost every year.

While there have been significant reductions in the number of people incarcerated in NYS for drug crimes since the 2009 Rockefeller Drug Law Reforms, thousands of New Yorkers each year who should be eligible for diversion are still sentenced to state prison. New York must ensure individuals currently eligible for diversion are diverted.

**Recommendation:** New York State should expand the crimes eligible for diversion under Drug Law Reform to include Burglary in the 2<sup>nd</sup> Degree and Robbery in the 2<sup>nd</sup> Degree where violence is

not a factor. While these can be serious crimes, individuals may be serving needlessly long sentences when they could be better served by being diverted into treatment.

Improved SUD care within jails and prisons is also greatly needed. SUD medications were introduced in early 2017 in the Rhode Island correctional system. A study published in the April 2018 issue of JAMA Psychiatry found a 60% reduction in overdose deaths between the first six months of 2016, before the program began, and the first six months of 2017 among individuals recently released from incarceration in Rhode Island.<sup>1</sup> They have been in use on Rikers Island for thirty-one years and DOCCS, as well as a number of local jails outside of New York City, have recently introduced or expanded programs providing medications to treat opioid use disorders. This is an important start. However, at a time when New York and the US are confronting an overwhelming opioid epidemic, resulting in tens of thousands of deaths per year, providing these medications to every individual who needs them is not only the humane thing to do. It is essential to saving lives.

**Recommendation:** New York should pass legislation to establish a program to provide MAT at all jails and prisons throughout the state.

A main issue thwarting effective jail and prison discharge planning is the lack of access to consistent transitional care. Treatment works best when it starts upon admission and certainly well before an individual re-enters the community. In November 2019, New York State proposed to become the first state in the nation to obtain a waiver from the federal government of the Medicaid Inmate

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<sup>1</sup> Green TC, Clarke J, Brinkley-Rubinstein L, et al. Post incarceration Fatal Overdoses After Implementing Medications for Addiction Treatment in a Statewide Correctional System. *JAMA Psychiatry*. 2018;75(4):405–407. doi:10.1001/jamapsychiatry.2017.4614 <https://jamanetwork.com/journals/jamapsychiatry/article-abstract/2671411?redirect=true>

Exclusion to allow Medicaid to pay for specific and limited transitional care inside prisons and jails by submitting an amendment to the 1115 Medicaid Waiver to CMS.

Paying for care inside jails and prisons via federal Medicaid is a critical element in addressing the State's overdose epidemic, especially in light of the high rate of death post-incarceration: an individual is 12 times more likely to die and 130 times more likely to die of a drug overdose in the first two weeks after release from incarceration compared to the general population.. Coordinating the services between our criminal justice and health systems is imperative because, not only is treating people the humane course of action by making individuals healthier and more productive, it's also undeniably smart policy that reduces crime and recidivism, saves money in both systems, and makes communities at large healthier and safer.

**Recommendation:** Continue to support the State's efforts to be approved for this waiver amendment

### ***Higher Education***

College-in-prison is one of the most reliably rehabilitative activities that can be offered. Restoring college financial aid to help low-income people in prison prepare to re-enter society is a moral imperative. New York has seven colleges of the 64 selected to participate in this Experimental Sites Initiative administered by the US Department of Education. In these colleges, students pay for participation in this program by using Pell grants under the US Department of Education's Second Chance Pell Experimental Sites Initiative. Second Chance Pell temporarily lifts the federal ban on Pell grants for people in state and federal prisons. The overall TAP state budget for all students, non-incarcerated and incarcerated, is \$1.1 billion. At its highest estimate, incarcerated students would

account for 1.5% of the total cost of the program. These estimates calculate the maximum impact on the TAP program that these students may represent.

**Recommendation:** New York's Tuition Assistance Program (TAP) program (S. 790 / A. 3975) to reinstate eligibility for state financial aid for incarcerated students should be signed into law.

Finally, we ask that the Legislature support the separate request submitted by Assembly member Dan Quart for increased Assembly funding for the Correctional Association of New York (CANY).

CANY is the only independent, non-governmental entity in New York that has legislative authority to monitor New York State's 52 prisons and report on the conditions inside. While a major part of CANY's role is to conduct in-depth, in-person monitoring visits to these facilities to gather information that can then be reported to the legislature and the public, it also can play a key role in assisting with the goals of its fellow ATI/Coalition Reentry members.

Because CANY has legislative authority to enter all DOCCS facilities, it would, for example, be able to identify all incarcerated individuals who will be released in any given year, travel to correctional facilities to speak with those individuals prior to release in an effort to assess what their reentry needs will be, and then share that data with the Legislature, reentry providers and the ATI/Reentry Coalition. This type of data-gathering would be beneficial not only for the Coalition and New York State but also ultimately for any incarcerated people with no means of support or assistance who are slated to return to communities outside of New York City. Increased funding would enable CANY to expand services already provided and to carry out this essential component in the effort to scale ATI services. Consequently, the request for increased funding should be given the utmost consideration.

