



September 24, 2020

Senate Public Hearing: Impact of Covid-19 on Prisons and Jails  
Tuesday, September 22nd, 2020

Senator Luis Sepulveda, Chairman Crime Victims, Crime and Correction Committee  
Senator Gustavo Rivera, Chairman Committee on Health  
Legislative Office Building  
198 State Street  
Albany, NY 12210

Dear Members of the Senate Standing Committee On Crime Victims, Crime and Corrections & the Members of the Senate Standing Committee On Health:

It is a privilege to have the opportunity to submit written testimony to you on this important subject.

The onset of COVID and the unfolding crises since March have the opportunity to significantly alter the trajectory of New York State. I am grateful to the committee for focusing on how these changes impact the most vulnerable among us, especially incarcerated New Yorkers.

It is important to acknowledge that significant progress was being made before the pandemic in our field. Prior to COVID, violent crime and New York's historic over-reliance on incarceration were both in precipitous retreat. New York City and State homicide numbers were at dramatic, historic lows; meanwhile, the state prison population was poised to hit the notable mark of one-half its peak of over 72,000 in 1999.

In New York, we also built a foundation for the best, most diverse and robust system of college-in-prison in the nation. This was the result of steady, collaborative work between advocates, religious communities, currently and formerly incarcerated people, public and private colleges across the state, and DOCCS itself—from rank and file staff to leadership. (State or legislative investment in college-in-prison, however, remain conspicuously absent.)

As we look past COVID, for college-in-prison, efforts should first be focused on strengthening and expanding what we have built already, not starting anew. In that context:

— The rush to equip state prisons with more technology must not jeopardize in-person learning or family visits. We must be sure that the well-intentioned response to this crisis does not, over the long term, eliminate opportunities incarcerated people have for genuine, human interaction with outside civilians.

— Repurposing and restructuring of the prisons should allocate more space, and allow students to devote more time to college study, especially for women.

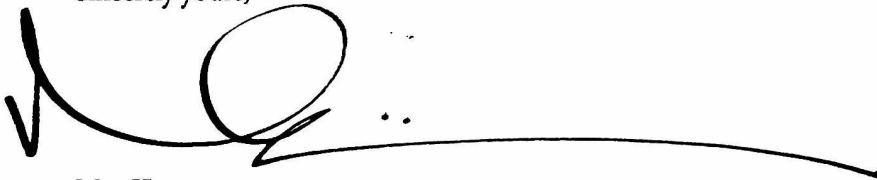
— When we expand college-in-prison, the state should resist the impulse to centralize colleges into a single rubric. Centralization will inevitably make college-in-prison more resemble prison than college. The diversity of New York's college-in-prison landscape prior to COVID is precisely its strength and the source of its resilience.

As you know, at BPI we have been advocating for an adjustment to the merit time eligibility criteria so that it can be more fair to women students in particular. All of us are grateful for your attention to that effort, and we urge the Senate to pass S7633.

While the state will be making difficult budget decisions in the coming months, it is imperative that the institutions serving our most vulnerable citizens be sheltered from the economic fallout of COVID. State funding for college-in-prison could not come at a more urgent time. The fiscal impacts of COVID threaten a field that has been chronically ignored by state decision makers. Meanwhile, the social impact of COVID, alongside devastating unemployment, make our work in the prisons and in reentry more urgent than ever. As BPI, with students and alumni, inside prison and on the ground in communities, continues to expand to meet the challenges presented by COVID, I know the need for your partnership is greater than ever.

While, for the first time in twenty years BPI did not admit a group of first-years students due to COVID, we were able to double the size of our bachelors degree program this year. BPI is poised for a robust return to in-person courses when that is safe and appropriate. We understand that the return of programs will be challenging, perhaps halting, and subject to developments in public health. We thank the Department in advance for their partnership through what will be a difficult process. And, we look forward to continuing to work with legislators to expand and strengthen college-in-prison in New York State.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Max Kenner', with a long horizontal flourish extending to the right.

Max Kenner  
Executive Director