

# COMMUNITY SAFETY ACTION PLAN:

HOUSING, HEALTH, EDUCATION, EMPLOYMENT AND JUSTICE IN 2020



A JOINT COLLABORATION BY:

**BROOKLYN DEFENDER SERVICES**

**CENTER FOR COMMUNITY ALTERNATIVES**

**CITIZEN ACTION!**  
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**BROOKLYN COMMUNITY BAIL FUND**

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# INTRODUCTION

New York State's new bail reform laws present a once-in-a-generation opportunity for a fundamental shift away from the ineffective and immoral use of jails as a response to failures of our social safety net, including acute housing, drug user health and mental health needs.

This shift has already begun, as people prohibited from pre-trial detention are getting connected to counseling, drug treatment, housing and other services -- options that were not previously made available. However, to maximize the positive impacts of the reforms, resources for our communities must be strengthened and expanded.



*Supporters of bail reform rally in Albany in 2020.*

We know what the drivers of incarceration are. We know what stands in the way of New Yorkers successfully re-entering their communities. We know how to fix it.

## What do our communities need?

*Housing. Mental health care. Substance use treatment. Medical care. Education. Employment Opportunities. Support for Families. Justice.*

There are already tools in the hands of families, communities, and courts to respond to crises without jail, including short-term hospitalization. We can stop the cycle of incarceration that is predicated on deprivation and the criminalization of poverty. We can address the underlying causes of violence and make our communities safer. We can ensure that returning New Yorkers have the resources that they need to avoid future criminal legal system involvement.

The key to creating systems and services that work is making sure they are community-based. Every New Yorkers should be able to receive the support they need in the communities they live in. Our goal is not to replace jails and prisons with other institutions that serve to fracture our communities and hide away our problems. Our goal is to support people where they are, involving their families and communities in the healing process, to address the drivers of incarceration. But these require long-term investments by the state legislature. The following is a roadmap with immediate steps and longer-term solutions to build on pretrial justice reforms and help bring about greater health, safety, and justice.

# HOUSING

There is a significant housing crisis across New York State. There is simply not enough safe, affordable housing for the residents of this state.

Stable housing, coupled with individually tailored services, is a key foundation to limiting future arrests for people who have criminal convictions, especially for those who have served long terms of incarceration. However, too often, formerly incarcerated people are released to shelters rife with violence and drug use or to street homelessness. Such situations place them at risk of returning to incarceration both through technical violation of parole conditions, including absconding from supervision, and through conduct that leads to re-arrest and reincarceration.

Community leaders have long advocated for the following solutions:

## *1. Supportive Housing for People with High Needs*

Supportive housing is the single most effective solution to ending homelessness. It provides housing and critical support services to those that need it most: chronically homeless, those with mental and physical disabilities, and/or substance abuse disorder among others. How do we know it works? Because many studies show high retention rates - only 5 percent of people housed in the NY/NY III Agreement, for example, returned to shelter.

- A pledge to fund the next 7,000 units of supportive housing through the **Empire State Supportive Housing Initiative** to realize the Governor's promise to fund 20,000 units in 15 years.<sup>1</sup>
- **\$40 million for the OMH Community Housing Budget** to support chronically underfunded housing for the 40,000 mentally ill New Yorkers state-wide. Match Governor's \$20 million.<sup>2</sup>
- \$128 million for the Homeless Housing Assistance Program (HHAP) to increase supportive housing development across the state.<sup>3</sup>
- **\$2.8 million to the Homeless Housing Preventative Services (HHPS) Program** to provide services to over 18,000 tenants in 181 residences, providing critical support services to keep formerly homeless single adults, families and children housed.

## *2. Transitional and Permanent Housing*

Funding transitional and permanent housing are essential to ensure the success of recent criminal legal system reforms by helping to prevent the continued cycling of individuals in and out of jails and prisons, especially by those who have employment and food challenges. Too many New Yorkers remain unable to access transitional and

permanent housing following incarceration, making it more difficult for them to successfully reintegrate with their families and communities.

