CRIMINAL JUSTICE REFORM AND EFFORTS TO REDUCE RECIDIVISM

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The committee met, pursuant to call, at 1:03 p.m., in Room 2154, Rayburn House Office Building, Hon. Trey Gowdy [chairman of the committee] presiding.


Chairman GOWDY. The Committee on Oversight and Government Reform will come to order. This is a hearing on criminal justice reform and efforts to reduce recidivism.

We are pleased to have two of our friends from the other side of the Capitol, and my friend from Virginia has graciously agreed to defer his opening statement so we can hear from you first.

It is my pleasure to introduce first the Senator from South Carolina, and then the gentle lady from New Jersey will introduce Senator Booker.

Senator Scott was sworn into the U.S. Senate in January 2013 and has been a strong advocate for smart, effective criminal justice reform. He has supported a variety of criminal justice reform legislative initiatives and has launched his Opportunity Agenda, which is a new way forward that includes robust initiatives to give our students and workers a chance to succeed.

Senator Scott, on a personal note, I want to thank you for everything you have done in this realm in South Carolina. It is not something we are often asked about back home, criminal justice reform, and for you to take a leadership role on this to both elevate it to a higher level of public consciousness and to advocate for it says a lot about your commitment to it and your character.

With that, you are recognized; and then we will go to Ms. Watson Coleman for Senator Booker.

WITNESS STATEMENTS

STATEMENT OF TIM SCOTT

Senator SCOTT. Thank you, Mr. Chairman; and to the members of the committee, it is good to be back on the upper side of the chamber. Thank you very much for allowing me to come back. It
is good to see old friends that I had the privilege of serving with, particularly my friend Ms. Norton on the Rules Committee. We enjoyed our long hours working through the wonders of committee life in the House.

I would also like to say to Chairman Gowdy congratulations on your chairmanship, and I am certain that you will make America proud as you search for the truth, wherever it may take us.

I want to thank Senator Booker, who has been my friend and champion on a number of issues that we have both championed together, from my Opportunity Agenda, from working on ways to reinvest in distressed communities, to criminal justice reform, to apprenticeship programs. He has been a true champion for the people on a number of initiatives that go far beyond my agenda, and it is good to have him here with us today.

Criminal justice reform is a critical topic facing our nation as a whole. Today’s hearing is focused on recidivism and reentry programs, and I would like to spend a few minutes on a broader topic first, the topic of incarceration as a whole.

What is the best way for us to reduce recidivism? To ensure people from all walks of life and from every single community have access to opportunity. For too many, and specifically communities of color, this is simply not the case. The poverty rate among blacks and Hispanic Americans is between two and three times higher than the majority population. Nearly a quarter of the children who live in poverty do not graduate from high school, compared to just 6 percent of those kids who never lived in poverty. Seventy-eight percent of those in prison do not have post-secondary education. They did not graduate from high school.

What does that mean? In 2010, a person who did not graduate from high school had an income of around $19,000. The person who graduated from high school had an income of around $28,000. Graduated from college? Fifty-two thousand dollars.

Black and Hispanic dropout rates are consistently higher from 1963 to the year 2012. The annual black unemployment rate for this nation was around 11.6 percent. To put that in perspective, during all the recessions that happened during those 50 years or so, the average unemployment rate for the entire nation was around 6.7 percent. Very different patterns.

More black and brown children grow up in poverty. More do not graduate from high school. More earn less and are oftentimes employed less.

As you, Chairman, and so many others have heard my story as a kid growing up in a single-parent household who flunked out of high school as a freshman, I understand intimately and personally what these statistics translate to in the real world. It translates into a pipeline that too often leads to incarceration, a pipeline that too often leads to low expectation of oneself, and a pipeline that too often reinforces the negative stereotypes that are pervasive in our society. And the impact that it has on the human condition is tremendous, and it is consistently negative.

I believe that those are some of the reasons why black men, men like myself, are incarcerated at a rate six times higher than men that look like you. This is an epidemic that we have to wrestle with as a nation, as one American family working together to find solu-
tions that work for everyone in every place, no matter where they started. The concept of opportunity as a solution for incarceration is something that is real, it is measureable, and it is something that I have lived, thankfully, through.

While we must find ways to promote and lower recidivism rates, I want us to continue to focus on opportunity, improving our education system, encouraging entrepreneurs and small business owners to grow and invest in low-income communities. This can solve a lot of problems and specifically prevent the conversation of recidivism.

I have had an opportunity to sit down with quite a few organizations to talk about reducing recidivism. I visited a few state prisons in South Carolina with Bryan Stirling, who I am happy to see, the Director of our Corrections Institute, will be on the next panel. One such program I visited is called Turning Leaf, located in Charleston, South Carolina, run by Amy Barch. She has a recidivism rate of 18 percent, when our national average is closer to 70 percent, and she deals with only the most difficult inmates.

Another program is called Proverbs 22:6, which works throughout both South Carolina and North Carolina to help reconnect inmates with their families. My chief of staff and I visited both Kershaw and Lee County correctional facilities with Proverbs 22:6 founder Cyril Prabhu, and what we experienced that day was the reconnection of inmates with their children with a program that transforms the life of the inmate and gives him a reason to believe that the future can be different. To watch the reunification of family after we served them lunch and spent a couple of hours talking with them was one of the most moving experiences I have had in my life, and I understood why the success of the recidivism program Proverbs 22:6 has been so powerful in the lives of these inmates.

Here is a statistic that we should pay attention to, and this is why Proverbs 22:6 is so important: 82 percent probability for a child whose parent is in prison to end up in prison. Let me say that one more time. If a child has a parent in prison today, there is an 82 percent probability that that child will end up in prison. Working to reconnect families is one of the ways that we can reduce recidivism.

What is the recidivism rate for the Proverbs 22:6 program? Six percent. Six percent. Since 2012, the number of children in the program has gone from 800 to 5,000 children whose parents are incarcerated in 10 different prisons.

I was in California last weekend meeting with programs in California, the Bridge Academy, that basically fills the gap. So they do not replicate any existing programs. They simply connect not the inmate but the entire family to the programs and resources that are already available. They make them aware of them, they make sure they attend, and through an 18-month process their recidivism rate is zero.

There are ways for us to improve public safety, reduce recidivism, and restore families and the American Dream for people who have lost hope. I look forward to the national debate that must continue on this very important topic. I know that I am running out of time. As you know, we in the Senate cannot necessarily tell 5
minutes of time. We anticipate that you will give us 10 minutes or an hour. That might be too long.

Let me just say that your commitment, Mr. Chairman, the committee’s willingness to hear the testimonies, ask questions, is a very important part of what we can do to help restore the American Dream for so many people in so many dark places that have lost hope. I want to thank you again for holding this important hearing. My door will remain open to work with anyone from anywhere at any time to address this very important issue.

Thank you, Mr. Chairman.

Chairman Gowdy. Thank you, Senator Scott.

We will now recognize Ms. Watson Coleman from New Jersey to introduce our friend, Senator Booker.

Ms. Watson Coleman. Thank you, Chairman, and congratulations on your appointment. I look forward to working with you in a bipartisan way on issues as important as this.

Welcome, Senator Scott. It is good to see you, and it is my pleasure today to introduce my friend and fellow New Jerseyan, Senator Cory Booker. Senator Booker was elected to the United States Senate in 2013 and since then has established himself as an ally for what is right. As an innovative and bipartisan problem-solver, Senator Booker is committed to developing collaborative solutions that address some of our most complex challenges.

He has fought for New Jersey resources, whether it is for Super Storm Sandy victims, the transportation system, or just to keep our community safe. He has been actively engaged in the pursuit of justice and opportunity for our citizens, particularly those who have been incarcerated and for whom we expect a second chance.

As a member of the State Legislature, I worked with then-Mayor Cory Booker on many initiatives around criminal justice reform and second-chance opportunities, and I have witnessed his steadfast commitment to those issues here in the Senate.

So it is a proud day for me to be able to recognize him, to welcome him to OGR, and to give him this opportunity to share his thoughts and his vision to this end.

Thank you, Mr. Chairman. I yield back.

Chairman Gowdy. Senator Booker?

STATEMENT OF CORY BOOKER

Senator Booker. Mr. Chairman, please know that this is a moment for me that I could not have dreamed of, that Bonnie Watson Coleman and I, when we were just local politicians, never imagined that she and I would be in the Capitol together serving as congress people together, and it is an honor to have that privilege, and I thank you for affording me that.

Mr. Gowdy, I just want to put it out there right away, you have been a gentleman, somebody of honor in working with me on these issues. I have come to have a deep respect for you, and you are somebody who I now have on speed dial and have been just grateful for your interest in this issue and your willingness to work so hard on it.

Please allow me a moment just to say my prayers are with Elijah Cummings. He is recovering, I know. There is no physical ailment that is tougher than he is, and I look forward to seeing him back
in the chair. But, Mr. Connolly, I am grateful that you are standing in his place.

I want this committee to know about my personal experiences. I grew up in an incredibly nice town in the Northern New Jersey suburbs as a result of blacks and whites, Republicans and Democrats who actually came together and fought for my family to be the first black family to move into town. We had to get a sting operation and have two white people pose as my parents after they were told the house was sold to actually get the house. On the day of the closing, the white couple did not show up. My father did, and a volunteer lawyer named Marty Friedman, the real estate agent, attacked my father’s lawyer, put a dog on my dad after a whole bunch of legal rigmarole. We were able to get access to this town and become, as my father affectionately called us, the four raisins in a tub of sweet vanilla ice cream.  

[Laughter.]

Senator Booker. I grew up in this town—a town of affluence, this town of incredible opportunity and incredible public schools—until I was 18 years old, went off to Stanford University, Oxford University, Yale University, to the point where my father’s frustration told me, boy, you have more degrees than the month of July, but you ain’t hot. You have to do something for your country. I made a decision at that point to move, really following the calling of a great American prophet. Some of you may have studied him in graduate school, Chris Rock. I moved onto the south end of Martin Luther King Boulevard. Chris Rock says why is it that often the most violent street in many cities is named for the man that stood for non-violence?

Martin Luther King Boulevard in Newark actually is a great testimony to King, even in the 1990s when I first moved there, with some of the greatest educational institutions New Jersey has. But the south end of that street was in very difficult shape.

It has been 20-plus years. I still live in that neighborhood. I have 99 colleagues—it sounds like the beginning of a rap song, but I have 99 colleagues, and I will tell you this, I might be the only one that lives in a community that is below the poverty line. The median income is $14,000 per household. It is a black, mostly black, majority black, black and Latino inner city.

And I sit here with passion to the folks before me to let you know that I have witnessed this country’s failure to live up to its promise that is written on the Supreme Court wall that says “Equal Justice Under Law.” I have seen with my own eyes, experienced with my own friends, there is no difference in America between blacks and whites and Latinos and Asians in drug use, no difference whatsoever. When I was at Stanford’s campus there was a whole lot of drug use going on, but the drug laws in this country are enforced disproportionately against people of color. If you are black in America, you are almost four times more likely to be arrested for using marijuana, for using more serious drugs, or for dealing them.

And I say this in the beginning of my remarks to make this understanding that there is something seriously wrong in this country that we have gone so far off the rails that we have defined ourselves as the greatest civilization in all of humanity for locking up its own people disproportionately for non-violent drug crimes, often
for crimes that two of the last three presidents admitted to doing. Remember, they did not talk about just some marijuana usage. It was felony drug use and drug possession.

And what hurts me is that while we as a nation were disinvesting in our infrastructure—remember, we inherited from our grandparents the greatest infrastructure on the planet Earth. The World Economic Forum in my daddy’s age ranked the infrastructure of the United States the number-one in the world. Now the World Economic Forum ranks us out of the top 10.

But there is one area—and I have traveled around the globe, like many of you have. There is one area that even leaders in other countries stopped and asked me about that we have built our infrastructure in that puts the rest of the world to shame. Between the time I was in law school and the time I became Mayor of Newark, New Jersey, we in this country were building a new prison every 10 days, hundreds and hundreds of billions of dollars, incentivized by us here in the Federal Government to build out the largest prison industrial complex on the planet Earth and to imprison more people within our country than humanity has ever seen, 4 percent of the globe’s population, one out of every five imprisoned people on the planet Earth.

And the people we imprison is stunning. We take the most vulnerable people in our population, not the privileged who grew up in places like my home town, or the people who go to Stanford and Oxford and Yale, who use drugs at the same rates, but we imprison the most vulnerable. Overwhelmingly, we imprison the poor. Overwhelmingly, we imprison the mentally ill. Overwhelmingly, we imprison the addicted. Overwhelmingly or disproportionately—excuse me—we imprison people of color.

And it was startling for me, jarring for me, having lived 20 years in places of privilege and 20 years in my phenomenal city, to see how the criminal justice system is tearing apart communities, enforcing poverty.

There is a college study that came out, a university study that came out that said the United States of America would have 20 percent less poverty, 20 percent less poverty today if we had incarceration rates just like our industrial peers.

In fact, we know why. The American Bar Association points it out. Because that 17-year-old kid caught in Newark, New Jersey for doing things that maybe a third of Congress has done, who pleads to a felony count—and, by the way, our criminal justice system is no longer—and you know this, Mr. Chairman—is no longer juries, no longer judges. Ninety-eight percent of our criminal convictions are now done by plea bargain. So a kid who is now facing mandatory minimums stacked on top of each other versus taking a plea and getting right out of jail, now that 17-year-old faces, according to the American Bar Association, 40,000 collateral consequences, cannot get a Pell Grant, cannot get a business license, cannot get a job, cannot get food stamps, cannot get public housing, in many places cannot vote.

So we have a system now that is so broken that it has nothing to do with the ideals we hail of liberty and justice, and that is what frustrates me, because now I found partnerships with people all across the political spectrum who understand that this is an Amer-
ican shame. I never thought when I came to Washington that the Koch Brothers’ general counsel would become a dear friend of mine, Mark Holden, because of our partnership on these issues; that Newt Gingrich, Grover Norquist, Christian evangelical leaders across the country, libertarians, fiscal conservatives, even the other bald black guy in the Senate, Tim Scott.

We are united in this cause to see that this is one of the great shames in our country, and it is crushing communities like the one in which I live, like the one in which the congresswoman is from. And if there is injustice that Langston Hughes called what happens to a dream deferred, what happens when certain communities do not benefit from the liberties and the ideals of this country in ways that they themselves begin to lose faith in the promise of America?

I will tell you this: I was in yet another Federal lockup. It was a women’s prison in Connecticut, just last month, and I walked in and I asked the warden, this strong, great leader, I asked her what percentage of the women in this prison have been victims of sexual trauma, of sexual assault, of violence? And this warden turns to me and says about 95 percent of the women are victims of sexual assault.

I visited a Federal prison in New Jersey and I asked the warden there how many folks here have been here too long, are no threat to our society, our taxpayers are wasting their dollars on, and he just started laughing. He said, Cory, too many to count.

You see, we have lost our way. It is not like we are looking for restorative justice. It is not like we are looking for the ideals of this country. Our criminal justice system is built up for retribution. And the beauty of this moment in American history is that there are enough examples—you heard them from Senator Scott—that show us a different way.

We see state after state demonstrating the truth. We can actually make our states safer. Public safety should be number one. There are ways to make our states safer, save taxpayer dollars, elevate human potential, take care of the weak, and drive what we should be driving toward in the society, where we give our children more solid ground on which to thrive.

So in the United States Senate, I am proud that we cobbled together a bill. Chuck Grassley and Dick Durbin together on a bill, Mike Lee and Ted Cruz and myself and Senator Whitehouse together on a bill. What worries me is that my colleague, a man whose character I have never maligned, a man, Jeff Sessions, who served with dignity, a man who I stood with and gave medals with to the marchers on the Edmund Pettis Bridge, that on this issue he is so wrong. He wrote recently that we should turn back the reforms we were starting to make in the Justice Department, and that we should go back to punitive sentencing, the most harsh possible.

Well, that will cost taxpayer money. That will not be a pursuit of justice. It may be law and order, but everyone here who loves and savors democracy has seen enough totalitarian states establish law and order but lack justice.

So I call upon this committee, my brothers and sisters who savor liberty as much as I do, who love this country and her ideals as much, if not more, than I do, let us not let this dream be deferred
in our country any longer. I want to tell you right now that there is the Sentencing Reform and Corrections Act, but there are other things as well.

I had my first-ever bipartisan, bicameral bill done with this committee. Elijah Cummings and Darrel Issa joined me and Ron Johnson in the Senate on just a simple step. We reintroduced the bipartisan Fair Chance Act, a bill that would make a dramatic difference in just someone coming out of prison getting a job. We call them Ban the Box bills that have been done all across this nation, so-called Red States, so-called Blue States. In fact, Walmart, Home Depot, Starbucks have all done this. But the biggest employer in our country, the Federal Government and its contractors, has not done this.

This is about making sure that it is striking the right balance. It is a bill that allows returning citizens to get their foot in the door and be fairly considered for jobs, while allowing employers to know who they are hiring.

There are so many brilliant ideas out there. Senator Scott pointed them out. We did them in shoelaces and bubble gum in Newark where we showed that we can drive recidivism down, elevate human life, bring the wardens in from our Federal penitentiaries. The ones who I have gone around and talked to all know what we are doing is terribly wrong, all know commonsense things that we can do to make it right.

So I encourage this committee. The worst type of privilege in America, the most insidious type of privilege, is to know that there is a serious problem out there that is tearing apart communities, that is hurting Americans. The most insidious type of privilege is knowing that there is a serious cause out there but it does not affect me or my family, and therefore it is not that important or urgent. The biggest cancer on the soul of our country right now is the American criminal justice system, and we can make it right.

I want to end again with Langston Hughes. He said very simply that there is a dream in this land with its back against the wall. To save the dream for one, we must save the dream for all. I do not know what Leader McConnell’s plans are this week, but I will probably be going back to Newark on Thursday evening. On my block there are incredible kids, kids with the same amount of genius and potential—in fact, more so—than I had growing up in a very different community. It is hurtful that I know the percentages for those children.

If you are black born in America today, you have a one in three chance of going to prison. That is a stunning statistic. And even worse than that, if you are a black kid in America—you heard the data—your chances of having an adult in prison, a parent in prison, is dramatic. In fact, for all kids it is one in 28 of your children right now have a parent that has served in prison.

This is not the America for which we dream. This is the dream with its back against the wall. We can do something about this. We must do something about this, and I know my colleagues, with a sense of urgency and patriotism and, dear God, with a sense of love, I know this Congress in this bipartisan way, that we the people can change our country and make, as my dear brother says in
Bible study, we can make justice roll down like water and righteousness like a mighty stream.

Thank you.

Chairman GOWDY. On behalf of all of us, we want to thank Senator Scott and Senator Booker not just for your public passion but also for your private commitment that has demonstrated itself over the course of the last several years. So, thank you.

We will stand in recess ——

Ms. NORTON. Mr. Chairman?

Chairman GOWDY. Yes, ma'am?

Ms. NORTON. A point of personal privilege. I would like something to be entered into the record. I want to thank both senators for coming.

Senator Tim Scott never spoke of an incident or incidents that are relevant to this hearing because that is typical of him not to speak of something that is relevant that relates to him even though it relates to everyone else. And I am going to ask to be put into the record an article from CNN.com, "Black Senator Describes Facing Unfair Scrutiny by Police," where Senator Tim Scott did something that he said was the most difficult when he gave a speech because it was the most personal.

He described how he had been stopped seven times by law enforcement here, I believe, in the District, on Capitol Hill. It was my friend, Mr. Clay, who brought this to my attention. He said but the vast majority of the time I was pulled over for nothing more than driving a new car in the wrong neighborhood or some other reason just as trivial.

Mr. Scott has been pulled over for stealing the car, accused of stealing the car he was driving in. He described the plight of a former staffer who sold his "nice car" because he was so tired of being targeted by suspicious police. In the same speech on the Senate floor, Senator Scott praised the police for the dangerous lives they lived and complimented them on the work they do. That is the kind of man Senator Tim Scott is, and I ask that that be put into the record.

Chairman GOWDY. Without objection, and obviously I agree with everything you said, Ms. Holmes Norton. I think he is planning on including that in his memoir, and so he was hoping that you would buy the book and read those stories as opposed to doing it in a newspaper article.

Mr. CONNOLLY. Mr. Chairman?

Chairman GOWDY. Yes, sir.

Mr. CONNOLLY. I just want to thank our two witnesses. I have not heard more eloquent statements, and bipartisan, about our criminal justice system and its many failures and the consequences in human lives, and the scar on our country. I want to thank you both because I think it is a great way to begin this hearing. Thank you.

Chairman GOWDY. I thank the gentleman from Virginia.

They called votes.

Thank both of you.

We will be in recess, subject to the call of the Chair.

[Recess.]
Chairman Gowdy. The Committee on Oversight and Government Reform will reconvene. Without objection, the Chair is authorized to declare recesses at any time.

I want to thank our four witnesses for your patience with our vote series. The gentleman from Virginia and I will give our opening statements, and we will recognize each of you for your opening statements, and then we will start the questioning.

This hearing is on one aspect of our criminal justice system. I want to say another thank you to our two senators who were with us, and I want to thank two people who are not with us today. One is Elijah Cummings, for his commitment to criminal justice reform, which is a commitment that has spanned three decades. Mr. Cummings and I have spoken about today's hearing several times, and he very much wanted to be here. He will be back soon, and we will continue to explore this topic particularly within the jurisdiction of intergovernmental cooperation.

I also want to thank Bob Goodlatte, who is the Chairman of the Judiciary Committee. Criminal justice reform is ostensibly an issue within the jurisdiction of that committee. Chairman Goodlatte has been very gracious and accommodating in allowing us to go forward even as he and his committee do the very same. And the reason is there are at least two committees in the House that are exploring our criminal justice system, because it is so vital to the strength and longevity of our republic.

Our justice system must be both respected and worthy of respect. Our justice system must both be fair in reality and perceived as fair. Our justice system must be proportional. It must protect the innocents. It must punish those who have not conformed to societal norms, with those societal norms being reflected and codified in our law.

Fair, evenhanded, proportional, just, equal in intent and application. Those are not merely aspirations, those are expectations. They are our expectations for the world's most envied justice system.

I guess “blind” is the word that most of us use to associate with justice. Justice is blind. It is blind to race. It is blind to gender. It is blind to wealth. It is blind to everything other than the merits of the relative arguments.

In reality, Lady Justice, who is the mythological personification of our aspirations and expectations, is not blind. She is blindfolded. She can see. She just affirmatively chooses not to see who or what is before her. That is really hard. That requires discipline. It requires restraint. Lady Justice may not look, but that should not keep us from doing so to make sure that our justice system is as perfect as mortals can make something.

A significant percentage of our fellow citizens have some criminal history. And the overwhelming majority of those currently incarcerated will be released from confinement when the sentence is completed. What do we do when the sentences imposed have been served, the debt to society paid, the offender is reentering society? There are familial obligations to be met. There are societal obligations to be met. There may well be restitution owed to the victims of the previous conduct. And what we owe most to the victims is to lower the chance that they will be victims again. It is in all of
our interests these reentries be successful. It is in all of our inter-
ests these transitions back into society are successful.

Those leaving incarceration for reentry will often find society has
changed, sometimes dramatically. There will be educational deficits
and skills deficits in addition to the challenge of overcoming the
stigma of a conviction.

Our penal system has several aspects to it. There is a punish-
ment aspect. There is a separation from society aspect. There is
also a rehabilitation aspect, a restoration, if you will, a correction.

We ask the prisons at both the state and Federal level to do a
lot of things. And as I tell one of our witnesses who is my friend
and the Director of the Department of Corrections in South Caro-
olina, Bryan Stirling, he has the hardest job in all of law enforce-
ment. Keep those confined who are supposed to be confined. Protect
the safety of the women and men working in the prisons. Protect
the safety of other inmates. Provide health care, meals, and make
sure those incarcerated are ready for reentry. And, oh, by the way,
you will only make the news if something goes wrong or if there
is an escape.

Today is not about what has gone wrong or escapes. It is about
hearing what works with respect to reentry, and it is about hearing
how we can best serve the broader society by lowering recidivism.
The lower the recidivism rate, the fewer the victims there are. The
lower the recidivism rate, the lower the cost to society.

Tim Scott is not with us right now, but I want to say what I said
about him earlier. It is not easy to talk about criminal justice re-
form back home. We are, frankly, not asked about it a lot. So for
him, it is the dual challenge of both elevating an issue to the level
of public consciousness and then addressing the merits in a re-
spectful way. It takes courage to do that, and we are lucky that
Tim has that in abundance.

And I will say this on behalf of Senator Booker, who was with
us earlier: he not only talks about criminal justice reform in open
congressional hearings, he talks about it at corner tables of res-
taurants with no one else around. He talks about it in private con-
versations when there is no attention to be had. He even talks
about it with people with whom he may not agree on any other
issue, which demonstrates a level of commitment that is necessary
to effectuate change.

There is nothing more disheartening than to hear our fellow citi-
zens express distrust or disrespect for our justice system. When all
the other institutions of society are challenged, the justice system
should be the one that we can run to. To paraphrase from an old
hymn, the ground at the foot of the courthouse is level. We should
have confidence in the justice process from the moment we enter
the courthouse until the debt is paid and the correction is complete.

I look forward to hearing from our witnesses today on how we
can help those reentering society, what works, what does not work,
and how we can bolster confidence in this realm of our justice sys-
tem.

And with that, I will recognize my friend from Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman. First of all, let me
congratulate you and welcome you in your debut as our new chair-
man. I think speaking for all of the Democrats, we look forward to
working with you and trying to find common ground as much as we can.

Parenthetically, let me make a note, however. House Rule 10, Clause 4, authorizes this committee to, quote, “at any time, to conduct investigations on any matter without regard to the jurisdiction of another standing committee.” Under the Obama Administration, God knows, this committee never hesitated to exercise its proud authority, from Operation Fast and Furious to Benghazi—by the way, we even sent the retiring chairman to Libya on the Benghazi investigation by this committee—the IRS, or Secretary Clinton’s emails. We conducted these investigations while there were parallel, ongoing criminal investigations in some cases, and when other committees had full-blown investigations that were overlapping jurisdictional authority.

I do not think this committee can unilaterally give up its oversight responsibilities with respect to the Russia thing, conflicts of interest, or any other matter involving a new administration that may come to its attention. Oversight is not a matter of our personal or political preferences. It is a constitutional and institutional duty.

Having said that, turning to the subject at hand, I want to acknowledge what the Chairman just did, our ranking member. He has been a leader on this issue. This is a passion for him about criminal justice reform. He sends his regrets but he is recovering nicely and he will be back with us, we hope, after the recess in July. The Chairman was gracious enough to schedule a second hearing, which would then allow Ranking Member Cummings, obviously, to participate.

From my point of view, there are four key principles that ought to guide our efforts to ensure that punishments fit the crime and that ex-offenders have a real chance to turn their lives around.

First, as Ranking Member Cummings has written, we must acknowledge “that each person's ability to be self-sufficient in a law-abiding way is a core pillar of public safety. Expanded educational and economic opportunity will make us not only more prosperous but safer as a society.”

Not surprisingly, lack of education and opportunity will significantly increase the risk of imprisonment, as we heard from our two colleagues in the U.S. Senate. An African American man without a high school diploma has a nearly 70 percent chance of being imprisoned sometime in his mid-30s. In some states, more is being spent on prisons than on higher education.

The President’s 2018 budget initiates a unilateral retreat on public funding for education, unfortunately. It cuts the Department of Education by $9.2 billion, or 14 percent. It eliminates teacher instruction grants; enrichment and remediation programs that provide extended learning time; the public student loan forgiveness program, which helps our teachers, firefighters, and public servants repay student loans; raids the Pell Grant program and ends Federally-subsidized student loans. These cuts will hurt our ability to fight crime by creating economic and educational opportunities.

Second, we should not fill our prisons with non-violent drug offenders who are no threat to the safety and well-being of our communities. When mandatory minimum sentences force judges to sentence non-violent offenders, in some cases for decades, they not
only lose their livelihoods, their children and communities bear a devastating loss as well, and we heard that kind of testimony from our two colleagues in the Senate earlier.

Alternatives to detention like the Veterans Treatment Docket, which I helped work with my local court in Fairfax County, have demonstrated success diverting individuals into community-based rehab programs, as opposed to automatic, rigid jail sentences.

Third, we must ensure that once individuals have served out their sentences, they truly have a second chance to get back on their feet. Too often, post-release restrictions leave men and women with few opportunities to provide for themselves and their families. I commend my own governor in the Commonwealth of Virginia, Terry McAuliffe, for actively restoring the fundamental right to vote for 156,000 ex-offenders in Virginia. He personally signed the orders restoring those rights for every one of those people. I hope Virginia can be a model for other states to remove impediments that punish ex-offenders long after they have served their debt to society.

