



KINGS COUNTY DISTRICT ATTORNEY'S OFFICE
CHARLES J. HYNES
District Attorney



THE HOUSE SUBCOMMITTEE ON
CRIME, TERRORISM, AND HOMELAND SECURITY

HEARING ON

**PROMOTING INMATE REHABILITATION AND
SUCCESSFUL RELEASE PLANNING**

TESTIMONY OF

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Room 2141, Rayburn House Office Building
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Good morning. My name is Lance Ogiste and I am counsel to the District Attorney of Kings County (Brooklyn), New York, Charles J. Hynes. I have been a prosecutor for twenty years and among my current responsibilities, is being the executive in charge of the District Attorney's prisoner re-entry program, ComALERT -- which stands for Community and Law Enforcement Resources Together. I am also a member of the National District Attorneys Association (NDAA).

The successful rehabilitation and re-entry of ex-offenders into the community demands the attention of prosecutors throughout the country, because, quite simply, the welfare and safety of the public are at stake. Recidivism by formerly incarcerated individuals takes a tremendous toll -- in terms of both the immediate harm caused by the criminal conduct, and the direct and indirect costs of recidivism, such as the criminal justice system costs of investigation and prosecution, the incarceration costs, and the myriad social costs (medical care, foster-care, and welfare system costs) resulting from the impact of the crime on the victim and victim's family and friends, and even on the offender's family and friends. Communities, often already economically fragile, are threatened with further destabilization. The NDAA recognizes the importance of reducing recidivism rates of ex-offenders and supports the development and implementation of innovative programs to assist with prisoner reentry issues.

Because successful re-entry can have such a positive impact on an individual's and, by extension a community's, well-being, Kings County District Attorney Charles J. Hynes, in 1999, created in ComALERT (Community and Law Enforcement Resources Together)—in close collaboration with Counseling Service of EDNY (an out-patient drug treatment provider), the Doe Fund (a not-for-profit organization providing transitional employment and housing), the New York State Division of Parole, and numerous community-based social services providers. ComALERT is not a re-entry court. It is a re-entry partnership for Brooklyn residents who are on parole and who have been mandated to engage in substance abuse treatment.

The program assumed its present structure in October 2004. There are currently approximately 150 active participants in ComALERT. For most clients, the program lasts three to six months. Between October 1, 2004, and October 1, 2007, 446 clients graduated from the program. The program graduation rate is approximately 53%.

Most ComALERT clients are recently released from prison and are referred to the program by Parole. ComALERT representatives also regularly perform informational sessions, via video hookup, at various prisons throughout New York State, explaining the program and the services offered. As a result, some clients,

even if not referred to ComALERT by their parole officer, nevertheless choose to enroll in the program once they are released.

At ComALERT's downtown Brooklyn location in the Municipal Building, ComALERT clients receive outpatient substance abuse treatment from state-licensed drug treatment counselors. Each week, clients attend one individual counseling session and one or two group sessions. They are also regularly tested for drug use. Once drug testing results verify that a ComALERT participant has been drug- and alcohol-free for at least 30 days, he or she can begin engaging in other services, and, per the referral of the primary counselor, will meet with ComALERT's Community Resources Coordinator, an employee of the District Attorney's Office.

Approximately one-third of ComALERT clients receive a referral to, and preferential placement in, the Doe Fund's Ready Willing & Able (RWA) program, which provides transitional employment, transitional housing (if needed), job skills training, 12-step programs, and courses on financial management and other life skills. RWA participants work full time in manual labor jobs, primarily street cleaning, and are paid \$7.50 per hour. A portion of the salary is deposited directly into a savings account for the client. They receive meals and other services in a Doe Fund facility. After nine months of transitional employment, participants begin the search for a permanent job. During this process, they continue to receive

a stipend. Once RWA participants secure permanent employment and housing, they graduate from the program, and the Doe Fund continues to provide them with \$200 per month for five months. ComALERT's weekly individual and group counseling sessions and periodic drug testing help clients maintain sobriety and their enrollment in RWA, which enforces a zero-tolerance policy for drug and alcohol use.

In addition to providing referrals for RWA and other transitional employment, ComALERT's Community Resources Coordinator also links participants to a wide range of other social services offered by community-based providers, such as transitional housing, vocational training, GED test preparation, family counseling, and job readiness programs. Service referrals are specifically tailored to meet the needs of the individual clients.

On site, at the ComALERT Re-Entry Center, participants may attend HIV/STD/hepatitis workshops, and be seen by an on-site doctor who conducts physical health assessments and provides referrals as necessary. ComALERT participants who need mental health treatment, but only at a moderate level, may receive such treatment from their ComALERT primary counselor. If the client has a serious and persistent mental illness and needs treatment involving medication, the primary counselor or the on-site doctor will refer the client to an outside mental

health treatment provider. ComALERT plans to augment, in the near future, the range of wraparound services offered on site.