- **Fund the Center for Community Alternatives' transitional housing model for formerly incarcerated people.** The state should fund innovative models such as the Fortune Academy (aka "The Castle") in Harlem and CCA's Freedom Commons in Syracuse.<sup>4</sup> Doing so will provide recently released persons with longer initial stays (from 45 days to six months) and ensure that their move to permanent housing is successful.
- **\$1 million to the New York State Office of Temporary Disabilities Assistance (OTDA) to support one upstate and one downstate transitional housing pilot program for formerly incarcerated people.** This funding could provide six months or more of transitional housing for over 100 people to support rehabilitation and reintegration into society.

### *3. Affordable Housing to Prevent Homelessness*

Rents are rising across the State while wages have remained stagnant. Thousands of people who have permanent housing are living on the brink of an eviction. Most tenants in New York State live without any basic rights to stay in their homes. This means that families are unable to enforce their rights to habitable housing, living in fear of a retaliatory eviction or a sudden rent hike. We know that affordable rent is deeply connected to homelessness. But for too long, homeless New Yorkers and tenants have been divided in their fight for their right to a home.

- **Pass Home Stability Support (HSS) (S.2375/A.1620):** HSS is a statewide rent subsidy proposal that would bridge the difference between inadequate public assistance shelter allowances and actual rents for families and individuals who are homeless or at risk of homelessness.<sup>5</sup>
- **Invest at least five hundred million dollars for the Housing Access Voucher Program (HAVP) (A.9657/S7628):** HAVP is a new, state-funded rental assistance program. At least 50% of the rent-supplement program, administered through public housing authorities, will be dedicated to help homeless New Yorkers across the State find stable housing--the rest will go towards eviction prevention.<sup>6</sup>
- **Invest \$3 Billion in Public Housing Across New York State:** We seek deep, permanent investment in public housing from the state, along with greater democratic control by public housing residents.<sup>7</sup>
- **Pass Good Cause Eviction (S.2892A/A.5030A):** Good Cause Eviction would give every renter the right to renew their lease with a limited rent increase; it would prevent landlords from evicting renters without good cause.<sup>8</sup>
- **Eliminate Major Capital Improvements (MCIs) (S3693/A6322):** Major Capital Improvement (MCI) increases, which allow landlords to pass the cost of building repairs and renovations on to renters themselves, must be eliminated. MCIs lead to unaffordable rent increases and force tenants to choose between safe living

conditions and necessary building improvements. In other cases, MCIs are used as a mechanism to harass people out of their homes.<sup>9</sup>

- **Just implementation of the Housing Stability and Tenant Protection Act:** New York State's housing agency (HCR) does not have the tools or the political will to enforce landmark tenant protections passed in 2019. Tenants wait upwards to two years for the State to investigate rent overcharges. We must invest \$500 million for tenant-centered enforcement in HCR in the State budget.<sup>10</sup>
- **Tenant Opportunity to Purchase (TOPA).** TOPA would allow tenants the right to intervene in the sale, demolition or foreclosure of their building in order to convert it to permanently affordable and community-controlled housing.<sup>11</sup>



*New Yorkers from the Housing Justice for All Coalition marching in 2020.*

# HEALTH

Lack of access to health care can and does lead to criminal legal system involvement. Physical or mental health issues can lead to unemployment and homelessness. Mental health crises can lead to arrest. Debt from health care expenses can lead to arrest for crimes of poverty.

Once in custody, even for short stints of time, people frequently experience health or mental health crises that are only exacerbated by incarceration. Many incarcerated people with a serious chronic physical illness fail to receive care while incarcerated.

But health care in the community can be difficult, if not impossible, to access. In some counties in New York State there is not a single licensed mental health professional or health care worker licensed to distribute life-saving medications such as Buprenorphine. The State must act to expand critical health care services in our communities to prevent criminal legal system involvement and heal returning citizens to prevent the cycle from continuing.

## *1. Expand Community-Based Mental Health Services*

Jails and prisons have become the de facto mental hospitals for our state. A full 16% of people on Rikers Island have a serious mental illness. Rikers Island has more people with serious mental health needs in their control than all city hospitals combined. Upstate, there are even fewer resources in the community. New York State must fund community-based organizations to deliver culturally competent counseling, support, and mental health services across the state.