Finally, we must acknowledge that our criminal justice system has disproportionately had an impact on Americans of color. African American men are more than six times as likely as white men to be incarcerated. Approximately 37 percent of the men in state and Federal prisons are African American men, even though the African American population is 13 percent of our total population. Recognizing the devastating impact of policies like mandatory minimums on entire communities, the Obama Administration worked to give prosecutors more discretion on charging decisions and to commute the sentences of non-violent drug offenders. Unfortunately, our new attorney general, Attorney General Jeff Sessions, seems to want to turn back the clock on policies we feel failed in the past and reimpose the imposition of extreme sentences for low-level and non-violent crimes. From what he labels being “soft on sentencing,” the Attorney General has argued for so-called time-tested criminal justice practices. The reality is that mandatory minimums and other harsh measures have been tested, and they have failed.

The Trump Administration’s budget would also slash the Bureau of Prisons, ironically, by a billion dollars, exacerbating overcrowding, eliminating nearly 2,000 prison guards and 6,000 administrative staff, which I think could jeopardize the physical safety of both guards and inmates.

We do not have to choose between being just or compassionate. Smart policies, like those we heard advocated for a little earlier in this hearing from our two senators and by Congressman Cummings and others on this committee, allow us to do both. We can take immediate positive steps for exactly that kind of bipartisan reform. Ranking Member Cummings and Congressman Issa of our committee have a bipartisan, bicameral bill called the Fair Chance Act. It is within the committee’s jurisdiction, and I hope we can mark it up in the near term in one of the markups planned by our new chairman.

Mr. Chairman, I want to thank you for considering the request. I look forward to hearing from our witnesses today and look forward to cooperating with you on this very important topic.
Chairman Gowdy. The gentleman from Virginia yields back.

We will hold the record open for five legislative days for any members who would like to submit a written statement.

We will now recognize our second panel of witnesses. I will introduce you and administer the oath en banc, and then I will recognize you individually for your 5-minute opening statements.

We are pleased to welcome Mr. Bryan Stirling, who is the Director of South Carolina Department of Corrections; Pastor Omar Jahwar—and if I mispronounce anyone’s name, forgive me—Founder and CEO of Urban Specialists; Mr. William McGahan, Chairman of Georgia Works!; and the Honorable Alexander Williams, Jr., former United States District Court Judge for the District of Maryland and currently at the Center for Education, Justice, and Ethics at the University of Maryland.

I would ask all of you to please rise and let me administer an oath, pursuant to committee rules.

Do you solemnly swear or affirm the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

May the record reflect all the witnesses answered in the affirmative.

There is a clock or a color scheme that will alert you. Just keep in mind that all members have the full body of your opening statement, so to the extent that you can summarize it in 5 minutes, that will allow members more time for the question and answer session.

With that ——

Mr. Connolly. Mr. Chairman?

Chairman Gowdy. Yes, sir.

Mr. Connolly. Sorry. Just a unanimous request. I should have asked earlier. I ask unanimous consent to enter into the record a statement by Elijah Cummings on this matter, and letters from Justice Roundtable, Families Against Mandatory Minimums, and the Sentencing Project, for the record.

Chairman Gowdy. Without objection.

Chairman Gowdy. With that, Director Stirling.

STATEMENT OF BRYAN P. STIRLING

Mr. Stirling. Chairman Gowdy—I am used to calling you Solicitor. But Chairman Gowdy, congratulations on your new position. Ranking Member Cummings, we wish you a speedy recovery. Other distinguished members, Mr. Lynch. My grandmother was actually born and raised for a time on Dent Street, so a lot of my family members are still your constituents to this day. Thank you all for this opportunity and your interest in criminal justice reform.

As someone who has spent close to a decade in this arena, first as a Deputy Attorney General for the State of South Carolina, and now going on three-and-a-half years as the Director of South Carolina Department of Corrections, it is encouraging that Congress is focused on improving outcomes in our criminal justice system.

I would like to recognize two people that are with me today. First of all, behind me is Sandy Barrett. She is in charge of programs and services, a lot of the recidivism things. And then I have Warden Nena Staley of Manning Correctional. I am going to talk about her program in a little bit. Warden Staley is also, to brag a little
bit—Representative Duncan earlier talked about Clemson, the national championships. I want to talk about South Carolina's a little bit. She is sister-in-law with Dawn Staley, who is a national championship women's basketball coach at USC.

I would also like to recognize Mike McCall. He has been a warden at several of our prisons around the state, at Lee and other places. He has done some great work with recidivism.

And really I want to recognize all the correctional officers and staff from around the country, from South Carolina and around this nation who work really hard every day in very difficult environments, very under-appreciated, very stressful, in my state very understaffed, to keep us safe at night, and also to rehabilitate.

I would like to give a quick overview of the South Carolina prison system. As of Monday, we had 20,256 folks incarcerated; 3,404 of those folks are mentally ill. That is 17 percent of our population. I am going to get back to the mentally ill in a little bit.

That number is the lowest since 1997. I know there are some folks from Dew here. Senator Malloy in South Carolina and others on the Sentencing Reform Committee are responsible for that work. Representative Sanford actually signed that into law in 2010. In 2016 we admitted 8,798 offenders. We were down 30 percent from 2010. Our recidivism rate is almost at an all-time low of 23.1 percent. We have closed six prisons, and Pew has estimated that we have had a cost avoidance of $491 billion. We moved from 11th in incarceration per 100,000 to 20th. Our crime rate is down.

A lot of the work that has gone into this has been done by Pew, Senator Malloy, Governor Sanford, the innovative programs that we have. I will say this: Justice Brandeis did write at one time that states are the laboratories for democracy. So some of the things I am going to say here may translate to the Federal system, and they may not. That will be up to the committee to look at in the future.

One thing I always say, I look at it, is 85 and you. Eighty-five percent of the folks who are incarcerated serve under five years. So you have a choice, we have a choice as a state. I want you to think of a loved one, a family member. Who do you want sitting next to them at a coffee shop? Who do you want sitting next to them in church? Who do you want sitting next to them at school? Someone who has been warehoused for three to five years and fed three times a day and given constitutionally adequate medical care, or do you want someone who has been connected to their family, mental health treatment, has the skills, has a job, they know how to deal with anger issues and know how to perform as a citizen? That is a choice we have as a state. That is a choice we made in South Carolina. I think you are seeing the results of it now.

A couple of programs. We do CIU, Columbia International University, associate arts degree. We have Northeastern Tech. We have a lot of jobs coming to South Carolina, a 4.1 percent unemployment rate, which makes it difficult to hire correctional officers, but it makes it really easy to get folks hired.

SC Thrive. We try to hook people up with services when they leave.

One of the things Governor Haley and Director Cheryl Stanton of DEW said to me is these folks are coming out, we need to get
them jobs, jobs agency corrections, 900 people a month are leaving. So now our program at Dew—and I texted this to Chairman Gowdy earlier—people that go through that program, 75 percent after 18 months are still employed. It teaches employability skills, how to write a resume, how to explain incarceration, Federal bonding, Federal tax credits.

Also, we have the Second Chance program where everybody that leaves the Department of Corrections under DEW is signed up. They know where their services are, they know where their office is. They also have an opportunity where a couple of days a week there is someone who knows how to interact with someone who has been incarcerated, because sometimes they are intimidated by the government process helping them find a job.

We do WorkKeys, apprenticeships, on-the-job training, the YOA program, and I will be quick on this one because I see I am out of time. Seventeen to 25-year-olds, 50 percent were coming back to prison, 50 percent. It was a failure, and they were coming back for a lot longer. Judge William Byars, who is a judge, family court judge, took over corrections, and Ginny Barr are doing great work with this.

The recidivism rate right now, they are held to a standard, is 22 percent. They have a mentor. It is not someone who is there to take them to prison. That is what law enforcement is for. What they do is they are mentors and they try to hook them up with services, but they do have graduated responses.

One quick story, and I will leave on this. We had one young man who kept on getting in trouble, kept on getting in trouble. One of the requirements for the YOA program is to have a job. So we took him down to fill out an application, and we thought he had a literacy problem, thought he could not read. Well, he could not read because he could not see the paper. So we took him to a free clinic, we got him glasses, and we will never see him again, and he kept on getting in trouble because he could not read.

I am happy to answer any questions, and I want to thank Governor Haley and Governor McMaster for the support they have given us. Governor Haley visited three or four prisons while she was there and really worked on workforce development, and she knew that these folks were getting out and that they needed the services when they left.

Thank you very much, Mr. Chairman and committee members.

[Prepared statement of Mr. Stirling follows:]
Director’s Verbal Testimony
**Director’s Talking Points**

Sentencing reform legislation, reentry programs, training and education is how the South Carolina Department of Corrections has found success in reducing recidivism.

**South Carolina’s Prison Population Generally**

- At approximately 20,200, SCDC’s prison population is at its lowest since 1997.
  - Admissions to SCDC are at near record lows.
  - Annual total admissions for FY2016 totaled 8,798, a 30% decrease in admissions since 2010.
- As of June 30, 2016, SCDC’s prison population was 61% African American, 36% White, and 3% Other.
- As of June 30, 2016, the largest percentage of offenders (41%) are between the ages of 36 and 55, followed by 34% of offenders who are between the ages of 26 and 35.
- The current offender population is more violent. As of June 30, 2016, 66% of offenders had been convicted of a violent crime. Compared to 2002, when 46% of offenders had been convicted of a violent crime.
- SCDC’s three-year recidivism rate is currently 23.1%, which is close to an all-time low for the agency.
  - The overall recidivism rate for offenders under age 25 is 31.8%. For offenders ages 25-30 it’s 23.1%. However, among offenders who earned their GED during their incarceration with SCDC, the recidivism rate is 21.7%.
- Between 2010 and 2015, the number of parole revocations for technical violations of conditions of supervision that resulted in admission to prison decreased 46%, from 3,293 to 1,788.

**Institutional Programs**

Partnered with numerous non-profits to offer services within the institutions. Organizations like Catholic Charities offer the offenders a number of services that aids in their return to the community.

- **Evidence Based Programs** have been implemented to aid the offender and teach skill sets the offender can utilize at re-entry. Programs such as Violence Prevention, Parenting Inside Out, Impact of Crime, 7 Habits on the Inside, and the Athena: Leading from Within project are offered. Each of these programs assist the offender in making significant changes in behavior.

- **Toastmasters International** has been established in two prisons, teaching leadership and communication skills to the offender population. Communication is vital for offenders to master for job interview techniques.

- **Partnership with RMS America**
  SCDC partners with RMS America who hires ex-offenders to work at a large tire maker in South Carolina. RMS America will donate forklifts in July of 2017, to the Manning Re-entry/Work Release Center to assist with the training of offenders prior to their
It is their hope that when they receive new formerly incarcerated employees, they are already trained on use of the forklifts. Then, if hired elsewhere the ex-offender will have this skill set.

**Post-Secondary Education**

SCDC has partnered with technical colleges to provide the following:

- **CIU (Columbia International University)** provides educational classes for inmates at Kirkland Correctional Institution to provide an Associate of Arts Degree to Participants in Religious Education.
- **Northeastern Technical College** was selected as a pilot site for PELL GRANTS for offenders. The college sends instructors to Evans Correctional Institution to provide instruction in Business Management. The first semester there were 20 enrolled in college. At the end of the first semester, four inmates were named to the Presidents List and six made the Dean’s List.

**SC Thrive**

- The SC Thrive program connects soon-to-be released inmates with state and federal assistance programs such as SNAP, Medicaid, Welvista, military and veteran’s benefits, job assistance, and the Medically Indigent Assistance program. SCDC enlisted SC Thrive two years ago to train SCDC employees on taking applications to determine eligibility for programs that might assist the returning inmate. This program has been extremely successful in providing assistance to returning citizens in a timely manner.

**SCWORKS**

- In August, 2016, we partnered through the South Carolina Department of Employment and Workforce (DEW) in conjunction with SCWORKS for employees to come to every institution on a monthly basis and provide a workshop on information that would be helpful for returning citizens in the community. Each person scheduled for release is registered into the SCWORKS system. The offender is given a name of a person to ask for when entering the SCWORKS office in each county of release. The offenders are given an idea of what jobs are available in their county of release.
- In the midlands area where our state wide pre-release is located, we now go to SCWORKS two times per month to help work with the ex-offenders being released into the community. Our role is to help the offender feel more at ease and to walk him/her through the system and ensuring they are not lost or do not get frustrated in the process.
- The Governor’s Summit was a collaboration with DEW where SCDC was allowed to highlight the skill sets of offenders being released into the community. Business people from around the state were invited to hear then Governor Nikki Haley talk about the community’s need to not overlook this group of potential employees. This had a positive impact on hiring the ex-offender.
Second Chance Program

- A partnership between SCDC and the South Carolina Department of Employment and Workforce (DEW)
- The men’s program started at Manning Re-Entry/Work Release Center in November 2014. The women’s program began at Camille Griffin Graham Correctional Institution in May 2017.
- Offenders who have earned their GED or high school diploma and have a WorkKeys certificate enter the program 90 days before their release.
- DEW employees teach these offenders “soft skills” training, employability skills training, and job search techniques, including resume writing.
- DEW employees conduct mock interviews with participants.
- Thirty days prior to release, participants begin searching for jobs, completing applications, and when possible, interviewing for positions.
- All program participants are registered with the SC Works program, which allows them, once released, to seek job search assistance at any SC Works office.
- The goal of the program is for participants to have a job lined up upon release.
- Currently, the men’s program at Manning has an employment rate of 75%.

Sentencing Reform

- The Omnibus Crime Reduction and Sentencing Reform Act of 2010
  - Passed by the S.C. State Legislature and signed into law by former Governor Mark Sanford.
    - The legislation increased diversion options for some less serious drug offenses and reduced the sentencing ranges for lower-level offenses.
    - Resulting in decreasing the prison population by 14% since 2010 and averting all projected growth.
    - The decreased prison population has resulted in a total cost savings of at least $491 million since 2010, including $174 million in operating costs and $317 million in capital costs.
  - In September 2015, PEW Charitable Trust issued a report on imprisonment and crime rates. According to PEW, South Carolina is among the top 5 states in the nation experiencing the largest decrease in imprisonment rates while also seeing a significant reduction in crime rates.

Servsafe curriculum was implemented in January 2016 at several institutions within SCDC. This has been very successful at certifying inmates for work in the restaurant business upon release. To date, we have certified approximately 300 inmates in Servsafe, making them highly marketable upon release from prison.
**WorkKeys/GED/Apprenticeship/On the Job Training**

- Offenders who receive their GED, WorkKeys, and/or Vocational certificates are equipped with the skills and credentials to secure employment, and are therefore less likely to re-offend.
- A 2013 recidivism report compiled by the RAND Corporation (supported by the U.S. Department of Education and Justice Department), found that:
  1. Offenders who participate in correctional education experienced a 43 percent reduction in recidivism.
  2. Offenders exposed to computer-assisted instruction;
     a) learned slightly more in reading
     b) substantially more in math
  3. Every $1 spent of correctional education reduces incarceration costs by $4 to $5
- WorkKeys is a system of assessments and curriculum that build and measure essential workplace skills that can affect your performance and increase opportunities for career changes and advancement. Business and industry utilize this system to determine what essential skills are needed to be successful in a particular job. A large majority of businesses require a WorkKeys certificate to be submitted with their application for employment.
- Students take WorkKeys in the following areas: Applied Mathematics, Locating Information, and Reading for Information. The levels of certificates that they can earn are (least to greatest): Bronze, Silver, Gold, and Platinum.
- Apprenticeships are recognized by the Department of Labor as someone that has spent at a minimum 2000 hours training and can demonstrate competencies in specific job tasks. This certificate allows employers to know the applicant has been trained to perform the functions for which they are applying. It provides an employer the opportunity to hire trained employees who are DOL certified.
- The On the Job Training program participants are given a certificate indicating proficiency in core job skills associated with a specific job. Individuals spend at a minimum of 200 hours learning job proficiencies and then must demonstrate their ability to complete a specific task to their instructor prior to being awarded a certificate. The certificate can then be used upon release when applying for employment. This will assist the offender in securing employment at the point of re-entry.
- SCDC Division of Facilities Management began our first paving project in 2015. To date, the division has completed four paving projects to include: perimeter roads and parking lots. The Division of Facilities Management conducts the job training for many trades to include: asbestos competencies, construction carpentry competencies, custodial services competencies, fork lift competencies, heavy equipment competencies, HVAC/commercial refrigeration competencies, masonry competencies, metals fabrication competencies, plumbing competencies and roofing competencies. The Division of Facilities Management met with a representative from the South Carolina Asphalt Pavement Association, and SCDC is developing a certificate program for the proficient inmates. For each project completed, we train a new crew. There are four (4) supervisors with over fifty (50) years combined experience in asphalt paving. The intent of this program is to train inmates in all aspects of asphalt paving, to include operating all the necessary equipment and tools.
Current YOPRs data
Youthful Offender Parole and Re-Entry Services (YOPRS)

- Under the leadership and direction of former SCDC Director Judge William Byars, SCDC implemented a new evidence-based parole service for Youthful Offenders, called Intensive Supervision Services (ISS).
  - Youthful Offenders, ages 17-25, previously had a recidivism rate of at least 50%.
  - Since implementation in 2011, the recidivism rate for participants of the YOPRS program is much lower at 22.9%.
  - Since implementing this program, the daily population of Youthful Offenders has dropped from 1,333 in FY2010, to 661 in FY2016. That’s 50% fewer Youthful Offenders in SCDC custody.
  - ISS is based on the nationally recognized Intensive Aftercare Program (IAP) Model that utilizes evidence-based practices proven to:
    - Ensure the successful reentry of Youthful Offenders back into the community
    - Assist in the reduction of recidivism
    - Improve family and individual functioning
    - Ensure community safety
    - Reduce victimization
- The success of this program is attributed to the dedicated Intensive Supervision Officers (ISOs) who serve as case managers and mentors for a caseload of 20-25 offenders, both while incarcerated and upon release.
  - While incarcerated, ISOs meet with offenders once a month, complete at least three onsite residential assessments to ensure proper placement once released, complete a GRAD 90 Risk/Asset Assessment, prepare an individualized Case Management Plan, and develop a Community Re-Entry Team that meets regularly to assist the offender upon reentry.
  - Upon release, ISOs meet with offenders three times during the first week, then weekly after that. ISOs ensure that offenders meet their parole conditions, including restitution payments.
  - ISOs use a series of graduated/escalating responses to address violations, including electronic monitoring, curfew, drug testing, and service referrals.
  - ISOs also use incentives to reward and encourage positive behavior, including academic recognition, certificates of achievement, extended curfews, gift cards, and reduction in levels of supervision.
  - ISOs assist offenders in finding a job, signing up for school, social services, mental health, and drug treatment programs as needed.
  - ISOs review and update the offenders’ Case Management Plan as needed.
- There are a total of 1,160 youthful offenders assigned to 61 ISOs, for an average of 19 offenders per ISO.
  - 71% (or 828) offenders are now under supervision within their community.
  - 29% (or 332) offenders are still in SCDC custody, working towards release.
359 offenders are gainfully employed.
69 are enrolled in or have completed their GED.
17 offenders are enrolled in higher education.
16 are enrolled in Alternative education.
4,567 community service hours have been completed by youthful offenders within their communities.
Over the life of the program, 244 paroled youthful offenders have been returned to custody for “technical” violations such as absconding, missing curfew, or failing a drug test.
Over the life of the program, 196 paroled youthful offenders have been returned to custody for new convictions.

I would like to take this opportunity to thank the committee for inviting me to speak. Also, I would like to thank former Governor Haley and Governor McMaster for their work on Criminal Justice Reform.
Director’s Written Testimony
Director's Written Testimony

Basic Agency Information/Prison Population (20,215)
The prison population is at its lowest level in 19 years-since October 1997. The declining trend in the prison population is the longest in SCDC history. The three year recidivism rate (23.1%) is one of the lowest since SCDC has been keeping records. Admissions to SCDC are at near record lows.

Overall Recidivism
- SCDC has an overall 3-years recidivism rate of 23.1 percent, which is one of the lowest recidivism rates of Departments of Corrections in the U.S.
- Among all males, the rate is 24.1% and, among females, it is 15.2%!
- Our Prison Industry program has a 13.5% recidivism rate and our Pre-Release program has a recidivism rate of 20.8%.
- Our youngest offenders, i.e., those under 25 years of age, have the highest recidivism rate at 31.8%; however, those young offenders who participate in the YOA program have a MUCH lower recidivism rate of 22.9%

Institutional Programs
Partnered with numerous non-profits to offer services within the institutions. Organizations like Catholic Charities offer the offenders a number of services that aids in their return to the community.

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Second Chance Program/DEW
SCDC is committed to turning out a better citizen than received for incarceration. We have expanded our Vocational Programming within Palmetto Unified School District to provide improved skills to market for employment. In addition, we provide Work Keys programming and testing.

We have a six month pre-release program designated for offenders who, within the next six months, will be released from prison. Upon arrival at Manning Correctional Institution, our
designated pre-release center for the state, the offenders are assessed and provided a programming schedule which includes education, vocation, soft skills training, resume preparation, and OJT certification. For those offenders who are in possession of a GED and Work Keys certificate, they are signed up for the DEW Work Ready Initiative. A DEW Representative works with the participants for a two month period on employability skills, resume preparation, interview techniques, and then, in the last thirty days of incarceration, the offenders are taught how to search for employment. Resumes are sent out and applications filed for specific job openings. Each participant is given a DEW work center and contact person to make for a smoother transition from offender to citizen.

We also are working with internal job placement training sites to provide APPRENTICESHIP CERTIFICATES for training that meets the requirements. Our Prison Industries Division also provides job training opportunities and skills/certification training that can be utilized in employment opportunities once released.

THE PROBLEM:
Each year, approximately 9,000 offenders are released from South Carolina prisons. Far too often, offenders are released into the same environment from which they came, still lacking the education or skills needed to succeed outside of prison.

OUR RESPONSE:
In response to this problem, in 2014, the S.C. Department of Corrections (SCDC) partnered with the S.C. Department of Employment and Workforce (DEW) to develop a program where a case manager from DEW is placed on site at correctional facilities with laptops and materials to assist eligible offenders. (NOTE: only non-violent offenders are eligible) in work and skills training.)

THE PROCESS:
Ninety days prior to release, these offenders are taught employment skills in a class each day, including resume assistance, mock interviews, basic computer skills, job search tactics, and an introduction to the SC Works system, which has centers located in every region of the state and provides jobseekers with career counseling, job referrals, testing and training services, and resume writing assistance.

The last thirty days before release, the DEW case manager focuses on preparing these individuals for life outside the facility, utilizing one-on-one sessions to discuss particular issues, providing guidance and information about resources they may need post-release, and registering them in the SC Works system so that they can begin to apply for jobs online.

At the time of release, each participant receives a folder that includes a Federal Bonding letter, several copies of their resume, a letter of explanation that explains their personal situation, information on the SC Works centers across the state, and any other information they need regarding other available resources.

POST RELEASE:
Each month after release day, the names of these returning citizens are sent out to the SC Works staff in the field so they may reach out to the individuals in their area to offer continued support.
OTHER OPTIONS:
In addition to the Second Chance program, SC Works also provides monthly assistance by conducting informational sessions in each correctional facility for those who are set to be released that month. These sessions are a way for SC Works to make connections and offer support to these individuals who may not know how to start over. Service information, center locations and contacts are the main focus of these meetings. SC Works services are also provided in various corrections facilities across the state on an as needed basis.

JOB FAIRS:
As part of the Second Chance initiative, DEW and SCDC provide behind-the-fence job fairs. Businesses that are “ex-offender friendly” come to correctional facilities to discuss employment opportunities for soon-to-be-released offenders. These job fairs have resulted in several employment opportunities for participants. The last job fair held at the Manning Reentry/Work Release Center in Columbia included employers such as Verizon, who was looking for sales reps; Echerer Painting, wanting painters; Lineberger Construction company, looking for laborers and other skilled workers; RUIZ Foods looking for production staff; and O’Reilly Auto Parts seeking sales reps.

OUTCOMES FROM PARTICIPATING INSTITUTIONS MANNING AND CAMILLE GRAHAM (November 1, 2014 through May 31, 2017)
• 963 individuals have completed the Second Chance program
• 516 returning citizens have been released from prison
• 389, or 75%, are earning wages

NOTES FOR INFORMATIONAL PURPOSES:
Tools available to returning citizens include:
• Work Opportunity Tax Credit (WOTC) — Included as part of the WOTC, hiring returning citizens helps businesses receive a tax credit. This federally funded program, administered by DEW, provides employers with a 40 percent tax credit on eligible employees’ first year of wages after they have worked 400 hours.
• The Federal Bonding Program — This free-of-charge insurance policy provides Fidelity Bonding insurance coverage for high-risk workers. While many individuals just need a second chance to prove themselves, this policy protects businesses in case of loss of money or property due to work dishonesty.

Sentencing Reform
The sentencing reform initiatives implemented pursuant to the “Omnibus Crime Reduction and Sentencing Reform Act of 2010” have resulted in significant successes. This legislation has averted all projected growth and decreased the prison population 14% since 2010. The conservative estimate of the total cost avoidance since 2010 is at least $491 million. The averted costs include $141 million in operating costs and $317 million in capital costs. The savings also include $33 in additional operating costs. In September of 2015, the PEW Charitable Trusts (PEW) issued a report titled “Imprisonment and Crime Rates Fell in 30 States over 5 Years.” PEW estimated that South Carolina is one of the top five states that has experienced the largest
decrease in imprisonment rates, while at the same time South Carolina has experienced a significant decrease in crime rates.

This legislation increased diversion options for less serious drug offenses and reduced sentencing ranges for some low-level offenses. The annual admissions of offenders to SCDC in fiscal year 2016 totaled 8,798. This number represents a 30% decrease in admissions compared to fiscal year 2010. Annual admissions of non-violent offenders to SCDC in fiscal year 2016 totaled 6,813. This number represents a 35% decrease in admissions compared to fiscal year 2010. Annual admissions of violent offenders to DOC in fiscal year 2016 totaled 1,985. This number represents a 7.5% decrease in admissions compared to fiscal year 2010.

Servsafe, National Restaurant Association Certification, curriculum was implemented in January 2016 at several institutions within SCDC. This has been very successful at certifying inmates for work in the restaurant business upon release. To date, we have certified approximately 300 inmates in Servsafe, making them highly marketable upon release from prison.

**WorkKeys/GED/Apprenticeship/On the Job Training**

- Offenders who receive their GED, WorkKeys, and/or Vocational certificates are equipped with the skills and credentials to secure employment, and are therefore less likely to re-offend.
- A 2013 recidivism report compiled by the RAND Corporation (supported by the U.S. Department of Education and Justice Department), found that:
  1. Offenders who participate in correctional education experienced a 43 percent reduction in recidivism.
  2. Offenders exposed to computer-assisted instruction:
     a) learned slightly more in reading
     b) substantially more in math
  3. Every $1 spent of correctional education reduces incarceration costs by $4 to $5
- WorkKeys is a system of assessments and curriculum that build and measure essential workplace skills that can affect your performance and increase opportunities for career changes and advancement. Business and industry utilize this system to determine what essential skills are needed to be successful in a particular job. A large majority of businesses require a WorkKeys certificate to be submitted with their application for employment.
- Students take WorkKeys in the following areas: Applied Mathematics, Locating Information, and Reading for Information. The levels of certificates that they can earn are (least to greatest): Bronze, Silver, Gold, and Platinum.
- Apprenticeships are recognized by the Department of Labor as someone that has spent at a minimum 2000 hours training and can demonstrate competencies in specific job tasks. This certificate allows employers to know the applicant has been trained to perform the functions for which they are applying. It provides an employer the opportunity to hire trained employees who are DOL certified.
- The On the Job Training program participants are given a certificate indicating proficiency in core job skills associated with a specific job. Individuals spend at a minimum of 200 hours learning job proficiencies and then must demonstrate their ability to complete a specific task to their instructor prior to being awarded a certificate. The
certificate can then be used upon release when applying for employment. This will assist the offender in securing employment at the point of re-entry.

- SCDC Division of Facilities Management began our first paving project in 2015. To date, the division has completed four paving projects to include: perimeter roads and parking lots. The Division of Facilities Management conducts on the job training for many trades to include: asbestos competencies, construction carpentry competencies, custodial services competencies, forklift competencies, heavy equipment competencies, HVAC/commercial refrigeration competencies, masonry competencies, metals fabrication competencies, plumbing competencies and roofing competencies. The Division of Facilities Management met with a representative from the South Carolina Asphalt Pavement Association, and SCDC is developing a certificate program for the proficient inmates. For each project completed, we train a new crew. There are four (4) supervisors with over fifty (50) years combined experience in asphalt paving. The intent of this program is to train inmates in all aspects of asphalt paving, to include operating all the necessary equipment and tools.

YOPRS

GENERAL INFORMATION

- Historically, the three-year recidivism rate for Youthful Offenders released from SCDC has exceeded 50%.
- SCDC implemented a new community supervision (parole) service called Intensive Supervision Services (ISS) during FY 2011-12.
- ISS is based on the nationally recognized Intensive Aftercare Program (IAP) Model that utilizes evidence-based practices proven to:
  - Ensure the successful reentry of Youthful Offenders back into the community
  - Assist in the reduction of recidivism
  - Improve family and individual functioning
  - Ensure community safety
  - Reduce victimization
- Through ISS, an Intensive Supervision Officer (ISO) works in the community and is assigned to each Youthful Offender upon admission to SCDC.
- ISOs act in a proactive manner in the life of each offender under his/her supervision and manages a caseload of 20 – 25 individuals.
- Since implementation of ISS, the daily population of Youthful Offenders has dropped from 1,333 in FY2010 to 661 in FY2016 (50%).

