

JOINT LEGISLATIVE PUBLIC HEARINGS ON THE 2021-2022 EXECUTIVE BUDGET PROPOSAL

Thank you for the opportunity to testify today about the 2021-2022 State Fiscal Year budget and the critical role that alternatives to incarceration and victim service programs play in addressing violence. My name is Danielle Sered and I am the Executive Director at Common Justice, a restorative justice-based project that addresses crime in a way that meets the needs of victims, reduces recidivism, and improves participants' satisfaction with the justice system.

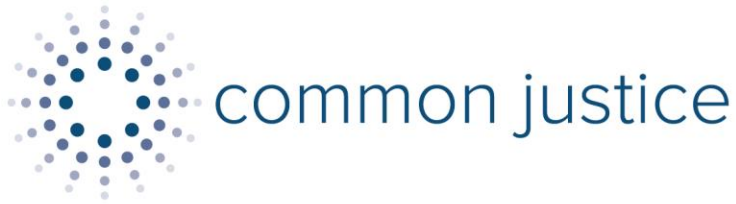
I'd like to thank the Legislature and the Executive for funding Common Justice's restorative justice-based program since 2008. With your continued support, the Assembly has helped make it possible for Common Justice to expand its work in New York and emerge into significant national leadership for practical strategies to hold people accountable for harm, breaking cycles of violence, and securing safety, healing, and justice for survivors and their communities.

STATEMENT OF NEED

As consensus and momentum grows to reduce mass incarceration, the current narrative, while energetic and powerful, is based on a fallacy: it assumes we can achieve large-scale, transformative change by changing our responses to non-violent and drug offenses. While those reforms are undoubtedly essential, we will not reach 50%—or better, 1970s levels—without taking on the issue that most of these campaigns avoid: the question of violence.

Similarly, we recognize the extraordinary needs of crime survivors that are unmet by existing practices and programs. Contrary to popular belief, the person most likely to be harmed by violent crime both nationally and in New York City is a 16- to 24-year-old man of color. And yet they are virtually unrepresented among the recipients of victim services and the voices of victims whose experiences shape our policy priorities. The failure of the current system to adequately engage these young men means they are more likely to live with unaddressed symptoms of trauma, less likely to get the help they deserve, and less likely to recover.

The failure to serve all victims equitably is compounded by the system's ineffective reliance on incarceration to promote public safety, as evidenced by the extraordinarily high recidivism rates among people returning from incarceration. For those returning from prison, the educational setbacks, collateral consequences, and common adverse mental health impacts associated with incarceration diminish the prospect of an individual obtaining or retaining a meaningful position in his or her community, which in turn makes re-offending nearly inevitable. Communities are burdened with an overreliance on incarceration that is costly in both financial and human terms. Current trends raise particular alarm for those of us concerned with racial inequity, since 81% of those incarcerated in the state of New York are people of color, as are 95% of the youth entering



detention in New York City. Overall, the justice system lacks a model for effectively breaking these cycles of violence and incarceration.

Common Justice has built and maintains collaborative and supportive relationships with other alternative to incarceration (ATI) programs and victim service providers in New York. We collaborate with ATIs such as CASES and the Fortune Society to share and assign referrals based on eligibility requirements, to refer our clients to their other programs, and to share best practices. We urge the legislature to continue supporting alternatives to incarceration programs in New York to transform the criminal justice system in this country and dismantle our failing reliance on incarceration.

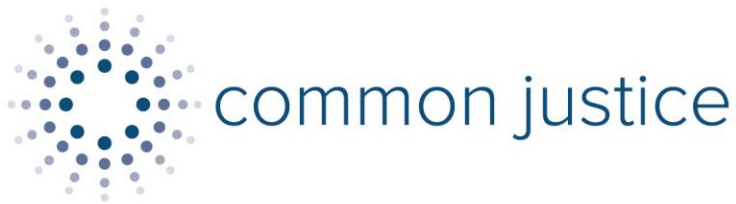
OUR PRACTICE ON THE GROUND

The first program of its kind in the country, Common Justice is both an alternative to incarceration for young people who commit serious crimes and a victim service program for those they harm. The project presents a ground-breaking approach to violent crime that gives victims more options and reaches victims currently underserved by existing programs.

Common Justice's direct service work aims to demonstrate to the field, the public, and justice system stakeholders that participatory, non-prison-based responses to violent crime can: 1) break cycles of violence by centering positive pro-social values, particularly dignity and responsibility, in youth who have committed harm, and by giving those harmed an empowering opportunity to participate actively in shaping the response to what was done to them, 2) improve the mental health and wellbeing of crime survivors, 3) provide for more equitable services for young men of color and other under-served survivors, 4) avert the damaging effects of incarceration, and 5) increase people's experience of fairness and safety in the aftermath of harm.

In Brooklyn and the Bronx, Common Justice engages younger adults (ages 16 to 26) and those they have harmed. If the harmed parties agree, these cases are diverted into a dialogue process that gives participants the power and opportunity to collectively identify and address impacts, needs, and obligations, in order to heal and put things as right as possible. In the dialogue process, all parties agree on sanctions other than incarceration to hold the responsible party accountable in ways meaningful to the person harmed. Staff closely monitors responsible parties' compliance with the resultant agreements—which may include extensive community service, rehabilitative and educational programming, violence intervention classes, and restitution, among other commitments unique to each case—and connects the harmed parties with appropriate supports. These agreements replace the lengthy prison sentences our responsible parties would otherwise have served, and the felonies are removed from their records when they complete the program. We work with a broad range of victims of all demographics, but crucial among them are the young men of color currently excluded from service—notably, a full 70% of our harmed parties are men of color.