- **Fund community-based crisis respite and stabilization centers statewide.** Crisis Respite Centers provide an alternative to hospitalization for people experiencing emotional crises. They are warm, safe and supportive home-like places to rest and recover when more support is needed than can be provided at home and are staffed with trained mental health professionals. The Crisis Respite Centers offer stays for up to one week and provide an open-door setting where people can continue their daily activities. These centers should provide opportunities for pre-arrest diversion as well as pre-arraignment and pretrial services.<sup>12</sup>
- **Fund Intensive Mobile Treatment (IMT) teams.** IMT Teams focus on continuous engagement of the client through direct contacts in the community. Piloted in Brooklyn, CASES IMT Team serves a caseload of 25 people. The program includes a full range of community-based clinical treatment, psychosocial rehabilitation, and peer support services available 24/7. CASES IMT also helps participants to access ongoing services in the community including supported housing, appropriate public assistance, and primary and specialty healthcare.<sup>13</sup>

- **Provide \$3.3 million for non-police mental health response pilot program.** Our communities are demanding a mental health response to 911 calls when someone is experiencing a mental health crisis. Police are not equipped to handle these situations, and often escalate the crisis, sometimes to the point of violence against the person in crisis. Advocates in NYC are requesting \$3.3 million to fund 4 teams consisting of a trained peer and an EMT to respond to crisis calls 24/7 from two impacted police precincts.<sup>14</sup>
- **Fund ACT (Assertive Community Treatment) teams in each county.** ACT is an evidence-based practice that improves outcomes for people with severe mental illness who are most at-risk of psychiatric crisis and hospitalization, as well as involvement in the criminal legal system. Currently, there are 100 ACT teams serving approximately 6,500 people. New York must increase funding and capacity in ACT.<sup>15</sup>
- **Install Certified Community Behavioral Health Clinics (CCBHC) statewide.** CCBHC's operate in both rural and urban locations and are required to provide crisis response services, including 24-hour mobile crisis teams that must deliver services within three hours. Currently, CCBHCs in New York operate in 70 locations through 13 providers.<sup>16</sup>

## *2. Effective Substance Use Treatment*

Incarceration is much more highly correlated with substance use than mental illness. To eliminate the cycle of arrest and incarceration for people with substance use issues, we must fund effective substance use treatments in our communities. Incarceration does not end addiction, but treatment can.

- **Expand Syringe Access (S.875/A.1634):** Decades of research has proven that syringe access reduces HIV, Hepatitis C, and other infections while also providing a valuable entry point into treatment and other resources. Despite this, people continue to be arrested and prosecuted for possession of syringes and other safer use supplies.
- **Establish Medication-Assisted Treatment in all New York State Jails and Prisons (S.2161B/A.833B):** Providing effective evidence-based treatment to people in correctional settings significantly reduces the risk of overdose post-release and the likelihood that individuals treated will return to jail or prison.
- **Reject Failed Drug War Tactics like Increasing Penalties for Fentanyl:** Increased criminalization does not reduce drug use, overdose, or drug-related crime. Like the crack vs. powder cocaine laws of the past, this proposal will also disproportionately impact communities of color and poor New Yorkers. We urge you to oppose S.1652A/A.6757A.
- **Pass the Safer Consumption Services Act (S.498/A.60):** Safer Consumption Spaces are places where people can engage in harm reduction and other services, obtain access to treatment, housing, and other resources, and use pre-



obtained drugs under medical supervision to prevent a fatal overdose. They are proven to improve people's linkage to treatment, reduce transmission of HIV and hepatitis C, and decrease public injection and improper syringe disposal.<sup>17</sup>

- **Dedicate \$10 million of State Funding for Naloxone:** As it stands currently, State agencies like the Department of Health AIDS Institute use critical funds to support the distribution of the life-saving drug naloxone to the community, reducing its ability to invest in other public health interventions. \$10 million must be invested in naloxone for statewide coverage.<sup>18</sup>
- **Increased Funding for Harm Reduction Services and Organizations:** Harm reduction programs provide education, counseling, referrals, and support to people at risk of overdose. These services are a critical pathway toward health and recovery for people who use drugs - particularly those outside of the treatment system. The \$100 million from the Opioid Stewardship Fund must be redirected to the NYS Department of Health AIDS Institute to meet the growing demand of revenue needed in harm reduction services and organizations.<sup>19</sup>

### *3. Medicaid*

Medicaid is a critical tool to keep people healthy, and it is relied on by thousands of people across the state.