ISO GUIDELINES

- ISO Supervision While an Offender is Incarcerated
  - Face-to-face visits, minimum of one per month
  - Completes three onsite residential assessments to ensure suitable residence upon release
  - Completes a GRAD-90 Assessment, which addresses both the risks (mental health issues, substance abuse, sociability concerns, career development) and assets (individual strengths, positive leisure time, family/mentor support, workforce readiness) that have proven prominent to the lives of the Youthful Offender population
 Completes an individualized Case Management Plan (CMP) that develops objectives for offenders that are specific, measurable, achievable, relevant, timely, and incorporate restorative practices
Develops a Community Reentry Team (CRT) that meets regularly to develop resources to assist the offender when reentering society such as educational opportunities, employment opportunities, and mental health/substance use services

- ISO Supervision While an Offender on Parole Supervision in the Community
  - Face-to-face visits in the home/community
    - First week: three (3)
    - Second week, onward: one (1) per week, four (4) per month
  - Ensures, when applicable, restitution is paid to victim(s) of crime
  - Monitors Release Guidelines to insure compliance
  - Utilizes a series of graduate responses, i.e., electronic monitoring, curfew, drug testing, service referrals, etc. to address Technical Violations of Release Guidelines, i.e., absconding, exceeding curfew, failure of random drug test, etc.
  - Assists offender in pursuing employment, further education, social services, mental health, medical and substance use services
  - Utilizes a series of incentives to encourage positive behavior, i.e., academic recognition, certificate of achievement, extended curfew, gift cards, reduction in level of supervision, etc.
  - Reviews individualized Case Management Plan (CMP) as needed with CRT, updating as offender progresses and needs change

DATA (Current as of 6-01-17)
- Total of 1,160 youthful offenders currently assigned to 61 ISOs, for an average of 19 per ISO
  - 828 (71%) of assigned offenders are in the community and on ISS parole
  - 332 (29%) of assigned offenders remain in SCDC institutions preparing for reentry
- Total of 5,535 random drug tests have been performed with offenders on ISS parole
  - 3,795 (69%) of offenders have passed these random drug tests
  - 1,740 (31%) of offenders have failed these random drug tests
- Total of 359 (43.4%) offenders are gainfully employed
- Total of 69 (8.3%) offenders are enrolled in or have completed GED classes
- Total of 17 (2.1%) offenders are enrolled in Higher Education
- Total of 16 (1.9%) offenders are enrolled in Alternative Education
- Total of 52 (6.3%) offenders are involved in Competency Development Programs (not education)
- Total of 1,669 Incentives have been used
- Total of 5,253 Technical Violations have occurred
- Total of 5,861 Graduated Responses have been issued/used
- Total of 4,567 Community Service hours have been completed by offenders
- Total of 244 (10.1%) of paroled offenders have been returned to SCDC custody for technical violations (over life of the program)
- Total of 196 (8.1%) of paroled offenders have been returned to SCDC custody for new convictions (over life of the program)
• Three-year ISS recidivism rate of 22.9% is less than half of the 52.9% recidivism rate for Youthful Offenders not receiving ISS
Overall Recidivism
**South Carolina Department of Corrections**

**Reconviction Rates of Inmates Released during FY2009 - FY2013**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Releases</td>
<td>13,454</td>
<td>12,744</td>
<td>12,024</td>
<td>11,409</td>
<td>9,623</td>
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<table>
<thead>
<tr>
<th>Percentage of Releases who Returned to SCDC</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within One Year or Less</td>
<td>9.6%</td>
<td>8.0%</td>
<td>7.5%</td>
<td>6.2%</td>
<td>6.2%</td>
</tr>
<tr>
<td>Within Two Years or Less</td>
<td>20.0%</td>
<td>18.0%</td>
<td>16.7%</td>
<td>15.5%</td>
<td>16.2%</td>
</tr>
<tr>
<td>Within Three Years or Less</td>
<td>26.4%</td>
<td>24.8%</td>
<td>23.4%</td>
<td>22.4%</td>
<td>23.1%</td>
</tr>
<tr>
<td>Within Four Years or Less</td>
<td>31.0%</td>
<td>29.6%</td>
<td>28.4%</td>
<td>27.3%</td>
<td>n/a</td>
</tr>
<tr>
<td>Within Five Years or Less</td>
<td>34.1%</td>
<td>32.7%</td>
<td>31.7%</td>
<td>n/a</td>
<td>n/a</td>
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**Comparison of 3-Year Reconviction Rates by Inmate Attributes**

<table>
<thead>
<tr>
<th>Attributes</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Males</td>
<td>27.8%</td>
<td>26.1%</td>
<td>24.3%</td>
<td>23.3%</td>
<td>24.1%</td>
</tr>
<tr>
<td>Females</td>
<td>17.7%</td>
<td>14.3%</td>
<td>15.9%</td>
<td>15.2%</td>
<td>15.2%</td>
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</table>

<table>
<thead>
<tr>
<th>Type of Release</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maxout (Expiration of Sentence)</td>
<td>17.8%</td>
<td>18.1%</td>
<td>17.5%</td>
<td>17.7%</td>
<td>19.0%</td>
</tr>
<tr>
<td>Parole</td>
<td>21.0%</td>
<td>17.9%</td>
<td>18.8%</td>
<td>18.3%</td>
<td>17.4%</td>
</tr>
<tr>
<td>Probation</td>
<td>40.8%</td>
<td>36.6%</td>
<td>33.3%</td>
<td>31.8%</td>
<td>32.2%</td>
</tr>
<tr>
<td>Community Supervision</td>
<td>20.4%</td>
<td>16.1%</td>
<td>15.3%</td>
<td>14.0%</td>
<td>14.7%</td>
</tr>
<tr>
<td>Supervised Reentry</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Youthful Offender Act* - Parole</td>
<td>46.8%</td>
<td>42.0%</td>
<td>39.4%</td>
<td>38.4%</td>
<td>37.7%</td>
</tr>
<tr>
<td>Youthful Offender Act* - Maxout</td>
<td>30.1%</td>
<td>26.6%</td>
<td>28.9%</td>
<td>23.0%</td>
<td>27.9%</td>
</tr>
<tr>
<td>Youthful Offender Act* - Intensive Supervision Parole</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
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<table>
<thead>
<tr>
<th>Age at Release</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 25 Years</td>
<td>37.9%</td>
<td>34.6%</td>
<td>31.9%</td>
<td>32.0%</td>
<td>31.8%</td>
</tr>
<tr>
<td>25-30 Years</td>
<td>25.3%</td>
<td>24.8%</td>
<td>23.3%</td>
<td>23.6%</td>
<td>23.1%</td>
</tr>
<tr>
<td>31-40 Years</td>
<td>23.6%</td>
<td>22.3%</td>
<td>20.4%</td>
<td>19.9%</td>
<td>20.3%</td>
</tr>
<tr>
<td>Over 40 Years</td>
<td>21.1%</td>
<td>19.0%</td>
<td>19.4%</td>
<td>17.0%</td>
<td>15.6%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Program Participation</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Release</td>
<td>25.1%</td>
<td>22.1%</td>
<td>20.6%</td>
<td>21.6%</td>
<td>20.8%</td>
</tr>
<tr>
<td>Work Program</td>
<td>22.4%</td>
<td>21.1%</td>
<td>18.1%</td>
<td>17.9%</td>
<td>19.1%</td>
</tr>
<tr>
<td>Labor Crew</td>
<td>22.4%</td>
<td>20.2%</td>
<td>19.0%</td>
<td>17.6%</td>
<td>19.1%</td>
</tr>
<tr>
<td>Labor Crew/Work Program</td>
<td>22.5%</td>
<td>20.1%</td>
<td>19.0%</td>
<td>17.8%</td>
<td>19.1%</td>
</tr>
<tr>
<td>Prison Industry</td>
<td>19.4%</td>
<td>18.6%</td>
<td>17.3%</td>
<td>14.6%</td>
<td>13.5%</td>
</tr>
<tr>
<td>GED Earned in SCDC Education Program</td>
<td>24.0%</td>
<td>26.3%</td>
<td>22.1%</td>
<td>22.4%</td>
<td>21.7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sentence Type</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youthful Offender Act*</td>
<td>65.4%</td>
<td>40.8%</td>
<td>38.2%</td>
<td>36.9%</td>
<td>35.8%</td>
</tr>
<tr>
<td>Straight-time</td>
<td>23.8%</td>
<td>22.5%</td>
<td>21.4%</td>
<td>20.7%</td>
<td>21.7%</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Criminal History</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had Commitment</td>
<td>28.5%</td>
<td>26.4%</td>
<td>25.1%</td>
<td>24.7%</td>
<td>25.4%</td>
</tr>
<tr>
<td>Had Delinquent</td>
<td>29.2%</td>
<td>27.9%</td>
<td>27.2%</td>
<td>26.4%</td>
<td>27.1%</td>
</tr>
<tr>
<td>No Known Prior</td>
<td>22.0%</td>
<td>20.9%</td>
<td>20.5%</td>
<td>18.6%</td>
<td>19.4%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mental Health Classification at time of release</th>
<th>FY 2009</th>
<th>FY 2010</th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mentally Ill</td>
<td>28.1%</td>
<td>28.9%</td>
<td>26.7%</td>
<td>26.4%</td>
<td>25.9%</td>
</tr>
<tr>
<td>Non-Mentally Ill</td>
<td>26.4%</td>
<td>24.2%</td>
<td>23.3%</td>
<td>21.6%</td>
<td>23.0%</td>
</tr>
</tbody>
</table>

*Youthful Offender Act (YOA) inmates serve an indeterminate sentence of 1 to 8 years. "Probation/Supervision Parole" releases began in FY12. The parole program includes "first time" youthful offenders who undergo intensive programs/overseas while institutionalized and while on parole supervision.
Efforts to reduce recidivism are grounded in the ability to accurately and consistently collect and analyze various forms of data. To that end, states have developed increasingly sophisticated and comprehensive recidivism tracking methods. By improving the accuracy and consistency of data collection, using more timely measures, and expanding the types of recidivism metrics that are tracked as well as the populations to which these metrics are applied, states are now better positioned to understand and respond to recidivism trends. The recidivism data included in this brief is not meant to be compared state by state; it is meant to show individual examples of state successes across various recidivism measures.

**Methodology**

This brief uses publicly available data from state agencies to identify achievements in recidivism reduction. Two types of recidivism are presented in this document—cohort-based and revocation-based.

**Cohort-based recidivism** is measured by tracking a set group of people over a specified time period. This type of recidivism is always presented as a rate representing the proportion of people who recidivate as compared to the whole cohort. For example, a cohort-based analysis of prison releases may track all people released in 2010 and measure the rate of returns to prison within three years. If there were 100 people in the 2010 release cohort and 32 of them returned to prison within three years, the recidivism rate for this cohort would be 32 percent. Cohort-based recidivism tends to be a less timely indicator than revocation-based recidivism due to the time period necessary for tracking. In the example above that uses a cohort of people released from prison in 2010, it would not be possible to calculate a three-year recidivism rate until after the end of 2013. Compounded by the time needed to conduct the analysis and publish results, this three- to four-year lag is commonly present for recidivism rates of any given cohort. Despite this lag, cohort-based recidivism is an important measure because it indicates how well a system is doing at limiting people's continued criminal justice involvement.

**Revocation-based recidivism** is measured by identifying people who are on either probation or parole who have had their supervision status terminated either due to a technical

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**Recidivism Reduction Highlights**

<table>
<thead>
<tr>
<th>State</th>
<th>Recidivism Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>23 percent</td>
</tr>
<tr>
<td>Michigan</td>
<td>43 percent</td>
</tr>
<tr>
<td>Texas</td>
<td>6 percent</td>
</tr>
<tr>
<td>North Carolina</td>
<td>-34 percent</td>
</tr>
<tr>
<td>South Carolina</td>
<td>-35 percent</td>
</tr>
<tr>
<td>Georgia</td>
<td>-46 percent</td>
</tr>
<tr>
<td>Michigan</td>
<td>-30 percent</td>
</tr>
<tr>
<td>Texas</td>
<td>-35 percent</td>
</tr>
</tbody>
</table>

*Volume on rate of returns to prison for a new crime.
**Volume or rate of parole or probation revocation.
violation of the conditions of their supervision (e.g., failing a drug test or missing an appointment with a supervision officer) or because they were arrested or convicted of a new crime. While some states publish only the rate of revocations from supervision, most states publish the exact number of revocations that occur within each calendar year. Revocation-based recidivism is an important measure because it shows how a system responds to noncompliant behavior, which may or may not include criminal behavior.

Because the type of information that is tracked and published in each state varies, different definitions of recidivism and means of measuring that recidivism vary across the state examples presented in this brief. The volume and rate of revocation-based recidivism are presented when possible, and rates are consistently presented for cohort-based recidivism data. Each state example also includes a summary of the types of recidivism data collected by the state.

**Key Measures of Recidivism**

- **REARREST** is the broadest measure of recidivism. Because not all rearrests result in a guilty finding or conviction, this metric may suggest that there is more criminal activity than there actually is. However, it is still an important measure of the volume of people returning to courts and county jails as well as the most comprehensive indicator of a person’s interaction with the criminal justice system.

- **RECONVICT** provides clear evidence that new criminal activity has been committed by someone with prior involvement in the criminal justice system and is considered the most accurate indicator of recidivism and public safety outcomes.

- **REINCARCERATION** can be the result of both criminal and non-criminal behavior (e.g., incarceration for certain supervision violations), and generally refers to prison. Incarceration is the most costly criminal justice response available in states, and it also generates a significant financial burden for local jurisdictions, which are often responsible for incarcerating people who have been revoked. Due to the simplicity and availability of data needed for analysis, this measure is the most commonly available across states.

- **REVOCATION** occurs when people who have been sentenced to probation supervision or who have been placed on probation as parole following a term of incarceration lose their supervision status revoked, and in some instances incarcerated, as a response to their behavior. Revocation can be the result of both criminal and non-criminal behavior (e.g., arrest or conviction for a new crime or the violation of supervision conditions), and has significant cost implications for local and state governments.
46-percent decline in technical revocations

Between 2010 and 2015, the number of revocations for technical violations of conditions of supervision that resulted in admission to prison decreased 46 percent, from 3,293 to 1,788. Revocations not resulting in admission to prison also declined 46 percent, from 1,490 to 810.1

21-percent decline in three-year return-to-prison rate

Between 2004 and 2013, the rate of people returning to prison within three years of release decreased 21 percent, from 33 percent to 26 percent.2

25-percent drop in incarceration rate for people on supervision

The rate of incarceration within three years of starting supervision declined from approximately 20 percent for the 2010 cohort to 15 percent for the 2012 cohort.3

16-percent decrease in the violent crime rate

Between 2010 and 2013, the number of violent crimes reported per 100,000 residents declined 16 percent, from 602 to 505.4

PUBLICLY AVAILABLE RECIDIVISM DATA

<table>
<thead>
<tr>
<th>3 YEAR FOLLOW-UP</th>
<th>PEOPLE RELEASED FROM PRISON</th>
<th>PEOPLE ON PAROLE</th>
<th>PEOPLE ON PAROLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECRUITMENT</td>
<td>TOTAL</td>
<td>RECRUITMENT</td>
<td>RECRUITMENT</td>
</tr>
<tr>
<td>REINCARCERATION</td>
<td></td>
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</tr>
<tr>
<td>TECHNICAL VIOLATION</td>
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<td>NEW CRIME</td>
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<tr>
<td>TOTAL</td>
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<tr>
<td>NO APPEARANCE</td>
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</tr>
<tr>
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<tr>
<td>TOTAL</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>NO APPEARANCE</td>
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<tr>
<td>APPEARANCE</td>
<td></td>
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</tr>
</tbody>
</table>
In 2010, the South Carolina legislature passed an omnibus bill that codified criminal justice system changes by:

- Mandating post-release supervision, authorizing earned discharge, enhancing the available administrative responses to supervision violations, and using risk assessments to guide supervision decisions; and
- Restructuring penalties for certain violent, property, and drug offenses to reserve prison space for people convicted of more serious offenses.

South Carolina has received $800,000 in federal investments that include:

- One grant for a nonprofit organization to provide pre- and post-release mentoring and transitional services to people; and
- One grant for the Department of Probation, Parole and Pardon Services to test innovative approaches to improve outcomes for people under probation supervision and implement evidence-based strategies.

Long-held views about what makes a criminal justice system successful have changed over the years, and South Carolina is one of the states leading the way in developing better approaches toward reducing recidivism. We now train staff to follow practices that have been proven to keep people out of the criminal justice system. When you incorporate input and support from nonprofits and the business community into your rehabilitation and reentry efforts, you build a stronger and safer community.

TBD, DIRECTOR OF CORRECTIONS

2. South Carolina Department of Corrections. Report of Annual Cost of Services Rendered during 2018. 2018 was the most recent three-year recidivism data available. Includes people returning to prison on revocations for crimes committed prior to original conviction.
4. FBI UCR Crime reports. 2015 was the most recent year of UCR crime data available.
South Carolina: Justice Reinvestment 2009-2010

South Carolina's correctional population had nearly tripled during the past 25 years and was projected to grow 13% by 2014.

Sentencing Reform Commission
1. System Overview
   - Examine how the state uses best practices in sentencing and corrections.
2. Prison Drivers
   - Examine what's driving the size of the state's prison population; how the prison and supervision populations have changed over time.
3. Policy Development
   - Evaluate potential policies; reach out to interested stakeholders.
4. Final Findings and Recommendations
   - Finalize recommendations and task legislature with codifying them into law.

NATIONAL LANDSCAPE
by 2008:
1 in 100 Adults Behind Bars
Incarcerated Population, 1870-2008

by 2008:
1 in 31 Adults Under Correctional Control
Correctional Population (prisons, jails, probation and parole), 1980-2008
by 2008:
1 in 13 State Dollars Spent on Corrections

State Correctional Spending, 1987-2008 (millions)

$19.3 billion

$52.3 billion

Justice Reinvestment States 2007-2010
by 2014:
1 in 36 Under Correctional Control

From 2009-2014, 30 States Achieved Reductions in Both Crime and Imprisonment Rates
Bipartisan Support for Reform Strong

"It does not matter whether a nonviolent offender is in prison for 21 or 24 or 27 months. What really matters is the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime."

| STRONGLY AGREE | 73% |
| TOTAL AGREE   | 90% |

Reframing the Debate

Old Question:
"How Do We Demonstrate that We’re Tough on Crime?"

New Question:
"How Do We Get Taxpayers a Better Public Safety Return on Their Corrections Dollars?"
Commission Findings and SB 1154 (2010) Reforms

- Finding: Admissions to prison increased 26% since 2000, with the increase largely made up of low-level offenders. Reforms: Increased diversion options for less serious drug offenses; increased the felony property crime threshold to $2,000.

- Finding: 49% of offenders in prison were there for non-violent offenses; share of drug offenders in prison had tripled over 30 year period to 20% of population. Reforms: Reduced sentencing ranges for some low-level offenses; made some drug offenses parole eligible; provided more opportunities for earned time.
Commission Findings and SB 1154 (2010) Reforms

- Finding: 24% of admissions were offenders revoked from supervision, with technical violations the large majority
  - Reforms: Established graduated sanctions and incentives for supervised offenders; established 20 for 30 earned time on supervision
- Finding: The parole grant rate had substantially decreased to a rate of 10% in 2008
  - Reforms: Made more offense groups parole eligible; required that non-violent inmates who have been incarcerated at least 2 years be released to mandatory supervision 180 days before release date

Number and Share of Nonviolent Offenders in Prison Decreased Since 2010
Imprisonment Rate Fell From 11th In Nation to 20th, Currently 431 per 100,000 Residents

<table>
<thead>
<tr>
<th>State</th>
<th>Imprisonment Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana</td>
<td>566</td>
</tr>
<tr>
<td>Mississippi</td>
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<tr>
<td>Oklahoma</td>
<td>433</td>
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<tr>
<td>Texas</td>
<td>562</td>
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<tr>
<td>Alabama</td>
<td>442</td>
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<td>Arizona</td>
<td>599</td>
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<td>Nevada</td>
<td>466</td>
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<td>South Carolina</td>
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<td>Utah</td>
<td>448</td>
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<tr>
<td>Vermont</td>
<td>447</td>
</tr>
<tr>
<td>California</td>
<td>490</td>
</tr>
</tbody>
</table>

Crime Rate Continued to Decline After Reforms

Index Crime Rate per 100,000 Residents, 2000-2015

- 2000: 5,131
- 2015: 3,799
State Has Averted All Projected Growth and Decreased Prison Population 14% Since 2010

South Carolina's Prison Population

Total Cost Avoidance Since 2010 Tops $490 Million

Averted Costs: $141 million in operating costs + $317 million in capital costs

Savings: $33 million in operating costs
<table>
<thead>
<tr>
<th>Cost Avoidance Attribute to Prison Population Decline 2011-2016</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Averted Capital Costs</td>
<td>$317,000,000</td>
</tr>
<tr>
<td>Averted Operating Costs</td>
<td>$141,000,000</td>
</tr>
<tr>
<td>Savings on Operating Costs</td>
<td>$33,000,000</td>
</tr>
<tr>
<td>Total Cost Avoidance</td>
<td>$491,000,000</td>
</tr>
</tbody>
</table>

**Contact Info**

- Laura Bennett
  - Office: (202) 552-2028
  - Email: LBennett@pewtrusts.org
- Casey Phleiffer
  - Office: (202) 540-6527
  - Email: SPhleiffer@pewtrusts.org

Public Safety Performance Project
www.pewtrusts.org/publicsafety
Second Chance Program

DEW
Second Chance Program

Each year, approximately 10,000 people are released from South Carolina prisons. Far too often, ex-offenders are released into the same environment from which they came, lacking the education or skills needed to succeed outside of prison.

Through WIOA Title III funds, the S.C. Department of Corrections (SCDC) and the S.C. Department of Employment and Workforce (DEW) in 2014 developed a pilot program where a case manager from DEW was placed on site with laptops and materials to assist eligible returning citizens in work-skills training.

Ninety days prior to release, ex-offenders are taught employment skills in a one-hour class each day, including:

- workshops
- mock interviews
- resume assistance
- letters of explanation
- basic computer skills
- introduction to the SC Works system
- job search tactics
- soft skills

The last 30-days prior to release are especially important as the case manager prepares individuals for life outside the facility. This includes one-on-one sessions to talk through any fears or concerns they may have about being released, making suggestions and providing guidance and information about other agencies or resources they may need post release.

This is also the time when returning citizens get registered in the SC Works system and begin to apply for jobs online.

As part of the Second Chance Initiative, DEW and SCDC provide behind-the-fence job fairs. Inviting ex-offender friendly businesses to come on-site to discuss employment opportunities, these job fairs have resulted in several employment opportunities for participants.

At the time of release each participant receives a folder that includes a Federal Bonding letter, several copies of their résumé, a letter of explanation that explains their personal situation, information on the SC Works centers across the state and any other information that staff feel they need relating to other available resources.

Each month after release day, the names of these returning citizens are sent out to the SC Works staff in the field so they may reach out to the individuals in their area to offer continued support.

In addition to the Second Chance program, SC Works also provides monthly assistance by conducting informational sessions in each correctional facility for those who are set to be released that month.
These sessions are a way for SC Works to make connections and offer support to these individuals that may not know how to start over. Service information, center locations and contacts are the main focus of these meetings.

Services are also provided in various corrections facilities across the state on an as needed basis. SCDC will contact the center closest to them and request specific workshops in an effort to prepare their ex-offenders for release. The staff within each SC Works region also regularly reaches out to the facilities within their areas to offer support and assistance.

SC Works continues to work closely with all individuals after their release.

With proven results stemming from the pilot, the State Workforce Development Board invested state-level Workforce Innovation and Opportunity Act funds into expanding the program to other correctional facilities.

Employment Tools – All Returning citizens are given an overview of the SC Works online system, as well as contact information for the SC Works center closest to their return destination. Participants in the Second Chance Initiative receive a folder at the time of release that includes a Federal Bonding letter, several copies of their resume, a letter of explanation that outlines their personal situation, information on the SC Works centers across the state and a case manager from their local SC Works center, and any other information or available resources relevant to that individual. Other tools available to returning citizens include:

- **Work Opportunity Tax Credit (WOTC)** – Included as part of the WOTC, hiring returning citizens helps businesses receive a tax credit. This federally funded program, administered by DEW, provides employers with a 40 percent tax credit on eligible employees’ first year of wages after they have worked 400 hours.
- **The Federal Bonding Program** – This free-of-charge insurance policy provides Fidelity Bonding insurance coverage for high-risk workers. While many individuals just need a second chance to prove themselves, this policy protects businesses in case of loss of money or property due to work dishonesty.

**Outcomes**
- 963 individuals have completed the program
- 516 returning citizens have been released from prison
- 389, or 75%, are earning wages

**Additional Information**
- The average class size is 20 with 3 classes per 90-day session.
- The last job fair held at the Manning pre-release center in Columbia included employers such as Verizon, who was looking for sales reps; Echerer Painting, wanting painters; Lineberger
Construction company, needed laborers and other skilled workers; RUIZ Foods looking for production staff; and O'Reilly Auto Parts needing sales reps.

- Federal bonds are paid for out of the state's Wagner Peysner federal funds. The typical coverage is $5,000 but can go up to $25,000 if requested by the employer. There is no cost to the jobseeker or the employer, each $5,000 bond costs $98 (again out of the federal funding). The coverage expires after six months. The agency spends less than $2,500 of its federal dollars on bonds per year. It is a very successful program in that less than 1% nationally have had claims filed.

