

# RETURNING CITIZENS: CHALLENGES AND OPPORTUNITIES FOR REENTRY

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## HEARING BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY OF THE COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES ONE HUNDRED SIXTEENTH CONGRESS SECOND SESSION

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THURSDAY, FEBRUARY 27, 2020

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# C O N T E N T S

THURSDAY, FEBRUARY 27, 2020

	Page
OPENING STATEMENTS	
The Honorable Karen Bass, Chair of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of California .....	1
The Honorable Guy Reschenthaler, Member of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of Pennsylvania .....	17
WITNESSES	
Nancy La Vigne, Vice President, Justice Policy of the Urban Institute	
Oral Testimony .....	19
Prepared Statement .....	22
Conan Harris, Principal, Conan Harris & Associates	
Oral Testimony .....	73
Prepared Statement .....	75
Ronald J. Lampard, Senior Director, Criminal Justice Task Force and Civil Justice Task Force of the American Legislative Exchange Council	
Oral Testimony .....	77
Prepared Statement .....	79
Vanessa Martin, Director, Reentry Services, Office of Diversion and Reentry of Los Angeles County Department of Health Services	
Oral Testimony .....	83
Prepared Statement .....	85
Jesse Wiese, National Director, Academy Advancement, of Prison Fellowship	
Oral Testimony .....	93
Prepared Statement .....	95
John Harriel, 2nd CALL	
Oral Testimony .....	108
Prepared Statement .....	110
STATEMENTS, LETTERS, MATERIALS, ARTICLES SUBMITTED	
Statement of Cheryl Grills submitted by the Honorable Karen Bass, Chair of the Subcommittee on Crime, Terrorism, and Homeland Security from the State of California for the record .....	4



## RETURNING CITIZENS: CHALLENGES AND OPPORTUNITIES FOR REENTRY

Thursday, February 27, 2020

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

COMMITTEE ON THE JUDICIARY

*Washington, DC*

The Subcommittee met, pursuant to call, at 10:08 a.m., in Room 2141, Rayburn House Office Building, Hon. Karen Bass [chairman of the subcommittee] presiding.

*Present:* Representatives Bass, Jackson Lee, Demings, McBeth, Richmond, Jeffries, Dean, Mucarsel-Powell, Cohen, Gohmert, Chabot, Steube, Cline, and Reschenthaler.

*Staff Present:* Madeline Strasser, Chief Clerk; Ben Hernandez, Counsel; Joe Graupensberger, Chief Counsel; Ebise Bayisa, Counsel; Veronica Eligan, Professional Staff Member; Jason Cervenak, Minority Counsel; and Andrea Woodard, Minority Professional Staff.

Ms. BASS. Good morning. The Subcommittee will come to order. Without objection, the chair is authorized to declare recesses of the Subcommittee at any time. We welcome everyone to this morning's hearing on "Challenges and Opportunities in Reentry Services for Returning Citizens," and I'll now recognize myself for an opening statement.

I'm pleased that the Subcommittee is holding this very important hearing on the issue of challenges to reentry for returning citizens. In the last 10 years, States and localities have begun to evaluate and reform the criminal justice system, resulting in thousands of individuals returning to their communities. While reforms have been considered and implemented, there has not been the same level of thought and effort about what happens to the individuals when they are released, specifically the numerous challenges returning citizens face. Harsh sentencing laws were followed by numerous laws and policies that complicate the ability of people to successfully reintegrate in their communities; for example, laws that forbid formerly incarcerated individuals from working in certain professions, laws or policies that restrict individuals from associating with felons that might result in homelessness if family Members or nearby neighbors are also formerly incarcerated, and

policies that forbid individuals from residing in public housing or receiving safety net benefits. These are just a few examples.

The scope of the problem is well known. There are currently 2.2 million men and women incarcerated in our State, local, and Federal prisons. In fact, 95 percent of all prisoners will eventually be released back into their communities. This year alone 600,000 people are expected to be released back into the community. In Los Angeles County alone, 100,000 individuals are released back into the community every single year. I might say, in Los Angeles, and I am sure the same is true in many communities, they tend to be released to very specific zip codes, which then means you have a concentration of people in need.

If returning citizens are not given the tools and resources for successful reintegration, the likelihood that they will go back to prison increases significantly. California has had a recidivism rate of over 67 percent. Given these circumstances, it is no surprise that homelessness in housing instability is pervasive among those recently released from prison. Returning citizens are ten times more likely to be homeless than the general public. That number does not include the number of formerly incarcerated individuals who are living in marginal housing such as motels or rooming homes.

If you cannot find a place to live, if you cannot find a job, it should be no surprise that, to survive, you reoffend. The policies of the Get Tough on Crime era contribute significantly to high rates of recidivism. We set individuals up to fail.

Formerly incarcerated women face even more hurdles as they often have to struggle to regain custody of their children or face the fact that their rights have been terminated, their parental rights have been terminated if they have been incarcerated for too long.

The revolving door of incarceration release and reincarceration has real cost. The U.S. spends over \$80 billion a year on incarceration. We spend another 100 million in police and judicial administrative costs. These numbers do not tell the entire story of the cost of incarceration because the toll of incarceration on families and communities cannot be quantified.

Much has been done in the area of reentry, such as the bipartisan Second Chance Act, but there is still a lot to do. We want to make sure we are providing recently released prisoners the tools and resources to successfully reintegrate into society so we can end the cycle of reincarceration. We also want to make sure that the services are easily accessible. I'm interested in hearing about ways we can streamline reentry efforts so returning citizens can access multiple reentry services in one location.

Dr. Cheryl Grills, a professor and researcher from Loyola Marymount University, was unable to be here today. So, I ask unanimous consent to enter her full testimony into the record.

[The information follows:]

**MS. BASS FOR THE RECORD**

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Testimony Presented by

**Cheryl Grills, Ph.D.**  
**Loyola Marymount University**  
**The Association of Black Psychologists**

to

**The U.S. House of Representatives, Committee on the Judiciary**  
**Subcommittee on Crime, Terrorism, and Homeland Security**

Hearing on

**“Returning Citizens: Challenges and Opportunities for Reentry”**  
**February 26, 2020**

Thank you to the Committee for this opportunity to offer comments regarding reentry to reduce recidivism and increase desistance among reentering citizens as they face a multitude of challenges their transition back into society—including issues with housing, mental health and drug treatment, employment, health care, reconnecting to sense of community and more.

One key point I argue below is that successful reentry programs should **include the formerly incarcerated** as a) consultants in the design of reentry services, b) system experts regarding coordination of services, c) co-creators in the design and implementation of the evaluation of reentry programs, and d) reentry peer navigators/mentors to support access to, utilization of, navigation through, and personal assessment of goal attainment related to needed services and unmet needs.

**POINTS FOR CONSIDERATION**

To understand the benefits of peer led programs, **consider pilot programs in related systems** beyond the justice system. These other systems serve communities and residents who have similar socio-demographic realities to returning citizens, intersect with returning citizens, and may in fact be directly serving people in reentry. For example, with respect to the child welfare system, the Partners for Children South Los Angeles (PCSLA) System of Care expanded its Early Childhood System of Care to serve 72 re-entry women in South LA per year. In its collaboration with its medical partner, St. John’s Hospital, PCSLA has 2 goals: 1) to improve infrastructure and system linkages for women in re-entry, and 2) to improve health and wellness and enhance stability, including reducing recidivism. The foundation of the PCSLA model is straightforward and relevant as an example of a community-driven, community-based approach to reentry.

*“When committed organizations work together to help people in need, amazing things can happen. Whole communities begin to heal. Opportunities surface. Businesses prosper. Neighborhoods are safer. Residents are more engaged. And perhaps most important, parents are empowered with the knowledge and resources to nurture their*

*children, who grow up healthy, excel in school, and have the skills to realize their dreams.” (PCLSA 2018 Impact Report)*

The system of care model has direct relevance and application to a reentry model. The components of the PCSLA model are 3-fold:

- 1) Children and families first enter the System of Care through any of PCSLA’s partner agency access points.
- 2) Once clients are identified as having multiple needs, PCSLA staff are brought in to assist with intake and triage.
- 3) From there, PCSLA coordinates with the designated partners, providing case management and serving as the ongoing contact for the family as it progresses through assessment, referrals, linkages to other services, tracking and evaluation

Several key elements of the PCSLA model are summarized below because of their relevance to reentry models for returning citizens.

In PCSLA, 17 local child and family **organizations coordinate efforts** and provide holistic care and services. PCSLA has achieved an 86% success rate reunifying families or keeping children from being detained by the child welfare system. Also, worth noting, the PCSLA model includes improvements in linkages of patient care systems that extend to coordination of medical, child welfare, and community organization Data Management & Tracking Systems.

PCSLA uses a “**warm handoff**” approach where referrals are handled in a more mindful and intentional way to maximize the likelihood that referrals are accessed, used, and meet the most pressing concerns that can support client needs. This same approach could be very useful to increase desistance and decrease recidivism for returning citizens.

For example, PCSLA provides service linkage and enhanced case management support to families referred from the Department of Children and Family Services Social Workers. When appropriate, PCSLA provides family advocacy at the Edelman Children’s Court. *“Caring, personalized service is integrated into every care coordination activity. To achieve this, staff are trained in relational strategies for establishing trust and rapport, engaging in effective communication, and developing supportive and collaborative relationships with families that will last throughout their connection and beyond.”* Staff are often from the communities of the clients they serve which increases the extent to which clients and staff identify with one another, establish trust and rapport, and maintain continuity of care to achieve positive outcomes.

The 2019 PCSLA program evaluation research findings suggest the following outcomes:  
Organizational-level

- Partner agencies developed a clearly articulated cross agency shared vision about PCSLA’s mission, its service delivery model, and resources needed for future growth.
- Partners have refined their warm hand off approach with Cohort families.
- The system of care is effectively identifying, referring, and linking families to services for their most pressing needs

- PCSLA has increased access to services to underserved and unserved families that are high quality, meaningful, and culturally relevant.
- PCSLA acted as a bridge for a community who lacks trust with external sources of care.

#### Participant-level

- PCSLA delivered culturally responsive services to pregnant/parenting youth that were linked to improvements in life satisfaction, social support, and well-being
- Participant engagement, satisfaction and trust in PCSLA was high.

**Foster civic engagement and build connection to community** can significantly enhance participation and positive outcomes in reentry. Civic engagement is an approach that is often overlooked in reentry but found to be invaluable in achieving and maintaining positive outcomes in interventions in areas beyond reentry. Cultivating ways for those in need to be actively engaged in changing for the better the systems with which they must engage and contributing to solutions to the social issues facing their communities is a powerful way to promote resilience, empowerment, and motivation for change. PCSLA cultivates civic engagement. Many youth serving organizations attempting to avert or decrease youth engagement in the juvenile justice system employ this strategy.

For example, PCSLA a) engages relative caregivers and young moms in Kinship & Pregnant and Parenting Teens Projects, b) increase parent engagement/leadership opportunities by creating a Parent Advisory Council, c) increases parent education/training opportunities by creating quarterly trainings for parents/community residents on critical social issues and policies relevant to their quality of life.

Youth diversion and early intervention examples worth noting are:

- 1) the Ready to Rise (R2R) Partnership Initiative of the Los Angeles County Probation Department, the California Community Foundation and the Liberty Hill Foundation conducting 59 community-based, community driven, culturally defined youth positive development interventions for youth engaged with or at risk for engagement with the juvenile justice system;
- 2) The Youth Justice Coalition (YJC) developed a youth organizing model dedicated to building a youth, family, and formerly and currently incarcerated people's movement to address overincarceration and the associated disproportionality related to race, gender and class discrimination; and
- 3) The Weingart Foundation's initiative to engage youth in the work of community organizing to increase the number of young people of color leading social justice grassroots campaigns, especially from communities most impacted by racial, economic and social injustice in Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara and Ventura counties. This form of civic engagement has many benefits including increasing youth (13-24) desistance in activities that lead to engagement with law enforcement and the juvenile justice system.

The Weingart Initiative's Guiding Principles includes:

- Youth organizing is a proven leadership development strategy in highly marginalized communities.



- Young leaders of color rooted in the communities they serve are among the best agents for lasting change and should lead the way in addressing inequity and transformative change.
- Fundamental elements of transformative youth organizing include all of the following:
  - Systems change campaigns,
  - Leadership development,
  - Personal growth and transformation,
  - Civic engagement,
  - Base building, and
  - Movement building
- Strengthening the capacity of nonprofits rooted in the community will change the dynamics of inequity and expand opportunities.

**“Peer support” models** within the child welfare, housing, social services, education and related systems are important referents in the formulation of policies to guide the design of reentry efforts. These approaches use peer mentors or navigators with lived experience who can effectively establish rapport and trust and enhance returning citizens understanding of reentry opportunities, frustrations, and needs. Examples of promising approaches include Andrea James (Boston, MA)—Families for Justice as Healing project; Susan Burton (Los Angeles, CA)—A New Way of Life Reentry Program; WAGEES<sup>1</sup>—Colorado’s Work and Gain Education and Employment Skills program; Danielle Metz (New Orleans, LA)—The Formerly Incarcerated Transitions (FIT) Clinic; the Community Coalition (Los Angeles, CA)—Kinship Care Navigator Program; and the ReFresh Spot Homeless access to hygiene and other services in SkidRow Los Angeles. (The homeless on Skid Row includes returning citizens.) The ReFresh Spot model is particularly striking because it is a community designed (by the unhoused residents of skid row), community run (most of the staff are the unhoused in skid row), is community monitored (the evaluation was co-designed by those impacted by homelessness using the services) and is community reinforced (word of mouth is the primary mechanism by which service utilization has occurred (utilization has grown from about 400 per month to 17,000 per month in a one year period).

Underlying all of the examples provided thus far is the understanding of the need for cultural alignment with whatever strategy is employed. For example, in PCSLA, Kinship Care, R2R, the Weingart Foundation youth engagement initiative there is acknowledgment and appreciation for the values of the ethnocultural groups within for example the African-American and Latinx cultures. Services and communication styles are adapted to take cultural differences into account. For example, in its 2018 Impact Report, PCSLA noted that participating families report feeling that their service providing partners demonstrate respect, care, compassion, and an understanding of families’ background/values. These are essential ingredients for participants in any intervention to elicit enough trust to navigate the turbulent waters of reentry, personal change, growth, and transformation.

Another important benefit of a peer-driven model is related to trauma. Particularly for reentering citizens of color (Native American, Latinx, African American), historical and contemporary

**racial trauma** is pervasive and can disrupt core capacities for self-regulation of the social nervous system, stress interpersonal relatedness, disrupt the stress-resiliency process, and, limit trust in systems that have been experienced as dehumanizing and harsh. Returning back to community post release can result in additional trauma exposure (e.g., community violence, oppressive police practices, demoralized work environments etc. and exacerbation of psychiatric and addictive disorders, chronic medical illness, legal, vocational, and family problems). Peer support can provide empathy derived from shared experience, insights, and coping skills not easily found in manualized evidenced based practice interventions.

Among historically oppressed people of color, this historical trauma is equivalent to soul wounding. In other words, the core of one's humanity and existence are assaulted. This wounding emerges out of intergenerational exposures to stressors and contemporary chronic strains (Walls, Hautala, & Hurley, 2014). In this context, peer support can be a source of healing and support for reconnection grounded in shared understanding of issues and practical skills and tools for successful and sustained reentry.

Feelings of isolation, shame, anger, self-hatred, internalized racism, and distrust of authority are a few, among many, of the harms that emerge for returning citizens making their reentry difficult and their distrust of systems complex. Because of their lived experience, peer navigators are more likely to appreciate, identify, and provide ways to manage and heal from these multiple forms of racial stress and the inevitable racial microaggressions (in the social service sector, business and employment sector, housing sector, health and mental health sector, education sector etc.) that are common for people of color in general but is often magnified when one has the added label of an "ex-offender".

Finally, please permit me to offer a few concluding cautionary points.

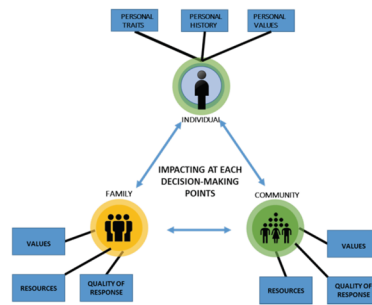
**Caution #1:**

There may be **significant gaps in recidivism research**. While the recidivism has been widely studied the explanations for progress or lack thereof should remain speculative. **Much of this research lacks any real attention to issues of culture and context.** To what extent are these studies addressing cultural alignment in the services provided for African American, Asian American, Latinx, and Native American reentering citizens? To what extent have these studies substantively accounted for the role of community contextual conditions (availability or lack thereof of employment opportunities, housing, social services, recreational opportunities, and community history of racial oppression and disparities)? Much of the available research doesn't help us to understand the profound suffering experienced by some of our returning citizens and when included in study samples, the percent of Black, Latinx, Asian American and Native Americans is too small to conduct meaningful race specific analyses. In other instances, sample sizes are reasonable but the researchers do not conduct analyses by race.

Recidivism research should incorporate a social-ecological perspective. This is an appropriate lens through which to understand the complex interplay between personal and environmental factors and their impacts on individual risks and recidivism outcomes. Reentering citizens are embedded in larger social systems (i.e., interpersonal, community, policy) and these multiple levels of influence affect one another. For example, system-involvement not only impacts those

who are institutionalized, but also devastates families and impairs communities. When people are removed from their families and communities, vital social capital is diminished. Families are traumatized and their integrity compromised. From a social-ecological perspective, it is reasonable to presume an individual's physical and mental health status may deteriorate because of incarceration. The consequences of incarceration may represent significant impediments to post-incarceration health and adjustment. They may interfere with the transition from incarceration to home, hinder successful re-integration into a social network and employment setting, and compromise an individual's ability to resume his or her role with the family. The range of consequences for individual, family, and community well-being includes the disabling effects of institutionalization, the persistent effects of untreated or exacerbated mental illness, the long-term impacts of developmental disabilities neglected or improperly addressed, or the pathological consequences of solitary confinement (Cancio, Grills, & Garcia, 2019) (See Figure 1).

Figure 1. Conceptual Model of the Social-Ecological Exchange between Individuals, Family, and community as they interact with each other and through the CJS



From: Cancio, Grills, and Garcia (2019)

#### Caution #2:

**Developmental differences** must be taken into consideration both for understanding reentry needs and challenges to desistance. The needs of a 22-year-old will not be identical to those of a 45-year old or a 60-year reentering citizen. Needs across the lifespan will differ and interventions should be sensitive to those differences in design, implementation, and evaluation of outcomes. Closely related to developmental differences is **length of time incarcerated**. There are differences here as well. Returning citizens who have been in custody for 15 to 20 years is facing a very different reentry experience than someone who has been in custody for 2 to 3 years. Reentry programming should reflect an understanding of these differences.

#### Caution #3:

**Culture, gender and intersectionality matters** which means that reentry services should attend to aligning services to the culture of the people served and be gender responsive. To ignore this runs the risk of blaming participants for defects in the intervention model. Culturally attuned approaches—particularly for people of color, means particular attention to a) relational needs (quality relations with family and community), b) a strengths-based approach (building on personal and community assets), and c) attention to recreation/social well-being and resilience.

This is where approaches that use peer-based mentors can be particularly effective. These types of peer relationships are a value added because they a) help recreate positive relational ties that culturally resonate with the reentering citizen, b) provide insights about how to navigate the various systems and issues germane to successful reentry, c) provide opportunities for warm handoffs to various services, d) provide support not limited to a 50-minute therapy hour or a 9-5 Monday through Friday schedule, and e) that are sources of support that are geographically accessible because the peer supporters are often right in the neighborhoods of those being served.

In terms of intersectionality, each person has a distinct collection of identities (i.e., gender, race, ethnicity, class, etc.) and the intersection of these identities inform sense of self, behavior, and can be the object of multiple forms of oppression that influence health vulnerabilities, behaviors, and illness experiences (Kuyper & Wijsen, 2014; Mumtaz, Shahid, & Levay, 2013; Thomeer, Umberson, & Pudrovska, 2013; Vlassoff, 2007). Applying an intersectional lens encourages an intervention strategy to consider the intersecting effects of racial oppression (Crenshaw, 1991), gender discrimination (Logie, James, Tharao, & Loutfy, 2011), and other systemic inequalities (e.g., gender identity, social class, zip code) that contribute to social identity, life chances, and how individuals navigate the social world—all of which affect a person's mental health and their reentry journey (Bastos, Faerstein, Celeste, & Barros, 2011; Hankivsky, 2011; Seng, Lopez, Sperlich, Hamama, & Meldrum, 2012; B. D. Wilson, Okwu, & Mills, 2011). Again, a peer model can be responsive to these multiple identities.

#### **Caution 4:**

**Employ Community Based Participatory Practice (CBPP).** This is a complement to the recommendation for peer navigation approaches. Do with, not to or for communities impacted by reentry. CBPP consists of an array of ways to include community in policy, practice, and research. CBPP, like its counterpart, Community Based Participatory Research, offers a set of principles for engagement and participation—typically between communities and entities external to the community (e.g., government agencies such as the Departments of Justice, Labor, Health and Human Services, Housing and Urban Development, and Education; State Corrections Departments, County Departments of Mental Health, elected officials, researchers/programs etc.). It inspires attention to culture, context, trust building, shared meaning, consensus, and equity from how a problem or issue is defined to the proposed solutions and evaluation of outcomes.

CBPP is grounded in **Community<sup>ii</sup> Engagement**—the inclusion of community members and their perspectives in deliberation, decision-making, and interventions that ultimately affect them and their community. It requires collaboration between the community and institutions, policy makers, and researchers. Community members are aware of the strengths and challenges of their communities. They know and understand their historical, cultural, political, and current context. And to effect substantive and lasting change it recognizes that “...the process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to address issues affecting the well-being of those people. It is a powerful vehicle for bringing about environmental and behavioral changes that will improve the health of the community and its members. It often involves partnerships and coalitions that help mobilize resources and influence systems, change relationships among partners, and serve as catalysts for changing policies, programs, and practices.” (CDC, 1997, p 9)

Community engagement does not consist of **One Size Does Not Fit All: Community Driven Approaches**. Returning citizens come back to specific communities with unique social, cultural, economic, geographic, and historical contexts. Navigating reentry can be augmented or hampered by the extent to which the intersection of their reentry needs and context of the community they are returning to inform reentry strategies.

*“Today, the multiple communities that might be relevant for any individual — including families, workplace, and social, religious, and political associations — suggest that individuals are thinking about themselves in more complex ways than was the norm in years past. The eligibility criteria that scientists, policy makers, and others develop for social programs and research projects reflect one way that people perceive a group of proposed participants, but how much those criteria reflect the participants’ actual view of themselves is uncertain. Practitioners of community engagement need to learn how individuals understand their identity and connections, enter into relationships, and form communities.” (NIH, 2011, p.6-7)*

**Principles and Applications** of CBPP do exist. For the purposes of reentry, below is a set of principles for CBPP adapted from Minkler and Wallerstein’s (2008) eleven CBPR principles and the foundational work of Israel and colleagues, 1998 and 2005.

1. Recognize community as a unit of identity in reentry planning and service delivery.
2. Build on strengths and resources within the community and reentering citizens.
3. Facilitate a collaborative, equitable partnership in all phases of reentry practice, involving an empowering and power-sharing process that attends to social inequalities.
4. Foster and provide resources to support co-learning and capacity building among all involved community partners.
5. Integrate and achieve a balance between knowledge generation and intervention for the mutual benefit of reentering citizens.
6. Focus on the local relevance of issues related to reentry and on ecological perspectives that attend to the multiple determinants of health.
7. Involve systems development using a cyclical and iterative process that is responsive to routine community input.
8. Disseminate results to all partners and involve them in the wider dissemination of results.
9. Involve a long-term process and commitment to sustainability.
10. Openly address issues of race, ethnicity, racism, and social class, and practice “cultural humility.”
11. Work to ensure research rigor and validity but also seek to broaden the bandwidth of constitutes credible evidence with respect to research relevance.

CBPP requires: 1) time to build the essential relationships, 2) resources to fully actualize all 11 principles to their fullest intent, and 3) a context that does not have pre-existing or superimposed constrictions that limit the ability to express certain principles.

Successful CBPP partnerships can yield well-grounded benefits to all of the partners involved (Hartwig, Calleson, & Williams, 2006) but especially, to returning citizens. It brings a set of advantages and benefits that can strengthen and deepen program development, research and

evaluation, and policy/systems change (NIEHS, 2000). It makes front and center local knowledge and perceptions (Israel et al, 2001); empowers the community as agents who can investigate their own situations (Stevens and Hall, 1998); increases the credibility of a project, enhancing its usefulness by aligning it with what the community prioritizes as goals (Holkup et al., 2009); provides resources for the community (Israel et al, 2003); provides a forum to bridge cultural differences among the participants (Israel et al, 2001); and builds trust with communities (Webb, 1990).

In summary, CBPP can:

- Improve Validity
- Enable Culture and Context to Determine Practice
- Expand the Evidence Base
- Develop Alternative (Indigenous) Methodologies
- Address Inequalities
- Enhance Language and Understanding
- Facilitate Capacity Building & Sustainability
- Build and Maintain Trust, Stakeholder Buy-In, and Ownership
- Transition Faster from Data Collection to Sustainable Action
- Improve Health and Mental Health Practice and Outcomes

#### **A Final Caution:**

I would be remiss if I did not conclude with one vital and daunting issue. A “**solitary answer to a set of collective and institutional questions about the conditions of a dignified human existence that we ... have not confronted in a meaningful or sustained way**” (Button, 2016, p. 270) would be dishonest at best. We are addressing symptoms (reentry) of a much more profound set of social problems in the United States (unemployment, racial disparities, poor quality education, lack of available and affordable housing, etc.) coupled with a broken justice system. We cannot expect real change in reentry recidivism without also addressing these upstream realities. Without taking into account the sociopolitical and ecological context impacting the lives of returning citizens we risk false starts, incomplete solutions, victim blaming, or training our returning citizens to adhere to oppressive social conditions. If we do not deal with the conditions that mitigate against a dignified human existence then we will be guilty of reducing our efforts to applying a band aid to a situation that requires socio-political surgery.

The above cautionary points suggest the need for an inclusive, wide-lens approach. This means we:

1. recognize that individual level change is hard to sustain in the absence of environmental change that supports individual change efforts (Trickett, 2009)
2. strategically employ community organizing as a public health strategy (Douglas, Grills, Villaneuva, & Subica, 2016) to empower returning citizens and their communities become change agents in their neighborhoods.
3. prioritize and promote multilevel community-based (rather than community-placed) culturally situated interventions (Trickett, 2009).

4. follow Recommendation 18 of the Institute of Medicine which states: *“Efforts to develop the next generation of preventive interventions must focus on building relationships with communities’ assessment of their needs and priorities. Models should be developed that encourage members of the community and researchers to work together to design, train for, and conduct such programs”* (Smedley and Syme, 2000, p. 23).
5. reduce the oppressive overuse of Evidenced Based Practices (EBP) in legislation and funding for reentry programming. Nothing is wrong with evidence but we must ask evidence for who? The failure to critically examine and question the appropriateness and effectiveness of using long established mental health approaches and services with diverse ethnocultural groups shortchanges our ability to align with them culturally and meet their complex needs. Manualized evidenced-based approaches do not address the socioecological factors that various ethno-cultural groups face and may feel artificial. The assumption of universality of EBPs is not warranted and inappropriate. The emperor has no clothes on! Well intentioned legislation peppered with EBP requirements will do little to address mental health disparities for our communities. As an alternative please learn more about and consider the use of culturally defined evidenced based practices.

Successful engagement and transformative rehabilitation, particularly with reentering people of color may require a shift in philosophy and practice. Although development of evidenced-based practices (EBP) has been called a “remarkable advance” (Kazdin, 2011), reliance on EBPs has raised concerns about their relevance or effectiveness with culturally diverse clients (Sue, Zane, Nagayama Hall, & Berger, 2009; Hall 2011). Western mental health treatment typically consists of discrete psychotherapy sessions that take place in a therapist’s office, emphasizing verbal interactions in the context of a supportive, professional, relationship. From this perspective, psychotherapy is culturally situated, reflecting Western values and social norms emerging from its European historical and cultural origins (Bernal & Domenech Rodríguez, 2012; Bernal & Sáez Santiago, 2006; Cushman, 1996). On what basis are we assuming this is appropriate for all people, regardless of their cultural worldview and heritage (Aisenberg, 2008)? Respecting culture and emphasizing the value and necessity of its inclusion in designing, describing, implementing, and evaluating intervention strategies can notably shift the ways in which reentry programs and mental health systems can serve returning citizens of color and protect them from unnecessary re-entanglement in the corrections system.

6. increase the use of culturally defined and practice based evidence approaches. Western therapeutic approaches are predicated upon independent or individual approaches whereas people of African ancestry value more collective or communal approaches (Grills, Nobles, & Hill, 2018). Culturally-affirming approaches that intentionally foster ethnic identity formation is a well-documented protective factor in the context of oppression and racism (Eccles, Wong, & Peck, 2006; Shin, Daly, & Vera, 2007). A useful model for developing and implementing community defined evidence practices is the California Reducing Disparities Project<sup>iii</sup> which is currently examining 35 community designed prevention and early intervention strategies grounded in the culture and context of various racial-ethnic communities in the state. It is hypothesized that these community defined approaches can

better address the mental health, substance use, and reentry needs of unserved, underserved, and inappropriately served ethno-racial groups (Abe et al., 2018).

Thank you for the opportunity to share a few thoughts that might inform the development of legislation in the area of reentry services focusing on community-based organizations.

Cheryl Grills, Ph.D.  
Professor of Psychology and Director of the Psychology Applied Research Center,  
Loyola Marymount University  
Past President, The Association of Black Psychologists

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<sup>i</sup> In the WAGEES program the state department of corrections sets aside state resources for grants to community-led organizations that provide direct services to a local client base of formerly incarcerated people to aid their navigation of the reentry process. The state department of corrections directly invests in and partners with community providers, many of which are led by people with lived experience in the justice system. Key lessons learned from WAGEES thus far include: 1) developing relationships with affected communities, community partners, state agencies, and other key stakeholders while time and resource intensive is instrumental to building a foundation for collaboration and trust; 2) peer-to-peer learning and frequent communication can help foster these relationships; 3) community partners that reflect the people they serve through experience, location, and service priorities are best positioned to deliver services and provide guidance for resource allocation and support; 4) each community has unique needs—programs should give community partners the opportunity to address those needs in a way best suited to the community; 5) funding should provide community partners with the resources and support to build capacity to meet the needs of the community; and 6) just as the program reflects the community needs, funding should reflect the community partners' need for regular and timely payment because they are often organizations with smaller financial capacity. (Thompson, Sakala, & King (2018). Investing Justice Resources to Address Community Needs. Justice Policy Center at the Urban Institute Report)

<sup>ii</sup> **Community.** Community can be defined or described in a variety of ways (e.g., people located in a particular geographic space; people with a shared identity and/or history; etc.). Macqueen and colleagues (2001) identified the following five categories that reflect how community is conceptualized: 1) locus—a sense of place, 2) sharing—common interests and perspectives, 3) joint action—a source of cohesion and identity, 4) social ties—interpersonal relationships, and 5) diversity—social complexity within communities.

Community has also been understood from distinct points of view—a systems perspective, a social perspective, and an individual perspective (NIH, 2011).

The community's history, culture, norms and values, economic conditions, social networks, political and power structures, demographic trends, and negative and positive experience with external entities like researchers, government agencies, and policy makers should factor into the design and delivery of reentry services.

The *systems perspective* describes community as a living organism with multiple parts, activities, and interests that must work in collaboration to effectively meet community needs. The parts of the living organism include such things as businesses, social service agencies, nonprofits, or other types of organizations. When operating in a cohesive fashion, they are able to meet the needs of the community (e.g., employment, education, mental health, recreation, and other factors).



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*“...successfully addressing a community’s complex problems requires integration, collaboration, and coordination of resources from all parts.” (Thompson et. al, 1990)*


One of the limitations of this perspective is that the community is perceived from the vantage point of organizations, in which existing power structures may be reproduced, with little to no voice from individual constituents or representatives of the community.

The *social perspective* looks at community by focusing on existing social and political networks that link individuals to community organizations and community leaders. It focuses less on organizations that address specific needs and more on how political and social power operates within a particular context. Social networks comprised of community groups or organizations, individuals, and the relations or linkages among them are central and an important way to engage communities.

In the *individual perspective*, people create community by living and articulating aspects of their identity that are salient and connect them to others. It emphasizes factors such as race (e.g., Native American), community geography (e.g., South Los Angeles), ethnicity (e.g., people of Hmong descent), or gender identity/sexual orientation (e.g., LGBTQ). The meaning and salience of these identities will vary from person to person and among members of the community at large, and include other factors important to how individuals view themselves (e.g., issues related to intersectionality). Understanding how individuals perceive themselves and other members of their community is important.

It is important to understand that individuals have multiple identities that comprise their self-concept and that communities, too, are complex because of this. The intersectionality of both the identity for the individual and identity for a community shows the dynamic character of each and their ability to be simultaneously interconnected.

A peer navigator model implemented by people with lived experience as reentering citizens and/or family and members of communities impacted by overincarceration that is community designed and delivered reentry programs are better suited to understand and incorporate the community issues noted above. Those delivering the services have spent time in the community, built trust, established relationships, collaboratively worked with the formal and informal leadership, and have garnered commitment from community organizations and leaders on projects that are meaningful to the community.

iii  **MHSA and CDPH-OHE.** In November 2004, the people of California passed Proposition 63, the Mental Health Services Act or MHSA, that funded California Reducing Disparities Project (CRDP) Phase 1 and 2 to improve mental health access and outcomes among 5 historically unserved, underserved, and/or inappropriately served communities by offering Prevention Early Intervention (PEI) Direct and Indirect Programs. CRDP Phase 2 must demonstrate the extent to which the \$60 million investment administered by California Department of Public Health-Office of Health Equity (CDPH-OHE) contributed to:

- Reductions in the severity of mental illness for five priority populations;
- Systems changes in county PEI level operations;
- A return on investment (the business case); and
- Changes in state and county mental health policies and practices.

MHSA establishes an accountability mandate that must be addressed by all recipients of this \$60 million investment. **A Collective Effort.** CRDP Phase 2 is a collective effort involving multiple partners—each with an important role to play in the project’s overall success. The **Implementation Pilot Projects (IPPs)** design, implement, and evaluate their local community defined evidence practices (CDEPs). The **Technical Assistance Providers (TAPs)** provide technical support to the IPPs and coordinate efforts with **CDPH-OHE** and the **Statewide Evaluator (SWE)**. The SWE evaluates the overall initiative and its various components and provides evaluation guidelines and technical support to the IPPs and TAPs. CDPH-OHE manages the overall initiative and maintains communication with key stakeholders across the state. While the Psychology Applied Research Center (PARC) implements the statewide evaluation, CDPH-OHE owns the CRDP Phase 2 data collected by PARC. Future discussions between IPPs and CDPH-OHE regarding data sharing and ownership are expected to occur.

**The CRDP Phase 2 Opportunity for the Unserved, Underserved, and Inappropriately Served in CA.** CRDP Phase 2 is rich with opportunity to move the needle for California’s unserved, underserved, and/or inappropriately served

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populations. Our success will rest in large measure on our collective ability to amass credible, convincing, and diverse sources of evidence of effectiveness—effectiveness for individual CDEPs, specific priority populations, and the CRDP approach. Systems change, community change, and indigenizing evaluation practice can all occur in this process.

Ms. BASS. I do want to highlight several points from her testimony. When we are considering legislation to support the reintegration of returning citizens, she suggests that they be involved at every stage, hired as consultants in design of reentry services, that we support the entrepreneurial interest by funding pilot programs run by people who were incarcerated, that we bring in system experts regarding the coordination of services, reentry peer navigators, mentors to support access to utilization of and navigation through and personal assessment of goal attainment.

Additionally, Dr. Grills suggests we look at examples in other fields of programs that work with a similar social demographic constituency that interests with returning citizens who might be family Members, for example, peer support models within the child welfare, housing, social services, education, and related systems are important reference in the formulation of policies to guide the design of reentry efforts. These approaches use peer mentoring navigators with lived experience who can effectively establish rapport and trust and enhance returning citizens' understanding of reentry opportunities, frustrations, and needs.

Dr. Grills raises several areas of caution I want to mention. Two of those areas are, number one, there are significant gaps in recidivism research. Number two, we should consider developmental differences to understand reentry needs and challenges. For example, the needs of a 22-year-old will not be identical to the needs of a 45-year-old or a 60-year-old returning citizens. Needs across the lifespan will differ and intervention should be sensitive to those differences.

Closely related to developmental differences is the length of time an individual was incarcerated. There are differences here as well. Returning citizens who have been in custody for 15 to 20 years are facing a very different reentry experience than somebody who has been in custody for 2 to 3 years. Reentry programming should reflect an understanding of these differences. Today we are lucky to have a diverse panel of witnesses testifying before our subcommittee. I'm especially interested and eager to hear from our panel their ideas and suggestions of how we can assist the successful reentry and reintegration of people after incarceration.

It is now my pleasure to recognize the Ranking Member of the subcommittee.

Mr. RESCHENTHALER. Thank you, Chairwoman Bass.

I truly appreciate it and thank you to everybody that came here today. I really look forward to your testimony, your thoughts, and sharing your experiences with us. I am truly glad that we can take this time to discuss the challenges and the opportunities that formerly incarcerated individuals face when reentering society.