- **Support a publicly accessible Medicaid Redesign Plan.**<sup>20</sup>
- Medicaid Matters identifies the following efforts as critically important to creating a program in 2020 that works for those who need it (including, but not limited to):
  - Protecting consumers from harm, such as loss of coverage or services as a result of potential Medicaid cuts;
  - Ensuring access to meaningful care coordination and needed services for all managed care enrollees;
  - Reaching greater equity in health outcomes by investing in culturally competent, community-based, accessible care and services;
  - Rightsizing Medicaid reimbursement for facilities so safety-net providers are compensated for the services they provide; and
  - Ensuring that all Medicaid spending, including allocations made that are considered exempt from the global cap, be transparent.<sup>21</sup>

### *4. Universal Health Coverage*

- **Pass the New York Health Act (A.5248/S.3577)** to provide comprehensive universal health coverage for every New Yorker.<sup>22</sup>

# EDUCATION

A strong educational foundation and continued educational opportunities throughout a person's life are critical to make our neighborhoods and communities safe and strong.

## 1. Primary Education<sup>23</sup>

- **Invest \$50 million to implement Culturally Responsive Education.** New York State public schools should offer a variety of classes, curricula, projects, books and resources that are grounded in the rich diversity of the New York State student population. Students should be learning about the histories and cultures of African, Latino, Asian, Middle Eastern and Native heritage people in New York City schools, and the intersections with gender, LGBTQIA and religious diversity. Every child should have access to anti-racism and anti-bias education.



*Rochester students and teachers rallying for education funding in 2020.*

- **Invest \$50 million to implement positive climate strategies and practices that break the school-to-prison pipeline.** We support increased investment in restorative justice practices as an effective alternative to punitive responses to wrongdoing. School-based restorative justice offers a more sustainable, equitable, and respectful alternative to dealing with misbehavior, from minor infractions to violence.
- **Pass the Safe and Supportive Schools bill (A.3873A/S.3036A):** This bill will help local schools create fair and equitable discipline policies that will address racial disparities and disparities related to disabilities.
- **Invest \$100 million to have Sustainable Community Schools.** We want strong schools with curricula that are engaging, relevant and rigorous; support high-quality teaching and not high stakes testing; social, emotional, health and mental health services as well as wraparound supports for every child; student-centered school climate, and transformative parent and community engagement.
- **Invest \$150 million to expand quality full day Pre-K.** New York must fulfill its promise to provide full-day Pre-K for all 4- and 3-year-olds across the state. High quality early childhood education creates long term benefits for children, families and community. For every \$1 invested in early learning, taxpayers save \$7-\$11 in future cost.

## *2. Adult/Higher Education*

- **Invest \$25m in NYSED Funding for Adult Literacy Education (ALE) (Maintain last year's \$7.8m investment and increase ALE by \$17.2million).** Adult Education programs are critical to enabling New Yorkers to get and keep jobs.
- **Replicate and fund Blueprint, a Supported Education program designed to assist adults with mental health challenges to successfully pursue their education goals.** The Blueprint team of supported education specialists is mobile and utilizes a range of strategies to facilitate skill development and academic achievement including; assistance with school admissions and financial aid applications, providing support and advocacy across a range of educational needs such as classroom learning and study skills, negotiating accommodations, stress management, addressing stigma, and building supportive social networks.<sup>24</sup>
- **Restore TAP Funding for Incarcerated Students (S.790/A.3975):** College-in-prison is one of the most reliably rehabilitative activities that can be offered. Restoring college financial aid to help low-income people in prison prepare to re-enter society is a moral imperative. New York must "Turn on the TAP" funding for incarcerated students.<sup>25</sup>

## EMPLOYMENT & ECONOMIC DEVELOPMENT

Each year thousands of incarcerated people are released and return to the very same under resourced communities from which the majority of New York State's returning prison population resides. In order to ensure a healthy transition, New York must live up to its values of equality and fund those very same communities that have been deprived for decades.

