

3657

2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

Introduced by M. of A. AUBRY, JAFFEE, CAHILL, COOK, ORTIZ, ROBINSON, SCARBOROUGH, TITONE, CASTRO, PERRY, BOYLAND, HOOPER, MILLMAN, WRIGHT, GIBSON, N. RIVERA, TITUS, BARRON -- Multi-Sponsored by -- M. of A. GLICK, GOTTFRIED, HEASTIE, MAISEL, SCHIMEL -- read once and referred to the Committee on Correction

AN ACT to establish a commission on post-secondary correctional education; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and intent. The legislature finds that
2 the availability of post-secondary correctional education has the poten-
3 tial to reduce recidivism, increase employment opportunities for inmates
4 upon release and have a positive impact on prison safety and security.
5 The legislature further finds that there is currently a lack of avail-
6 able post-secondary educational opportunities for inmates in the New
7 York state prison system.

8 Studies have consistently found that the higher the level of education
9 attained, the more likely a former inmate will be to obtain gainful and
10 stable employment, and the less likely he or she will be to engage in
11 future criminal activity. However, in 1994, federal tuition assistance,
12 in the form of Pell Grants, for individuals incarcerated in federal and
13 state correctional facilities was terminated with the enactment of the
14 Violent Crime Control and Law Enforcement Act. Then, in 1995, New York
15 prohibited inmates from accessing state funds through the Tuition
16 Assistance Program (TAP) for post-secondary correctional education.
17 According to a report published by the Correctional Association of New
18 York in January, 2009, entitled "Education From the Inside, Out: The
19 Multiple Benefits of College Programs in Prison," only four out of
20 seventy post-secondary correctional education programs continued to

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 operate in New York following the termination of TAP availability for
2 inmates.

3 According to the Correctional Association of New York report, statis-
4 tical evidence from several highly regarded studies demonstrates that
5 college programming in prison is a highly effective tool in reducing
6 recidivism. For example, the report cites a 1991 study released by New
7 York's department of correctional services that found inmates who earned
8 a degree while incarcerated had a 26.4 percent recidivism rate whereas
9 44.6 percent of participants who did not earn a degree were returned to
10 custody. The report cites another influential study, published in 2004,
11 "Post-Secondary Correctional Education and Recidivism: A Meta-Analysis
12 of Research Conducted 1990-1999," that found inmates who participated in
13 post-secondary correctional education programs recidivated 22 percent of
14 the time and those who did not participate had a recidivism rate of 41
15 percent. Further, the New York state commission on sentencing reform
16 recently reported that post-secondary correctional education programs
17 have been shown to reduce recidivism by up to 40% and the commission
18 recommended that more post-secondary educational opportunities be made
19 available to inmates.

20 The Correctional Association of New York report also asserts that
21 in-prison college programs are a cost-effective method of improving
22 public safety. The report states that "the cost differences in education
23 versus incarceration in New York, plus the short- and long-term benefits
24 of a better educated population, makes investment in higher education
25 for incarcerated individuals and people in the community smart fiscal
26 policy." The report cites one cost-benefit analysis that found the cost
27 to a state per crime prevented by offering education to inmates is about
28 \$1,600 while the cost per crime prevented by extending prison sentences
29 is \$2,800. In other words, according to the study, a \$1 million invest-
30 ment in incarceration will prevent about 350 crimes, while that same
31 investment in education will prevent more than 600 crimes meaning that
32 correctional education may be almost twice as cost effective as incar-
33 ceration.

34 In addition, research suggests that post-secondary programs in prison
35 can provide inmates with an incentive for good behavior and greatly
36 enhance an inmate's problem-solving skills thereby reducing tension and
37 violent interactions between inmates and staff and among inmates.
38 Reportedly, inmates who attend post-secondary educational classes are
39 among the best-behaved of the inmate population because there is a
40 strong incentive to avoid conduct that could result in discipline and a
41 loss of credit for the college program.