To be frank, recidivism rates are just simply too high in this country.

According to one study on Federal offenders, nearly 50 percent of returning citizens were rearrested at least once during an 8-year follow-up period. Personally, when I served as a district judge in southwestern Pennsylvania right outside Pittsburgh, I saw firsthand the revolving door to prison. Too often people coming before my bench were returning offenders who, upon release from prison, struggled to find housing, employment, and mental health and

drug treatment programs. Working on the front lines of our criminal justice system showed me that we can reduce crime by giving these individuals the tools they need to live productive and fulfilling lives.

I want to be clear about something. You can be tough on crime while at the same time being smart on crime. In reducing recidivism, we are by definition eliminating future crimes and making our communities safer and stronger. So, there is no other way to be tougher on crime than reducing recidivism because we, by definition, eliminate future crime.

We would all be well served if we improved our reentry services that would also benefit our national and our local economies.

Let me explain. The Center for Economic and Policy Research estimates losses as high as \$87 billion to the U.S. GDP each year because of the barriers to employment that formerly incarcerated individuals face. The Judiciary Committee has already taken an important step in this area. As Chairman Bass said, the First Step Act championed by Ranking Member Doug Collins and by Representative Jeffries reauthorized grants for reentry efforts. There is still so much more that we can do.

Last year I partnered with my good friend Representative Lisa Blunt Rochester, and we introduced the bipartisan Clean Slate Act. This legislation would automatically seal an individual's Federal criminal record if they had been convicted of nonviolent drug crimes. It would also create a streamlined process that allows individuals to petition the courts to seal their records for other qualifying nonviolent crimes.

Congresswoman Lisa Blunt Rochester has been an incredible champion for this important cause and our proposal is just one of the many efforts to reduce recidivism in Congress. So, I look forward to discussing these and other ways we can stop the revolving door to prison and help those that are reentering society to fully participate and contribute to their communities.

I would like to, once again, thank Chairwoman Bass for bringing this important issue before the subcommittee.

With that, I yield back the remainder of my time.

Ms. BASS. Thank you very much.

I will now introduce today's witnesses.

Nancy La Vigne?

Ms. LA VIGNE. La Vigne.

Ms. BASS. Nancy La Vigne is vice President for Justice Policy at the Urban Institute. She publishes research on prisoner reentry, criminal justice technologies, crime prevention, policing, and the analysis of crime and criminal behavior. She holds a B.A. in Government and Economics from Smith College.

Conan Harris is the principal of Conan Harris & Associates Management consulting firm in Boston. Prior to starting his own consulting firm, Mr. Harris was deputy director for the mayor's Office of Public Safety in Boston, Massachusetts from 2015 to 2019. As the deputy director of public safety, Mr. Harris was instrumental in creating Boston's first ever Office of Returning Citizens, a prisoner reentry service center. He holds a Bachelor of Arts degree in sociology from Boston University.

Ronald Lampard is the senior director of the Criminal Justice Task Force and Civil Justice Task Force at the American Legislative Exchange Council. Mr. Lampard has testified on issues related to administrative law, regulatory reform, judicial nominations, civil asset forfeiture, and other issues related to criminal justice reform.

Vanessa Martin is director of reentry division of the Office of Diversion and Reentry in Los Angeles County. Under her direction, the office opened Los Angeles County's first community reentry center called Developing Opportunities Offering Reentry Solutions, otherwise known as DOORS.

Jesse Wiese serves as the national director of academy advancement at prisoner fellowship, the Nation's largest outreach to prisoners, former prisoners, and their families. He served 7 and a half years for robbery in the Iowa prison system and subsequently earned his law degree, believes in criminal justice solutions that prioritize proportionate accountability, community participation, and second chances.

Finally, John Harriel is the superintendent and diversity manager at Morrow Meadows, a full service electrical contracting company located in Los Angeles, California. He also teaches weekly classes at 2nd CALL, a community-based organization that assists returning citizens with housing and employment assistance and mentors returning citizens.

We welcome all our distinguished witnesses and thank them for participating in today's hearing.

Now, if you would please rise, I will begin by swearing you in. Please raise your right hand.

Do you swear or affirm under penalty of perjury that the testimony you're about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Let the record show the witnesses answered in the affirmative. Thank you, and please be seated.

Please note that each of your written statements will be entered into the record in its entirety. So, accordingly, I ask that you summarize your testimony in 5 minutes. To help you stay within that time, there is a timing light on your table. When the light switches from green to yellow, you have 1 minute to conclude your testimony. When the light turns red, it signals your 5 minutes have expired, but we will have an opportunity when we ask questions for you to speak again.

I ask that you go ahead and begin.

#### **TESTIMONY OF NANCY LA VIGNE**

Ms. LA VIGNE. Good morning, and thank you Chairwoman Bass, Members of the subcommittee. I very much appreciate the opportunity to speak to you today about reentry from prison. I'm here as a researcher. I have a Ph.D. in criminology and a terminal master's in public policy, and I believe I'm here to share more about the research about what works in reentry.

My colleagues and I at the Urban Institute have been studying this topic for close to two decades. We've done longitudinal studies of the process of reintegrating from prison to the community in several different States. We've done large-scale evaluations of multi-site demonstration programs funded through the Second Chance

Act. We've also conducted individual evaluations of county-led reentry programs, and we led the development in partnership with the Council of State Governments Justice Center of the What Works in Reentry Clearinghouse, which takes together all the evaluation literature, screens it for rigor, and summarizes and synthesizes the findings.

So, with all that knowledge, you would think I would have a very simple answer to the question of what works in reentry. I'm sorry to disappoint. There is no simple answer, and that's because reentry is not a simple issue or a simple process. It's complex, as are human beings. People have many different issues, needs, and challenges as they prepare to reintegrate into society.

There's no simple solution. Yet, a lot of the literature and a lot of the interventions around reentry tend to focus on one thing, one need. Take job programs, for example. Absolutely jobs are important for reentry success, but when you focus on jobs alone, you might be missing a lot of factors that are critical. For example, if someone has a long history with substance use disorder and that isn't addressed, they get a job, they're earning a wage. It's all too tempting to use that money to continue using.

Similarly with housing. I mean, housing is important, but if it doesn't address individuals' needs, it might actually even be harmful. There's literature out there on halfway houses and the idea is let's transition everyone through halfway houses back to the community, but the literature suggests that halfway houses are very helpful for people at medium and high risk of recidivism but can actually be harmful to people at low risk. I think probably because you're disrupting some family supports and social supports that they already have in place.

Successful reentry programs need to be holistic. They need to address the multiple needs of people who are exiting prison and returning back to their communities, but they also need to be tailored, recognizing that people have different needs. Right?

Reentry programs need to focus not just on those big ticket items, the ones that we all think about when we think what is important to reentry success, things like having a job, having housing, addressing substance addiction, getting education, becoming literate, or even acquiring higher education. All of those are absolutely important, but there's a lot of little things that matter too that are often overlooked: Things like transportation to get to the services that are in the community. Things like having a picture ID upon release. If you don't have that, it's hard to do much of anything, or things like childcare to ensure that you can comply with your conditions of supervision. All of these are really important.

Another thing that's often overlooked are peoples' assets. Folks who are working in reentry tend to look at peoples' risks and needs; they tend to problematize people, but everybody has talents. Everybody has assets. In particular, our own research, some of the earliest research we did on reentry, made note of the power of family supports. Almost everyone we spoke to had at least one family member who was able to help their transition back, and yet so few programs actually integrate family support into their models.

Community is another important asset and one that is often overlooked and, in particular, programs that focus on community

strengths, like the testimony that Dr. Grills would have delivered had she been here. The importance of knowing that communities are the experts on their own neighbors. There's examples out there, one I'd like to highlight is in Colorado. The State of Colorado, through its Justice Reinvestment Initiative, chose to invest in the communities that are hardest hit by mass incarceration. They didn't just give those communities money and tell them what to do. They said: You tell us what to do. You are the experts of your community and your neighbors.

That's exactly what they did. In part, they hired people who had successfully reintegrated to help support the transition of people coming home from prison.

Ms. BASS. Thank you.

Ms. LA VIGNE. So, with that, I will just close by summarizing. It's important that reentry programs be holistic. It's important that they also be tailored to individual needs, including their assets. And it really is very critically important to invest in communities and in their expertise in helping people transition home.

[The statement of Ms. La Vigne follows:]



**WHAT DOES RESEARCH TELL US ABOUT WHAT WORKS IN REENTRY?**

Statement of  
Nancy G. La Vigne,\* PhD  
Vice President for Justice Policy, Urban Institute

before the  
Subcommittee on Crime, Terrorism, and Homeland Security,  
Judiciary Committee,  
United States House of Representatives

**RETURNING CITIZENS:  
CHALLENGES AND OPPORTUNITIES FOR REENTRY**

Thursday, February 27, 2020

\* The views expressed are my own and should not be attributed to the Urban Institute, its trustees, or its funders.

I thank Katie Robertson and Fiona Blackshaw for their helpful comments and assistance in preparing this testimony.

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Good morning and thank you, Chairwoman Bass, Ranking Member Ratcliffe, and members of the subcommittee, for the opportunity to speak with you today about reentry from prison. Please note that the views I express are my own and should not be attributed to the Urban Institute, its trustees, or its funders.

I have been studying how to promote the successful reentry of people exiting correctional facilities for the better part of two decades. My colleagues and I at the Urban Institute conducted the first and most comprehensive multistate longitudinal study of reintegration from prison to community of its kind.<sup>1</sup> We've also conducted dozens of evaluations of reentry programs—from large-scale demonstration programs<sup>2</sup> to smaller, county-led efforts (Willison, Bieler and Kim 2014)—most of which were funded with federal Second Chance Act dollars. In addition, I led an effort to create and populate the What Works in Reentry Clearinghouse,<sup>3</sup> for which we screened reentry evaluations for rigor and synthesized and summarized findings as a resource to the field (Lynch and La Vigne 2016 as cited in La Vigne 2019).

I sit before you today to share what I have learned about what works in reentry. The answer to that question is a complicated one. That's because for every type of program intervention you can imagine—from work release to family visitation programs and even transcendental meditation<sup>4</sup>—there's at least one rigorous study finding that the program yielded its intended impact, usually on recidivism reduction. But for each of these positive evaluations, there are dozens upon dozens of others with null and occasionally counterintuitive findings.

How do we make sense of it all? To truly understand what works in reentry, we need to back up a bit and explore what we know about reentry challenges and opportunities. Reintegration from prison is a multifaceted process, and success can be influenced by the factors and experiences predating incarceration, the incarceration experience itself, and the context surrounding the community and social environment to which one returns.

To put it simply, reentry isn't about just one need or one risk profile. I am often interviewed by members of the media about my research. A common question posed is, "What is the single biggest need among people exiting prison—the one that, if met, would have the greatest impact on recidivism?" This question is flawed; there is no single solution to recidivism, because people's reentry needs are exceedingly complex and frequently intertwined.

Take, for example, employment. It stands to reason that finding a job, particularly one with a living wage, supports successful reentry. Employment can provide financial independence, help secure stable housing, and make criminal activity less of a temptation. But unemployed people with substance use disorders need help meeting both those needs; a job alone might simply provide a source of funds to continue using.

<sup>1</sup> Our work on the Returning Home Study is summarized on the Urban Institute website; see <https://www.urban.org/policy-centers/justice-policy-center/projects/returning-home-study-understanding-challenges-prisoner-reentry>.

<sup>2</sup> "Evaluating Federal Second Chance Act Adult Reentry Demonstration Programs," Urban Institute, January 23, 2018, <https://www.urban.org/research/publication/evaluating-federal-second-chance-act-adult-reentry-demonstration-programs>.

<sup>3</sup> "About the What Works in Reentry Clearinghouse," Council of State Governments Justice Center, accessed February 24, 2020, <https://csgjusticecenter.org/reentry/about-what-works/>.

<sup>4</sup> For work release, see Berk (2007) and Duwe (2014); for family visitation programs, see Bales and Mears (2008); and for transcendental meditation, see Bleick and Abrams (1987) and Rainforth, Alexander and Cavanaugh 2003).

Similarly, securing a job that is miles away from home in an area with limited public transportation infrastructure is setting up people who cannot drive for failure.

Focusing on housing alone presents a similar challenge. Halfway houses are beneficial for many people reentering their communities. But at least one study finds that they are actually harmful for people at low risk of reoffending (Lowenkamp and Latessa 2005), likely because halfway houses separate residents from family support networks (La Vigne 2010).

What my research has concluded is that focusing on one component of reentry doesn't work, nor does assuming that every person exiting prison needs the same reentry supports (La Vigne 2019). Successful reentry programs need to be both holistic—addressing all the needs of an individual—and tailored—recognizing that people have different needs. Tailoring services to individual needs rather than assuming that everyone requires every service or program is also a more responsible use of public resources.

The crafting and delivery of reentry services should also recognize that the hurdles to successful reintegration are composed of both big challenges—such as education, employment, housing, and health needs—and smaller, but critical, barriers—such as obtaining a picture ID, securing transportation to reentry services, and accessing and paying for child care. Importantly, reentry services should focus on assets, taking a strengths-based approach that acknowledges and builds upon individual skills, experiences, and support systems.

Early reentry research by the Urban Institute, for example, found that family support is critical to reentry success (Naser and La Vigne 2006, La Vigne et al. 2005). This surprised many people at the time because the prevailing narrative was that people leaving prison had burned bridges with family and that family members were unwilling or unable to provide the financial and emotional support their relative needed. This couldn't be farther from the truth: our research found that family members not just met, but often exceeded expectations of support on the part of their incarcerated relatives (La Vigne 2012). Yet among all the reentry programs in place across the country today, those that include efforts to shore up family support networks are extremely rare.<sup>5</sup>

Relatedly, programs that consider community context and tap into community resources are few and far between. Indeed, communities are rarely consulted—much less relied upon—to support the reintegration of people exiting prison. Far too often communities are viewed as part of the problem rather than part of the solution. But there is hope for meaningful change in this regard. Community-led safety initiatives recognize that the people closest to the problems are best positioned to both welcome people home and hold them accountable. These initiatives elevate the expertise and assets of the community and lead to more supportive and less punitive measures—and, ultimately, to better outcomes (Jannetta et al. 2014; Rice and Lee 2015).

Take Colorado, for example. As part of its criminal justice reform efforts the state invested resources in the communities hardest hit by mass incarceration through a competitive grant program. But instead of telling communities what to do with the money, the state invited communities to develop their own

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<sup>5</sup> "What Works in Reentry Clearinghouse," Urban Institute, accessed February 24, 2020, <https://www.urban.org/policy-centers/justice-policy-center/projects/what-works-reentry-clearinghouse-0>.

solutions with the assistance of a community-based intermediary.<sup>6</sup> Many solutions were developed and implemented by people who have experienced incarceration and successfully reintegrated, who know best how to connect with returning citizens and support their transition into the free world (Thomson et al. 2017). This program is theoretically sound, and it provides employment opportunities to the program's service providers, thereby building community assets.

Other community-led initiatives are beginning to emerge across the country (Sakala and La Vigne 2019). They deserve attention, resources, and rigorous evaluation.

The federal government has poured hundreds of millions of dollars into reentry for well over a decade.<sup>7</sup> While some positive findings have emerged, they are not commensurate with the resources expended. It's time to meaningfully invest in community-led responses that take a tailored, holistic, and strengths-based approach to reentry. Such efforts hold the best prospects of supporting the individuals, families, and communities that bear the brunt of mass incarceration in this country.

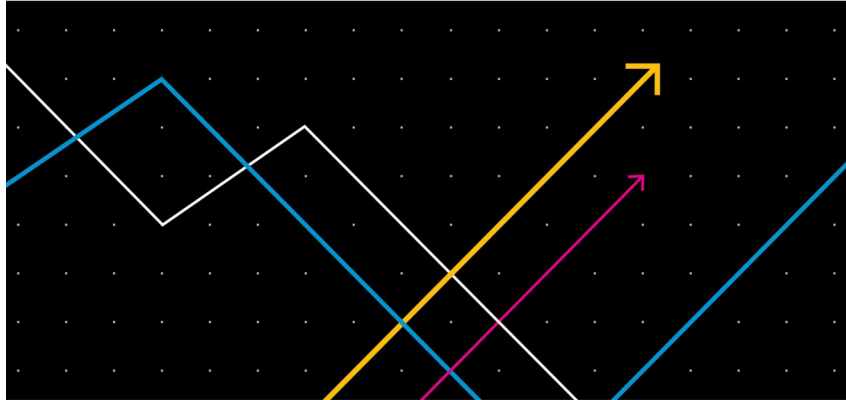
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<sup>6</sup> H.B. 14-1355, 69th Gen Assemb., Reg. Sess. (Colo. 2014).

<sup>7</sup> See "The Second Chance Act" fact sheet at [https://csjusticecenter.org/wp-content/uploads/2018/07/July-2018\\_SCA\\_factsheet.pdf](https://csjusticecenter.org/wp-content/uploads/2018/07/July-2018_SCA_factsheet.pdf).

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## RESEARCH REPORT

# Investing Justice Resources to Address Community Needs

Lessons Learned from Colorado's Work and Gain Education  
and Employment Skills (WAGEES) Program

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February 2018

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The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

# Contents

<b>Acknowledgments</b>	<b>iv</b>
<b>Investing Justice Resources to Address Community Needs</b>	<b>1</b>
The Colorado Experience	3
Colorado Engages the Community as a Partner in Protecting Public Safety	4
Establishing a Funding Mechanism	6
Providing Oversight and Support through an Intermediary	6
Empowering Communities to Advance Local Public Safety Strategies	8
The Promise of Community-Based Reinvestment	8
The Pathway to Success	9
Partnering with Affected Communities	9
Building Support for Investment	10
Developing a Collaborative Partnership with CDOC	10
Connecting the Dots between Community Partners and Building a Community of Practice	11
Ensuring Flexibility	12
Providing Strategic Funding Allocations	13
Barriers to Implementation	13
Funding Stream Delays	13
Messaging and Communicating to the Community at Large to Address Stigmatization of the Client Population	14
Providing for People Who Self-Select into the Program	14
Overcoming Gaps in Housing Provision	15
Using Data Systems and Reaching Performance Metrics Goals	15
Documenting Long-Term Success	16
Next Steps for Colorado: The Crime Prevention Initiative	16
A New Vision for Public Safety Investment	17
<b>Appendix A. Descriptions of the WAGEES Community Partners</b>	<b>19</b>
<b>Appendix B. Key Findings</b>	<b>23</b>
<b>Notes</b>	<b>24</b>
<b>References</b>	<b>25</b>
<b>About the Authors</b>	<b>26</b>
<b>Statement of Independence</b>	<b>27</b>

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Over the past several months, a wide array of people and organizations committed time and resources to discuss the lessons learned and challenges faced in the Work and Gain Education and Employment Skills (WAGEES) program. Urban thanks the WAGEES program grantees, the Colorado Criminal Justice Reform Coalition, the Latino Coalition for Community Leadership, the Colorado Department of Corrections, state officials, and other stakeholders for your insights, thoughtful feedback, and ongoing dedication to this field as well as our colleagues Nancy La Vigne, Jesse Jannetta, and Julia Durnan for your support and feedback during this process.



## Investing Justice Resources to Address Community Needs

The US criminal justice landscape has changed dramatically over the past decade, with more than half of the states taking steps to adopt evidence-based and cost-effective approaches to sentencing and corrections policies and practices (Harvell et al. 2016). These criminal justice reforms carry the promise of reducing the number of people under correctional supervision and helping to control skyrocketing costs, all while protecting public safety. Frequently, these reforms are accompanied by an up-front investment or a reinvestment of savings into “smart on crime” policies (Harvell et al. 2016). This investment process is a prime opportunity to identify public safety priorities and match resources to need.

Far too often, public safety investments focus narrowly on policing and incarceration strategies, which are not necessarily aligned with community needs and may, in fact, contribute to existing disadvantage and instability. In some communities, states are spending millions of dollars annually to arrest and incarcerate people.<sup>1</sup> However, the communities with the highest incarceration rates are often those most in need of resources for health care, housing, economic development, and social services (Petteruti et al. 2015). Not only does this narrow traditional spending approach fail to adequately address basic public needs related to health and safety, but evidence suggests that it can make these problems worse. Overusing incarceration, particularly when it is concentrated in certain communities, disrupts and destabilizes these communities by cycling people in and out of the criminal justice system and can result in an *increase* in crime rates (Rose and Clear 1998).

In contrast, neighborhoods are safer and experience less crime when residents are engaged in their communities and able to work together toward shared goals (Kubrin and Wo 2015; Sampson, Raudenbush, and Earls 1997). Research shows that local, community-based organizations play a key role in providing services and facilitating engagement that strengthens neighborhoods (Lin 1999; Putnam 1993; Sampson and Groves 1989). In practice, though, these local organizations are often underresourced and excluded from public safety funding.

Although still in their nascent stages, there are emerging efforts to support community-based reinvestment that channel public resources or savings from policy reforms to community organizations. Collaborating with community members and organizations to develop public safety strategies ensures that those directly impacted have a voice in the process and can advocate for priority concerns. Initiatives to collaboratively advance public safety goals are diverse and include crime prevention

programs, services for people who have experienced victimization, services that connect people with social safety net programs, diversion and treatment services, reentry support, and neighborhood economic development. Early results from innovative models are promising (see Jannetta et al. 2014; Rice and Lee 2015).

One particularly innovative example is the Work and Gain Education and Employment Skills (WAGEES) program in Colorado. The program sets aside state resources for grants to community-led organizations that provide direct services to a local client base of formerly incarcerated people who are navigating the reentry process. WAGEES is a leading example of a state department of corrections directly investing in and partnering with community providers, many of which are led by people with firsthand experience in the justice system.

This report provides an overview of Colorado's community investment model and summarizes considerations and lessons learned from the WAGEES program. Understanding the program's challenges and successes can help other jurisdictions learn from the model and use it to inform their own efforts to boost and leverage community capacity to improve public safety and well-being. Key lessons learned include the following:

- Developing relationships with affected communities, community partners, state agencies, and other key stakeholders is time and resource intensive but is instrumental to building a foundation for collaboration and trust. Peer-to-peer learning and frequent communication can help foster these relationships.
- Community partners that reflect the people they serve through experience, location, and service priorities are best positioned to deliver services and provide guidance for resource allocation and support.
- The role of intermediaries is crucial, as they serve as a liaison and translator between state agencies and community partners to develop a coordinated initiative while providing capacity building and accountability.

## BOX 1

## Key Players

- **Colorado Department of Corrections (CDOC):** The key government agency engaging in the WAGEES program to connect people returning from incarceration to services in their community that encourage stability and successful outcomes.
- **Colorado Criminal Justice Reform Coalition (CCJRC):** A local nonprofit organization that seeks to eliminate the overuse of incarceration and invest in comprehensive strategies to advance community safety and health.
- **Latino Coalition for Community Leadership (LCCL):** A national intermediary providing technical assistance to grantees receiving state funding, including assistance with relationship building, financial and data reporting, and information sharing.
- **WAGEES community partners:** A group of several community- and faith-based organizations funded in part by the WAGEES program that provide a wide array of services to community members, including people returning from incarceration. Staff at the community partners, many of whom have direct and relevant life experience that informs their service provision, provide training and skills development to the WAGEES client population. Additionally, they leverage partnerships in the community to access goods and services that meet the target population's needs (e.g., jobs, housing, and basic goods). For more information on the community partners, see appendix A.

## The Colorado Experience

On March 19, 2013, Tom Clements, the executive director of the Colorado Department of Corrections (CDOC), was murdered in his home by a person who had been released to parole supervision. This tragic incident represented a crucial turning point for state leadership. Executive Director Clements had come to Colorado from Missouri to implement a reform agenda in corrections policy. Colorado leadership and legislators initially contemplated reactive and punitive measures to reduce the likelihood of a similar tragedy. But a local nonprofit organization, the Colorado Criminal Justice Reform Coalition (CCJRC), and several community reentry organizations saw an opportunity to continue the reform work started by Executive Director Clements. Through information sharing, organized site visits to nonprofit organizations, and advocacy on successful reentry strategies, CCJRC garnered enough support in the legislature to enact reforms. This shift to focus on support and rehabilitation would require a large culture change among both staff and justice-involved people. CCJRC worked to highlight the importance and impact of community-led public safety strategies and to ensure budget priorities included this piece of the reentry puzzle.

## BOX 2

**Methodology**

The Urban Institute (Urban) collected information for this report using the following methods:

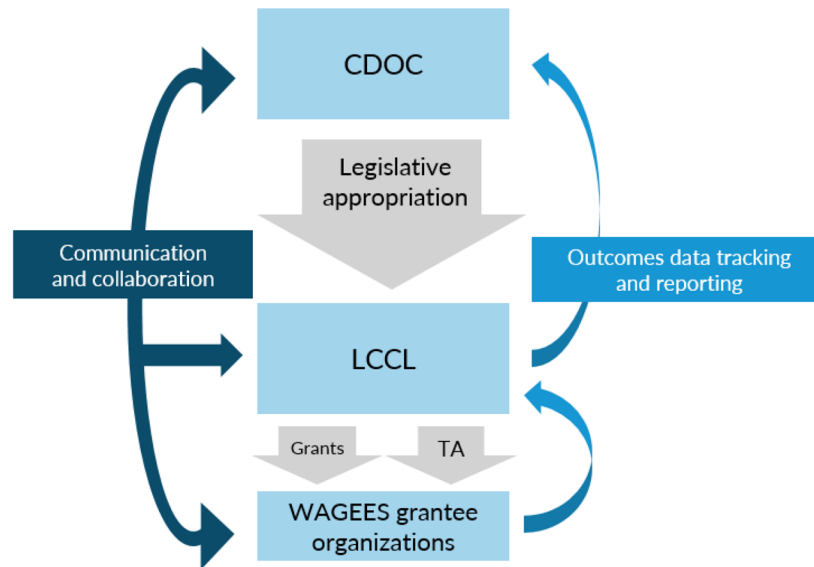
- a document review of quarterly progress reports from LCCL and the community partners, memos from CCJRC, and state legislation and associated fiscal impact notes;
- semistructured interviews with 29 CDOC staff members, legislators, key staff from the community partners, and other stakeholders in various states and jurisdictions to discuss their role, their state's experience with the reinvestment model, and the successes and challenges they experienced; and
- visits with six of the seven WAGEES community partners in Colorado,<sup>a</sup> which included interviews with key staff at each community partner site, observation of a quarterly meeting attended by community partners and key state agency staff, and a visit to the Division of Adult Parole Reentry Services.

<sup>a</sup> This report reflects the experiences of the seven community partners engaged in the WAGEES grant program as of May 2017. A full list of community partners engaged with the grant program at some point from its inception to present day can be found in appendix A.

## Colorado Engages the Community as a Partner in Protecting Public Safety

In 2014, the legislature passed HB14-1355. Among its other reforms, the law created a reentry grant program within the CDOC, the Work and Gain Education and Employment Skills (WAGEES) program, to provide funding to community-based organizations that support people returning from incarceration. Seven community-based organizations, the WAGEES community partners, were selected through a competitive process to provide a wide array of reentry services at eight sites throughout the state.<sup>2</sup> These community partners vary in funding amount, staff size, client population needs and size, and the number of years they have been working in the community and with the reentry population.

**FIGURE 1**  
Understanding the WAGEES Model



Source: Urban developed this model based on a concept provided by the Colorado Criminal Justice Reform Coalition and our conversations with state partners.

As outlined in legislation, the WAGEES program's goals are to improve reentry outcomes by establishing a grant program to support community-based organizations that provide services to people returning from incarceration.<sup>3</sup> Although the WAGEES program focuses on employment and education services, the community partners offer a variety of services that clients can access while participating in the program.

The program is available to people currently on parole who are assessed by the CDOC Division of Adult Parole as being at medium or high risk to recidivate. People returning from incarceration via parole can join the program through a referral by CDOC or their parole officer or by opting into the program by reaching out to a community partner directly. If a person independently opts into the program, the community partner coordinates with the CDOC to determine if the person is eligible for participation (i.e., has been assessed as medium or high risk). Community partners conduct outreach and recruitment through their community networks, relying on open houses, word of mouth, and so on,

and also hold orientation and recruitment meetings in the prison. In collaboration with the parole officer, the community partner will develop a case plan for each person based on his or her specific needs. The intermediary organization, the Latino Coalition for Community Leadership (LCCL), provides technical assistance and support to enhance collaboration and communication between community partners and state stakeholders.

### **Establishing a Funding Mechanism**

The WAGEES program began in January 2015, and initial legislation provided funding for three years. Similar to various resource allocation strategies used by states that participated in the Justice Reinvestment Initiative (JRI), Colorado stakeholders shifted funds within the CDOC's budget. The WAGEES program started with \$1 million in annual funding beginning in fiscal year 2015 (the 2014 legislative session), with \$710,000 added during fiscal year 2016 (the 2015 legislative session) for a \$1,710,000 annual allocation.<sup>4</sup> Once legislation was enacted and the community partners were selected, funding was disbursed on a cost-reimbursable basis as outlined in the legislation.

### **Providing Oversight and Support through an Intermediary**

Colorado selected LCCL to serve as a grantmaking intermediary, providing administrative oversight as well as leadership, resources, and capacity-building skills to help WAGEES partners meet the needs of their communities. The intermediary role was important to the launch of the program because the CDOC was not in a position to provide this support. LCCL provides guidance for WAGEES community partners and serves as a hub for information and services. Their key responsibilities include

- selecting community-based partners,
- disbursing funds,
- developing and administering program and fiscal data collection systems,
- tracking performance metrics, and
- coordinating the relationships between the CDOC and the community partners.

LCCL staff conduct regularly scheduled site visits to grantees twice a month to provide feedback on performance management, coordinate communication and services between community partners and

CDOC stakeholders, identify and address gaps in services, and train staff in program and fiscal matters. Every quarter, LCCL gathers all WAGEES community partners together to discuss challenges, solutions, and success stories and to share insights and information that shape the program's evolution. These convenings, along with one-on-one meetings and assistance, help the WAGEES community partners learn about and implement evidence-based or promising programming. A key component of LCCL's intermediary approach is maintaining high performance standards while meeting grantees where they are and fostering growth and continuous improvement, rather than imposing a rigid top-down model for all community partners to follow.

LCCL also provides technical assistance to the WAGEES community partners to increase their capacity and efficiency. Some of the community partners are newly established organizations and may have limited capacity. For some community partners, LCCL helps set up entire business systems to ensure they avoid the difficulties that smaller and newer organizations often face. These include business management and payroll system issues, communication challenges, knowledge and skill gaps, and cash flow problems. LCCL also works with WAGEES community partners to sustain employment/retention rates and offers assistance with grant applications, data reporting, housing placements, and developing strategies to reduce recidivism. LCCL works closely with the community partners to track client outcomes and compile performance metrics. As a steward for state funding, LCCL can end a partner's participation in the program if there are ongoing problems or if poor performance inhibits the expected return on investment.

LCCL designed a custom data collection system, Apricot, available to all community partners at little cost, to allow them to leverage successful outcomes and identify problems. The organization provides extensive training and real-time technical assistance to WAGEES community partners to address data collection or reporting issues as they arise. LCCL also works closely with the CDOC to ensure grant participation is accessible for the smaller WAGEES community partners and that reporting requirements are not overly burdensome.

As the program evolves to match the needs of the community partners, so does its infrastructure. To reflect the growth and emerging needs of the WAGEES partners, LCCL is developing a new system to capitalize on the progress of the program and provide community partners with a data platform that is not cost prohibitive to use. *CaseMGR* will track probation data and include additional fields to enhance the partners' capacity to more comprehensively measure outcomes.

### **Empowering Communities to Advance Local Public Safety Strategies**

The community partners receiving WAGEES funding are diverse in their approach to service provision, structure, and staff, but one unifying factor is that they are local organizations based in the communities they serve. The diversity among organizations is a strength of the program, as it provides the community partners the opportunity to offer unique and complementary services to best meet clients' needs.

A key component of WAGEES is employment as a stepping stone back into the community, and a handful of community partners employ people directly through various social enterprises. For example, some people work in a kitchen or food truck, and others build furniture or maintain outdoor trail systems. Some community partners work with local businesses, such as catering or logging companies, to employ people who participate in the program. Community partners can vouch for their clients and provide references for potential employers. Similarly, some provide housing for clients who, in turn, pay rent to help cover expenses. These opportunities help people build a credit or rental history to assist them in getting back on their feet.

### **The Promise of Community-Based Reinvestment**

WAGEES was implemented in early 2015 and has demonstrated promising initial results. As a program requirement, all community partners must report various metrics to measure outcomes. These metrics include enrollment numbers, employment placement and retention, credential attainment, and recidivism rates during program participation. A major success of the program has been overenrollment in every reported quarter. This demonstrates healthy demand but also puts stress on limited resources. Despite heavy enrollment and a concentrated population of people at high risk of reoffending, only 2.5 percent of WAGEES program beneficiaries have returned to prison for committing new crimes while in the program in the more than two years since the program began. Fifteen percent have returned to prison when including technical violations.<sup>5</sup> Table 1 summarizes the cumulative performance measures for WAGEES through September 30, 2017.<sup>6</sup>



TABLE 1

Key Performance Measures as of September 30, 2017

Performance measure	Goal	Actual	Description
Enrollment rate	100% N=1,248	150% N=1,870	Cumulative number of people enrolled in the WAGEES program.
Placement rate	60% of participants	63% N=1,176	Cumulative number of participants placed in employment, occupational skills training, postsecondary education, and high school diploma/GED classes.
Employment retention rate	50% of participants	62% N=581	Cumulative number of participants eligible for employment verified as employed.
Credential attainment rate	50% of participants	76%  72%	Cumulative number of participants who participated in a credential program and attained a credential.  Cumulative number of participants who participated in an occupational training program and attained a credential. Postsecondary education and GEDs take a very long time to complete, which can lower the overall percentage.

## The Pathway to Success

The CDOC and the community partners worked together to make the WAGEES program successful for the state, its clients, and their communities by enhancing public safety and improving the reentry experience for people returning from incarceration. Some of the keys to success in this model include partnerships within the community and government agencies, building support and a constituency for the program, knowledge sharing, flexibility, strategic funding allocations, and building a network for services and support.

### Partnering with Affected Communities

A unique factor of the program is the full integration of each community partner into the neighborhood they serve. Although these community partners define themselves as “community based,” the exact definitions often vary. A community is not solely defined by geography and can also include cultural communities. WAGEES partners strengthen their communities by fulfilling a need, which could be geographically, temporally, or culturally specific.

Additionally, many of the community partners are led and staffed by people with firsthand criminal justice experience, some at the executive director or founder level. Many WAGEES community partners noted that their strong connection with the target client population helps them effectively deliver

services; as one provider observed, “We are them and they are us.”<sup>7</sup> These are not organizations that “parachute” into a community; they are people who are dedicated to serving their neighbors. Engaging people with lived experience in service provision provides an opportunity to leverage that expertise and increases client buy-in. By integrating formerly incarcerated people into their staff, community partners are “role modeling possibilities” for those they serve by showing the opportunities available to them.<sup>8</sup>

### **Building Support for Investment**

Stakeholders’ strategic use of informational site visits, relationship building, reentry reform champions, and organizational partnerships contributed to the WAGEES program’s encouraging early results. CCJRC played a pivotal role in garnering support for the legislation. CCJRC staff not only provided policy expertise during the legislative session, they also drew on a strong network of community-based partners to highlight the critical work already going on in the community. At first, CCJRC staff were met with resistance to change and hesitation to fund organizations outside the formal criminal justice system. To overcome this resistance, CCJRC invited key legislators and CDOC stakeholders to visit the community partners and observe their work and the services they provide. Allowing stakeholders to witness the transformative work of the community partners helped secure their buy-in and made it easier for them to champion the program.

Once the WAGEES program was funded and established, the community partners deepened stakeholder engagement by hosting open houses, celebrations, and community nights. Partners opened their doors to community members and parole officers alike to encourage them to learn more about their work. Partners also encouraged their clients to participate in volunteer activities to build relationships with their neighbors. Not only was this outreach key to garnering support at the front end of the process, stakeholders agree this outreach and engagement must continue moving forward.

### **Developing a Collaborative Partnership with CDOC**

WAGEES brought CDOC staff, parole officers, and community partners together for the first time for a coordinated effort of this scale. Thus, a key component of its success was close collaboration between the community partners, the intermediary, and the CDOC. It was critical for the CDOC, especially parole officers, to trust the community partners, and vice versa, and for all parties to be seen as collaborators working toward the same goal.

Many of the community partners worked with justice-involved populations before WAGEES was launched but did not have experience working directly with parole officers or the CDOC. Initially, there was skepticism on both sides, a lack of support and trust between actors, and in some cases, overt resistance to the new grant program. Some parole officers had concerns about the services offered, and a few feared they would lose their jobs and be replaced by WAGEES community partners that were providing services for people returning from incarceration. To address some of these concerns, LCCL, the community partners, CDOC community reentry staff, and parole officers regularly met to review cases, communicate and coordinate resources, and share expertise.

Key to this new partnership was identifying and solidifying the complementary roles that the CDOC and WAGEES community partners could play in reentry. As the program developed, parole officers began to see the community partners as collaborators with valuable perspectives. The CDOC recognized that it could rely on WAGEES community partners as resources to fill service gaps and work toward the same goals. As part of their collaborative relationship, some community partners began to run the orientation meetings at the parole offices, providing perspectives and service offerings to people returning from incarceration. This relationship and mutual respect allows for a “warm handoff” from correctional officers to the community partners to ensure clients receive the support, services, and treatment they need.