- Ensure that the Governor's Workforce Development Initiative includes dedicated funding for communities ravaged by mass incarceration, with a special emphasis on creating career opportunities for people with criminal records.
- **Fund Workers Cooperatives:** For several years, organizations like the *New York City Network of Worker Cooperatives* have been advocating for city and state funding for the development of worker cooperatives.<sup>26</sup> Currently N.Y. Education Law § 3032(4) provides for grants of up to 50 percent of the total program cost for cooperative employers.<sup>27</sup> The legislature should allocate funds in the annual budget to re-authorize and expand the training program.
- **Invest in Green Job training:** Criminal justice advocates, climate justice advocates, and lawmakers are making efforts to shutter Rikers Island and develop the 400-acre landmass into a Renewable Rikers with solar power that would facilitate the closure of fossil fuel power plants across New York City. This offers an opportunity for thousands of green jobs to be created.<sup>28</sup>
- **Increase funding and opportunities for youth employment:** Youth in communities of color are the most vulnerable to get ensnared into the criminal justice system. When schools have more law enforcement present than counselors the school-to-prison pipeline is a bleak reality. In 2018, New York State allocated \$40 million to the Summer Youth Employment Program. Funding for youth employment needs to increase an additional \$10 million.
- **Create dedicated funds to cover fees for occupational licenses:** There are far too many legal restrictions in the employment sector for people with criminal convictions. The cost of occupational licenses adds another burden for people newly released after serving years and sometimes decades in prison.
- **Maintain \$175 million annual funding for the Invest in Skills NY initiative.** Invest In Skills NY is a statewide advocacy partnership between employers, economic development and workforce development communities to urge the Governor and New York State Legislature to prioritize a skilled workforce as an economic necessity. The State must also adjust funding requirements to create greater flexibility for smaller, grassroots organizations to be able to apply.<sup>29</sup>

## SUPPORTING FAMILIES

The same communities that have been ravaged by the criminalization of poverty and drugs have been affected by the surveillance and intrusion of child welfare authorities. Federal, state and local policies around child protection have separated tens of thousands mostly black and brown families by conflating intergenerational poverty with child neglect and abuse. We must shift from a punitive response to a reinvestment in communities. New York must implement reforms that do not expand the net of child welfare but instead must invest in trustworthy, well-resourced and accessible community resources and protect the rights of families to keep themselves safe and supported.

### *1. Invest in Community-Based Support for Families*

- **Invest \$50 million in community-based support programs for families.** New York, like most states, spends more money removing children from their families than in providing parents with the support they need to safely care for their children. 85 percent of children placed in the foster system are there for reasons related to poverty framed as neglect.

### *2. Increase Employment Opportunities for Families*

- **Pass the SCR Reform Act.** Currently, a parent investigated by child protective services may be listed on the State Central Register (SCR) for 10 years after her youngest child turns 18 – or up to 28 years – even if the case is dismissed in court. Being listed on the SCR blocks people from many forms of employment, from school administration to hospital custodial services. In 2018 alone approximately 50,000 people were added to the SCR. Given sharp demographic disparities in targeting by the child welfare system, this unfair system disproportionately harms parents of color and low-income parents.

# JUSTICE

The 2019 pretrial reforms were an important step in the right direction, New York's criminal legal system still requires significant overhaul. Funding programs like pretrial, ATI and reentry services are essential to ensure the success of recent criminal justice reforms by helping to prevent the continued cycling in and out of jails and prisons, especially by those with substance use and mental disorders.

## *1. Alternative-to-Incarceration (ATI) and Reentry Programs*

- **Invest \$2.3 million in a dedicated fund that expands ATI and reentry services to bring these programs to scale for the entire state.** We ask for an initial investment of \$2 million this year to seed the expansion of ATI and reentry services and \$300,000 to support the creation of an assessment and plan for bringing ATI and reentry services to scale in every part of the state. This funding is needed for 3 initiatives:
  - Expand 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
  - Set aside \$300,000 for a study to identify gaps in ATI and reentry services and develop a plan for filling these gaps