- The Work Opportunity Tax Credit was enacted in 1996. It is a federal tax credit available to employers for hiring individuals from certain targeted groups who face barriers to employment (i.e. ex-offenders, veterans, low income, long term unemployed, disabled)

- This program is open only to non-violent offenders. There are only three reasons to keep a non-violent offender out of the program: 1) if he didn't have HS diploma or GED; 2) if he had behavioral issues within the last 90 days; or 3) if he was self-employed in a legitimate business before he went to prison and is going back to it after he is released. Everyone who enrolls does not complete the program. The great majority of those who don't finish self-drop out but the agency doesn't know the reasons why they leave. Only a "handful" have been removed from the class.
Manning Correctional Institution

(May 1, 2016 - June 18, 2017)

Application Intake by Type

<table>
<thead>
<tr>
<th>Service</th>
<th>Count</th>
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<tbody>
<tr>
<td>SNAP</td>
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<tr>
<td>Medicaid</td>
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<tr>
<td>Full-462</td>
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<tr>
<td>Aged, Blind and/or Disabled-31</td>
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<tr>
<td>Medicare Savings-0</td>
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<tr>
<td>Optional State Supplemental-0</td>
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<tr>
<td>Breast and Cervical Cancer Program-1</td>
<td></td>
</tr>
<tr>
<td>General Hospital Services-0</td>
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</tr>
<tr>
<td>Emergency Medicaid-2</td>
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</tr>
<tr>
<td>Nursing Home Services-0</td>
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<tr>
<td>Home and Community Based Services-0</td>
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<tr>
<td>TEFRA-0</td>
<td></td>
</tr>
<tr>
<td>Welvista</td>
<td>2</td>
</tr>
<tr>
<td>Voter Registration</td>
<td>0</td>
</tr>
<tr>
<td>Military &amp; Veterans Benefits</td>
<td>0</td>
</tr>
<tr>
<td>JUUMP (Jobs Upfront Mean More Pay)</td>
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<tr>
<td>Medically indigent Assistance Program</td>
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<tr>
<td>Taxes: Federal</td>
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<tr>
<td>Taxes: State</td>
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<tr>
<td>Total Applications Completed</td>
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SNAP Allotment by Client

(All Data is an estimate based on information provided by client and final qualification is determined by the Department of Social Services)

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<thead>
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<th>Estimated Annual Allotment</th>
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<tr>
<td>Average Estimated Annual Allotment Per Individual</td>
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<td>Average Estimated Individual Monthly Allotment</td>
<td>$193</td>
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</table>
### Clients Served

- 919

### Clients with App Return

- 824

### Applications Completed

- 1,311

### Counselor Activity

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<td>Danielle Atkinson</td>
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<tr>
<td>Brandon Byrd</td>
<td>06-06-2017</td>
<td>40</td>
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<tr>
<td>Charles Daniel</td>
<td>06-16-2017</td>
<td>218</td>
</tr>
<tr>
<td>Tamala Jackson</td>
<td>05-22-2017</td>
<td>26</td>
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<tr>
<td>Janie Jefferson</td>
<td>11-30-2017</td>
<td>134</td>
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<tr>
<td>Stephanie LaSane</td>
<td>02-28-2017</td>
<td>5</td>
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<tr>
<td>Johnny Morrow</td>
<td>06-16-2017</td>
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<tr>
<td>Rodney Robinson</td>
<td>06-16-2017</td>
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### Household Dynamics

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<tr>
<th>Category</th>
<th>Count</th>
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<tbody>
<tr>
<td>Households</td>
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<td>Households with children</td>
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<tr>
<td>Household members</td>
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<td>Children (under 18)</td>
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<tr>
<td>Adults (18-59)</td>
<td>899</td>
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<tr>
<td>Seniors (60+)</td>
<td>22</td>
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<tr>
<td>Current member of the military or a veteran</td>
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<tr>
<td>Surviving spouse or a dependent child of a veteran</td>
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Ridgeland Correctional Institution
(May 1, 2016-June 18, 2017)

Application Intake by Type

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<tbody>
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<tr>
<td>Medicaid</td>
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<tr>
<td>Full-1</td>
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<td>Aged, Blind and/or Disabled</td>
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<tr>
<td>Medicare Savings</td>
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</tr>
<tr>
<td>Optional State Supplemental</td>
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</tr>
<tr>
<td>Breast and Cervical Cancer Program</td>
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<tr>
<td>General Hospital Services</td>
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<td>Emergency Medicaid</td>
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<tr>
<td>Nursing Home Services</td>
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<tr>
<td>Home and Community Based Services</td>
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<tr>
<td>TEFRA</td>
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<tr>
<td>Welvista</td>
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</tr>
<tr>
<td>Voter Registration</td>
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<tr>
<td>Military &amp; Veterans Benefits</td>
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<tr>
<td>JUUMP (Jobs Upfront Mean More Pay)</td>
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<tr>
<td>Medically Indigent Assistance Program</td>
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<td>Taxes: State</td>
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<td>Total Applications Completed</td>
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</tr>
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SNAP Allotment by Client

(All Data is an estimate based on information provided by client and final qualification is determined by the Department of Social Services)

| Estimated Annual Allotment           | $6,984 |
| Average Estimated Annual Allotment Per Individual | $2,328 |
| Average Estimated Individual Monthly Allotment | $194  |
Clients Served: 5
Clients with App Return: 4
Applications Completed: 6

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<thead>
<tr>
<th>Counselor</th>
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<th>Applications Completed</th>
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<tr>
<td>Ashleigh Aycock</td>
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</tr>
<tr>
<td>Stacey Evans Hamilton</td>
<td>02-07-2017</td>
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<tr>
<td>Shirley Singleton</td>
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<tr>
<td>Christal Thomas</td>
<td>08-3-2017</td>
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Household Dynamics

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<td>Adults (18-59)</td>
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<td>Surviving spouse or a dependent child of a veteran</td>
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Kershaw Correctional Institution

(May 1, 2016-June 18, 2017)

Application Intake by Type

<table>
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<tbody>
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<td>Aged, Blind and/or Disabled-5</td>
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<td>Medicare Savings-1</td>
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<td>Optional State Supplemental-0</td>
<td></td>
</tr>
<tr>
<td>Breast and Cervical Cancer Program-0</td>
<td></td>
</tr>
<tr>
<td>General Hospital Services-0</td>
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<tr>
<td>Emergency Medicaid-0</td>
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<tr>
<td>Nursing Home Services-0</td>
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<tr>
<td>Home and Community Based Services-0</td>
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<td>TEFRA-0</td>
<td></td>
</tr>
<tr>
<td>Welvista</td>
<td>0</td>
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<tr>
<td>Voter Registration</td>
<td>0</td>
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<tr>
<td>Military &amp; Veterans Benefits</td>
<td>0</td>
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<tr>
<td>JUUMP (Jobs Upfront Mean More Pay)</td>
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<tr>
<td>Medically Indigent Assistance Program</td>
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<tr>
<td>Taxes: Federal</td>
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<td>Total Applications Completed</td>
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SNAP Allotment by Client
(All Data is an estimate based on information provided by client and final qualification is determined by the Department of Social Services)

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<td>Average Estimated Individual Monthly Allotment</td>
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### Clients Served
- 46

### Clients with App Return
- 42

### Applications Completed
- 79

### Counselor Activity

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<tr>
<td>Steven Miller</td>
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<td>Naomi Otano</td>
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<td>Linda Tammen</td>
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### Household Dynamics

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<td>Adults (18-59)</td>
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<td>Current member of the military or a veteran</td>
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<tr>
<td>Surviving spouse or a dependent child of a veteran</td>
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### Allendale Correctional Institution

(May 1, 2016-June 18, 2017)

Application Intake by Type

<table>
<thead>
<tr>
<th>SNAP</th>
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<tbody>
<tr>
<td>Medicaid</td>
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<tr>
<td>- Full-0</td>
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</tr>
<tr>
<td>- Aged, Blind and/or Disabled-0</td>
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</tr>
<tr>
<td>- Medicare Savings- 0</td>
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</tr>
<tr>
<td>- Optional State Supplemental-0</td>
<td></td>
</tr>
<tr>
<td>- Breast and Cervical Cancer Program-0</td>
<td></td>
</tr>
<tr>
<td>- General Hospital Services-0</td>
<td></td>
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<tr>
<td>- Emergency Medicaid- 0</td>
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<td>- Nursing Home Services-0</td>
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<tr>
<td>- Home and Community Based Services-0</td>
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</tr>
<tr>
<td>- TEFRA-0</td>
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</tr>
<tr>
<td>Welvista</td>
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<tr>
<td>Voter Registration</td>
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<tr>
<td>Military &amp; Veterans Benefits</td>
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</tr>
<tr>
<td>JUUMP (Jobs Upfront Mean More Pay)</td>
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<tr>
<td>Medically Indigent Assistance Program</td>
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<tr>
<td>Taxes: Federal</td>
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<td>Taxes: State</td>
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<tr>
<td>Total Applications Completed</td>
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**SNAP Allotment by Client**

(All Data is an estimate based on information provided by client and final qualification is determined by the Department of Social Services)

<table>
<thead>
<tr>
<th>Estimated Annual Allotment</th>
<th>$0</th>
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<tr>
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<td>$0</td>
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<tr>
<td>Average Estimated Individual Monthly Allotment</td>
<td>$0</td>
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### Clients Served
1

### Clients with App Return
1

### Applications Completed
1

### Counselor Activity

<table>
<thead>
<tr>
<th>Counselor</th>
<th>Last Login</th>
<th>Applications Completed</th>
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<tbody>
<tr>
<td>Maurice Corui0</td>
<td>11-10-2016</td>
<td>0</td>
</tr>
<tr>
<td>Chelsea Hilliard</td>
<td>11-21-2016</td>
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<tr>
<td>Ellen Inabinet</td>
<td>10-27-16</td>
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</tr>
<tr>
<td>Anita James</td>
<td>1-31-2016</td>
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<tr>
<td>Teresa Ramsey</td>
<td>No Login</td>
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### Household Dynamics

<table>
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<th>Count</th>
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<tr>
<td>Household members</td>
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<tr>
<td>Children (under 18)</td>
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<tr>
<td>Adults (18-59)</td>
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<tr>
<td>Seniors (60+)</td>
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<tr>
<td>Current member of the military or a veteran</td>
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<tr>
<td>Surviving spouse or a dependent child of a veteran</td>
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**Camille Griffin Graham Correctional Institution**

**(May 1, 2016-June 18, 2017)**

Application Intake by Type

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
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<tbody>
<tr>
<td>SNAP</td>
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<tr>
<td>Medicaid</td>
<td>Full-47</td>
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<td>Aged, Blind and/or Disabled-5</td>
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<td></td>
<td>Medicare Savings-1</td>
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<tr>
<td></td>
<td>Optional State Supplemental-0</td>
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<tr>
<td></td>
<td>Breast and Cervical Cancer Program-7</td>
</tr>
<tr>
<td></td>
<td>General Hospital Services-0</td>
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<td>Emergency Medicaid-0</td>
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<td></td>
<td>Nursing Home Services-0</td>
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<tr>
<td>Welvista</td>
<td>40</td>
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<td>Medicare RX Help</td>
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<td>Voter Registration</td>
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<tr>
<td>Military &amp; Veterans Benefits</td>
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<tr>
<td>JUUMP (Jobs Upfront Mean More Pay)</td>
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<tr>
<td>Medically Indigent Assistance Program</td>
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<tr>
<td>Taxes: Federal</td>
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<tr>
<td>Taxes: State</td>
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</tr>
<tr>
<td><strong>Total Applications Completed</strong></td>
<td><strong>181</strong></td>
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</tbody>
</table>
SNAP Allotment by Client

(All Data is an estimate based on information provided by client and final qualification is determined by the Department of Social Services)

<table>
<thead>
<tr>
<th>Estimated Annual Allotment</th>
<th>$161,856</th>
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<tr>
<td>Average Estimated Annual Allotment Per Individual</td>
<td>$3,303</td>
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<td>Average Estimated Individual Monthly Allotment</td>
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Clients Served 70
Clients with App Return 67
Applications Completed 181

Counselor Activity

<table>
<thead>
<tr>
<th>Counselor</th>
<th>Last Login</th>
<th>Applications Completed</th>
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</thead>
<tbody>
<tr>
<td>Kami Drakes</td>
<td>No Login</td>
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<tr>
<td>Jennifer McDuffie</td>
<td>05-08-2017</td>
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<tr>
<td>Stephanie McMillan</td>
<td>06-14-2017</td>
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<td>SC THRIVE STAFF</td>
<td>RESOURCE FAIR</td>
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Household Dynamics

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Households</td>
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<tr>
<td>Households with children</td>
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<tr>
<td>Household members</td>
<td>130</td>
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<tr>
<td>Children (under 18)</td>
<td>13</td>
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<tr>
<td>Adults (18-59)</td>
<td>92</td>
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<tr>
<td>Seniors (60+)</td>
<td>25</td>
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<tr>
<td>Current member of the military or a veteran</td>
<td>5</td>
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<tr>
<td>Surviving spouse or a dependent child of a veteran</td>
<td>5</td>
</tr>
</tbody>
</table>
Sentencing Reform
South Carolina’s Prison System

Report to the
Sentencing Reform Oversight Committee

Bryan P. Stirling, Director
November 28, 2016
SCDC Institution Levels and Population Count

Institutional Count Total (as of November 2, 2016) = 20,529

Level I (Minimum Security): 5 Institutions
Level II (Medium Security): 9 Institutions
Level III (Maximum Security): 6 Institutions
Female: 2 Institutions

Agency Total: 22 Institutions*

*During FY 2016, Lower Savannah Pre-Release closed (on June 2016)
During FY 2016, Goodman Correctional Inst. no longer housed women as of June 2016
During FY 2017, Walden Cl closed as a Men’s Level I, and relocated to Goodman Cl as of November 2016
Utilized Capacity on November 15, 2016

- Level 1 (Minimum) - Female Institutions
- Level 2 (Medium) - Female Institutions
- Level 3 (Maximum) - Female Institutions
- Special Management
- General Housing

Utilized Capacity on November 15, 2016

- Level 1 (Minimum): 81.9%
- Level 2 (Medium): 103.4%
- Level 3 (Maximum): 113.0%
- Female Institutions: 88.1%
Average Daily Population Statistics
Fiscal Years 2001 - 2016

SCDC's Average Daily Population*
- Between June 2001 and June 2010 increased by 3,079 (14.6%)
- Between June 2010 and June 2016 decreased by 3,373 (14.0%)

By law, SCDC must provide security, housing, clothing, food, and healthcare.
To prepare inmates for reentry into community, SCDC provides education, work, and addiction treatment programs.

*Facilities and Authorized Absences.
The Prison Population is Moving in the Opposite Direction from what was Projected by Applied Research Services, Inc.

High Average Jurisdictional Count  CY 1998 – CY 2016 (To Date)

*The high average monthly jurisdictional count for CYTD 2016 occurred in August 2016.*
Annual Violent and Non-Violent Admissions
Fiscal Years 2009 - 2016

(36% Decrease in Non-Violent Admissions Between FY 2009 and FY 2015)
Violent vs. Non-Violent Population

June 30, 2016

- 7,465 (34%)
- 10,736 (66%)

June 30, 2002

- 11,961 (54%)
- 10,198 (46%)
Recidivism Rates of Inmates Released During Fiscal Years 2004 – 2013*

Percentage of Releases who Returned to SCDC within Three Years or Less

*Inmates released in FY 2013 and followed for three years, i.e., through FY 2016.
YOPRS
GENERAL INFORMATION

- Historically, the three-year recidivism rate for Youthful Offenders released from SCDC has exceeded 50%.
- ISS is based on the nationally recognized intensive Aftercare Program (IAP) Model that utilizes evidence-based practices proven to:
  - Strain the successful reentry of Youthful Offenders back into the community
  - Assist in the reduction of recidivism
  - Improve family and individual functioning
  - Ensure community safety
  - Reduce victimization
- Through ISS, an Intensive Supervision Officer (ISO) works in the community and is assigned to each Youthful Offender upon admission at SCDC.
- ISOs act in a proactive manner in the life of each offender under their supervision and manage a caseload of 20–25 individuals.
- Since implementation of ISS, the daily population of Youthful Offenders has dropped from 1,333 in FY2010 to 661 in FY2018 (49%).

ISO GUIDELINES

- ISO Supervision While in Offender is Incarcerated
  - Face-to-face visits, minimum of one per month
  - Completes three inmate residential assessments to ensure suitable residence upon release
  - Completes a GUMA-60 Assessment, which addresses both the risks (mental health issues, substance abuse, scalability concerns, career development) and assets (individual strengths, positive life experiences, familial support, work ethic, and readiness) that have been proven to be the fidus of the Youthful Offender.
  - Completes an Individualized Case Management Plan (ICMP) that identifies objectives for offenders that are specific, measurable, achievable, relevant, timely, and incorporate restorative practices.
  - Develops a Community Reentry Team (CRT) that meets regularly to develop resources to assist the offender when returning to society, such as educational opportunities, employment opportunities, and mental health/education site visits.
- ISO Supervision While on Parole Supervision in the Community
  - Face-to-face visits in the home/community
    - First week: three (3)
    - Second week: one (1) per week, four (4) per month
  - Searches, when applicable, restitution to be paid to victim(s) of crime
  - Monitor-Induced Guidelines to ensure compliance
  - Utilizes a series of staff responses, i.e., electronic monitoring, curfew, drug testing, service referrals, etc. to address Technical Violations of Release Guidelines, i.e., abscconding, exceeding curfew, failure of random drug test, etc.
  - Assists offenders in pursuing employment, further education, social services, mental health, medical and substance use services
  - Utilizes a series of incentives to encourage positive behavior, i.e., academic recognition, certificates of achievement, extended curfew, gift cards, reduction in level of supervision, etc.
  - Reviews Individualized Case Management Plan (ICMP) as needed with CRT, updating as offender progresses and needs change.

DATA (Current as of 6-1-17)

- Total of 1,760 Youthful offenders currently assigned to 61 ISOs for an average of 10 per ISO
- Of 618 (36%) of assigned offenders are in the community and on ISS parole
- Of 339 (20%) of assigned offenders remain in SCDC institutions preparing for reentry
- Total of 6,335 random drug tests have been performed and offendees on ISS parole
- Of 3,795 (60%) of offenders have passed these random drug tests
- Of 1,790 (31%) of offenders have failed these random drug tests
- Total of 250 (41.6%) offender are gainfully employed
- Total of 49 (8.3%) offenders are enrolled in or have completed GED classes
- Total of 17 (2.1%) offenders are enrolled in higher education
- Total of 18 (2.9%) offenders are enrolled in Alternative Education
- Total of 52 (8.3%) offenders are involved in Competency Development Programs (not education)
- Total of 45 (7.5%) offenders have been used
- Total of 5,253 Technical Violations have occurred
- Total of 5,881 Graduation Requirements have been completed.
- Total of 4,817 Community Service hours have been completed by offenders
- Total of 244 (10.1%) of released offenders have been returned to SCDC custody for technical violations (over life of the program)
- Total of 191 (6.6%) of released offenders have been returned to SCDC custody for new violations (over life of the program)
- Three-year ISS recidivism rate of 22.8% is less than half of the 52.9% recidivism rate for Youthful Offenders not receiving ISS
WorkKeys / GED / Apprenticeship / on the Job Training
Attainment:

<table>
<thead>
<tr>
<th>FY</th>
<th>GED</th>
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<tr>
<td>2014</td>
<td>796</td>
<td>1101</td>
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<tr>
<td>2015</td>
<td>382</td>
<td>920</td>
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<tr>
<td>2016</td>
<td>192</td>
<td>916</td>
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<tr>
<td>2017 (7/1/16 - 6/23/17)</td>
<td>224</td>
<td>785</td>
</tr>
</tbody>
</table>

1. Inmates who receive their GED, WorkKeys, and/or Vocational certificates are equipped with the skills and credentials to secure employment, and are therefore less likely to re-offend.

2. A 2013 recidivism report compiled by the RAND Corporation (supported by the U.S. Department of Education and Justice Department), found that:
   - Inmates who participate in correctional education experienced a 43 percent reduction in recidivism
   - Inmates exposed to computer-assisted instruction:
     a) learned slightly more in reading
     b) substantially more in math

3. Every $1 spent of Correctional Education reduces incarceration costs by $4 to $5
<table>
<thead>
<tr>
<th>PRGM CODE</th>
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Note: Apprenticeships: 2000 hours
188 OJT CARPENTRY I
189 OJT CARPENTRY II
190 OJT CARPENTRY III
191 OJT CARPENTRY IV
535 OJT CHAPLAIN CLERK I
536 OJT CHAPLAIN CLERK II
537 OJT CHAPLAIN CLERK III
538 OJT CHAPLAIN CLERK IV
212 OJT COMMISSARY I
213 OJT COMMISSARY II
214 OJT COMMISSARY III
215 OJT COMMISSARY IV
228 OJT CULINARY ARTS I
229 OJT CULINARY ARTS II
230 OJT CULINARY ARTS III
231 OJT CULINARY ARTS IV
236 OJT CUSTODIAL SERVICES I
237 OJT CUSTODIAL SERVICES II
238 OJT CUSTODIAL SERVICES III
239 OJT CUSTODIAL SERVICES IV
244 OJT DAIRY SCIENCES I
245 OJT DAIRY SCIENCES II
246 OJT DAIRY SCIENCES III
247 OJT DAIRY SCIENCES IV
252 OJT DOG GROOMING I
253 OJT DOG GROOMING II
254 OJT DOG GROOMING III
255 OJT DOG GROOMING IV
260 OJT DOG REHABILITATION I
261 OJT DOG REHABILITATION II
262 OJT DOG REHABILITATION III
263 OJT DOG REHABILITATION IV
380 OJT EGG LAYING HOUSE I
381 OJT EGG LAYING HOUSE II
382 OJT EGG LAYING HOUSE III
383 OJT EGG LAYING HOUSE IV
268 OJT EGG PROCESSING I
269 OJT EGG PROCESSING II
270 OJT EGG PROCESSING III
271 OJT EGG PROCESSING IV
276 OJT ELECTRICAL I
277 OJT ELECTRICAL II
278 OJT ELECTRICAL III
279 OJT ELECTRICAL IV
OJT EQUESTRIAN CARE I
OJT EQUESTRIAN CARE II
OJT EQUESTRIAN CARE III
OJT EQUESTRIAN CARE IV
OJT FARM MAINTENANCE I
OJT FARM MAINTENANCE II
OJT FARM MAINTENANCE III
OJT FARM MAINTENANCE IV
OJT FINISHING SPECIALIST I
OJT FINISHING SPECIALIST II
OJT FINISHING SPECIALIST III
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OJT FOOD SERVICE I
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OJT FORK LIFT OPERATOR I
OJT FORK LIFT OPERATOR II
OJT FORK LIFT OPERATOR III
OJT FORK LIFT OPERATOR IV
OJT FRAME SHOP I
OJT FRAME SHOP II
OJT FRAME SHOP III
OJT FRAME SHOP IV
OJT FURNITURE ASSEMBLY I
OJT FURNITURE ASSEMBLY II
OJT FURNITURE ASSEMBLY III
OJT FURNITURE ASSEMBLY IV
OJT GENERAL MAINTENANCE I
OJT GENERAL MAINTENANCE II
OJT GENERAL MAINTENANCE III
OJT GENERAL MAINTENANCE IV
OJT GREENHOUSE/NURSERY I
OJT GREENHOUSE/NURSERY II
OJT GREENHOUSE/NURSERY III
OJT GREENHOUSE/NURSERY IV
OJT GREYHOUND REHABILITATION I
OJT GREYHOUND REHABILITATION II
OJT GREYHOUND REHABILITATION III
OJT GREYHOUND REHABILITATION IV
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OJT GROUNDS MAINTENANCE II
OJT GROUNDS MAINTENANCE III
OJT GROUNDS MAINTENANCE IV
332 OJT HEAVY EQUIPMENT I
333 OJT HEAVY EQUIPMENT II
334 OJT HEAVY EQUIPMENT III
335 OJT HEAVY EQUIPMENT IV
556 OJT HIGHWAY SANITATION II
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557 OJT HIGHWAY SANITATION III
558 OJT HIGHWAY SANITATION IV
340 OJT HORTICULTURE I
341 OJT HORTICULTURE II
342 OJT HORTICULTURE III
343 OJT HORTICULTURE IV
356 OJT HVAC I
357 OJT HVAC II
358 OJT HVAC III
359 OJT HVAC IV
364 OJT INDUSTRIAL MANUFACTURING I
365 OJT INDUSTRIAL MANUFACTURING II
366 OJT INDUSTRIAL MANUFACTURING III
367 OJT INDUSTRIAL MANUFACTURING IV
547 OJT INST. SMALL ENGINE REPAIR I
543 OJT INST. SMALL ENGINE REPAIR II
545 OJT INST. SMALL ENGINE REPAIR III
546 OJT INST. SMALL ENGINE REPAIR IV
544 OJT INST. SMALL ENGINE REPAIR II
624 OJT LAMINATION SPECIALIST I
625 OJT LAMINATION SPECIALIST II
626 OJT LAMINATION SPECIALIST III
627 OJT LAMINATION SPECIALIST IV
559 OJT LANDSCAPING I
560 OJT LANDSCAPING II
561 OJT LANDSCAPING III
562 OJT LANDSCAPING IV
702 OJT LAUNDRY I
703 OJT LAUNDRY II
704 OJT LAUNDRY III
705 OJT LAUNDRY IV
372 OJT LAW LIBRARY CLERK I
373 OJT LAW LIBRARY CLERK II
374 OJT LAW LIBRARY CLERK III
375 OJT LAW LIBRARY CLERK IV
396 OJT MASONRY I
397 OJT MASONRY II
398 OJT MASONRY III
399 OJT MASONRY IV
404 OJT MEDIA CENTER CLERK I
405 OJT MEDIA CENTER CLERK II
406 OJT MEDIA CENTER CLERK III
407 OJT MEDIA CENTER CLERK IV
412 OJT METAL FABRICATION I
413 OJT METAL FABRICATION II
414 OJT METAL FABRICATION III
415 OJT METAL FABRICATION IV
420 OJT MILK PROCESSING I
421 OJT MILK PROCESSING II
422 OJT MILK PROCESSING III
423 OJT MILK PROCESSING IV
428 OJT PAALS I
429 OJT PAALS II
430 OJT PAALS III
431 OJT PAALS IV
694 OJT PAINT I
695 OJT PAINT II
696 OJT PAINT III
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436 OJT PALLIATIVE CARE I
437 OJT PALLIATIVE CARE II
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525 OJT PERSONAL CARE ASSISTANT I
710 OJT PERSONAL CARE ASSISTANT II
711 OJT PERSONAL CARE ASSISTANT III
712 OJT PERSONAL CARE ASSISTANT IV
444 OJT PLUMBING I
445 OJT PLUMBING II
446 OJT PLUMBING III
447 OJT PLUMBING IV
452 OJT PRINT SHOP I
453 OJT PRINT SHOP II
454 OJT PRINT SHOP III
455 OJT PRINT SHOP IV
612 OJT QUALITY CONTROL SPECIALIST I
613 OJT QUALITY CONTROL SPECIALIST II
614 OJT QUALITY CONTROL SPECIALIST III
615 OJT QUALITY CONTROL SPECIALIST IV
530 OJT RECREATION I
531 OJT RECREATION II
533 OJT RECREATION III
534 OJT RECREATION IV
460 OJT RECYCLING I
461 OJT RECYCLING II
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463 OJT RECYCLING IV
468 OJT REFRIGERATION I
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476 OJT ROAD REPAIR I
477 OJT ROAD REPAIR II
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479 OJT ROAD REPAIR IV
484 OJT ROOFING I
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487 OJT ROOFING IV
608 OJT SAW OPERATOR I
609 OJT SAW OPERATOR II
610 OJT SAW OPERATOR III
611 OJT SAW OPERATOR IV
999 OJT SERVSAFE FOOD HANDLER
563 OJT SEWER LIFT I
564 OJT SEWER LIFT II
565 OJT SEWER LIFT III
566 OJT SEWER LIFT IV
492 OJT SEWING I
493 OJT SEWING II
494 OJT SEWING III
495 OJT SEWING IV
500 OJT SHORT ORDER COOK I
501 OJT SHORT ORDER COOK II
502 OJT SHORT ORDER COOK III
503 OJT SHORT ORDER COOK IV
690 OJT SMALL ENGINE REPAIR I
691 OJT SMALL ENGINE REPAIR II
692 OJT SMALL ENGINE REPAIR III
693 OJT SMALL ENGINE REPAIR IV
604 OJT SPRAY SPECIALIST I
605 OJT SPRAY SPECIALIST II
606 OJT SPRAY SPECIALIST III
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508 OJT TEACHER ASSISTANT I
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511 OJT TEACHER ASSISTANT IV
516 OJT WELDING FABRICATION I
517 OJT WELDING FABRICATION II
518 OJT WELDING FABRICATION III
519 OJT WELDING FABRICATION IV
620 OJT WOOD PRODUCTION MAINTENANCE I
621 OJT WOOD PRODUCTION MAINTENANCE II
622 OJT WOOD PRODUCTION MAINTENANCE III
623 OJT WOOD PRODUCTION MAINTENANCE IV
616 OJT WOOD SHOP FOREMAN I
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618 OJT WOOD SHOP FOREMAN III
619 OJT WOOD SHOP FOREMAN IV
681 OJT WOOD SHOP SPECIALTY FABRICATOR
680 OJT WOOD SHOP STOCK ROOM CLERK
600 OJT WRAPPING/SHIPPING I
601 OJT WRAPPING/SHIPPING II
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Chairman GOWDY. Thank you, Director.
Pastor Jahwar?

STATEMENT OF OMAR JAHWAR

Pastor JAHWAR. First let me say thank you to Chairman Gowdy and to these representatives we have on this great committee, and for allowing us to testify to give voice to the work that we do. I do want to say to start that my son, Omar Jahwar, II, is here, and one of our great workers, Urban Specialists, Edward Loredo. I am saying this to my son so when he brags on me that he can be accurate that I did acknowledge him when I was in Congress.

Twenty years ago I stood before a similar committee that was headed by then Chairman Henry Hyde and John Connors about the effective ways in deterring a child from becoming involved in criminal activity, and what we said then is that it is necessary to pursue the core of the problem. There were a number of variables that we said were the root of youth crime. Back then it was economic disparity, cultural insensitivity, and the lack of moral identity.

But concerning intervention and reformation, I warned against using a blanket solution that isolates each category of dysfunction. An effective solution to youth crime requires an holistic approach, one that treats the entire individual and, in turn, the larger family, and then the community. Today, we are attempting to cure the poisonous fruit that grew from that untreated root.

Twenty years later, these high-risk youth have become ex-offenders trying to raise families and re-integrate into a damaged society. The solution to their lack of production as citizens cannot be merely punitive, as we have been talking about, and I am so glad that you understand it. Again, it must be holistic. We must walk people getting out of prison through the process of redemption and lead them into productive citizenship.

We attempt to train and we use what we call Urban Specialists to intentionally dive deep into the lives of these to transform the fundamental values that are guiding destructive behavior and degrading urban culture and greatly limiting their potential. We train and empower our organizations and businesses and individuals to collaboratively operate in the community, stimulating the economy and uplifting their personal spirits.

Collectively, we can help each other economically, socially, and spiritually. In turn, we create change together to build a greater and stronger community. We use what we call a 3—I Model, and I will explain it if there are any questions about your model. And that model we use to empower organizations, businesses, politicians, and citizens so we can transform the urban culture. In Urban Specialists, we use this common approach to invade the culture, we are intrusive in our action, and build up strong community institutions.

I am personally committed to advancing the cause of the voiceless who suffer silently in an attempt to become productive citizens of this great country. If there are ways that we can collectively ensure a better process and a better outcome, the Urban Specialists group is ready to serve.
I want to say personally that I was the first gang specialist hired by the State of Texas. So for many years, I was working inside the prisons, and my job was to negotiate peace in prisons with men who were violent. And what I realized is that most of these men were not violent perpetually. They were violent as a response to what they felt was a violation, and my job was to create civility in their mind so that their behavior could follow where their heart was going. But unfortunately, many of these men, who I knew had transformed inside the prison, once they walked out, they had to go into a community that was not prepared for their transformation.

So in order for them to be released from prison, they had to tell the guards that they had changed. But in order for them to go back to their neighborhoods, they had to tell the neighborhood citizens that they were the same. So it was a dichotomy of a lifestyle.

