



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

James Royall – Reentry Specialist/Advocate

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council Committee on Aging

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Good Morning, my name is James Royall and I am the Reentry Specialist at Brooklyn Defender Services (BDS). BDS provides multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy in nearly 40,000 cases in Brooklyn every year. I want to thank the New York City Council and, in particular, the Committee on Aging and Chairperson Chin for the opportunity to testify today about BDS's support for legislation to create a temporary task force on post-incarceration services for older adults reentering society. I also want to express special gratitude to Councilmember Dromm, the lead sponsor of this legislation, who has dedicated himself to the rights and well-being of incarcerated people for many years.

Reentry is the process of leaving a correctional facility, or any state or local custody, and returning to society. All formerly incarcerated men and women experience reentry, irrespective of their manner of release or level of supervision. If the reentry process is successful, there are benefits in terms of improved public safety and the long-term reintegration of the formerly incarcerated. Reintegration outcomes include increased participation in social institutions such as the labor force, families, communities, schools and religious organizations. Increased participation in these social institutions is what strengthens our society.

BDS Supports Int. No. 1616 – a Local Law in relation to establishing a temporary task force on post-conviction reentry for older adults (Dromm).

BDS strongly supports the establishment of a task force for older adults returning to society and offers recommendations to strengthen this legislation. New York State’s prison population is aging. More than 10,100 people aged 50 or older are currently incarcerated in New York, according to the latest available data. Even as the total prison population in this state has gradually decreased, the number of individuals in this older adult category has jumped by 46 percent.¹ Advocates like the Release Aging People in Prison (RAPP) Campaign, Parole Justice New York, Citizen Action and the Challenging Incarceration collective are pushing Governor Cuomo and the Legislature to adopt reforms that would allow for many incarcerated older adults, who have the lowest recidivism rates, to be released. Led by this proposed task force, New York City can be an ally in the parole reform effort by formally supporting these proposed reforms and committing to have the resources in place to help these individuals successfully return.

Currently, there is a broad slate of programs and services for older New Yorkers across the city, and a growing network of re-entry resources, but very little overlap between the two. Older adults endure unique hardships in prisons and jails, as the facilities and staff are not adequately equipped to support them. Crucially, family members and others in the home and community who would traditionally serve as caretakers are prevented from doing so. Likewise, few community-based organizations that serve older New Yorkers specialize in meeting the needs of returning citizens. It is my hope that this task force will hold a microscope to these gaps and galvanize policymakers to fill them.

Recommended Bill Amendments

To make this task force as meaningful and effective as possible, BDS recommends four amendments to this legislation.

- 1.) First, we believe that the task force should remain in place for at least five years to monitor implementation of the recommendations in its forthcoming report and hold policymakers accountable with additional progress reports.
- 2.) The legislation calls for one member of the task force to be formerly incarcerated. BDS believes that at least half of the members should have close personal experience with incarceration, either through their own incarceration or that of a family member. The agency officials and academic sought for the task force in the current bill language have a variety of valuable expertise, but nobody understands the problems of re-entry, and how to fix them, better than those who have lived through it.

¹ NYS Comptroller Thomas P. DiNapoli, New York State’s Aging Prison Population (The Office of Budget & Policy Analysis 2017), <http://osc.state.ny.us/reports/aging-inmates.pdf> (last visited Sept. 19, 2017).

- 3.) The task force should also include at least one provider of affordable and/or supportive housing. Our clients' experiences affirm the reality that stable housing is key to successful reentry, yet "58% of older people (1,699) were homeless upon release and nearly 1,200 went directly to a homeless shelter," according to RAPP. Such unstable housing can disrupt medication and therapy regimes, impose additional unnecessary restrictions like curfews, and add to the overall volatility and stress of being poor in New York City and subject to widespread discrimination in employment and elsewhere.
- 4.) Lastly, the bill should require that the task force explore the unique challenges of re-entry for people convicted of sex offenses and make recommendations to the state regarding its movement and residency restrictions for this population. While there are substantial political challenges associated with assisting this population with re-entry, public safety and fairness demand reconsideration of years of policy that ultimately is not linked with positive outcomes or increased public safety. The restrictions included in the Sexual Assault Reform Act (SARA) generally prohibit offenders from "knowingly enter[ing]" any area within 1000 feet of schools or other facilities primarily used by people under the age of 18. However, ample research has disproven the underlying assumptions that drive these restrictions. In short, they do nothing to prevent sex offenses from occurring and in fact can increase risks of re-offending by preventing affected individuals from obtaining stable housing and employment or accessing treatment and even mandatory parole office appointments.^{2,3} This has a direct impact on New York City government, which is required by court order to provide shelter but often fails to do so while complying with these restrictions. Likewise, the state prison system requires a home address to release an individual to parole, but often fails to identify a viable and compliant one. The shocking result is that people in state prisons are sometimes held beyond the end of their sentence until a SARA-complying residence is found.⁴ BDS has successfully litigated to remove SARA restrictions for one client, but broader reform is urgently needed.⁵ Re-entry is not about the crime of conviction, which is the one thing that cannot be changed, but rather the rehabilitation and re-integration of the individual. This task force should seek to improve outcomes for all returning older adults.

² See A 'Frightening' Myth About Sex Offenders, by David Feige in New York Times Op-Docs, available at <https://www.nytimes.com/video/opinion/100000005415081/a-frightening-myth-about-sex-offenders.html?mcubz=0> (last visited Sept. 18, 2017).

³ See DCJS Website, "Myths and Facts: Current Research on Managing Sex Offenders," available at http://www.criminaljustice.ny.gov/nsor/som_mythsandfacts.htm (last visited Apr. 1, 2014).

⁴ Christie Thompson, For Some Prisoners, Finishing Their Sentences Doesn't Mean They Get Out, The Marshall Project, May 24, 2016 at , <https://www.themarshallproject.org/2016/05/24/for-some-prisoners-finishing-their-sentences-doesn-t-mean-they-get-out>.

⁵ Andrew Keshner, Judge Finds State Limits on Sex Offender Moves Illegal, N.Y. L.J., Oct. 6, 2014 at , <http://www.newyorklawjournal.com/id=1202672385488/Judge-Finds-State-Limits-on-Sex-Offender-Moves-Illegal>.

Additional Recommendations

Once the task force is established, BDS will have additional recommendations for members. One area in need of urgent reform that we will highlight, and that is critical to our clients and their families, is prison visiting. Maintaining tight support networks while incarcerated can be both extremely difficult and extremely beneficial for people on both sides of the prison walls. The biggest challenge to maintaining these networks is a direct result of choices made by policymakers, namely the placement of prisons in regions of the state that are generally inaccessible to the communities most people in prison call home. New York State used to mitigate this problem by offering free visiting buses to families and they should be restored as soon as possible. Legislation to do just that, A.7016/S.5693, is pending in Albany and Governor Cuomo and the Legislature should include it in the state budget this coming session. Substantial research has shown that consistent visitation is one of the primary drivers of rehabilitation and a protection against recidivism.⁶ It is well worth the investment.

Thank you for your consideration of my comments. I look forward to continuing to work with the Council to support the creation of this task force and ensure that it is effective.

Questions?

Please feel free to contact BDS' Advocacy Specialist Jared Chausow at 718-254-0700 ext. 382 or jchausow@bds.org.

⁶ Minn. Dept of Corr., Effects of Prison Visitation on Offender Recidivism (2011), <http://www.doc.state.mn.us/pages/files/large-files/Publications/11-11MNPrisonVisitationStudy.pdf>.