LCCL provides credibility and capacity for WAGEES community partners and serves as a liaison and translator between the partners and the CDOC. The organization builds trust and garners support across state agencies and partner staff. Both partners and CDOC staff noted that the program most likely would not have been as successful without an intermediary to help define roles, build trust, engage multiple actors throughout the social service sector, and provide technical assistance. One example of this trust and support between community partners and the CDOC was an arrangement that allowed staff who had previously been incarcerated and were not under supervision to frequently enter correctional facilities, provide program orientation, and recruit people to participate. This was an exception to CDOC policies, and staff noted that this peer-to-peer outreach arrangement has not been allowed in any other cases.

### **Connecting the Dots between Community Partners and Building a Community of Practice**

Many of the community partners were not working together—or even aware of one another—until the WAGEES program was developed. As outlined in appendix A, the community partners vary in the

populations they serve, the services they provide, and their geographic location. With limited resources and large caseloads, the siloed nature of the social service landscape constituted a missed opportunity for collaboration. WAGEES helps fill this gap by enhancing communication and coordination within the social service sector and improving service provision. Community partners benefit, both in the number of referrals received and the increased communication and collaboration, from knowing the other service providers in the state. The CDOC and other state agencies also experience collateral benefits from this relationship. As CDOC staff engaged with the partners and began to understand the unique programs they offer, they learned to refer people leaving incarceration to community partners best positioned to serve their needs, reinforcing a cycle of culture change within the department. The WAGEES program creates a foundation for community partners to more effectively collaborate with the CDOC. The program helps ensure that people receive the tailored treatment and programming that will help them succeed.

The WAGEES program model has also helped facilitate a community of practice in which partners learn from one another and lean on each other in times of need. Each partner has an opportunity to find its niche within the broader social service provider landscape while capitalizing on the resources that other WAGEES partners provide (and making referrals as appropriate). Staff share information across organizations and can refer clients to partners who provide services they do not offer. The quarterly meetings are also an opportunity for community partners to engage in peer-to-peer learning. This collaborative relationship protects the WAGEES community partners from feeling that their resources are at risk because of competition with other service organizations and encourages collaboration when facing challenges.

### **Ensuring Flexibility**

The legislation that established the WAGEES program built in flexibility for the program to evolve based on the needs of the target population. This flexibility affords LCCL the discretion to make decisions about program management. LCCL troubleshoots with grantees to improve performance and build capacity and requires grantees to meet target goals to continue participation. The program's flexibility allows community partners to be more culturally sensitive and gives clients the chance to provide input on the best programming options. The program also encourages innovation in service delivery models and gives partners leeway to correct course when new strategies are not effective.

Clients choose to participate in WAGEES, a reflection of its community-based approach and “we are them, they are us” motto. This opt-in model ensures the relationship between people returning from

incarceration and the community partners is collaborative and adaptive, rather than adversarial and static. Although mandatory participation could add an element of enforcement that would reach a larger population, such an approach would be counter to the underlying tenets of the program.

### **Providing Strategic Funding Allocations**

Just as the community-based programming is tailored for each participant, the level of funding in each WAGEES grant is customized to match the capacity and need of each community partner. The WAGEES model is designed so funding allocations meet the needs of—but do not overwhelm—the partners, all of which are small, community-based organizations. The grants are sizable in relation to the typical funding streams the community partners receive, providing the opportunity to build and staff responsive programs. As stewards of public dollars, community partners receive manageable yet impactful grants and benefit from LCCL's fiscal management oversight and support. Having a reliable, ongoing source of adequate funding provides stability for the community partners to offer uninterrupted services that are matched to individual client needs.

## **Barriers to Implementation**

As with any new program, WAGEES stakeholders and community partners have experienced challenges and hurdles related to implementation. Some of these challenges include funding delays and issues with communication, collaboration, participation in the program, data collection, service provision, and documentation. Community partners and stakeholders work together to overcome these barriers through collaborative problem-solving.

### **Funding Stream Delays**

As a new program, the WAGEES reimbursement funding structure presented some challenges during the first several months of implementation. Statutory language prevented the grant funds from being disbursed as an up-front payment or directly to LCCL, a process that would have provided more timely reimbursements. Some community partners had funding reserves or other alternative sources, such as business income or other grants, to supplement their WAGEES funding, but others were solely funded by WAGEES resources. In some cases, partners needed to take out loans or remortgage their own

houses for capital until reimbursement was received. Even with other sources of funding, it was difficult for some WAGEES community partners to raise the up-front capital needed to provide services to their clients. But as the program evolved, LCCL worked with the CDOC and the community partners to streamline the process and ensure quick processing and timely reimbursement. Although larger, more established organizations with larger reserves may not have faced these financial hurdles had they been selected as partners, Colorado stakeholders determined it was important to select partners engaged locally in their communities. In the sunset review of the WAGEES program, the Department of Regulatory Agencies recommended the CDOC “release up to one-quarter of grant funds to community partners at the beginning of the fiscal year,” which will provide partners with necessary up-front capital (Colorado Department of Regulatory Agencies 2017, 21).

### **Messaging and Communicating to the Community at Large to Address Stigmatization of the Client Population**

As community-based organizations, WAGEES partners live in the neighborhoods they serve and must be sensitive to how their work and client base is perceived. Some community members are not open to the idea of having previously incarcerated people, especially those convicted of violent or sex offenses, in their neighborhood. This leaves the community partners in a challenging situation, and they must balance providing space and services for people reentering the community with the needs and views of community members. Some community members do not appreciate the need for vital reentry services to support people transitioning out of prison. And although some community members may understand the value of this work, they may also have concerns about crime and other disruption. As such, some partners were hesitant to publicize their work or the people they serve, realizing the community may not be accepting of their services. To try to overcome this hurdle and stigmatization, some hold community events to help people understand the work being carried out, and others offer clients opportunities to engage in volunteer work to help the larger community.

### **Providing for People Who Self-Select into the Program**

Although stakeholders view the voluntary nature of the WAGEES program as a positive and essential component of the model, it does limit the pool of potential clients and the partners’ ability to ensure compliance with program requirements. As noted above, parole officers can refer people to WAGEES partners or people can opt in themselves; either way, participation in the program is strictly voluntary.

Once people are released from prison and referred to the program, it is their responsibility to visit the community partner, sign up for the program, and follow the service plan. Partner staff and parole officers work together to encourage people to follow through with programming, but there are no penalties for not participating.

### **Overcoming Gaps in Housing Provision**

Colorado is facing a lack of affordable housing, which makes it difficult for people, especially those returning from incarceration, to find a place to live. Some partners provide housing in the building where services are provided, similar to a dormitory. Others rent entire houses for clients to live in and manage. But in some cases, there are no housing options available for their clients, presenting a major barrier to longer-term stability. Even for community partners that do have housing options, there often is not enough space for all their clients. To provide a little support and stability, some community partners offer emergency assistance to fund shelter fees and, in some instances, short-term hotel stays of one or two weeks. This assistance is useful to people who have just returned from incarceration but does not contribute to sustained stability.

### **Using Data Systems and Reaching Performance Metrics Goals**

WAGEES community partners are required to collect, input, and report data on a set of metrics in order to receive funding. Although performance reporting is critical for program oversight, some partners had no experience collecting data and reported challenges using Apricot. LCCL provides technical assistance to partners to simplify processes, prepare and analyze data, and support and train staff to ensure unified and timely reporting. LCCL teaches community partners how to use the data to improve service provision, increasing data fidelity and grantee buy-in. These metrics are also used to flag issues that need to be addressed. For example, one issue uncovered by the data reporting system was a lack of CDOC referrals to some community partners. To ensure that partners were not missing opportunities to be matched with clients who would benefit from their services, LCCL worked with CDOC staff to understand the reason behind the lack of referrals and monitored the metrics to ensure the numbers increased.

### Documenting Long-Term Success

All programs, especially newly established ones, struggle to document and disseminate success, making it difficult to build the case for continued support and funding. WAGEES requires partners to collect and report on a limited range of key metrics to ensure that grantees are accountable for their outcomes. Community partners can often see the impact of the services they provide firsthand, but they find it hard to capture individual success stories in high-level data to communicate the importance and impact of the program to stakeholders.

Community partners offer a long list of services to deliver wraparound support and conduct regular check-ins with clients to ensure stability. Because of the high demand for services that exceeds their current capacity, it is difficult for case managers to continue checking in with clients after they complete programming or discontinue program participation. WAGEES grantees can provide an initial support system for people returning from prison, but if clients no longer want to participate after their immediate needs are met, staff have no mechanism to support their long-term success.

Stability and recidivism reduction are key components of the program, but they cannot be measured comprehensively because data are not collected once someone ends their participation in the program. This logistical hurdle is one of the challenges WAGEES community partners face when trying to document and report on success across the system. To help address this data gap, the CDOC is exploring ways to link WAGEES and state data to allow analysts to examine long-term outcomes, such as arrests or returns to prison for a new crime or technical violations, once someone completes the program.

## Next Steps for Colorado: The Crime Prevention Initiative

Drawing on the support and promising start of WAGEES, in 2017, CCJRC helped develop and support the passage of HB17-1326, the Justice Reinvestment Crime Prevention Initiative, to reinvest savings from criminal justice reforms to fund community-based crime prevention strategies.<sup>9</sup> The legislation is twofold: (1) enacting parole reforms and (2) establishing a new grant program and a small-business lending program to improve quality of life, safety, and opportunity in two neighborhoods that have historically experienced higher rates of crime and criminal justice system involvement.

As a first step, the legislation imposes a revocation cap for some offenses, which limits the number of days a person on parole may be reincarcerated for a technical violation. As a result of the reforms and the discontinuation of an ineffective parole program, the state projected annual savings in the prison



budget of \$6,628,401.<sup>10</sup> The second piece of the legislation establishes a Justice Reinvestment Crime Prevention Initiative in the Department of Local Affairs. The department will partner with a community foundation and several community development financial institutions to fund pilot crime prevention initiatives in two communities: North Aurora and Southeast Colorado Springs. The financial institutions will provide small-business lending in those communities. On the programmatic side, the community foundation will serve as the intermediary for a new grant program that establishes local planning teams to develop crime prevention priorities. Strategies will be determined by the teams and can include improving academic achievement, providing direct services, increasing the use of outdoor and common spaces, and other priorities. Because community members are intimately involved with the needs of their communities, they provide unique perspective concerning the strategies that will have a crime prevention benefit. The community foundation is also responsible for contracting with a third-party evaluator. HB17-1326 is designed as a three-year pilot, and \$4 million a year will be appropriated. The savings realized from parole reforms will be appropriated to DOLA to carry out the grant and small-business lending programs. Although similar in nature to WAGEES in that it encourages the community to act as the driving force for the programs, the Crime Prevention Initiative goes beyond solutions that have been traditionally supported in the criminal justice space. The program will also foster strategies to prevent crime and address other problems the community prioritizes through noncriminal justice interventions.

## A New Vision for Public Safety Investment

Colorado's WAGEES program is an innovative justice reinvestment strategy that directs money from the CDOC to affected communities and empowers community partners to play a more active role in developing solutions to public safety problems. Although it is still in its early phases, this program model is promising and offers a number of lessons for other states interested in justice reinvestment to strengthen communities. WAGEES shows how expanding public safety investment to include community organizations can increase cooperation and collaboration among previously unconnected groups; develop a community of partners that share information, lessons learned, and challenges; and demonstrate the importance of incorporating a strong and experienced intermediary. Staff at the WAGEES community partners, many of whom have been directly involved in the justice system themselves, understand the unique needs of the clients they serve, and the program helps engage stakeholders, legislators, and community members to improve the reentry process.

Although the parties involved in WAGEES faced challenges during implementation, they built a trusting and collaborative relationship that facilitates problem-solving. As a testament to the success

and impact WAGEES has demonstrated, an October 2017 report recommended WAGEES be continued until 2023 (Colorado Department of Regulatory Agencies 2017). Challenges are to be expected with a new program, but they provide an opportunity to shape the program in a way that would be most beneficial to the clients and help them “not just reenter, but reintegrate” people exiting prison into the community.<sup>11</sup>

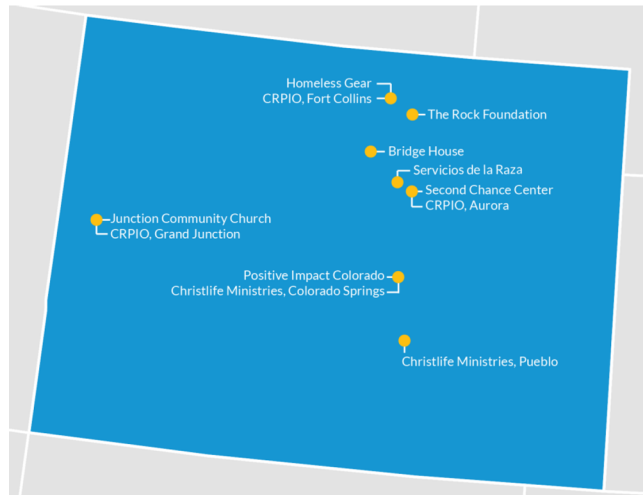
As jurisdictions across the country consider how to invest their public safety resources most effectively, WAGEES offers an example of the benefits of bringing community partners to the table in support of that goal. Community organizations reside in the neighborhoods they serve, building trust with local residents and offering opportunities for neighbors to help realize their strategies for better public safety. In addition, these organizations provide services that are critical to public safety but fall outside the traditional purview of law enforcement and corrections agencies, such as health care and behavioral health treatment, employment assistance, and trauma-informed case management. State and local governments can leverage and enhance local organizations' expertise, relationships, and capabilities by including them in public safety budget planning processes, providing funding to support their activities and engaging them as partners in addressing local needs.

## Appendix A. Descriptions of the WAGEES Community Partners

The following community- and faith-based grassroots organizations engaged in the WAGEES grant program at some point between its inception in January 2015 to present. All community partners closely collaborate with the Colorado Department of Corrections to provide reentry services. The services they provide in general, not just for the WAGEES program, as well as the total number of clients served as of September 30, 2017, are outlined below.

FIGURE A.1

Locations of WAGEES Partners



**The Rock Foundation**  
 Greeley, CO  
 September 2015 to present  
 Number of clients: 97

The Rock Foundation is a hometown nonprofit providing services for people returning from incarceration. A unique part of the Rock Foundation is its two social enterprises that employ people to provide wages, prosocial mentoring, and a source of income to support the organization. These

businesses are a BBQ truck and furniture workshop. In addition to employment opportunities, the Rock Foundation also provides peer mentorship, group therapy, Moral Reconation Therapy, and employment preparation. It also provides housing for approximately 20 people.

**Community Re-Entry Place Inside/Out**

Fort Collins, Grand Junction, and Aurora, CO

<http://insideoutministry.net>

Fort Collins: September 2015 to September 2017

Grand Junction: September 2015 to July 2017

Aurora: September 2015 to September 2017

Number of clients: 303

Community Re-Entry Place Inside/Out (CRPIO) offers services in Fort Collins and Aurora specifically for formerly incarcerated people as a path toward reintegration into the community. It also partners with another faith-based organization in Grand Junction. CRPIO provides transitional housing as well as immediate needs such as identification and clothing, counseling, educational attainment services, transportation services, and behavioral health programs.

**Bridge House**

Boulder, CO

<https://boulderbridgehouse.org>

January 2015 to present

Number of clients: 43

The Bridge House is an organization providing people facing homelessness and poverty with housing, employment, and support services, and it recently began to carve out specific services for people returning from incarceration. The Bridge House was formed in 2012 and began providing transitional housing and started the Ready to Work program in 2015. Approximately a third of the beds available are for people returning from incarceration, but it provides the same services regardless of whether people are or are not returning from incarceration to encourage integration. Bridge House residents are employed up to 29 hours a week in one of its social enterprises providing supplemental sanitation and landscaping or culinary arts in the community.

**Servicios de la Raza**

Denver, CO

<http://serviciosdelaraza.org>

January 2015 to present

Number of clients: 236

Servicios de la Raza, formed in 1972, provides support services for community members, including employment services, HIV/AIDS services, services for survivors of domestic violence, and mental health

and substance use services. Additionally, it provides specific services for people returning from incarceration, but these people also have access to the wide array of other services. Servicios de la Raza aims to empower the community by providing educational employment services for participants and offering services to youth in the community.

**Christlife Ministries**

Pueblo and Colorado Springs, CO  
<http://mychristlife.org>  
 Pueblo: January 2015 to present  
 Colorado Springs: July 2017 to present  
 Number of clients: 221

Christlife Ministries focuses its services on people returning from incarceration by providing wraparound support, Moral Reconation Therapy, Parents on a Mission, work readiness classes, life skills programs, Supplemental Security Income benefits support, vocational training, and therapy. It also offers housing to people to provide stability and support during reentry.

**Positive Impact Colorado**

Colorado Springs, CO  
<http://positiveimpactco.org/>  
 September 2015 to June 2017  
 Number of clients: 138

Positive Impact was formed in 2005 as a response to the relocation of Hurricane Katrina survivors and has since provided services to people returning from incarceration. It provides education services and assistance, Moral Reconation Therapy, and employment services. The nonprofit also connects people to social safety net benefits and partners with a local workforce development center to provide employment opportunities.

**Second Chance Center**

Aurora, CO  
<https://www.scccolorado.org>  
 January 2015 to present  
 Number of clients: 798

The Second Chance Center, started in 2012, provides cognitive restructuring, addiction counseling and support groups, mentoring, transportation, and employment preparation, among other services, to formerly incarcerated people. It provides client-centered support while engaging families to help reduce a person's likelihood to recidivate. Many staff members were previously incarcerated and can provide relevant experience to support people returning to the community.

**Junction Community Church**

Grand Junction, CO

<http://jctcc.net>

July 2017 to present

Number of clients: 17

Junction Community Church offers a variety of services to people returning from incarceration, such as education, training and employment assistance, housing assistance, access to food and clothing banks, and supportive services such as transportation and help obtaining identification.

**Homeless Gear**

Fort Collins, CO

<http://homelessgear.org>

September 2017 to present

Number of clients: 21

Homeless Gear is the lead agency facilitating collaboration among 17 independent community providers offering 38 programs and supports to people and families who are homeless or are at risk of becoming homeless. Collectively, organizations provide a wide variety of programs to help returning citizens meet their basic needs, including mail and laundry service, clothing, food, and housing assistance. This is in addition to services that help with entry to employment, such as training and education assistance and placement services.

## Appendix B. Key Findings

Colorado's experience with WAGEES illustrates one community partnership model that other jurisdictions can learn from. Key findings include the following:

- The role of an intermediary is crucial.
- Community partners should reflect the populations they serve.
- Local community advocacy organizations can be catalysts and create momentum for change.
- Building relationships across agencies, communities, and people most impacted by the criminal justice system is key to success.
- Sharing information across partners and within the community fosters shared goals and a culture of building knowledge.
- Each community has unique needs and, as such, programs should give community partners the opportunity to address those needs in a way best suited to the community.
- Funding should provide community partners with the resources and support to build capacity to meet the needs of the community.
- As the program reflects the community needs, funding should reflect the community partners' need for regular and timely payment because they are often organizations with smaller financial capacity.
- Engaging with the community at large through community events or open houses lets community partners message the program and services in a way best suited to their communities.
- Collecting and synthesizing relevant and useful data creates opportunities to demonstrate successful outcomes.
- Community partners are not able—and should not be expected—to provide every service a person needs upon reentry, but they should use the resources available to offer what services they can.

## Notes

<sup>1</sup> Laura Kurgan, Eric Cadora, David Reinfurt, Sarah Williams, and Leah Meisterlin, "Million Dollar Blocks," accessed January 10, 2018, <http://spatialinformationdesignlab.org/projects.php%3Fid%3D16>.

<sup>2</sup> This report reflects the experiences of the seven community partners engaged in the WAGEES grant program as of May 2017. A full list of community partners engaged with the program at some point from its inception to the publication of this report can be found in appendix A. After May 2017, two partners discontinued their participation. Two new organizations submitted proposals and were selected to provide services at those locations.

<sup>3</sup> H.B. 14-1355, 69th Gen Assemb., Reg. Sess. (Colo. 2014).

<sup>4</sup> "HB 14-1355 Final Fiscal Note," Colorado Legislative Council Staff, July 23, 2014, [http://www.leg.state.co.us/clics/clics2014a/csl.nsf/billcontainers/535B1BDD5BE99FC187257CA7005A703E/\\$FILE/HB1355\\_f1.pdf](http://www.leg.state.co.us/clics/clics2014a/csl.nsf/billcontainers/535B1BDD5BE99FC187257CA7005A703E/$FILE/HB1355_f1.pdf); "SB 15-124 Final Fiscal Note," Colorado Legislative Council Staff, October 13, 2015, [http://www.leg.state.co.us/clics/clics2015a/csl.nsf/fsbillcont3/0FBB07461F36BEFB87257DB10065DA22?Open&file=SB124\\_f1.pdf](http://www.leg.state.co.us/clics/clics2015a/csl.nsf/fsbillcont3/0FBB07461F36BEFB87257DB10065DA22?Open&file=SB124_f1.pdf).

<sup>5</sup> From LCCL quarterly progress report through September 30, 2017. Recidivism is only tracked while a participant is active in the program, and comparisons to the department's recidivism rate should not be made. As noted on page 16, the CDOC and LCCL are exploring ways to connect state and WAGEES partner data to examine longer-term outcomes.

<sup>6</sup> From LCCL quarterly progress report through June 30, 2017. Metrics used originally from the US Department of Labor Reentry Project.

<sup>7</sup> Interview with Hassan Latif, Second Chance Center executive director, May 19, 2017.

<sup>8</sup> Ibid.

<sup>9</sup> H.B. 17-1326, 71st Gen. Assemb., Reg. Sess. (Colo. 2017).

<sup>10</sup> Ibid.

<sup>11</sup> Conversation with a WAGEES community partner, May 2017.



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## COMMUNITY-DRIVEN MODELS FOR SAFETY AND JUSTICE

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### Abstract

The U.S. criminal justice system is defined and fueled by foundations and principles that uphold harmful power dynamics such as white supremacy, further destabilizing communities that face intersecting structural barriers. This paternalistic system is characterized by the imposition of punishments—including fees, fines, penalties, and deprivation of freedom and even life—that are meted out disproportionately to people of color and people living in poverty. More often than not, policymakers and justice practitioners fail to solicit the views, experiences, and expertise of community members and justice system-involved individuals, leading to policies and practices crafted under the auspices of promoting safety that undermine community stability instead. Consistent with Square One’s charge to “reimagine how we create justice,” this paper describes approaches that communities around the country employ to craft, lead, and participate in their own public safety strategies. The paper will offer examples of crime prevention work, investment and divestment efforts, and policy reform initiatives developed and guided by people most likely to experience crime and the heavy hammer of the traditional justice system. This paper will explore the promises, strengths, and challenges associated with each approach, presenting a range of creative strategies for residents—in partnership with the broader community of advocates, activists, and researchers—to adapt, own, and implement.

**Keywords:** Community organizing, Grassroots Leadership, Justice Reform, Public Safety

### INTRODUCTION

Since its inception, the criminal justice system in the United States has been punitive, reactive, and grounded in racism (See, e.g., Scott Christianson, *With Liberty for Some: 500 Years of Imprisonments in America*. Boston: Northeastern University Press. 1998.). Our top-down approach to public safety has exacerbated racial inequalities, magnified other social and economic inequities, and yielded costly and destructive outcomes for

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**Du Bois Review**, (2019) Page 1 of 14.

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Leah Sakala and Nancy La Vigne

individuals, families, communities, and the country overall. Indeed, the current justice system is entrenched in self-perpetuating race and class power structures that destabilize communities and undermine safety. The criminal justice system's negative outcomes have not gone unnoticed by policymakers. The majority of states have passed justice reform measures, and jurisdictions around the country are pursuing local jail reform and reentry efforts<sup>1</sup> (Harvell et al., 2016; NIC 2007). Yet for the most part, these reforms chip away at the margins, create unintended consequences, and fail to address racially disparate impacts. Too often, such reform processes do not center—or even include—members of communities most likely to experience both crime and the heavy hammer of the criminal justice system (Urban Institute 2018).

We can do better by advancing justice policy reform, envisioning and building new safety strategies under the leadership of those most impacted by public safety issues: survivors of crime, those who have direct experience in the justice system, and people residing in communities where safety is a daily concern and where police pose a distinct threat to their civil liberties and lives. This community-driven approach to public safety will more effectively identify and address the underlying causes of crime and racial injustice, resulting in solutions that respect humanity, restore dignity, and repair harms. Fortunately, we are not required to start at square one to imagine more equitable and just strategies to make communities safe and strong. Throughout the country, communities have already been doing the work of redefining the way they approach and advance public safety initiatives.

People central to public safety challenges are central to finding solutions, and this paper describes ways to facilitate that process. While this community-driven approach represents a dramatic shift from traditional institutional justice system efforts, promising models and innovations exist all over the country. This paper describes five key elements of community-driven public safety. We discuss considerations for identifying stakeholder groups, catalog the data and information that can inform priorities and solutions, discuss strategies for broader community engagement, and describe the ways in which efforts can be assessed, adapted, supported, and sustained. We conclude with a call to action, encouraging advocates, activists, philanthropists, public officials, and the research community to promote community-led decision making as an essential element of building a safer, more just, and more equitable society.

## ELEMENT ONE: THE COMMUNITY IS IN THE DRIVER'S SEAT

Community-driven public safety efforts center around directly-impacted stakeholders, operating on the principle that the people who are most proximate to the challenges at hand must also be most proximate to the solutions. It is essential to define who these key stakeholders are, and doing so requires a careful consideration of context. For example, communities can be based on geography, residency, native language, shared identity, membership in an organization or faith community, or common experience. In many cases, the people who have the most direct experience with safety challenges are also the most historically disenfranchised, including Black, Latinx, and Native American communities and low-income communities. Often, people who commit crimes that harm others are also victims themselves, a critical nuance that does not align with the traditional victim/perpetrator dichotomies of the criminal justice system. These essential stakeholders have been largely excluded from mainstream public safety policy conversations while bearing the brunt of the negative consequences of over-policing and mass surveillance and incarceration. Community-driven public safety, or community justice, offers an alternative path that runs contrary

to traditional power structures, focusing on generating creative solutions by following the leadership of the people closest to public safety challenges (Karp and Clear, 2000).

In addition to the ideological and moral case to be made for centering communities in public safety decision making, there are important practical and strategic benefits. First, these communities hold a wealth of information about how to address pressing issues, and ignoring that expertise is a missed opportunity. Indeed, many communities have developed indigenous solutions that have largely gone unrecognized by the broader field. In addition, a growing body of research documents how community-driven problem-solving processes carry their own benefits that extend beyond the outcome of any given effort. For example, organizations that foster collective efficacy and social cohesion can contribute to decreased levels of crime (Wo 2014).

While some community-driven processes are developed and implemented exclusively by community members themselves, others offer opportunities for partnership with organizations, institutions, and governments at the state, local, and even federal levels. Centering community stakeholders in justice reform efforts requires these partnerships to be structured intentionally, respecting the leadership of community players rather than including them as an afterthought. Simply put, a community-driven approach to public safety requires public officials, policymakers, and other leaders to be open and receptive to finding new and creative ways to step back and follow the community's lead to implement bottom-up solutions.

## **ELEMENT TWO: RESIDENTS HAVE A STRUCTURE AND PROCESS TO IDENTIFY PRIORITIES**

As with any problem-solving process involving multiple stakeholders, community-driven safety and justice efforts require organizational structures and processes to solicit input, guide decision making, and help identify priorities and action steps. Actors who are indigenous or external to the community can facilitate such efforts. Examples of various models, processes, and facilitators illustrate the value of both grassroots and intermediary-led strategies.

### **Organizing and Coalition Structure**

Community-led justice approaches can be organized through a variety of mechanisms, from organic grassroots movements grounded in community-level advocacy to those facilitated by a third-party intermediary. They can vary considerably based on who is involved, what organizational and management structure is used, the decision-making process followed, and the scope and timeline. Community-led approaches may emerge from a specific advocacy goal, or from a broader focus on justice reform or larger public safety goals. Indeed, the impetus for launching such an effort may define the people involved and the timeline for decision making and action.

These characteristics of organizational and management structure and processes may either engender or inhibit inclusivity of diverse membership and a democratic process of input and engagement. Moreover, a tension can exist between structuring the organizing process to promote inclusive decision making and ensuring the decisions are made in a timely manner that is best able to influence the intended outcome. For example, an advocacy effort established to inform the selection of a new police chief is by definition time-bound and requires judicious solicitation of community input in order to influence decision making during the period of recruiting and vetting of prospective candidates.

Passionate and dedicated community members typically initiate these grassroots efforts, which can grow into a larger coalition of concerned residents aspiring for political

Leah Sakala and Nancy La Vigne

action or change. In Chicago, IL, the No Cop Academy<sup>2</sup> movement was established by Black youth and other youth of color to push back against the city's plan to build a \$95 million police academy, making the case that the money should instead be dedicated to community priorities like public schools and mental health services. These Chicago organizers used the capital investment project proposal to spark a broader discussion about resource allocation and community priorities, and successfully build a broad coalition that included dozens of local advocacy groups.

### Intermediary Facilitation

Third parties, or intermediaries, can also support communities in initiating and organizing community-led efforts. These actors can be local nongovernmental organizations (NGOs), such as community foundations, local nonprofits, or established advocacy groups, or they could be researchers, or even public agencies. Participatory budgeting<sup>3</sup> is one example of an intermediary-guided model, established with the specific aim of facilitating a process in which community members drive decision making on spending priorities. Often supported through technical assistance from a trained consultant, local community groups can seek guidance and develop strategies to play a key role in determining priorities for some portion of a jurisdiction's budget. The process can be initiated by community members or by public officials interested in a higher level of community engagement. The priorities are identified through a democratic process driven by a steering committee of community members who brainstorm priorities, develop proposals, and oversee the process in which residents vote on solutions that the government has committed to fund. The City of Vallejo, CA, engaged in such a process that resulted in street repairs, park improvements, community gardens, and college scholarships.<sup>4</sup>

Participatory justice, as articulated in a concept paper developed under the auspices of the U.S. Partnership on Mobility from Poverty, has its foundation in participatory budgeting. It aims to support residents of neighborhoods most affected by concentrated poverty, crime and violence, and criminal justice system presence in defining how safety should be delivered in their communities, and to make government systems responsive to that vision. The model involves: engagement with an organization of residents of neighborhoods most affected by crime and heavy criminal justice system activity; a democratic process of identifying alternative strategies for delivering safety and justice; and the commitment of a government partner to implement the identified community priorities through spending and/or policy changes. Data analysis of both the status quo and proposed new policies, and ongoing evaluation of the process, its implementation, and its impact, are also components of the model.

### Process Considerations

Regardless of whether the community-driven process is led by residents on their own or in partnership with an intermediary, process considerations regarding who participates, how their input is solicited, and how decisions are made can present unique challenges and opportunities. Group membership will vary from entity to entity, but it almost always runs the risk of being dominated by a select few who likely do not represent all views held among community members. Older retired women, for example, may have a preference for different types of strategies than young men in their twenties. This dynamic underscores the importance of recruiting people who represent an array of community interests. Anticipating and addressing issues such as how the effort is advertised (e.g., online or hard copy fliers), where and during what hours of the day convenings will occur, whether buildings and spaces are accessible, whether food or



childcare will be provided, and how language barriers and fear of exposure to system actors (e.g., among undocumented populations) will be navigated, is critical to ensure that diverse aspects of community interest are represented.

Once an array of community members is recruited for participation, similar considerations are required to ensure that they have meaningful opportunities to weigh in on decision making. Far too often, decisions within democratic processes are overly influenced by self-appointed leaders who have had the most experience participating in community meetings, eclipsing other critical perspectives, including those from people with the least political capital or those most likely to have direct experience with the criminal justice system. Overcoming this barrier to participation requires creative strategies to engage all people involved, and may include breaking up into smaller groups, conducting and sharing results of stakeholder interviews, and taking straw polls or using live polling technology.

Relatedly, decisions about who facilitates group discussions and how decisions are ultimately made can influence group processes and results. Third party intermediaries may be helpful as trained facilitators, but they may also introduce new power dynamics, impacting who is driving the conversation and whether the community is ultimately truly guiding the process. Moreover, the demographics (such as age, race, or gender) and positional power of the person or people facilitating the conversations can also influence the process and outcomes. Similarly, the process of group decision making can introduce biases, depending on how conversations are facilitated and decisions are made, particularly when not all participants agree on the nature of the problem or the best possible solution. While pros and cons exist for any approach to group decision making, processes that are informed by information and evidence give community members a strong foundation from which to reach their own conclusions.

### **ELEMENT THREE: COMMUNITIES HAVE THE INFORMATION NEEDED TO GENERATE SOLUTIONS AND MEASURE IMPACTS**

Regardless of the organizing structure of the community-led approach, all successful efforts need information to identify priorities and inform solutions. Information for these efforts usually takes one of three forms: expertise based on direct experience with the justice system and public safety challenges; survey data representative of the views of residents; or administrative data and related measures collected by agencies including justice system actors. Critical information can also be generated and gathered through methods that are less traditional to research and policy strategy, such as cultural and spiritual practices or community arts projects designed to enhance public safety and community wellbeing (Treskon et al., 2018). Decisions surrounding which information to use, and how to gather and interpret that information, are necessary precursors for charting solutions. Employing mixed methods approaches that draw on multiple information sources can fuel particularly rich analyses to guide decision making.

#### **First-Person Expertise**

Personal narratives reflecting the perceptions and experiences of those exposed to safety and justice issues are an important component of any community-led initiative because they provide critical contextual insights and can be persuasive in advocacy efforts. Simply put, soliciting and sharing community knowledge is crucial for understanding the challenges at hand and beginning to build solutions. The Essie Justice Group report (Clayton et al., 2018) representing the experiences of women with incarcerated loved ones is an example of how first-hand expertise is essential to understand of the impact of punitive justice policies on families and intimate partners on the outside.

Leah Sakala and Nancy La Vigne

This knowledge based on direct experience can be gathered from different stakeholders in a variety of ways, and collecting this often-sensitive information requires careful consideration of methods. To ensure broad representation, narratives can be solicited from a variety of community members representing an array of experiences, whether those are about interactions with law enforcement, fear of crime or other harm, personal victimization, or direct experiences with prison, jail, or community supervision. Interviews, focus groups, and community forums are all examples of strategies to solicit and gather perspectives from different stakeholder groups. Across all these approaches, it is important to recognize that people need to feel safe and respected in order to share this critical information, as these populations often face stigma and the experience of expressing their views can be extremely burdensome.

### Survey Data

Survey data, by contrast, can be designed to be representative of the entire community. However, selection bias whereby respondents represent just a subpopulation (for example, more affluent residents with higher levels of education) is a very real concern and is more likely to skew results when surveys are administered by mail, email, or online. Door-to-door surveys are the best means of soliciting input that represents all residents in a community of interest, and surveys conducted by people residing in the surveyed neighborhoods or in communities that are demographically similar are more likely to yield adequate response rates and candid responses.

In Tucson, AZ, staff from the Arizona office of the American Friends Services Committee, a nonprofit dedicated to reducing the footprint of the criminal justice system, worked with youth organizers in the city to document community members' views on safety. They fielded a survey in both English and Spanish to capture residents' perceptions of community safety and preferences for strategies to enhance safety in their neighborhoods. These youth led the survey effort at every stage, collecting and vetting the questions, distributing the survey, and determining how to use results.

While surveys can be a powerful means of ascertaining the views and experiences of people who are often not represented in other ways, using survey data alone, absent engagement among community members to interpret and provide context to this information, can result in misleading findings. Community Data Walks to discuss and interpret data can be a good strategy for residents to engage information and collectively develop key takeaways (Murray et al., 2015). In Austin, TX, a project called Community Voices, launched by the Austin Justice Coalition in partnership with the Urban Institute, employed a data walk to interpret the results of in-person interviews conducted by local residents via household canvassing. The survey focused on members of a heavily-policed, predominantly Latinx community, who were asked about their views of, and experiences with, police and public safety. During the data walk, community members were particularly struck by the fact that younger survey respondents had dramatically different views of the police than those over the age of forty. The data walk process also led to policy recommendations around police de-escalation methods and community engagement strategies.

### Data on the Criminal Justice System

Access to and use of data generated by criminal justice system and other agency players—including police, the courts, and corrections agencies—is critical to informing and empowering actors from communities most affected by the system's extensive reach. These data sources can provide useful context regarding current practice, for example,

where, when, and how often police engage in use of force or stop and frisk tactics. However, the availability of relevant data is highly varied. These data systems are often managed by the same institutions that community-led efforts seek to disrupt or reform. And even when accessed, data can be difficult and costly to clean, analyze, and visualize, particularly on an ongoing basis.

