

## **A New Sentencing Model to Meet the Challenge of Reentry and Public Safety: Employment Counseling Will Play a Key Role**

Alan Rosenthal

On June 7, 2006 New York's Governor George Pataki signed into law an important change affecting sentencing in New York. Penal Law § 1.05(6) has been amended to add a new goal, "the promotion of their (convicted person's) successful and productive reentry and reintegration into society..." (Chapter 98 of the Laws of 2006), to the four traditional sentencing goals of deterrence, rehabilitation, retribution and incapacitation. This amendment became effective immediately ( to view bill text, [click here](#)) This legislative change is consistent with the reintegrative sentencing model that was developed by the Center for Community Alternatives (CCA) in 2004 and championed by the Interfaith Coalition of Advocates for Reentry and Employment (ICARE), an alliance of communities of faith, direct service providers, and policy organizations including the New York State Council of Churches, National HIRE Network, Center for Community Alternatives, Reentry Net/NY and many congregations throughout New York State. In CCA's sentencing model, reintegration is placed at the core, and the individual returns to the community in a way that promotes public safety. To read more about this new sentencing model in a policy piece issued by CCA in which the authors discuss the new model of reintegrative sentencing and the questions and challenges faced, [click here](#).

This amendment to New York's Penal Law marks a significant shift by the Legislature in sentencing policy. For 30 years, legislatures and courts have neglected rehabilitation and the reentry process as a goal to be considered during the sentencing process in favor of the more punitive goals of punishment, deterrence, and incapacitation. Identifying reintegration as a sentencing goal promises not only to restore the person's well-being as a focus of decision-making but also to extend that consideration, by implication, to the well-being of the community as a whole. The new law will require every judge presiding at sentencing in a criminal case to consider carefully what kind of sentence will best help to promote the defendant's reintegration into society and recognizes that such reintegration is the best way to achieve public safety. It also requires an individualized approach to sentencing.

As highlighted in the recently released report of the Special Committee of the New York State Bar Association, [Re-entry and Reintegration: The Road to Public Safety](#), the issues of public safety, high recidivism rates, and prisoner reentry and reintegration are inextricably entwined. If people returning home from prison are not successful in their reintegration back into the community, ultimately it is public safety that suffers. In order to reintegrate, people need meaningful employment. This new sentencing model will place an increased emphasis on a person's current employment situation and future employment prospects at the time of

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sentencing. For sentencing advocates, it will provide an opportunity to present the judge with an alternative to incarceration that includes an employment component. In light of the added goal of reintegration, a transitional plan that includes employment should increase the likelihood of a non-incarcerative sentence. Since the chances of employment and reintegration are increased for people who have not been incarcerated, a non-prison sentence, in many instances, will be the sentence best suited to advance reintegration. The challenge therefore will fall on employment counselors and other service providers to work with defense attorneys and sentencing advocates in the criminal justice process to improve sentencing outcomes, reduce the rate of recidivism, and increase public safety.