Professor Bruce Western, formerly of Princeton University and now at Harvard, recently completed research evaluating ComALERT. Professor Western has analyzed the recidivism rates of ComALERT graduates from July 2004 to December 2006, and compared those rates to all ComALERT attendees for that period (*i.e.*, for all participants regardless of whether they graduated or were discharged) and to those of a matched control group of Brooklyn parolees who did not participate in ComALERT.¹ Outcome percentages for ComALERT graduates were *substantially* better in all categories when compared to those of a matched control group. One year after release from prison, parolees in the matched control group (who did not have the benefit of ComALERT) were over twice as likely to have been re-arrested, re-convicted, or re-incarcerated as ComALERT graduates. Even two years out of prison, ComALERT graduates showed far less recidivism than the parolees of the matched control group. Twenty-nine percent of ComALERT graduates were re-arrested, 19% re-convicted, and only 3% re-

¹ Erin Jacobs, ComALERT's Research Director, collaborated with Professor Western on this research.

incarcerated for a new crime.² By contrast, 48% of the matched parolees were re-arrested, 35% re-convicted, and 7% re-incarcerated on a new crime. Even re-incarceration based on parole violations occurred much less frequently for ComALERT graduates (16%) than for parolees in the matched control group (24%).

As to employment, ComALERT graduates were nearly four times as likely to be employed as the parolees in the matched control group, and they also had much higher earnings than parolees in the control group.

These results validate ComALERT as an effective collaborative model for ensuring that ex-offenders make a successful transition from prison to the community.

Certain aspects of ComALERT appear to be very important to its success. For example, the program's emphasis on substance abuse treatment and employment assistance addresses two major stumbling blocks to successful re-entry and re-integration—drug use and unemployment.

² Although the comparison is imperfect, the recidivism rates of ComALERT graduates were dramatically lower than for prisoners released from state prisons in general. A study conducted in 2002 of inmates released from state prisons in 1994, concluded that, two years after release, approximately 59% had been re-arrested, 36% re-convicted, and 19% re-incarcerated for a new crime. P. Langan & D. Levin, *RECIDIVISM OF PRISONERS RELEASED IN 1994* at 3, table 2 (U.S. Dep't of Justice, Bureau of Justice Statistics, NCJ 193427, June 2002).

In addition, the speed with which those leaving prisons are linked, through a referral from Parole, to the ComALERT program is important to ensure that former inmates begin receiving treatment and supportive services at a time when they might be most vulnerable to start slipping back into their old lifestyle of drug use and crime—namely, the first few months after release from prison. Moreover, ComALERT’s substance abuse treatment provider partner, Counseling Service of EDNY, has secured state funding so that even if a ComALERT client does not have a Medicaid card, the client can begin engaging in substance abuse treatment immediately. So that clients become Medicaid eligible as soon as possible, ComALERT also has staff on site to assist with obtaining needed documentation (such as birth certificates, etc.) for rapid benefits enrollment.

Finally, the fact that both the client’s linkage to social services and the delivery of those services are coordinated and tracked by a single program, ComALERT, which itself maintains constant contact with the Division of Parole, means that parolees receive the services that they really need without an inefficient waste of resources.

In considering legislation that is aimed at promoting inmate rehabilitation and successful re-integration into society, I would urge this Subcommittee to consider the importance of an ex-offender’s speedy and coordinated linkage to social services, especially substance abuse treatment and employment assistance.

I understand that the Subcommittee is also now looking at legislation that would provide federal funding to agencies delivering coordinated social services to individuals who have been released from prison after being found factually innocent of the crimes for which they were incarcerated.

Certainly, those who end up behind bars for crimes that they did not commit may well have social service needs, such as for drug treatment and employment assistance, that are no less acute as those of ex-offenders leaving prison. A coordinated effort to meet those needs would assist wrongly convicted individuals successfully re-integrate into society after the disruptive and potentially traumatic impact of imprisonment, and would help them become healthy, productive citizens. Because we rely on a criminal justice system that can never be free of human error, we have a concurrent responsibility to assist in the re-integration of those who were unjustly removed from society as a result of that system. Moreover, prosecutors have an additional public safety interest in seeing that any person who is having difficulty re-integrating into the community following release from prison receive the support services that they need. A sober and employed former inmate who has strong connections to family and community is less likely to commit a crime than an unemployed drug addict who is alienated from any social network.

I would caution, however, that the fact that a conviction has been vacated or reversed by a court is not tantamount to a finding of innocence, and the reversal or vacatur of a conviction should not make an individual immediately eligible for services. In fact, most of the time that there is a vacatur or reversal of a conviction, the prosecuting agency, be it the state or the federal government, will have the opportunity to retry the defendant. A defendant who has charges pending against him or her obviously stands on very different footing than an individual against whom all charges have been dismissed because, for example, DNA testing indicates that another person committed the crime.

Finally, I would note that the NDAA supports increases in federal funding to help correctional facilities not only develop and implement appropriate individualized re-entry plans for prison inmates, but also provide necessary medical and mental health care (including substance abuse treatment), vocational training, educational programs, and life-skills training, as a means of smoothing the transition back to productive community living. Such programs will benefit all incarcerated individuals