



NY STATE AND CITY POLICY AND ADVOCACY PRIORITIES FOR 2020

This document outlines the legislative and policy priorities of the **Osborne Association** and its policy center, the **Osborne Center for Justice Across Generations**. Our 2020 priorities fall into two categories:

1. children and families, and 2. aging and parole justice.

The New York Legislature has a two year legislative cycle, meaning that in January 2020, legislative bills can be picked up where they left off at the end of June 2019. Many of the bills described here advanced further than ever before last year. These bills safeguard children, strengthen families and communities, and begin to undo decades of criminal justice policies characterized by systemic racism and punishing poverty. It is urgent that these bills pass this year!

CHILDREN AND FAMILIES

State-level Priorities

Pass the Proximity Bill, S724A/A6710 (Senator Montgomery/Assembly Member Rozic)

Requires the Department of Corrections and Community Supervision (DOCCS) to place incarcerated parents in prisons of their designated security level that are closest to their children that also meet their health and programming needs.

Distance and the burdensome cost of visiting remote prisons make it difficult for children to visit their incarcerated parents.¹ 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.² Incorporating proximity into the prison assignment determination is a win for children, parents, correctional environments, and public safety.

Pass the Visiting Bus Bill, S731A/A5942 (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 for close to 40 years. 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. Cost-savings incurred from recent criminal justice reforms and prison closures could be used to fund the Visiting Buses. According to DOCCS, there has been an overall annual savings of approximately \$193 million *each year* since 2011 due to prison closures.³ Keeping families connected benefits us all, increasing well-being, rehabilitation, public safety, and strengthening communities.

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.

3. DOCCS Fact Sheet, December 2019; <http://www.doccs.ny.gov/doccs.html>

For more information, please contact **Wendell Walters** at wwalters@osborneny.org or NYInitiative@osborneny.org



Pass the Codification of Visits Bill, S2698/A2483 (Senator Sepulveda/Assembly Member Weprin)

Codify visits, ensuring in-person, contact visits are a right and that video conferencing cannot replace in-person visits as has happened in other States across the country. This bill was passed by the New York State Senate last year and we urge the Assembly to do the same.

City Priorities

Implement the Child-sensitive Arrest Law

In September 2019, NYC passed Intro. 1349A (sponsored by Councilmember Dromm) requiring the New York City Police Department to issue a written protocol that provides guidance regarding “child-sensitive arrest policies,” including training all officers who interact with the public on how to minimize trauma to children at the time of a parent’s arrest. Model protocols are available and other jurisdictions (including the Albany Police Department) have implemented these critical steps to safeguard children. NYPD must roll this out as soon as possible to safeguard NYC’s children.

Require NYPD to collect arrest data on children present at the time of a parent’s or caregiver’s arrest and outline a protocol for pre-arrest planning in warrant situations.

These two elements were not included in the above law. In order to monitor implementation as well as develop resources for children present at the time of arrest, it is critical to know how many children are present. Currently, neither NYPD nor the City collect such data. Pre-arrest planning should consider the needs of children, including concrete steps to minimize trauma and safeguard children.

AGING IN PRISON AND PAROLE JUSTICE

State-level Priorities

Pass the Elder Parole Bill, S2144/A9040 (Senator Hoylman/Assembly Member De la Rosa)

An increasing percentage of the incarcerated population in NY State prisons are over 50 years of age due largely to harsh penalties imposed when they were young adults. These individuals of advanced age (numbering more than 10,000 in NY State) pose virtually no threat to the community and are costly to incarcerate. The Elder Parole Bill would allow individuals who are 55 years of age and have already served 15 years a chance 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, S497A/A4346 (Senator Rivera/Assembly Member Weprin)

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 and unreasonable risk to violate the law that cannot be mitigated by community supervision according to the parole case record; 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 consists of 19 commissioner seats yet since 2011, has not been operating with a full staff. There are currently 16 commissioners. The commissioners are appointed by the Governor and confirmed by the State Senate for terms up to six years. Five new parole commissioners were appointed at the end of the 2019 legislative session and there are still currently three vacancies.

This continuous under-staffing (at times the Parole Board has been down to 12 commissioners) makes it difficult to give adequate time to review the 12,000 parole applicants who come before them annually, and has led 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 for their families who await their return. The three remaining 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** creates 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. The CARE Task Force is scheduled to have its first meeting in February 2020.

WE SUPPORT REFORM IN THE FOLLOWING AREAS

- ▶ End inhumane solitary confinement practices: pass the Humane Alternatives to Long Term Solitary Confinement Act (**HALT**) (S1623/A2500).
- ▶ Restore seven day visiting at medium security correctional facilities (S2689/A4338).
- ▶ **Keep families connected:** provide free phone calls for people incarcerated in New York State prisons and county jails. (S6276/A7658)
- ▶ Reform community supervision by restricting incarceration for technical violations of parole, bolstering due process, and providing earned time credits including for those who are currently on parole or conditional release: **Less Is More NY** (S1343/A5493).
- ▶ Grant voting rights to people who are incarcerated or on parole (S6821/ A8677).
- ▶ Expand alternative to incarceration programs throughout NY State.
- ▶ Restore access to higher education: pass the **TAP bill** (S790/A3975) that would allow people who are incarcerated to receive student financial aid awards.

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