

TESTIMONY OF THE LEGAL ACTION CENTER

Assembly Ways and Means and the
Senate Finance Committees
Joint Public Hearing on Public Protection
Executive Budget FY 2022-2023

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Presented by

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I am Tracie Gardner, Senior 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 that New York increase funding for ATI and reentry services by \$16.2 million in the coming year, with \$16 million for the expansion of ATI and reentry services and \$200,000 to support the creation of a plan for bringing ATI and reentry services to scale in every part of the state. 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 prison population in New York, thereby contributing to the State's efforts to address mass incarceration and the racial discriminatory impacts of the criminal justice system. Furthermore, additional sentencing reform to reduce prison time and save money can be reinvested into the communities most impacted. It is essential that there be programming to help prevent the continued cycling in and out of jails and prisons of those with substance use and mental disorders.

We appreciate the Executive proposal to add \$10 million for pre-trial services in Executive Budget. It is an important initial down payment but it is not nearly to address needs all the justice continuum.. These funds could be utilized to provide technical assistance provided by established programs to build the capacity of other programs and/or in other regions of the State. Additionally, these funds could also help leverage dollars from other sources of funding than criminal justice where people with criminal justice-involvement are served. Transitional and permanent housing, substance use disorder and mental health treatment, and higher education are a few more examples of systems that should be providing targeted funding streams to serve people still or recently in the criminal justice system.

By 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.*

We strongly recommend

- Expanding ATI and reentry services in the many parts of the state that are underserved, including most of upstate New York
- Expand ATI and reentry services in New York City to fill gaps to support the closure of Rikers Island

Additional Criminal Justice Proposals

We were happy to see that the Governor included key principles of Clean Slate in the Executive Budget. It is wonderful to see the broad support for the key principles that underpin Clean Slate:

strengthened communities, increased economic growth and enhanced public safety. However, the proposed language includes changes that significantly weaken the bill. We ask you to include in your one house budget bills the full Clean Slate bill, (S. 1553C and A. 6339B) without these changes.

New York State needs Clean Slate legislation now more than ever. Clean Slate NY is a racial justice, jobs, and housing bill that seeks to end the perpetual punishment of a conviction record, in turn enabling the 2.3 million New Yorkers with conviction records to access the employment, housing, education and other opportunities they need to successfully reenter and contribute to their communities. As our economy rights itself after COVID 19's devastating impacts, we need to ensure that everyone is a part of the recovery. But individuals with conviction histories will be left out without the automatic sealing relief Clean Slate brings. An astonishing one in seven New Yorkers – approximately 2.3 million people – have conviction histories; because of our state's history of discriminatory policing, prosecution, and mass incarceration, most are Black or Brown. Having a conviction history can mean a lifetime of lost opportunities not only for an individual but for their families and communities. It can mean a lifetime of perpetual punishment that continues long after any criminal systems involvement has ended. New York can change this grim reality by passing the Clean Slate Act, which will automatically seal conviction records for civil purposes such as jobs and housing.

For Clean Slate to be effective, it is crucial that the waiting period for clean slate sealing is not unreasonably extended, delaying people's ability to move forward with their lives. The Clean Slate provision in the Executive Budget does not start the waiting period until the conclusion of the maximum sentence, extending the wait for sealing by years for many people. Under the Executive's

proposal, unlike the current Senate and Assembly bills, the time that people spend in the community on probation, parole or supervised release, would not count towards the waiting period. And supervision often lasts for years. When someone is under supervision in the community, they are still working to rebuild their lives during that time, seeking jobs and housing, going to school and caring for their families. These years in the community must count.

Additionally, the Executive Budget removes important enforcement provisions in the Clean Slate bill. Clean Slate must include enforcement mechanisms, in order to ensure it is effectively carried out. We have seen in the past how these laws can be flouted if people cannot bring an action to enforce the law. It is essential that these provisions are included in the Clean Slate bill.

Clean Slate is supported by business leaders, unions, faith leaders, directly impacted individuals and organizations they lead, and individual New Yorkers in every corner of the state, Clean Slate is a jobs bill, a housing bill, and an antipoverty bill. Automatically sealing past conviction records is also a matter of simple fairness. Championed by Senator Zellnor Myrie and Assembly Member Catalina Cruz, the Clean Slate Act will allow New Yorkers to move ahead with their lives and participate in our state's economic and social recovery. This will not only help individuals and their families thrive but will also enhance public safety. We urge you to include this vital bill in your budget bills in its full form.

Finally, we ask that the Legislature support the Correctional Association of the State of New York (CANY). Funding for CANY at \$180,000 will be well utilized especially considering their expanded charter to monitor conditions in NYS Corrections.