Our work continues to show strong positive outcomes. Thus far, only 7% of people who enter the program have been terminated from the program for new crimes, and only 9% have been



terminated for non-compliance. Of those who exited Common Justice, 80% graduated successfully. In addition to maintaining these low failure rates, the project has delivered a wide array of services to hard-to-reach populations of harmed parties, chief among them men of color.

In 2017, we expanded our direct service work to the Bronx—which represents the first replication of our model since our inception. Our expansion to the Bronx builds on our success in Brooklyn, where we have secured a steady case flow from the Brooklyn District Attorney’s Office for the first time since our inception and have begun expanding in light of the stabilized partnership. The Brooklyn District Attorney’s office has continued to demonstrate a strong commitment to our partnership and we are now positioned to achieve the goals we have set forward for our work and growth.

IMPACT OF THE PANDEMIC

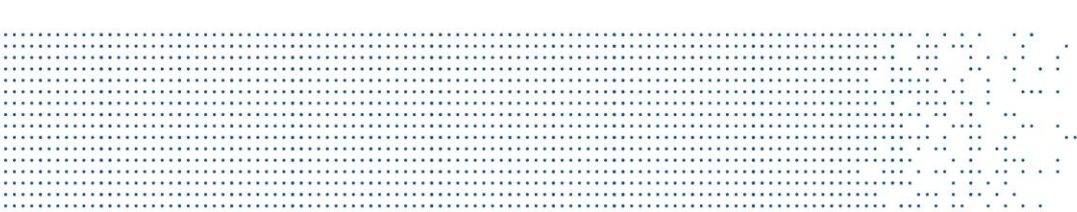
There is no way to discuss our work in the last year that does not begin with the seismic impact COVID-19 has had on our work. From the moment the virus hit New York City, we began navigating food instability, ICE raids, mental health crises amidst a citywide shutdown, getting Common Justice eligible participants out of Rikers Island jail as quickly as possible, managing the implications of the shutdown of the courts, and more.

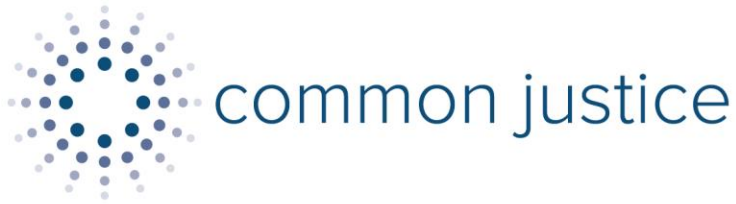
The rapid onset of the pandemic forced Common Justice to adapt the program model in a way we could continue engaging participants remotely and substantially. We started by compiling online resources and provided smartphones to participants without one so they could have the capacity to connect with their intervention manager via video call. We also increased daily contact with participants struggling with program compliance.

Alongside this remote model, we launched a stipend program to maintain engagement and provide participants with the ability to manage any obstacles towards maintaining stability, including healthcare challenges, income loss, and food and housing insecurity. Through this program, participants are paid \$15/hour for up to 20 hours each week of qualifying activities that they complete—including participation in online school and training programs, child care, and work toward their restorative justice agreements. The program has both stabilized our participants in meeting their most urgent material needs in this time as well as incentivized their regular contact with us even through the limitations of remote engagement.

In addition to adapting our work with responsible parties, our trauma support team has established a workgroup to advance and increase support for harmed parties around issues of mental health, food insecurity, and evictions. Our outreach team worked to adapt and implement new processes for virtual restorative circles. We completed 15 restorative circle processes between August and December of 2020.

The COVID-19 pandemic has highlighted and intensified long-standing health, social, and economic disparities that have always been present in our participants’ lives. Despite the challenges that this year has posed, we are proud to share that we had 13 participants complete





the program as graduates. Our participants have risen remarkably to the challenge of these times, and our staff, themselves also directly impacted by the very issues we address, have provided steadfast accompaniment through it all.

DEMONSTRATING SOMETHING ELSE IS POSSIBLE

Even amidst the pandemic, we have also made significant strides in preparing the model for replication, thereby overcoming a substantial barrier to the expansion of the work. In a moment of increased and steadily growing interest in the Common Justice model in other jurisdictions, this internal effort to document and standardize the practice, supported directly by the legislature and ongoing at this time, could not be better timed. We partnered with an experienced team of consultants to help document the key elements of our direct service model to prepare it for replication, develop and refine our training process, and capture core principles and supervision practices. We are currently in the process of developing a broad range of knowledge and information transfer tools for replication, with a focus on consistent implementation of the model, quality assurance, and standard approaches to supervision and staff development. The aim of this effort is to capture, to the degree possible, the critical elements of the program design that manifest as part of the daily practice, crisis response, creative problem solving, or organizational culture, but are not yet sufficiently documented to be transferable to new sites.

The legislature's support has been instrumental to our success and growth. In the coming years, we will be working to expand our operations to other boroughs in New York City and other jurisdictions around the state. I know the issues we work on are of importance to the legislature and to your constituents, and we are appreciative of your steadfast support.

GOING FORWARD

Common Justice has been funded by the legislature (in grants administered by DCJS) at \$200,000 annually, due to the longstanding support of the Assembly. We respectfully request that the legislature will consider supporting us at the level of \$400,000 this year to continue its support of our Brooklyn site and support our expansion in the Bronx. The Assembly's ongoing support is more important than ever, and this year's budget presents us with new opportunities to ensure that Common Justice continues to provide its integral services in the communities you serve.

Thank you again for the opportunity to testify.