

ATI POSITION

Statement of Position

As announced by the State Board, February 1993

Recognizing the enormous costs of state prisons and local jails, and the distressingly high rates of recidivism, the League of Women Voters of New York State, at its convention in 1991, adopted a study of Alternatives to Incarceration.

In the criminal justice system there is a need for a broad range of punishments less restrictive than incarceration. Prisons and jails must be viewed as a scarce and expensive resource to be utilized only when necessary. The current system wastes time, money, and human resources. The LWVNYS strongly supports the use of ATI for nonviolent offenders. There is a need for earlier, more effective intervention and, if applicable, treatment. Sanctions should be more innovative, constructive and less restrictive.

Eligibility

The League concurs with the American Bar Association Model Adult Community Corrections Act of February 1992. The following offender groups shall be eligible for sentencing to community-based sanctions:

- 1. Those convicted of misdemeanors;**
- 2. Nonviolent felony offenders, including drug abusers and other offenders with special treatment needs;**
- 3. Violators of parole, probation, and community corrections conditions whose violation conduct is either non-criminal or would meet either criterion (a) or (b) above had it been charged as a criminal violation;**
- 4. Offenders who, although not eligible under criteria (a) through (c) above, are found by the court to be the type of individuals for whom such a sentence would be appropriate. In making such a determination, the judge shall consider factors that bear on the danger posed and the likelihood of recidivism by the offender, including but not limited to the following:**
 - a. That the offender has a sponsor in the community;**
 - b. That the offender is employed or has enrolled in an educational or rehabilitative program;**
 - c. That the offender has not demonstrated a pattern of violent behavior and does not have a criminal record that indicates a pattern of violent offenses.**

Evaluation of individual offenders

From the time of arrest, individual offenders should be carefully screened and matched with appropriate programs. In the screening process, the highest priorities are:

- 1. Public Safety**
- 2. Rehabilitation of the offender, including treatment for substance abuse, education beginning with basic literacy skills, vocational responsibility training, and family intervention**
- 3. Severity of the crime**
- 4. Violence of the crime**

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Additional factors to be considered are:

- 1. Previous criminal history**
- 2. Ties to the community, including job and family**
- 3. Deterrence of further criminal activity**
- 4. Potential for restitution**
- 5. Interest and willingness to take part in alternative program**
- 6. Cost of program.**

Evaluation of ATI programs:

Evaluation of the effectiveness of an alternative program should include:

- 1. Rate of re-convictions of those who have completed the program**
- 2. Rate of successful completions of the program**
- 3. Cost of program v. cost of incarceration and other savings to community**
- 4. Equal access to the program for all eligible offenders**
- 5. Public confidence and community involvement.**

Additional factors to be considered are:

- 1. Victim satisfaction with sentence**
- 2. Rate of failure to appear (FTA) in court of those in Pre-Trial Release programs compared with rate of FTA of those released on bail.**

The Criminal Justice Process:

The LWNYS strongly supports greater discretion in the use of alternatives at all stages of the criminal justice process; i.e., pre-trial, sentencing, and re-entry.

To encourage use of ATIs:

The League strongly supports:

- 1. Education of the public, legislators, and all personnel in the criminal justice system**
- 2. Reform of drug laws**
- 3. Repeal of the second felony offender law.**

The League also supports:

- 1. State funding incentives for ATI programs**
- 2. Expansion of defender-based advocacy programs**
- 3. Mandated consideration of least-restrictive sanctions, which should be documented in the pre-sentencing report.**