The National Neighborhood Indicators Partnership (NNIP) is a network of local data intermediaries dedicated to democratizing information to give residents and community organizations a stronger voice in improving their neighborhoods. Local NNIP partners build and operate an information system with recurrently updated data on neighborhood conditions across topics. They also help community and government leaders use data in community building and local policymaking, and leverage this information to build the capacities of institutions and residents in low-income neighborhoods. Rise, the local NNIP partner in St. Louis, MO, teamed with CivTech St. Louis to enable easy access for residents to obtain ticket information in St. Louis County. The YourSTLCourts.com website and related text tool help residents navigate the court system with the goal of preventing jail time for non-violent traffic offenses. More recently, NNIP has partnered with the Microsoft Cities Team to launch a cross-site initiative on criminal justice data collection in the advocacy landscape (NNIP 2018). The project will focus on police practices and court systems, which are aspects of the criminal justice system that are typically under-developed in the use of local data to mobilize reform.

Criminal justice system data is not always available, either because agencies are not collecting it routinely or because they are unwilling to share it. Given these challenges, resources such as Mapping Police Violence and emerging efforts such as Data for Black Lives are dedicated to increasing transparency and data accessibility to advance racial justice and social change.<sup>5</sup> Another innovative approach is the Courtwatch model, which recruits volunteers from the community to sit in on court proceedings, collect data on decisions, narratives, and context, and share observations to promote oversight, accountability and reform. Courtwatch models may be specific to certain types of cases, such as supporting survivors of domestic violence or sexual assault; documenting proceedings of child custody, abuse, and neglect cases; or may be more comprehensive in nature.<sup>6</sup>

Regardless of the source of data on the criminal justice system and public safety concerns, making this information available to community-led partnerships for further use ensures that the effort is not entirely dependent on the accessibility and cooperation of system actors, who often are the gatekeepers for this information. It can also be valuable to engage in partnership with researchers who can help community-led reform efforts analyze and employ data in support of their advocacy work.

### Community-Researcher Partnerships

One model for data generation and interpretation in support of community priorities is community based participatory research (CBPR) (Minkler et al., 2012). CBPR is a community-led and researcher-guided data collection, analysis, decision making, and evaluation process that uses research tools and strategies to better understand community problems, priorities, and potential solutions. For example, a collaboration among academic researchers and community members to develop a youth violence prevention after-school program used focus groups to solicit input, involved pilot testing of the after-school program, and included organizational assessments of candidate after-school program sites (Leff et al., 2010). The systematic data collection and analysis approach supported by the research partners led to a revised program to extend its reach, expand its capacity, and promote sustainability.

Leah Sakala and Nancy La Vigne

Another example of CBPR is a project in Miami Gardens and Opa-locka, FL, in which researchers from the local university collaborated with city schools, police, and community-based service providers to develop and use standardized methods of data collection and analysis for problem identification and assessment of interventions. Researchers were able to document that youth who participated in the out-of-school suspension program had improved attitudes about violence and risky behaviors, and that community engagement activities increased adult residents' civic engagement in violence prevention efforts.

First-hand expertise, diverse community perceptions and opinions, and administrative data can all play key roles in informing solutions. The next step is to ensure that stakeholders have access to the partners and resources they need to advance them.

#### ELEMENT FOUR: STAKEHOLDERS HAVE A PLATFORM FOR ENGAGEMENT

People at the heart of community-driven public safety work require access to the partners necessary to advance solutions. In some cases, this engagement occurs primarily among neighbors or other community members. In other cases, engagement involves bringing a community-driven framework to ongoing interaction or collaboration between community members and more traditional justice system institutions and actors. We examine both dynamics here.

##### Change Initiatives Within a Community

In some communities, this work is done on the level of a neighborhood or even a single city block among stakeholders who are all proximate to the challenge at hand. For example, Mothers Against Senseless Killing members in Chicago, IL have long watched over their own neighborhoods, developing strategic youth engagement tactics to proactively address persistent violence (Manasseh 2017). Community bail funds like the one in Brooklyn, NY, are another such example in which organizers draw from a broader support network to pool resources to free people who are awaiting trial in jail because they cannot afford bail.<sup>7</sup>

Even within communities facing pressing public safety concerns, engagement across different stakeholder groups can be an important step in advancing solutions. The Boston TenPoint Coalition was formed when local clergy began mobilizing their communities to directly respond to pressing youth violence concerns. While the TenPoint Coalition used a variety of strategies, members' night walks through high-crime neighborhoods to engage residents who were out late, including gang members and people at risk of violent victimization, were perhaps the most well-known. In a TED talk with well over one million views, TenPoint Coalition leader Rev. Jeffrey Brown described how the night walks were designed to build trust with community members who had expertise that was essential for developing solutions:

"We said to them, 'We don't know our own communities... between 9 p.m. and 5 a.m., but you do. You are the subject matter experts, if you will, of that period of time. So talk to us. Teach us. Help us to see what we're not seeing. Help us to understand what were not understanding'" (Brown 2015).

In all these approaches that take place within communities, leaders rely on their social capital and close proximity the challenge at hand to build and advance collaborative solutions.

### Engaging with Traditional Justice System Actors

Often, leaders of community-driven strategies engage traditional justice system players to different degrees to advance solutions. In some cases, this engagement primarily consists of an initial referral from law enforcement to divert people from traditional justice system tracks into more community-centered strategies. A new proposal within this category is the Neighborhood Opportunity and Accountability Board (NOAB) model, currently in development with pilot sites in California (Muhammad 2018). Under this model, law enforcement or community members refer youth who have engaged in harmful or destructive behavior to a NOAB composed of a wide range of local residents including youth, community leaders, clergy, business owners, and people who have experienced victimization and prior justice system involvement alike. The NOAB will be responsible for understanding the incident and crafting and overseeing a community-based action plan designed to foster accountability and repair harm. For programs such as NOABs to succeed, community leaders and law enforcement must build and foster reciprocal trust, establishing a shared understanding that the community can be in a stronger position to address and repair harm than traditional justice system institutions and processes.

Other community-driven efforts require more ongoing collaboration between local community members, grassroots organizations, and traditional justice system actors. For example, the Participatory Defense model helps community members actively participate in defense efforts for people facing charges (Jayadev 2019). While participatory defense processes begin with families and friends organizing in community meetings, participants can also work with public defenders as key allies for collaboratively devising a holistic defense strategy. Another example is the Work and Gain Employment and Education Skills (WAGEES) program, which the Colorado legislature created in 2014 to improve reentry for people coming home from prison. This program is a partnership between the Colorado Department of Correction (CDOC) and a network of community-based service providers, many of which are led by people with firsthand experience navigating the criminal justice system and reentry process. CDOC provides the grant funding for the community providers, and an intermediary organization, the Latino Coalition for Community Leadership (LCCL) administers the program by selecting grantees, handling resource allocation, overseeing reporting requirements, and providing technical assistance and support to grant recipients. Many referrals come from parole officers, who often work closely with the community providers to engage in case management and troubleshoot challenges that arise. It took time to build the trust between parole officers and community providers that is required for close collaboration, and LCCL played a key role in facilitating communication and providing oversight and support as these working relationships were forged and solidified. The success of the WAGEES program has paved the way for several subsequent community-centered public safety programs in Colorado, including Transforming Safety and the newest Community Crime Victims Grant Program.

Some community-driven public safety efforts that require close collaboration with traditional public safety players have been slower to come to fruition, a testament to the challenges of this work. With broad support from community organizers and activists, the Council of the District of Columbia passed the Neighborhood Engagement Achieves Results (NEAR) Act of 2016<sup>8</sup> to respond to heightened violence in D.C. with a community public health-based approach. The wide-ranging NEAR Act provisions include creating new government offices to staff violence interruption efforts, funding new community partnerships, increased police transparency and data collection requirements, and an investigation by a new Community Policing Working Group.



Leah Sakala and Nancy La Vigne

While the NEAR Act was fully funded in fiscal year 2018, several of the provisions have not yet been fully implemented, particularly the requirements regarding collecting and reporting police stop and frisk data. This lack of implementation progress sparked a lawsuit filed in D.C. Superior Court by the American Civil Liberties Union of the District of Columbia, Black Lives Matter D.C., and the Stop Police Terror Project D.C. (ACLU 2018). The ongoing story of the NEAR Act illustrates the difficulty of adapting entrenched public safety systems to be more transparent and responsive to the communities in which they operate. When the NEAR Act is fully implemented, D.C. residents and community organizers will have better information about public safety and law enforcement practices in their neighborhoods, further equipping them to mobilize on behalf of their communities.

#### **ELEMENT FIVE: COMMUNITIES HAVE SUPPORT FOR SUSTAINING AND ADAPTING STRATEGIES**

Communities across the United States have been defining their own public safety priorities and working to advance them for decades, and stakeholders in every sector have a critical role to play in supporting these efforts. Paving the ground for community initiatives, supporting complex, multi-stakeholder processes, undertaking implementation, and sustaining change are all resource- and time-intensive activities. By following the community's lead and lending support when asked, external and institutional stakeholders—including governments, funders, researchers, and national advocacy organizations—can be instrumental to fueling community-driven change. While there are innumerable ways to support community-driven public safety efforts, many discussions in the field have centered on the following three needs: 1) Providing and channeling resources, including investment in grassroots leadership; 2) Lending support with developing strategic messaging; and 3) Offering research and evaluation assistance.

#### **Resources and Investment in Grassroots Leadership**

Communities need resources to support their change efforts and invest in their grassroots leadership. Many of the communities with pressing public safety concerns have experienced systemic, historical divestment, including housing discrimination, underfunded public education, insufficient transportation systems and other infrastructure challenges, limited access to the social safety net and other public services, and a constrained local economy. Some community-driven public safety projects are entirely volunteer-run or collectively funded by members of the community pooling their assets. Even in these cases, community engagement and mobilization require resources, and lack of access to sustained and reliable investment in local solutions can stymie and even starve change initiatives. For communities of color, and particularly Black communities, investment in community-driven public safety initiatives can be part of a broader reparations strategy to begin to undo a long historical legacy of divestment and structural oppression.

Funding sources for community-driven work vary, ranging from small community foundations, to public/private partnerships, to government grants and other public revenue streams (Harvell et al., 2019). In the private philanthropy world, foundations such as the North Star Fund have been supporting this work for decades alongside community funds and other smaller-scale funders that support local grassroots leadership. Collaboratives such as Funders for Justice are making significant, more recent contributions to develop and align funding strategies. Public/private partnerships such

as Social Impact Bonds, or Pay for Success,<sup>9</sup> constitute another path to community investment, and the Massachusetts Juvenile Justice Pay for Success Initiative is well-known as a pioneering strategy to fund a local youth program and employment service provider. Increasingly, stakeholders are finding ways to braid public funding in with resources from the private funders and philanthropies that have traditionally been the primary supporters of this kind of work. A 2018 Urban Institute report found that these public investments typically take one of three forms: upfront investment (a new stream of resources), reinvestment (channeling savings gleaned from reform efforts), and invest/divest (shifting resources away from traditional public safety institutions and towards other local community-identified needs) (Sakala et al., 2018). While such resource strategies require careful planning, a growing number of state and local jurisdictions around the country are developing creative funding models, and their local communities are reaping the rewards.

### Support with Developing Strategic Messaging

While communities have been engaging in their own safety strategies for decades, the concept of community-driven justice is much newer in the broader political discourse. The time is ripe to test and refine ways to message such efforts to broader audiences. Generally, the public is receptive to the idea of investing in community-based public safety solutions. Initial polling found that voters identified the lack of programs focused on crime prevention, reentry support, and employment as a top public safety issue, and more than three quarters of respondents supported shifting some resources from incarceration to community-based options (Gotoff et al., 2017). The same poll revealed much less openness, however, to shifting some law enforcement funding to community alternatives, an area that is ripe for further public opinion investigation. While the public generally supports investing in locally-driven solutions, different elements have the potential to resonate with different audiences. Some might find the community empowerment and reparations aspects compelling, while others may be moved by the devolution of decision making to the most local level, the more limited role of government actors in solving community problems, and the potential for increased efficiency in public safety spending. Gaining a better understanding of how to message and explain the concept of community-driven public safety could help recruit a broader base of support and cement this approach as a unique and valuable policy strategy for communities that seek creative public safety solutions.

### Research and Evaluation

Knowledge-gathering, research, and evaluation can provide critical information to inform community-driven public safety efforts and document successes and lessons learned. While many initiatives have not undergone formal evaluations to assess direct impact on specific public safety outcomes, several have been evaluated and found to produce positive results.<sup>10</sup> Formal documentation of the strategies, progress toward goals, and relevant outcomes of community-driven public safety initiatives can help potential supporters and partners gain confidence in these approaches. However, documentation or assessment must align with communities' self-identified goals and use measurement strategies that are tailored to the context and specifics of a given effort. For example, a given metric for recidivism in one community may not be appropriate for a different one that is demographically and geographically distinct, even within the same state. Finally, efforts to build the broader community public safety knowledge base need not be external to the communities in which the work happens; community leaders

Leah Sakala and Nancy La Vigne

around the country carry significant experiential wisdom about initiating and sustaining these projects that can be shared with others interested in taking on similar efforts. This sharing is critical, particularly in situations when more formal documentation or evaluation is not possible or feasible.

## CONCLUSION

Over the last decade, a growing chorus of voices has been calling for changes to the United States criminal legal system. Recognizing the social and fiscal cost of mass incarceration, over-policing, and the overuse of community supervision, public safety policy has been touted as one of the few areas where nearly everyone agrees that we can do better. Solutions are complex and contextual, though, and there is no one-size-fits-all fix for the system currently in place, much less for repairing the innumerable harms it has caused. But stakeholders seeking to build a better future can learn valuable lessons from the work of the innovators, activists, neighbors, and community leaders who have been developing and advancing their own solutions for decades. Their local-level approaches come from a radical reframing of what public safety is and where it comes from; an approach in which police, jails, and prisons are either last resorts or off the table altogether.

As the examples in this paper demonstrate, public safety is inextricably linked to community wellbeing in the broadest sense of the term. Strategies that take this expansive lens consider wide-ranging concerns, including access to healthcare, functional transportation, good jobs, stable and affordable housing, safe outdoor spaces, and adequately-resourced community groups and institutions that help forge connections, bring people together, and shape solutions. Community-driven approaches start with the opportunities and challenges present in each neighborhood and build out from there, engaging with traditional justice system institutions and players only if and when it is necessary to do so, and challenging them when they get in the way. Truly changing how we do justice in the United States will require listening to and supporting the communities that are already forging new paths, and learning from them to seed and nurture emerging efforts around the country.

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## NOTES

1. See The John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge (<http://www.safetyandjusticechallenge.org/>) (Accessed April 5, 2019).
2. See No Cop Academy (<https://nocopacademy.com/about/>) (Accessed April 5, 2019).
3. See The Participatory Budgeting Project (<https://www.participatorybudgeting.org/>) (Accessed April 5, 2019).
4. The city's website states that "in 2012, the Vallejo City Council established the first city-wide Participatory Budgeting (PB) process in the United States, where ordinary residents directly decided how to spend a portion of the city budget. Through PB, Vallejo residents and stakeholders share ideas, develop project proposals, residents vote on projects, and the approved list of projects that receive the most votes are submitted to City Council for consideration." See City of Vallejo California ([http://www.ci.vallejo.ca.us/city\\_hall/departments\\_\\_divisions/city\\_manager/participatory\\_budgeting/vallejo\\_s\\_pb\\_program](http://www.ci.vallejo.ca.us/city_hall/departments__divisions/city_manager/participatory_budgeting/vallejo_s_pb_program)) (Accessed April 5, 2019).
5. See Mapping Police Violence (<https://mappingpoliceviolence.org/>) and Data for Black Lives (<http://d4bl.org/>) (Accessed April 5, 2019).



## Community-Driven Models for Safety and Justice

6. See, for example, Courtwatch NYC (<https://www.courtwatchnyc.org/about/>), King County Sexual Assault Resource Center (<https://www.kcsarc.org/courtwatch>) and Courtwatch of North Carolina (<http://courtwatchnc.org/>) (Accessed April 4, 2019).
7. See Brooklyn Community Bail Fund (<https://brooklynbailfund.org/>) (Accessed April 4, 2019).
8. See “Neighborhood Engagement Achieves results Amendment Act of 2016” (<http://lms.dccouncil.us/Download/34496/B21-0360-Amendment1.pdf>) (Accessed April 5, 2019).
9. See the Urban Institute Pay For Success program (<https://pfs.urban.org/>) (Accessed April 5, 2019).
10. Examples include: South Bronx Community Connections for Youth, John Jay College of Criminal Justice, November 2013 ([https://cc-fy.org/wp-content/uploads/2014/10/SBCC\\_Technical\\_Report.pdf](https://cc-fy.org/wp-content/uploads/2014/10/SBCC_Technical_Report.pdf)), Evaluation of San José’s Mayor’s Gang Prevention Task Force, Resource Development Associates, February 2017 (<https://www.ncjrs.gov/pdffiles1/ojdp/grants/250620.pdf>), and Evaluation of Oakland Unite: Year 1 Strategy Report, Mathematica Policy Research, November 2017 ([http://oaklandunite.org/wp-content/uploads/2017/11/Oakland-Unite-Strategy-Evaluation\\_Final-11172017.pdf](http://oaklandunite.org/wp-content/uploads/2017/11/Oakland-Unite-Strategy-Evaluation_Final-11172017.pdf)).

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Ms. BASS. Thank you very much. Let me acknowledge the presence of my colleague, Ayanna Pressley, Representative from Massachusetts.

Mr. Conan Harris.

#### **TESTIMONY OF CONAN HARRIS**

Mr. HARRIS. Chairwoman Bass, and Members of this esteemed committee, thank you for my opportunity to appear before you today to testify about challenges and opportunities face the returning citizens.

My name is Conan Harris. I grew up in Boston, Massachusetts, and I am the founder and principal of Conan Harris & Associates, a firm that works with nonprofit and for-profit businesses and organizations around executive culture, strategic planning, and capacity building to advance the common good.

I worked extensively to support the transformation of formerly incarcerated individuals across the city of Boston, a Commonwealth, and noted much of our efforts to provide people with successful reentry begins when people are still incarcerated. Preparing yourself internally before your release date is often the one factor that an incarcerated person can control. When incarcerated, men and women prepare themselves to be released back into society. They are eager to get out and make positive contributions to their family, to the workforce, and communities.

Once released back into society, a variety of social and economic barriers stand in the way of returning citizen's ability to control where they sleep, work, and heal. Returning citizens need support to navigate in their communities to find a safe and stable environment to sleep, a decent job with livable wages, and access to affordable quality healthcare. These necessities are crucial for returning citizens not to get out of prison, but to stay out.

In 2017, with the support of the Boston mayor in partnership with my colleagues, I oversaw the development and grand opening of the first ever mayor's Office of Returning Citizens. The office focused on connecting returning citizens to resources throughout the city and serves as a one-stop shop to help men and women coming home from incarceration with navigating activities many of us take for granted, such as getting identification card, finding employment, enrolling in substance abuse treatment programs, and getting therapy.

The program has tackled many challenges, but one of the most pressing continues to be access to housing. Like many cities and States throughout the country, there are many cranes in the air and new housing being built, but the political will to build safe and transitional housing for returning citizens has yet to become a priority.

For me this is personal and reflective on my own life as a formerly incarcerated man who spent 10 years in prison for drug trafficking. My transition home as a returning citizen started while I was still incarcerated. During that time, I received my GED, took corresponding courses to local community colleges before gaining enough credits to enroll in the Boston University College program inside the institution. Also, at that time, I spent time self-educating, reading books like the autobiography of "Malcolm X" that

strengthened me. Older men who were serving life became mentors and uncovers the greatness in me versus the worst of my being.

When I returned home, my family afforded me a safe environment to sleep and allowed me the space to settle myself mentally and emotionally. Through the support of family and many others, I was able to find employment doing sanitation work in a 9-week program. This job was a lifeline and paid \$17 an hour, which allowed me to pay rent for my room and voucher as a motivational speaker to speak to teen centers, high schools, and colleges. This work quickly became my passion, and my fifth week home, I had found more stable job working primarily with youth. Through my experience, I've worked with \$1.2 billion foundation, consulted on multiple projects throughout the country, and became the deputy director for the mayor's Office of Public Safety and the executive director for the Boston's chapter of President Obama's initiative, My Brother's Keeper.

There are times when people learn my history, and they think, what is different about me? I always say: I am an ordinary person with extraordinary support. The difference between that support and what drives my passion is we're making sure that everybody has the opportunity to have the support needed so they can get out and stay out.

I believe that Congress should continue to make progress with respect to the Pell grant and removing restrictions that make it difficult for incarcerated men and women to get education and gain the skills they need to thrive when they go home. It is crucial that States be given the resources they need to build transitional housing. Formerly incarcerated men and women and support them in their efforts to feel safe to find stable home. I would also add, like Dr. Grills, also building out a bipartisan board of formerly incarcerated men and women would be important to ensure that Congress is developing policies that is informed by those who it will impact most in doing what it can to end recidivism and intergenerational cycle of mass incarceration.

Lastly, while I was building out the mayor's office of returning citizens, I put together an advisory group, formerly incarcerated men and women, they informed me that they do not want hand-outs. What they want is opportunity. Thank you.

[The statement of Mr. Harris follows:]

Chairwoman Bass, Ranking Member Ratcliffe, and members of this esteemed committee, thank you for the opportunity to appear before you today to testify about the challenges and opportunities faced by so many of our nation's returning citizens.

My name is Conan Harris, I grew up in Boston Massachusetts and am the Founder and Principal of Conan Harris & Associates LLC Consultant, a firm that works with non- and for-profit businesses and organizations around executive coaching, strategic planning and capacity-building to advance the common good. I have worked extensively to support the transformation of formerly incarcerated individuals across the city of Boston and Commonwealth and know that much of our efforts to provide people with successful reentry back home begins when people are still incarcerated.

Preparing yourself internally before your release date is often the one factor that an incarcerated person can control. When incarcerated men and women prepare themselves to be released back in to society, they are eager to get out and make positive contributions; to their families, workforce, and communities. Once released back into society, a variety of social and economic barriers can stand in the way of a returning citizen's ability to control where they sleep, work, and heal. Returning citizens need support navigating their communities in order to find a safe and stable environment to sleep, a decent job with livable wages, and access to affordable, quality health care. These necessities are crucial for returning citizens not to get out of prison or jail, but to stay out.

In 2017, with the support of Boston Mayor Martin J. Walsh and in partnership with my colleagues, I oversaw the development and grand-opening of the first- ever Mayor's Office of Returning Citizens. The office focuses on connecting returning citizens to resources throughout the city and serves as a one-stop-shop to help men and women coming home from incarceration with navigating activities many of us take for granted such as getting an identification card, finding employment, enrolling in substance abuse treatment programs, and getting therapy. The program has tackled many challenges but one of the most pressing continues to be access to housing. Like many cities and states throughout the country, there are many cranes in the air and new housing being built, but the political will to build safe and transitional housing for returning citizens has yet to be made a priority.

For me, this is personal. In reflecting on my own life as a formerly incarcerated man who spent 10yrs in prison for drug trafficking, my transition home as a returning citizen started while I was still incarcerated. During that time, I received my GED and took correspondence courses at local community colleges before gaining enough credits to enroll in the Boston University college program inside the institution. Also at this time, I spent time self-educating by reading books like the Autobiography of Malcolm X which strengthened me. Older men who were serving life became my mentors and encouraged the greatness in me versus the worse part of my being. When I returned home, my family afforded me a safe environment to sleep and allowed me the space to settle myself mentally and emotionally. Through the support of family and many others, I was able to find employment doing sanitation work in a 9-week program. This job was a lifeline and paid 17 dollars an hour, which allowed me to pay rent for my room and volunteer as a motivational speaker to young people in teen centers, high schools and

colleges This work quickly became my passion and by my 5th week home I had found a more stable job working primarily with youth. Throughout my experiences I have worked for a 1.2 billion-dollar foundation, consulted on multiple projects throughout the country, and became the Deputy Director for the Mayor's Office of Public Safety and the Executive Director for the Boston chapter of President Obama's initiative My Brother's Keeper.

There are times when people learn my history of being formerly incarcerated, and often ask what is it that makes me different? I simply reply and let them know that I am not different. I am an ordinary person who has had extraordinary support! The fact that everyone does not have access to these supports and opportunities to have a safe environment to sleep, find employment, and get the mental health needed when they return home has fueled my work and continues to do so today.

I believe Congress should continue to make progress expanding Pell grant eligibility and removing restrictions that make it difficult for incarcerated men and women to get an education and gain the skills they need to thrive when they go home. It is crucial that states be given the resources they need to build transitional housing for formerly incarcerated men and women and support them in their efforts to feel safe and find a stable home. I would also add that building out a bipartisan advisory board of formerly incarcerated men and women would be important to ensure that Congress is developing policy that is informed by those who it will impact most and doing what it can to end recidivism and the intergenerational cycle of mass incarceration.

Lastly, while I was building out the Mayor's Office of Returning Citizens, I put together an advisory group of formerly incarcerated men and women, and they informed me that they do not want any handouts, what they want is opportunity.

Thank you!

Conan Harris

Ms. BASS. Thank you.  
Mr. Lampard.

#### TESTIMONY OF RONALD J. LAMPARD

Mr. LAMPARD. Chairwoman Bass, Ranking Member, other Members of the committee, thank you for allowing me to testify today. I look forward to discussing my work on this issue as well as how ALEC Members have been working in their respective States to reduce barriers to entry for those with criminal records and to ensure that individuals who are incarcerated have access to reentry programs.

The American Legislative Exchange Council is America's largest nonpartisan voluntary Membership organization of State legislators dedicated to the principals of limited government, free markets, and Federalism. We are comprised of nearly one quarter of the country's State legislators and stakeholders from across the policy spectrum. ALEC Members represent more than 60 million Americans. ALEC provides a forum for Members to meet and discuss ideas and provide elected officials the resources they need to make sound policy. It enjoys a broad and growing Membership that includes over 200 businesses and nonprofit Members.

ALEC has over 1,800 individual supporters and roughly 20 percent of Members of Congress are ALEC alums. We also have several sitting Governors and hundreds of locally elected officials. For nearly a decade, our Members have driven changes to the criminal justice system to ease the transition of those with a criminal record. Over 2 years ago, ALEC launched a working group on reentry. The working group was formed shortly after the adoption of the ALEC model resolution in support of reentry programs, which encourages States and the Federal Government to implement prisoner reentry programs; namely, that the development and implementation of sound reentry policies promote public safety, reduce recidivism rates, and offer those with criminal records second chances. Reentry programs keep communities safe and help individuals reintegrate into society. Roughly 40,000 Federal prisoners were released in 2018 and roughly 20,000, or 50 percent, will return within 3 years of being released.

If the First Step Act is as effective as similar legislation enacted in the States than that rate will drop considerably. Reentry programs in the States have grown substantially over the last decade. These include growth in States, such as Louisiana, Maryland, North Dakota, and Texas. A common barrier to entry is obtaining employment. Obtaining employment is a crucial step for someone with a criminal record attempting to reenter society. Over the last 2 years, States such as Arizona, Indiana, Kansas, Tennessee, and Wyoming have enacted legislation relaxing their occupational licensing restrictions. These laws allow individuals who have committed certain crimes to have the ability to rejoin the workforce, enabling them to provide for themselves and their families while contributing to their community.

Another area that poses a challenge to those with criminal records is burdensome fines and fees that often accompany criminal sentences. State policymakers have successfully enacted solutions other than these fines and fees or the suspension of a driver's li-

cense for certain conduct. These States include Maine, Michigan, Mississippi, and Montana, which have all enacted legislation to aim to reduce driver's license suspensions and the imposition of fines and fees.

A clean slate is a crucial part of someone trying to reenter society. A criminal record can negatively impact an individual for years. In fact, roughly 77 million Americans have some sort of criminal history. Unfortunately, having even a minor criminal record carries lifelong barriers that can block successful reentry and participation in society. This includes barriers to both employment and housing. Over the last few years, Pennsylvania and Utah enacted measures to address this issue commonly referred to as Clean Slate laws.

These laws allow individuals the opportunity to have their records sealed after a period of time has passed following completion of their criminal sentence.

In conclusion, as the chairwoman noted earlier, ultimately over 75 percent of all individuals serving a prison sentence will be released. Individuals should certainly be punished and held accountable for their crimes. However, they should also be permitted the chance to rejoin their communities after they have paid their debt to society. Elected officials at all levels of government should place substantial emphasis on public safety and allow individuals the opportunity to participate in reentry programs that help ensure that they do not commit additional crimes after they have been released from prison. In addition, burdensome occupational licensing restrictions and fines and fees ought to be reviewed and revisited.

Finally, individuals who have committed certain offenses and have completed their criminal sentence should have the opportunity to have their record sealed from many but not all potential employers. ALEC will continue to work on this issue and to ensure that individuals are given a better opportunity to rejoin society and to keep communities safe.

Thank you very much.

[The statement of Mr. Lampard follows:]





United States House Committee on the Judiciary  
 Subcommittee on Crime, Terrorism, and Homeland Security  
 2138 Rayburn House Office Building  
 Washington, D.C. 20515

**Testimony of Ronald J. Lampard, Senior Director of the Civil and Criminal Justice Task Forces at the American Legislative Exchange Council**

Dear Chairwoman Bass, Ranking Member Ratcliffe, and Members of the Committee,

Thank you for allowing me to testify before the committee. I look forward to discussing my work on this issue as well as how ALEC members have been working in their respective states to reduce barriers to entry for those with criminal records and to ensure that prisoners have access to reentry programs.

**I. The American Legislative Exchange Council (ALEC) and Criminal Justice**

ALEC is America's largest nonpartisan, voluntary membership organization of state legislators dedicated to the principles of limited government, free markets, and federalism. Comprised of nearly one-quarter of the country's state legislators and stakeholders from across the policy spectrum, ALEC members represent more than 60 million Americans. ALEC provides a forum for members to meet and discuss ideas and is the premier free-market organization that provides elected officials the resources they need to make sound policy. It enjoys a broad and growing membership that includes over 200 business and nonprofit members. ALEC has over 1,800 individual supporters and roughly 20 percent of Congress, several sitting governors and hundreds of local elected officials. For nearly a decade, our members have driven changes to criminal justice laws on issues that include occupational licensing reform, reentry programs, and fines and fees.

**II. Prisoner Reentry Programs**

Over two years ago, ALEC launched a working group on reentry, which continues to bring together legislative members and stakeholders from across the country to discuss successful reentry programs in the states. The working group was formed shortly after the adoption of ALEC model *Resolution in Support of Reentry Programs*, which encourages states and the federal government to implement prisoner reentry programs.<sup>1</sup> Namely, that the development and implementation of sound reentry policies promote public safety, reduce recidivism rates, and offer those with criminal records second chances. There are certainly those who deserve to go to prison and there are those who ought to serve a long prison sentence. These include those who commit violent offenses or those who have committed multiple offenses. However, while those individuals are in prison, efforts should be made to ensure that upon release, they do not commit additional crimes. This keeps communities safe and helps the individual reintegrate into society.

Reentry programs reduce recidivism rates and would make communities safer. Lower recidivism rates mean fewer crimes committed and fewer victims of crime. Roughly 40,000 federal prisoners were released in 2018 and roughly 20,000, or 50 percent, will return within three years of being released.<sup>2</sup> If the First Step Act is as effective as similar legislation enacted in the states, then those rates will drop considerably.

<sup>1</sup> [Resolution in Support of Reentry Programs](#). American Legislative Exchange Council. January 20, 2018.

<sup>2</sup> [Our Christmas Miracle](#). Greene, Emily. Prison Fellowship. December 2018.



When the state prison population is taken into consideration, roughly 600,000 prisoners are released every year and statistics demonstrate that absent reentry programs and other measures, over two-thirds of them will be arrested for another crime after they are released from prison.<sup>3</sup>

Reentry programs in the states have grown substantially over the last decade. For example, in 2007 Texas enacted measures that prioritized drug treatment, mental health, and rehabilitation for its prisoners. Three years later, Texas' prison population declined by 15,000 inmates and probation recidivism fell by nearly 25 percent. By the time Governor Rick Perry had left office in January 2015, the crime rate declined to its lowest rate since 1968.<sup>4</sup> Since Texas' success, different states have implemented various programs that have experienced substantial success.

The North Dakota Department of Corrections and Rehabilitation has placed an emphasis on educating its prisoners. In 2016, it was the national leader among all adult education centers, prisons or otherwise, for the passing rate on the GED exam.<sup>5</sup> In addition, Georgia has enacted laws that provide for various job training and drug treatment programs in its state prison facilities. According to recent crime data, since these laws were enacted Georgia's violent crime rate has continued to fall. Furthermore, since 2013, South Dakota used its savings resulting from a reduced prison population to fund more drug and alcohol-abuse programs, as they recognized that these programs were effective at both reducing the recidivism rate and reducing the crime rate.<sup>6</sup> Drug treatment and mental health treatment programs are of crucial importance. The absence of either of these programs hinders an individual's progress toward participation in other reentry programs that involve education and job-training.

### III. Barriers to Entry

#### a. Occupational Licensing

ALEC members have spearheaded efforts by states to loosen occupational licensing restrictions. This often provides opportunities for those with a criminal record to obtain employment where they may have been previously prevented from doing so. Obtaining employment is a crucial step for individuals attempting to re-enter society. Over the last two years, states such as Arizona, Indiana, Kansas, Tennessee, and Wyoming enacted legislation relaxing their occupational licensing restrictions. These laws allow individuals who have committed certain crimes to have the ability to re-join the workforce, enabling them to provide for themselves and their families, while contributing to their community.

The ALEC model *Collateral Consequences Reduction Act* allows someone in prison the right to petition a licensing board for review of their criminal record at any time for a determination of whether the individual's criminal record will prevent them from obtaining a license. This information allows inmates to know whether they will be able to obtain a license for a certain occupation where a license is required

<sup>3</sup> [2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period](#) (2005-2014). Alper, Mariel. Durose, Matthew R. Markman, Joshua. May 2018.

<sup>4</sup> [2016: A Successful Year for Criminal Justice Reform and Path to the Future](#). Lampard, Ronald J. ALEC State Factor. December 8, 2016.

<sup>5</sup> [Focus on reform: North Dakota uses education, work to prepare prisoners for reentry](#). Hazard, Andrew. Bismarck Tribune. October 14, 2017.

<sup>6</sup> [Law and Order Texas Takes on Criminal Justice Reform](#). Greenblatt, Alan. The American Conservative. June 12, 2018.



before they participate in a job training program for that occupation. Knowing this information is crucial in helping a prisoner determine which training programs give them the best opportunity for success upon release.

#### **b. Driver's Licenses and Fines and Fees**

Another area that poses a challenge to those with criminal records is burdensome fines and fees that often accompany criminal sentences. The ALEC model *Resolution on Criminal Justice Fines and Fees* encourages states to ensure that fines and fees imposed by the criminal justice system are reasonable, transparent, and proportionate, and not in conflict with the goals of improving public safety, reducing recidivism, ensuring victims receive restitution, and enabling offenders and ex-offenders to meet obligations to their families.<sup>7</sup> In addition, there are provisions contained in the resolution that encourage states to seek alternatives to fines and fees in the event that an individual is unable to pay. These include community service or reasonable payment plans.

In tandem, the ALEC model *Resolution in Support of Limiting Driver's License Suspensions to Violations Involving Dangerous Driving* encourages state policymakers to revise laws to limit driver's license suspensions imposed for violations against the government to conduct involving dangerous driving offenses such as drunk driving or multiple moving violations.<sup>8</sup> If an individual owes a debt to a court and has not had any other infractions other than being unable to pay their fines and fees, then they should be able to discharge their obligation via other means, such as performing community service.

When states take away driver's licenses for an offense unrelated to dangerous driving, public safety is not enhanced. In fact, stripping individuals of their driver's license makes it more difficult to earn a living and more difficult to pay off potential court fees. As a practical matter, many individuals may drive with a suspended license because they need to get to work or care for their family. As a result of these individuals driving with a suspended license, some ultimately end up spending time in jail simply because they cannot afford to pay court debt. Resources should be spent preventing dangerous drivers from driving, not placing an obstacle to prevent an individual who does not pose a threat to public safety from pursuing their livelihood.

Over the last few years, several states have passed measures that place limitations not only on the imposition of fines and fees, but also on driver's license suspensions for those who do not commit dangerous driving offenses. For example, Maine, Michigan, Mississippi, and Montana enacted legislation that aimed to reduce driver's license suspensions and the imposition of fines and fees.

#### **c. Clean Slate**

A criminal record can negatively impact an individual for years. In fact, roughly 77 million Americans have some sort of criminal history.<sup>9</sup> Unfortunately, having even a minor criminal record carries lifelong barriers that can block successful reentry and participation in society. This includes barriers to both

<sup>7</sup> *Resolution on Criminal Justice Fines and Fees*. American Legislative Exchange Council. September 12, 2016.

<sup>8</sup> *Resolution in Support of Limiting Driver's License Suspensions to Violations Involving Dangerous Driving*. American Legislative Exchange Council. January 20, 2018.

<sup>9</sup> *Federal Justice Statistics, 2016*. Motivans, Mark. United States Department of Justice Bureau of Justice Programs. January 2019.



employment and housing. Over the last few years, some states have begun to take steps to make it easier for certain individuals with a criminal history address this issue.

Over the last few years, Pennsylvania and Utah enacted measures commonly referred to as “clean slate” laws. These laws allow certain individuals the opportunity to have their records sealed. These include people who were arrested, but were never charged, had charges dismissed, were found not guilty, or those who were convicted of certain nonviolent crimes after a period of time has passed since the completion of their criminal sentence.<sup>10</sup> These sealed records will not be visible on background checks used by a majority of employers, landlords, and universities; however, they will still be visible on background checks conducted by law enforcement agencies.