So what we decided to do was go into those neighborhoods and say who is it that can lead these young people back to their civility, and normally it was those who you did not know. It was some people who were former OGs and former gang leaders and former prisoners and grandmothers and other teachers and pastors who were informal coalition to help transform urban culture.

So what we want to do is provide as much pressure as we can and as much opportunity as we can so that those who really want to be citizens do not feel like they are perpetually left out because of a mistake or because of an environmental choice. Some people do what they do because they know no other choice, but we want to give them those choices through the efforts that we do.

So, thank you for allowing us to be a part of the solution, and if we can offer any help, we are absolutely poised to do so. Thank you.

[Prepared statement of Pastor Jahwar follows:]
June 26, 2017

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman Gowdy and Chairman Cummings,

First, let me say, thank you to the committee for allowing me to testify and give voice to the work we do in urban communities.

Twenty years ago, I stood before you offering grassroots solutions to youth crime. In order to be effective in deterring a child from becoming involved in criminal activity, it’s necessary to pursue the core of the problem. There were a number of variables I cited as the roots of youth crime: economic disparity, cultural insensitivity, lack of moral identity - But intervention or reformation, I warned against using a blanket solution that isolates each category of dysfunction. An effective solution to youth crime would require a holistic approach; one that treats the entire individual, and in turn, the larger family, then community. Today, we are eating the poison fruit that grew from that untreated root.

Twenty years later, these high risk youth have become ex-offenders trying to raise families and re-integrate into a damaged society. The solution to their lack of production as citizens can not be merely punitive. Again, it must be holistic. We must walk people getting out of prison through the process of redemption and lead them into productive citizenship. We train and use Urban Specialists to intentionally dive deep into the lives of these to transform the fundamental values that are guiding destructive behavior, degrading Urban Culture, and greatly limiting their potential. Accordingly, we train and empower organizations, businesses, and individuals to collaboratively operate in the community stimulating the economy and promoting sustainability.
Collectively, we can help and heal each other - economically, socially, and spiritually. In turn, we create change together to build a greater and stronger community. Through our 3-I Model, organizations, businesses, politicians, and citizens can transform Urban Culture with Urban Specialists using a common approach to invade the culture, take intrusive action, and build up strong community institutions.

I am, personally, committed to advancing the cause of the voiceless who suffer silently in an attempt to become productive citizens of this great country. If there are ways that we can work collectively to ensure a better process and a better outcome, the Urban Specialists group is ready to serve.

Sincerely,

Pastor Omar Jahwar
CEO
Urban Specialists
1401 S. Lamar
Dallas, TX 75201
469.458.3006
Written Testimony of William C. McGahan
Chairman and Founder
Georgia Works!

Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Criminal Justice Reform and Efforts to Reduce Recidivism
Hearing: Wednesday June 28, 2017 at 1pm.

Chairman Gowdy, Ranking Member Cummings,

My name is Bill McGahan and I am the Founder and Chairman of a non-profit called "Georgia Works!".

Georgia Works helps formerly incarcerated and homeless men become productive citizens. Since our founding in 2013 we have helped 311 men get jobs, remain clean, and get an apartment, and virtually all have not returned to prison. We have an additional 170 men in the program today who are all working toward full time employment.

When a man comes to our voluntary program we ask him to do three things: 1) be clean of alcohol and drugs (we drug test everybody weekly), 2) not take handouts from the government or anyone else, and 3) to work.

Over the course of 6 to 12 months we work with each of clients on their "obstacles" to employment: the lack of a driver's license, wage garnishments, criminal history, a lack of a high school diploma, past due fines, lack of a bank account, just to name a few.

But more importantly, we work with each client on the underlying cause of their problems, which is typically an addiction, past abuse, or a psychological problem. Each person is assigned to a case manager who they meet with daily. We have in-house AA/NA meetings, GED classes, one on one counseling, anger management classes, healthcare, and financial planning courses, among others.

The key thing that makes us different is that we run a staffing business within Georgia Works! Georgia Works! contracts directly with 30 to 40 businesses around Atlanta for their labor needs, and over 100 of our men go to work for these employers every day while they are living at our facility. The staffing business is a way for employers to "try out" an employee in a low-risk way.
Most of the people in our program end up getting full time job offers from the private employers that are customers of our staffing business, and the rest get jobs in the market place.

So, while a man is at Georgia Works he is learning how to be a valuable employee at a private business, he eliminating the obstacles that might prevent him from being employed, and he is working on his addiction or other problem that is the root cause of his problems. He is also making money through his own work, not though a handout. We have a mandatory savings program, and most participants save between $2000 to $3000 by the time they leave.

We are funded completely by private sources (including me), we take no government funding of any kind, I take no salary or reimbursement for any expenses, and our staffing business funds almost the entire cost of running the entire operation.

There are several things that I have learned since I founded Georgia Works! that I want to specifically address:

1. There is no shortage of jobs. (According to snagajob.com, there are 30,000 jobs in available in Georgia). In fact, there is a labor crisis in some sectors, including construction, food and beverage, commercial truck driving, auto repair, etc..etc.. These sectors simply can’t find the labor to fill their open positions.
2. The people in our program range from poorly educated to very smart. We have people who stopped school in the 8th grade, and others with PhD’s. So, we don’t need just low skill jobs or high tech jobs - we need a menu of all types of jobs that fit each particular type of person.
3. Individuals don’t need to be highly trained to get a job with career prospects. Many men leave our program and begin full time work in the $13 to $15 range without any training at all. Employers will train the people so long as they perceive them to be worth the investment.
4. The biggest problem is bad habits, not a lack of intelligence, or poor schooling. The scarce commodity is the individual, regardless of their past, who works hard, takes direction well, has good habits, and who will stay on the job past the first few paychecks.
5. Many formerly incarcerated returning citizens and former homeless people are terrific employees. They are eager to get their lives moving in the right direction and they know that they don’t have a lot more chances. Many former drug dealers are entrepreneurial, creative and personable, and our employer customers tell us that they are some of their most valuable employees.

Georgia Tech did a study on our program that found that we saved our community $6 to $11 for every dollar invested in our program mostly due to the fact that our graduates don’t go back to prison, and recidivism drops like a stone. Georgia Works! can graduate an individual to self-sufficiency and being a tax payer for under $2500 an
individual, compared to a cost of about $20,000 a year to incarcerate a person in the State of Georgia.

Where state and federal governments can help the most are in three areas:

1. Stop taking away driver’s licenses for anything other than poor driving. Driver’s licenses are suspended in some states for drug offenses, failure to pay child support, and for other reasons. Most jobs require an individual to have a driver’s license.

2. Wage garnishments, particularly for past due child support, are crippling poor men and ex-offenders. A man with a low hourly wage simply cannot support himself with significant wage garnishments, almost forcing him to work in “under the table” jobs or illegal activity.

3. Promote programs for returning citizens and homeless people (like Georgia Works!) that ready people for work, change bad habits, eliminate barriers, and provide employment opportunities.

Today, I am in a working group with Georgia Justice Project, The Georgia Department of Community Supervision, The Georgia Department Corrections and other organizations to come up with specific policy recommendations in Georgia to eliminate barriers to employment for ex-offenders.

I want to thank the committee for focusing on this important issue on the Federal level.
Chairman Gowdy. Thank you, Pastor.
Mr. McGahan?

STATEMENT OF WILLIAM C. MCGAHAAN

Mr. McGahan. Thank you, Chairman Gowdy and Ranking Member Connolly. My name is Bill McGahan, and I am the Founder and Chairman of a non-profit called “Georgia Works!”. I am a graduate of the University of Virginia, and I am married to a woman for 26 years who is a graduate of Socastee High School, South Carolina.

Georgia Works! helps formerly incarcerated and homeless men become productive citizens. Since our founding in 2013, we have helped 316 men get jobs, remain clean, and get an apartment, and virtually all have not returned to prison. We have an additional 170 men in the program today, and they are all working toward full-time employment. About 70 percent of our participants are felons.

When a man comes into our program, our voluntary program, we ask him to do three things: to be clean of alcohol and drugs, and we test when they come in and throughout the program; not to take handouts from the government or anyone else; and to work. Over 6 to 12 months we work with each of our clients on their obstacles to employment: the lack of a driver's license, wage garnishments, criminal history, a lack of a high school diploma, past-due fines, the lack of a bank account, just to name a few.

But more importantly, we work with each client on the underlying cause of their problems, which is typically an addiction or a psychological problem. Each person is assigned to a case manager who they meet with daily. We have in-house meetings on NA, GED classes, one-on-one counseling, anger management classes, healthcare, and financial planning courses, among others.

The key thing that makes us different from other organizations is that we run a staffing business within Georgia Works! We contract directly with 30 to 40 businesses around Atlanta for their labor, and over 100 of our men every day go to work for these employers while they are living at our facility. The staffing business is a way for employers to try out our employee in a low-risk way.

Now, most of the people in our program end up getting full-time offers from the private employers that are customers of our staffing businesses. So, while a man is in our program, at Georgia Works!, he is learning how to be a valuable employee at a private business, he is eliminating the obstacles that might prevent him from being employed, and he is working on his addiction or other problem that is the root cause of his issues. He is also making money through his own work. It is not a handout. We have a mandatory savings program, so when they leave they usually have between $2000 to $3000, which is enough to put a security deposit down on an apartment.

We are funded completely by private sources, including me. We take no government funding of any kind. I take no salary or any expenses, and our staffing business basically funds the cost of running the entire program.

There are several things that I have learned since I founded Georgia Works! that I want to talk about specifically. First, there
is no shortage of jobs. According to websites, today in Georgia there are about 30,000 full-time jobs available. And there is a labor crisis in some sectors, including construction, food and beverage, commercial truck driving, auto repair, et cetera. These sectors simply cannot find the labor to fill their needs.

Secondly, the people in our program range from poorly educated to very smart. We have people who stopped school in the junior high, and we have other people in our program with PhD’s. So, we do not need just low-skill jobs or high-tech jobs, but we need the whole menu of jobs that fit each person.

Number three, individuals do not really need to be highly trained to get a job with pretty good career prospects. Most of the men leave our program and begin full-time work around $13 to $15 without any training at all.

Number four, the biggest problem—and this is what we work on the most—is bad habits, not a lack of intelligence or poor schooling. The scarce commodity is the individual, regardless of their past, who works hard, takes direction well, has good habits, and will stay on the job past the first few paychecks.

Many formerly incarcerated returning citizens and former homeless people are terrific employees. We have had many employers tell us that past drug dealers are their most entrepreneurial and creative and personable employees, and they move up pretty quickly. So that is my commercial for people to hire people who are ex-offenders.

Now, Georgia Tech did a study on our program and found that our program saved $6 to $11 for every dollar invested in our program, and we can get a person from walking in the door to self-sufficiency and a taxpayer for about $2,500, and it costs the State of Georgia about $20,000 to incarcerate him.

Where state and Federal Government can help the most, at the specific level down at helping men, are in a couple of ways. The first is to stop taking driver’s licenses away for anything other than poor driving. We still have a whole lot of states that take people’s driver’s licenses or suspend them for drug offenses, failure to pay child support, and for other reasons. It is really a prerequisite to get a job now to have a driver’s license.

Secondly, wage garnishments, particularly in the area of past-due child support, are really crippling poor men and ex-offenders. A man with a low hourly wage simply cannot afford to support himself with significant wage garnishments.

And then lastly, promote programs like ours that will help people ready for work, change their habits, and eliminate barriers.

Now, on the state level I am working with the Georgia Justice Project, the Department of Community Supervision, the Georgia Department of Corrections and other organizations to come up with some specific policy recommendations, and it is my honor to be here today, and I thank you for focusing on this on the Federal level. Thank you.

Chairman Gowdy. Yes, sir. Thank you.

Your Honor?

[Prepared statement of Mr. McGahan follows:]
Written Testimony of William C. McGahan
Chairman and Founder
Georgia Works!

Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

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STATEMENT OF ALEXANDER WILLIAMS, JR.

Judge Williams. Chairman Gowdy and Congressman Connolly, as well as my friend, Congressman Cummings, I wish you the best as you recover from your illness.

Let me preface my remarks by thanking everyone on this committee for allowing me this opportunity to present just a few comments. I served for 20 years on the Federal bench as a trial judge, and prior to that I was the twice-elected prosecutor for a fairly large jurisdiction in Maryland called Prince George's County. I now am a share of the Judge Alexander Williams, Jr. Center for Education, Justice and Ethics, and my passion, of course, is criminal justice.

I have three simple points that I wish to focus on. One that I think will help reduce recidivism and also address criminal justice reform is the need to review and for a better use of discretion. This is an area that really has not been addressed that much. All of us who are lawyers know, and prosecutors in particular understand that discretion is the hallmark of criminal justice. Discretion is administered and exercised by police officers, judicial officers, prosecutors, even grand juries and petty jurors, medical examiners, correctional officials, probation and parole officers, and executives through granting pardons, clemency, and commuting sentences, just to name a few.

Discretion commences and continues with decisions such as who to investigate, whether to arrest, what charges to file, who gets bond, who is to be released, whether a minor is to be charged as an adult, whether the family car should be forfeited for drugs found in a car driven by a minor, what plea bargaining is offered, and other decisions by judges and others exercising discretion.

Justice often varies depending on the nature of discretion employed and exercised. For me, the issue comes down to whether or should we and how can we attain reasonable uniformity, consistency, fairness, and how we can curb or employ better standards for the exercise of discretion. Every point of the criminal justice system where discretion is used should be carefully reviewed, data collected, and policies implemented to make sure there is consistency and that a meaningful effort is being made to address racial profiling, selective enforcement, and the disproportionate impact of the criminal justice system on minorities. We hope that the Justice Department and Congress can take the lead in this area to establish a model for the states to follow.

The second point is the need to review mandatory minimum penalties. I know there has been a lot said there. The debate surrounding mandatory minimum sentences remains. While there are plausible arguments that repeated drug traffickers and those running criminal organizations and enterprises, and certainly some violent offenders and white collar and identity fraud crimes, certainly they warrant stiff and substantial sentences in order to deter, protect the community, and limit recidivism. However, studies have revealed the Comprehensive Crime Control Act, the Career Offender Statutes and enhancement penalty statutes unfortunately too often single out low-level drug offenders and disproportionately affect racial minorities.
The final issue that needs to be addressed, in my view, is to review and address the collateral consequences and discriminatory practices and barriers imposed upon returning citizens and those with records. The bottom line for me is, again, we need to cut back on recidivism; that is, to make sure that persons with records and those returning have a successful reentry and are not reincarcerated. Clearly, there are circumstances where collateral consequences are appropriate. For example, it cannot be reasonably disputed that those convicted of child abuse or elderly offenses must be carefully screened and limited. Moreover, financial institutions must be alerted of potential employees having convictions of embezzlement. But I do believe that there are a number of situations where collateral consequences can be eased.

My general view is that reducing recidivism can be best achieved by removing some of the discriminatory and unreasonable practices which prevent or limit access to health care, housing, education, and employment. Of course, there are a number of questions that can be raised, and some of those questions would be this: Do those returning to the community require more extensive or shorter periods of supervised release, or is it necessary in every instance for a convicted person who is applying for some type of vocational license, to get a Pell Grant, or for admission to an institution of higher learning, or must they be required to disclose a 20-year-old conviction that has very little relevance and relationship to the specific request?

So those are my three points, Mr. Chairman. Thank you. [Prepared statement of Mr. Williams follows:]

[Prepared statement of Mr. Williams follows:]

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CONGRESSIONAL HEARING ON "CRIMINAL JUSTICE REFORM AND EFFORTS TO REDUCE RECIDIVISM."
BEFORE THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

Testimony of the Honorable Alexander Williams, Jr.
Retired United States District Judge
For the District of Maryland

Chairman Trey Gowdy and
Ranking Member Elijah E. Cummings: June 28, 2017
Members of the Committee

Let me preface my remarks by expressing how grateful I am for this privilege of providing brief
comments and testimony regarding the very important issues of criminal justice reform and
efforts to reduce recidivism. I am Alexander Williams, Jr, a retired United States District Judge
for the District of Maryland. Just prior to my nearly 20 years on the federal bench as a trial
guide, I served as the two-time elected States Attorney for Prince George’s County, Maryland. I
teach criminal procedure and have had a long time passion for criminal justice. Presently, I am
the founder and the CEO of the Judge Alexander Williams, Jr. Center for Education, Justice and
Ethics, a policy center at the University of Maryland, College Park. I am confident when I say
that a significant number of elected and public officials understand the importance of criminal
justice reform, the need to reduce recidivism, and the challenges we face as a nation to address
massive incarceration and racial disparities.

My comments for criminal justice reform fall into three general areas: (1) reviewing the
exercise of discretion; (2) reviewing mandatory-minimum sentencing penalties; and (3)
removing the unnecessary barriers imposed on returning citizens and those with records.
Before addressing the three points, let me make a couple of observations which if addressed
would undergird much of the proposals for criminal justice reform.

First, we must repair police community relationships. More police officers are being indicted for
unjustified and inappropriate shootings and for use of excessive force, and there is a deep
division around the country and a wide distrust of the police and of law enforcement in general.
What is needed is to assemble a broad spectrum and gathering of the appropriate stakeholders
(community leaders, law enforcement, legislators, business community, social scientist and
others to develop a uniform paradigm or strategy (i.e. body cameras, more training, more
community policing, etc.) to bridge the gap between the community and the police or at least
reduce the real and perceived distrust.

Second, Pre-trial detention of minor offenders is a real problem. When these persons charged
with minor offenses are not released or provided reasonable bail which they can meet, there is
a real threat of loss of their job, loss of their house, and break-up of their family. What often
happens is that in order to avoid spending time in jail, these defendants plead guilty. Periodic
reviews of bail and pre-trial release policies would help. I would like to see magistrates and
judges provided with the full panoply of release options, including the use of monetary requirements or bail, pretrial release, and other creative monitoring which reduces the detention of minor defendants.

Closely related to this observation is my belief that there are too many individuals serving time for low level and non-violent offenses. There has to be alternatives to incarceration for some minor defendants. Alternative sentences or referrals away from the criminal justice system must be developed and proposed for minor offenses, for those using and abusing drugs, and for women convicted of minor offenses and who are heads of households. These individuals should also be candidates for pardons.

Those observations aside, here are my three points:

(1) Need for a review and for a better use of Discretion.
Discretion, of course, is the hallmark of criminal justice. Discretion is administered and exercised by police officers, judicial officials, prosecutors, grand and petit jurors, medical examiners, correctional officials, probation and parole officials, and executive officials (through granting pardons, clemency and commuting sentences), just to name a few. Discretion commences and continues with decisions such as whether to investigate, whether to arrest, what charges to file, who gets bond or who is to be released, whether a minor is to be charged as an adult, whether the family car should be forfeited for drugs found in a car driven by a minor, what plea bargaining is offered, and other decisions by judges and others exercising their discretion. Justice often varies depending on the nature of discretion employed and exercised. For me, the issue comes down to whether or should we and how can we attain reasonable uniformity, consistency, fairness, and how we can curb or employ better standards for the exercise of discretion. Every point of the criminal justice system where discretion is used should be carefully reviewed, data collected and policies implemented to make sure there is consistency and that a meaningful effort is being made to address racial profiling, selective enforcement, and the disproportionate impact of the criminal justice system on minorities. The Justice Department and Congress must take the lead in this area and establish the model for the states to follow.

(2) Need for a review of mandatory-minimum penalties.
Mandatory-minimum penalties have contributed to the problem of massive incarceration. Legislation imposing harsh drug penalties, long sentencing guidelines, mandatory minimum sentences, and life sentences—even applying and imposing these sentences for those under 18 and without balancing other concerns and considerations should be reviewed. In a landmark case entitled Miller vs Alabama 567 U.S.460 (2012) the Supreme Court recognized that youth were different from adults when it comes to sentencing and held that mandatory life without parole sentences for juveniles convicted of murder violated the 8th amendment’s ban on cruel and unusual punishments.

The debate surrounding mandatory minimum sentences remain. While there are plausible arguments that repeated drug traffickers and those running criminal organizations and
enterprises, and certain white collar and identity fraud crimes, warrant stiff and substantial sentences in order to deter, protect the community and limit recidivism, studies have revealed the Comprehensive Crime Control Act, the Career Offender Statutes (where previous convictions of various offenses trigger mandatory career offender status and penalties under 18 USC Section 924 ©)), and enhanced penalty statutes too often single out low level drug offenders and disproportionately affect racial minorities.

A significant offshoot of the issue of mandatory minimum sentences has been the legislative enactments and sentencing policies which have shifted judicial discretion over to prosecutors who are invested with the decision to charge outside of the statutory minimum, and reward those defendants who cooperate and/or provide substantial assistance. Prosecutors have the unfettered charging authority and are able to extract pleas from defendants-- some of whom wanted trials but simply are not able to risk the chances of being convicted and getting a long prison sentence under mandatory minimum sentences. Mandatory-minimum penalties have also watered down and prevented judges from taking into consideration the uniqueness or special circumstances of the individual being sentenced before him/her.

Recommendation: (1) Review legislative enactments as to mandatory minimum sentences and pare them back where appropriate; (2) Give judges more discretion to take into consideration [where appropriate] the unique circumstances and background of the individual being sentenced; (3) refer non violent drug offenders and users to drug treatment and drug counseling in lieu of incarceration; (4) encourage the President and Governors to utilize their pardon and clemency authority to reduce the prison population.

(3) Review and address the collateral consequences and discriminatory practices and barriers imposed upon returning citizens and those with records.

The bottom line with respect to the returning citizens is to cut back on recidivism: that is to make sure that they have a successful reentry and are not re-incarcerated. Clearly there are circumstances where collateral consequences are appropriate. For example, it cannot be reasonably disputed that those convicted of child abuse or elderly offenses must be carefully screened and limited [where necessary] from employment opportunities interacting with children or elderly. Moreover, financial institutions must be alerted of potential employees having convictions for embezzlement; yet there are other unnecessary barriers preventing the successful reintegration and transition of returning citizens. My general view is that reducing recidivism can be best achieved by removing some of the discriminatory and unreasonable practices which prevent or limit access to health care, housing, education, and employment. There are other questions which may be considered with a review of collateral consequences. Do those returning to the community require more extensive or shorter periods to be on supervised release? Is it necessary in every instance for a convicted person who is applying for some kind of vocational license or to get a Pell grant, or for admission to an institution of higher learning, to disclose a twenty-year-old or any conviction for that matter which has very little, if any, relevance or relationship to the specific license or position sought? Do safety considerations require permanent mandatory disqualifications? In other words, at what point...
The need to disclose a criminal record be outweighed by the collateral consequences imposed on someone for something which happened years ago?

The Federal Government should set the national standard for employing returning citizens, and providing them with access to services and resources to assist them with in making a successful transition with the end product being reduction of recidivism and the increase in public safety.

Recommendation: (a) Revisit the collateral consequences and other systemic barriers which unnecessarily prevent the successful reentry of returning citizens; (b) Appropriate more money for transitional homes and for transitional programs for returning citizens who need places to stay and programs available in order to obtain the support necessary for a successful reentry. There are an insufficient number of (not warming spots for sleeping and eating for the night) but transitional homes which provide a meaningful and non-punitive structure and passionate and caring staff to address issues such as: the trauma which many inmates have carried for years, life skills, mental counseling, mental wellness, behavior modification, job interviewing, resume writing, GED, computer skills, etc.

Again, I thank the committee for inviting me to testify as a witness and present my reflections.
Chairman Gowdy. Thank you, Your Honor.
I will now recognize the gentleman from Georgia for his questioning, Mr. Hice.

Mr. Hice. Thank you very much, Mr. Chairman.

Let me just also take the opportunity—I think it is appropriate to say congratulations on your role in leading this committee. We sincerely look forward to working with you as this committee moves forward.

And to each of our witnesses, let me say thank you, and also to the previous panel as well, for the work that each of you are doing. We are very much appreciative.

Mr. Stirling, you mentioned briefly in your testimony some of the things that South Carolina is doing and the diversion options for less serious drug offenses, and I am very proud in Georgia, Mr. McGahan, what is happening there with the accountability courts where really, instead of going to jail, people have the opportunity to prevent even starting the cycle of recidivism as they get involved in a two-year-long, court-supervised program that is evidence-based, a treatment program, involved in community service. They get jobs, all these types of things.

Mr. Chairman, I do not know if any of my colleagues have had the opportunity to be a part of one of the graduation ceremonies of these courts, the accountability courts, but I have gone and, I will tell you, it took everything I had just to fight back the tears watching how these individuals had, over the previous two years, experienced life change as they saw, many of them for the very first time, community support where they themselves had their dignity raised as they got jobs and they broke the cycle of what many of their families had perhaps for generations.

So, Mr. Stirling, I want to come back to you and, if we can, go fairly briefly. Do you have any idea how many people who are currently, percentage-wise, how many prisoners will be released at some point?

Mr. Stirling. Well, most of them will be released. I know in under five years or roughly five years, it is 85 percent, and then it kind of goes down from there. But over 30 years, it is .27 percent. Five to 10 years is about 10 percent. Five and under, it is 85 percent.

Mr. Hice. So say 10 years, probably 90 percent are going to be out. Is that fair to say estimate-wise?

Mr. Stirling. Ninety-five percent.

Mr. Hice. Okay, 95 percent. All right. So, here is the issue we are dealing with: these folks are going to be out.

Mr. Stirling. Yes, sir.

Mr. Hice. So the question then becomes what happens with them when they are out? And from what I have been able to find, well over 60 percent of prisoners who are released are re-arrested within two years. In states where there are the accountability courts, that number drops from 60 percent down to 25 percent. I know in Georgia we are well below even that rate for those that are a part of the accountability courts.

So, Mr. Stirling, can you just briefly discuss some of the diversion options that are taking place in South Carolina?
Mr. STIRLING. Sure. We have drug courts, which are amazing to watch. We have veterans courts. We have—Judge McCullough in Richmond County has started mental health courts. As I said 17 percent of those incarcerated in South Carolina are diagnosed with a mental health issue, and sometimes for these folks getting treatment, getting hooked up with the proper medication and medical professionals really can change their lives and we will never see them again. Incarcerating someone costs around $20,000 a year in South Carolina, which is one of the lowest in the nation, and by getting these treatments and having them become taxpaying citizens, we will never see them again.

Mr. HICE. That is amazing.

Mr. McGahan, what you all are doing with finding jobs and so forth, has it been difficult to find companies that will take these individuals?

Mr. McGahan. Well, there are obstacles, certainly. Some are just not good fits, but then there are others who have a crisis and just need work. As you know, in Georgia there are a lot of distribution centers, and our men go work there, property management companies. We have people who work in recycling, nighttime work. So because there is such a big need now for labor, not to mention the construction, the food and beverage, the hospitality industries, we are able to use salesmen to help them overcome their objections, their initial objections, to get opportunities for our guys.

Mr. HICE. Well, I just again want to say thank you for all. I wish we had time just to hit on a lot of questions. I am sure many more will come. But, Mr. Chairman, I appreciate this hearing, and I yield back.

Chairman GOWDY. The gentleman yields back.

The Chair now recognizes the gentleman from Virginia, Mr. Connolly.

Mr. CONNOLLY. I thank the Chair.

Last month Senator Rand Paul wrote an op-ed entitled, “Sessions’ Sentencing Plan Would Ruin Lives” in response to the Attorney General’s instruction directing prosecutors to pursue “the most substantial guideline sentencing, including mandatory minimum sentences, for non-violent drug crimes.”

Pastor Jahwar, does that policy make sense from your experience, to go back to what had characterized sentencing prior to the 2013, 2012 period?

Pastor JAHWAR. Mr. Connolly, no. I think that is a bad policy, personally, because I have seen so many young people who I know who were victims of their own environment, and then they did some victimization. But to go back would say to us that rehabilitation is not possible, that this is a warehousing institution. As Mr. Stirling said, what do you want? Would you rather have young people, older people, whomever, to come out of a prison somewhat rehabilitated, or would you rather have them just locked down until they have done enough time where it becomes punitive?

Mr. CONNOLLY. Mr. Stirling, listening to your testimony on the data, which was pretty impressive what you are describing in terms of the recidivism rate going down in South Carolina, I do not want to put words in your mouth, but I assume from your testi-
mony that you would kind of agree with Pastor Jahwar and what he just said.

Mr. STIRLING. I do think we are seeing success in the programs with, as I said, some of the things that we have done on the state level, which may or may not translate to the Federal level. We have seen success in the diversion programs, but we have also seen a lot of success in the other programs that we have at the Department of Corrections.

One of the things I did not mention is the Youthful Offender Program, where they are assigned a mentor. The numbers are one mentor, one social worker or youthful offender officer to about 25 people, and they are testing them for drugs, they are making sure they are working, they are making sure they are getting their education, and they are holding them accountable. We have had people that said I do not want to do that, I would rather just go to prison, and they do go to prison, but we do use graduated responses. That program, at 50 percent to 22 percent, is amazingly successful and is saving a lot of tax dollars.

Mr. CONNOLLY. You know, I remember doing a tour of our county jail in my county when I was chairman of the county, and I asked our sheriff, you know, how many people here are just sort of hardcore, no hope, versus something bad happened to them or they made a bad judgment or they hung around with the wrong crowd? And he said overwhelmingly the latter. There's the hard core, but most people can be rehabilitated with the right measures.