In conclusion we believe that the time is now for building on New York's decades of investment in ATI and reentry services and the expertise that the State's funding has enabled providers to develop. ***New York now has the opportunity to become the first State in the nation to bring alternative to incarceration (ATI) and reentry services to scale statewide so that all New Yorkers can access these needed services***, New York should allocate \$2.3 million in the coming year to help speed the closure of Rikers Island and begin the expansion of ATI and reentry services to underserved parts of New York State and allocate \$300,000 to the state Division of Criminal Services to support the creation of a plan for bringing ATI and reentry services to scale in every part of New York.

**New York State ATI and Reentry Coalition  
Legislative Recommendations 2020**

The undersigned alternative-to-incarceration (ATI) and reentry programs recommend that the Legislature enact the following reforms to strengthen the ability of individuals to successfully reenter their communities from the criminal justice system; therefore, having greater ability to live productive and fulfilling lives:

1. **Criminal records clearance provides crucial relief for people facing persistent barriers in employment, housing, and education, enabling them to better support their families and contribute to their communities, in turn making communities safer.** The impact of criminal records clearance on employment prospects is particularly significant. A recent University of Michigan study found that within two years of an individual clearing their record, their wages increased by 25% on average. Only through automatic expungement can New York ensure that the transformative impact of records clearance is widely accessible, without the administrative cost and procedural burdens of current petition-based sealing under Criminal Procedure Law S 160.59.
2. **Enacting Fair Chance legislation to prevent New York State employers from asking about a job applicant's criminal record until a conditional offer of employment has been made** – Even though New York currently has a law prohibiting employers from discrimination based on criminal convictions (Article 23-A of the Correction Law), many employers continue to do so. This bill (**A3972/S1402**) would help ensure that employers



abide by Article 23-A by preventing them from considering criminal record information until later in the hiring process (CoRA).

3. **Ensuring that persons illegally discriminated against by a public employer due to a prior criminal conviction are able to seek the same enforcement mechanisms**

**available to other victims of discrimination** – This bill (S2193/A7676) establishes meaningful enforcement of the Human Rights Law’s anti-discrimination provisions.

Only one class of individuals claiming illegal discrimination, those discriminated against by public agencies based on their criminal record, have their legal remedies limited. This bill gives victims of criminal-records based discrimination the same access to enforcement mechanisms available to other victims of discrimination, and the opportunity to receive real relief (CoRA).

4. **Amend Executive Law § 845-d and Judiciary Law § 212(2)(z) to provide that cases that are adjourned in contemplation of dismissal (ACDs) are not reported for civil purposes**

– This technical fix would bring Executive Law § 845-d and Judiciary Law § 212(2)(z) into alignment with last year’s amendment of Executive Law § 296(16) that prohibits covered entities from considering pending ACDs in evaluating applicants. It would provide that the Division of Criminal Justice Services and the Office of Court Administration shall not disclose cases that are currently adjourned in contemplation of dismissal on DCJS RAP sheets produced for civil purposes or on the criminal history searches conducted by OCA for the public (CoRA).

5. **Clarify that after sealing under §§ 160.50, 160.55, 160.58, or 720.35 of the Criminal Procedure Law, no record may be used for any purpose unless authorized by law** —

The widespread dissemination of arrest and court records (often by computer) to private

agencies before sealing threatens to undermine the purpose of the sealing laws. This technical amendment (A6441) would clarify that after sealing, no record may be used for any purpose unless otherwise authorized by law (CoRA).

**6. Making it illegal for individuals, employers and others to request or require that an individual acquire a copy of his or her own fingerprint-based criminal record report from DCJS, unless they are statutorily permitted to do so** —

A number of employers and government agencies who do not have statutory authority to obtain rap sheets regularly condition job offers, government licensing, access to education and other benefits on the applicant providing a copy of his or her own rap sheet. This enables these employers and licensing agencies to see sealed and confidential information which the State Human Right Law bars them from using when making employment and licensing decisions. It also requires many of the individuals to spend over \$60, an amount which many will have difficulty affording. This bill (A5279/S2164) would prevent these entities from requesting that the individual provide them with their rap sheet (CoRA).

**7. Ending Mandatory Minimum Sentences by Permitting Judges to Depart from Mandatory Minimum Sentences That Would Result In Substantial Injustice.---**

This so-called “Justice safety Valve Act” bill (S5712) would modify Section 60.01 of the New York Penal Code to permit judges to depart from imposing a mandatory minimum prison sentence if (a) it would result in substantial injustice (b) the mandatory minimum sentence is not necessary for the protection of the public.