The clean slate laws in both Pennsylvania and Utah target those individuals who pose little to no risk to public safety, have completed their entire criminal sentence, and are attempting to reintegrate into society. Given that so many working age citizens are estimated to have criminal records, this legislation would have a tremendously positive impact on numerous individuals throughout both states.

#### IV. Conclusion

Ultimately, over 95 percent of all individuals serving a prison sentence will be released.<sup>11</sup> Criminals should certainly be punished and held accountable for their actions; however, they should also be permitted the chance to rejoin their communities after they have paid their debt to society. Elected officials at all levels of government should place substantial emphasis on public safety and allow prisoners the opportunity to participate in those programs that help ensure that they do not commit additional crimes after they have been released from prison. In addition, burdensome occupational licensing restrictions and fines and fees ought to be reviewed and revisited. Finally, certain nonviolent offenders who have completed their entire criminal sentence should have the opportunity to have their records sealed from many, but not all potential employers. ALEC will continue to work on this issue to ensure that individuals are given a better opportunity to rejoin society and to keep communities safe.

Sincerely,

Ronald J. Lampard  
Senior Director  
Civil and Criminal Justice Task Forces  
American Legislative Exchange Council

<sup>10</sup> [HB 1419](#). Pennsylvania General Assembly. June 28, 2018. [HB 431](#). Utah House of Representative. March 28, 2019.

<sup>11</sup> [Resolution in Support of Reentry Programs](#). American Legislative Exchange Council. January 20, 2018.

Ms. BASS. Thank you.  
Ms. Martin.

#### **TESTIMONY OF VANESSA MARTIN**

Ms. MARTIN. Chairwoman Bass, Ranking Members, and Members of the subcommittee. Thank you for holding this hearing today to lift up the experiences with people with justice involvement face as they reintegrate into society and to consider how those of us in government can help to improve their lives and make communities safer.

My name is Vanessa Martin, and I am the director of the Reentry Division at the Office of Diversion and Reentry, an innovative office created by the Los Angeles County board of supervisors in 2015. I'm grateful for this opportunity to highlight our reentry initiatives, as I believe we have an obligation given the size of our county, economy, and, unfortunately, our jail population to be a leader in criminal justice reform.

We are at a time in which there is bipartisan support for criminal justice reform. In California, there has been significant legislation in recent years to reform the system and a commitment by the State to reinvest funds from incarceration into locally run supervisions and services with the goal of reducing recidivism.

The funds for ODR's reentry services come from Proposition 47, passed in 2014, which recategorized some nonviolent offenses to misdemeanors rather than felonies. Senate bill 678, passed in 2010, which encouraged probation departments to keep individuals under community supervision instead of returning them to State prison.

The mission of ODR's reentry division is to develop and implement holistic, accessible, community-based, and community-based programs to serve the needs of people with justice involvement. To create an infrastructure that is sustainable and equitable.

One of our most important collaborations is with the L.A. County Probation Department. We work closely with them on all programs funded by S.B. 678 with the key initiative being L.A. County's first of its kind community reentry center. It is perhaps one of the best examples of the partnership between ODR and probation, exemplifying what can be done when county departments work together toward a shared vision rather than working in silos.

Developing Opportunities and Offering Reentry Solutions (DOORS), is designed to provide an array of comprehensive support of services in a welcoming and culturally responsive environment. In essence, a one-stop shop. It is one of several initiatives spearheaded by the probation department. It is a 16,000-square-foot space housed on the third floor of the largest probation area office in Los Angeles and located in the vibrant Exposition Park neighborhood, walkable from the L.A. metro. It is also in the poorest district in L.A. County, the 2nd Supervisorial District, with 24 percent of its residents living below the poverty line.

Through our community partners, we offer services ranging from housing support to education. For example, as part of our employment services, we offer vocational trainings, transitional employment opportunities, and job placement assistance. We also offer legal services, such as motions for early termination of probation, sentence reduction, record sealings, and corrections. Housing serv-

ices, of course, such as assistance with navigating housing availability, placement into interim housing, and linkage to permanent housing interventions.

Through our county partners, we offer mental health and substance use services, and access to public benefits. Over 1,000 people have received services since DOORS opened on July 1, 2019. In addition to DOORS, I would like to highlight a few of our other key reentry initiatives. Reentry intensive case management services is a care coordination and service navigation program. What distinguishes it from traditional case management programs is that the case managers, known as community health workers, are people with lived experience of incarceration or credible messengers. They serve as advocates for their client and have a whatever-it-takes approach to assisting their clients with their needs ranging from accompanying them to doctor's appointments to helping them acquire IDs, to navigating the complex housing, employment, and social services systems.

The sector program provides industry recognized occupational skills training and paid work experience opportunities to help prepare individuals for careers in high growth sectors that offer living wages and pathways to advancement.

Lastly, L.A. Free to Vote is an initiative to civically engage and register to vote justice-involved individuals.

In closing, I want to recognize our policymakers, like Congresswoman Bass, who have fought for criminal justice reform. Thank you for the work that you have done and will continue to do. While we are grateful for the funding we have, more is needed, more funding that is flexible and unrestricted to sustain and expand our programs given the massive size of the reentry program. Again, given the cost of incarceration, both on the human and economic cost, this is critical.

Finally, we need to have compassion and continue to have our programs and policies informed by the experiences of those who have been involved in and impacted by the justice system. On this note, I would like to end with a quote from one of our community health workers. Sharing my lived experiences of how I overcame adversity, addiction, and discrimination in my own life is a testament that real change in life is not only possible, but probable given the right support.

I would like to invite Congresswoman Bass and Members of the Subcommittee to visit DOORS so you can see firsthand the transformation that is taking place in Los Angeles.

Thank you for your time.

[The statement of Ms. Martin follows:]

TESTIMONY OF VANESSA MARTIN, DIRECTOR OF REENTRY DIVISION  
OFFICE OF DIVERSION AND REENTRY  
LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES

SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY HEARING ON  
“RETURNING CITIZENS: CHALLENGES AND OPPORTUNITIES FOR REENTRY”

FEBRUARY 27, 2020

Chairwoman Bass, Ranking Member John Ratcliffe, and members of the subcommittee – thank you for holding this hearing to lift up the experiences that people with justice involvement face as they reintegrate into society and to consider how those of us in government can help to improve their lives and make communities safer. I am honored to be here on behalf of the Office of Diversion and Reentry, a dynamic and innovative office created by the Los Angeles County Board of Supervisors in 2015 to develop alternative approaches to dealing with mental health challenges in the criminal justice system and barriers to reentry. I am grateful for this opportunity to highlight our reentry initiatives in LA County, as I believe we have an obligation given the size of our county, economy and, unfortunately, our jail population to be a leader in criminal justice reform.

**THE ISSUE**

Nationwide, about 700,000 people are released from federal or state prison each year. LA County has one of the largest populations in the country with justice system involvement, **with over 100,000 people returning home from prison or jail, or on probation or parole supervision each year.** People with justice involvement face a number of challenges to successful reentry into their communities, including **poor mental and physical health, lack of housing, and low education and employment.** Nationally, individuals who have been incarcerated have unemployment rates five times higher than those without contact with the justice system. According to the ACLU, up to 75 percent of individuals released from prison/jail are unemployed after a year.<sup>1</sup>

In addition, people with justice involvement face a number of legal and regulatory sanctions and restrictions that limit access to activities and services. Those living in Los Angeles, for example, **face 500 distinct restrictions on occupational, professional and business licensing or participation, education, housing, public benefits and property rights.**<sup>2</sup> One result of these challenges is fairly high rates of recidivism. In California, recent data show that about half of those released from custody are arrested and convicted of a subsequent crime within 3 years of release.<sup>3</sup>

Given this, it is critical for individuals to be able to access the programs and services they need to successfully reintegrate into their communities and rebuild their lives.

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<sup>1</sup> Back to Business: How Hiring Formerly Incarcerated Job Seekers Benefits your Company, ACLU 2017.

<sup>2</sup> Collateral Consequences Inventory, National Inventory of the Collateral Consequences of Incarceration, 2018.

<sup>3</sup> California Department of Corrections and Rehabilitation, Recidivism Report for Offenders Released in Fiscal Year 2014-15, January 2020.

### **THE OPPORTUNITY**

**We are at a time in which there is bipartisan support for criminal justice reform**, given the growing recognition of the human and economic costs of mass incarceration and no credible evidence that it has made our communities safer. According to the Council of State Government's Justice Center, there has been a shift throughout the past decade by state and local leaders to make recidivism reduction a public safety priority. As a result, there have been many recidivism-reduction initiatives funded by the federal government through the Second Chance Act and the Justice Reinvestment Initiative.

In California, there has been significant legislation in recent years to reform the system, and a commitment by the state to **reinvest funds from incarceration into locally run supervision and services with the goal of reducing recidivism**. This makes a lot of common and fiscal sense, seeing as the average annual cost to imprison a person after sentencing is \$35,000 compared to \$4,400 to supervise the person in the community.

The funds for ODR's reentry services, in particular, come from two criminal justice reform legislations – Proposition 47 and Senate Bill 678.

- 1) **Proposition 47**, passed in 2014, recategorized some nonviolent offenses to misdemeanors, rather than felonies. A recent report from Stanford found that it had reduced the state's prison population by 13,000 in 2015, which would save the state about \$150 million. The measure required that these savings be provided to public agencies to provide services via diversion and reentry programs to reduce incarceration.
- 2) **Senate Bill 678** (The Public Safety Performance Incentives Act of 2010) was the first of its kind policy approach in California. It encouraged probation departments to keep individuals under community supervision instead of returning them to state prison. The savings from reduced incarceration would then be split between the state and the counties. In 2011, SB 678 resulted in a statewide savings of approximately \$277.8 million, with half of the savings distributed to the counties to reinvest in local probation department efforts to continue their successful supervision practices. The success of the policy has helped not only impact the state system but also has helped lead the evolution in probation practices and culture.

Prop 47 and SB 678 are currently the only funding sources for ODR's reentry work. They are critical to our ability to create a community-based system of care that is accessible to, and addresses the needs of, the reentry population.

### **THE MISSION AND SERVICES**

The mission of ODR's Reentry Division is to develop and implement programs to serve the needs of people with justice involvement and to create an infrastructure that is sustainable and equitable. We partner with community-based organizations and county agencies to **provide services that are evidence-based, client-centered and informed by the experiences of people with justice involvement**. By providing effective programs that address barriers to reentry, the goals of ODR's reentry work are to



1) reduce recidivism and strengthen community resources, 2) improve physical and behavioral health outcomes, and 3) increase economic well-being and educational attainment.

We offer services that are:

- **Evidence-based:** Ensuring our programs are informed by research on what works to reduce recidivism and improve the health and economic well-being for people who have been involved in the system. We are also committed to measuring outcomes and evaluating the impacts of our programs at every step.
- **Client-centered:** We provide services based on the needs of each individual. We take a holistic approach to serving people focused on healing and providing care that is trauma-informed and delivered through a lens of racial, gender, and economic equity.
- **Informed by people impacted by the system:** We rely on the input and expertise of people with justice involvement to ensure our services are effective. To this end, we have developed opportunities to employ people with lived experience to provide services to others.
- **Collaborative:** The majority of our services are provided by community-based organizations because they know the needs of their clients and are a trusted resource in the community. We aim to hold service providers to high performance standards and to provide them with support and help build their capacity to be able to deliver the best results to the clients we serve.

One of our most important collaborations is with the LA County Probation Department. We work closely with Probation on all programs funded by SB 678, with the **key initiative being LA County's first of its kind community reentry center.**

#### **THE COMMUNITY REENTRY CENTER**

DOORS (Developing Opportunities and Offering Reentry Solutions) is a community reentry center designed to provide an array of comprehensive supportive services under one roof **in what is commonly referred to as a "one-stop shop."** It is one of several initiatives spearheaded by LA County's Probation Department, and is housed within their largest probation area office, the Reentry Opportunity Center or ROC, for short. Over 3,000 people on active adult supervision report monthly to the ROC.

The objective is to make the **services accessible, and based in and provided by the community** that has the reputation with the reentry population and best understands how to meet their needs. The environment of the center is welcoming, free of judgement, culturally responsive and cognizant of the trauma resulting from involvement with the justice system, where services are streamlined and readily available.

DOORS is intended, in part, to be informed by New York City's Neighborhood Opportunity Network, also known as *NeON Centers*. Similar to the *NeON Centers*, DOORS includes a network of community-based organizations, county agencies, local businesses and community residents focused on connecting people on probation, their families and members of the surrounding neighborhoods to services and resources. **The goal is to help clients stabilize and succeed upon reentry into the community, thereby facilitating stronger and safer communities.**

DOORS is conveniently and strategically located in the vibrant Exposition Park community, down the block from the University of Southern CA and Natural History Museum and walkable from the LA Metro. It is also in the poorest district in LA County – the 2<sup>nd</sup> supervisorial district – with 24 percent of its residents living below the poverty line. LA County’s Supervisor for the 2<sup>nd</sup> District, **Mark Ridley-Thomas, has been a staunch supporter of DOORS**, dedicating staff time and resources into ensuring its success.

The population of focus for DOORS are those on adult felony probation. Most people are referred to DOORS through their Probation Officer, either from those in the building or from other probation area offices. **Since the center opened on July 1, 2019, Probation has referred close to 1,000 people to services.**

DOORS is also open to family members of people on probation as well as members of the community. With this in mind, we are committed to creating a space for community members to experience a positive connection with community-based organizations and county partners while accessing services and engaging with other community members. We are also working hard with groups like the Los Angeles Regional Reentry Partnership (LARRP) to spread the word to the surrounding community.

It is worth reiterating and emphasizing the collaborative effort on the part of ODR, Probation and the community in all phases and every aspect of the DOORS community reentry center. We created and jointly chaired a year-long community advisory committee to provide input on the design of the center. The committee was comprised of leaders from county agencies and community partners. This was a concerted and coordinated effort to **change the mindset of how we help people reintegrate into their communities, with a focus on customer service and rehabilitation.**

Much of the year-long planning process focused on the services that would be offered at the center and the flow of clients in and out of the center, given the location of DOORS within a Probation building that has mandatory security protocols. Starting with a review of the research on what works in reentry, we solicited feedback from the committee, conducted focus groups with people on probation and analyzed Probation’s data on the service needs of their clients to determine that services would include but not be limited to **housing, employment, legal aid, educational support, mental health assessment and substance use counseling**. All of the information collected was consistent. In fact, according to the LA County Probation Department’s 2018 Annual Report, the top five needs of their clients are housing support, employment services, legal assistance, medical services, and education/GED.<sup>4</sup> The following are a few of the key services offered at DOORS:

***Housing/Intensive Case Management/Substance Abuse Screening:***

**SSG/HOPICS** (Special Services for Groups/Homeless Outreach Program Integrated Care System) provides triage and linkage support to housing and homeless services. Additional supportive services include screening and triage/assessment into the Coordinated Entry System (CES) for housing; placement into interim housing through leveraged resources; linkage to permanent housing interventions; housing

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<sup>4</sup> L.A. County Probation Department | 2018 Annual Report.

stabilization plan; linkages to behavioral health and trauma focused services; systems navigation support and case management.

***Employment:***

***Chrysalis*** works collaboratively with individuals to get on a pathway to self-sufficiency through employment. Services focus on helping individuals, identify, prepare for and maintain employment, which include employment assessment, job readiness training, barrier removal services, transitional employment opportunities, direct assistance applying for jobs including placement, and job retention support.

***Legal Support:***

**Legal Aid Foundation of LA** provides legal assistance in the following Substantive Legal Areas of Service: Reentry services such as motions for early termination of probation, sentence reduction, record sealing and record corrections, and other post-conviction/criminal record related work; housing related matters covering evictions, rental disputes, substandard living conditions; and Section 8 vouchers; Immigration matters covering naturalization, U-Visa, T-Visa, and Violence Against Women Act/Immigration and Nationality Act petitions; general law enforcement related matters concerning tickets, citations, outstanding warrants, and expungements; family law matters prioritizing domestic violence restraining orders and consumer law matters covering pay-day loans, foreclosures, bankruptcy, and consumer fraud.

***Education:***

***Five Keys Schools and Programs*** are designed to connect students with lived experience of incarceration back to their families and their community through providing GED and High School equivalent courses and facilitate a warm handoff to community colleges, trade programs and other educational entities to ensure completion of educational goals. Five Keys prepares students for testing and provide financial support for testing for students in pursuit of their GED or High School diploma.

***Family Reunification Services:***

***A New Way of Life*** provides family preservation services to individuals and families as they overcome barriers to family reunification. Such services include, case management, systems navigation, linkage to legal support, visitation monitoring and education and advocacy training to assist, inspire and empower clients to advocate for the restoration of their civil rights, including reunification and custody of their children.

***Health and Healing Through the Arts Programming:***

***Somos Los Arte*** provides groups and leadership workshops targeting those who have history of gang-involvement to introduce the various forms of visual art to redirect their behavior in a positive way. Somos Los Arte also works with other artist specializing in writing, poetry, movement and theater to provide health and healing activities and events. Such workshops will include weekly Pop and Paints (Window to your Soul Activity), The Leadership Development Program, Poetry Slams, Visual Narration and more.

***Community Engagement:***

**Los Angeles Regional Reentry Partnerships (LARRP)** coordinates outreach and community engagement activities to assist client flow and access to services at the DOORS Community Reentry Center. Engagement activities include, core service introduction and navigation, conducting service needs assessments, coordinating and advertising trainings, workshops and other community events conducted at the center.

In addition to the community-based organizations, services are also offered by the following County agencies:

- **Department of Mental Health-** Provides Mental Health Screening, Crisis Intervention, Support Groups and Linkage;
- **Department of Public Social Services-** Provides Benefit Establishment and Linkage to Medical and Support; and
- **Department of Public Health-** Provides Substance Use Screening, Education and Linkage

**OTHER REENTRY INITIATIVES**

ODR has also launched several other innovative reentry initiatives, in partnership with community-based organizations, county agencies and correctional partners. I would like to highlight the following:

***Reentry Intensive Case Management Services (RICMS)***

The Reentry Intensive Case Management Services (RICMS) program is a care coordination and service navigation program operated in partnership with our sister office at the Department of Health Services – Whole Person Care. As is the case with all of our programming, services are provided by community-based organizations that have long-standing reputations with the reentry population. What distinguishes this program from other case management programs is that the case managers, known as **Community Health Workers, are people with lived experience of incarceration or “credible messengers.”** Research has shown that the use of credible messengers is effective in reducing recidivism. **They serve as advocates for their client and have a “whatever it takes approach”** to assisting their clients with their needs, ranging from accompanying them to doctor’s appts to helping them acquire IDs, birth certificates or other documentation to navigating the complex housing, employment and social services systems. RICMS currently has the capacity to serve 2,850 clients through 95 Community Health Workers across 25 contracted community-based organizations and 4 contracted clinics. The program has been relatively easy to bring to scale and, therefore, enables us to provide services countywide, which is often geographically challenging in LA County. It has also had the added benefit of serving as an employment program for people with justice involvement. One of our Community Health Workers whose justice involvement was primarily a result of her drug and alcohol addiction said **“sharing my lived experiences of how I overcame adversity, addiction, and discrimination in my own life is testament that real change in life is not only possible but probable given the right support.”**

### ***SECTOR (Skills and Experience for the Careers of Tomorrow)***

The SECTOR program provides **industry-recognized occupational skills training and paid work experience opportunities** to individuals with justice involvement to prepare them for careers in **high-growth sectors that offer family-sustaining wages and pathways for advancement**. Training programs that focus on in-demand skills in high growth sectors like technology have been shown to increase job seekers' earnings by 18 percent within two years.<sup>5</sup> Paid work experience includes apprenticeships, internships, and transitional jobs, which provide temporary subsidized employment for individuals who lack work experience to establish work history, learn basic workplace skills, and overcome barriers all while earning a paycheck. The SECTOR program also includes intensive case management, wrap-around support, and cognitive behavioral interventions to help individuals at a higher risk of recidivism build problem-solving and communication skills to ensure success in the workplace. In addition, the program is also focused on engaging and working closely with employers to develop trainings and job opportunities.

### ***LA FREE THE VOTE***

Civic engagement is an important part of the reentry process, providing a sense of belonging and agency within society. For that reason, ODR is proud to co-lead, along with the Registrar Recorder/County Clerk's office, the LA Free the Vote initiative. This initiative was born of two LA Board of Supervisors' motions in 2018, two years after the California Election Code was amended to clarify that individuals on Post Release Community Supervision were eligible to vote in California, tasking County agencies to collaborate in a taskforce with stakeholders to **civically engage and register to vote justice-involved individuals**. In its first year, the taskforce succeeded in **training 400 Los Angeles County staff who interface with the justice involved population on voter registration** and, building off existing work registering inmates in LA County Jails, taskforce members and partners **registered 1,398 inmates and 562 individuals from the reentry community**. ODR and the taskforce are continuing to build on this effort in 2020, incorporating voter registration into the regular practice of service providers to the reentry population, as well as contracting with community organizers to amplify this initiatives' reach. **LA Free the Vote aims to make LA County a national leader in systematically offering voter education and registration to the justice-involved population and encouraging this population to vote**. Recognizing that the justice involved population sits at the intersection of multiple underserved communities, LA Free the Vote brings an intentional County government focus to proactively outreaching to this population whose voices are important to our civic life.

### **CONCLUSION**

In conclusion, ODR strives for an inclusive community where everyone impacted by the justice system can thrive and fully participate in society. We do this by managing the development and implementation of programs to serve the needs of people with justice involvement, with the goal of creating an infrastructure that is sustainable and equitable.

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<sup>5</sup> Public/Private Ventures, 2010. *Turning in to Local Labor Markets*.

*How are we able to do this work?*

First, **funding is key**. We are very grateful for the funding we have, but more is needed in order to sustain and expand our programs. The population we could potentially serve is massive, with 118,000 people released from the jails every year and 35,000 people on adult felony probation, not to mention that 1/3 of the people released from CA state prison return to LA County. Funding also needs to be flexible and unrestricted, so we can continue to innovate and create new programs that address the myriad of needs of the reentry population and incorporate the best and most effective services.

Second, **true and authentic collaborations with government and non-government organizations**. We have developed strong relationships with Probation and other corrections partners, county agencies and community-based organizations. As you might imagine, building these relationships has taken some work, given that each organization has its own agenda and priorities; however, we are ultimately aligned in our mission, goals and commitment to serving those who have been treated unjustly by the criminal justice system.

Third, **continued support and leadership from policymakers on criminal justice reform**. For example, California launched the Fair Chance Act to protect people with criminal backgrounds from discrimination in the hiring process. However, many employers are still not aware of the law or how to fully abide by it, or what the benefits are of hiring people with justice involvement.

Finally, we need to have **compassion** and continue to have our programs and policies **informed by the experiences of those who have been involved in, and impacted by, the justice system**. We are a country built on the premise of a second chance, a better life, and we must all bring that compassion into our work every day. The result, as you all know, is good for individuals and their communities. It is also good for government budgets, given the very high cost of incarceration.

I would like to end with story of one of our clients.

In July 2019, a 27 year-old mother of two arrived at the Watts Labor Community Action Committee (WLCAC) looking for assistance with her ongoing custody case. She also expressed a need to find stable employment, rental assistance, furthering her education. Since then, she and her case manager have been working diligently to make the best of her situation. In July, her case manager referred her to receive mental health services to deal with the trauma of a previous domestic violence incident which left her seriously injured. She began seeing a therapist/counselor every week around October. Client also enrolled into community college as a full-time student and was enrolled in Biology, Psychology, Political Science, and Communication Studies; all while working as a part-time security guard.

Due to some untimely events in December 2019 and early January 2020, she was left jobless and facing eviction. She and her case manager then prepared an application to have her rent paid, and she was sent employment referrals for security openings in the area. She was able to avoid eviction, and was approved to complete an armed guard training and will be enrolling shortly. She has been very focused and dedicated to bettering herself to provide the best life possible for her and her two children.

Ms. BASS. Thank you.  
Mr. Wiese.

#### TESTIMONY OF JESSE WIESE

Mr. WIESE. Chairwoman Bass, Ranking Member, and other distinguished Members of the committee. Reentry should be about a return to full citizenship. Despite the incredible State level justice reform gains in the past decade and this committee's accomplishment in passing the Second Chance Act of 2008 and the First Step Act of 2018, reentry success stories are primarily the result of grit, the kindness of others, and, frankly, beating the odds.

Today, I'm a husband, a father, a soon-to-be lawyer, and the national director of Academy Advancement for Prison Fellowship, the Nation's largest prison ministry. For those who meet me now, it can be difficult to detect I'm one of the few success stories.

I was 21 years old when I robbed a bank at gun point. I know from personal experience that to pave the way for successful reentry two systemic issues must be address: Prison culture and collateral consequences. I deeply regretted my crime and wanted to pay the debt I owed. However, I was quickly confronted with prison norms which are antithetical to the norms of society. Adapting to this culture offers short-term safety but does not prepare you to be successful upon release. Prison Fellowship has long recognized prison culture as one of the leading causes of poorer criminal justice outcomes.

If we want to improve reentry outcomes, we must not think of it as a timeframe, but rather a frame of mind. The Prison Fellowship Academy uses evidence-based practices and life-changing curriculum to replace criminal thinking and behaviors with a renewed value system and life purpose. Prison Fellowship Academy graduates are prepared to take their places as good citizens, positive contributors to their communities, inside and outside of prison.

The academy provided me with a counter-prison culture, equipping me while in prison to confront my actions, reconcile with my victim, graduate with honors with my undergraduate degree, help other men obtain their GED, and study for the Law School Admission Test.

When I was released, I began to put into practice what I had been taught, but I was up against the 44,000 collateral consequences of a criminal conviction that plagued the estimated one in three American adults who have a criminal record. I thought I could outwork, outpace, outmaneuver, and outnetwork this second prison. The reality is you can't. It's always there. The hand reaching from the past slowing you down and pulling you back from reaching your potential. It's a taxing and never-ending process of convincing landlords, universities, employers, insurance companies, professional licensing boards, criminal justice officials, and, in my case, my wife, and the churches that the system can actually work.

I learned early that my accomplishments were not enough to erase the vestiges of a felony conviction. By God's grace, in spite of my parole officer, who told me I would never go to law school, I graduated Magna Cum Laude with my Juris Doctorate. Yet, obtaining a license to practice law required a decade of perseverance, including passing the Virginia bar exam twice, hundreds of pro

bono legal hours, six administrative hearings, during which I was asked why my rehabilitated soul would ever attempt to practice law, and two appeals to the Virginia Supreme Court.

As I walked this path, I challenged the participants in Prison Fellowship's prison programs to drain big and take hold of their second chance. Yet, there were times where I wondered if promoting such an unattainable challenge was unethical. I've witnessed the majority of people going through the dejecting reentry process give up because of the overwhelming barriers. Earning back the public's trust after committing a crime should not be an easy task, but it must be an attainable one if we want to increase public safety.

We spend billions of dollars teaching incarcerated men and women how to build a new car or a new life, provide the appropriate parts, and give them keys, but when the prison doors open, there are no roads. Where the brave forge ahead, they quickly run out of gas.

It's time to allow people to practice the rehabilitation we are so adamantly preaching. To that end, Prison Fellowship respectfully asks this Committee to address prison culture and pave a road to full citizenship. First, to really see gains, there must be a cultural, not just legislative shift. This cultural transformation starts by abandoning labels, such as offender and felon, in favor of language that reflects human dignity.

Cultural transformation is all about the heart of why Prison Fellowship launched Second Chance Month. Members of this Committee can join the forthcoming 2020 Second Chance Month resolution and use your influence to infuse the value of second chances in the national narrative.

Second, reject the status quo of prison culture. This includes infusing greater opportunities in prison for transformation, specifically lifting the ban on Pell grant access for incarcerated students and continuing to provide oversight of the First Step Act implementation. Prison Fellowship eagerly awaits the opportunity to expand the academy and Federal facilities. Finally, repeal Federal collateral consequences that are not substantially related to the criminal conduct and require an impact statement scrutinizing whether there is evidence of public safety benefit for any newly proposed collateral consequences.

Thank you.

[The statement of Mr. Wiese follows:]



**Testimony of Jesse Wiese**  
**Prison Fellowship**  
**Before the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security**  
**February 27, 2020**

Prison Fellowship® is the nation's largest Christian nonprofit serving prisoners, former prisoners, and their families, and a leading advocate for criminal justice reform. The organization was founded in 1976 by Charles Colson, a former aide to President Nixon who served a seven-month sentence for a Watergate-related crime. For over 40 years, Prison Fellowship has shared hope and purpose with men and women in prison. Those who once broke the law are transformed and mobilized to serve their community, replacing the cycle of crime with a cycle of renewal.

Our prison events, classes, and programs reach more than 375,000 prisoners each year. We have over 11,200 Prison Fellowship volunteers across the United States who make it possible to serve people in prison and more than 300,000 children of incarcerated parents annually. One hundred and thirty federal prisons participate in our Angel Tree program and several federal prisons have Prison Fellowship connection classes, which include Bible studies, recovery groups, and seminars on topics covering marriage, anger management, and more.

#### **FACING OUR REENTRY CRISIS**

Prison Fellowship commends this subcommittee for highlighting the failure of our society to provide a realistic pathway for those walking out of the criminal justice system. In its simplest form, reentry is about a return to full citizenship. Ideally, this pathway ends with those on that path being afforded the same rights and opportunities as every American citizen. Any exceptions to this end goal must be grounded in due process and have a clear, demonstrated relationship to public safety. Today, that pathway, at least by way of structure, does not exist in any clear, straight-forward way for formerly incarcerated men and women. Success stories, including my own, are primarily the result of grit, self-determination, the kindness of others, and, frankly, beating the odds. Success stories are the exception, not the rule<sup>1</sup> and apart from a pardon, even success stories remain rife with arbitrary and punitive barriers. Both the federal government and states are moving beyond the “lock-em-up and throw away the key” era, but reentry policy continues to yield ineffective results, creating an opportunity for significant reform. To pave a systemic pathway to reentry, it takes hard work and dedication on the part of the individual and it takes acceptance and emancipation from the community—reentry is a two-way street. To successfully pave this two-way street, it is critical to understand and address two issues: prison culture and collateral consequences.

#### **BUILDING A REENTRY PATHWAY IN PRISON: CHANGING PRISON CULTURE**

Typically, “reentry” is understood to be the transitional timeframe from walking out of prison and assimilating back into the community. While this timeframe is crucial, as most people return to the criminal justice system within the first year of release,<sup>2</sup> it is an incomplete view of reentry.

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<sup>1</sup> Mariel Alper & Matthew R. Durose, *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)*, Bureau of Justice Statistics (May 2018), <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.

<sup>2</sup> *Id.*

While many are familiar with the statistic that each year more than 600,000 state and federal prisoners come home to our communities,<sup>3</sup> what many don't know or understand is that most, if not all, were subjected to a prison culture with norms that are antithetical to the norms of success. Prison culture generally applauds values such as dishonesty and distrust, and this culture plays a significant role in reentry outcomes. Questions like, "How are people spending their time in prison?" and, perhaps more importantly, "How are people *able* to spend their time in prison?" are critical when considering a successful transition back into society. The habits and values a person practices in prison will be their same habits when reentering. We cannot expect that crossing the threshold of the prison gates back into the community magically eliminates the anti-social attitudes and behaviors that are prevalent within the culture of prison. We must no longer think of reentry as a timeframe, but rather as a frame of mind. Successful reentry requires a culture shift and begins at arrest.

For over 40 years, Prison Fellowship has operated from the premise that a person's character is not static—it can change. In order for that change to occur, there are necessary components (or pressures) that must be present. In other words, change doesn't occur spontaneously—it must be cultivated—and it requires intentionality. Currently, most prison environments and cultures are not conducive to producing this change. For example, we know through research that learning best occurs in a transparent and trust-centric environment, but these characteristics are the antithesis of prison culture. We also know that the more observations and interactions that people have of role models, the more likely they are to emulate and adopt those behaviors and attitudes—change is more "caught" than "taught". Sadly, positive examples are also not a constant occurrence in prison culture. Lastly, research supports the adage that "practice makes perfect." The more frequently people practice positive behaviors, the more likely they are to adopt them as their own, yet there are few purposeful opportunities in prison to practice positive behaviors.

Part of the discussion on prison culture change must involve metrics. Currently, our prison system's success metrics are mostly framed by constitutional violations, violence rates, contraband capture rates, and recidivism. Recidivism, however, measures failure, not success. The data points that are glaringly missing are related to cultural assimilation and contribution, i.e., the outcomes that we actually want. While recidivism is certainly an important data point, it is not the primary outcome we should be chasing. Think about how this measurement system would work across other social service sectors. Would you want to go to a hospital that only posted a success metric of its death rate? While that is important, you would also want to know how many people recovered and specifics to their recovery outcome. Did they go into remission, have to maintain medication, or require ongoing medical assistance? In other words, you would want to know the hospital's success rate related to retaining or advancing a patient's *quality* of life.

In the same light, why would we be satisfied with a low recidivism rate if the majority of those not returning to prison were heavily reliant on safety net programs, addicted, or homeless? At Prison Fellowship and as a society, we want more for people coming out of prison. We want them to be engaged in civic activities; we want them to be positive public actors, invested in their communities and advancing a pro-social worldview in the public square. We want people to work, pay taxes, take care of their families, volunteer, and be positive catalysts in our communities.

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<sup>3</sup> Jennifer Bronson & E. Ann Carson, *Prisoners in 2017*, Bureau of Justice Statistics (April 2019), <https://www.bjs.gov/content/pub/pdf/p17.pdf>.

We want people to be good citizens.

Prison Fellowship has long recognized that prison culture is one of the leading causes of poor criminal justice outcomes. Established in prisons across the country, the Prison Fellowship Academy® guides incarcerated men and women through a yearlong, transformational journey. Using evidence-based practices and life-changing curriculum, Academy participants develop and practice the biblically based values of Good Citizenship<sup>SM</sup>: responsibility, integrity, restoration, community, productivity, and affirmation. In the Academy's healthy community environment, participants overcome the life-controlling issues that led to their incarceration. As they adopt and apply the values of Good Citizenship, they acquire new life skills and *replace* criminal thinking and behaviors with a renewed value system and life purpose. Academy graduates complete the program as change agents, prepared to take their places as good citizens—productive and positive contributors to their communities inside and outside of prison.

The reality of prison culture has directly informed the methodology of our Academy program. In its more intensive versions, the Prison Fellowship Academy utilizes a full-time program manager to develop and foster a pro-social community inside of prison. Prison Fellowship staff intentionally work to carve out a pro-social space for men and women to practice prosocial values. The Academy not only measures recidivism,<sup>4</sup> but also measures the adoption of the values of Good Citizenship.<sup>5</sup> The Academy as well as other evidence-based programs and productive activities are a critical foundation to building a constructive prison culture. The First Step Act of 2018, first passed by the House Judiciary Committee, seeks to build this foundation, requiring that every person incarcerated in the Bureau of Prisons is provided with opportunities to participate in programs that meet his or her risks and needs.

The First Step Act recognizes that we can no longer afford to ignore the reality that prison culture is a primary catalyst in poor reentry outcomes. Prison Fellowship believes that communities and taxpayers want a better outcome from their criminal justice system and in order to see that outcome, prisons must first and foremost provide a place for people to practice Good Citizenship, fail, and then practice again. Once a culture of Good Citizenship is established, not only can personal change be cultivated, but those who are changed (and changing), become change-agents. They bring about a values-based shift within the larger prison culture and are able to seamlessly fold into our communities, to which most of them will one day return. With programs like the Academy at hand, people who were once part of the problem become powerful pieces to the solution.

The criminal justice system has become a social shaper in the United States that impacts millions of people every year. It's time we talk about the culture of that social shaper. When I entered the

<sup>4</sup> Executive Administrative Services, *Evaluation of Offenders Released in Fiscal Year 2013 That Completed Rehabilitation Tier Programs*, Texas Department of Criminal Justice (October 2017) (posting the Academy as the best performing program to reduce three-year recidivism); Department of Corrections, *An Outcome Evaluation of the InnerChange Freedom Initiative in Minnesota*, Minnesota Department of Corrections (February 2012); Byron R. Johnson & David B. Larson, *The InnerChange Freedom Initiative, A Preliminary Evaluation of a Faith-Based Prison Program*, Baylor University (2008), <https://www.baylor.edu/content/services/document.php/25903.pdf>.)

<sup>5</sup> Thomas C. Reeves, et al., *Evaluation Report: Prison Fellowship Tier-2 Academy at Kate Barnard Correctional Center (KBCC)*, University of Georgia (2019), [https://research.franklin.uga.edu/good-citizenship/sites/research.franklin.uga.edu/good-citizenship/files/inline-files/Academy%20Eval%20Report%20KBCC\\_insert\\_web.pdf](https://research.franklin.uga.edu/good-citizenship/sites/research.franklin.uga.edu/good-citizenship/files/inline-files/Academy%20Eval%20Report%20KBCC_insert_web.pdf).

criminal justice system in 1999, I was quickly confronted with prison norms. Adapting to this culture offered some sense of short-term safety and security, yet, my journey towards Good Citizenship was perplexing. On one hand, it was easier to just live by the “prison code,” but I knew that if I didn’t stretch my Good Citizenship muscles, I wouldn’t be as successful upon release. However, when I tried to live by pro-social values, it put me at odds with the larger prison culture, and the risk of that action was a loss in comfort and potentially safety. When confronted with this choice, many will take the path of least resistance and remain stuck in a place that always looks toward “tomorrow” to start the process of change. I believe hundreds of thousands of people are stuck in this “in between,” and only by intentionally addressing the prison culture issue will we provide true pathways to reentry—a pathway that begins with “today.”