And the other irony, I think, is jails often serve as a massive substitute for mental health treatment and substance abuse treatment because we do not have the services in the community, and it puts a huge burden on people like yourself and your colleagues to provide services that one wishes were provided through a different kind of safety net.

Judge Williams, from 2013 to 2016, the number of Federal prisoners dropped by more than 10 percent, and mandatory minimum sentences were used at the Federal level 30 percent less than they had heretofore. What is your view about mandatory minimum sentences in terms of the discretion given to people like yourself and your former colleagues on the bench?

Judge WILLIAMS. Certainly, and I think I speak for a significant number of Federal judges who did not like the idea of having been stripped of their authority to consider a number of factors when sentencing people. What mandatory minimum sentences have done effectively—and, of course, I am a former prosecutor, so I certainly enjoyed that power, but the authority and the power really vests in prosecutors under mandatory minimum sentences, and they have the right to charge within the mandatory statute or not charge if someone would cooperate or give substantial assistance or what have you.

So I was very happy when some cases and also the sentencing commission began to restore some of the discretion that Federal judges had for certain types of offenses, and I think that resulted in less sentences being imposed on a number of defendants.

Mr. CONNOLLY. One can understand why mandatory minimum sentences came up, but is it not true that the problem is it is, on
its face, discriminatory? That is how it works, the results are discriminatory even if the intent is not.

Judge WILLIAMS. Well, certainly the impact does have a disparate impact on minorities, but also mandatory minimum sentences have an unreasonable result sometimes. You may have seen an article that appeared in the Washington Post a couple of weeks ago involving myself and an inmate who I had given life in prison. I had to do it because of his young brushes with the law years ago. I looked at all of the cases. There were eight or nine defendants. This guy had less involvement. I did not want to give him the maximum sentence, but I had to because, again, his record made him a career offender.

So sometimes you have just an unreasonable result that takes place when you have these things. Fortunately in his case, President Obama did commute his sentence, and after serving 12 or 13 years, he is now out.

Mr. CONNOLLY. Yes, although that is sort of a last resort. We wish the law could be more flexible.

My time is up, although, Mr. Chairman, I do not want to deny Mr. McGahan an opportunity to comment if he was getting ready to comment.

Mr. McGAHAN. I deal with people coming out of prison who want to get their lives back, who want to work, and many have been involved in drug crimes, non-violent crimes, or in some other non-violent felony, and they are terrific people, almost without exception, or they would not walk through our door. These are people who made mistakes, were caught up with the wrong crowd.

It is too expensive for us to put these people in a prison when there are other, better alternatives to handle these folks.

Chairman GOWDY. The gentleman yields back.

The gentleman from Arizona, Dr. Gosar.

Mr. GOSAR. Thank you, Mr. Chairman.

As you talk about recidivism and issues facing the criminal justice system, I wanted to take a few moments today to discuss the impact of programs like the veteran treatment courts on recidivism rates. Veteran treatment courts promote sobriety and recovery through coordinated local partnerships among community correction agencies, drug treatment providers, the judiciary, and other important community support groups. Veteran treatment courts have been extremely successful in my district.

The veteran treatment court in Lake Havasu City and Kingman, Arizona have strong records of effective service to the veterans they serve. In Mojave County these programs have been leaders in best practices, innovative approaches to engaging stakeholders, building support coalitions, and expanding access to effective treatments. Our veterans need focused treatment and a helping hand, and these courts provide such an avenue.

The alternative is often jail, and I am very proud that one of my own staff has been instrumental in Arizona, Sean Johnson, for getting these up and running.

So, Mr. Stirling, I have a question for you. Does South Carolina implement any type of veteran treatment courts?

Mr. STIRLING. We do. We have veteran treatment courts. Ten percent of our inmates, our prisoners, are self-identified as vet-
One of the things we have done recently is down by Charleston and McDougall Correction, we have a veterans dorm, where I figure they have given a lot for this country and maybe because of their service or something that happened or something they saw they ended up being incarcerated.

So we have designed a program, a wrap-around program that just started I think back in January where the dorm is run by veterans and we have veteran volunteers, and we try to get these people—it is a pre-release dorm—to services and connected with other veterans when they leave so they will not come back.

Mr. GOSAR. So it is still pretty early in that program.

Mr. STIRLING. It is. Yes, sir.

Mr. GOSAR. Well, I have to tell you, the application that we have seen in Arizona is incredible. You see a broken person start that process, and you see their eyes light up, getting back to peers that they want to respect and be respected for.

Mr. McGahan, your program helps getting homeless and incarcerated men back on their feet. What percentage would you say are veterans?

Mr. MCGAHAN. About 10 percent, sir.

Mr. GOSAR. Do you find that they have more specific needs than others in your program?

Mr. MCGAHAN. They do. They have unique challenges and sometimes require more mental health and counseling than other people in our program.

Mr. GOSAR. So one of the things we found in Arizona is that a comprehensive approach is needed to getting veterans back on their feet. They need access to housing, access to jobs, and the ability to stay away from those bad habits. Do you see similar issues that those who work with you in your program?

Mr. MCGAHAN. We do, and it does take a holistic, comprehensive approach. Many veterans have been through some very difficult situations, and they have not addressed them adequately, and that is what leads them to our program.

Mr. GOSAR. It seems like these treatment courts really work because of working with your peers. They identify and respond so much differently than you see anybody else. It is like they are letting their buddy down from the military, and there is something there. Can you explain a little bit more, too?

Mr. MCGAHAN. I completely agree. I think putting veterans with other veterans helps them. So if you have one in need and we have two or three that are more senior and who have been in the military, to help a person talk about their problems, to address them. One of the things that I have found is that many men are programmed to not talk about their feelings or the things that they have been experiencing, and to get them over that hurdle. And then once they do that and articulate their problems, then things tend to get better from there.

Mr. GOSAR. In your opinion, what is the primary factor that keeps individuals from going back to criminal activity?

Mr. MCGAHAN. I think bad habits, and that includes drug habits and work habits. So if we can address—if there is an underlying psychological issue that we have just been speaking about, and then we have a drug addiction on top of that, we have to address
both those issues. And then if we address those issues and we then get them in a job and get them working, they tend not to go back to their old ways.

Mr. Gosar. And I think that is the benefit of these treatment courts. They give that positive influence and support on a timely basis, repetitively, in the military fashion.

Thank you very much for all that you do. We certainly appreciate it. It is a great hearing. Thank you.

Chairman Gowdy. Dr. Gosar yields back.

The gentle lady from the District of Columbia is recognized.

Ms. Norton. Thank you, Mr. Chairman. I want to thank all of the witnesses. I have learned from them all.

I also want to offer my congratulations to Chairman Gowdy, and I want to thank him for his first hearing which focuses on an issue where there have been earnest efforts on both sides. I think, Mr. Chairman, beginning with criminal justice reform in a hearing indicates the tone you are setting for this committee, recognizing that, as Mr. Connolly’s remarks indicate, there will be circumstances where we must disagree, but it seems to me that this was an important precedent about how to start a new chairmanship on a committee such as this, and I thank you.

Mr. Chairman, I would also ask that a letter written by the ranking member, Mr. Cummings, and Mr. Issa requesting that you place H.R. 1905, the Fair Chance Act, on the agenda for the committee’s next markup. That, of course, is the bill that says that only at an appropriate point in the hiring process may an applicant be asked about his criminal history record.

Perhaps the most important issue for someone coming out of prison is the challenges he faced in finding employment, and the discouragement he faces in that regard. Of course, he will find many barriers. Some of those are to be expected. But I was interested to note that 18 states and more than 150 cities, including my own, have adopted the so-called Ban the Box idea I just spoke of a minute ago so that employers can consider the record of any applicant, but it simply delays asking about that record.

Many of us have heard really poignant stories about someone who has been out of jail for 10 or 20 or even more years but must put, if he is truthful, that he has once been incarcerated. Ten, 20, 30 years of exemplary behavior may not matter if the first thing the employer reads is of a record.

Now, I recognize that some of you are from states that have not adopted Ban the Box, but I am very impressed at the number of so-called Red States that have. I asked my staff to find them for me. Kentucky, Louisiana, Missouri, Oklahoma, Tennessee. Now, of course, Judge Williams has adopted Ban the Box.

I am not asking the others of you to take a position on what your state should do, but I am asking you whether or not you think Ban the Box legislation has been useful, or otherwise to explain to me why apparently, regardless of where the state has stood on other matters, it seems to be in line with other states that are far more liberal than it is on Ban the Box. I would be very interested in Mr. Stirling, Pastor Jahwar, and Mr. McGahan on that question. Would it be useful to consider Ban the Box in your state?
Mr. STIRLING. Governor Haley and Cheryl Stanton actually had a summit with a bunch of businesses, and we asked them to look at and hire people who were incarcerated. I do understand why some companies—and it is a frustration of mine when I go to companies and say will you hire these folks, and they say we do not, and I say just give them a chance because they are going to work hard. But I do understand why some companies cannot, for various reasons, if they work with financial services.

So a blanket policy of banning the box, I think you would get people down a path and then they would find out that there was a record or there was a reason not to hire that person. So I think this is something that we encourage in South Carolina companies, just to look at hiring second-chance employees, and that is my role as a Department of Corrections director, to go out and find those. Those ladies sitting behind me, that is their role and their staff's role, to find that.

Ms. NORTON. I am glad you mentioned that there are some instances where you would not want to have such a person hired. But after you find out, Mr. Stirling, about the record, you can still refuse to hire. So I think the notion that you raise is very important about what your conviction was in.

Mr. Chairman, if I may just hear the answers of the other two gentlemen, because I recognize I am over time.

Pastor Jahwar?

Pastor JAHWAR. Yes. In Texas, we have been dealing with that, and what we have found is that that legislation would help us even if we had to modify it somewhat, because I do recognize what Mr. Stirling was saying. But what we see more than that is that there are not enough tools to protect those who have reformed, that there is a reformation process, but the punitive process goes beyond them reforming.

So a friend of mine would say that a full heart needs a full stomach and busy hands or they will return to the other behavior. So what I have always pushed from my local and state government is to figure out ways to eliminate the barriers, and that would be another tool. As many tools as we can have in our toolbox for me is important because that is where we are. We are at a state of emergency where those who are truly trying to do right are prevented by things that they have done in the past.

Ms. NORTON. Mr. McGahan?

Mr. MCGAHAN. In Georgia, Georgia has banned the box for state jobs, which is an executive order, and for occupational licenses. But Georgia Works! is based upon banning the entire application. We say to employers just let us show up with five or six guys, regardless of their past, see if you like them, let them get to work there, and they inevitably like them after a few months.

So we put all the paperwork aside, say try out our men, and this is a pitch for our employment agency, you will like our guys, and then these guys will get hired full-time jobs, and then the application comes after they have started working there on a temporary basis.
So I am for banning the box, I am for banning the application and eliminating the barriers to employment.

Ms. NORTON. That sounds very innovative.

Thank you, Mr. Chairman.

Chairman GOWDY. The gentle lady yields back.

The gentleman from Kentucky, Mr. Massie.

Mr. MASSIE. Thank you, Mr. Chairman.

I am not an attorney or a lawyer or a judge, but I was in county government. It was county judge executive, sort of the county executive. My impressions of criminal justice reform were informed by my experience there as county executive where the jail was the biggest expense in the county and it does not create any revenue, and you see situations there that just do not make any sense, like a Gulf War veteran who is serving one year. We house state inmates as well in the county, in jail. The state pays to keep them there.

A Gulf War veteran, decorated, serving a year for non-child support. Now, that is despicable, not to support your children, right? But how does that improve the situation? Now this man is a felon with a one-year sentence, virtually unemployable.

Mr. McGahan, can you speak to that?

Mr. MCGAHAN. Well, that is crazy, right? I mean, we have a guy who has not paid his child support, so he is put in jail, which he then further cannot pay his child support, which goes back to one of the points I wanted to make, which is, first of all, a Gulf War veteran has been through a lot, probably has an underlying issue which needs dealing with, probably has a substance abuse issue as he tries to self-medicate on top of that. So we need to get to the core problem to help that person so he can then get employment and then pay his past-due child support. So, that is the first point.

The second one is past-due child support is onerous on low-earning humans, people, returning citizens. It is preventing them from getting payroll jobs. It is incenting them to do under-the-table work. It is incenting them to do criminal activity, because for a small portion of folks, they just cannot afford to pay for themselves because of these issues, these wage garnishments.

Of course, we want people to pay—absent fathers, we want them to pay for their children, there is no question about it. But there is a portion which get behind, and then it becomes too big of a mountain for them to climb on their own, and we just have to—and we are incenting behavior that we do not want. The general problem is we have all these employers who have open jobs, and we have all these people who want to work at them, and we have these barriers in-between. We have to knock those barriers down.

Mr. MASSIE. Ms. Norton sort of covered this, but what role does expungement play?

Mr. MCGAHAN. Well, we have had some success with some folks to go back and get past-due child support eliminated, and we have thought a lot about this. For people who have younger children, we have had some success in getting it reduced, or the payments reduced, not the total amounts reduced, because we want those fathers to pay. But for some people who are 60 and their kids are long gone, they are grandparents, we are talking about mountains of past-due child support ——
Mr. MASSIE. Well, let me just be clear, and I want to move on to another topic. I am not advocating non-support here. I am just saying sometimes we do things that compound the problem and cause the children never to receive any support if we cause the father to be unemployable.

I want to move on very quickly. I am the lead Republican sponsor on a bill with Congressman Bobby Scott called the Justice Safety Valve Act, which would give judges more discretion in applying the sentencing. In other words, discretion to override the mandatory minimums across the board.

It occurs to me listening to you, Judge Williams, that there is already sort of a safety valve in there that my colleagues here do not understand. It seems like every two or three months we pass another bill with a mandatory minimum in it, but they do not understand that the prosecutor has discretion as well and may choose not to prosecute that particular crime because that mandatory minimum is in there.

So by putting a mandatory minimum in there, is it possible that sometimes we cause certain crimes not to get prosecuted? They might choose another one if they did not think the mandatory minimum was appropriate. Can you speak to that, Judge Williams?

Judge WILLIAMS. Yes. That is why I mentioned that all points of the system where discretion is utilized, these should be reviewed. Certainly, the safety valve is one mechanism to undercut some of the harshness associated with mandatory minimum sentences. But in addition to that, I would just like to see an equalization of the discretion and the authority, both for prosecutors as well as for judges.

You are right, Congressman, prosecutors have a way to get around even the safety valve by charging or making some other decisions on prosecution that, again, would lessen that impact. So I would just like to see, again, a review of all of that legislation, all of those policies, so there can be more of an equal distribution so that judges can take into consideration a few more factors to make sure that the appropriate sentences are handed down.

Mr. MASSIE. Just in closing here, I just want to say one other crazy thing I saw at the county jail, state jail level. It is public perception. They feel good when they see inmates picking up trash on the side of the road. What they do not realize is they are not learning a vocation that is going to be transferrable back into society. So even though that may score points with the public officials to have the inmates out there picking up trash, we might be doing society a better favor to teach them or to have them do tasks where there are employable skills that are being picked up.

Pastor, did you want to say something to that?

Pastor JAHWAR. Yes, sir. I think you are hitting on a vital point, that the skill set that a person needs is not just what they can do with busy work but what they can do to further their societal advantage. What I tell some of these young men is that your characteristic has a marked advantage in the neighborhood that you are living in, but we need to help you transform your character. But they have skill sets that are beyond being at the bottom rung.

One of the things I say to investors is do not ask these young men and young ladies how to be workers. Ask them do they want
to grow up to be an employer, what is the best way not to have the minimum qualification, because they do not have a lack of understanding, a lack of brilliance. A lot of times it is the lack of environmental support to get them where they are going. So, I totally agree with you.

Mr. Massie. Thank you. I see my time has expired.

Chairman Gowdy. The gentleman from Kentucky yields back.

Mr. Clay. Thank you, Mr. Chairman. Before I get into the questioning, let me compliment you for holding this hearing, for inviting this great witness panel, as well as the two previous witnesses. All of them have given voice to the circumstances, and they have also stressed access to opportunity. So I appreciate this hearing, and also to the ranking member.

According to the Substance Abuse and Mental Health Services Administration, more than half of all state prison inmates are re-incarcerated within three years of release. About two-thirds of the estimated 600,000 new incarcerations annually are people who have failed on probation or parole. A 2012 report from the Council of State Governments Justice Center also found 53 percent of state prisoners and 46 percent of Federal prisoners in the year prior to their arrest met the DSM–IV criteria for substance dependence or abuse.

Judge Williams, in your experience, can untreated substance abuse disorders contribute to individuals failing to meet the requirements of their probation or parole?

Judge Williams. Yes. In the Federal system we call it supervised release. But let me say this, Congressman. I absolutely agree with you, the failure to provide adequate mental treatment and counseling while incarcerated, and even when they are released, contributes in a mighty way to recidivism.

I headed the task force in Maryland studying that issue, and there was a lot of testimony from stakeholders and people who had been out saying that there is a lot of stress and buildup of mental anxiety associated with people incarcerated, and they did not think that enough was being done in the prison to address that issue so that they could handle their release once they came out. So I agree with you.

Mr. Clay. Thank you. And let me ask Mr. Stirling, do prisons and jails face challenges in effectively treating inmates suffering from substance abuse disorders?

Mr. Stirling. Yes, sir. When I took over, I took over on October 1st, 2013, in January of that year Circuit Court Judge Baxley in South Carolina issued a 46-page order of how the mentally ill were being treated at the Department of Corrections. It was a decade-old lawsuit by P&A, and one of the first things I did was I wrote a letter to P&A and I said please sit down with me as a practicing attorney. I knew the benefit of mediation. So we sat down. We had a retired judge mediate it, and we settled that matter in January.

But treating folks with mental health issues while incarcerated is extremely difficult. It is extremely difficult to find a vacancy rate for mental health professionals. We have one psychiatrist, and when St. Peter meets her, she is going straight into heaven because she has been on call for almost a decade.
We are doing what we can with what we have, but hiring people—South Carolina does not have a lot of mental health professionals, and on another committee we are working on that. But treating people that are incarcerated with mental health issues and getting the proper staffing is very difficult. On top of that, a lot of corrections facilities across the country, mainly in the southeastern states, have high rates of vacancies for their officers. So if you have officer vacancy rates, you have lockdowns, which exacerbates the problem. They cannot get treatment, they cannot get into group. We are in the early stages of trying to fix that, but it makes it very, very difficult to treat these folks.

One last thing, and I know your time is quick. One thing we are doing is we partner with our drug agency. A lot of people who are addicted to opioids are starting to come into our prisons. So we are starting a program in August where we are going to give them a pill, and then we are going to give them shots on the way out that will be an opioid blocker, and we are doing this with about 10, and we are going to follow them for a time to see how they do. If it is successful, we will expand that program.

Mr. CLAY. So the opioid epidemic is affecting recidivism rates.

Mr. STIRLING. Well, it is so new to South Carolina. I would say drug addiction does affect, but opioids are starting to come into the state. It is not as much as some other states, but we are starting to see it, and I am trying to get ahead of it. It is not like some of the other states, like West Virginia and like that.

Mr. CLAY. Mr. McGahan, are you seeing this?

Mr. MCGAHAN. Not in inner-city Atlanta, no. We are still dealing with alcohol, marijuana, and crack.

Mr. CLAY. I see.

Mr. Chairman, my time is up. I yield back.

Chairman GOWDY. The gentleman from Missouri yields back.

The gentleman from North Carolina, Mr. Walker, is recognized.

Mr. WALKER. Thank you, Mr. Chairman. I appreciate being here on your very first day as chairman. I appreciate also your work in partnering with us and Senator Tim Scott and working with chancellors throughout the historically black colleges and universities, and even talking about some of these issues with those wonderful people.

Let me first commend Pastor Jahwar for honoring your son. As a former pastor and pastor’s son, I respect that. I am sure it is reciprocal in many cases, or at least eventually got there if you are like most pastor’s kids. But I do appreciate that. I appreciate your calling. I appreciate what you are trying to do here. I think it is incredibly important.

There is a lot of talk in this area these days, and I have often thought how much of that actually comes or is able to formulate into some kind of substance where we are seeing results. We are always talking about awareness, and it is good in some ways, but how do we translate that to the action steps? I have often thought that in many cases this has to start with relationships, and I am not talking about pandering stuff or knowing the talking points. I am talking about getting involved in these communities and showing up, sitting in the back row sometimes even when you are not the featured speaker, to be able to engage.
We have done some work over the years in the inner cities in places like Cleveland and New York and Baltimore, and I will never forget, certainly not anytime soon, the gentleman we were working with and his family there in Cleveland when we said what is it that we can bring, and he said if you will bring hope, he said bring hope.

And I see many times that we have lost the hope, and these young men and women, sometimes they have never seen hope before. And I wonder, with all the great policies and programs, we cannot just force a template in different communities and societies without adding hope in the relationship component to that. And I challenge myself, and I am grateful for the different people that are here today because I heard a little bit of that element in all of that.

My question today for you, Pastor, and maybe some others, is when it comes to education, how crucial of a role does education play in this process when it comes to the reentry component?

Pastor JAHWAR. Well, thank you. I believe that education’s role is important in this sense. I believe it goes back to what you said initially. It is relational education. It is not just what they learn, it is what they retain, and they retain it from mentors and coaches.

I had a man who had 1,000 years. He had a 1,000-year sentence for a crime he did not commit, Harold Hill. He got released. He said to me, he said, man, the strong rule the weak, but the wise rule them all. He was a very thin man, and he said when I came into prison I had to figure out what it is I could learn, not who it is I could intimidate. And when he came out of prison, his whole platform was how do I become educated enough to show these other young men that they do not have to do what I did, they do not have to go through what I went through.

So I believe education in its purest form, a high school diploma, is absolutely necessary. But there is a relevant education that comes through relationship that teaches one and reaches one, and as a pastor I have said it is a discipleship. It is how do you disciple that person through an environment that is known to destroy you.

Mr. WALKER. Yes. It has to be a genuine investment instead of just something out of a book, in my opinion here.

I may have the other guys weigh in, but I want to get to something else, something that is not in the notes that I want to talk about just for a second.

We are always talking about educating these men and women who are reentering society. What I do not hear talked about sometimes is educating those who are working with these individuals, and let me give you an example.

Recently I had a pastors breakfast there in North Carolina, representing 50 or 60 pastors there, and I just boldly asked them, I said how many times in the last six months have you used the terminology “second chance” or just criminal justice in general? I had two raise their hands.

So when we talk about education, it is important that we find that skill set to reenter society, but how important is it for those who are community and society leaders when we are talking about these policies when it comes to the education of those providing it?

I want to start with Mr. McGahan, and also the pastor can weigh back in as well.
Mr. MCGAhAN. Sir, I think it is very important. I think just having this hearing is incredible because it makes people realize, first of all, that we have a big problem of many people that are coming, reentering society from prison; and secondly that we should welcome those folks with open arms back to our communities once they have paid their price. People make mistakes and they can change and they can move on from there, and I think that is an important thing for all of us to talk about.

Pastor JAHWAR. And you made a statement about those who serve. The most profound thing that I found is those who are serving normally are the most tired, the most frustrated and agitated with the population, and it is normally because they are behind the curve. So they are learning, and their learning is from bad experience. So, absolutely, we need to do as much training, opening people's minds up to a different way because there is one idea, and if that one idea is not producing—normally we would just double down on that idea regardless of whether it is producing results or not.

Mr. WALKER. Thank you, Pastor.

Mr. Chairman, I yield back.

Chairman GOWDY. The gentleman from North Carolina yields back.

I will tell my colleagues they are expecting votes around 4 o'clock. So if we assiduously adhere to the 5 minutes, we may get everybody in before we go vote.

With that, my friend from Massachusetts, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Chairman, and your congratulations to you on your new appointment. It will be good to be working with you.

I do have a matter of some interest on just procedural aspects of the work of this committee before I ask our panelists some questions. It has been a matter of longstanding constitutional precedent that Congress, and specifically this committee, is empowered to investigate matters within its jurisdiction to see that the laws are faithfully executed, and I think it is beyond argument that foreign interference with a democratic election is an appropriate, if not compelling, area of inquiry for this committee.

Also, given the history of congressional inquiry, from the struggle for civil rights to the Vietnam War and to the Nixon impeachment, the current refusal of this committee to take up the reports of our intelligence agencies, including the NSA, CIA, and FBI, who all report with high confidence that our elections were hacked, I think our refusal to investigate is not only disappointing but perhaps shameful.

I, however, remain hopeful that with your leadership, Mr. Chairman, and with Ranking Member Cummings' leadership as well, that we can look back and at some point take up this issue of foreign interference with democratic elections within this committee. If there is any issue out there that is beyond Democrat, beyond Republican, beyond Independent, it is whether or not we enjoy full integrity in our electoral process here in the United States. I think that is important to all Americans, and I hope at some point we can do it in a non-political way. Forget about the last election. Mr. Trump won. But we are going to have another election, and we
want to make sure that we are able to protect the integrity and the results of that upcoming election. Democrats, Republicans, Independents, we all have an intense interest in the legitimacy of that outcome.

Turning now to our panelists, Mr. Chairman, I want to thank you for your wisdom in selecting this group. They have been absolutely fantastic today. I have had a chance to meet with a lot of my prison officials. And, Mr. Stirling, my warm regards to your family in my district.

In my district and across the State of Massachusetts, I would say on average 80 to 90 percent of my inmates are dually addicted, so alcohol and drug addiction, and that is high. I realize that is high. I know what the national numbers are, but it is high.

We are struggling. We are struggling in Massachusetts with how to deal with OxyContin and all these opioids. I hear some great things in Georgia and in South Carolina. I am just wondering—so, suboxone, buprenorphine, vivitrol—what are you using to try to help your folks so that when they come out, they at least have—and this is a big thing, not “at least”—they have that drug addiction under control, because that really, I think, dictates their resistance to recidivism. That really gets them squared away so that the drug courts, which I was a big supporter of when I was in the state legislature, and I still am—we have veterans courts as well, that you are doing as well. But we really have to get the drug issue, we have to get them clean and in a good place so we can work on the other problems, and I just want to hear about your own experience in South Carolina and in Georgia, if I could.

Mr. Stirling. For some folks who have drug addictions, that is why drug courts are so good. Chairman Gowdy knows this, but the prisons have drugs in them. You can get what you want in prison because of contraband. Everybody probably at this table knows this. Everybody who has ever been in a prison knows that. So not sending some of these folks to prison is a better way, and sending them to treatment.

In South Carolina, because of costs, we give them five days of medicine and a 30-day prescription. What we are doing in South Carolina is we are hooking them up with services as they go out the door.

The best thing we can do, to answer your question, is have a job with benefits, mental health benefits, health care, things of that nature. Short of that, though, what we do with SC Thrive is, if they are a veteran, we hook them up with the Veterans Administration. If they have other things that we can hook them up with, we do. This new program—and I am not a pharmacist or a doctor, but naproxen I think is the name of it, the shot that we are doing. The pill that you take every day, you can forget. So we are going to give them a pill, see their reaction, and then we are going to give them a shot out the door, and then our drug agency is going to work with them and follow them and give them a shot every six months. And from what I am told—and we did have some resistance internally—we made the decision that we were going to do it because a lot of people did not like long-acting injectables. So we are going to follow these people and if it works, we are going to keep on doing it.
Again, hooking them up with free clinics, things of that nature, trying to find the medication that they need. But the biggest thing is a job with benefits and a future and, as the Congressman from North Carolina said, hope and a connection with family, and positive reinforcement while they are out. Maybe it is not good to go back into your neighborhood of maybe Charlestown or maybe South—maybe you should move to a different area, because where you are, the influences are not good and you are going to slide back into that. Maybe move across the country, things of that nature. So we try to set them up for success and not set them up for failure.

And if I might, just real quick, one of the things I did when I first took over is I went to see how we release people from our prison near the University of South Carolina. We dropped them off in a van, and I saw what happened there. Some of the folks were dropped off in their prison tans without the prison stripe, so now we have clothes closets. No one leaves with prison tans anymore.

We had to hire a law enforcement officer because the drug dealers and some of the women of the night were there to get these people and put their hooks back into them. So we had to hire the Sheriff's Department to be there to run those folks off. They did not have a chance when they got off that bus.

We also, lastly, if you are picked up by a family member, you get to leave on the first day possible. If you are not, you are going to take the bus, you are going to put yourself back in that environment, we have you wait a couple of days. Well, everybody is getting picked up by a family member.

Some things we were doing were not making sense, and we are trying to look at it, use evidence-based practices to get them to the right treatment. Again, a job with benefits is the best thing that they can have.

Mr. Lynch. Thank you, Mr. Chairman. I thank you for your courtesy. I appreciate it.

Chairman Gowdy. The gentleman from Massachusetts yields back.

The gentleman from Tennessee, Judge Duncan, is recognized.

Mr. Duncan. Well, thank you very much, Mr. Chairman, and thank you for picking this topic to hold your first hearing because I think it is very important. I am sorry I had a big group of constituents and also had an opportunity to speak on the floor on a bill that I was interested in.