## *2. Pretrial Reforms*

- **Protect the bail law - No rollbacks, no tweaks, no changes.** In January 2020, bipartisan, measured, and common-sense bail laws took effect in New York State. New York ended cash bail for most low-level offenses: misdemeanors & non-violent felonies. These modest reforms are simply a continuation of the steady decline in people detained pretrial all while crime rates have plummeted. But prosecutors and police have launched a coordinated campaign of fear and mistruths to roll back these reforms. They're using the same polarizing scare tactics that created mass incarceration to perpetuate it. We must reject their fear.<sup>30</sup>
- **Pass the Pretrial Data Bill (S.6438B/A.8441B):** New York lacks a centralized collection of data, leaving us to rely on piecemeal sources of data that only gives an incomplete picture of what is happening in our courts statewide. Every other state that has overhauled its bail practices has centralized data on release and detention.<sup>31</sup>
- **Fund centralized arraignments in all New York State counties.** Each county should have a centralized arraignment part in lieu of conducting arraignments across multiple courts. Several pilot centralized arraignment parts already exist in

counties as diverse as Onondaga, a large and metropolitan county with Syracuse as its biggest city; to rural Washington, where the total county population is a fraction of Syracuse's size. Counties need funds to invest in both court- and community-based resources to ensure that people released under the new law—who may otherwise have been in jail pretrial—have access to the types of services they need to support their release.<sup>32</sup>

- **Marijuana Regulation and Taxation Act (S.1527B/A.1617):** Despite marijuana possession being decriminalized in New York, in the last twenty years the police in New York State have still made more than 800,000 arrests for possession of small amounts of marijuana. New York must responsibly regulate marijuana to better serve public health, community well-being, and equity. Among many other benefits, the MRTA expunges prior criminal records and address additional devastating impacts of marijuana prohibition in the fields of immigration and family law and protects against discrimination in housing and employment.<sup>33</sup>

# RAISING REVENUE

Solving the worst crises in our state will require an expansion in the State budget. However, our current public policy -- which allows the ultra-rich to capture wealth at the very top -- makes this impossible. Our State's budget and tax policies should be used to raise revenue, redistribute wealth, and reduce inequality, and our economic development programs need to be radically re-thought and re-structured to fund our communities once-and-for-all. *All together, these measures would raise over \$35 billion per year and help pay to invest in public education, housing, healthcare, transportation, fighting poverty, and economic and environmental justice for New York.*

- **BILLIONAIRE WEALTH TAX:** A tax on the last 10 years of unrealized capital gains of billionaires' speculative wealth.
- **ULTRA-MILLIONAIRES INCOME TAX:** Creates higher income brackets for those who earn about \$5M (9.32%); \$10M (9.82%); and \$100M (10.32%)
- **PIED-A-TERRE TAX:** Property tax assessment on the mostly vacant extra homes of the rich.
- **STOCK BUYBACK "Corporate Greed" TAX:** A targeted tax and corporate CEOs who buy back stock from the open market.
- **CARRIED INTEREST FAIRNESS FEE:** Taxes the "carried interest" income of hedge funds and private equity firms as traditional income.
- **CORPORATE TAX REFORM:** A sliding scale filing fee for LLCs.
- **"Hudson Yards" LUXURY LAND TAX:** Special property tax assessment on the highest value land tracts in Manhattan.
- **CEO PAY-GAP TAX:** A 10% tax on firms whose CEOs make over 100 times the company's median pay and a 25% tax on companies whose CEOs over 250 times the firm's median pay.
- **ELIMINATE 421-A and 485-A:** Eliminates wasteful development incentives that fuel displacement and provide no affordable housing.
- **CORPORATE LANDLORD TAX:** Taxes private equity mezzanine debt like traditional mortgages.
- **TWENTY FIRST CENTURY BANK TAX:** Reinstates a tax on banks, recently eliminated during Republican control in Albany.
- **TAX YACHTS AND JETS:** A tax on privately owned yachts and jets worth over \$235,000.
- **DIGITAL ADVERTISING TAX:** Tax on digital advertising on the largest ad platforms.
- **STOCK TRANSFER TAX:** Sales tax on Wall Street stock transfers, which are currently rebated under State law.



## CONCLUSION

Over the past few decades, New York has increasingly diverted more people from the criminal legal system - and crime has dropped accordingly. The fact is that jail does not make us safer. Investing in communities does. We urge the New York State Senate and Assembly and Governor Cuomo to adopt these funding and legislative requests in the FY2021 Budget.

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## ENDNOTES

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