### MY REENTRY JOURNEY

I was twenty-one years old when I robbed a bank at gunpoint. I was sentenced to serve fifteen years in the Iowa penal system. My actions were a result of personal despair, selfishness, and hopelessness. It caused harm to my victim, myself, the community, and my family and friends. There are few helpful hands in prison, yet I was fortunate to find a few. Through those interactions, I began to find purpose, value, and hope, and quickly realized that actions do not take place in a vacuum. Crime harms people, breaks relationships, and has life-long consequences. I deeply regretted my actions and looked forward to satisfying the debt that I owed.

During my incarceration, I did my best to prepare for my opportunity at a second chance. I had confronted my actions, reconciled with my victim, graduated with honors with my undergraduate degree, helped other men in prison obtain their GED, graduated from the Prison Fellowship Academy program, spent time encouraging and challenging incarcerated adolescents, and spent the last three months of my sentence studying for the law school admission test.

I walked out of the Iowa prison system thinking two things: I wasn’t the same man walking out that I was walking in, and I wanted to make a positive difference. I deeply wanted to expiate my guilt and prove to society that I could once again be a trusted and valued citizen.

When I was released, I began to put into practice what I had been taught. I sought out mentors, engaged in the community, developed a new social network, got a job, and encouraged others to do the same. Those practices and relationships led to other opportunities. I was accepted to law school where I interned with a state juvenile court judge, served as president of the Honor Council, drafted statutory reforms to eradicate domestic child-sex trafficking, and graduated *magna cum laude*. I passed the Virginia bar exam (twice) and joined Prison Fellowship to advance the values of hope and justice in the criminal justice system.

Though my name may be attached to these achievements, a very small amount of the recognition, if any, should be attributed to me. The accolades belong to those along the way that sowed into the soil of my life and believed that I could “make good” on my second chance. These are much-deserved dividends earned on the thousands of dollars Iowa taxpayers paid for my bad decision and the countless hours and resources several mentors gave to me along the way.

The truth is, however, that achieving these successes was not an easy task and there are still obstacles to overcome. I had to fight every step of the way to get where I am today. This is not to say that it should be easy, but it is an arduous and continual process convincing landlords, universities, professional licensing boards, churches, and even criminal justice officials that the system can actually work, and that men and women can change with the right accountability, resources, and opportunities. I learned early that my voice and accomplishments were not enough to erase the vestiges of a felony conviction. I pursued relationships with judges, lawyers, faith leaders, and other upstanding members of the community who often advocated on my behalf. Even with their voices, however, my inability to obtain a license to practice law required a decade of perseverance that included taking and passing the Virginia bar exam for a second time, hundreds of pro-bono legal hours, six administrative hearings, and two appeals to the Virginia Supreme Court. Despite this difficult path, I continued to challenge the men and women in our prisons to reach for the stars, dream big, and take hold of their second chance, though there were times where I wondered if my promoting such an unattainable challenge was unethical. Many of us who have been in the criminal justice system have never envisioned ourselves beyond government subsidies or a minimum-wage job. Unfortunately, even with supporting research<sup>6</sup> and the tools and vision to achieve personal success, we often remain relegated to places of continual failure or hit a glass ceiling because of arbitrary collateral consequences.

After my release, I had the opportunity to assist men with basic reentry issues as they were transitioning back into society from a period of incarceration. Time and time again, I witnessed the majority of them give up on their dreams of success because of the second chance barriers that clearly lay before them. The goals that we encourage men and women to set and work towards during their incarceration quickly become shattered when faced with the uphill battles of housing, employment, and social stigma. In most cases, giving up on these dreams did not result in recidivism, but it did result in them accepting their place in society as second class citizens who are unworthy of achieving certain levels of success or even representation.

Earning back the public's trust after committing a crime should not be an easy task, but it must be a realistic and attainable one if we want to increase public safety. The billions of taxpayer dollars poured into rehabilitation programs every year amount to nothing more than a colossal waste if we as a society don't allow the men and women walking out of prison doors to practice the rehabilitation we are so adamantly preaching. In effect, we spend billions of dollars teaching incarcerated men and women how to build a new car (i.e., a new life), provide the appropriate parts, and give them the keys, but when the prison doors open, there are no roads. And where the brave forge ahead to make their own roads, they quickly run out of gas. This proverbial "pulling the football from Charlie Brown" approach only seeds discontent and distrust and reinforces the anti-social behaviors that many in the corrections arena are working so hard to reduce.

When I walked out of the prison system, the most impactful thought I left with was that if we want people in prison to succeed, we need to change the way we "do" prison in the United States. The pathway to successful reentry begins with providing opportunities to practice Good Citizenship in

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<sup>6</sup> See, e.g., Alfred Blumstein & Kiminori Nakamura, *'Redemption' in an Era of Widespread Background Checks*, NAT'L INST. JUST. J. No. 263 (June 2009), <https://www.ncjrs.gov/pdffiles1/nij/226872.pdf> (stating that after a certain time period, the likelihood that a person with a prior conviction will commit another crime will diminish to that of society, thus limiting the risk of recidivism and the need for some collateral consequences).

prison. However, as I began to pursue my second chance after my release and work with others, it became quickly evident that the reentry pathway cannot stop at the prison gate.

#### THE PATHWAY PAST PRISON: ADDRESSING COLLATERAL CONSEQUENCES

The overuse and general acceptance of collateral consequences is cause for genuine concern. Taxpayers and victims of crime count on a return for their investment in the criminal justice system and imposing arbitrary and perpetual civil punishments as a result of a criminal conviction greatly diminishes that return. Under the Constitution, each reentry story begins with due process. To protect that formative American belief, we should apply serious scrutiny to processes that restrict “life, liberty, and the pursuit of happiness.”<sup>7</sup> The reach of due process to limit one’s liberty, however, cannot stretch beyond the point when the punishment is paid in full. The scope of limiting a person’s “liberty” was never meant to be applied for a lifetime or to keep people in an indefinite second prison; however, that is the reality in the criminal justice system. Most criminal defendants are not aware of the breadth and longevity of the consequences of a guilty verdict or pleading guilty. Collateral consequences are hidden, life-limiting restrictions on personal liberty, and whether those restraints need additional due process should seriously be considered.<sup>8</sup>

Even after paying their debt to society, the 70 million men and women with criminal records in America continue to face systematic and often life-long barriers to second chance opportunities. After someone has completed their traditional sentence, Prison Fellowship believes only restrictions to personal liberty that have a demonstrated and substantial link to protecting public safety should be permissible. Even in these limited cases, the restrictions should be anticipated at the time of sentencing as part of the defendant’s proportional punishment, and notification of all such consequences should be given to the defendant during the trial process.

The term “collateral consequences” is a fairly new term referring to the “wide-range of status-related penalties, sanctions, and restrictions that are permitted or required by law because of a criminal conviction even if not included in the court’s sentence.”<sup>9</sup> As this subcommittee is aware, collateral consequences include, among other limitations, the loss or restriction of employment or professional license, eviction from public housing, ineligibility for welfare benefits, loss of right to hold public office, serve in the military, volunteer, or sit on a jury. Collateral consequences may also include the loss of parental rights, exclusion from government contracts, and the inability to live in certain areas. Practically, the stigma associated with a criminal conviction almost always results in the permanent loss of standing within the community.

Collateral consequences have been a familiar feature in the American justice system since colonial times and garnered some reform interest among legal scholars in the 1970s.<sup>10</sup> Recently, however,

<sup>7</sup> THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

<sup>8</sup> See e.g., *Padilla v. Kentucky*, 559 U.S. 356 (2010) (finding that defense attorneys have an affirmative duty to advise clients about mandatory deportation consequences of a criminal conviction); *People v. Hughes*, 2012 L.L. 112817 (2012) (applying *Padilla* disclosing requirements to involuntary civil commitment); *Calvert v. State*, 342 S.W.3d 477 (TN 2011) (applying *Padilla* disclosing requirements to lifetime supervision).

<sup>9</sup> Margaret Colgate Love, et al., COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS: LAW, POLICY AND PRACTICE 25 (2013).

<sup>10</sup> See, e.g., Margaret Colgate Love, *Starting Over With a Clean Slate: In Praise of a Forgotten Section of the Model Penal Code*, 30 FORDHAM URB. L.J. 1705 (2002) <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1880&context=ulj> (discussing the history and reform trends of collateral consequences).

there has been an increasing awareness on the issue of collateral consequences.<sup>11</sup> The reasons for this increased concern are likely related to the rising prison population, the ballooning of the criminal justice system, and technological advances in providing background searches.<sup>12</sup> Today, the Justice Center at the Council of State Governments has identified over 44,000 legal collateral consequences in existence<sup>13</sup> and approximately sixty-five to seventy million Americans (1 in 3 adults) have a criminal conviction.<sup>14</sup> Additionally, the expanse of the administrative governmental agency has created a bureaucratic web making the reprieve from collateral consequences much more difficult to successfully navigate. In fact, one of the most misunderstood aspects of collateral consequences is that the majority of them are not legally or statutorily imposed.<sup>15</sup> The limited number of collateral consequences that are actually enforced are imposed legally through legislative action and are typically the most commonly known, including prohibitions on firearms, voting, serving on a jury, and holding public office. The majority of collateral consequences, however, are imposed by independent rulemaking through administrative agencies that classify a criminal conviction or a corresponding lack of “moral character” as the means for disqualification from some type of governmental assistance or benefit. In addition, there is a powerful cultural element to the stigma of a criminal conviction, which is mostly seen in the form of background checks conducted for employment, housing, and volunteer opportunities and poor use of this information by decision makers.

Additionally, the internet has increased access to criminal record information and the ease at which background checks can be conducted. This has extended collateral consequences to simple arrests, even in instances where the case is dismissed, an individual successfully pursues a diversion program, or there is a not-guilty verdict. States have begun to reconcile this unjust outcome by attempting to keep arrest records confidential from public purview,<sup>16</sup> providing certificates of rehabilitation,<sup>17</sup> or passing policies that automatically clear certain criminal records known as Clean Slate laws.<sup>18</sup>

<sup>11</sup> Justice Center, *National Inventory of Collateral Consequences of Conviction*, The Council of State Governments (2019), <https://niccc.csgjusticecenter.org/>; U.S. Commission on Civil Rights, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities*, United States Commission on Civil Rights (June 2019), <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>; NACDL, *Collateral Damage: America's Failure to Forgive or Forget in the War on Crime*, National Association of Criminal Defense Lawyers (May 2014), <https://www.nacdl.org/Document/CollateralDamageARoadmaptoRestoreRightsandStatus>; Memorandum from Att’y Gen. Eric Holder on Consideration of Collateral Consequences in Rulemaking (Aug. 12, 2013), =

<sup>12</sup> U.S. Sentencing Commission on Civil Rights, *supra* note 12.

<sup>13</sup> Justice Center, *supra* note 12.

<sup>14</sup> Anastasia Christman & Michelle Natividad Rodriguez, *Research Supports Fair Chance Policies*, The National Employment Law Project (August 2016), [https://www.nelp.org/publication/research-supports-fair-chance-policies/#\\_edn1](https://www.nelp.org/publication/research-supports-fair-chance-policies/#_edn1); Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2010*, U.S. Department of Justice (November 2011), <https://www.ncjrs.gov/pdffiles1/bjs/grants/237253.pdf>; Office of the Attorney General, *The Attorney General's Report on Criminal History Background Checks*, U.S. Department of Justice (June 2006), [http://www.justice.gov/olp/ag\\_bgchecks\\_report.pdf](http://www.justice.gov/olp/ag_bgchecks_report.pdf).

<sup>15</sup> Justice Center, *supra* note 12.

<sup>16</sup> E.g., S.B. 14-206, 69th Gen. Assem., 2d Sess. (Colorado 2014).

<sup>17</sup> Information Center, *Certificates of Rehabilitation*, National Institute of Corrections (May 2016), [https://s3.amazonaws.com/static.nicic.gov/UserShared/2016-05-18\\_nic\\_certificates\\_of\\_rehabilitation.pdf](https://s3.amazonaws.com/static.nicic.gov/UserShared/2016-05-18_nic_certificates_of_rehabilitation.pdf); Ram Subramanian, et al., *Relief in Sight? States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014*, Vera Institute of Justice (December 2014), [https://www.vera.org/downloads/Publications/relief-in-sight-states-rethink-the-collateral-consequences-of-criminal-conviction-2009-2014/legacy\\_downloads/states-rethink-collateral-consequences-report-v4.pdf](https://www.vera.org/downloads/Publications/relief-in-sight-states-rethink-the-collateral-consequences-of-criminal-conviction-2009-2014/legacy_downloads/states-rethink-collateral-consequences-report-v4.pdf).

<sup>18</sup> Clean Slate Bill, H.B. 1419, 2018 Reg. Sess., (PA 2018); H.B. 431, 63rd Gen. Sess. (Utah 2019);

### PERVERSE FEDERAL INCENTIVES AND COLLATERAL CONSEQUENCES

In certain instances, the federal government has incentivized states to adopt collateral consequences by withholding federal dollars if those collateral consequences are not properly implemented. For example, states face a reduction of federal transportation funding if they do not revoke or suspend “for at least 6 months, [] the driver’s license of any individual who is convicted . . . of any violation of the Controlled Substances Act, or any drug offense.”<sup>19</sup> This restriction is not directly related to any driving offense and is a classic example of a collateral consequence that does not have a nexus to the criminal conduct.

Additionally, as a result of the “War on Drugs,” the federal government began to implement “user accountability” provisions that precluded men and women with a drug conviction from certain federal benefits. Under the Anti-Drug Abuse Act,<sup>20</sup> these provisions denied certain federal benefits such as access to grants, federal student loans, and professional licenses to people convicted of drug offenses. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act<sup>21</sup> (the Welfare Reform Act) instituted a lifelong ban on Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamps) for people convicted of drug crimes. Realizing that these post-conviction sanctions did not address the drug issue, Congress eventually lessened the rigid restrictions under the Drug Abuse Act, but the lifelong restrictions related to SNAP benefits remain in force unless state legislatures reject or modify it.<sup>22</sup> Punishing men and women by refusing to allow them life-sustaining benefits is an immoral and regressive approach to criminal punishment. Again, instituting consequences that are not rationally related to the crime impedes public safety and is a disproportionate response to criminal behavior.

These federal examples highlight the fact that several, if not most, of collateral consequences are not rationally related to the criminal conduct. One of the strongest examples of that disconnect involves victim compensation funds. State victim compensation funds are funded by criminal fines and taxpayer dollars and offer monetary assistance to victims and survivors of violent crime. Unfortunately, eleven states disqualify a victim’s ability to receive compensation if that person has a felony conviction.<sup>23</sup>

The encouraging news is that both Republicans and Democrats are beginning to see the hypocrisy in spending millions of taxpayer dollars on reentry services in one bill but creating overwhelming obstacles with another. As former Virginia Attorney General Ken Cuccinelli stated, “If we really believe no one is beyond redemption we need to stop throwing away that key.”<sup>24</sup> Refraining from the arbitrary expansion of collateral consequences is a good step in that direction, and Congress is increasingly committing to that goal. Prison Fellowship was pleased to see the passage in December 2019 of the Fair Chance Act (H.R. 1076). This legislation, introduced by Ranking Member Doug Collins (R-GA) and the late Elijah Cummings (D-MD), delays inquiries into an

<sup>19</sup> 23 U.S.C. §§ 159(3)(A)(i), (3)(B)(ii) (2012). The Governor of the state can opt-out of the requirement by sending a letter to the Secretary of Transportation certifying “that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to [the] law . . . .”

<sup>20</sup> 21 U.S.C. § 1501 (1988).

<sup>21</sup> 42 U.S.C.A. § 1305 (1996).

<sup>22</sup> U.S. Sentencing Commission on Civil Rights, *supra* note 12.

<sup>23</sup> Justice Center, *supra* note 12.

<sup>24</sup> Beth Reinhard, *Ken Cuccinelli Moves to the Center*, National Journal (Mar. 14, 2013), <http://www.nationaljournal.com/politics/at-cpac-ken-cuccinelli-moves-to-the-center-20130314>.



applicant's criminal history by federal agencies and among federal primary contractors.<sup>25</sup> By doing this, the Fair Chance Act, building off the positive policy outcomes of comparable laws in states and municipalities, provides formerly incarcerated individuals with the opportunity to present their aptitudes and skills during the federal hiring process.<sup>26</sup>

### ECONOMIC IMPACTS OF POOR REENTRY POLICY

Perhaps the greatest impact of failed reentry policy is found in the employment sector. More than half of former prisoners make no earnings in the first year after incarceration.<sup>27</sup> At the height of the Great Recession, the 27 percent unemployment rate of the formerly incarcerated was five times the national rate and “higher than the total U.S. unemployment rate during any historical period, including the Great Depression.”<sup>28</sup> Lacking access to meaningful work and the social capital, pride, and new skills such work provides, old cycles of crime and addiction trap all too many returning citizens.<sup>29</sup> Additionally, prison culture impedes the development of soft or non-cognitive skills like empathy, integrity, and responsibility, which impacts the opportunity to move outside the margins and up the economic ladder.<sup>30</sup>

These frustrating data points do not signify only losses for returning citizens. This subcommittee should likewise consider how our economy suffers as a result of our failure to unlock employment opportunities for individuals with a criminal record. A four-year study of the John Hopkins medical system found how employees with a criminal record “were more likely to stay in their jobs for more than three years” than their peers without prior convictions.<sup>31</sup> Research from Northeastern University highlights the comparable, and sometimes greater, rates of length of tenure, loyalty to employer, and workplace conduct among individuals with a criminal record relative to other colleagues.<sup>32</sup> Our nation's single largest employer—the military—has long benefited from the contributions of formerly incarcerated men and women. A detailed study of 1.3 million enlistment records found that “individuals who have been arrested for felony-level offenses have similar attrition rates to those with no criminal record.<sup>33</sup> They are no more likely to be discharged for the negative reasons employers often assume (such as misconduct or poor work performance) . . . individuals with felony-level criminal backgrounds *are promoted more quickly and to higher ranks*

<sup>25</sup> Fair Chance Act of 2019, H.R. 1076, 116<sup>th</sup> Cong. (2019).

<sup>26</sup> Stan Veuger & Daniel Shoag, “*Ban the Box*” Measures Help High Crime Neighborhoods, American Enterprise Institute (March 11, 2019), <https://www.aei.org/wp-content/uploads/2019/03/Ban-the-Box-March-2019-update.pdf>.

<sup>27</sup> Adam Looney & Nicholas Turner, *Work and Opportunity Before and After Incarceration*, Brookings Institution (March 2018), <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>.

<sup>28</sup> Lucius Couloute & Daniel Kopf, *Out of Prison and Out of Work: Unemployment Among Formerly Incarcerated People*, Prison Policy Institute (July 2, 2018), <https://www.prisonpolicy.org/reports/outofwork.html>.

<sup>29</sup> Mariel Alper, *supra* note 1.

<sup>30</sup> See e.g., Raj Chetty, et al., *The Opportunity Atlas: Mapping the Childhood Roots of Social Mobility*, 63, United States Census Bureau (2018), [https://opportunityinsights.org/wp-content/uploads/2018/10/atlas\\_paper.pdf](https://opportunityinsights.org/wp-content/uploads/2018/10/atlas_paper.pdf) (finding a strong correlation between incarceration and income).

<sup>31</sup> Sophie Quinton, *Matching Ex-Offenders With Hard-To-Fill Health Care Jobs*, The Pew Charitable Trusts (April 19, 2017), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/04/19/matching-ex-offenders-with-hard-to-fill-health-care-jobs>.

<sup>32</sup> Dylan Minor, et al., *Criminal Background and Job Performance*, Northwestern University (May 2017), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2851951](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2851951).

<sup>33</sup> Jennifer Lundquist, et al., *Does a Criminal Past Predict Worker Performance? Evidence from America's Largest Employer*, 96 Soc. Forces 1039 (2018), <https://nicic.gov/does-criminal-past-predict-worker-performance-evidence-america-s-largest-employer-2016>.

*than other enlistees* [emphasis added].<sup>34</sup> Successful integration of former prisoners could yield gains of \$78 to \$87 billion annually to the United States gross domestic product.<sup>35</sup> The overwhelming majority of returning citizens stand ready to energetically contribute to our economy. They now await our collective decision to create avenues of second chances and restoration.

## RECOMMENDATIONS

There are several legislative actions Congress can take that will improve our reentry outcomes.

First, Congress can create some guidelines for agencies regarding the administration and relief requirements for collateral consequences. Providing clear definitions for phrases such as “crime of moral turpitude” as well as requiring that all collateral consequences be “substantially related to the criminal conduct” are small first steps that can have a big impact.

Second, Congress can implement a “collateral consequences impact statement” that would provide necessary scrutiny to any new collateral consequence. Congress could likewise consider a sunset provision requiring any new collateral consequence to be revisited after a certain number of years and repealed if the barrier showed no substantial evidence of public safety benefit. Both of these options would provide a check against the growth of collateral consequences as well as reinforce their proper role within the law. Additionally, Congress can proactively pass reforms to remove unnecessary federal collateral consequences already in existence. For example, individuals with a state or federal drug felony conviction are not eligible for the American Opportunity Tax Credit. Prison Fellowship asks Congress to remove this collateral sanction that makes it more difficult for formerly incarcerated individuals, who have already paid their debt to society, to pursue higher education and provide for their families (e.g. ED ACCESS Act).<sup>36</sup>

Third, Congress should pass bipartisan reforms that will infuse greater opportunities for transformation in American corrections culture, specifically Pell Grant restoration for incarcerated students. A RAND study showed that participants in correctional education had 48 percent lower odds of recidivating than those who did not.<sup>37</sup> Today, an unprecedented range of organizations, including Prison Fellowship, the National District Attorneys Association, Business Roundtable, U.S. Chamber of Commerce, and higher education leaders, including HELP Chairman Lamar Alexander, Education and Labor Chairman Bobby Scott, and Secretary of Education Betsy DeVos, have expressed their support for restoration of Pell Grant eligibility for incarcerated students. It’s important to note that just because an incarcerated student receives a Pell Grant does not mean that opportunities will shrink for other students. “[B]y law, all eligible students who apply for Pell grants receive them.”<sup>38</sup> Indeed, the amount or availability of a Pell grant bears no relationship to

<sup>34</sup> *Id.*

<sup>35</sup> Cherie Bucknor & Alan Barber, *The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies*, Center for Economic and Policy Research (June 2016), <http://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf?v=5>.

<sup>36</sup> Eliminating Discrimination and Creating Corridors to Expand Student Success Act of 2019, H.R. 4518 & S. 2553, 116<sup>th</sup> Cong. (2019).

<sup>37</sup> Robert Bozick, et al., *Does Providing Inmates with Education Improve Postrelease Outcomes?*, Rand Corporation (July 2018), [https://www.rand.org/pubs/external\\_publications/EP67650.html](https://www.rand.org/pubs/external_publications/EP67650.html).

<sup>38</sup> 140 Cong. Rec. H2546 (1994).

the number of applicants, but instead is based on the “total maximum Pell grant minus the student’s [Expected Family Contribution]; or the Cost of Attendance minus the student’s [Expected Family Contribution].”<sup>39</sup> By providing a clear mechanism of federal financial aid, Pell Grant restoration will enable more of our incarcerated neighbors to pursue avenues of redemption within and beyond prison walls. We urge members of this committee to consider cosponsorship of the bipartisan REAL Act (H.R. 2168), introduced by Congressmen Jim Banks (R-IN) and Danny Davis (D-IL).<sup>40</sup>

Fourth, we request that Congress exercise its funding and oversight powers to ensure the historic, bipartisan First Step Act truly achieves its goal of creating more constructive culture in federal prisons. We urge members of Congress to fully fund the legislation and press the Bureau of Prisons (BOP) to address the clear gaps in evidence-based programming and productive activities.<sup>41</sup> Additionally, Congress should ensure the Bureau of Prisons complies with the First Step Act’s focus on expanded BOP partnerships with non-profit and faith-based organizations providing effective, evidence-based programming.<sup>42</sup> Prison Fellowship eagerly awaits the opportunity to expand the Academy program in federal facilities. Finally, the legislation recognizes that new programming will have more positive outcomes when combined with meaningful incentives for participation and successful completion, whether through certain privileges during incarceration or, depending on a prisoner’s recidivism risk level and sentence type, changes in pre-release custody level.<sup>43</sup> Congress must ensure the BOP and Department of Justice meaningfully develop and implement these incentives.

Fifth, we ask for support of federal certificates of rehabilitation and entrepreneurship funding. Returning citizens in at least sixteen states and the District of Columbia can apply for a certificate of rehabilitation to better access employment and housing opportunities and obtain waivers for collateral sanctions.<sup>44</sup> Congress should likewise create a pathway for obtaining a certificate of rehabilitation for individuals with federal convictions who seek to demonstrate their commitment to law-abiding citizenship and successful reentry (e.g. RE-ENTER Act).<sup>45</sup> Prison Fellowship also supports legislation that would expand access for current and former federal prisoners to small business mentor and training programs (e.g. Prison to Proprietorship for Formerly Incarcerated Act; Prison to Proprietorship Act).<sup>46</sup>

Lastly, in order for there to be a shift in how our society views men and women with a criminal conviction, there must be a cultural transformation that extends beyond the halls of Congress and

<sup>39</sup>Cassandra Dortch, *Federal Pell Grant Program of the Higher Education Act: Primer*, Congressional Research Service (November 2018), <https://fas.org/spp/crs/misc/R45418.pdf>.

<sup>40</sup> REAL Act of 2019, H.R. 2168, 116<sup>th</sup> Cong. (2019).

<sup>41</sup> Office of the Attorney General, *The First Step Act of 2018: Risk and Needs Assessment System*, U.S. Department of Justice (2019), [https://nij.ojp.gov/sites/g/files/xykuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system\\_1.pdf](https://nij.ojp.gov/sites/g/files/xykuh171/files/media/document/the-first-step-act-of-2018-risk-and-needs-assessment-system_1.pdf)

<sup>42</sup> Nathan James, *The First Step Act of 2018: An Overview*, Congressional Research Service (March 2019), <https://fas.org/spp/crs/misc/R45558.pdf>.

<sup>43</sup> *Id.*

<sup>44</sup> Information Center, *Certificates of Rehabilitation*, National Institute of Corrections (May 2016), [https://s3.amazonaws.com/static.nicic.gov/UserShared/2016-05-18\\_nic\\_certificates\\_of\\_rehabilitation.pdf](https://s3.amazonaws.com/static.nicic.gov/UserShared/2016-05-18_nic_certificates_of_rehabilitation.pdf); Ram Subramanian, et al., *Relief in Sight? States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014*, Vera Institute of Justice (December 2014), [https://www.vera.org/downloads/Publications/relief-in-sight-states-rethink-the-collateral-consequences-of-criminal-conviction-2009-2014/legacy\\_downloads/states-rethink-collateral-consequences-report-v4.pdf](https://www.vera.org/downloads/Publications/relief-in-sight-states-rethink-the-collateral-consequences-of-criminal-conviction-2009-2014/legacy_downloads/states-rethink-collateral-consequences-report-v4.pdf).

<sup>45</sup> RE-ENTER Act, S. 2931, 116<sup>th</sup> Cong. (2019).

<sup>46</sup> Prison to Proprietorship Act, H.R. 5078, 116<sup>th</sup> Cong. (2020); Prison to Proprietorship for Formerly Incarcerated Act, H.R. 5065, 116<sup>th</sup> Cong. (2020).

into our places of worship and communities. Examining the issue from a moral lens is necessary to achieve the desired change. Excluding someone from a clear and just path to restoration takes away that person's incentive to transform their life, take responsibility for their own affairs, and provide for their own family.

This cultural transformation starts with changing our language. Labels are powerful, and our society has plenty for people who have been through the criminal justice system and have the record to show for it: *Felon. Offender. Convict. Criminal*. Even *inmate* casts a dark shadow in its rightful context. An *inmate* is just a number—identified by numbers on a uniform. Personhood is revoked. When we call people offenders and convicts, we identify them by what they have done, not by their basic human dignity. Similar sentiment has helped fuel changes in how we refer to people with disabilities. The term “returning citizen” has grown in popularity, but recent Barna polling commissioned by Prison Fellowship shows that less than one-quarter of Americans are familiar with this more positive label and one-third of Americans prefer to continue using stigmatizing language like ex-offender.<sup>47</sup> To overcome these deep-seated views about people with a criminal record, intense education and awareness-building campaigns are necessary.

Countries including Singapore<sup>48</sup> and Fiji<sup>49</sup> have taken on the cultural aspects of collateral consequences and have had striking results. Prison Fellowship's Second Chance® Month has created spaces for just this cultural reimagining. Since launching in April 2017, Prison Fellowship has spearheaded the nationwide effort to raise awareness about collateral consequences and unlock brighter futures for people with a criminal record. Over 360 businesses, churches, and organizations<sup>50</sup> have joined Prison Fellowship to raise awareness about the restrictions and stigma facing individuals with a criminal record and to celebrate second chances during April through press, policy briefings, “Second Chance Sunday” services held by churches, prayer walks, social media campaigns, and annual resolutions and proclamations. In April 2019, 23 state governors, the District of Columbia, and the White House issued Second Chance Month proclamations. With the expected reintroduction of these resolutions in the coming month, members of this committee can take a simple but meaningful step to promote conversations in public policy and our communities about second chances and restoration.

## CONCLUSION

“There is a latent, pervasive attitude in our society which stresses the generic unworthiness of the criminal—his permanent unfitness to live in ‘decent society.’ He is seen as an unredeemable, permanently flawed, ever-threatening deviant. Proper citizens are felt to be menaced or degraded by consorting with him, whether or not he has ‘paid his debt.’”<sup>51</sup>

<sup>47</sup> Barna, *A Survey of Christian Perceptions on Incarceration & Justice Reform*, Fielded by Barna for Prison Fellowship (October 2019), <https://www.prisonfellowship.org/wp-content/uploads/2020/01/Prison-Fellowship-Christian-Barna-Polling-Results-2019.pdf>.

<sup>48</sup> YRP, *Why Give 2nd Chances?*, Yellow Ribbon Project (2019), <http://www.yellowribbon.org.sg/>.

<sup>49</sup> Fiji Corrections Service, *Rehabilitation*, Fiji Corrections Services (2019), <http://www.corrections.org.fj/pages.cfm/yellow-ribbon/communities/giving-offenders-second-chance.html>.

<sup>50</sup> Prison Fellowship, *Second Chance Month*, Prison Fellowship (2019), <https://www.prisonfellowship.org/about/justicereform/second-chance-month/>.

<sup>51</sup> Bernard Cogan & Donald L. Jr. Loughery, SEALING AND EXPUNGEMENT OF CRIMINAL RECORDS—THE BIG LIE, 61 J. CRIM. L. & CRIMINOLOGY 389 (1971).

Though the notion of second chances is a concept deeply rooted within the fabric of American society, extending this hope to the millions of adults with a criminal conviction in this country remains a work in progress. Counterproductive cultural norms in our prisons and arbitrary collateral consequences place irrational limitations on the ability of men and women to effectively reentry society at their highest potential and relegate millions of Americans to second class citizenship. Prison Fellowship is committed to the presupposition that all people have intrinsic value and are salvageable, and we are committed to paving the road of reconciliation from our prisons into our communities. We hope to see you on that road.

Respectfully submitted,

Jesse Wiese, J.D. (soon to be esquire)  
National Director, Academy Advancement  
Prison Fellowship

Ms. BASS. Mr. Harriel.

### TESTIMONY OF JOHN HARRIEL

Mr. HARRIEL. Thank you, Chairman Bass and the Committee for being here today. This is a great opportunity to be here for myself. I support reentry because myself, too, like Mr. Harris and this young man next to me, it was tough when I was in prison and when I got out, I thank God that the International Brotherhood of Electrical Workers allowed someone like myself to join their union, but there were some things that I had to do.

So, when we have these programs, I want to make sure that, for my community, the community that I come up in, east side of Los Angeles, that it's not just a program. It needs to be a way of life, and this is why 2nd CALL was formed by brothers Kenny Smith and Skip Towson. When they formed it, they formed it just for hard core gang intervention, but when I got with them, I asked them, when a man puts down his gun and his flag, then what? If he has nothing to go to—because none of the programs out there address me: I was over 25. I come from one of the hardest communities in the city. They didn't have nothing for me. I could get a license, but I had to be under a certain age. So, I had to get my GED. I had to go to a program. Well, programs come and go.

So, what I did was, with the help and the blessings of the IBEW, I started the pathway into the trades and then through 2nd CALL what we did was, I realized that, in my community, what we suffered from was unresolved trauma. How do I deal with being in a community where suppression and violence was normal? It was a way of life. I didn't see no one getting up at 3 o'clock in the morning going to work.

So, when I got to Morrow Medals, one of the things that happened was the IBEW got me to Morrow Meadows, but Morrow Meadows grew me as a man. They became a lifeguard for me, and so I understood that theory. So that family took me in, treated me as one of their own, but, more importantly, made me feel like I was part of something greater than.

So, I take that back to my community. I didn't leave the community. I lived there still, and I own in my community now, but I have a trade. So now every week, I do a Thursday class at Abundant Life Christian Church downstairs with the blessing of the pastor for free to teach young men and women how to reintegrate into society, but, more importantly, how to get rid of the unresolved trauma. Because me having anger management, low self-esteem—I had no idea that when I woke up in the morning and I put them colors on from head to toe and I was dressed in all red because I was a member of the Bloods, that I had low self-esteem. I wanted to commit suicide, but I didn't want to do it with my own hand. I wanted somebody else to do it, and I had no idea what that looked like. Now, 23 years later, homeowner, I have a trade. From Lonnie Stephenson, our international President all the way down to a first-year apprentice at Morrow Medals or in the IBEW getting in, I've been able through 2nd CALL to get thousands of young men and women that are some of the most notorious proven risk criminals to pick up tape measures instead of guns and, more importantly, buy homes instead of doing home invasions because on

a weekly basis, we don't have a program; it's a way of life. We preach and teach ownership. We talk about anger management, angry behaviors, because those things plague my community. A lot of times when I go to certain programs, they don't address the needs of individuals that look like me because if they did, you would see a different dynamic out there. So, for me, it is very important to have that one-stop shop to where it's 24 hours, but it's individuals who not only speak the language, but are from the community, and they help add and multiply instead of subtracting and dividing. Because when I think about the women and I look at women and I put the correlation because one of our dear sisters who has an organization called Back to the Basics, where she deals with suspects and victims of domestic violence because she too had murdered her husband, but she did 17 years, got out, and now she's one of the leading experts on domestic violence.

So, she gets to talk to the young men and women and get them back on board, and then we get them into careers, but I tell people all the time no matter what community a person comes from, if I do not have an advocate or a lifeguard that does not look like me, so when they go inside that room to talk for me, it's very important that I do my part, and that's why I'm so grateful and thankful for you to have me here, but I'm so grateful and thankful for the trades, the IBEW, and Morrow Meadows as an organization and my church, to give an opportunity to help young men and women who cannot afford or can't even go to other places because of the gang culture. Because not only am I dealing with the hard-core Crips and Bloods, I don't go to the colleges and high schools; I go to the hardest hit neighborhoods and speak to the proven risk offenders. We get them into these trades in the Hispanic community, Asian community, and even I deal with some of my Arian brothers too because we, together, have to rise, and I believe in accountability and responsibility.

Once we teach and do that, it makes for a better place for all to grow in my community and all other communities. So, I just want to say thank you for having me here, and this has been a great day today.

Thank you.

[The statement of Mr. Harriel follows:]

**Testimony of Mr. John E. Harriel Jr., Diversity Manager/General Field Superintendent for  
Morrow Meadows Corporation/ 2ndCall Facilitator**

**Before Subcommittee on Crime, Terrorism, and Homeland Security,  
House Judiciary Committee  
United States House of Representatives**

**“Challenges and Opportunities in Reentry Services or Returning Citizens”**

**Thursday, February 27, 2020**

Congresswoman Bass and Members of The House Judiciary Committee on Crime, I would like to express my sincere thank you, and for allowing me to testify today. I'm very humbled by the opportunity.

I wish I could go back and speak to my younger self and reassure that young boy that he would be okay. In fact, explain to him that one day he would be standing before Congresswoman Bass and Members of the House Judiciary Subcommittee on Crime, pleading for change and reform in the Justice System. There is no doubt in my mind, that young boy would never understand how he could be here today. As a young child I have vivid memories of extreme violence all around me and often times looking at my beautiful mother crying and I had no idea that it was because she was experiencing extreme low self-esteem, she was a single mother raising 2 children with no help from our father. I can remember sharing a pack of candy with my mother after not eating for days due to her addictions, I can still hear my mother's stomach growling in pain even though she's been dead for 10 years. Those growls were like drums shouting over my own rumbling stomach pains. As a young boy I felt helpless because I had no idea what it meant to have low self-esteem, I just wanted love from my mother and protect my sister and best friend Chante Renee Harriel. These incidents and others are what lead me to a life of crime. In my mind it was out of need not desire, so for me instead of staying the course despite being from a dysfunctional family I decided to seek acceptance elsewhere. I joined an



organization at a very young age some will call such organizations gangs, for me these were my friends.