I was a judge for seven-and-a-half years before I came to Congress trying criminal cases in Tennessee, and I have never forgotten the first day I was judge Gary Telic, who was the main probation counselor for 16 counties in East Tennessee, he told me, he said 98 percent of the defendants and felony cases came from broken homes. Well, it was not exactly accurate. What was more accurate was—and I do not believe it was 98 percent, but I went through over 10,000 cases in the seven-and-a-half years I was there because, as most of you know, 98 or 99 percent of the people plead guilty and apply for probation.

So every single day for seven-and-a-half years, I read over and over and over again, defendant's father left home when defendant was 2 and never returned, defendant's father left home to get a pack of cigarettes and never came back. Well, it makes an
impression on you. And I can tell you I remember several years ago when I was still in Congress, one Friday afternoon I missed the direct flight out of National Airport and I had to drive to Dulles Airport one Friday afternoon, and the 3:00 national news came on. There had been a school shooting by some 14-year-old boy or something, and they had the national head of the YMCA on the radio, and he said children are being neglected in this country like never before.

And I thought, boy, how sad it was to say something like that. But somehow or another, we have got to get out that, especially young boys cannot raise themselves. I read that 80 or 85 percent of the babies that are being born in some of our biggest cities are born out of wedlock. I know that drugs and alcohol are involved in most of these cases, but they all seem to be secondary to that father-absent household. I think I could go to any 4th grade class or 6th grade class in an elementary school in this country, and if I found out the family situation of these kids, I could tell you which ones were most likely to get into trouble. And every time I read about one of these boys pursuing one of these mass shootings in someplace, like in Connecticut or this one I mentioned, which I think was in Oregon, or all over, you read about those kids and they come from dysfunctional families.

So I think we need to do all kinds of things. I think we need to get more males teaching in the elementary schools, because so many boys are growing up without a good male role model. I would like to see more boys get into Boy Scouts.

This is a national crisis, and it is the root of our crime problem, in my opinion. It seems to me there are just a lot of things that we need to do.

I started when I was judge a program called—I called it Court Counselors, and I got the churches involved, and I got them to do it on a volunteer basis. I said most of these young men, they have almost never sat down with a family to have supper. I said if you just have once a month, or more often if you can do it, but at least once a month, have them to your house to have supper with the family. It is really sad what I am seeing.

And then we need to separate these non-violent people away from the violent people in these prisons.

But I am supporting some of these efforts on some of these criminal justice reform bills, and I sure hope we can move on that. I just wanted to say a few things like that, Mr. Chairman. I will work with you any way that I can on this because it is a subject of great interest to me.

Chairman Gowdy, I thank the gentleman from Tennessee. Not only is it a great subject of interest, you are also an expert in the field and we appreciate your perspective.

The gentle lady from Michigan, Ms. Lawrence, is recognized.

Ms. Lawrence. Thank you, Mr. Chairman. I, too, join my colleagues in congratulating you in your position of leadership and look forward to working with you.

I have consistently said that in America, I still believe in the American Dream, that ladder to success. That first wrung is education. If you do not educate a child, how can you expect them to climb the ladder of success or opportunities in America? If you do
that, you are limiting that child’s success, and prison, unfortunately, is one of the limited choices they have.

A 2013 RAM report stated that inmates who participate in correctional educational programs, correctional programs, have a 43 percent lower odds of reentering prison than those who do not.

So, Judge Williams, have you seen efforts to educate prisoners increase proportionately to the massive growth in the prison population? Have you seen an impact?

Judge WILLIAMS. Let me say I certainly agree with you that education is the key, and also dysfunctional families that the Congressman talked about. Certainly all of that contributes to criminal activity and behavior.

But I want to go back to something that you said. The failure to have access to appropriate education is the key.

Ms. LAWRENCE. Yes.

Judge WILLIAMS. There are a number of youngsters in schools who are not being taught properly. They have lost interest, and sometimes the school system is responsible for what results in them getting involved in criminal behavior later.

Now, in terms of the prison, in my state, of course, not enough across the years has been given by way of funding for enough programs to educate and prepare inmates for the new types of jobs that are out here in the world. So that is something that has to be a focus, and I certainly agree with you that education is the key, and training.

Ms. LAWRENCE. Well, I just want to take a few minutes to compliment the governor that, sitting right here in this chair, I have not had very good things to say, but my governor in Michigan has taken skill trades, which he and I partner on, and he has started a virtual welding program in prison. If you are eligible for a non-violent probation from prison—and there are job offers being offered to the prisoner before they even leave. Can you think of the opportunity of a person who has been incarcerated that is guaranteed a job, that has a skill, that you know for a lifetime will be able to work? Those type of programs are game changers, and we need to step up.

Mr. Chairman, I am telling you, we can make a difference in America with stopping this industry of private prisons, because the only way that they are profitable, they have to fill the cells. But if we get into the proactive mode of finding ways to stop it, we can make a difference.

I have one question for Mr. Stirling. In your written testimony you indicated that under the Second Chance initiative Northwestern College was selected as a pilot site where Pell Grants would be available to offenders. Can you explain how it works, and is it working, and what are the benefits of that, and have we expanded beyond the pilot?

Mr. STIRLING. Sure. So, we have not expanded beyond the pilot because it is fairly new. What we did is we picked a character dorm where the offenders live amongst themselves. They are held accountable by themselves. Just recently I received an email from Sandy sitting behind me that 10 of the folks that are in that program were either on the Dean’s List or the President’s List.

Ms. LAWRENCE. Wow.
Mr. STIRLING. So, that is great. If I can briefly go back, in South Carolina we are teaching welding. Somebody just donated forklifts because warehousing is big in South Carolina. So they are going to learn and get their certification in forklifts, brick mason, things of that nature, plumbing. We teach and do all that stuff for people that are leaving and people that are there so we know when they leave they will be prepared. As a plumber, they will make twice as much as a lawyer would make by the hour.

Ms. LAWRENCE. Exactly. This is where we need to move as a country. If we say you are going to do your time and pay for the crime that you commit, we should be committed to ensuring that this person does not return. If they commit the crime, yes, they should return. But how can you expect someone who knows how to be a criminal—they have proven it because they have been arrested and tried. They know how to commit crime. But if you really say the correctional system is to reform and to release a person back into society that will not be a prisoner anymore, then we have some responsibility.

I yield back my time, and thank you, thank you for having this hearing.

Chairman GOWDY. Yes, ma’am. The gentle lady yields back.

I will now recognize the gentle lady from New York. I would tell my friend from New York, I think they are going to call votes in a couple of minutes. I am going to try to get my friend from Florida and my friend from the Virgin Islands in before I go so they can all go and I will be late for votes and not you all.

So, with that, you are recognized.

Ms. MALONEY. First of all, thank you, Mr. Chairman, and congratulations on your appointment.

And to the panelists, I have been listening in the back room and listening here too, and many of you bring a lot of experience on an incredibly important issue.

Judge Williams, you recently chaired a working group convened by the Republican governor of Maryland, Larry Hogan, to examine the collateral consequences of imprisonment and criminal convictions. The working group issued its final report in December, and according to the report, and I quote, “The American Bar Association’s National Inventory of the Collateral Consequences of Convictions has cataloged more than 38,000 collateral consequences of criminal convictions, which include denial from public housing and public assistance, deportation, disenfranchisement, licensing or employment restrictions in a variety of occupations.”

Judge Williams, can you discuss how collateral consequences affect returning citizens’ ability to provide for themselves and their families?

Judge WILLIAMS. Certainly there have been a lot of studies around the country on the collateral consequences affecting persons returning back to the community. But there are a number of barriers imposed on individuals who are returning such as, again, trying to get licenses and other vocations to get involved in. In my state, my report focused on people who were embalmers and people who were pest controllers who needed to disclose their record in order to get a license, so that has been a problem.
Of course, there has been discrimination against persons trying to get adequate housing. They have not been able to get Pell Grants, and there are a number of employers around who are simply afraid of hiring a person for fear of litigation and other kinds of things against them.

We can certainly talk about voting rights. They have also been denied civil rights associated with that.

So there are a host of collateral consequences imposed on people with records, and my position has always been that we can promote less recidivism if we come up with programs that are going to assist persons to make an adequate transition back to the community.

Ms. MALONEY. You have done this work on these current blanket bans. Would waiting 10, 20, even 30 years from the time of conviction, or even of release, to apply for a professional license or permit be long enough to make an ex-offender eligible for employment in these categories?

Judge WILLIAMS. What is the question?

Ms. MALONEY. They have these blanket bans where they ban them ——

Judge WILLIAMS. Yes. Those are permanent.

Ms. MALONEY. They are absolutely permanent.

Judge WILLIAMS. Absolutely ——

Ms. MALONEY. So you could be out 30 years and be a good person and have a record of good work, and you still are blanket banned.

Judge WILLIAMS. Absolutely, and the good news is that our state, of course, we think we are progressive, but this task force has dealt with that and encouraged the General Assembly, the state General Assembly to look at those blanket bans and permanent disallowance to see if they can do something about that. But that is one of our recommendations that came out of that task force report.

Ms. MALONEY. Yes, that is an important one.

Now, could you also talk about the rights restoration certificates? Explain how these work and how can they help ex-offenders stay out of prison.

Judge WILLIAMS. Yes. One of our recommendations was to have a group and an entity assess the progress that returning citizens are making. Once our organization or our entity or this department issues a certification that they are making progress, that the likelihood of them perpetrating another crime is excellent, then they get the issuance of a certificate which will be in the hands of employers and that would probably likely cause them to hire them.

Ms. MALONEY. Well, I think all of your testimony, your ideas are good ones. I think we should look at them. I know that this was a top concern of Ranking Member Cummings. I just talked to him on the phone and he was so interested to hear what is happening in the committee, but also President Obama did a lot of work and studies on prison reform, and I want to thank you for what you are doing. I think it is tremendously important. We have to help people, once they get out, stay out, and you certainly cannot help them if you are banning them from all types of employment.

What was your recommendation on voting? I mean, they take away the voting rights, too. Were you recommending that people be able to vote?
Judge Williams. Well, we had not addressed that yet. That is in, hopefully, a Phase II.

Ms. Maloney. That is Phase II. Okay.

My time has expired.

Judge Williams. This was mostly vocational and occupational licensing.

Ms. Maloney. Okay. Well, my time has expired. Thank you.

Chairman Gowdy. The gentle lady from New York yields back.

We have a prosecutor and a former police chief left. You all are used to working together. I will let you continue to work together, and you can apportion time however you want. I am going to go last. I think they are about to call votes.

Ms. Plaskett, I think you are technically up first, but you all can do what you want with the time.

Ms. Plaskett. Thank you. I will be very mindful of the time. Thank you, Mr. Chairman.

And thank you, witnesses, for being here.

In 2013, former Attorney General Holder issued a memo to Federal prosecutors urging them to ensure that our most severe mandatory minimum penalties are reserved for serious high-level of violent drug traffickers. The Holder Memo, as it was called, was guidance that in cases involving applicable Title 21 gave prosecutors discretion to make a, quote, “individualized assessment and fairly represent the defendant’s criminal conduct.”

Judge Williams, I am so glad to have you here. What improvements did Attorney General Holder’s charging policy make in the criminal justice system?

Judge Williams. Certainly once that edict came down, the Federal prosecutors in my jurisdiction had a little more authority to offer pleas that did not involve mandatory minimum sentences. So everyone essentially was pleased with that. I do not have any statistics before me, but I know that the severity of penalties and the long sentences were decreased with that edict.

Ms. Plaskett. Thank you. On May 10th of this year, Attorney General Sessions rescinded that policy and issued a memorandum that directed all Federal prosecutors to charge and pursue, quote, “the most serious offenses that carry the most substantial guideline sentence, including mandatory minimum sentences.”

Judge Williams, in your experience, why is charging the most serious offense not always the most effective way to deter crime?

Judge Williams. Yes. Again, I think that is misguided and is just not appropriate in every case to direct prosecutors to charge the most serious offenses. Again, every case is different, and there ought to be an easing of that philosophy, and I just disagree with whatever that edict is.

Ms. Plaskett. Thank you. You know, I as well have been a prosecutor at a local level in the Bronx District Attorney’s Office in New York City, and then at main Justice, working at the Justice Department, and it is my belief that this memo sends a chilling effect on our justice system both at a prosecutor’s level, to make prosecutors go after the most serious charge, but also sends a message to policing as well in terms of criminals and how police are going to be handling the individuals that they encounter on the
street and what the message is from the highest level of law enforcement.

I talked with our chairman quite often about the fact that being a prosecutor was, to me, one of the most wonderful jobs that I had. It was a dream of mine. I come from a long line of law enforcement officers. My grandfather, my father were police officers, uncles, and I had to leave that job because I got tired of every day looking across the courtroom and seeing what looked like myself, seeing my sons, in essence, every day, and having to issue some of the most harsh charges on the people that I now represent, people that look like myself, people with names like John and Russ and Edmond, names that families have given their sons because they believe in them, names that I have given my own sons.

I have four sons, and every day things like this from Jeff Sessions is really an indictment against my own sons, and I take that as a charge against them and those who look like them that says to scoop them up and put them away, and that is the way we are going to deal with individuals who look like that.

I am really grateful that we are having this discussion. I am thankful that my colleagues across the aisle were willing to listen, to come up with solutions, not just for what happens in prison but before that. It is not just criminals that are scooped up. Many of us who have young black men as children, we give them—and I am going to use this term—they are going to get their Negro wake-up call, because as much education as they have, whatever they look like, as much middle-class as their families look like, they can be scooped up by the police just because of what they look like, and it has happened to all of us at one point or another.

So I yield back the balance of my time, and I thank you, Mr. Chairman, for allowing us to have these discussions.

Chairman Gowdy. The gentle lady from the Virgin Islands yields back.

The gentle lady from Florida is recognized.

Ms. Demming. Thank you so much, Mr. Chairman, and congratulations to you.

And thank you to all of our witnesses, and thank you for the outstanding work that you are doing.

I spent 30 years in law enforcement, and I will be one of the first to say that the criminal justice system, like other systems, definitely needs to be improved. But I also know from my own personal experiences that many times we ask the criminal justice system to do too much. We ask prisons and jails and even law enforcement to deal with issues that they were never designed to deal with, even though there are an array of issues that fall in that category. Mental health is certainly one of them.

The Urban Institute did a study and found that 45 percent of Federal prisoners, 64 percent of jail inmates, and 56 percent of state prisoners have mental health problems. There was a sheriff of Marion County, Indiana, who raised the issue during a meeting with President Trump recently, and he said this, and I quote: “There are people with mental illness who, for lack of a better term, are warehoused in our jails across America because we do not have the facilities necessary to take care of them.” That is a sad statement.
We also know that studies show that ex-offenders who are homeless are seven times more likely to re-offend.

The bipartisan 21st Century CURES Act enabled during the last Congress reauthorized the Adult and Juvenile Collaboration Program and authorized $50 million annually through Fiscal Year 2021. The Act also expanded authorized activities under this program, including allowing grants to be used to provide a broad array of services to incarcerated individuals, including crisis response.

However, this program has not been funded at authorized levels in recent years, and President Trump’s budget continues that trend by requesting only $10 million for this program.

Judge Williams, I would like to start with you. I know we have talked about a lot of things and you may have already talked about it, but what are some of the ramifications that you see as it pertains to recidivism and other issues when programs like this or funding like this is cut that so help to uplift those who have been incarcerated? And anybody else that would like to respond as well. Thank you.

Judge WILLIAMS. I will just start off by saying cutting these programs is certainly not helpful for the entire idea of reducing massive incarceration. There are just a number of different factors that you have to take into consideration, the poverty, the family dysfunction, lack of access to appropriate education, and even the environment. All of those things need to be addressed, and I think proper funding would certainly help.

I want to say one other thing. We all are getting concerned about the increased indictment of law enforcement officers around the country right now, and that is a real problem for persons like myself who have been prosecutors because in arguing to juries, we want to make sure we have people with integrity, and that lack of credibility is becoming a problem. So it is going to invest itself in the criminal justice system. That is a problem also that we really have not addressed adequately.

Ms. DEMMINGS. Thank you.

Mr. STIRLING. One thing I would like to talk about that we use through the Department of Justice is training our officers CIT, crisis intervention, how to deescalate a situation. When the mental health case came out and we started training officers, I think we have, I am going to guess, around 200 to 300 officers who can then take over a situation, even if they are not the highest ranking officer, and they know how to interact. It is a 40-hour class. We put a placard on them, and they are the folks who come in and help deescalate a situation. In the first weekend we talked an offender out of swallowing a razor blade. The officer went home safe, and that offender went and got mental health treatment and is alive today. That would have been a great cost to the state, and that officer could have been imperiled.

So the CIT training is great. I have not read the budget, so I do not know about that, but this was a program that was offered to us, and we took advantage of it.

Ms. DEMMINGS. Thank you.

Mr. Chairman, I yield back.

Chairman GOWDY. The gentle lady from Florida yields back.
The Chair will now recognize himself.

Bryan, I have told you on countless occasions you have the hardest job in all of law enforcement in South Carolina, and you do it so well. One thing I am so happy about today is you and your co-panelists are getting credit for trying to solve very, very difficult challenges.

You also were a prosecutor in a former life, and it strikes me—you tell me if I am wrong—it is tough to get a conviction, especially a jury trial, beyond a reasonable doubt. Twelve folks, hard to get them to agree. So what happens sometimes is you will take a plea to probation because it is so much easier to revoke probation in front of a judge later on. You get the same result. You go to the Department of Corrections. You just get to bypass the difficulty of a jury trial.

How do you see most of the probation revocations coming in to the SEDOC, and what can we do at that stage to kind of limit the in-flow into your facilities?

Mr. STIRLING. Sure. So, one of the things that came from the legislation, the sentencing reform oversight, was how people were revoked, and that is one of the reasons that, number one, we are not sending as many people to prison, but we are also not revoking for technical violations.

I spoke with Jerry Adger, who used to be my Inspector General of the police force. He was a former SLED agent, South Carolina Law Enforcement Division, and during his testimony last year he said we would go tell someone they had to pay their fees or you are going to jail, and if they could not pay their fees, guess what? We were furthering criminal activity, because they would go find the money another way.

So we work with them and find ways to work out the fees that they have to pay, and sometimes if we have to waive the fees so we do not send someone back to prison, that is what we do. But they try to do everything they can to avoid sending folks back to prison.

With our youthful offender program, the one that used to be 50 percent recidivism, now it is 22 percent, we have graduated responses. We can put an ankle bracelet on. We can do more checks. We can say you cannot go to this area. We can say you have to get a job, or we can bring them back for a time and then they leave, and we are seeing the success of that also.

Chairman GOUDY. Something was touched upon, I think it was Mark Walker from North Carolina, which is the perception of the broader public of criminal justice reform in general. I do not think you and I are going to be accused of being soft on crime, and we talk about it, given what we did in previous lives. But there is a perception, and sometimes, because we live in a culture that is kind of dominated by episodes, you can have 90 percent of the people successfully part of a program, but that one episode where there is a recidivist or another crime committed tends to impact public perception.

So what would you say to our fellow South Carolinians as a former prosecutor who is not soft on crime how not to be swayed by episodes of failure but to go ahead and pursue both the diversion programs on the front end—I am sure you had a tough time
explaining to the victims of crime why someone was out on bond, particularly if they had a bunch of charges pending.

So what would you say to the broader public about why it is still worth pursuing diversion programs, reentry programs, criminal justice reform, despite the fact that we are going to have episodic failures?

Mr. STIRLING. Well, as a grandson and a great-grandson of a police officer, and as a victim of a crime by someone who was out on bond and had been convicted before who broke into my house, I too understand being a victim, but it is balancing. In South Carolina, a very fiscally conservative state, saving those tax dollars and seeing the recidivism rate go down, not spending the $20,000 a year, and also the public safety—our crime rate is down, and I think it is because of what we are doing. I think it is also because of employment, 4.1 percent employment. It is a magic bullet. When someone is working and participating in society, as they are doing in Georgia and other states, I think that works.

Education. Tenth grade is the average education level of folks that come to the Department of Corrections. So getting an education, and maybe it is not college. Maybe it is a technical school, and you can start a job, and you can start a business, and you can grow it from there. I just had my air conditioner replaced. I know how much an AC repairman makes. I mean, it is a substantial living.

Chairman GOWDY. This is my last question, and then we will go to the gentleman from Wisconsin.

There has been some discussion with, I know, Senator Booker, Senator Johnson from the great State of Wisconsin. It is bipartisan, what some people refer to as Ban the Box. There is, Judge—I think you will appreciate this—there is a body of research that it actually, at least in one study, had a disparate effect on the very group that we are seeking to help. And even if that one study is an anomaly, I am a little bit concerned that some of the Ban the Box legislation does not have relief for negligent hiring. That is still a civil cause of action that you can pursue against someone for negligent hiring if they fail to ask.

So it is not really a question as much as particularly, Your Honor, you are an academic now, in addition to being a jurist. If any of the four of you have ideas on how to both solve that negligent hiring aspect and also deal with that one study out there that says that it really has a disparate impact on communities of color despite the fact that that is the opposite intent from what the legislation is, well-intentioned but still hurting the cause is not good.

Yes, sir?

Mr. STIRLING. I can give you a quick question. We have a need for truck drivers in South Carolina, and I have had conversations with many truck drivers and many folks that were defense attorneys in the insurance industry, and one of the things that will come into court is if you are driving a truck and you hit someone, your record is going to be used against you. I have had conversations with legislators saying if it was not a driving charge and it did not affect, why should that come in as evidence in court? But
I understand why insurance companies and businesses would have a concern. So that is not a Ban the Box, but it is an example of problems. We are still going forward and are going to train on that because there are companies that are willing to hire, but they will probably have to pay higher premiums because that will come into a court case, which is not really fair.

Chairman Gowdy. You are right, it will.

Judge Williams. Mr. Chairman, briefly, that is a real issue that you raise, the whole question of personal liability that the companies have, and I think the state legislatures are going to have to move to immunize those particular companies that reach out and employ returning citizens. They have to give them the leverage to do that.

And also, we need to come up with some other incentives to give to employers to make sure that they will be receptive to hiring people with records. But that is a real issue that has to be addressed.

Chairman Gowdy. Yes, sir.

The gentleman from Wisconsin.

Mr. Grothman. Thank you.

Ms. Norton. Mr. Chairman, could I ask a question? Because I raised this issue initially. I wonder if this disparate effect is because, while you do not know about the record, but the person has applied, so you know the race. So the reason for the disparate effect or the failure to hire may really be race and not the record of the ——

Chairman Gowdy. That is exactly what that study indicated, but it has a negative impact on one of the very groups that you would be seeking to help. So again, under the heading “well intentioned,” but this study may be an outlier. It may not be accurate. The judge is now an academic, it there may be five studies that debunk that one study. I do not want us to go down a road, if there is a way to fix that, without having unintended negative consequences. But the lady from the District of Columbia is right, it was race related, and that is what the study found.

The gentleman from Wisconsin.

Mr. Grothman. Before I ask a question, I would just like to make a statement. There was a comment made earlier today kind of pooh-poohing or saying it is no big deal on non-violent drug crimes. In my district I have a heroin problem. Part of that heroin problem is fueled, I believe, by prosecutors and judges in a county south of mine, Malaki County, who apparently think that if someone is caught selling heroin, it is not that big a deal. I think in this country every year thousands of people are dying of opioid abuse, and there are a variety of things that can be done to prevent it, but one of the things that I think is encouraging it is people who put this idea out that selling of drugs is a victimless or harmless crime. Thousands of people are dying of this harmless crime, and I strongly disagree with my colleague who kind of implied that if you put somebody in prison for trying to sell heroin, it is no big deal. It is a big deal. A lot of people are dying because of that.

Now, Mr. McGahan—am I pronouncing that right?

Mr. McGahan. Yes, sir, pretty good.
Mr. GROTHMAN. You brought up something before that I sometimes think is interesting. You mentioned the degree to which people almost do not work because of the size of garnishes for child support. Is that true?

Mr. McGAHAN. Yes, sir.

Mr. GROTHMAN. There is something in the past, about 20 years ago, around here called the Bradley Amendment, I think about 20 years ago, that in essence said that even if child support is assessed wrongly, once it is assessed, you cannot undo it. Are you familiar with that?

Mr. McGAHAN. I am not familiar with that amendment. No, sir.

Mr. GROTHMAN. Okay. Well, in any event, you are conscious of the fact that sometimes child support gets so—the debt is so great that

Mr. McGAHAN. Insurmountable.

Mr. GROTHMAN. Yes, insurmountable. You get to the point where it puts a strong disincentive to work legally. I guess I will put it that way.

Mr. McGAHAN. No question about it. People come in and they cannot work in payroll jobs, so they have to work in under-the-table jobs or they have to engage in illegal activity.

Mr. GROTHMAN. Good. I wish you would follow up on that somewhere and maybe you can educate some people around here.

Next question I have, you are always looking at the cause of crime, and I know a lot has been written about, or at least people keep track of race and imply that that might be a factor in incarceration or a factor in whatever. But I wondered, as far as family background is concerned, do we have any studies related to that that any of you folks are keeping track of?

Mr. Stirling, do you keep track of that in the South Carolina Department of Corrections?

Mr. STIRLING. We do not, but one thing that was mentioned when Mr. Duncan came in was the need for a parent. One of the reasons I think we are seeing such success with our youthful offender program is these youthful offender officers, it is a 1-to-20 ratio. They get to know these folks that are under their supervision, and they are there to help them, but they are also there to keep them accountable. They do not want to disappoint—they become mentors, and I think they become mentors for life because a lot of folks who end up in prison just do not have a positive role model, and these folks that are giving their time and their life, because it is not just a 9-to-5 job. They are doing it on weekends, they are doing it at night, middle of the night.

It is such a good program that some of the families now come to our officers and say my mother needs help with this, where can she go?

Mr. GROTHMAN. Okay. I will look at it both ways for you, Mr. Stirling, and maybe suggest in the future you do keep track of these statistics because they might be illuminating, and for whatever reason, political correctness or otherwise, I know in Wisconsin we did not keep track of this stuff either. But you might want to maybe just for one prison keep track of it so we find things out.

I am not only talking here about the parental background of the people but, say, people who are convicted of a crime, say at age 25,
at age 30. Do you compare, say, for men, the percentage of men who are committing crimes who are, say, married with children and those that are single or are not connected with their children?

Mr. Stirling. We do. I do not have those in front of me, but I know we do a very comprehensive review and interview when people come in to try to find everything out about them when they do come in, education and things of that nature.

Mr. Grothman. Why don’t you get back to us? Because I am under the impression that a benefit of families is not only for the children but sometimes for the parents, and I have a feeling that if you check—I have no idea, I have never seen this study—that you go through all the people in your prison system and for an age group 30 to 35 or whatever, compare men who are married with children compared to men that either have no children or are unconnected with their children and see what sort of statistics you can drum up there. Can you do that for us?

Mr. Stirling. Yes, sir.

Mr. Grothman. That is going to take a lot of work.

Mr. Stirling. That is fine, sir.

Mr. Grothman. It will be cutting edge.

Thanks much.

Chairman Gowdy. The gentleman yields back.

The gentleman from Alabama has made a Herculean effort to come. I just heard the buzzer. I think we have time, given the fact that you are so interested in this issue and made such a great effort to get here.

We will recognize the gentleman from Alabama, and then we will break.

Mr. Palmer. Thank you, Mr. Chairman. I am sorry I had to leave. We have this whole issue of the budget going on. It is fairly important.

A couple of things, Mr. McGahan. What are some of the major obstacles that the states impose on you to helping individuals who are exiting prison to find work?

Mr. McGahan. When a person gets out of prison, a couple of things. First of all, for some folks, they do not have their driver’s licenses, and they will get state-issued I.D.s. When a person goes in and tries to get a job, they have to give their I.D., and it says Jackson State Prison, and they immediately do not get the job. So having an identification or a driver’s license that has nothing to do—that shows their background, that is an impediment to work.

I think the second thing that we can do is we can raise the level of garnishments that poor people who have past-due child support, that is a huge barrier for them to get a job. So if we can eliminate that barrier, they will get work.

And then the last thing that was mentioned before, the biggest thing that makes families stay together is when a man has a job. If a man has a job, we find that almost immediately that family, he gets involved in his child’s life, he will get reconciled with the mother, and when he does not have a job and is living a destructive lifestyle, he is rightfully oftentimes pushed away from that child.

So having employment while eliminating the barriers, changing his habits, and then getting a job will fix almost every problem.
Mr. Palmer. When you talk about eliminating the barrier of child support and the garnishments and issues like that, that is a delicate balance that you are trying to do there where the state, I think, could be helpful to make sure that an appropriate amount of support is being provided to his dependent family members, but also not disincentivizing the individual from getting a job or seeking employment where he is basically paid a cash wage that is not subject to garnishment. Do you see that pretty much across the board nationwide? Is that a bigger problem in certain places than others?

Mr. McGahan. I think it is a national problem. When I talk to my colleagues from other states, almost everyone will say one of the biggest problems that men face to get employment is eliminating wage garnishments. The problem is not that they do not owe the money, and we do not want to incent them to walk away from their responsibilities, but it is a question of balance of when they kick in. Having the ability to keep more dollars that they earn and to pay their own way, the ability to pay their own rent will go a long way to getting him into an employer, getting a career going, be valued in the workplace. We are putting work, we are valuing work over everything else, and that will reconcile the family.

