NY STATE AND CITY POLICY AND ADVOCACY PRIORITIES FOR 2019

This document outlines the legislative, policy, and funding priorities of the Osborne Association and its policy center, the Osborne Center for Justice Across Generations. Our 2019 priorities fall into three categories: 1. children and families, 2. aging and parole justice, and 3. funding requests to develop or expand critical services.

CHILDREN AND FAMILIES

State-level Priorities

Pass the Proximity Bill, S724 (Senator Montgomery/Assembly Member Rozic)
Requires the Department of Corrections and Community Supervision (DOCCS) to place incarcerated parents in prisons that are closest to their children (after considering existing criteria of security level, health, and program needs).

Distance and the burdensome cost of visiting remote prisons make it difficult for children to visit their incarcerated parents. Visiting is associated with improved well-being for children and incarcerated parents, lower recidivism rates, and successful reentry and family reunification. Yet, the majority of incarcerated individuals in New York prisons are over 100 miles away from their families in facilities that are inaccessible by public transportation. Incorporating proximity into the prison assignment determination is a win for children, parents, correctional environments, and public safety.

Pass the Visiting Bus Bill, A5942/S731A (Senator Montgomery/Assembly Member De La Rosa)
Restores the Family Visiting Bus Program that transported families and friends to visit loved ones incarcerated in New York State Prisons at no cost to visitors. Buses would originate from Buffalo, Syracuse, Rochester, Albany, and New York City.

In 2011, DOCCS eliminated the longstanding visiting bus program that had provided free transportation for visitors throughout the state to all state prisons since 1973. The year after the buses were eliminated, DOCCS stated the number of visitors dropped by 13,000. This bill would “Bring Back the Buses” and includes a funding allocation of $3 million.

City Priorities

Enact child-sensitive arrest protocols, data collection, and training
The New York City Police Department as well as all city agencies and city contracted entities should have written protocols for minimizing trauma to children at the time of a parent’s arrest, as well as collect data on the numbers of children present at arrest, and conduct substantive training for all arresting officers. Model protocols are available and other jurisdictions (including the Albany Police Department) have implemented these critical steps to safeguard children.

1. New Jersey, Florida, California, and Hawaii have laws or regulations that require Corrections to consider proximity to family.
2. 58% of incarcerated individuals from the NYC metropolitan area are placed in prisons over 200 miles from their homes and 70% of incarcerated individuals from rural areas are placed in prisons over 100 miles from their homes. DiZerega, M., Asif Uddin, F, & Tobias, L. (2012). New York State prison visiting bus: A public safety resource that benefits children and families. New York, New York: Vera Institute of Justice.

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AGING IN PRISON AND PAROLE JUSTICE

State-level Priorities

Pass the Elder Parole Bill, A4319/S2144 (Assembly Member Weprin/Senator Hoylman)
The Elder Parole Bill would allow individuals who are 55 years of age and have already served 15 years to go before the Parole Board, even though they have not yet reached their minimum sentence or would not otherwise be parole eligible.

Pass the Fair and Timely Parole Bill, A4346/S497 (Assembly Member Weprin/Senator Rivera)
The Fair and Timely Parole Bill would require the Parole Board to determine, with “reasonable probability,” whether an individual who has reached his/her minimum sentence poses any current risk to public safety; if not, he/she shall be released to community supervision. If parole is not granted, upon the incarcerated person's next hearing, he/she shall be “presumed” to be released unless the Board can show by a “preponderance of the evidence” that he/she is a threat to the community.

Fully Staff the Parole Board
The New York State Parole Board is set up to consist of up to 19 commissioners who are appointed by the governor and confirmed by the state senate for terms up to six years. Since 2011, the Parole Board has been operating without a full staff. There are currently seven vacancies, making it difficult to give adequate time to review the 12,000 parole applicants who come before them annually. This understaffing leads to short parole interviews, hearings conducted mostly by video, inadequate time to prepare and read an individual’s parole packet, and a host of other bureaucratic barriers that have very real consequences for people’s liberty and lives. The seven vacant seats must be filled with individuals who believe in rehabilitation and transformation, and who represent professional, geographic, racial, socioeconomic, and cultural diversity.

City Priorities

Implement the CARE Act
Mayor de Blasio signed the CARE Act in January 2018. The Compassion and Assistance for Returning Elders (CARE) Act created a citywide interagency task force to examine the needs of the growing number of older people returning from jails and prisons to NYC, many of whom go straight into the homeless shelter system. The CARE Act establishes the city as a national leader in addressing this broad crisis. Yet one year later, the CARE Task Force has not been formed and has never met.
WE SUPPORT REFORM IN THE FOLLOWING AREAS

► Codify visits, ensuring in-person, contact visits are a right and that video cannot replace in-person visits at state and local correctional facilities (A2483/S2698).
► Restore seven day visiting at medium security correctional facilities (A4338/S2689).
► Allow judges the discretion to impose alternative sentences for those convicted of offenses caused by or related to domestic violence: Domestic Violence Survivors Justice Act (DVSJA) (A3974/S1077).
► End inhumane solitary confinement practices: Humane Alternatives to Long Term Solitary Confinement Act (HALT) (A2500/S1623).
► Restore access to education and voting rights to people who are incarcerated or on parole.
► Reduce certain misdemeanor sentences by one day to prevent unnecessary, harsh immigration consequences: One Day to Protect New Yorkers (A4881/S1825).
► Repeal the current “Blindfold Law” and bring early, open, and automatic discovery to our criminal legal system: Discovery for Justice Reform Act (A1431/S1716).
► Pre-trial reforms including overhauling bail and ensuring speedy trials.
► Prevent “mug shots” from being made publicly available prior to conviction (A323/S1998).