What made our bond so special is the fact that most of us had similar background with regards to growing up in such a dysfunctional community. Being a member of The Bloods was like being in a fraternity at USC. I had brothers that understood me, and I never had to worry about being hungry again. When I turned 14 my mother put me out the house due to my criminal behavior effectively making me homeless. So, I needed my brothers even more. By not having my father in my life, it was easy for people who had ill will to infiltrate the family, an example of this was the fact that my mother was an addict, my sister was dating the drug dealer who gave the drugs to my mother and I as a young person selling drugs for the same person that was dating my sister and poisoning my mother. I was so dysfunctional that I believed this was part of manhood and I was doing what my father couldn't do for us which was take care of my family. I in the process of believing I was a man was married and fathered a girl at a young age but had to leave them both twice by going to prison. Imagine that the family I wanted to provide a protect I left to the world. When I received my 2<sup>nd</sup> prison term in Illinois I knew I had hit rock bottom, not only was I over 3,000 miles away from home I also had a 9-year sentence which I completed 4 ½ years and was paroled in 1997 to leave both my wife and daughter. Going to prison was no big deal to me at that time because my community rewarded those who went to prison, you are considered a man after going to prison, ironically me being in prison was the best thing that happened to me because at 26 years of age while incarcerated I learned what it meant to be a man. I owe a great deal of credit to Everette L. Tims and Ernest Comes for seeing something in me that I didn't see in myself. I learned about the IBEW while incarcerated because Everette L. Tims was an IBEW Journeyman Electrician from Danville, Illinois and he mentored me in prison to think about becoming a Union Electrician and Ernest Comes who was a lifer mentored me in learning algebra. Upon release I entered the Maxine Waters Employment Preparation Center in Watts on 103<sup>rd</sup> and Central Ave. in South Los Angeles and begin the journey of becoming an IBEW Union Electrician. The power of a man showing me what manhood was and is I knew that when I returned to society, I had the tools to produce and help build back the communities I once destroyed.

Not only did the IBEW and Morrow Meadows save my life it also gave me REDEMPTION. I only had one chance to use this platform to become a contributor to society and being a changed man for my family and community and to be honest the requirements to becoming a Union Electrician were stricter than being on parole. Not only did I think I couldn't become an electrician due to my own wall of rejection I believed that being a Union Electrician was for Caucasian men and mobster's go figure. I was so grateful that the IBEW has a place for a high school dropout, ex-con and no prior experience person like myself! knew that IFL was fortunate to get in that I would not fail. When I finished the 5-year apprenticeship I finished with a perfect attendance and the class of 2003 valedictorian, I had to spread the word. It was and still to this day the Morrow Meadows Family that hired me as an apprentice back in 1998 and showed and nurtured me to who I am today a professional Electrician, this company from founder Bob Meadows to the children who run the company now Robert Meadows, Cathleen Vick, and Karen Price (RIP) and their team of experts like Rick Jarvis, Zeke Zatorski, and Leo Black who mentored and showed me the trade and treated me like family to whereas I'm one of a few African Americans in the nation that hold the title of Diversity Manager and General Field Superintendent, due to the family believing in me and taking a chance to not only have me working for them but others from the community working for the company also, it's truly be ground breaking what this family and its employees have been able to accomplish in its 54 year existence. I'm forever grateful for the IBEW and Morrow Meadows for giving 2<sup>nd</sup> chances.

Again, I wish I could tell that young man one day he would someday sit on the Executive Board of IBEW Local 11, and sit as a Trustee of the same union that I once thought was only for Caucasian men and mobsters thank you Marvin Kropke for believing in me. More important that he would change policies and provide career opportunities to hundreds of people that look like him and also help hundreds of others that don't look like him from all backgrounds, communities, gangs and genders and people that understand what having a second chance means.

In 1997 when I was released from prison my mother Andrea Rene Harriel decide to go and find a church home for the family and we found Abundant Life Christian Church located at 3500 S. Normandie Ave. headed by Pastor John E. Tunstall the IV. This church and its members embraced me and for the past 22 years it's truly been a blessing because when I became a Union Electrician, I was mentoring young adults and other who had come from similar backgrounds like me. When I met the founders of 2ndCall Kenny Smith and Skipp Townsend in 2008 I knew with my ties to the Unions and their organization dealing with hard core gang intervention that this c?uld be something special.

After mentoring so many young people and adults I understand not only the need for proper transitioning from prison, but the need for forgiveness. Here was a community that I helped destroy through selling drugs and violence now uplifting me and standing with me to fight in the hardest battle of my life. It was their forgiveness that allowed me to forgive myself and change. Forgiveness doesn't deserve to be given out to everyone, but it should not be withheld from those who have worked hard to earn it. I am asking this panel to forgive others that

want to earn it, to get a chance and become productive citizens. The same chance that allowed me to be here today. At 2ndCall I know that with a second chance we can help build them up with our way of life teachings at 2ndCall.

According to a national study, within three years, almost 7 out of 10 people released from prison will be re-arrested, mostly due to violating conditions from their release. Some of these causes are due to their social environment. Often times we place broken people right back into the same society that created the criminal in the first place with no tools to help them be a better person, it's like taking a shower and after getting squeaky clean I put on the same dirty clothes. How does anyone receive a fair chance at starting over with that? The current procedure for inmates released back into society are danlaging and ineffective. Not only does it hinder the inmates second chance, it harms the community welcoming them back.

2ndCall is a community-based organization founded in 2006, this organization is designed to save lives, by reducing violence and assisting in the personal development of high-risk individuals, proven offenders, ex-felons, parolees and others whom society disregards. 2ndCall has adopted a strategy to begin the healing process to uncover unresolved vicarious trauma of the participants we work with. Our methods and techniques have been implemented in the California Institute for Women in Corona, CA since 2012. 2ndCall curriculum is based on planning for rupture and repair from the "Dysfunctional Family" issues. We empower and teach from a grassroots approach with our highly trained team of 2ndCall Facilitators. We address such topics as: Low Self Esteem, Functioning in Dysfunction, Parenting & the Cycle of Violence, Domestic Violence & Anger Management, Unresolved and Vicarious Trauma, Effective Communication, Job Readiness and Retention. The way of life teachings coupled with the Life Skills we have been able to serve the re-entry population with great success because the Unions recognize the importance of the Life Skills and a large number of men and women are now picking up tape measures instead of guns, and instead of committing home invasions they are purchasing homes. There is no doubt in my mind that the reason that crime is a historic low is because of the work that 2ndCall is doing and the Unions allowing individuals with checkered backgrounds to join the Union. My hope today is that the members of the House Judiciary Subcommittee on Crime really take a hard look at TRUE expungement and housing for re-entry individuals coming back into society and implement 2ndCall Life Skills inside of all California Prisons because if the healing process can begin before release there is a high probability that the individual will not return to the system that is designed for one to fail.

Since my release in 1997, I have carried out a commitment of change for myself and my community. I now have over 22 years of experience in the electrical industry and I'm proud to say that when I was sleeping on the floor with my daughter going through a divorce and feeling like my life was over it was the men and women of God and the fact that the IBEW and Morrow Meadows allowed me a 2<sup>nd</sup> chance that I and others that are doing this work are able to save many lives, not to mention the fact that the hands that were used to sell drugs are the same hands that has built Hospitals, Sporting Complex's, Trains Stations, Power Plants, and Water

Facilities etc. and truly believes in the helping of others no matter the race, color or creed lets do the work and we all win.

Knowing my own struggle, I have bridged the gap for people that have a record, to be successful in this trade. I've helped develop a relationship between the Unions, 2<sup>nd</sup> Call and other gang intervention programs like Homeboy Industries.

This has helped aid in the prevention of many young men and women from going back to prison.

I understand most people highlight their accomplishment in the beginning of their testimony. They often do this to demand your respect and capture your attention. I simply wanted to earn your respect today. My personal journey is unique, however relevant to today's current issues.

I am asking you to help me transition people that may not have had the same opportunities others might have had growing up. With your help, I know we can keep families together.

I stand before you now as a whole man. I no longer need validation or support to survive in this world. That little boy and that young man causes me to have the compassion for others that don't feel like their voice can be heard. My accomplishments show what hard work and assistance can do. I am honored and humbled to have had your attention today. I look forward to answering any question you may have of me and thank you for this phenomenal life changing opportunity.

Ms. BASS. Thank you. Thank you very much.

Thank you all for your statements, and we'll now proceed under the 5-minute Rule with questions, and I begin by recognizing myself for 5 minutes.

Mr. Harriel, you describe IBEW, and I take it you are an electrician?

Mr. HARRIEL. Yes. Absolutely. Yes, I am a journeyman on my ticket, but I'm a superintendent, and I'm also the diversity manager for the entire West Coast for the Meadows Corporation because I, just like the family, understood that for it to work, one has to be in a position of leadership.

Ms. BASS. So, how did you make it through? I mean, that apprenticeship and journeyman program is several years, right?

Mr. HARRIEL. It's a 5-year apprenticeship. It was tough. When I graduated, I graduated with a perfect attendance, and I was number one for that class and graduated in 2003. That's why I know that I had to get over some barriers. I was going through a divorce. I was working for one of the toughest individuals that a person can work for, but what that did was it prepared me for the work that I'm doing, and the IBEW gave me self-esteem. I had low self-esteem.

Now there's nowhere on this Earth that I cannot build, I cannot look, and I don't understand how it works. So that's the path, and they taught me that I can. There's no such thing as can't.

Ms. BASS. So, your program that you run for free—

Mr. HARRIEL. Yes.

Ms. BASS. —it meets once a week or so?

Mr. HARRIEL. We meet once a week, yes. We've started off with four people. Now it's hundreds, and we have 18 classes.

Ms. BASS. Is your goal to grow that into a nonprofit?

Mr. HARRIEL. Absolutely. Well, it is a nonprofit, but they don't have the funding. We need a building. We need somewhere where someone can call and come to. We only meet—thank God the churches—my church allows us to be there. They don't charge me and we're just doing the work from within, but it would be great to get not only funding but to have a building to where someone can come to and meet and greet people who can help them through this process 24/7 in their community.

Ms. BASS. Ms. Martin, how does an individual get to the reentry center? Meaning, one of the issues that I know is faced in all communities, you get out and it might be in the middle of the night, and where do you go?

Ms. MARTIN. That's right.

Ms. BASS. So, what resources do people have from 5 o'clock in the evening to 7 next morning?

Ms. MARTIN. It's a great question. Actually, one of the things that we have an Alternatives to Incarceration Work Group that's being led in Los Angeles County right now, and one of the recommendations for it is discussion around the issue of people being released in the middle of the night and how we can ensure that there's transportation or that there's some way to provide them some type of interim housing until we can work with them in the morning. Because obviously a lot of our providers, a lot of our com-

munity-based organizations are not able to work with them in the middle of the night.

Also, there's issues of obviously holding people longer than necessary. So, that is an issue that we are currently discussing in L.A. County.

Then in terms of access into DOORS, so it's conveniently housed within a probation office. It's, again, the largest probation office in L.A. County, which they see about 3,000 people a month.

Ms. BASS. I'm sorry. I'm going to run out of time.

Ms. MARTIN. Okay. Sorry. So, they—

Ms. BASS. I needed to ask Mr. Harris we'll come back.

Ms. MARTIN. Okay.

Ms. BASS. Mr. Harris, I had the incredible opportunity of visiting the prison where you were incarcerated—

Mr. HARRIS. Yes.

Ms. BASS. —and meeting with some of the individuals. I just wanted to know, what takes place inside the prison to prepare people? Many of the people we saw were there for life.

Mr. HARRIS. Well, I think that a lot of incarcerated men driven programming is the thing that helps with the reentry process while you're inside. I think that a lot of times folks with great ideas, people go inside the institution, and they formulate programs that they think will work.

What I've learned is throughout my stint of doing time for 10 years and a lot of my friends being people whose spend the rest of their life in prison, it really helps with the connectivity of each other and the program that formulates through the hands of each other and building one's self-esteem.

Now, there's different programs that exist with college and the ACC, African American Coalition Committee, and the church programs, but it really comes from one brother reaching and teaching each other and holding each other accountable to be successful. I always say that people talk about all these things that happen outside of prison and what needs to be done. If you don't work within yourself while you're in there and do some truth telling while you're in there, when you get out, no program alive will save you.

Ms. BASS. Thank you.

Mr. Wiese, you talked about prison culture. Could you give us a couple of examples of what you're talking about?

Mr. WIESE. Yeah. So, unfortunately, prison has been become a social shaper in the United States, and I think one of the most under-looked catalyst when we look at our criminal justice outcomes is the culture that men and women spend years living by. We somehow expect that one or two programs will successfully counter that culture and by them magically walking past the prison threshold, we will sprinkle some reentry dust and you will become a different person. That is just not reality.

I think we can all agree that we would expect more. So, I think we have to take a strong look at what cultural norms are existing currently in our prison system.

Ms. BASS. Thank you.

Mr. Resenthaler.

Mr. RESCHENTHALER. Thank you, Chairwoman Bass, and thank you everybody for testifying. Your testimony was very inspira-

tional. As I mentioned in the opening statement that I gave, I introduced the Clean Slate Act with my good friend and colleague Lisa Blunt Rochester, and I started working on this issue in the Pennsylvania State Senate. We were actually in Pennsylvania the first ones to have a clean slate bill passed as, Mr. Lampard, mentioned in your testimony.

That bill was signed into law in 2018, and it will facilitate the sealing of records for 30 million people in Pennsylvania. I mean, the numbers are just staggering. Several other States are following Pennsylvania's lead, but with that, Mr. Lampard—and I have a few questions for you, so just if you could help me conserve the time.

What can Congress learn from the States that had implemented Clean Slate bills where there's automatic sealing of records?

Mr. LAMPARD. Congress can absolutely learn a whole lot. The Clean Slate records allow for people to move past their criminal history and to get past that barrier to entry which is so crucial for someone who has a criminal record. So, that's why States—you're looking at—not only did Pennsylvania pass it in 2018, Utah passed it in 2019, and this year Michigan has introduced Clean Slate legislation as well, and so has Washington State.

So, States are realizing how important this is, and it's crucial that Congress as well take up this issue.

Mr. RESCHENTHALER. Just looking at the Federal system, under the system that we now have in place, what avenues do individuals have who are looking to seal their records in the Federal system? What options do individuals have now?

Mr. LAMPARD. It's on a petition-by-petition basis just like other States. So, Pennsylvania before 2018, you'd have to have individuals actually petition the court and that takes time and money, and these people often don't have a lot of time or money for that matter to file these petitions. I mean, so you'd have to hire an attorney, and that's why that's an option. It's a limiting option for someone.

Mr. RESCHENTHALER. So, that's why it's so critical to have the automatic expungement, correct? You take down the barrier of the time and the financial resources, *et cetera*?

Mr. LAMPARD. Absolutely, yes. It's so crucial.

Mr. RESCHENTHALER. Thanks, Mr. Lampard.

Ms. Martin, I do have a question for you. So, there's a bipartisan group of lawmakers, I'm on the committee, so are a lot of individuals here on the panel, and it's that Crisis Stabilization and Community Reentry Act, and a lot of Members on the Committee are behind that. This legislation authorizes funding to provide mental health services for incarcerated individuals and those that are re-entering society.

Ms. Martin, how important is it to address the mental health issue upon reentry and for those that are currently incarcerated?

Ms. MARTIN. Yeah, it's extremely important. The estimate is about 30 percent of the individuals in our L.A. County jails have a mental health issue. So, it's a huge, huge issue. That's just mental health. That's not including substance use disorders. So, this is a huge crisis, and one in which we work very closely with the Department of Mental Health Services to try to provide as much



treatment as possible, but I think having resources dedicated specifically for the reentry population is very important.

Mr. RESCHENTHALER. Is it Mr. Wiese? Am I saying that correctly?

Mr. WIESE. Yes. That's correct.

Mr. RESCHENTHALER. Okay. With a name like Reschenthaler, I'm pretty sensitive to people pronouncing names correctly. Mr. Wiese, I feel like you got cutoff before when you were talking about the change in culture. Do you feel like you needed more time to address that? You're welcome.

Mr. WIESE. No, I appreciate that. Yes. I think it's such a paramount issue that gets overlooked. When we think about some of the cultural norms in prison at the top of my list are dishonesty, distrust. I learned quickly you don't look people in the eye. You don't shake hands. There's nothing that we would want people to adopt and live by post-release.

I would say all the time to people who are still in the criminal justice system, if you live by these norms, there's only one place where these norms are allowed, and that's back in the criminal justice system. So, at Prison Fellowship, we work hard to create a place that has a different culture that men and women can begin to practice the values of good citizenship because perfect practice makes perfect, and so we want people to exercise those good citizenship muscles inside of this culture as much as we can. We really work counter culturally.

Mr. HARRIS. I'll just add a little bit to that and just say, different experiences for different people while incarcerated. Because there are things that you learn within the institution by building relationships with other men that are positive that then you can take some of that behavior and bring it out here and it be an asset.

Mr. RESCHENTHALER. Thanks.

I yield the balance of my time.

Ms. BASS. Ms. Jackson Lee.

Ms. JACKSON LEE. Let me thank all the witnesses and certainly appreciate our committee's work on this issue, in particular, those of you that have experienced in real time and real life what we want to try and not only fix because some of you have been your own fixers, but also enhance.

So, my questioning will be along the lines of trying to do that. I'm going to start with Mr. Wiese first. Give us the specifics of the barriers that caused you to look like to be almost a 20-year journey, may not have been that long, but give us so that on the Federal level we can utilize the legislative bully pulpit so that States have a better view of what they need to be doing for reentry and that is helping, that is facilitating, that is giving the hand up.

So, if you give me one or two because I want to get to some of the other gentlemen here and ladies here if you would.

Mr. WIESE. Sure. I think for me personally, one of the largest is just employment. Just always navigating how you're going to turn a negative into a positive. I think that's one of the most prevalent collateral consequences.

Ms. JACKSON LEE. Were you ultimately paroled?

Mr. WIESE. Yes.

Ms. JACKSON LEE. All right, and so you're obviously off parole now?

Mr. WIESE. Yes, ma'am.

Ms. JACKSON LEE. You have to always note that you're a convicted felon?

Mr. WIESE. It depends. So, yes. Certainly, for housing issues, that usually comes up. It's usually case by case. You learn kind of where to look and where to go to avoid those.

Ms. JACKSON LEE. I'm just going to interrupt. On the achieving your bar license, you were going by way of State law?

Mr. WIESE. Yes.

Ms. JACKSON LEE. So, the barriers were what?

Mr. WIESE. In moral character and fitness.

Ms. JACKSON LEE. That's where they got you?

Mr. WIESE. Yep.

Ms. JACKSON LEE. So, that's something that we need to look at, because, rather than looking at your todays, your moral character was tied back to your incarceration?

Mr. WIESE. Yes, ma'am.

Ms. JACKSON LEE. Because I assume you were a fine gentleman at the time that you were applying for your bar license?

Mr. WIESE. I thought so, yes.

Ms. JACKSON LEE. They were going back. They were taking you back to your 21-year-old Act of—

Mr. WIESE. Yes.

Ms. JACKSON LEE. —and misdirection?

Mr. WIESE. Yes, ma'am.

Ms. JACKSON LEE. So, we should be looking at some of those elements because they even follow you in employment. Is that what you're saying?

Mr. WIESE. Yes, ma'am.

Ms. JACKSON LEE. That's why I took you the whole journey of going up and down as it relates to the bar license.

Mr. WIESE. That's right.

Ms. JACKSON LEE. Okay. Even today now, are you suggesting that conviction follows you? You said sometimes it does?

Mr. WIESE. Yes, ma'am. Like getting life insurance, for example.

Ms. JACKSON LEE. Oh.

Mr. WIESE. There are lots of restrictions just in insurance. Professional licensing boards across—not just in the legal field; just professional licensing boards. Sometimes I don't know. You don't know what's around the corner until you hit it, and so sometimes it's just unknown. There are so many that I don't even know them all.

Ms. JACKSON LEE. So, some of the elements of expanding the Ban the Box concept and some of the legislation that's been spoken about today would be very helpful that you're not going back—

Mr. WIESE. Yes.

Ms. JACKSON LEE. —to that element all the time. Thank you.

Mr. Harris, I'm sorry. Mr. Harriel, not Harris. Was it the IBEW that gave you the reentry opportunity?

Mr. HARRIEL. Yes.

Ms. JACKSON LEE. With that in mind, are you in the union, or are you now out on jobs, or you have your company? How is it that you're utilizing that union?

Mr. HARRIEL. I am a union member of IBEW for 23 years now.

Ms. JACKSON LEE. So, is there any barrier to you getting employment on a job site, *et cetera*?

Mr. HARRIEL. There are certain barriers because the felony does come up, like, for instance, when I went to go work at the airport, and they did a background check, they knew I had the felony, and they were kind of hesitant—there was some hoops I had to jump through, one of the barriers right now, they've got a lot of building going on at the airport, but questions are coming up: Well, do you have anybody, but they can't have a felony.

Well, what does that mean? They're able to work, they have the right attitude, they've have the right motivation, but, just because they have that felony, they can't work. Well, that's not true. That's a half truth. If the felony is more than 10 years, I can qualify, but, when a person says they can't have a felony, that's like forever, and—

Ms. JACKSON LEE. When we began our funding on the metro project, which is Federal funding—

Mr. HARRIEL. Yes.

Ms. JACKSON LEE. —I had someone sit up in a board meeting and say: Well, I know we can't hire felons because of Federal dollars.

Mr. HARRIEL. Yes.

Ms. JACKSON LEE. I went directly to President Obama, just asked him outright at that time.

Mr. HARRIEL. Right.

Ms. JACKSON LEE. He said he never heard of that in his life. There is a lot of rumors and misinformation.

Mr. HARRIEL. Yes.

Ms. JACKSON LEE. Let me quickly go to the difficulty of women who are coming out. I know there are gentlemen here. I would appreciate if someone would comment on maybe the extra difficulty of women coming out. I'll finish and hopefully get under the wire to say that the First Step Act is excellent legislation, but if anyone wants to comment on what we need to do to ensure its funding and it works—I know my colleagues want to make sure that it continues to work.

Gentlemen, anyone want to—

Mr. HARRIEL. Well, I think, for me, with the women, it's important that they have an advocate because what I've often seen out there for the women, it's almost like the lion theory. When the lion goes to hunt and kill, they isolate. What I've seen with women happen, they get isolated and they're out there on the island by themselves, and so they need to have advocates, and they need to have rooms to grow because I'd want to see a woman be a superintendent and run a job that's more than \$5 million and have a crew and be able to bring other women up, but there are certain barriers out there where that does not happen. So, we must continue to champion and stand behind and not be complicit in the behavior that not only women but women of color especially just—it's horrible, and we cannot condone that and be a part of that.

So, for me, on any of my jobs, if any of that nonsense happen, you will get fired.

Mr. HARRIS. I'll just add quickly and say it's so crucial and important that, as you were making decisions and you were figuring out a way to be really helpful, that you have formerly incarcerated women and men to help you think through what you are going to do. That is crucial because when—it's like anything else. You have to have people on your board that have lived the experience that can be helpful with making the decisions.

Ms. MARTIN. I'm sorry.

Ms. BASS. Yeah.

Ms. MARTIN. I would love to jump in on this with women.

I think the other huge issue for everyone in incarceration is that they've also been victims themselves—

Mr. HARRIEL. Yes.

Ms. MARTIN. —and that's a recognition we all have to understand, women in particular. I think the statistic is over 90 percent are victims themselves. If you asked someone like Susan Burton, who runs A New Way of Life Reentry Project in Los Angeles, she would say they need a safe place to live. That's the first thing that they need to be safe and be able to reintegrate, is housing.

Ms. BASS. Thank you.

Ms. JACKSON LEE. Thank you, Chairwoman—

Ms. BASS. Mr. Chabot?

Ms. JACKSON LEE. —for your generosity. I thank you.

Mr. CHABOT. Thank you very much, Madam Chair.

Mr. Lampard, I'm going to begin with you if I can.

Could you describe how occupational licensing has adversely impacted folks coming out of our institutions from getting gainful employment and then advancing beyond that? What kind of roadblock is that?

Mr. LAMPARD. Where do I start really? I mean, occupational licenses, there are so many of them, as Mr. Wiese noted earlier, is that they really target individuals with a criminal record too many ways. Some have blanket bans which prohibit anyone with a criminal record from obtaining an occupational license to work in a specific field, regardless of whether the offense itself is relevant to the practice of the occupation or poses any real risk to public safety.

Second, occupational licensing laws often have good-character provisions. So, they give these licensing boards broad discretions to deny applications based on good character, and oftentimes boards will say: If you have a criminal record, you don't have good character.

In some States, they even lack this vague standard, that the boards are given complete and total discretion and leave job applicants in the dark.

So, what happens is, as a result, many people will participate in reentry programs in prisons and job training programs, and then, once they get out, they discover they can't work in that field. So, they spend all this time and effort doing something that they can't do. So, they can't get employed, and, instead, they could have been doing something else. It's no surprise that States with high occupational licensing restrictions—have a number of occupational licensing restrictions have higher recidivism rates.

So, for example, between 1997 and 2007, recidivism rates grew by more than 9 percent in States with the heaviest licensing burdens and 2.5 percent in States with the lowest licensing burdens. So, occupational licensing or license restrictions are a substantial barrier to individuals seeking employment and a substantial barrier really to keeping people from returning to prison.

Mr. CHABOT. Thank you very much.

Mr. LAMPARD. Thank you.

Mr. CHABOT. My next question, Mr. Harriel, Mr. Harris, and Mr. Wiese, if I could address you all.

Mr. HARRIEL. Yes.

Mr. CHABOT. At least think about it. I'll begin with you, Mr. Harriel. You had mentioned that you had been associated with the Bloods—

Mr. HARRIEL. Yes.

Mr. CHABOT. —for some period of time. Thank you for all the great things that you have done to help others.

Mr. HARRIEL. Yes.

Mr. CHABOT. My question is this: Is there pressure, are there threats and problems when you come out from folks, previously? I know the lifespan isn't necessarily extensive. So, maybe you have a different group of people, but could you address that issue and if there is a problem there or—

Mr. HARRIEL. There are no problems because I speak the language, and I come from that community that made me, and so, in that same community, there is a different way of life now. There is a way of how do I learn, how to do something productive and be a builder of the community instead of destroying the community?

When a person—and I meet them eye level and they see it was one of their own that's doing this back, there is nothing but respect, and so I've been able to do that in other communities with rival gangs to do that, also because they understand that I'm not looking at it as just lip service; we're building relationships. As that happens, I get up every morning at 3 a.m., go to work every day, 40 hours a week, work hard, but I too can lift a hand and help you do that, but there's some things that I must change.

I must be drug free. I must have a valid driver's license. We help individuals get through those things because I've been through it living in the streets, and I understand it, and so we help the individuals start loving themselves because I learned that hurt people hurt people, and so, at the end of the day, I'm right there in the community, to be a mentor and a lifeguard, I've got to walk the walk and talk and be right there with them and help them, and so, as we go through the journey together, it's about we; not me.

Mr. CHABOT. Thank you.

Mr. Harris or Mr. Wiese, do you want to weigh in?

Mr. HARRIS. I'll just add and say that it's so crucial to be an example of what you're talking about. It's so important to be the same when it's dark out and the—

Mr. HARRIEL. Yes.

Mr. HARRIS. —way you are when it's light.

When you're that true example of transformation, then people start to look up to that. I felt like I was a one-person reentry pro-

gram before we created the mayor's Office of Returning Citizens. Everybody would come and ask to get support because I still go up to the institutions. I'm still supporting men and women that are in the institutions now. So, we had to create something that was broader than just my individual self to make sure that people get the support that they need.

No, there has never been no safety issues.

Mr. CHABOT. Okay.

Mr. HARRIS. What it's really been is making sure that the resources are met in the hands of the people.

Mr. CHABOT. Thank you.

Mr. Wiese?

Mr. WIESE. Yes. I think that, in my experience, the majority of men and women coming out of the system, they don't want to go back, but they lack the tools to be successful. So many of them, you take a program, you think, yes, I'm doing everything that people are telling me to do, but, in reality, you need more than that. There is always going to be somebody around the next corner that says: No, you need more. You need something else. You have got to do this.

I just did this.

In many instances, you have people who will take a program in prison, they get on parole, the parole officer will make them take the same program.

I just took it in prison.

Well, you have got to take it again.

So, you continually—

Mr. HARRIS. Wow.

Mr. WIESE. —hit these barriers, and it's just you can only fight for so long.

Mr. CHABOT. Thank you very much.

My time has expired, Madam Chair.

Ms. BASS. Ms. McBath?

Ms. MCBATH. Thank you, Madam Chairwoman.

I thank you so much, every one of you, for being here today, and we really have to work to continue to try to improve our justice system. I am pleased that we're having this bipartisan discussion and finding common ground as we work to help strengthen our communities and reintegrate those who are ready to move beyond their mistakes.

My home State of Georgia, we also have been working on this issue for a bipartisan—with a bipartisan basis and through an executive order by Governor Nathan Deal, who is our Governor. He's a Republican. Georgia became the first State to ban the box. We stopped asking job applicants about their past incarceration when they were applying for State jobs.

We have reformed our child support systems because everyone wins when parents have jobs to support their children and their families and to contribute to their communities rather than facing additional punitive measures.

Mr. Harris and Ms. Martin, I'd like to address you. You have worked on reducing barriers to reentry, and one of those barriers to employment is a person's criminal record. We spoke a bit earlier about the State efforts around record sealing. So, can either of you

speak to what we know about how having the record sealed—how it improves a person’s ability to fully reenter into our community?

Mr. HARRIS. I’ll let Ms. Martin go before me.

Ms. MARTIN. Thank you. Thank you.

So, as you said, criminal record is a huge barrier to employment. We are working actively in Los Angeles County on the Fair Chance Act initiative. There is actually a huge event there tonight that I’m hoping to make it back for. It doesn’t allow employers to look at your criminal record in the hiring process, similar to what you did in Georgia. As we noticed, people who are coming out of incarceration faced over 500 collateral consequences, and the barriers to employment are huge.

We’re actively trying to address that through our employment services, particularly the new program that we’re starting that will be sector based, and we’re hoping to bring in a lot of the new industries in Los Angeles, particularly the IT sector and technology to try to widen opportunities for justice-involved individuals.

Ms. MCBATH. Thank you.

Mr. Harris?

Mr. HARRIS. One of the things I’ll just say is that, yes, sealing one’s record is successful for young people to get out and get opportunities of employment, but sealing one’s record also unlocks the barriers in one’s own self because they’re able to have the confidence to walk inside a place and feel like they belong in that job opportunity. When folks who are incarcerated walk into—they’re looking for people to stop them at the door because they’ve been stopped at the door many times before. So, it also unlocks the internal barrier to feel like you belong.

Personally, with myself, I have never sealed my record on purpose because I don’t want to run from me. Those things that I did, that’s not who I am. It was so important for us as the mayor’s Office of Returning Citizens to create real opportunities for people to not just have a job but have a successful career.

There are many things that I could talk about with this brother with the IBEW, but we created Operation Exit with the building trades to make sure that people go through the training with guaranteed employment for people that’s formerly incarcerated. We have to think like that and move like that.

Ms. MCBATH. Thank you.

Ms. La Vigne, your testimony states that family support is actually critical for reentry success, yet there are few reentry services that actually include families.

Why do you think it is that the reentry programs do not include families as part of the reentry process?

Ms. LA VIGNE. Yeah. I think it’s because there are many programs out there, and they’re looking at specific types of reentry challenges rather than exploring them more holistically. If you look at a person for their whole selves and not just their risks or needs, you can also identify their strengths and their assets. So, programs that take a strength-based approach will look at the family and see what family Members could be instrumental in reentry success.

Ms. MCBATH. I have one more question—follow-up question for you. What are some of the ways that reentry services can engage

families of those incarcerated or recently released to ensure that they have the ability to fully reenter again into society?

Ms. LA VIGNE. Well, I think it starts during the term of incarceration, opening more avenues for family contact.

Mr. HARRIS. Yes.

Ms. LA VIGNE. Visitation can be a huge challenge. Families can travel hours on end and arrive only to find the facility on lockdown.

Visitation rooms are not family friendly, by and large. It's hard to come and bring children. I was in a prison recently, and a man said: I've been here 5 years, and I haven't touched my child because they only have noncontact visits.

Phone calls can be very expensive. Video conferencing can also cost families a lot of money, and it's increasingly used as a substitute for in-person contact, and it should be more of a complement.

Also, when you're preparing to reintegrate, bring the family in, have this thing called family conferencing so that everybody knows what to expect. A lot of times family want to be there for their returning loved one, but they have unreasonable expectations, like: Okay, you've been home a week. You've had pizza. Now, go find a job, not understanding the trauma of incarceration and how this takes time.

Mr. HARRIS. Wow. Wow.

Ms. MCBATH. Thank you.

Mr. Wiese and Mr. Harriel, thank you both for sharing your stories today. As we think beyond the First Step Act, what do you most want us to focus on? Keep in mind about your stories and the people that you have worked with who are not here today.

Ms. BASS. We're a little over time.

Ms. MCBATH. Sorry. I'm so sorry.

Ms. BASS. Mr. Cline?

Mr. CLINE. Thank you, Madam Chair, and I'll thank the witnesses for being here.

In 2018, Congress passed, and President Trump signed into law the First Step Act. This legislation included three major components: Correctional reform, sentencing reform, and reauthorization of the Second Chance Act. Additionally, the bill included numerous other changes to our criminal justice laws.

Now that we're more than a year removed from enactment of the First Step Act, it's important to review its impact and ensure that our criminal justice system is operating as intended. Once offenders have served their sentence, it's incumbent on them to return to society as productive Members. Gaining employment is just one way in which they can do this.

I'm glad we're here today to look at this particular issue as it relates to criminal justice reform, and I appreciate hearing the insights of today's panel.

I'll start by asking Dr. La Vigne: You state in your testimony that the Federal Government has poured hundreds of millions of dollars into reentry for well over a decade. Can you further explain how community-based efforts may be better suited to reduce recidivism rates and improve reentry rather than additional Federal spending?



Ms. LA VIGNE. Oh, to be clear, I wasn't suggesting that Federal spending should be diminished but, rather, should be more targeted towards community-led efforts.

Mr. CLINE. Spending on Federal programs. I'll put it that way

Ms. LA VIGNE. Okay. Fair enough.

Yes. It's because what we're learning is that communities understand the unique challenges of people returning to their neighborhoods, and that community context is a really important component of reentry success. So, then, as we have heard from others, hiring community Members who have experienced incarceration creates these credible messengers that are more likely to be able to connect with people who are returning and vice versa so that the folks who are returning know: This is someone who has walked in my shoes. They've been successful. I can trust that they're going to guide me in the right direction.

Mr. CLINE. Okay. Thank you.

With that, I'd be happy to yield to Mr. Reschenthaler.

Mr. RESCHENTHALER. I'd like to thank my friend and colleague from Virginia.

Mr. Harris, Mr. Harriel, you were both talking about the importance of how the trades are involved, giving somebody a way out. Would you—could you talk about what point you think that the programs should be offered to individuals in prison? Is there a particular time that works better to have these reentry programs specifically with the trade unions?

Mr. HARRIEL. Me personally, I think it should start within like 2 years of release because I know for sure that there are some things—it's a process, and most individuals don't understand the process, and this is how they get locked out. Once one knows the process, they can start the process. Like, for instance, in the IBEW, there is a mathematical, mechanical, and reasoning exam that a person can take. They can take that inside prison. They can get ready so, when they get out, they can go—or they can have interviews so that, when they get out, they can go right to the apprenticeship if selected, but it can start in prison with that process to get the GED, to get the required math, to get the driver's license, Social Security card, birth certificate, all those things, because oftentimes young men and women that come from my community, they don't know that. So, they think that someone is trying to lock them out when, in reality, they just don't know the process, and no one is teaching it to them. Therefore, the work is so important from individuals who do it. I am a leader out in the labor field as an electrician. So, I get to show, teach, and preach about what we do. That's what's so important.

Mr. RESCHENTHALER. Mr. Harris.

Mr. HARRIS. Then I'll just add it's the will, right? It's the will of building trades, to be able to then open their doors so people can walk in. What we had in Boston, it was so crucial and important for the mayor of that city and the strong form of government to be able to bring the building trades to the office and really talk about making sure that we're creating a pathway for people that were formerly incarcerated to not just get in and go through the regular process, but to guarantee employment, because what we know, people of color will go through the whole process to get in the building

trade and get turned around at the door, whether you have a criminal record or not.

So, it's so important to make sure elected officials that are part of pushing this agenda forward make sure that there is a will that exists.

Mr. RESCHENTHALER. Thank you.

Ms. La Vigne, you were talking about ways to incorporate the family with reentry. I felt like you were cut off. Did you want to expand on what you were saying?

Ms. LA VIGNE. No, but I thought you might be interested in knowing some research around clean slate. Would you welcome that?

Mr. RESCHENTHALER. Of course.

Ms. LA VIGNE. Okay. Terrific. I've been dying to share.

There are four bodies of research that support clean slate. The first one is the scarlet letter of a criminal record, that collateral consequences are born from having that criminal record, and we know that creates tremendous barriers to reentry, particularly with regard to employment and housing.

The second is the literature on desistance, what leads people to cease their criminal activities, and what the research finds is that people with criminal records who have remained crime free for 4 to 7 years are no more likely than the general population to commit a new crime.