42 Despite the potential benefits of post-secondary correctional educa-
43 tion programs, only a relatively small number of programs currently
44 operate in the New York state prisons funded mostly through private
45 sources, federal grants for youth offenders or through small legislative
46 initiative grants.

47 S 2. A temporary state commission, to be known as the New York state
48 commission on post-secondary correctional education, hereinafter
49 referred to as the commission, is hereby created to examine, evaluate,
50 and make recommendations concerning the availability, effectiveness and
51 need for expansion of post-secondary education in the New York state
52 prison system. The issues to be considered by the commission shall
53 include, but not be limited to, the following:

54 a. the benefits of post-secondary correctional education in improving
55 public safety by reducing recidivism;

- 1 b. the impact of post-secondary correctional education on an inmate's
2 employment opportunities upon release from prison;
- 3 c. the impact of post-secondary correctional education on an inmate's
4 reintegration into society upon release from prison;
- 5 d. the cost savings, if any, associated with reduced recidivism and
6 the successful reintegration of released inmates who have participated
7 in post-secondary correctional education;
- 8 e. the impact of post-secondary correctional education on prison safe-
9 ty and security;
- 10 f. the need, if any, to expand post-secondary correctional educational
11 programs in the New York state prison system and the costs associated
12 with such an expansion; and

13 g. recommendations for funding options, including but not limited to
14 the Tuition Assistance Program, to increase that availability of post-
15 secondary correctional education in the New York state prison system.

16 S 3. The commission shall consist of fifteen members, to be appointed
17 as follows: four members shall be appointed by the governor and shall
18 include the commissioner of the department of correctional services, and
19 one member each from the division of parole, the division of criminal
20 justice services and the New York state higher education services corpo-
21 ration; six members, with three appointments by the temporary president
22 of the senate and three by the speaker of the assembly, shall be repre-
23 sentatives of private providers of post-secondary education services in
24 New York state prisons, criminal justice advocates, and academic profes-
25 sionals; one member shall be appointed by the minority leader of the
26 senate; and one member shall be appointed by the minority leader of the
27 assembly. The remaining members shall be the chancellor, or his or her
28 designee, of the city university of New York, the chancellor, or his or
29 her designee, of the state university of New York and the commissioner
30 of the state department of education. The commission shall be co-chaired
31 by the commissioner of the state department of correctional services and
32 the commissioner of the state department of education. The vice-chair-
33 person of the commission shall be a representative of one of the private
34 providers of post-secondary education services as appointed by the
35 chairpersons. Vacancies in the membership of the commission shall be
36 filled in the manner provided for original appointments.

37 S 4. The members of the commission shall receive no compensation for
38 their services, but shall be allowed their actual and necessary expenses
39 incurred in the performance of their duties hereunder. To the maximum
40 extent feasible, the commission shall be entitled to request and receive
41 and shall utilize and be provided with such facilities, resources, and
42 data of any court, department, division, board, bureau, commission, or
43 agency of the state or any political subdivision thereof as it deems
44 necessary or desirable to carry out properly its powers and duties here-
45 under.

46 S 5. For the accomplishment of its purposes, the commission shall be
47 authorized and empowered to undertake any studies, inquiries, surveys or
48 analyses it may deem relevant in cooperation with or by agreement with
49 any other public or private agency. The commission shall meet and hold
50 public hearings or private meetings within or without the state, and
51 shall have all the powers of a legislative committee pursuant to the
52 legislative law.

53 S 6. The commission shall make a report of its findings, including any
54 recommendations for legislative action as it may deem necessary and
55 appropriate, to the governor, the temporary president of the senate, the
56 speaker of the assembly, the chairperson of the senate committee on

1 crime victims, crime and correction and the chairperson of the assembly
2 committee on correction no later than one year after the effective date
3 of this act.

4 S 7. This act shall take effect immediately and shall expire and be
5 deemed repealed one year after such effective date; provided that the
6 appointment of members to the New York state commission on post-second-
7 dary correctional education shall be completed within sixty days of such
8 effective date.