8. [Enacting Fair Chance legislation to remove questions about a criminal record in higher education applications](#) — This bill ([S809](#)) explicitly prohibits colleges from asking about or considering applicants' past arrest or conviction during the application and admission decision-making process. To learn more, read the following [memo in support](#) from the [Education from the Inside Out \(EIO\) Coalition](#).
9. [Restoring higher education in New York State prison facilities](#) — This bill (A4011/[S2206](#)) repeals ban on those who are incarcerated receiving New York State student financial aid awards from the Tuition Assistance Program (TAP) and expands educational opportunities for those who are incarcerated.
10. **Placing Incarcerated Parents closer to loved ones:** (S724A/A6710) requires DOCCS to place incarcerated parents with minor children in prisons of their designated security level that are closest to their children and also meet their health and programming needs.
11. **Restoring the Family Visiting Bus:** (S731A/A5942) From 1973 to 2011, NYS provided buses for visitors throughout the state to see their loved ones in state prisons. This bill would restore the bus service and includes a funding allocation of \$3 million. DOCCS has reported that since 2011, the Department has saved approximately \$193 million *annually* from the 17 prison closures since that year. Visiting has been shown to result in numerous benefits including promoting public safety, rehabilitation, successful reentry, and child well-being.

12. **Codifying Prison Visits:** (S2698/A2483) ensures that the right to in-person visits is protected by State law so that video conferencing cannot replace in-person visits as it is doing in other states and counties outside NYS.
13. **Enacting Elder Parole:** (S2144/A9040) Relates to parole eligibility for those incarcerated who are age fifty-five or older and who have already served 15 years who would not otherwise be eligible for parole.
14. **Enacting the Fair and Timely Parole Bill:** (S497) (A4346) requires the parole board to determine with reasonable probability whether an individual who has reached his/ her minimum sentence poses a current and unreasonable risk to public safety that cannot be mitigated by community supervision. If not, he/ she shall be granted parole. If parole is not granted, parole shall be granted upon the individual's next hearing unless the Board can show by a preponderance of evidence that the individual is a threat to the community.
15. **Protect Bail Reform:** In 2019, New York passed historic pretrial legislation to protect the presumption of innocence, end the criminalization of poverty, and address the crisis of mass pretrial jailing. Since its passage, a coordinated political campaign has sought to undermine the laws implementation through fearmongering and disinformation. The ATI Coalition stands unwaveringly behind the new bail reform law and urges the New York legislation to oppose any rollbacks to bail reform that would return us to this unequal and

oppressive system. We also call on our legislators to reject attempts to replace money bail with equally harmful constructs like “predictive dangerousness,” which entrench racial disparities and, in some cases, increase pretrial incarceration.

**16. End the School-to-Prison Pipeline:** New York's laws and policies on school discipline favor harsh, exclusionary punishments that disproportionately target Black and brown students and students with disabilities, limit academic achievement and push students out of the classroom and into the criminal legal system. To address this school-to-prison pipeline, New York must pass Solutions Not Suspensions (S767B/A1981B) to encourage restorative justice, seriously limit the use of suspensions in Kindergarten to third grade and shorten the maximum length of suspension from 180 to 20 school days.

**17. Achieve Youth Justice:** The children and adolescents in New York's youth justice system are among our state's most vulnerable. To achieve the best outcomes for them, and to continue to promote genuine community safety for all New Yorkers, we must embrace a broad vision for youth justice. This includes ending the prosecution of children under 12, strengthening and expanding protections for court-involved youth up to age 25, ending the use of solitary confinement, and ending the adult incarceration of youth.

**18. HALTsolitary:** Solitary confinement past 15 days constitutes torture as defined by the United Nations. People in isolated confinement in New York's Special Housing Units (SHUs) spend 22 to 24 hours a day locked in a cell the size of an elevator, alone or with one other person. They may be permitted one hour to exercise alone in a cage. They do

not receive any meaningful programs or therapy and cannot make phone calls. The sensory deprivation, lack of normal human interaction, and extreme idleness can lead to intense suffering and severe psychological damage. To end torture in New York, the legislature must pass Human Alternatives to Long-Term Confinement (S1623/A2500).

**19. Expanding Educational Release Opportunities (S7685/A9558)** This bill would expand the opportunity for temporary release for incarcerated persons to attend educational courses at colleges and other educational facilities. No person has been released under the current education-release laws in the laws ten years. This bill would expand eligibility for educational release by removing the language that excludes many people from participating.

**20. Reforming New York's Community Supervision (S1343B/A5493A)** This bill modifies the standard of evidence and certain other procedures when determining whether to revoke the community supervision of a person. New York has the second highest rate for reincarcerating people for technical violations. Nearly 1/3 of the new admissions to state prisons are due to people reincarcerated for technical violations of parole. This bill would dramatically reduce the number of people reincarcerated for technical violations.