The third is the impact of records clearances. So, research from the University of Michigan finds that people are 11 percent more likely to be employed and are earning 22 percent higher wages one year after their record has been cleared.

Finally, the literature also documents the difficult process of expungement, one that very few people successfully navigate and those that do tend to have the means to do so.

This makes automated record sealing a no-brainer.

Mr. RESCHENTHALER. Thank you. My time has expired.

I thank the Madam Chair for generosity of time.

Ms. BASS. Ms. Demings?

Ms. DEMINGS. Thank you so much and thank you to all of you for being with us today.

I think we all have an obligation to take the joys and pains of life and turn them into improving the quality of life for those around us. So, thank you so much for being a part of that.

I have so—I was late getting here, but I have so enjoyed the discussion that I've heard, and Ms.—is it La Vigne? I don't want to mess your name up.

Ms. LA VIGNE. It's La Vigne. Thank you.

Ms. DEMINGS. La Vigne. Thank you.

You were talking about the importance of family, and, when we think about it, family is important to everybody, right, in all situations, if we're going to guarantee success. Do you know of any programs out there that really support families so that they can better support their loved ones who are incarcerated?

Ms. LA VIGNE. Uh-huh. Very few programs do that. I'm thinking of—I know, in Maryland, they had—and I don't know if it still exists—this family conferencing program, where I know that they meet with family Members separate from their incarcerated loved

one to talk about the challenges of welcoming them back home, but I don't know that they're really providing concrete supports for them.

Ms. DEMINGS. Okay. Thank you.

Ms. Martin, if you've already talked about it, forgive me, but I know there was some discussion about client centered and having a holistic approach.

Ms. MARTIN. Uh-huh.

Ms. DEMINGS. Could you kind of elaborate a bit on what you mean by that?

Ms. MARTIN. Sure. So, that's all the work that we do through the Office of Diversion and Reentry in Los Angeles County, is very much client centered. We take a holistic approach to all the programming, and we work very closely with community-based organizations. That is the crux of our model.

One of the programs—one of our key programs that I highlight in my testimony was the community reentry center, which is the first of its kind in Los Angeles County, called DOORS, Developing Opportunities and Offering Reentry Solutions. It provides—it's a one-stop shop that provides a plethora of services for individuals, particularly those who are on probation. It's housed actually—housed within a probation office. So, we receive referrals from probation, and also the community—the broader community.

Ms. DEMINGS. Okay. Thank you so much.

Mr. Harris—

Mr. HARRIS. Yes.

Ms. DEMINGS. —I think it takes a lot of moving parts or a lot of parts coming together—

Mr. HARRIS. Yes.

Ms. DEMINGS. —to guarantee, and the focus should be on guarantee, and not—

Mr. HARRIS. Yes.

Ms. DEMINGS. —testing or experiments, but guaranteeing a successful transition—

Mr. HARRIS. Yes.

Ms. DEMINGS. —back into the community. I think it takes a Federal level, but I also think it takes local and State to coordinate those efforts together.

Could you speak a little bit about what you've seen in terms of the Office of Returning Citizens, how they have been able to coordinate resources, Federal, States, particularly State and local—

Mr. HARRIS. Yep.

Ms. DEMINGS. —to guarantee smooth transitions back into the community.

Mr. HARRIS. I think one of the things that's crucial and important is that, when a person is incarcerated, making sure that the Mayor's Office of Returning Citizens is walking inside those institutions and the one letting folks know that they are a resource and connecting with them and some of the groups that are operating to function and think about a reentry path. When folks come out, be able to say: This is where we're at, and this is where you can locate. So, then you go inside these places that you know will help you navigate.

Part of the hardest things for a person that's formerly coming out—that's formerly incarcerated is navigation, knowing where to go get my ID card, know where to get my Social Security card, knowing how to apply for a job. All of the little, small things that we take for granted are huge, and so the mayor's Office of Returning Citizens, one of the things we did before we thought about what we would do, we sat down with men and women that were formerly incarcerated—some have been locked up for 32 years, and they got out, and some was only locked up a year—and said: What do you need? What should we have, first month, first week, first day, and first year? Then let them guide the process because they know what they need more than any one of us could tell them what they need.

Ms. DEMINGS. That's right. In terms of those documentations, if you will, that people need, why couldn't that process begin 30 to 60 days before—

Mr. HARRIS. Yes.

Ms. DEMINGS. —a person is released?

Mr. Harriel, would you—

Mr. HARRIEL. Well, one of the barriers that I faced when I had to get a license, the dirty little secret people don't talk about is, if I'm a young man and I really didn't know what manhood was, and I started having children at a young age, and they hit me with the child support—

Mr. HARRIS. Oh.

Mr. HARRIEL. —I can't get the license.

Ms. DEMINGS. That's right.

Mr. HARRIEL. So, they don't relieve that debt. So now, not only do I get out, and I've got to go back to this crime-infested community, I can't get the license or get that, because I've got a debt, and now I've got this debt that's being compounded 10 percent every year. I have nowhere to go, nowhere to eat, and I can't even get the license—

Ms. DEMINGS. You can't get the job because—

Mr. HARRIEL. Can't get the career.

Ms. DEMINGS. —you can't get the license to get the job.

Mr. HARRIEL. The people, when I go to that desk and say: Hey, I want to work.

They'll say: Do you have a driver's license?

Well, no. I need to make money to go with the child support.

That is—there has to be something done to where a person can still get a license—and I'm not saying neglect their responsibility, but I'm saying allow me the opportunity and then give me an opportunity to pay the debt, but, if I start off like that, it's like swimming being handcuffed.

Ms. DEMINGS. That's right.

Mr. HARRIEL. Can't do it.

Ms. DEMINGS. It's impossible.

Mr. HARRIS. Yes.

Ms. DEMINGS. Well, my time is up. Doggone it, that was quick. Thank you all so much.

Mr. HARRIEL. Thank you.

Ms. BASS. In certain areas, if you don't have a driver's license, you cannot—you're not employable.

Mr. HARRIEL. Absolutely.

Ms. BASS. Mr. Richmond?

Mr. RICHMOND. Thank you, Madam Chairwoman.

First, let me thank you for calling this hearing and thank the witnesses because, when I was in the State legislature, we actually went to Angola Penitentiary to have a judiciary hearing to talk about reentry, and we learned things that were just common sense but we had never thought of.

For example, in Louisiana, you got released out of Angola with a bus ticket and \$10. You got home. You're immediately upside down with the law because you're supposed to have a State ID, and that cost \$12. So, some of the things we did was we put an ID center inside our penal institutions so they could get it before they go home.

Other things that are important is you went and served more than a year in jail. Whatever traffic fines and fees you had before you went in should be waived because you have served more than a traffic ticket time. We have to think about those small things as well as the big things.

Mr. Lampard—and I note, at ALEC, you all do model legislation all the time. Have you all done any model legislation about the general moral and character—the fitness tests on licenses? Because, in Louisiana, it's over 300 licenses you can't get if you're formerly incarcerated.

Mr. LAMPARD. That's correct, and I'm actually from your district. So, we went to high school around the corner from one another.

Mr. RICHMOND. Mine was better.

Mr. LAMPARD. Yes, it was. I will freely admit that Ben Franklin—

Mr. RICHMOND. No, I'm just kidding.

Mr. LAMPARD. I couldn't get into Ben Franklin. So, I went to Brother Martin instead.

Absolutely. In Louisiana, you need an occupational license to be a florist, which is absolutely ridiculous for something like that. Yes, we do have model policy on that point, and that we would have these boards remove the good character requirements—it's called the Occupational Licensing Defense Act. It would remove these good character requirements that are stopping so many people from getting an occupational license to work in a particular field. I mean, someone might want to cut hair in—there are no basements in New Orleans, at least, but they might want to cut hair in their house, but they can't do that because they're not a licensed barber. Unlicensed practice of cosmetology is a misdemeanor offense in some States.

Mr. RICHMOND. Correct.

Mr. LAMPARD. So, we absolutely do have a model policy on point on this, and it's something that our Members have implemented in numerous States.

Mr. RICHMOND. Not just employment, but you have barriers on serving on commissions and other things that influence policy, and if you're not at the table, then generally you're on the menu. So, we have to make sure we have people with their voice, and the other part of it is stable housing.

We have so many people that can't go home on probation or parole because they don't have stable housing, and that's one of the biggest determining factors in terms of whether you get back into the system, and I know, Mr. Harris, you had a chance when you were in New Orleans to see the First72Plus organization that is founded and run by formerly incarcerated persons to provide that stable housing, and, in fact, after now 10 years, they still have a zero-percent recidivism rate for people who come through their center.

Can you talk about—

Mr. HARRIS. Yes. It's interesting. I was going to butt in and kind of add—bring that up about housing. I had the opportunity to go to New Orleans and meet with, first, folks that were formerly incarcerated running a program that is run successfully: What do you say?

The truth of the matter is that, to be able to have a thing that is one of the biggest barriers to coming home and getting out and staying out is housing. Running a housing program, I was thoroughly impressed because they didn't just do housing; there was helping young entrepreneurs build their business. There was helping our people get the identification, as well as making sure that they have all the right paperwork, but they were able to then be able to support young men and men with men's groups because there is—the barrier that folks face is not just about things that they do; it's about the internal work that needs to take place and then being able to have men connecting with each other about some of the struggles that are going on internally is crucial. That was one of the things that stuck out to me that I was thoroughly impressed about.

Mr. RICHMOND. Mr. Lampard, I don't know if you have seen that program, but it's impressive, but one thing I learned by watching that program is that we depend too much on the philanthropic community to do this work.

This work is very important. We're talking about people offending again, and we can prevent crime; we can prevent more victims in the future. So, we can invest the money now or invest it later. One way or the other, we're going to do it. I think that we have to stress that the Federal Government is not putting enough money into these programs that are proven to be successful to reduce crime and recidivism.

So, if you all agree with that same premise about how we fund reentry and those types of programs, it would be increasingly important.

I know, Madam Chairwoman, I'm over, but can I just say this? The other thing is we don't look at our institutional barriers to people connecting with their families. So, in the State systems, we allow too many sheriffs to charge too much for phone calls, and men that are incarcerated would tell their sons: Don't do what I did.

It keeps that connection there, and people just can't afford to maintain that communication, and I think those types of things are important. Grandmothers getting phone bills that are just as much as a car payment because they want to keep that family contact.

So, anything we can do to address those issues, I think, are very, very important.

Ms. BASS. Thank you, Mr. Richmond.

Ms. Dean?

Ms. DEAN. Thank you, Madam Chair, and thank you to all of you for your inspiring work and your inspiring stories. I'm a mom. I'm a grandmom. I'm a former State representative from Pennsylvania. In that capacity, I served on both appropriations and judiciary committees, and often had the department of corrections in front of us and talked about many of the complicating issues that we are talking about today. So, know that criminal justice reform is something that's a passion of mine.

Another passion of mine is education. So, two areas that I'd like to talk to you about today has to do with education, sort of the nexus between education and our failure to get that education right before, during, and after incarceration, but also health, in particular, mental health and substance abuse. So maybe I'll start with some terrible statistics that you know better than I.

According to the Bureau of Justice Statistics, 41 percent of incarcerated individuals in State and Federal prisons do not have high school diplomas. Failure of education. More than double the rate of our general population. Likewise, only 24 percent of the prison population has some level of college education, compared to 48 percent of our general population.

I think what I'd like to do is talk about a piece of legislation that I have the honor—very small honor of partnering with the late Elijah Cummings on, the PREP Act, and I am a cosponsor of that Act and very honored to be a part of it. So, I guess I'm asking the panel in general, whoever would like to jump in and help me here, in your expert opinion, would our Federal Prison System benefit from having a centralized authority responsible for educational programming—a standardized, centralized, invested in across the board, best practices for education?

Mr. HARRIEL. It can happen in there, but I think it should happen before. One of the biggest problems I had in my community is that, when I went to school, it was in the enemy territory, and the teachers are oftentimes—when I got to school late, they would just tell me to go sit in the back and say I was being a disturbance. What they didn't know was that I just got shot at and I hadn't ate in 2 days, because most of the teachers in my community don't look like me. They don't live there. They don't eat there, and they don't sleep there, and they don't spend their money there. So, they can give a damn.

What they were doing was just housing me. So, I end up dropping out at ninth grade. Then I had to get my GED in prison.

Ms. DEAN. Right.

Mr. HARRIEL. So, I learned it in prison, but that's basically the opposite way around, but investing in the kids to show that we love them and we want to train them and educate them, and put the trades back into the schools.

Ms. DEAN. I couldn't agree with you more, and, if you saw this Administration's proposed budget—

Mr. HARRIEL. Yes.

Ms. DEAN. —cutting \$6 billion to education at a time when we are not educating our kids adequately, it's shameful.

Mr. HARRIEL. Direct line to prison.

Ms. DEAN. Exactly. How do we break that cycle? By investing our kids.

Mr. HARRIEL. Yes.

Ms. DEAN. For the PREP Act, for the reality, that is mass over-incarceration.

Ms. La Vigne, would you want to express your ideas?

Ms. LA VIGNE. Yes. I'm aware of only one or two State systems that have school districts dedicated to their incarcerated populations. Texas is one of them. They have the Windham School District. When you have that kind of model, you're going to address all the educational needs.

Right now, I know there is a lot of focus on Pell grant restoration, which absolutely should occur, but those are folks who already have their high school diplomas or GEDs. In our research, we found the literacy rates are really low for the average incarcerated person, and that you really need to address all educational issues, from literacy right up through vocational training, through to getting your college degree.

Ms. DEAN. So much to talk about, so little time. Let me speak just very quickly because I care desperately about the issue of substance abuse and mental health as it relates to incarcerated people, especially as they are coming out.

I have the real pleasure of, in a bipartisan way, with Guy Reschenthaler, Representative Reschenthaler, and others, including Representatives Scanlon, Armstrong—so Democrats and Republicans—introducing the Crisis Stabilization and Community Reentry Act, having to do with making sure that, as somebody leaves the prison system, hopefully not in the middle of the night, that they also are connected to treatment, they are connected to medication, longer term medication instead of a “good luck, go get a prescription somewhere” or “here is enough for a couple of days.”

What do you think—maybe, Ms. Martin, you could help me with that? What do you think of those ideas? I care desperately about the issue of addiction, frankly.

Ms. MARTIN. Yep. Well, first, the Office of Diversion and Reentry was created upon—by the county board of supervisors as an effort to divert people with substance abuse and mental health disorders out of the county jails and into community-based treatment. So, I know we're all talking about reentry, and that's obviously a huge population, right, and hopefully we won't have a reentry population for long, and we will all put ourselves out of jobs, right, but diversion is the key on that.

Then, again, as I made the point about flexible and unrestricted funding, especially in L.A. County with our huge population, I'm scared—despite the fact that there is considerable funding, it's still not adequate to address the entire population, and I think having funding that's specific for this population and able to be used for things like mental health and substance use is critical.

Ms. DEAN. Thank you, Madam Chair, and I'm going to come visit you at DOORS. Thank you for the invitation.

Ms. MARTIN. Please, please, please, do, yeah.



Ms. BASS. I'm going to hold you to that, Ms. Dean.

Ms. DEAN. Yeah.

Ms. BASS. Ms. Mucarsel-Powell?

Ms. MUCARSEL-POWELL. Thank you, Madam Chair.

It's obvious from listening to all of you this morning—thank you for coming also; this is such an important hearing—that the barriers that former felons face once they're trying to reenter society are just almost impossible really.

I remember a returning citizen telling me that the day that he was released was just as bad or maybe even worse than the day that he went into prison, because he had absolutely no resources, and he couldn't find a job for months. There was nothing out there to really help him find his way back.

The story is not unique, as we have heard. Returning citizens frequently have trouble obtaining meaningful employment, sometimes even finding a home, which we just discussed, and, at its cores, these barriers affect not only those individuals, but also their families, and ultimately our communities.

We can see clearly that there is a stigma against people who are trying to reenter society. In Florida, there are 168 laws that restrict access to employment for former felons. Even when the conviction is decades old, people are prohibited from obtaining basic occupational or business licenses, and this not only deprives Florida of 3 million jobs annually, but it also means that industries which, where we desperately need workers, such as healthcare, trades, housing, they're unable to hire because of unavailable labor pool.

It's not just about finding a job in Florida or obtaining a license. Formerly incarcerated people face obstacles for even the most basic aspects of being a citizen, and, in Florida, most of you probably heard that, until 2018, we were one of three States that imposed a lifetime ban on all former felons to vote, and mass disenfranchisement has really—it has no place in our society. Everyone has a role to play here—not only Congress, but I think also local municipalities and communities and local governments.

Florida Rights Restoration Coalition is working to do just that. So, I want to highlight them just for a second. Through peer support and grassroots advocacy, they're working to end disenfranchisement among formerly convicted persons and easing their transition back into society, and I think we need to look at our organizations like DOORS or Florida Rights Coalition to provide those resources that are available.

So, I want to go to Mr. Wiese. I was really taken by your testimony this morning where you say that prison norms don't abide by societal norms. So, when you're in prison, you're thrown into this structure where you're treated a certain way, and then you're expected to Act a completely different way once you're released.

Can you expand on that just a little bit, and also maybe what we need to do to change that system once you're sent to prison?

Mr. WIESE. Sure. So, I think I said earlier that prison has really become a social shaper. If you look at how many people touch the criminal justice system in the United States, it's time that we start to look at what is happening in our prisons, and what are people able to do in prison? How do people spend their time?

So, looking at these things and these constructs, it is a structural place with a system, and it has culture from DOC, Departments of Corrections culture, and then you have, kind of from the bottom up, people that are coming into the system bring this culture with them. So, you kind of have a—and I'm not going to speak general terms because it's different everywhere, just like cultures that are local, but there is an over—there is an umbrella of antisocial attitudes, thoughts, and behaviors that exist in prison.

For you to even succeed in prison, you've got to learn to adapt by these certain norms and cultures. So, for me, it was kind of a paradox because I wanted to move beyond that, but understanding that, by doing so, you can potentially put yourself at risk in some situations, and so it's a catch-22, but there is no support to do that. Everybody in this panel has given very valid examples.

Number one, we talked about being able to maneuver a system and be able to solve your own problems, being a self-advocate, but you can't do that in prison. There is no way to do that—to self-advocate, to solve your own problems. So, I think we have got to create a microcosm of what it means to become a citizen.

The problem sometimes isn't reentry; it's entry. So sometimes people haven't had the opportunities to actually understand what good citizenship is, then practice that good citizenship, and be awarded and incentivized to continue doing so. That makes the pathway past prison much more seamless.

Ms. MUCARSEL-POWELL. So, what type of reentry tools do you think we can provide to match those expectations?

Mr. WIESE. I think a lot of it is soft skills. I think a lot of it is understanding how to communicate, how to—EQ, understanding who you are, processing trauma, really beginning to learn more about yourself. Just as we do individualized education plans, we need to develop individualized release plans or reentry plans, citizenship plans, if you will. Where are people at on the citizenship spectrum? I think a lot of this has to do with, if you want different outcomes, you have to measure different metrics.

So, right now, if we look at recidivism, it's a negative metric, where basically it's a failure rate. So, even if we're succeeding, we still don't know how many people are addicted. Are they homeless? Where are they at on this good citizenship scale? We aren't looking at that. In the Prison Fellowship, that's what we do. That's how we're starting to measure our programs. Where are you at on this good citizenship metric? We want to see you succeed. Like, we want to see you reach your full potential. Yes, I care if you come back to the criminal justice system, but that's certainly the floor.

Ms. MUCARSEL-POWELL. All right. Thank you so much. My time is up.

Ms. BASS. We're going to give Mr. Cohen just a minute, but did anybody else want to respond?

Mr. HARRIEL. What he talked about was very important because, although, like he said, he would want to do something different in prison, but the facts are, if he messed around and got caught in the wrong area, he could be killed in prison. So, even though he wants to do something, that system is a system of its own, and, when a person gets out, I know for me, we talked about these life skills and that unresolved trauma. I have to tell young men: Hey,

when you're going to the oral interview, you must look them in the eye. If you don't, things can happen the other way.

On the other side, by me being a diversity manager—

Ms. BASS. What do you mean the oral interview? What do you mean, the oral interview? You mean for a job?

Mr. HARRIEL. There is an oral interview for the career, but most people are taught growing up that, if a man or a woman don't look you in the eye, you can't trust them.

Ms. BASS. Right.

Mr. HARRIEL. Well, I know, in the prison system, if I look a person in the eye, I could get killed. So, I have to educate on the other side, say: Hey, just because this man doesn't look you in the eye might not mean he's a bad person.

But, on this side: Hey, hold your head up. Look a person in the eye.

That's a learned behavior because oftentimes, when a person is abusing drugs and doing those things with the substance, I'm not looking at what they're doing; I'm looking at what they're running from, and, a lot of times, they're trying to mask the pain.

In prison, that is a Serengeti. You're either predator or prey. There is no in between, period. If anybody thinks so, they're living somewhere else. That's a different system in its own, and there is a lot of things that happen there for individuals to get out of their comfort zone because, right now, it's complacent to go in there and be among my own. Well, it's just tough.

Ms. BASS. I also would wonder what the differences would be, too, in a male versus a female institution, like that.

Mr. HARRIEL. Very different. They're very different.

Ms. BASS. Yeah.

Mr. HARRIEL. There are certain phones.

Ms. BASS. Yeah.

Mr. HARRIEL. Certain days in the yard. I mean, when I was in prison, there is no way I'm having a conversation with an individual look like this gentleman down here.

Ms. BASS. Yeah.

Mr. HARRIEL. Not going to happen, and he ain't going to have it this way because he knows, if he does, amongst his peers, he will become prey, period. There is no in-between. There is no, well, he's a good guy, and—it's none of that. It's not—that doesn't happen. Those rules go out the window inside those walls. That's a behavior that, when I get out, how do I transform that, when I see him, I'm looking at him as a human versus an animal that I feel I could take advantage of?

Mr. HARRIS. Could I add to that a little bit?

One, I totally agree with my fellow colleagues around this particular population and the navigation of it, but what I realized inside institutions is that what we're dealing with is fear-based factors, right? If I move here, then that's going to happen. So, I'm not going to do it.

What I've learned that has been most successful, just like when we're out here and we do something like step away from fear and we step into a place of courage, that you can open a learning experience and grow from it.

Inside institutions, there are programs. I became a toastmaster, and in my toastmaster class, there was nobody that looked like me, and it was all White. When I first walked into an institution, I would have never went in Toastmasters because it wasn't with my subgroup.

So, when we step into an arena of doing something different, we almost can awaken a growth period, and I think that, a lot of times in the institution, we go in there and be fearful. So, we do what we have always done, and then we start to step away from that, then we have an opportunity of growth.

Ms. BASS. Thank you.

Mr. Cohen?

Mr. COHEN. Thank you, Madam Chair, and thank you for holding this hearing.

It's a critical topic in my district, as well as many others, but particularly in my district, I know. It's tough to have a smooth path to reentry. There are punitive policies that exist in society that make it harder for individuals to successfully reenter, and that's one of the reasons, the main reason, I introduced an Act recently that was the acronym MEAL, M-E-A-L, MEAL, and the MEA is not me, as Kobe Bryant would have thought: Making Essentials Available and Lawful Act.

It's a simple bill. We repeal the bar on SNAP and TANF benefits that currently exist for formerly incarcerated people convicted of felony drug crimes. Some States have made some progress on this, but West Virginia, South Carolina, and Mississippi still have lifetime bans.

Coming back and reintegrating is difficult enough, but for all those reasons which we have discussed, getting a job and whatever, to have resources, if you don't have access to food, it's that much harder.

This would make a critical change in allowing people to have SNAP benefits and have some sustenance. It will also allow people to be released in 30 days to apply for benefits from their institution. That way, benefits can be ready, and the individual can begin their reentry without worrying about a meal on day one.

This is a question I have for each of you: What more could be done and should be done 60 days, 30 days, 10 days, whatever, prior to release to help prepare individuals to successfully reenter? You might have answered this while I wasn't here, and if so, I apologize. What can be done?

What's being done with families that you'd be rejoining to have meetings of some sort while you're still incarcerated and before you're released to get that as a preparation and have families come into the institution in some manner to make that adjustment? What type of services should be offered in the institution, like these type of services with families upon—to get ready for reentry, and should they be allowed in the institution, and how should they then connect with services offered post release?

Mr. HARRIEL. I think they should look at what's going on before they get out. Like, for instance, if the young man is about to get home 60 days, the question should be asked: Are you currently on child support? Because oftentimes, once I go to prison and the woman is left behind and she has my child, she goes on the State's

assistance program, and they charge me for it, but I'm gone for 10 years. That's an accumulated bill. So that question needs to be asked.

Then, for the woman, if that's happening, how do we reintegrate you and decide what are obstacles as far as housing, and do you owe child support? Because my daughter was formerly incarcerated, and they got child support on her. She's been gone for 9 years, and so that's a bill that's been attached to her. So, unfortunately, my grandson's father not understanding what we're doing right here, he ended up getting killed about 2 months ago, and so now my grandson is going to grow up without his father because his father chose not to understand what was going on with his life, and now he's dead.

Again, my daughter is stuck with that tab of the child support, and there is no help for that.

Ms. MARTIN. One of the things that we actually talked about was IDs, getting—helping get IDs while they're in jails. Speaking on behalf of L.A. County, benefits attainment, I think one of the biggest issues we're facing is that people lose their Medicaid benefits and any other benefits while they're incarcerated. So, preventing that from happening, especially in the jails where there is such quick turnaround, and, you know, just as cycling door.

Another thing that we were very focused on is we have community health workers who are credible messengers. These are people with lived experience on the outside, post release, helping individuals. If they could have access into the facilities during prerelease, a lot of—they do have a lot of—we're encountering a lot of barriers for allowing those people in, inside, to be able to work with our clients while they're incarcerated, and we know that that warm hand-off is critical, and so allowing those individuals to be able to go into the facilities and work with our clients before release is also very important.

I would definitely say, for IDs and benefits, have that happening while they're inside.

Mr. COHEN. Is First Step doing any of that? Are the First Step programs coordinating smooth reentry for individuals into their families as well?

Ms. MARTIN. I'm not familiar.

Mr. HARRIS. No. No.

Ms. MARTIN. I'm familiar with First Step, but I don't know of a program for—

Mr. HARRIEL. Also, just real quick, not just an ID. None of the trades accept an ID. They must have a driver's license. No one can access what I'm doing with an ID. They need a driver's license, and that's very, very important. The driver's licenses lock a lot of people out.

Mr. HARRIS. I think it's so important to have a navigator that's going to walk you through the process when you're inside the institution.

Mr. HARRIEL. Uh-huh.

Mr. HARRIS. Be able to engage—that identification factor is a start—a great start that will then have somebody walk you through a process of getting your driver's license, but I think that,

throughout this whole process, they also need access to employment before they get out.

I think that having that job readiness skills and training before they get out and they're inside society, they absolutely need access to employment. One of the greatest things that happened to me is, before I got out, I had an opportunity to go get a job. So, when I did, I got all my paperwork and went to City Hall and signed up for the 9-week program and was working within a week.

That was huge. I was able to pay for the room I was staying in, and it made me feel okay about being out there in society and not having to ask everybody for something. That is crucial but making sure that you have the identification factors and making sure you have everything that you need so you can get out and stay out.

Mr. COHEN. Thank you. I thank each of you. I'm sorry this situation we're in, but I thank the chairwoman for having the hearing. She's always interested in these issues, and that's why she's the chairwoman.

Ms. BASS. Thank you.

I'm going to make some closing comments, and then I wanted to ask each of you, if you had something you wanted to close with, maybe you could take one minute and close.

We didn't always used to do things this way. I remember, a very long time ago, when I went to college, a State university, they had a special program for formerly incarcerated people where you could get your GED, do your first couple of years while you were incarcerated, and, when you got out, you went to a State college, and you actually had support to go to a State college.

It wasn't until we decided to change our philosophy away from rehabilitation just toward punishment, that we changed to then punish people for life. So, you serve your time in prison, and then, when you get out, you continue to serve your time with all of the barriers that are there.

So, when I was in the State legislature on this child support issue, I had a situation with a woman, because this applies to women as well—if your children are being taken care of through TANF, you owe that when you get out.

Mr. HARRIEL. Absolutely.

Ms. BASS. So, I did a very simple bill that said, when somebody is incarcerated, how about telling them to stop the clock because, if you call, you can stop the clock, and I was beat up saying that I wanted to let deadbeat dads off of paying child support—

Mr. HARRIEL. Right.

Ms. BASS. —because, when you get out, how in the world are you supposed to pay child support if you have all the other barriers? In California, we banned people from being barbers, but we had a barbering school in State prison. So, you can have a jackhammer and do construction work, but not a pair of scissors.

Mr. HARRIEL. Right.

Ms. BASS. So, we set up all of these barriers, and my dream is to have legislation, which we do have a bill, that calls for a one-stop reentry center similar to what Ms. Martin runs, but actually would interface because it would be run by formerly incarcerated people, and it would operate 24-7—

Mr. HARRIEL. Uh-huh.

Ms. BASS. —so that, if somebody gets released at 3 in the morning, they have someplace to go.

Mr. HARRIEL. That's right.

Ms. BASS. Then the hand holding that I know you do—

Mr. HARRIEL. Yes.

Ms. BASS. —in 2nd CALL. 2nd CALL.

Mr. HARRIEL. Yes.

Ms. BASS. I always screw it up. Where people can come in at—in the evening and just relate to people who have been formerly incarcerated that will hold your hand to take you to Ms. Martin's program—

Mr. HARRIEL. Yes.

Ms. BASS. —because maybe I'm intimidated to go to Ms. Martin's program. Maybe I need somebody to talk to afterwards. The entrepreneurial spirit and skills that unfortunately some people have that they've used illegally can transfer into legal occupations and run their own programs.

So, we want to propose legislation that actually has Federal funds for pilot programs, but the funds go directly to community-based organizations. I worry sometimes, if you send it to the State or to the county, it does not automatically mean—

Mr. HARRIS. It doesn't.

Mr. HARRIEL. It doesn't.

Mr. HARRIS. It doesn't.

Ms. BASS. —it filters down to the community.

So, I just want to thank you all for your time. I look forward to working with my colleague because this is a bipartisan issue. We have embarked on reforms, but sometimes I think you place the cart before the horse or the other way around, where we need to build up the support services for people when they get out. I worry, in California, that we're releasing lots and lots of people, but we don't have—I mean, it's great we have it in L.A. County, but we have 58 counties in California.

Ms. MARTIN. Exactly.

Mr. HARRIEL. Right.

Ms. BASS. We don't have the services that people need. Then what happens is they re-offend, and then all the people who are against reform have all the evidence they need for why it didn't work.

So, with that, I'd just like to ask each of you if you have any 1-minute closing comments?

Ms. LA VIGNE. Yes. So, the one thing that we didn't discuss today that I think is critically important is, what happens behind bars in terms of not just culture, but conditions of confinement? In all the research I know about reentry programs, nobody has looked at that underlying factor that can really—you could have the best program in the world, but if someone fears for their personal safety, if they have trauma that has not been treated, if they are cold or hot or hungry, if they don't have these basic needs met, they're not going to bring their best selves to any program, however good it is.

The First Step Act is largely silent on conditions of confinement. I think that the Federal system could benefit from more oversight, more accountability, more transparency, more and better data col-

lected on conditions of confinement so that those conditions can be improved.

Ms. BASS. Thank you.

Mr. HARRIS. I'll just say thank you. Thank you for having this hearing. It is so crucial and so important to use words like "returning citizens," citizens like you, like us all in this room that we are citizens, and your work will reflect it because you see me as you see yourself.

So, I just wanted to give you words of encouragement and say thank you for that, but then I wanted to turn to my cohorts that's on this panel and say thank you for showing up today. Thank you for bringing this work forward and letting your voices be heard.

The person that comes to my mind is Barry Kamara (ph), somebody who I know was serving a life sentence. When he came home, he had a bracelet on for fear of immigration that we did not talk about. People coming home and have bracelets on their legs after serving 21 years in prison because they will be deported for any little minor infraction.

We have to continue to push that needle of citizenship because, when you see me, you need to see yourself, and laws will depict that when you do that.

So, thank you very much.

Ms. BASS. Thank you.

Mr. Lampard.

Mr. LAMPARD. Well, thank you very much. Just to tie everything up that was said today. The one takeaway is reentry is a very complex issue. There are a lot of moving parts. You could have great job training programs, but if you don't have mental health programs in prisons and if you don't have drug treatment programs, the reentry programs aren't going to be successful. Doesn't matter how good your job training programs are.

It also doesn't matter how good your reentry programs are as a whole in a prison, if you give somebody \$10 and a bus ticket and say good luck as soon as they're released, the chances of them being successful aren't very high. So, I want to say there are a lot of moving parts. There are a lot of tools that need to be used in this, and the analogy I use is that, look, Max Scherzer—and I apologize. I know you're a Dodgers fan, Chairwoman Bass—but Max Scherzer, the best pitcher on the World Champion Washington Nationals is elite because he uses four pitches, and he uses every tool at his disposal. Reentry, when I try to tell people this, is crucial to use every tool, be it mental health, drug treatment, post release where a person's going to go, job placement, and all of that's so important and all of that's so crucial for a successful reentry.

So, I do thank you very much.

Ms. BASS. Thank you.

Mr. Harriel.

Mr. HARRIEL. Yeah. Also, I want to thank you for this opportunity, but also I think it's very, very important that we tackle—if we're going to deal with the mental issue, you got to be careful about those drugs we giving those individuals inside the correctional facility because most definitely those drugs are horrible.

Also, understanding that what we're doing out here is part of it, but the other part is that they won't give no guarantees, but we



got to get the gatekeepers inside of these rooms also so that when an individual gets out of prison, I have an advocate to bring him in because they know they're going to come and get the life skills so that when they go in there, they don't drop the ball. That's why a person has to come to 2nd CALL first to get the life skill before we even put them out there in that ocean.

It's so important that the gatekeepers be part of this conversation because I can do my part, but if the company don't hire or the organization don't let them in, absolutely useless. We need those gatekeepers in there also.

Thank you.

Ms. BASS. Ms. Martin.

Ms. MARTIN. Again, I really want to thank you, again, for holding this hearing. It's so important and it's so critical to lift up the experiences of those with justice involvement. So, thank you, again.

I will just reiterate many of the points I've made, but to protect and expand the legislation. By protection, I think Prop 47 in California is okay. I'm crossing my fingers that nothing will be overturned. There was a public policy institute of California did a report that showed it did not increase crime, but we know that there are individuals who are active in wanting to overturn this legislation, this criminal justice reform.

So, just really pleading and asking for your support in ensuring that these legislations are protected and expanded. I think the other thing, too, with Federal funding, again, I'll say is loosen the restrictions on some of them. We've actually applied to two Bureau of Justice Assistance under the Second Chance Act grant opportunities, and we had awarded them, but it's possible that we might not be able to accept them because of the immigration requirements on them in L.A. County. So, that's a big concern of mine right now.

I do want to say I agree with you very much: All the work that we do at ODR is through community-based organizations. I run a very, very lean team myself, and so all that money is passed through to the organizations, but I do think it is important to have counties to coordinate that work.

I will finally say, because I have such a passion on the employment side, we talk about the Fair Chance Act and we talk about wanting to ensure that individuals have these employment opportunities. I think what's key and what's been missing is engaging employers. Talking to employers and business associations and if they understand these individuals showing—telling them their stories, they'll see that these are individuals. There's research that's been done that shows that they are more productive employees, that they retain longer.

So, I think that's another key element on the employment side is making sure that you engage employers. I really, really appreciate this opportunity. I can't thank you enough.

Ms. BASS. Absolutely.

Mr. WIESE. Yes. Thank you, Chairwoman Bass, Ranking Member. Tackling this issue is literally tackling American history. I came across a Law Review article written in 1971 where the author writes: There's a latent, pervasive attitude in our society which stresses the generic unworthiness of the criminal. His permanent

unfitness to live in a, quote “decent society” unquote. He is seen as an unredeemable, permanently flawed, ever-threatening deviant. Proper citizens are felt to be menaced or degraded by consorting with him whether or not he has paid his debt.

Though the notion of second chances is a concept deeply rooted within the fabric of American society, extending this hope to the millions of adults with a criminal record in this country remains a work in progress. Counterproductive cultural norms in our prisons and arbitrary collateral consequences place irrational limitations on the ability of men and women to effectively reenter society at their highest potential.

It relegates millions of Americans to second-class citizenship. Prison Fellowship is committed to the presupposition that all people have intrinsic value and are salvageable, and we are committed to paving the road of reconciliation from our prisons into our communities. Based on this Subcommittee today, we look forward to seeing each of you on that road.

I also want to extend an offer for any member of this Committee to visit our academy program across the country if you’re interested in learning more about how we change prison culture.

Ms. BASS. Where is it?

Mr. WIESE. I’m sorry?

Ms. BASS. Where is it?

Mr. WIESE. We have 17 locations and over 100 other locations as well, so we can follow up. If they’re in your district or close by, we’d love to host you.

With that, thanks, again. I appreciate it.

Ms. BASS. Let me just thank everyone, again. I know many of you traveled far to come here for this panel, but I just want you to know that your time will be very well spent. We’ll want to stay in touch with you as we develop legislation. We’d kind of be hypocrites if we do the legislation and you don’t even see it. So, we want you to see it as we’re developing it.

With that, we’re adjourned.

[Whereupon, at 12:16 p.m., the Subcommittee was adjourned.]