But right now I think the garnishments kick in too low, and that creates a barrier for him to seek employment.

Mr. Palmer. Let me suggest that—and this might be of interest to all of you—that during the Bush Administration, Dr. Horn, Deputy Secretary of Health and Human Services, oversaw a program called the National Fatherhood Initiative where that was the very focus, to try to reconnect these men with their families, and it was very successful. I think that is something that might be useful to revisit at the state level as well as the Federal level, Mr. Chairman.

One last point. One of the things that—I ran a think tank in Alabama, and one of the things that we were seeing is that about 60 to 68 percent of the inmates were high school dropouts regardless of race or gender. As has been pointed out, about 90-something percent of them are eligible for parole. Alabama has a prison crowding problem. We do not want to just release those back into prison.

Have you given much thought to utilizing the Internet to allow these inmates to earn a high school diploma? Or if they have graduated high school, to earn an Associate or technical degree so that when they get out of prison, they have employable skills? Network them with businesses where it does not matter that that box is checked, and with a support group that helps them be reintegrated into society.

Mr. McGahan. Yes, there are businesses that do that, and I think that is a tremendous idea. The one other piece is the habits of the person. So we have to eliminate the barriers, we have to get them skills, and then we have to change their habits, increase reliability for the employer, get them to show up at work on time, make sure they do not have an addiction, and if we can do those three things, then we will have a reliable person to continue on with their lives.
Mr. PALMER. Thank you for allowing me to ask questions, Mr. Chairman. I yield back.

Chairman GOWDY. I thank the gentleman from Alabama for making the effort to come back despite a very hectic day.

I want to end by thanking the four of you for your collegiality toward one another and toward the members of the committee, your comity, with a “T,” toward one another, and the committee.

I also want to thank Cory and Tim, the panel before you, for coming. I hope you can tell from the member interaction that it is an issue that, while we may not agree on every facet of it, people are interested in it. We value your perspective and, frankly, we have benefitted from it today. So, thank you.

If there is no further business, without objection, the committee stands adjourned.

[Whereupon, at 4:33 p.m., the committee was adjourned.]
APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD
Black senator describes facing unfair scrutiny by police

By Ted Barrett, CNN

Updated 9:56 PM ET, Wed July 13, 2016

Black senator: I was stopped 7 times by police

Story highlights

Sen. Tim Scott says he has been pulled over by police repeatedly

The South Carolina Republican also voiced support for law enforcement

Washington (CNN) — Sen. Tim Scott of South Carolina — who is the only African-American Republican in U.S. Senate — delivered an emotional floor speech Wednesday about the unfair police scrutiny he has faced over his life because he is a black man.

"In the course of one year, I've been stopped seven times by law enforcement," Scott said. "Not four, not five, not six, but seven times in one year as an elected official."

The speech was the second of three the conservative first-term senator is delivering this week related to the fatal shootings of two African-American men by white police officers and the sniper attack that killed five Dallas police officers by a black man angry over police mistreatment of African-Americans.

Scott described this speech as "the most difficult because it is the most personal."

"In many cities and towns across America, there is a deep divide between the black community and law enforcement. A trust gap, a tension that has been growing for decades. And as a family, one American family, we cannot ignore these issues," Scott said.

"I can certainly remember the very first time that I was pulled over by a police officer as just a youngster. I was driving a car that had an improper headlight," Scott said. "The cop came over to my car, hand on his gun and said, "Boy, don't you know your headlight is not working properly? I felt embarrassed, ashamed, and scared, very scared."

Holding up two fingers, Scott said there were times when he was pulled over that he was speeding.

"But the vast majority of the time I was pulled over for nothing more than driving a new car in the wrong neighborhood or some other reason just as trivial," he said.

Scott described drawing the attention of a police officer once as he drove out of a shopping mall. The cop pulled right behind Scott and followed him as he drove home, taking three left turns along the way.

"Finally, I took a fourth left coming into my apartment complex and then the blue lights went on. The officer approached the car and said that I did not - I did not use my turn signal on the fourth turn," Scott said. "Do you really think that somehow I forgot to use my turn signal on the fourth turn?"

Another time Scott says he was pulled over by an officer who accused him of stealing the car he was driving. The senator recounted how his brother, who was a high-ranking enlisted man in the Army, was accused of the same thing when he was driving home one day in a Volvo.

Scott also described the plight of a former staffer who sold his "nice car" because he was so "tired of being targeted" by suspicious police.

"Imagine the frustration, the irritation, the sense of loss of dignity that accompanies each of those stops, even here on Capitol Hill," Scott said.

Scott said he has even faced problems with U.S. Capitol Police as he has arrived at work. The officers are trained to recognize all lawmakers but Scott said he has faced "attitude" and forced to show his identification to get in. On three separate occasions, he has received calls of apology from a supervisor or the chief of the Capitol Police over the way he was treated, Scott said.

In his speech, Scott also praised police and the dangerous work they do.

"There is never, ever an acceptable reason to harm a member of our law enforcement community," he said.

At the end of his speech, Scott pleaded with Americans who don't face racism not to ignore the plight of those who do.

"Recognize that just because you do not feel the pain, the anguish of another, does not mean it does not exist. To ignore their struggles, our struggles, does not make them disappear. It simply leaves you blind and the American family very vulnerable," he said.

"Some search so hard to explain away injustice that they are slowly wiping away who we are as a nation. But we must come together to fulfill what we all know is possible here in America: Peace, love, and understanding. Fairness," Scott said.
Opening Statement

Rep. Elijah E. Cummings, Ranking Member

Hearing on “Criminal Justice Reform and Efforts to Reduce Recidivism”

June 28, 2017

I welcome our new Chairman, Congressman Trey Gowdy, and thank him for convening this hearing on an issue of critical importance to our nation — criminal justice reform.

I also thank Senator Scott and Senator Booker for testifying before the Committee today and I thank all of the witnesses on the second panel, in particular Judge Alexander Williams, a distinguished jurist from my state of Maryland.

The most important responsibility of our nation’s criminal justice system is to keep Americans safe. Throughout my career as a lawyer and as a legislator, I have worked to advance policies that will protect our communities from crime.

For example, more than a decade ago, in order to silence a Baltimore resident named Angela Dawson who had reported drug-related crime to law enforcement, drug dealers firebombed and killed Ms. Dawson and her family. In the wake of that senseless tragedy, I wrote and introduced the Witness Security and Protection Act.

My legislation would create a Short-Term State Witness Protection Program in the U.S. Marshals Service to help protect witnesses with information about crimes involving homicide or other serious violent felonies.

It hasn’t passed yet, but I will continue to reintroduce this legislation until it is enacted into law.

We need to be smart on crime, and focus our government resources on prosecuting and imprisoning individuals who pose the greatest risks to the safety of others and on protecting witnesses like Ms. Dawson who can help send violent offenders to jail.

In Maryland alone, 58% of prison admissions in fiscal year 2014 were for non-violent offenses according to the Pew Charitable Trusts’ Justice Reinvestment Coordinating Council report.
These sentences disproportionately affect Americans of color. In Maryland, 70% of the state’s prison population is African American, although African Americans comprise only 30% of the state’s population.

These individuals will be followed by criminal records that will be barriers for them long after they have repaid their debts to society. Criminal records limit ex-offenders’ opportunities to obtain the employment, education, healthcare, and housing they need to support themselves and their families after they serve their sentences – which makes it far more likely that they will re-offend.

The decision to treat non-violent offenses that result from addiction, or mental illness, or desperation as crimes has an exorbitant financial cost and a staggering human toll.

Perhaps nowhere are the consequences of that choice starker than in the comparisons of expenditures on higher education and prisons.

In 2016, the Department of Education reported that “Since 1990, state and local spending on higher education has been largely flat while spending on corrections has increased 89 percent.” In some states, taxpayers are actually spending more to imprison their fellow citizens than to educate them in public colleges.

Imagine what we could achieve if these numbers were reversed.

Regrettably, every indication so far is that Attorney General Sessions is set on rolling back the progress we have already made, by reinstating ineffective, Draconian sentencing policies for non-violent drug crimes and expanding the use of private prisons for the “future needs of the federal correctional system” when our nation is facing a crisis of mass incarceration.

Fortunately, there is an emerging bipartisan consensus that this needs to change. And there are legislators on both sides of the aisle who are considering how we could transform lives – and save money – if we improve the way our justice system treats non-violent offenses and enable ex-offenders to truly put their pasts behind them.

I have been honored to work with Senator Booker on bipartisan legislation to reform our criminal justice system and help reduce recidivism, including the Record Expungement Designed to Enhance Employment (REDEEM) Act and the Fair Chance Act, which is co-sponsored by our colleague and former Chairman, Congressman Darrell Issa.

I urge Chairman Gowdy to take the next step toward true government reform of the criminal justice system by scheduling the Fair Chance Act for a markup as soon as possible.
June 28, 2017

The Honorable Trey Gowdy
Chairman
U.S. House of Representatives
Committee on Oversight & Government Reform
Washington, DC  20515

The Honorable Elijah E. Cummings
Ranking Member
U.S. House of Representatives
Committee on Oversight & Government Reform
Washington, DC  20515

Re: Justice Roundtable Letter for the Hearing on Criminal Justice and Efforts to Reduce Recidivism

Dear Chairman Gowdy and Ranking Member Cummings:

On behalf of the 28 undersigned organizations, representing the Justice Roundtable, a national coalition of legal, civil rights, criminal justice, human rights and faith-based organizations dedicated to advancing a fairer federal criminal justice system, we urge you to support and advance criminal justice legislative reforms aimed at meaningfully addressing the primary drivers of unwarranted racial disparities, prison overcrowding, unnecessarily harsh sentences and unsustainable costs in the federal prison system.

Until recently, the federal government had made strides towards a more proportional and cost-effective federal criminal justice system through enactment of the Fair Sentencing Act of 2010, the Department of Justice’s (Department) Smart on Crime Initiative, implemented by former Attorney General Eric Holder, and changes to the federal sentencing guidelines made by the U.S. Sentencing Commission. The reforms resulted in a Bureau of Prisons (BOP) population decline of 30,000 people from its peak population of 219,000 in 2013. These policy changes resulted in some reductions in overcrowding which provided the Department cost savings and flexibility in its funding choices.

While these changes have taken hold, crime rates remain near 40-year lows and studies indicate that sentencing reforms have not had an adverse impact on public safety. For example, the Sentencing Commission determined in 2014 that individuals who had served reduced federal drug sentences following a 2007 Commission action did not have higher recidivism rates than their counterparts who had served longer sentences for
Despite the recent progress, last month the Department announced its new Charging and Sentencing Policy memo. This memo directs prosecutors “to charge and pursue the most serious, readily provable offense.” A revocation of the Smart on Crime guidance, this new directive from Attorney General Jeff Sessions embraces the draconian sentencing policies that contributed to mass incarceration at the federal level and resulted in unprecedented numbers of people incarcerated for low-level drug offenses.

Mandatory minimum sentences for drug offenses contributed to heightened incarceration levels in federal prisons. This failed policy has overwhelmingly impacted people of color, contributing to the appalling racial disparities we see in the federal prison system. Fundamentally, these harsh sentences do not make our communities safer, deny people a second chance to rectify their past mistakes and harm the record number of children growing up with a parent behind bars.

During the 114th Congress, bipartisan legislation was introduced in both the House and Senate that aims to achieve the goals of reducing excessive incarceration and racial disparities in the federal prison system. We urge you to build on this bipartisan momentum by supporting criminal justice reforms that embrace the following principles:

- Restoring proportionality to drug sentencing;
- Promoting and adequately funding recidivism reduction and reentry programming;
- Applying sentencing reductions retroactively;
- Expanding BOP’s Compassionate Release Program; and
- Extending time credits for good behavior.

**Restore proportionality to drug sentencing**

Currently, almost half of the federal prison population is composed of people convicted of drug offenses. The combination of large-scale drug prosecutions and mandatory sentencing results in excessive prison terms for far too many people, while providing little public safety benefit, at great expense to taxpayers. While we are concerned with the consequences of selling drugs, the lengthy mandatory minimum terms of five, 10, and 20 years or life in prison for these offenses often do not fit the crimes or culpability of people who are often only low-level or occasional participants. Congress should act to

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limit, and ultimately eliminate, mandatory minimums and ensure punishments are proportional.

**Promote and adequately fund recidivism reduction and re-entry programming**

We support initiatives to reduce recidivism and expand re-entry programming, as well as provide opportunities for early release for individuals in federal prison. More than 90 percent of incarcerated individuals will return to our communities, and in the interest of public safety we must ensure that they are on a path to successful reintegration. It is a smart investment to implement expanded re-entry programming, given that evidence-based programs, job-training, and education can reduce recidivism and lead to better outcomes for individuals returning to their families and neighborhoods.

Current restrictions on people with criminal records that limit opportunities for employment, housing, education, financial assistance and food stamps only serve to complicate reintegration after incarceration. Such collateral consequences are counterproductive to building safe and healthy communities. In order to help people reentering our communities to be successful, there should be an opportunity to seal past criminal records and reinstate benefits for individuals excluded because of a criminal record.

**Make sentencing reductions retroactive**

Once Congress decides to reduce sentencing laws and a person is serving a sentence under an outdated law that no longer applies, people in prison should be eligible for a sentence reduction consistent with the law that now governs the offense. Specifically, Congress should pass legislation to extend the application of the Fair Sentencing Act of 2010 to people who were sentenced prior to enactment of the law.

**Expand BOP’s Compassionate Release Program**

Under the Sentencing Reform Act of 1984, Congress authorized the BOP to request that a federal judge reduce a sentence for “extraordinary and compelling” circumstances - also known as compassionate release. The request can be based on either medical or non-medical conditions that the judge could not reasonably have foreseen at the time of sentencing.

In 2013, BOP expanded the medical criteria that can be considered for a person seeking compassionate release. In addition, the former Attorney General announced revised criteria for other categories of people seeking reduced sentences, including older prisoners and those who are the only possible caregiver for a dependent. Congress should codify these commonsense and merciful policy changes into federal law.

**Expand time credits for good behavior**

The BOP’s method of calculating earned credit reduces a prisoner’s sentence to a maximum credit of 47 days per year – below the 54 days intended. This decision results
in unnecessary increases in prison sentences at significant cost. By clarifying the statutory language, Congress could save an estimated $41 million in the first year alone.2 Congress should also implement a proposal creating a new time credit that can be earned for successful participation in recidivism-reduction programs, such as education or occupational programming.

Conclusion

We believe these criminal justice reforms will effectively address growing prison costs and populations while protecting public safety. Our continued progress toward meeting the economic and societal challenges posed by the current prison system and establishing a smarter, fairer criminal justice system depends on a broad-based approach to reform, grounded in these principles. If you have any questions or concerns, please feel free to contact Jesselyn McCurdy, Deputy Director, ACLU Washington Legislative Office at jmccurdy@aclu.org or (202) 675-2307 or Kara Gotsch, Director of Strategic Initiatives, The Sentencing Project at kgotsch@sentencingproject.org or (202) 628-0871.

Sincerely,

American Civil Liberties Union
Amnesty International USA
CAN-DO Foundation
Church of Scientology National Affairs Office
Citizens United for Rehabilitation of Errants
D.C. Reentry Task Force
Defending Rights & Dissent
Drug Policy Alliance
Human Rights Watch
Justice Programs Office, School of Public Affairs at American University
Justice Strategies
Leadership Conference on Civil and Human Rights
Legal Action Center
Life for Pot
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National African American Drug Policy Coalition
National Association of Criminal Defense Lawyers
National Association of Social Workers
National Council on Alcoholism and Drug Dependence of Maryland
National Employment Law Project
National HIRE Network
Project New Opportunity

StoptheDrugWar.org
Students for Sensible Drug Policy
The Leadership Conference on Civil and Human Rights
The Sentencing Project
We Got Us Now

cc: House Oversight and Government Reform Members
June 27, 2017

The Honorable Trey Gowdy  The Honorable Elijah Cummings
2418 Rayburn House Office Building  2163 Rayburn House Office Building
Washington, DC 20515  Washington, DC 20515

RE: Hearing before the Committee on Oversight and Government Reform: Criminal Justice Reform and Efforts to Reduce Recidivism, June 28, 2017

Dear Chairman Gowdy and Ranking Member Cummings:

I write to thank you for holding a hearing on Criminal Justice Reform and Efforts to Reduce Recidivism, and to share the findings of FAMM’s new report on this important topic, Using Time to Reduce Crime: Federal Prisoner Survey Results Show Ways to Reduce Recidivism.

FAMM is a nonpartisan, nonprofit organization that advocates for sentencing and prison reforms that are fair, individualized, cost-effective, and protect public safety and strengthen families. We oppose mandatory minimum sentences not just because they are too often arbitrary and unjust, but also because we believe the best reentry begins with a right-sized sentence. Unnecessarily lengthy sentences undermine rehabilitation. When people spend too much time in prison, it erodes their family ties and support, causes job skills and community connections to atrophy, and makes it harder to return to and reintegrate with a society that has usually changed dramatically while they were incarcerated.

Because we correspond regularly with approximately 40,000 federal prisoners, we also know that Congress and the Bureau of Prisons (BOP) can do much more to reduce recidivism by improving prison programming. Our new report shares the findings of FAMM’s recent survey of federal prisoners. More than 2,000 respondents confirmed what we had previously heard in anecdotes: rehabilitative programming in federal prisons is too often scarce, inconsistent, lacking in rigor, and not provided by qualified professionals. Federal prisoners lack meaningful jobs, vocational training, educational opportunities, access to computers, and sufficient mental health and drug abuse treatment. Half of the people in our survey were incarcerated more than 500 miles away from their families, straining those vital relationships.

Our report concludes with recommendations for making prisons more rehabilitative to reduce the risk of recidivism. Some recommendations require congressional action, like removing the ban on prisoners receiving Pell Grants and giving prisoners sentence reductions to incentivize completion of recidivism-reducing programs. Some recommendations require greater congressional funding or more oversight of the BOP, like expanding use of the effective Residential Drug Abuse Program, keeping prisoners closer to their homes, and investigating the efficacy of halfway houses. None of our recommendations should be viewed as giving prisoners a subsidy or a gift – it is in everyone’s interest that all prisoners have the tools they need in prison so that they do not reoffend outside of prison.

Thank you for holding this important hearing and for considering our report and its recommendations. We would be happy to discuss our findings with you, connect you with former prisoners who can share their experiences, and provide any assistance or expertise we can in your continued oversight of federal prisons.

Thank you for considering our views.

Sincerely,

[Signature]

Kevin Ring
President
June 28, 2017

The Honorable Trey Gowdy
U.S. House of Representatives
Committee on Oversight & Government Reform
Washington, DC 20515

The Honorable Elijah E. Cummings
U.S. House of Representatives
Committee on Oversight & Government Reform
Washington, DC 20515

Re: Hearing on Criminal Justice Reform and Efforts to Reduce Recidivism

Dear Chairman Gowdy and Ranking Member Cummings:

The Sentencing Project, a national criminal justice research organization, thanks you for holding this important and timely hearing exploring criminal justice reform. We wish to submit for the hearing record the attached briefing paper, "Federal Prisons at a Crossroads."

Since reaching a peak in 2013, the federal prison population declined 13% by the close of 2016—twice the national rate of decarceration. But recent policy changes by Attorney General Jeff Sessions appear poised to reverse this progress. Indeed, the Department of Justice's budget proposal for 2018 forecasts a 2% increase in the federal prison population.

The Sentencing Project's analysis finds that federal courts are frequently obligated to impose stiff mandatory sentences on individuals even though many people who receive federal drug sentences are in the lower levels of the drug trade, were not caught with weapons, or have limited criminal histories. The average federal prison term being served for a drug offense is 11.3 years.

As criminologists and many policymakers have cautioned, ratcheting up already punitive policies is ineffective in reducing drug use and crime rates, while carrying heavy fiscal, social, and human costs. In fact, the United States Sentencing Commission found that individuals who had served reduced federal drug sentences following a 2007 amendment did not have higher recidivism rates than their counterparts who had served longer sentences.

The Sentencing Project looks forward to continued discussions with the Committee on Oversight and Government Reform about the federal criminal justice system. Please contact Kara Gotsch, Director of Strategic Initiatives for The Sentencing Project, at kgotsch@sentencingproject.org or 202-628-0871 with questions.

Sincerely,

Marc Mauer
Executive Director

1705 DeSales St. NW, 8th Floor, Washington, DC 20036 • Tel. 202.628.0871 • Fax 202.628.1091 • www.sentencingproject.org
Federal Prisons at a Crossroads

The number of people incarcerated in federal prisons has declined substantially in recent years. In fact, while most states enacted reforms to reduce their prison populations over the past decade, the federal prison system has downsized at twice the nationwide rate. But recently enacted policy changes at the Department of Justice (DOJ) and certain Congressional proposals appear poised to reverse this progress.

Congress, the United States Sentencing Commission (USSC), and the DOJ reduced the federal prison population by reforming sentencing laws, revising sentencing guidelines, and modifying charging directives, respectively. But the DOJ's budget proposal for 2018 forecasts a 2% increase in the federal prison population. The policy changes contributing to this reversal include:

- Attorney General Jeff Sessions' directive instructing federal prosecutors to increase their reliance on mandatory minimum sentences for low-level drug convictions.

- The Attorney General's instruction to federal prosecutors to increasingly pursue criminal convictions for immigration law violations and his memorandum paving the way for greater use of private prisons.

- Congressional proposals to create new mandatory minimum sentences or increase existing ones for a range of drug, immigration, and violent crimes.

These policy shifts run counter to research and practice on effective crime policy. This brief explains why increasing the use and length of prison terms for people with drug convictions in particular—who account for half of the federal prison population—will produce little public safety benefit while carrying heavy fiscal, social, and human costs. Experience with criminal justice policy changes at the federal and state levels shows it is possible to substantially cut reliance on prisons without any adverse effects on public safety.

I. OVERVIEW OF THE FEDERAL PRISON POPULATION

The federal prison system has grown to become the largest in the country. In 1980, federal prisons held 24,000 people. By 2016, 192,000 men and women were incarcerated in federal prisons, comprising about 13% of the total U.S. prison population.

The federal system is unique, in comparison to states, for imprisoning a large number of people for non-violent convictions. This is due in part to the jurisdictional focus of federal criminal courts, which has largely been on white-collar crime, bank robbery, large-scale drug and weapons distribution, and immigration law violations.

Federal Prison Population by Offense, 2015

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug</td>
<td>49.5%</td>
</tr>
<tr>
<td>Public Order</td>
<td>24.3%</td>
</tr>
<tr>
<td>Violent</td>
<td>7.4%</td>
</tr>
<tr>
<td>Property</td>
<td>6.0%</td>
</tr>
<tr>
<td>Other</td>
<td>8.8%</td>
</tr>
</tbody>
</table>


Half of the federal prison population is serving time for a drug offense. In contrast, more than half of the population in state prisons is serving time for a violent crime.
To the extent that the federal criminal justice system historically prosecuted drug crimes, this was primarily focused on large-scale drug rings. But in recent decades it has shifted from this mission. Many people who receive federal drug sentences are in the lower levels of the drug trade, were not caught with weapons or have limited criminal histories.

Specifically:

- Nearly half (48%) of individuals receiving a federal drug sentence in 2009 were at or below the level of "street-level dealers," which is defined as selling less than one ounce of drugs.\(^{10}\)

Federal courts have been obligated to impose stiff mandatory sentences on these defendants despite their low levels of engagement in the drug trade. This can be seen from both the average and extreme sentences being served by those in federal prisons:

- People serving a federal prison term for a drug offense were serving an average of 11.3 years in 2012.\(^{13}\)
- Almost half (49%) of the 3,861 individuals serving a federal life-without-parole sentence in 2016 were convicted of a drug crime.\(^{14}\)
II. THE RECENT DOWNSIZING OF THE FEDERAL PRISON POPULATION

Several recent reforms have scaled back the federal prison population, without harming public safety. The population in the custody of the Bureau of Prisons reached a peak in 2013, with 219,000 people. By 2016, this figure had declined by 12.5%, reaching 192,000. This was about twice the average nationwide rate of decarceration.

The reduction in the federal prison population was achieved through changes in sentencing law, sentencing guidelines, and prosecutorial charging policies. In particular:

- In 2007, the USSC reduced the sentencing guidelines used by judges for many crack cocaine convictions and applied this change retroactively, enabling sentence reductions for those already imprisoned.
- Congress passed the Fair Sentencing Act (FSA) in 2010, which reduced the sentencing disparity between crack and powder cocaine by shortening sentences for certain crack cocaine offenses and eliminated the five-year mandatory minimum sentence for simple possession of crack cocaine. The USSC revised its sentencing guidelines following the FSA and in 2011 applied the reduced crack cocaine guidelines retroactively.
- In 2014, the USSC voted to reduce the sentencing guidelines for most drug crimes and applied this amendment retroactively.
- During the second term of the Obama administration federal prosecutors pursued fewer drug cases and Attorney General Eric Holder’s 2013 charging directive, part of the Smart on Crime Initiative, helped to reduce the proportion of federal drug cases carrying a mandatory minimum sentence.
POLICY BRIEF: FEDERAL PRISONS AT A CROSSROADS

- President Barack Obama also commuted federal drug sentences for 1,700 individuals. Notably, over 500 people who were serving life sentences received sentence commutations.

While the historic crime drop was not unique to the United States, the United States stands apart in its striking prison build-up during this period. These reforms reflect a changing political climate for criminal justice policy produced in part by the historic drop in crime rates. Nationwide rates of property and violent crimes have fallen by half since reaching their peak levels in 1991.

Researchers have shown that while this historic crime drop was not unique to the United States, the United States stands apart in its striking prison build-up during this period. Specifically:

- Between 1988 and 2004, the United States was among 26 countries that experienced comparable reductions in crimes such as assault and personal theft. But countries that implemented more punitive carceral or policing policies, such as the United States and, to a lesser scale the United Kingdom, did not experience sharper crime reductions than those that did not.

- Though Canada has had a much lower homicide rate and incarceration rate than the United States, changes in the two countries' homicide rates have "tracked each other very closely" since the 1960s. Yet unlike the United States, the drop in Canada's homicide rate has occurred alongside only modest growth in its incarceration rate.

Studies have also demonstrated that recent efforts to reduce prison sentences and downsize the prison population have not harmed public safety. For example:

- In 2014, the USSC determined that individuals who had served reduced federal drug sentences following a 2007 reform did not have higher recidivism rates than their counterparts who had served longer sentences.

- States have also shown that making dramatic cuts in incarceration levels is not at odds with the goal of improving public safety. New Jersey, New York, and California have been national leaders in decarceration—downsizing their prison populations by over 25%—while often outperforming the nationwide crime drop.

III. UPENDING REFORMS DESPITE RESEARCH AND EVIDENCE OF SUCCESS

Amidst this context, violent crime rates have begun to increase in certain cities and a growing number of Americans have been dying from opioid-related overdoses, especially in suburban and rural areas. Yet increasing already harsh federal sentences runs counter to research on effective crime and substance abuse policy.

As criminologists and many policymakers have cautioned, ratcheting up already punitive policies, in this case largely for non-violent offenses, is ineffective and harmful. Given the United States’ excessively high rate of incarceration, many people now entering the system are in the lower- and middle-levels of a drug operation. Incarcerating these individuals often results in their being replaced by other sellers willing to fill their roles, and does nothing to address the substance abuse problems that users, and sometimes the sellers themselves, struggle with. Increasing prison terms for these individuals also has a limited deterrent effect since most people do not expect to be apprehended for a crime, are not familiar with relevant legal penalties, or criminally offend with their judgment compromised by substance abuse or mental health problems.

The "War on Drugs" has failed to reduce drug use over the past three decades.
Reviewing decades of research, the authors of a comprehensive 2014 National Research Council report explain that the best available data suggest “the successive iterations of the war on drugs...are unlikely to have marked or clearly reduced drug crime over the past three decades.” Reflecting more broadly on current levels of incarceration and crime, they conclude:

Given the small crime prevention effects of long prison sentences and the possibly high financial, social, and human costs of incarcerating federal and state policy makers should revise current criminal justice policies to significantly reduce the rate of incarceration in the United States.

Crime rates remain near 40-year lows and areas with rising crime and substance abuse problems require more effective policies than tougher sentences that have limited effect while causing great harm. This would include expanding access to community-based drug treatment programs and mental health services, as well as prison-based rehabilitative programs and subsequent re-entry services.

ENDNOTES


The Sentencing Project • 1750 DeSales Street NW, 8th Floor • Washington, D.C. 20006 • sentencingproject.org
POLICY BRIEF: FEDERAL PRISONS AT A CROSSROADS

The Sentencing Project works for a fair and effective U.S. justice system by promoting reforms in sentencing policy, addressing unjust racial disparities and practices, and advocating for alternatives to incarceration.

This briefing paper was written by Nagol Chandnoosh, Ph.D., Research Analyst at The Sentencing Project. Published June 2017.

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